



City of Avondale
City Council Online Meeting
Monday, November 20, 2023

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member

Veronica Malone, Council Member | Gloria Solorio, Council Member

Max White, Council Member

Administration

Ron Corbin, City Manager

Cherlene Penilla, Assistant City Manager | Tracy Stevens, Assistant City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

Online Meeting

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/81223423069>

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Join the meeting with audio only: Call 301-715-8592 (meeting ID: 812 2342 3069)



City Council Online Meeting Notice & Agenda Monday, November 20, 2023

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Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda should submit a Request to Speak online at <http://www.avondaleaz.gov/requesttospeak> prior to consideration of that agenda item.

REGULAR MEETING

6:00 PM

Virtual access to the online meeting room will be available 5 minutes prior to the meeting.

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

3. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. MINUTES

City Council will consider a request to approve the October 9, 2023 and October 16, 2023 City Council meeting minutes. The Council will take appropriate action.

b. APPOINTMENT TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM FIRE BOARD

City Council will consider a request to appoint Westley Tank, Firefighter, to the Public Safety Personnel Retirement System Fire Board for a term to begin on January 1, 2024 through December 31, 2027 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. APPOINTMENTS TO BOARDS AND COMMISSIONS

City Council will consider a request to approve various appointments to the City's Boards and Commissions as recommended by the City Council Subcommittee on Boards and Commissions and as listed in the staff report and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1074-1123 - INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF REVENUE TO ADMINISTER AND COLLECT LOCAL EXCISE TAXES

City Council will consider a request to adopt Resolution 1074-1123, approving an Intergovernmental Agreement (IGA) with the Arizona Department of Revenue regarding the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities or towns and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1075-1123 - DESIGNATION OF ASSURED WATER SUPPLY APPLICATION SIGNATