

# City of Glendale Council Workshop & Executive Session Agenda

**August 21, 2012 – 1:30 p.m.**

Workshop meetings are telecast live at 1:30 p.m. on the first and third Tuesday of the month. Repeat broadcasts are telecast the first and third week of the month – Wednesday at 3:00 p.m., Thursday at 1:00 p.m., Friday at 8:30 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 2:00 p.m. on Glendale Channel 11.

## Welcome!

We are glad you have chosen to attend this City Council workshop. We hope you enjoy listening to this informative discussion. At these “study” sessions, the Council has the opportunity to review and discuss important issues, staff projects and future Council meeting agenda items. Staff is present to answer Council questions. Members of the audience may also be asked by the Council to provide input.

## Form of Government

Glendale follows a Council-Manager form of government. Legislative policy is set by the elected City Council and administered by the Council-appointed City Manager.

The City Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of the six electoral districts and are elected by the voters of their respective districts (see map on back).

## Workshop Schedule

Council workshops are held on the first and third Tuesday of each month at 1:30 p.m. in the Council Chambers of the Glendale Municipal Office Complex, 5850 W. Glendale Avenue, Room B-3, lower level. The exact dates of workshops are scheduled by the City Council at formal Council meetings. The workshop agenda is posted at least 24 hours in advance.

Agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting, at the City Clerk's Office in the Municipal Complex. The agenda and supporting documents are posted to the city's Internet web site, [www.glendaleaz.com](http://www.glendaleaz.com).

## Executive Session Schedule

Council may convene in “Executive Session” to receive legal advice and discuss land acquisitions, personnel issues, and appointments to boards and commissions. As provided by state statute, this session is closed to the public.

## Questions or Comments

If you have any questions or comments about workshop agenda items or your city government, please call the City Manager's Office at (623) 930-2870.

If you have a concern you would like to discuss with your District Councilmember, please call (623) 930-2249, Monday - Friday, 8:00 a.m. – 5:00 p.m.

## Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

## Citizen Participation

The City Council does not take official action during workshop sessions; therefore, audience comments on agenda items are made only at the request of the presiding officer.



**\*\* For special accommodations or interpreter assistance, please contact the City Manager's Office at (623) 930-2870 at least one business day prior to this meeting. TDD (623) 930-2197.**

**\*\* Para acomodacion especial o traductor de español, por favor llame a la oficina del administrador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.**

## Councilmembers

Norma S. Alvarez - Ocotillo District  
H. Philip Lieberman - Cactus District  
Manuel D. Martinez - Cholla District  
Joyce V. Clark - Yucca District  
Yvonne J. Knaack – Barrel District



**MAYOR ELAINE M. SCRUGGS**

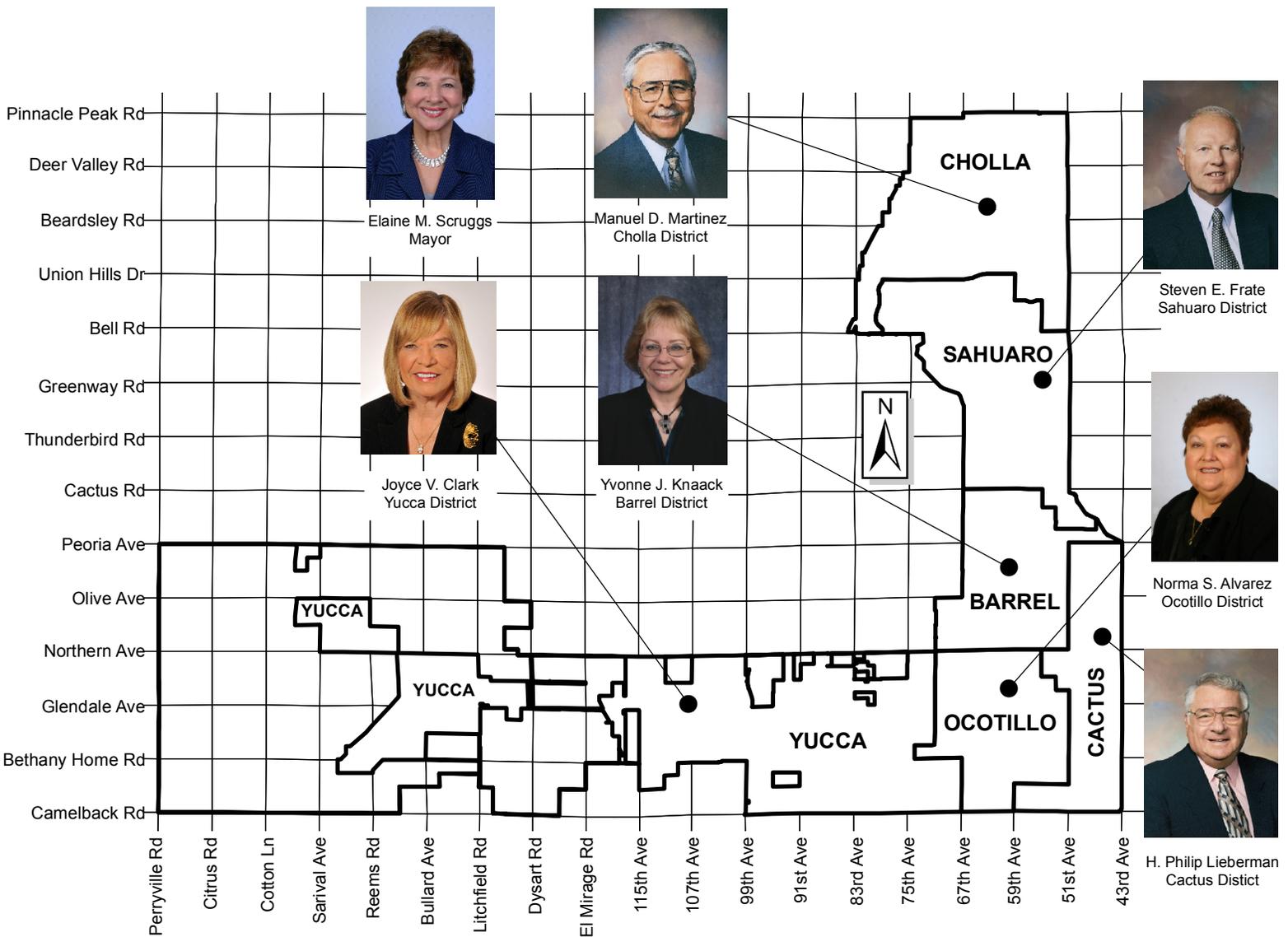
Vice Mayor Steven E. Frate - Sahuaró District

## Appointed City Staff

Horatio Skeete – Acting City Manager  
Craig Tindall – City Attorney  
Pamela Hanna – City Clerk  
Elizabeth Finn – City Judge



# Council District Boundaries





**GLENDALE CITY COUNCIL WORKSHOP SESSION**  
**Council Chambers - Workshop Room**  
**5850 West Glendale Avenue**  
**August 21, 2012**  
**1:30 p.m.**

One or more members of the City Council may be unable to attend the Workshop or Executive Session Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

**WORKSHOP SESSION**

1. **2013 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS**  
**PRESENTED BY:** Brent Stoddard, Intergovernmental Programs Director  
Ryan Peters, Intergovernmental Programs Administrator
2. **CITY MANAGER UPDATE ON LOOP 303, PROPOSED FIVE YEAR STRATEGIC PLAN, AND ELECTRONIC BILLBOARDS ON CITY PROPERTY**  
**PRESENTED BY:** Horatio Skeete, Acting City Manager

**CITY MANAGER'S REPORT**

**This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.**

**EXECUTIVE SESSION**

1. **LEGAL MATTERS**
  - A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))

2. LEGAL MATTERS – PROPERTY & CONTRACTS

- A. Discussion and consultation with the City Attorney and City Manager to receive an update, consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale’s position in connection with agreements associated with the Arena and the Hockey Team, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))

3. PERSONNEL MATTERS

- A. Various terms have expired on boards, commissions and other bodies. The City Council will be discussing appointments involving the following boards, commissions and other bodies. (A.R.S. § 38-431.03(A)(1))

1. Ad-Hoc Citizen Task Force On Water And Sewer
2. Arts Commission
3. Aviation Advisory Commission
4. Board of Adjustment
5. Citizen Bond Election Committee
6. Citizens Advisory Commission On Neighborhoods
7. Citizens Bicycle Advisory Committee
8. Citizens Transportation Oversight Commission
9. Commission On Persons With Disabilities
10. Community Development Advisory Committee
11. Glendale Municipal Property Corporation
12. Historic Preservation Commission
13. Industrial Development Authority
14. Judicial Selection Advisory Board
15. Library Advisory Board
16. Parks and Recreation Advisory Commission
17. Personnel Board
18. Planning Commission
19. Public Safety Personnel Retirement System/Fire Board
20. Public Safety Personnel Retirement System/Police Board
21. Risk Management/Worker’s Compensation Trust Fund Board
22. Western Loop101 Public Facilities Corporation

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

- (i) **discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));**
- (ii) **discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));**
- (iii) **discussion or consultation for legal advice with the city’s attorneys (A.R.S. § 38-431.03(A)(3));**
- (iv) **discussion or consultation with the city’s attorneys regarding the city’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));**

- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).

**Confidentiality**

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

Items Respectfully Submitted,

  
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Horatio Skeete  
Acting City Manager



# CITY COUNCIL REPORT

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Meeting Date: 8/21/2012  
Meeting Type: **Workshop**  
Title: **2013 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS**  
Staff Contact: **Brent Stoddard, Intergovernmental Programs Director**

## **Purpose and Policy Guidance**

This is a request for the City Council to review and provide guidance on the proposed resolutions which will be voted on at the August 28, 2012 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

## **Background Summary**

Each year, the League of Arizona Cities and Towns solicits resolutions from municipalities to be considered by the League Resolutions Committee. At the Committee meeting each of the 91 cities and towns will have an opportunity to state their position and vote as appropriate on each resolution. The Mayor of each city represents their municipality on the Committee.

The resolutions were initially reviewed by a League Resolutions Subcommittee on July 2, 2012 which is made up of various Mayors on the Executive Committee. That Subcommittee made initial recommendations about which resolutions should be adopted by the full Resolutions Committee, which should be amended or combined, and which should not move forward in the process.

The final adopted resolutions will become part of the LACT's Municipal Policy Statement, and incorporated into the League's 2013 Legislative Agenda.

## **Previous Related Council Action**

The City Council provided direction on last year's League resolutions at the August 16, 2011 Council workshop.

The City Council approved the State Legislative agenda on January 3, 2012 which serves as the city's priorities during the legislative session.

## **Community Benefit/Public Involvement**

The Council's adopted guiding legislative principles are to ensure that the Legislature will:



# CITY COUNCIL REPORT

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Preserve and enhance the city's ability to deliver quality and cost-effective services to Glendale citizens and visitors.

Preserve and enhance the City Council's ability to serve Glendale residents by retaining local decision making authority and maintaining state legislative and voter commitments for revenue sources

## **Attachments**

Staff Report

Department Memorandum

Other



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Brent Stoddard, Intergovernmental Programs Director  
Item Title: **2013 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS**  
Requested Council Meeting Date: 8/21/2012  
Meeting Date:  
Meeting Type: Workshop

### **PURPOSE**

This is a request for the City Council to review and provide guidance on the proposed resolutions which will be voted on at the August 28, 2012 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

### **BACKGROUND**

Each year, the League of Arizona Cities and Towns solicits resolutions from municipalities to be considered by the League Resolutions Committee. At the Committee meeting each of the 91 cities and towns will have an opportunity to state their position and vote as appropriate on each resolution. The Mayor of each city represents their municipality on the Committee.

The resolutions were initially reviewed by a League Resolutions Subcommittee on July 2, 2012 which is made up of various Mayors on the Executive Committee. That Subcommittee made initial recommendations about which resolutions should be adopted by the full Resolutions Committee, which should be amended or combined, and which should not move forward in the process.

The final adopted resolutions will become part of the LACT's Municipal Policy Statement, and incorporated into the League's 2013 Legislative Agenda.

### **ANALYSIS**

The Council's adopted guiding legislative principles are to ensure that the Legislature will:

Preserve and enhance the city's ability to deliver quality and cost-effective services to Glendale citizens and visitors.

Preserve and enhance the City Council's ability to serve Glendale residents by retaining local decision making authority and maintaining state legislative and voter commitments for revenue sources.

The City Council provided direction on last year's League resolutions at the August 16, 2011 Council workshop and approved the State Legislative agenda on January 3, 2012, which serves as the city's priorities during the legislative session.

Staff is requesting Council to provide policy guidance on the proposed League Resolutions.



# Memorandum

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DATE: August 21, 2012

TO: Mayor and Council

THROUGH: Horatio Skeete, Interim City Manager

FROM: Brent Stoddard, Intergovernmental Programs Director

SUBJECT: 2013 League of Arizona Cities and Towns Resolutions

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Each year the League of Arizona Cities & Towns facilitates a resolutions process in which it develops a Legislative Agenda for the coming year that reflects the common legislative goals for all Arizona cities and towns. Through this process each community has the opportunity to express their position on each of the proposed resolutions.

On July 2, 2012 the League of Arizona Cities and Towns convened a resolutions subcommittee, chaired by Mayor Jay Tibshraeny of Chandler, to review the proposed resolutions and make recommendations to the full resolutions committee. The subcommittee categorized the resolutions into the following areas: recommend adoption, recommend for adoption with amendments, not recommended, and significant municipal issue. The significant municipal issue category was introduced last year and is intended to recognize issues that are important to cities but are not appropriate for the League as a whole to seek legislation. The subcommittee also considered and recommended adopting 3 League staff proposed resolutions. The full committee, composed of representatives from each of Arizona's 91 cities and towns, is scheduled to meet on August 28<sup>th</sup> at the League's Annual Conference to consider the recommendations made by the subcommittee.

At the August 21<sup>st</sup> workshop meeting, Council will be asked to provide guidance on all of this year's proposed resolutions. Mayor Scruggs will represent Glendale's Council recommended positions at the meeting of the full resolutions on August 28<sup>th</sup>.

Seven of the resolutions introduced this year are nearly identical to resolutions that were considered last year. The previous Council position on these resolutions will continue unless otherwise directed. The tables below are organized by resolutions subcommittee recommended actions and contain Glendale city staff recommended positions or previous Council adopted positions.

**Recommend Adoption**

<b>Number</b>	<b>Summary</b>	<b>Staff Recommended Position</b>	<b>Previous Council Position</b>
4	Request the legislature provide for alternative project delivery methods.	Support	N/A
5	Amend statutes to require the alternative contribution rate (ACR) paid by employers to the Arizona State Retirement System (ASRS) for employees who retire from an employer participating in ASRS and later return to work for an employer participating in ASRS to be applicable only to employees hired after July 1, 2011.	Support	N/A
8	Urges the Governor and the State Legislature to develop and pass legislation that allows greater flexibility in annexing county islands.		Support
10	Allow an incorporated city or town and a county within the unincorporated areas of the county to regulate the sale and use of permissible consumer fireworks.	Support	N/A
11	Seek legislative action that assists local, collaborative groups with resources and funding for planning and proactive actions to improve forest health and reduce wildfire threats.	Support	N/A
13	Urges the Governor and the State Legislature to develop resources to improve Arizona's ports of entry with Mexico and related infrastructure.	Support	N/A
14	Support the long term retention of Arizona's military installations.	Support	N/A
17	Amend statute enacted by SB 1442 last session, so that the recapture of construction sales tax to be used for funding infrastructure projects is made after the distribution of state shared revenues.	Support	N/A

**Recommend with Amendments/Discuss**

The subcommittee identified these resolutions as impacting municipalities, but will have amendments offered at the Resolutions Committee meeting. The resolutions on this list will be discussed, debated, and voted on individually. The subcommittee recommended adopting each of these resolutions after incorporating the recommended amendments.

<b>#</b>	<b>Summary</b>	<b>Staff Recommended Position</b>	<b>Previous Council Position</b>
1	Keep local funding formulas intact and specifically discontinue diversions of HURF monies to fund operations of state agencies. Per subcommittee recommendation, this resolution is the product of combining two similar resolutions into one.		Support
2	Support economic development of cities and counties,		Support

	and increase access to new tools, such as the formation of Revenue Allocation Districts, which allow cities and towns to invest future revenue in economic development projects. Per subcommittee recommendation, this resolution is the product of combining two similar resolutions into one.		
16	Amend statutes to include criminal damage by graffiti to ensure that crimes of graffiti are treated more seriously. The subcommittee recommended softening the language of the original resolution in order to avoid potential unintended consequences.		Support

**Not Recommended**

The subcommittee did not recommend any of the resolutions be placed in this category.

**Significant Municipal Issue**

The subcommittee recommended categorizing these resolutions as significant municipal issues. This category recognizes important issues to an individual city or group of cities, but does not require the League to seek legislation. Instead, the League may study the issues or work through state agencies to look for solutions.

#	Summary	Staff Recommended Position	Previous Council Position
3	Allow municipalities credit for excess solar generation and apply that credit to power consumption at other municipal facilities.	Support	N/A
6	Urges the Legislature to place reasonable limitations on requests for public records that are overbroad or abusive.		Not support
7	Amend statutes to exempt cities and towns of less than a certain population from requiring that the local governing body adopt a resolution declaring specific portions of the jurisdiction “housing redevelopment area.”	Support	N/A
9	Partner with cities and towns for the operation and maintenance of Arizona State Parks.	Support	N/A
12	Urges the Governor and the State Legislature to pass legislation that supports efforts to reduce the shortage of physicians in the State of Arizona.		Support
15	Urges Legislature to implement a pilot program to restrict trucks to the two right-most lanes when traveling on Arizona highways in urban areas with three or lanes in each direction.		Support

**League Staff Recommendations**

The following resolutions were recommended by League staff in an effort to enhance the 2012 Legislative Agenda. The resolutions subcommittee reviewed and recommended adoption of the staff recommended resolutions.

<b>League #</b>	<b>Summary</b>	<b>Staff Recommended Position</b>	<b>Previous Council Position</b>
1	Statutory fixes to HB 2826, consolidated elections dates; political subdivisions.	Support	N/A
2	Support meaningful and effective regulatory reform	Support	N/A
3	Oppose unfunded mandates and preserve local authority	Support	N/A

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**2013 *Proposed* RESOLUTIONS**

**To be reviewed  
By the Resolutions Committee  
On August 28, 2012**

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**2013 Proposed Resolutions**

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**Subcommittee Recommends Adoption**

**Resolution #4**

***Request that A.R.S. 34-603 C1e, concerning the use of the procurement or final list for qualification based selection processes; allow the use of such final list until a contract for construction is entered into. The Agent may pursue negotiations for pre-construction services with other persons on the list provided that the agent shall not in that procurement recommence negotiations or enter into a contract for the construction or professional services covered by the final list with any person or firm on the final list with whom the agent has terminated negotiations.***

**Submitted by:** City of Sedona, Town of Camp Verde, Town of Clarkdale

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**A. Purpose and Effect of Resolution**

In 2010 section 34-603 C1e was added to A.R.S regarding procurement of construction services using non-bid methods (alternative procurement). The impact of this addition was to require agents to restart the alternative procurement process or bid construction projects in the event that a construction price could not be negotiated. The impact of the proposed change is to allow the agent to utilize another person or firm on the list in the event that a construction price could not be negotiated with the initially selected party. The resolution prohibits reopening negotiations with a party if they have been terminated. Only one party may be negotiated with at a time.

The current law prohibits an option that had been previously allowed, due to silence of prior legislation. The restriction imposed by the current legislation places the agent at the mercy of a contractor late into the project development process when the construction price is being negotiated. The contractor may insist on unreasonably high negotiated price. In this case the agent is forced to bid the project, or restart the procurement process, or accept the high price. Bidding the project may not be desirable when project familiarity is important to an agent in pursuing construction of a project (for instance business area improvement projects), and may result in loss of the ability to contain construction claims. Restarting the procurement procedure may unreasonably delay the project. Accepting the high price is a disservice to the public.

The City of Sedona was able in 2009 to construct a project by using the second low proposer when it could not obtain a satisfactory price from the first ranked proposer. This allowed the project to successfully continue to construction, using the benefits of the Construction-Manager-at-Risk approach. The first ranked proposer's price was well above the engineer's estimated price, while the second was much more in line. The project was successfully completed, with return of some unneeded funds.

**B. Relevance to Municipal Policy**

Alternative Delivery Methods have benefits beyond costs, however, when the process allows a contractor to attempt to push an agent to reject excessive costs, at the risk of losing these benefits for the project, the public is placed at an unfair disadvantage. Modifying the process to give the agent the option to continue with the Alternative Delivery Method without excessive loss of time due to starting the procurement over again, or other disadvantages seems to be in keeping with allowing the use of Alternative Delivery Methods in the first place. As a matter of public policy it does not seem that qualification based selection processes should reduce incentives for unfair pricing. The public policy concern regarding bid-shopping is dealt with by the allowing negotiations with only one proposer at a time, and prohibiting reopening closed negotiations.

### C. Fiscal Impact to Cities and Towns

Cities would be more assured of being able to secure realistic pricing using Alternative Delivery Methods, from the initially selected proposer, while maintaining the benefits on appropriate projects of using these delivery methods.

### D. Fiscal Impact to the State

None anticipated

### E. Contact Information

Name: Charles Mosley

Title: Public Works Director/City Engineer

Phone: 928-204-7132

Email: [cmosley@sedonaaz.gov](mailto:cmosley@sedonaaz.gov)

**Reviewed by:** Engineering, IGP

**Staff Recommendation:** Support

**Comments:** This resolution proposes to help municipalities utilize Alternative Project Delivery Methods, where contracts are awarded based on qualifications, by allowing them to negotiate fair pricing without having to risk delays in project delivery. The actual legislative language will have to be reviewed to ensure that there are no unintended consequences.

**Resolution #5**

***Amend the Arizona State Statutes to require the Alternative Contribution Rate (ACR) paid by employers to the Arizona State Retirement System (ASRS) for employees who retire from an employer participating in ASRS and later return to work for an employer participating in ASRS to be applicable only to employees hired after July 1, 2011. This essentially holds employers harmless for hiring decisions made prior to the passage of pension reform legislation in 2011. For hires made after July 2011, employers knew that they would be responsible for paying the ACR for employees who met the criteria.***

**Submitted by:** Town of Queen Creek, City of Apache Junction, City of Kingman

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**A. Purpose and Effect of Resolution**

In 2011 the Arizona State Legislature passed a comprehensive pension reform package that included the establishment of an Alternative Contribution Rate (ACR). The ACR is to be paid by employees who retire from an employer participating in the Arizona State Retirement System (ASRS) and later return to work for an employer participating in ASRS. The employer is responsible for paying the ACR. As the law was passed the ACR is to be paid for employees hired both before and after the passage of the legislation. This resolution would amend Arizona State Statutes to require the ACR paid to ASRS be applicable only to employees hired after July 1, 2011. This essentially holds employers harmless for hiring decisions made prior to the passage of pension reform legislation in 2011. For hires made after July 2011, employers knew that they would be responsible for paying the ACR for employees who met the criteria.

**B. Relevance to Municipal Policy**

This is relevant to municipal policy because it impacts local hiring decisions as well as municipal budgets. Many smaller cities and towns have difficulty attracting experienced applicants to fill senior positions within their organizations. Often times budget limitations prevent small cities from being able to offer competitive salary packages. The solution for many cities and towns is to hire individuals who have retired from other communities. This allows the municipality to hire an experienced individual at a salary the municipality can afford. The pension reform package passed by the Arizona State Legislature in 2011 now requires municipalities to pay an ACR to ASRS for these types of employees. This is not an expense that municipalities anticipated for employees hired before 2011. The proposed resolution does not oppose the concept of the ACR, but does make it applicable only to employees hired after July 2011. This insures that municipalities have the opportunity to be informed about the costs associated with hiring individual before making that hiring decision and holding cities and towns harmless for hiring decisions made prior to 2011.

**C. Fiscal Impact to Cities and Towns**

The anticipated positive fiscal impact to cities and towns is \$250,000. The total amount of ACR paid by cities and towns statewide for employees hired before July 1, 2011 is unknown. For the Town of Queen Creek if this legislation is signed into law, it will translate to an annual savings of \$20,000.

**D. Fiscal Impact to the State**

The estimated positive impact to the State of Arizona budget is \$2 million dollars because the State and other ASRS employers will not have to pay the ACR for applicable employees. There is a potential negative actuarial impact to ASRS, but the impact is unknown without further fiscal analysis from the system. This legislation would not impact ASRS's ability to collect the ACR for all hires made after July 2011.

**E. Contact Information**

<u>Name: Bruce Gardner</u>	<u>Title: Workforce and Technology Director</u>
<u>Phone: 480-358-3200</u>	<u>Email: <a href="mailto:bruce.gardner@queencreek.org">bruce.gardner@queencreek.org</a></u>

**Reviewed by:** Human Resources, IGP

**Staff Recommendation:** Support

**Comments:** This resolution would ask the Legislature to amend statutes governing the Arizona State Retirement System to require the Alternative Contribution Rate (ACR) paid be applicable only to employees hired after July 1, 2011. This effectively holds employers harmless for hiring decisions made prior to the enactment of pension reform legislation in 2011. Glendale currently has 24 employees who are subject to the ACR penalty and were hired prior to July 1, 2011. Glendale's ACR liability for the next fiscal year would be reduced by \$72,325 should the legislative changes this resolution seeks become law.

**Resolution #8**

***Urges the Governor and the State Legislature to develop and pass legislation that allows greater flexibility in annexing county islands.***

Submitted by: Marana, Sierra Vista, Oro Valley, Tucson

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**A. Purpose and Effect of Resolution**

Over the past 30 years, the State Legislature has made changes in annexation law in response to actions by local governments that have unintended, and often negative, consequences. In 1980, the Legislature disallowed “strip” annexation by communities wanting to annex only highly lucrative commercial properties. That same legislation also changed the law further to disallow the creation of county islands, recognizing that having such islands completely surrounded by an incorporated city or town is not good public policy. Other steps have been taken within state law to improve the process, but more are needed.

Although new county islands can no longer be created, unfortunately a number of cities and towns in Arizona still have such areas within their incorporated limits. The islands are governed by the laws of their respective county, which is a branch of local government largely designed to provide rural services and a one size fits all approach to planning and growth management. Depending on the individual county/city, disparities between county and city regulations may exist, and in many cases, these services and/or enforcement differences are taking place literally across the street from areas with the same density and neighborhood type.

It is time to allow a city or town more flexibility to extend urban services to these islands. This could include: allowing a city to shrink an island annexation area once the process has started if there is not enough interest to proceed with the entire area; removing the tie to assessed valuation in the process; allowing property owners with multiple properties within an annexation area to have a vote for each property; requiring property owners to sign a petition to opt out of a county island annexation rather than opt in, to address those areas with high out-of-town owners; or any combination of these methods. The ideas would be discussed with legislators to determine the most viable.

**B. Relevance to Municipal Policy**

Consistent service delivery to a community’s residents insures that all areas of a city or town are appropriately managed. Counties, by design, are funded to provide a rural level of service. But such a service level within the middle of an urban area can, and has, led to problems that bleed over into incorporated cities.

**C. Fiscal Impact to Cities and Towns**

If legislation moves forward that allows greater flexibility in annexing county islands, it would be up to cities and towns themselves to determine timing on annexing these areas if they choose. Those communities that choose to move forward will need to extend their services to newly annexed areas. Those costs would be different for each community. But nothing in the legislation should require a city or town to annex county islands if they feel they cannot provide services. It should be noted that counties currently providing services to these islands, if annexed, would save money not doing so in the future.

**D. Fiscal Impact to the State**

There is no fiscal impact to the state when it comes to which local government provides local services. Minor adjustments in state-shared revenues would be made based on population changes, but it would be a reshuffling of the total allocation, not an increase in state revenues to local government. Eliminating barriers to annexation would also encourage economic development that would ultimately result in increased revenue to the state.

**E. Contact Information**

Name: Del Post, Marana	Title: Deputy Town Manager
Phone: 520-382-1904	Email: <a href="mailto:dpost@marana.com">dpost@marana.com</a>

**Reviewed by:** Planning, IGP

**Previous Council Recommendation:** Support

**Comments:** This resolution attempts to remove some of the barriers to annexation which in turn will improve the ability of cities to deliver services. Since 2002, the City of Glendale has substantially decreased the size of county islands in the city’s municipal planning area. The proposed changes would allow for the existing county islands to be further reduced at the appropriate time.

**Resolution #10**

***Requests that A.R.S. 36-1606, concerning consumer fireworks regulation; state preemption; further regulation of fireworks by local jurisdiction, be amended to allow an incorporated city or town and a county within the unincorporated areas of the county to regulate the sale and use of permissible consumer fireworks.***

**Submitted by:** City of Prescott, Town of Prescott Valley, Town of Chino Valley, Town of Camp Verde, Town of Clarkdale, City of Sedona.

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**A. Purpose and Effect of Resolution**

In 2010 the Arizona State Legislature lifted the statewide ban of the sale of consumer fireworks. The Legislature allowed municipalities to ban the use of consumer fireworks within incorporated limits but not the sale. This resolution seeks to enable the elected governing body of each municipality and county in Arizona to decide for their constituents whether or not to allow the sale in addition to use of consumer fireworks within their geographic boundaries (unincorporated areas in the case of counties).

On May 2, 2011, a fire was started in the backyard of a home in Prescott Valley, Arizona, as a result of an unattended 11 year old child playing with a consumer firework (sparkler). Central Yavapai Fire District personnel were called to respond to the scene. Upon their arrival the fire had been extinguished by the residents after burning about a tenth of an acre. This incident occurred even though the Prescott Valley Town Council enacted an ordinance that banned the use of all consumer fireworks within Town limits.

**B. Relevance to Municipal Policy**

In addition to the potential cost and damage of fires, HB2246 which allowed fireworks to be sold in Arizona, intruded into local control. The evaluation of risk and the decision to allow consumer fireworks to be sold and used in a community is best left to the governing body of that community. This resolution does not place any restrictions or mandates on any community, rather it allows each to decide what is best.

**C. Fiscal Impact to Cities and Towns**

There will a minimal loss in sales tax collection if a municipality chooses to ban the sale of consumer fireworks. The local control aspect of this resolution would allow each city and town to weigh the potential costs of damage to property and public safety response with the benefit of allowing the sale of consumer fireworks.

**D. Fiscal Impact to the State**

The State could experience a minimal negative reduction in revenue dependent upon the number of municipalities that choose not to allow the sale of consumer fireworks.

## **E. Contact Information**

Name: Alison Zelms

Title: Deputy City Manager

Phone: 928-777-1220

Email: alison.zelms@prescott-az.gov

**Reviewed by:** Fire, IGP

**Staff Recommendation:** Support

**Comments:** When the Legislature authorized the sale of consumer fireworks it maintained the ability of municipalities to decide for themselves whether the use of those fireworks is appropriate for their unique jurisdictions. Glendale City Council recently adopted an ordinance banning the use of fireworks. Despite use bans and public awareness campaigns, there is still confusion about where fireworks may be used. This resolution proposes to allowing municipalities to also regulate the sale of fireworks help reduce some of the confusion.

**Resolution #11**

*To seek legislative actions that assist local, collaborative groups with resources and funding for planning and proactive actions to improve forest health and reduce wildfire threats, promote the economic engine of tourism dollars coming to the state, driving down the costs and human toll wildfires take as well as the cost of watershed sustainability.*

**Submitted by:** City of Flagstaff, City of Sedona, City of Scottsdale, City of Sierra Vista

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**A. Purpose and Effect of Resolution**

Statewide awareness and attention to the value of collaborative planning, implementation, and monitoring of our forests to improve forest health, reduce the human and economic costs from catastrophic disasters resulting in the loss of property, life and recreational destinations for our residents and tourists who generate revenues. As we have learned from the many fires of the past decade, particularly the Rodeo-Chedeki Fire of 2002, the Schultz Fire of 2010 and the Wallow and Monument fires of 2011, there are things we must do to greatly reduce catastrophic losses from occurring wherever they strike. Proactive, coordinated efforts have been studied and proven to reduce impacts from and costs of such events.

**B. Relevance to Municipal Policy**

Communities across the state face increasing economic and life threats as the result of degrading, unsustainable, forest-and-range conditions. The threat is not only catastrophic wildfire that destroys the natural environment our residents enjoy for recreation, but also includes post-fire effects. Loss of property, sales tax and tourism, livelihood, displacement of residents, erosion, flooding, loss of wildlife habitat, etc. exists for all jurisdictions and ownerships because of the statewide impact on economic factors such as reduced State Shared Revenues. Joint-action by all parties (local, county, state, and federal) is required to adequately and satisfactorily address the issue which starts with planning at the local and regional levels.

Community-based stakeholder groups working on landscape scale areas and focused upon appropriately-scaled treatments, using a science-based model, are critical to our success. Adequate environmental analysis, transparent decision making, application of Firewise practices, and sufficiently sized and appropriate forest treatments must be planned for. Selective thinning, debris disposal, prescribed fire, and biomass utilization, are crucial to the future of our State's forests and rangelands, communities, and our corporate well-being.

**C. Fiscal Impact to Cities and Towns**

The negative economic impact of such events is beyond the capacity of any single community to bear. The costs of the past catastrophic fires to each area of the state rose to the millions of dollars levels.

**D. Fiscal Impact to the State**

The economic impact of such events that have already occurred is in the millions of dollars and it would be economically sound for the state to appropriate planning funds for forest health. The Federal government has identified four of northern Arizona's forests to be part of the 4FRI Initiative with federal funds appropriated to that effort as a pilot program for the nation.

## E. Contact Information

<u>Name: Jerene Watson,</u>	<u>Title: Deputy City Manager,</u>
<u>Phone: 928-213-2073;</u>	<u>Email: <a href="mailto:jerenewatson@flagstaffaz.gov">jerenewatson@flagstaffaz.gov</a></u>
<u>Name: Paul Summerfelt</u>	<u>Title: Wildland Fire Manager</u>
<u>Phone: 928-213-2509</u>	<u>Email: <a href="mailto:psummerfelt@flagstaffaz.gov">psummerfelt@flagstaffaz.gov</a></u>

**Reviewed by:** Fire, IGP

**Staff Recommendation:** Support

**Comments:** Providing resources for improving forest health should have the positive impact of reducing fire dangers throughout the state.

**Resolution #13**

***Urges the Governor and the State Legislature to develop and pass legislation or engage in other activities that supports and advocates for resources to improve Arizona’s ports of entry with Mexico and related infrastructure, and will enhance international trade and improve the global competitiveness for Arizona with Mexico.***

**Submitted by:** City of Sierra Vista, City of Douglas, City of Bisbee

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**A. Purpose and Effect of Resolution**

Mexico is Arizona’s top trading partner. Our shared border is the gateway for \$26 billion worth of imports and exports and 44 million people (crossings) each year. Mexican visitors spend approximately \$7.3 million each day in Arizona, providing an annual impact of \$2.3 billion. Trade with Mexico supports six million jobs in the U.S. and tens of thousands jobs in Arizona. In addition, Mexico is now the third-ranked commercial partner of the U.S. and the second largest market for U.S. exports.

Despite this wealth of opportunity, recent studies show that competing border states such as Texas are far outpacing Arizona when it comes to developing trade relations with Mexico. While Arizona exports to Mexico totaled about \$5.7 billion in 2011, in Texas the total was \$87 billion. Mexico is the 13th largest economy in the world, and in 2010, Mexico invested an unprecedented five percent of its Gross Domestic Product (GDP) in infrastructure.

Arizona’s ports of entry face significant challenges, including aging infrastructure and an often inadequate number of customs and border protection agents needed to staff them. A heavy focus on security has impacted the tourism industry by diverting investments from needed improvements and leaving a multibillion dollar deficit in border infrastructure. For example, while investments of \$200 million into the expansion to the Nogales port of entry are progressing, no funding is allocated at this time (pending completion of appropriate studies and reviews) toward improving Arizona State Route 189, which connects the Mariposa Land Port of Entry to I-19. The U.S. General Services Administration (GSA) describes the Mariposa Land Port of Entry as “...one of the United States’ busiest land ports...serving as the main entry point for fresh produce entering from Mexico...”

With 23 million northbound visitor border crossings and 373,000 northbound truck crossings, long waits at the border and congestion north of our ports of entry suppress economic development. In addition, greater emphasis is needed to upgrading southbound passenger vehicle and pedestrian crossings. And with significant public safety concerns arising from the 602 train crossings annually, there is clearly a need to develop an alternative to Arizona’s sole rail port of entry in Nogales in order to respond to increasing manufacturing and sea port expansions in Mexico. According to the Arizona State University North American Center for Transborder Studies, needed enhancements include staffing, technology, infrastructure and communications.

Through the League of Arizona Cities and Towns, Arizona’s cities and towns should unite in support of legislation or other policies that will enhance international trade and improve the global competitiveness for Arizona with Mexico, which is the 13th largest economy in the world and the State’s number one trading partner.

## **B. Relevance to Municipal Policy**

The vast majority of the economic benefit generated by trade passing through Arizona's ports of entry is realized within the State's cities and towns. For example, nearly half (43%) of all of the Winter produce consumed in the United States comes through the Nogales port of entry. Along with produce, which makes up 28 percent of Arizona imports from Mexico, other major commodities include electrical machinery and equipment (18%); machinery and mechanisms (12%); edible fruits and nuts (11%); vehicles (6%); and optical, photographic and cinemagraphic equipment (4%).

The logistics centers, warehousing and distribution facilities, and value-added manufacturing facilities for these commodities are located primarily within the State's cities and towns, along with the associated sustainable wage jobs that are created as a result of this economic activity. The economic multiplier effect that these jobs create adds to the prosperity in these communities and enhances tax revenue at a time when every dollar of local revenue is even more precious to cities and towns. Enhancing trade opportunities with Mexico will only further stimulate the economies in Arizona's cities and towns.

## **C. Fiscal Impact to Cities and Towns**

As described above, enhancing international trade and improving the global competitiveness for Arizona with Mexico will have a positive fiscal impact to cities and towns.

## **D. Fiscal Impact to the State**

Similarly, supporting the requested legislation and policies will have a positive fiscal impact to the State and will further diversify our economic base. Failure to do so will sustain the advantage that other border states currently enjoy over Arizona.

## **E. Contact Information**

Name: Mary Jacobs

Title: Assistant City Manager

Phone: 520-458-3315

Email: [mary.jacobs@sierravistaaz.gov](mailto:mary.jacobs@sierravistaaz.gov)

**Reviewed by:** Economic Development, IGP

**Staff Recommendation:** Support

**Comments:** Mexico is an important trading partner to the Arizona and the rest of the United States. Improving the ports of entry along the Arizona-Mexico border can further economic development opportunities throughout the state.

**Resolution #14**

***Urges the Governor and the State Legislature to develop and pass legislation that supports the long-term retention of Arizona’s military installations, and provides opportunities to use the synergies connected to the military operations in the attraction of new or expanded governmental and non-governmental missions or businesses.***

**Submitted by:** City of Sierra Vista, City of Bisbee, City of Peoria, City of Yuma, Town of Marana, City of Flagstaff, Town of Clarkdale.

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**A. Purpose and Effect of Resolution**

Arizona’s military sector is an essential component of the state economy, and most local economies within the state. There are five major military installations in Arizona, plus four principal National Guard operations. According to a 2008 report by The Maguire Group, commissioned by the Arizona Department of Commerce at the time, it is conservatively estimated that this sector produces over 96,000 direct, indirect and induced jobs in the state, with over \$9.1 billion in economic impact.

The Maguire report further quantified the amount of revenue Arizona’s military installations contribute directly to state and local governments at just over \$400 million annually, split nearly evenly between the two. In general, jobs connected to the military are especially valuable to the Arizona economy because they are largely unaffected by routine economic cycles, which means revenues associated with their presence are more stable.

The Maguire report noted “Arizona would do well to guard this economic asset and preserve its viability.” It further stated “Maintaining these operations and the jobs and economic output they support should be a priority of state and local government.”

Support from Arizona’s local governments, through the League of Arizona Cities and Towns, for legislation that could enhance military effectiveness or protect against efforts to erode military missions is critical in the state’s long term success retaining Luke AFB, Davis-Monthan AFB, Fort Huachuca, Marine Corp Air Station Yuma and the Yuma Army Proving Ground.

Arizona’s cities and towns must be unified in our support for the military, working together to identify opportunities to demonstrate that support through such things as: encouraging officials from state and local government to elevate needs identified by military installations for legislative action; supporting the continued activity and existence of the Governor’s Military Affairs Commission; supporting funding for economic development efforts at the state level to attract new/expanded military and military-connected missions and businesses; encouraging the use and continued funding of the Military Installation Funds (MIF) to help mitigate encroachment; and supporting legislative proposals regarding state land transfers to reduce potential encroachment around military installations.

**B. Relevance to Municipal Policy**

At a time in which every dollar of local revenue is even more precious to cities and towns, we must guard against inadvertent or blatant measures that could jeopardize existing military installations and the over \$200 million it directly contributes to local government. Encroachment is a major issue across the state, and is not only associated with new subdivisions. Water use, electromagnetic interference, lighting, airspace and other issues can ultimately affect military

missions, or could result in the state's five major bases not being considered for realigned missions in the future.

The Maguire study excluded military-related businesses such as Raytheon, Boeing and those associated with the redeveloped Williams Center in Gilbert, which take advantage of synergies with the state's military community but separately add hundreds of millions more in economic impact to the state and local economies. But if the military missions are not retained, then opportunities to grow or expand these types of businesses, and the resulting impact on the state and local economy, could be missed.

### **C. Fiscal Impact to Cities and Towns**

Failure to protect such a valuable asset to the state will have a direct and potentially devastating effect on local government. The military industry directly contributes approximately \$200 million in tax revenues annually to local government alone.

### **D. Fiscal Impact to the State**

Similarly, Arizona's military installations contribute about \$200 million in revenue annually to the state government. Any loss of missions could erode that revenue, as well as impact future expansion opportunities for both military and non-military missions.

### **E. Contact Information**

Name: Mary Jacobs

Title: Assistant City Manager

Phone: 520-458-3315

Email: [mary.jacobs@sierravistaaz.gov](mailto:mary.jacobs@sierravistaaz.gov)

**Reviewed by:** Planning, IGP

**Staff Recommendation:** Support

**Comments:** Luke Air Force Base is an asset to Glendale and the rest of Arizona. This resolution promotes municipal support of all military installations throughout the state and their respective missions.

**Resolution #17**

***Urges the Legislature to amend A.R.S §42-5010, as enacted in SB1442 last session, so that state shared revenues to cities and towns are distributed prior to the recapture of construction sales tax to be used for funding infrastructure projects. Further, urges the Legislature to find additional mechanisms for funding infrastructure that is necessary for economic development projects that are beneficial to the entire state.***

**Submitted by:** City of Chandler, City of Peoria

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**A. Purpose and Effect of Resolution**

When manufacturing facilities locate in a municipality, there are often infrastructure improvements needed to support the project. If these are incremental improvements, the host municipality is able to fund them through its regular capital improvement program without over burdening their ratepayers.

However, large manufacturing projects, such as the construction of the \$5 billion Intel Fab 42, require significant industrial infrastructure. That project alone will require in excess of \$200 million in water and wastewater improvements. The magnitude of costs such as these makes it impossible for the host city to fund the infrastructure by itself and requiring the company to do so places this state at a competitive disadvantage.

Last session, SB1442 was introduced in an effort to provide a mechanism for the state to help fund these infrastructure needs. It was intended to allow the construction sales tax to be recaptured and used to pay for any water, wastewater or transportation projects needed to support a manufacturing facility that met certain capital investment requirements.

Unfortunately, the bill was amended on the last day of the session and the result was a negative impact on state shared revenues. The intent of this resolution is to change the statute so that the funds used to pay for infrastructure come from the state's portion of sales tax.

Additionally, SB1442, as originally drafted, would have been only a partial solution to the problem of infrastructure funding. Other mechanisms should also be explored in order to address this problem more comprehensively.

**B. Relevance to Municipal Policy**

Cities are already responsible for the majority of the costs of infrastructure related to economic development and should not have to also contribute through a loss of shared revenues. The intent of SB1442 was to create a mechanism for the State to participate in funding the infrastructure that is necessary to attract and retain these manufacturing facilities and the jobs they create.

**C. Fiscal Impact to Cities and Towns**

The total loss of cities' shared revenue attributed to SB1442 is approximately \$2.5 million. However, if an equitable solution cannot be developed, our inability to continue to attract these

businesses will also have a long term negative impact on economic development and the increase in shared revenues attributable to these projects.

#### **D. Fiscal Impact to the State**

If the distribution formula of cities' state shared sales tax is restored, the state will lose the approximately \$2.5 million in construction sales tax monies that would be recaptured to fund the cost of infrastructure under the provisions of SB1442. Again, if a solution cannot be agreed upon and cities are not able to fund the infrastructure necessary for these businesses, the state risks losing the future economic activity created by new or expanded manufacturing facilities.

#### **E. Contact Information**

Name: Patrice Kraus

Title: Intergovernmental Affairs Coordinator

Phone: 480-782-2215

Email: [patrice.kraus@chandleraz.gov](mailto:patrice.kraus@chandleraz.gov)

**Reviewed by:** Financial Services, IGP

**Staff Recommendation:** Support

**Comments:** Preserving shared revenue formulas continues to be a core principle and a primary legislative mission for the League and its members.

**Subcommittee recommends adoption with amendments**

**Resolution #1**

*The cities and towns of Arizona request that the Arizona Legislature demonstrate its commitment for fiscal accountability and economic development by enacting a budget that does not interfere with existing statutory formulas for the distribution of funds to local governments as well as restores funding to programs that aid local government with infrastructure and job creation. The Legislature is especially urged to discontinue diversions of Highway User Revenue Fund monies to fund the operations of state agencies.*

**Submitted by:** Bullhead City, City of Kingman, Lake Havasu City, Yuma, Apache Junction, Sierra Vista

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**A. Purpose and Effect of Resolution**

The purpose of the resolution is to assert that the League and its members believe in fiscal accountability; money collected and designated for a specific purpose should be used for that purpose. The effect of the resolution will be to restore proper funding streams, resulting in increased funding for an array of projects. Specifically, the Highway User Revenue Fund (HURF), State Lake Improvement Fund (SLIF), Statewide Transportation Acceleration Needs (STAN) account, the Heritage Fund, and Local Transportation Assistance Fund (LTAF) are all areas where funds have been swept, diverted or eliminated. This resolution seeks to return those programs to a fully funded status.

With respect to HURF, funding sources include fuel taxes, motor carrier fees, vehicle license taxes and motor vehicle registration fees. Statutes provide a method of distributing these funds among the state, counties, and cities for the purpose of construction, improvements and maintenance of streets and roadways within their jurisdictions. The State has swept portions of these revenues for several years, mainly to support DPS. These sweeps affect every municipality and county in the state. Delayed maintenance on streets has caused many streets to now need total replacement, at a much greater cost. Arizona is no longer a place for new commerce and industry to locate because of the poor condition of transportation infrastructure.

In addition to the direct impact on cities' streets and roadways, this slowdown and halt of street construction and maintenance has cost jobs. The Arizona chapter of the Associated General Contractors estimated in 2011 that an estimated 42,000 jobs have been lost due to the lack of highway construction. This loss has had a negative impact on the economic viability of the State.

**B. Relevance to Municipal Policy**

Municipalities rely on items like HURF, LTAF, SLIF and Heritage funds to help bear the costs of local projects that provide both local and statewide benefits. Every municipality will benefit if funds like HURF, LTAF, SLIF and Heritage funds are allowed to distribute monies as specified in state law.

With regard to HURF, the longer the attention to street maintenance is neglected, the more costly it becomes to bring streets up to even average condition. Many Arizona counties, cities, and towns experience a significant rise in population during the winter months. The declining street infrastructure negatively affects the state's tourism industry and makes other warm states more attractive to these visitors.

**C. Fiscal Impact to Cities and Towns**

The current diversion of HURF annually costs cities and towns \$36.5 million. A restoration of LTAF would provide millions in funding to municipalities outside of “Area A.”

**D. Fiscal Impact to the State**

Generally there will be a negative impact to the state only to the extent that funds are not currently being distributed according to statutory formulas and are instead being diverted to the state general fund.

**E. Contact Information**

<u>Name: Toby Cotter</u>	<u>Title: City Manager</u>
<u>Phone: 928-763-0122</u>	<u>Email: tcotter@bullheadcity.com</u>
<u>Name: Connie Scoggins</u>	<u>Title: Assistant City Attorney</u>
<u>Phone: 928-373-5055</u>	<u>Email: Connie.scoggins@yumaaz.gov</u>

**Reviewed by:** Financial Services, IGP

**Previous Council Recommendation:** Support

**Comments:** Preserving all funding sources should continue to be a priority. Allowing Highway User Revenue Funds (HURF) to be distributed at the intended levels without being swept into the state’s General Fund is necessary to maintaining, enhancing and expanding the critical transportation infrastructure in Glendale.

**Resolution #2**

***Urges the Legislature to support economic development of cities and counties, and to increase access to new tools, such as the formation of Revenue Allocation Districts, which allow cities and towns to invest future revenue in economic development projects.***

**Submitted by:** City of Yuma, Lake Havasu City, City of Sierra Vista, City of Kingman, City of Bullhead City

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**A. Purpose and Effect of Resolution**

The purpose of this resolution is to encourage greater economic development through collaborative partnerships between cities, counties and the state. By working together, a synergy can be formed that will increase the effectiveness beyond the sum of each working individually. It is important that economic development continue to be a goal for the League and partnerships will help achieve that goal.

Large-scale economic development projects are a tremendous catalyst for job creation and economic growth in Arizona cities and towns. However, in today’s financial environment, financing the upfront costs of large projects, which often include substantial public components, can often be difficult, if not daunting. Creating a Revenue Allocation District may help solve this dilemma by allowing anticipated revenues from a completed project to be used to finance key components of the project itself.

For example, if Lake Havasu City wanted to encourage redevelopment of the English Village area around the London Bridge, the city could form a Revenue Allocation District around the area. The dollar amount of TPT and property tax collected from within the English Village district would be established as the base on the date that district was formed. In future years, any increase in either of these revenue streams above the established base could be used by the district to fund public improvements within the district. Most importantly, the district would have the authority to issue bonds to help finance the project and those bonds would be repaid by new revenue generated within that district.

**B. Relevance to Municipal Policy**

Cities and towns drive the economy. Joint economic development efforts will strengthen the ability of all to accomplish the common goal of improving our economy. Revenue Allocation Districts would give cities another option for supporting economic development projects.

**C. Fiscal Impact to Cities and Towns**

By partnering, a greater economic effect is possible for all entities involved. Partnering for economic development will bring jobs, reduce unemployment, and provide new revenues for cities, counties and the state. Supporting local governments’ efforts to bring business to Arizona would allow both the state and local governments to experience increased employment and tax revenues.

Revenue Allocation Districts capture only the city portion of new revenue that is generated as a result of a project being built. Other taxing jurisdictions such as schools and community colleges would not be affected. Municipal taxpayers located outside the district would also be held harmless.

#### **D. Fiscal Impact to the State**

State programs are critical in the effort to attract new business to Arizona and to assist local businesses considering expansion in Arizona versus another state. By creating and funding economic development programs to support local governmental efforts' to bring business to Arizona, both the state and local governments would experience increased employment and tax revenues. Encouraging and supporting economic development partnerships between cities and counties to bring business into the state can increase revenues to the State.

No state funds would be involved in the funding of Revenue Allocation Districts because the district pertains only to the city portion of the TPT and property tax. However, the state would receive increased income tax collections from the new employees that work within the district as well as increased corporate income tax receipts from the companies that move into the district.

#### **E. Contact Information**

<u>Name: Connie Scoggins</u>	<u>Title: Assistant City Attorney</u>
<u>Phone: 928-373-5055</u>	<u>Email: <a href="mailto:connie.scoggins@yumaaz.gov">connie.scoggins@yumaaz.gov</a></u>
<u>Name: Charlie Cassens</u>	<u>Title: City Manager, Lake Havasu City</u>
<u>Phone: 928-453-4141</u>	<u>Email: <a href="mailto:cassensc@lhcaz.gov">cassensc@lhcaz.gov</a></u>

**Reviewed by:** Economic Development, IGP

**Previous Council Recommendation:** Support

**Comments:** Protecting current economic development tools and encouraging the creation of new tools should remain a legislative priority as the cities and the state focus on job creation and economic recovery.

**Resolution #16**

***Amend Arizona Revised Statutes Title 13 (Criminal Code) and amend Title 8 (Children) to include criminal damage by graffiti to ensure that crimes of graffiti are treated more seriously.***

**Submitted by:** City of Yuma, City of Sierra Vista

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**A. Purpose and Effect of Resolution**

Graffiti is a continuing and fast growing problem for cities and towns. The level of punishment for individuals committing illegal acts of graffiti is a difficult and complex issue. Abatement of graffiti and apprehension and prosecution of the perpetrator is costly to cities and these costs are seldom if ever recovered. Arizona statutes allow prosecution of graffiti under the criminal code as criminal damage. Because graffiti is such an immediate and growing problem on both public and private property, it needs to be addressed in statutes setting forth stricter penalties and full restitution of all economic loss to the victim. Economic loss includes all reasonable costs of repair by municipalities, including but not limited to, materials, labor and equipment. As it stands now, some courts have been reluctant to severely punish offenders, or order restitution for economic loss, especially where juveniles are involved. A community service component should also be added to the penalty where available.

**B. Relevance to Municipal Policy**

The physical appearance of communities is a source of pride for Arizona cities. It is one of the factors that attract people to visit or relocate into an area. While graffiti was once limited to older and deteriorating communities or facilities, it has become prevalent in all areas of cities, regardless of age, appearance, or use. Despite the penalties for selling instruments of graffiti to minors enacted in the last few years, the numbers of incidents and the extent of damages have continued to increase. Stiffer penalties are needed to deter the rising tide of this vandalism.

**C. Fiscal Impact to Cities and Towns**

Graffiti abatement in this fiscal year has so far cost the City of Yuma \$117,645.00, despite a policy to aggressively pursue restitution from the courts. The costs to Yuma are high; therefore, it would follow that statewide costs may be in the millions of dollars. Increasing the penalties for criminal damage may deter graffiti vandals, and reduce the number of incidents and the extent of damages, thereby reducing costs of abatement. Any additional revenue generated from the stronger penalties could be directed to reduce the costs to cities for abatement. Also, if violators are required to perform community service, they would be able to witness the consequences their actions have on the community.

**D. Fiscal Impact to the State**

Because graffiti may also occur on state owned properties, abatement costs to the state could be reduced.

## E. Contact Information

Name: Connie Scoggins

Title: Assistant City Attorney

Phone: (928) 373-5055

Email: [Connie.Scoggins@YumaAz.gov](mailto:Connie.Scoggins@YumaAz.gov)

**Reviewed by:** Police, IGP

**Previous Council Recommendation:** Support

**Comments:** Graffiti has historically been prosecuted under the criminal damage statute, 13-1602. The level of the crime is determined by the extent of the damage. Separating the graffiti into its own offense removes the necessity of proving the cost of repairs which may further deter the activity. However, the legislation must be carefully crafted to ensure that the punishments appropriately match the severity of the crime.

**Subcommittee recommends significant municipal issue**

**Resolution #3**

***Allow municipalities to receive credit for excess solar generation beyond that needed at publicly owned sites where the solar generation may occur, and apply that credit to power consumption at other city, town, or county sites/facilities.***

**Submitted by:** City of Sedona, City of Flagstaff, Town of Clarkdale, City of Kingman

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**A. Purpose and Effect of Resolution**

This will clearly provide a basis for use of solar generated power to generate power more nearly commensurate with an agency’s total power consumption where the area to do so exists. This is consistent with increasing the use of alternative energy sources within the State in a sustainable way.

**B. Relevance to Municipal Policy**

The reduction of municipal costs can often be secured through allowing development of alternative energy facilities on municipal properties. Currently the amount of energy that can be developed for municipal use at beneficial pricing is limited to that which can be used at the facility where the energy is being generated. This means that development of more energy is discouraged, even though the municipality has energy demands at locations where it may not be possible to place an energy generation facility. This resolution, by allowing the power generated at one location to be credited for other municipal locations, encourages efficient development of alternative energy sources on a municipal scale, which is likely to be more economic for the benefit received.

**C. Fiscal Impact to Cities and Towns**

Cities may be able to more economically develop alternative energy sources.

**D. Fiscal Impact to the State**

None is anticipated.

**E. Contact Information**

<u>Name: Charles Mosley</u>	<u>Title: Public Works Director/City Engineer</u>
<u>Phone: 928-204-7132</u>	<u>Email: <a href="mailto:cmosley@SedonaAZ.gov">cmosley@SedonaAZ.gov</a></u>

**Reviewed by:** Environmental Services, IGP

**Staff Recommendation:** Support

**Comments:** This resolution would allow the amount of excess solar power generated at city owned facilities to be used to offset power consumption at other facilities. This arrangement can benefit the municipality because it can receive credit for the excess power it generates. However, energy service providers may oppose the concept. This resolution is appropriate for the significant municipal issue category.

**Resolution #6**

*Urges the Legislature to amend A.R.S. § 39-121.01 to place reasonable limitations on requests for public records that are overbroad or abusive. Such limitations may include the scope of requests, the time period covered in a request, and the number of requests from a single individual during a specified time period and allowing charges for requests that exceed statutorily established limitations.*

**Submitted by:** City of Yuma, Town of Oro Valley, City of Apache Junction, City of Bullhead City

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**A. Purpose and Effect of Resolution**

This Resolution seeks amendments to public records laws to discourage overbroad and abusive requests for public records.

Municipalities receive and process thousands of requests for public records each year. Most of these requests are reasonable, coming from persons who may or may not make other requests but whom seek specific and limited information or specific requests from the media. Other requests require preparation of voluminous amounts of documents or materials and substantial amounts of staff time in multiple departments to locate, review, and prepare the documents for review and/or copying.

But other requests are overbroad, such as requests for “All documents, e-mail, memoranda, etc. pertaining to the city action .....

These documents can cover many years, require production of hundreds or thousands of documents, and involve research and review by several City departments.

Municipalities also receive and process numerous requests for public records from only a few individuals. For example, in Yuma, one individual is responsible for the following statistics:

<u>Year</u>	<u>Number of requests</u>
2008	114
2009	120
2010	85
2011	155

These requests, some of which require locating massive amounts of documents from across city departments in different locations, have a significant impact on city resources. Such requests from one or two individuals require a disproportionate amount of city-wide staff time to locate, review, and prepare the records for examination. Oftentimes, a requestor may never review the documents after being notified they are ready for inspection. As an example, Yuma has received 46 requests in 44 business days from a single individual, including nine filed in one day, while 25 filled requests waited to be reviewed. These overbroad and abusive requests by a few individuals abuse the rights and privileges these laws were enacted to protect.

Amending Title 39 to give municipalities authorization in certain instances to restrict the number or frequency of requests made by a single individual and to limit certain requests such as those with a broad scope or that cover an extensive time period will allow cities to both comply with spirit and intent of public records laws while discouraging overbroad and abusive requests.

## **B. Relevance to Municipal Policy**

Transparency is an essential component of a responsive representative government. Cities endeavor at all times to be open, accessible and responsive to their citizens. Making records available for inspection by the public and the media is important to maintaining transparency and trust in government. Most citizens and the media are conscientious and purposeful in their requests. However, requests by a few individuals which are overbroad or abusive and require disproportionate amounts of city-wide staff time do not further the goal of transparency.

## **C. Fiscal Impact to Cities and Towns**

Cities will still respond to public records requests in the spirit of transparency and openness in government. Allowing cities some relief from abusive public records requests or to identify potentially abusive practices will free staff to perform other governmental functions.

## **D. Fiscal Impact to the State**

There will be no fiscal impact to the State. However an amendment could include public records requests of the State, which will result in savings.

## **E. Contact Information**

Name: Connie Scoggins

Title: Assistant City Attorney

Phone: (928) 373-5055

Email: Connie.Scoggins@YumaAz.gov

**Reviewed by:** Clerk, Marketing, IGP

**Previous Council Recommendation:** Not Support

**Comments:** This resolution seeks to give cities authority to stop “abusive and overbroad” public records requests but fails to define exactly what those are and how they can appropriately be regulated or restricted. In an issue as significant as this, it is critical that there are clear definitions and guidelines, which this resolution does not provide. The City of Glendale, works directly with entities that submit broad requests in order to achieve further clarity and to provide the information in a timely manner.

**Resolution #7**

***This resolution requests that ARS 9-441.01 be amended to exempt cities and towns of less than a certain population from requiring that the local governing body adopt a resolution declaring specific portions of the jurisdiction a “housing development area,” for the purpose of assisting with the acquisition, construction or rehabilitation of housing.***

**Submitted by:** City of Sedona, Town of Clarkdale

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**A. Purpose and Effect of Resolution**

Per ARS 9-441.01 it is a valid public purpose of municipalities to assist in providing for the acquisition, construction or rehabilitation of housing and other facilities necessary or incidental to the housing and primarily for the use of those residing in the housing, in areas that are declared by the municipality to be housing development areas.

ARS 9-441.01 also requires that before exercising any of the powers conferred on municipalities by this article, and before any public moneys can be spent, the local governing body must adopt a resolution finding that a shortage of housing, or a certain type of housing, exists in a certain area of the municipality. These areas must be declared to be “housing development areas,” thereby designating those areas as areas where assisting in the development of housing is in the interests of the public health, safety, morals or welfare of the residents. The resolution must also establish specific boundaries depicting what constitutes the housing development area.

The resolution requests a change to ARS 9-441.01 to exempt cities and towns of less than a certain population from having to designate certain areas as housing development areas. In small cities or towns, such a designation of an entire area of the city for housing development is impractical. Often, small municipalities merely want to develop or improve individual parcels or lots throughout the city in order to provide better overall housing.

**B. Relevance to Municipal Policy**

While it is critical to engage the citizens of the community in any planning around housing development or redevelopment, the requirement to adopt a map depicting an entire area as a “housing development area” could create an inaccurate impression that the city or town intends to undergo large-scale housing development projects throughout such an area. Given the concerns and stigmatization that arise as a result of following the public process to adopt such areas, this requirement may mislead residents and/or derail a process which is intended to assist the city or town with limited housing needs that are dispersed throughout the entirety of a small community. The locality should be allowed to determine what methods of citizen participation and engagement would be appropriate for that community and for those areas in which housing development was deemed necessary.

**C. Fiscal Impact to Cities and Towns**

N/A.

**D. Fiscal Impact to the State**

N/A

**E. Contact Information**

Name: Nicholas Gioello

Title: Assistant to the City Manager

Phone: 928-203-5100

Email: [NGioello@sedonaaz.gov](mailto:NGioello@sedonaaz.gov)

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**Reviewed by:** Planning, IGP

**Staff Recommendation:** Support

**Comments:** This resolution would likely not affect the City of Glendale due to population thresholds. Since this resolution is not applicable to all municipalities it is best categorized as a significant municipal issue.

**Resolution #9**

***Urges the Legislature to partner with cities and towns for the operation and maintenance of Arizona State Parks (ASP) under long term leases, for a nominal amount, and to participate financially by providing for a dedicated funding mechanism to share a portion of the costs.***

**Submitted by:** City of Yuma, Town of Oro Valley, Town of Camp Verde, City of Kingman, City of Bullhead City

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**A. Purpose and Effect of Resolution**

When the State became unable to continue full support of its parks, local governments and non-profit groups in Arizona stepped up to the plate and entered into short term agreements to operate and maintain the parks in or near their jurisdictions (Alamo Lake, Boyce Thompson Arboretum, Fort Verde, Homolovi, Jerome, Lost Dutchman, Lyman Lake, McFarland, Picacho Peak, Red Rock, Riordan Mansion, Roper Lake, Tombstone Courthouse, Tonto Natural Bridge, Tubac Presidio, Yuma Prison, Yuma Quartermaster Depot) so Arizona residents and visitors alike could continue to enjoy the rich recreational experiences that state parks provide. This arrangement has proven to be successful. This resolution asks the State to continue and to expand this partnership with local jurisdictions on a long term basis.

Making the current partnerships sustainable in the long-term and increasing the number of partnerships will make the entire park system more viable over time. Further utilization of partnerships (non-profit, public and private) will necessitate financial support from local governments, non-profits, and the State.

This resolution will assure that State Parks remain open to the public as a recreational, environmental, and cultural benefit that supports and generates tourism, and provides important revenue to not only local, but also to the regional and statewide economies. In addition, the availability of the State Parks System will continue to provide a high quality of life for Arizona residents and serve as an attraction to new residents.

**B. Relevance to Municipal Policy**

State Parks are essential to the rural economies and people of Arizona, and the continued threat to their operation leaves a continued threat to the still weak local economies in rural Arizona. In addition, Arizona's natural environment, including access to the environment through availability of State Parks across the state draws millions of tourists to Arizona, benefiting every entity that relies on tourism as part of its economy. Increasingly, ASP is reliant on partnerships with local governments to make its state parks viable. This comes at a time when local resources are shrinking.

**C. Fiscal Impact to Cities and Towns**

Visitors' expenditures combined with their direct and induced impacts resulted in \$21,171,627 in Federal Government taxes and \$22,762,326 in state and local government taxes. The total tax impact of Arizona State Park visitors in 2007 was \$43,933,953.

#### **D. Fiscal Impact to the State**

The economic benefit of the State Park System is statewide. Calculated at the state level for FY07, the total economic impact of Arizona State Parks (direct, indirect and induced) on the state was \$266,436,582. This total state income resulted in 2,397 direct jobs and 950 indirect jobs for a total of 3,347 jobs statewide. The jobs provided were generated directly, through State Parks employment, but also indirectly, for the tourism industry that is supported and enhanced by the existence of State Parks.

Visitors' expenditures combined with their direct and induced impacts resulted in \$21,171,627 in Federal Government taxes and \$22,762,326 in state and local government taxes. The total tax impact of Arizona State Park visitors in 2007 was \$43,933,953.

(Economic figures cited are from "The Economic Impact of Arizona State Parks 2007" study prepared by The Arizona Hospitality Research & Resource Center, Center for Business Outreach and The W. A. Franke College of Business, Northern Arizona University in February 2009.)

#### **E. Contact Information**

Name: Connie Scoggins

Title: Assistant City Attorney

Phone: 928-373-5055

Email: Connie.scoggins@yumaaz.gov

**Reviewed by:** Parks, IGP

**Staff Recommendation:** Support

**Comments:** Although Glendale isn't directly impacted by state parks, they are an asset to the state's tourism industry which Glendale does benefit from. It is important that the state do what it can to provide opportunities for municipalities who derive economic benefits from state parks. However, this resolution could have the unintended consequence of shifting the burden of funding state agencies from the state to municipalities as a whole. This resolution is appropriate for the critical municipal issue category. By recognizing this resolution as a significant municipal issue, the League can use its resources to facilitate voluntary relationships between interested municipalities and the state.

**Resolution #12**

***Urges the Governor and the State Legislature to develop and pass legislation that supports efforts to reduce the shortage of physicians in the State of Arizona. The League encourages the Legislature to consider: expanding the level of Graduate Medical Education (GME) funding; expanding medical school capacity within the state universities; addressing issues affecting the attraction and retention of physicians from out-of-state; reducing obstacles to medical practice in Arizona; and addressing any other major issues that affect a physician’s decision to locate or remain in Arizona to practice.***

**Submitted by:** City of Sierra Vista, City of Bisbee, City of Yuma, Town of Marana, City of Douglas, City of Flagstaff, Town of Clarkdale.

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**A. Purpose and Effect of Resolution**

Part II of the 2005 Arizona Physician Workforce Study, conducted by specialists from the University of Arizona and Arizona State University, identified that since 1992 to 2004, Arizona’s physician supply is not keeping up with its population growth. The situation has not gotten any better. Arizona has 219 physicians per 100,000 population, well below the national average of 293 per 100,000. Rural communities in the state are affected by the shortage even more, with one county at under 60 physicians per 100,000. Specialty physicians are particularly difficult to recruit and retain. By way of example, the City of Sierra Vista’s regional hospital is now the only location in all of Cochise County in which a woman can deliver a baby outside of a setting in which emergency services are available. In addition, as the Baby Boomer population ages, more of the older doctors in rural communities will retire, potentially exacerbating the situation.

Since approximately 60% of physicians who complete their training in Arizona teaching hospitals remain to practice within the state, enhancing the Graduate Medical Education (GME) program is a critical component to addressing this shortfall, and has been identified by previous gubernatorial task forces. Also recommended were efforts to reduce obstacles to medical practice in Arizona. Recruitment and retention of physicians is hampered throughout the state by higher professional liability premiums as compared to other states, and this is certainly an obstacle needing attention. Recent actions to reduce funding to the State’s Medicaid program will only exacerbate the issue statewide. Now, more than ever, action is needed to retain existing physicians, and insure Arizona is a desirable place to practice for others.

**B. Relevance to Municipal Policy**

Health care is a key component of the overall quality of life for any community. It is an attraction and retention component for both business and military activities, both of which are the backbone of the state’s economy. An adequate supply of physicians is the foundation of quality healthcare, and although most barriers to physician recruitment and retention are beyond the direct control of local government, the health of our citizens should be a strong consideration for local legislative input and advocacy. The National League of Cities has incorporated citizen health in its overall federal legislative platform by developing and advocating for health programs for children and youth.

### **C. Fiscal Impact to Cities and Towns**

There should be no negative fiscal impact on Cities and Towns. To the contrary, not only will there be an intrinsic gain to Cities and Towns in overall quality of life of their residents if accessibility to health care is improved, but all communities in the state can use improved health care as an economic development tool in the future.

### **D. Fiscal Impact to the State**

There are some solutions, such as investing in the graduate medical program, which will require additional investment by the state in medical education. However, some recommendations can be implemented with little to no effect on state finances. But like the cities and towns, improvement in access to health care results in an improvement in the ability of the State to attract corporations who value health care access as a major factor in relocation to Arizona. In addition, more physicians in the rural areas of the state will reduce the number of trips on already overcrowded roadways that residents from those areas make to the Phoenix or Tucson metropolitan areas to seek treatment.

### **E. Contact Information**

Name: Mary Jacobs	Title: Assistant City Manager
Phone: 520-458-3315	Email: <a href="mailto:mary.jacobs@sierravistaaz.gov">mary.jacobs@sierravistaaz.gov</a>

**Reviewed by:** Fire, IGP

**Previous Council Recommendation:** Support

**Comments:** There is significant a lack of qualified physicians and medical professional in this state which this resolution attempts to address. However, the benefits of this resolution will have to be weighed against other League priorities during the session.

**Resolution #15**

***Urges the State Legislature to support implementing a pilot program to restrict trucks to the two right-most lanes when traveling on Arizona highways in urban areas with three or more lanes in each direction.***

**Submitted by:** City of Apache Junction and City of Douglas

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**A. Purpose and Effect of Resolution**

The purpose of this resolution is to improve traffic mobility, improve safety and facilitate the flow of goods on freeways in Arizona's busy urban areas. An initial step is to implement a pilot program to determine and compare the feasibility, impacts, and effectiveness of restricting trucks to operating only in certain lanes on highways in urban areas that have three or more lanes in each direction, which have a moderate or high level of truck traffic, and do not have left hand exits. The lane restrictions would apply to "trucks" as defined by Arizona State law. Trucks would be restricted to the two right-most lanes, leaving one lane for truck-free operation; assuring that trucks will always have access to at least two lanes.

Demand for trucking services continues to increase. According to statistics available from the Bureau of Transportation Statistics (BTS) trucking accounts for an estimated 70% of the total value, 60% of the weight, and 34% of the ton-miles of freight moved in the U.S (Bureau of Transportation Statistics, 2006). In addition, between 1980 and 2020, truck travel is predicted to increase by over 90% while lane-miles of public roads will increase by only 5% (FHWA, 2006). This increase will have significant negative influences on traffic congestion and safety. A truck lane restriction strategy is used in many states nationwide as a way to address some of these impacts.

With regard to improving safety and mobility, here are several safety benefits of truck lane restriction:

- Prevents "No-Zone" Wrap, Tractor trailer's on two (2) sides of passenger cars at same time
- Positions largest vehicles out of the highest speed lanes
- Reduces the frequency of passenger vehicles being "boxed-in" by large trucks
- Reduces evasive truck maneuvers to the right, or into the trucker's "blind" side
- Provides additional spacing from life-saving median barrier systems.
- Provides additional truck clearance from opposing direction traffic.
- Improves visibility and clearance for disabled vehicles in or along median shoulders.

By improving traffic mobility, the flow of transporting goods through the State positively impacts economic development. The Freight Industry has welcomed lane restrictions in other states because passenger vehicles are able to stay in the fast lanes, which gives more mobility for the trucks in the slower lanes. Trucks then reach their destinations in a timelier manner.

## **B. Relevance to Municipal Policy**

Arizona residents directly benefit from improved traffic operations and improved safety on freeways in Arizona's busy urban areas. In addition, by improving the flow of transporting goods and services in Arizona, economic development of the State, cities and towns could also increase.

## **C. Fiscal Impact to Cities and Towns**

As the State of Arizona is able to reap the positive economic effects of improved traffic flow which in turn improves the efficient movement of goods thru the State; this will positively impact cities and towns as well.

## **D. Fiscal Impact to the State**

Positive fiscal impact to the State:

Whereas large metropolitan areas (e.g. North Texas) that are in direct competition with the Sun Corridor have successfully implemented 'Goods Movement' oriented traffic restrictions to facilitate enhanced traffic flow have experienced positive economic development effects, the City of Apache Junction and the City of Douglas urge implementation within Arizona so that we also experience positive economic effects.

Negative fiscal impact to the State include:

Costs associated with developing and implementing a pilot program, which would include conducting a study before and after restrictions are implemented. If the new restrictions were put in place permanently there are costs associated with selecting, designing, implementation administration, advertising, enforcing, and monitoring of the truck lane restrictions.

## **E. Contact Information**

Name: George Hoffman

Title: City Manager

Phone: 480-474-5066

E-mail: [ghoffman@ajcity.net](mailto:ghoffman@ajcity.net)

**Reviewed by:** Transportation, IGP

**Previous Council Recommendation:** Support

**Comments:** This resolution does not seem appropriate for the League to take on as a top priority; however as a significant municipal issue the League can direct the municipalities to work with the Arizona Department of Transportation to resolve the issues identified.

## **League proposed resolutions**

**League Staff Resolution #1**

***The League of Arizona Cities and Towns urges the Legislature to address serious issues related to the enactment of HB 2826, (consolidated election dates, political subdivisions).***

**Submitted by:** League Staff

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**A. Purpose and Effect of Resolution**

HB 2826 (Laws 2012, Chapter 353) requires that cities and towns hold all candidate elections in the fall election cycle of even years. Multiple technical issues associated with implementation of this law must be addressed by clarifying legislation. Issues regarding the length of terms for incumbent councilmembers, alternative expenditure limitation renewal elections and municipal incorporation elections need clarity before the law takes effect in 2014. Although HB 2826 must overcome review and preclearance by the Justice Department (as well as possible court challenges), this resolution would empower League staff to pursue needed changes to address significant shortcomings of the new statute. These changes will be absolutely necessary to ensure that the new law doesn't create dire, unintended consequences.

**B. Relevance to Municipal Policy**

This issue is fundamentally relevant as elections are a foundational part of our system of government.

**C. Fiscal Impact to Cities and Towns**

Although many of the fiscal impacts of this bill cannot be calculated at this time, there could be significant problems for local budgets if election law related to the home rule option isn't changed.

**D. Fiscal Impact to the State**

Not applicable

**E. Contact Information**

Name: Tom Belshe	Title: Deputy Director
Phone: 602-258-5786	Email: <a href="mailto:tbelshe@azleague.org">tbelshe@azleague.org</a>

**Reviewed by:** Clerk, IGP

**Staff Recommendation:** Support

**Comments:** The U.S. Department of Justice recently provided pre-clearance for the provisions of HB 2826 to be implemented. As such, it will be important for the League to move forward with legislation to amend the newly enacted statutes to remove unintended consequences.

**League Staff Resolution #2**

***The League and its members support meaningful and effective regulatory reform efforts. The League will oppose any proposal that does not promote greater efficiency, effect significant cost savings, or improve existing regulatory frameworks for the mutual benefit of stakeholders. Furthermore, the League shall work to enact changes to SB 1598 (Laws 2011, Chapter 312) that enable the law to serve its intended function of improving the licensing and permitting process.***

**Submitted by:** League Staff

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**A. Purpose and Effect of Resolution**

The purpose of the resolution is to express the League’s commitment to working with the Legislature to: 1) enact legislation that respects municipal autonomy; and 2) partner with cities and towns to create an attractive business climate for new and existing businesses. The effect of the resolution would be to empower the legislative staff of the League to work with interested parties on mutually beneficial changes to existing laws while exploring new opportunities for improvement of regulatory frameworks. Specific goals include: preservation of local authority; opposition to state mandates; encouragement of municipal flexibility and timeliness; and avoidance of additional bureaucracy and paperwork.

**B. Relevance to Municipal Policy**

This issue is fundamentally relevant as licensing and permitting is the primary way in which municipalities interact with the businesses in their community. Regulatory design represents a core function of municipal governance, to the extent it operates to promote the safety and welfare of city residents.

**C. Fiscal Impact to Cities and Towns**

Enacting changes to SB 1598 will likely lead to a positive fiscal impact, resulting from the increased clarity and paperwork reduction those changes will bring. Additionally, there is the potential for a positive fiscal impact from increased business activity as a result of reforms.

**D. Fiscal Impact to the State**

Increased business activity would benefit the state because of increased sales and income tax collections.

**E. Contact Information**

Name: René Guillen

Title: Legislative Associate

Phone: 602-258-5786

Email: [rguillen@azleague.org](mailto:rguillen@azleague.org)

**Reviewed by:** Building Safety, IGP

**Staff Recommendation:** Support

**Comments:** SB 1598 has inadvertently created more paperwork and less flexibility for the regulated. Additionally, confusion over legislative intent has caused municipalities to interpret various provisions in different ways which is not helpful to the consumer. Important changes to the statutes enacted by SB 1598 are necessary to improve the ability of municipalities to be more accommodating to individual needs.

**League Staff Resolution #3**

A RESOLUTION OF THE LEAGUE OF ARIZONA CITIES AND TOWNS CALLING UPON THE ARIZONA LEGISLATURE TO RESPECT THE AUTHORITY OF CITIES AND TOWNS TO GOVERN THEIR COMMUNITIES FREE FROM LEGISLATIVE INTERFERENCE AND TO REJECT LEGISLATION THAT CONFLICTS WITH CHARTER PROVISIONS OF ARIZONA’S CHARTER CITIES

WHEREAS, the League of Arizona Cities and Towns is concerned about the extent to which Arizona’s 50th Legislature considered legislation to micromanage local government, enact decisions best made at the local level and impose one-size-fits all mandates on municipalities; and

WHEREAS, the League further shares the conservative belief that the most effective, responsible and responsive government is government closest to the people; and

WHEREAS, the Arizona Constitution specifically provides that any city, “may frame a charter for its own government” [emphasis added]; and

WHEREAS, once a city has successfully completed the city charter process, the charter becomes the organic law of the city; and

WHEREAS, charter cities draw their power from their citizens, are governed by their charters, and do not require legislative authority from the State to exercise power; and

WHEREAS, the provisions of the charter, as the organic law of the city, supersede all laws of the State in conflict with the charter provisions, insofar as such laws relate to purely municipal affairs; and

WHEREAS, the Arizona Constitution thus establishes a home rule mechanism to render charter cities independent of the Legislature with respect to matters of local concern; and

WHEREAS, the Arizona Supreme Court recently affirmed, in Tucson v. Arizona, that provisions of a city’s charter supersede conflicting statutes with respect to matters of local concern; and

WHEREAS, all municipalities are no less affected by the imposition of burdensome mandates by the State than is the State by the imposition of similar mandates by the Federal government;

NOW, THEREFORE, BE IT RESOLVED, that the League of Arizona Cities and Towns calls upon the Arizona’s 51st Legislature to affirmatively reject, oppose and renounce legislative proposals that diminish local authority, address matters of purely local concern, and conflict with the organic law of Arizona’s charter cities.

**Reviewed by:** IGP

**Staff Recommendation:** Support

**Comments:** Municipal charters are the organic law by which each respective municipality governs itself. Some state legislative actions directly assault the charter authority of municipalities and have led to costly legal battles. This resolution asks the legislature to recognize the importance of local control and oppose proposals that undermine municipal charters.



# CITY COUNCIL REPORT

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Meeting Date: 8/21/2012  
Meeting Type: **Workshop**  
Title: **CITY MANAGER UPDATE ON LOOP 303, PROPOSED FIVE YEAR STRATEGIC PLAN, AND ELECTRONIC BILLBOARDS ON CITY PROPERTY**  
Staff Contact: **Horatio Skeete, Acting City Manager**

## **Purpose and Policy Guidance**

This is an opportunity for the Acting City Manager to provide an update regarding Loop 303, a proposed five year strategic plan and electronic billboards on city property.

This is for Council information only. The Acting City Manager and staff are available to answer any questions regarding the information provided.

## **Background Summary**

**Loop 303** - The Loop 303 Corridor Development Group is working with city staff towards completion of a Pre-Annexation Development Agreement (PADA) between the property owners and the City of Glendale, as well as an Agreement for Future Wastewater and Recycled Water Services between Global Water Resources and the City of Glendale.

**Strategic Plan** - The consideration of a five year Strategic Plan to address the new temporary city sales tax increase and how to position the city's financial future once the tax sunsets.

**Electronic Billboards** - Glendale entered into an agreement with American Outdoor Advertising to place Digital Billboards at various locations on Loop 101 on city owned property. Thus far two Digital Billboards have been placed on the City's Park & Ride Lot. Lamar Outdoor recently purchased the assets of American Outdoor. Lamar is interested in constructing additional Digital Billboards on city owned property on the Loop 101 on the PAD zoned sites already approved for this type of signage.

## **Attachments**

None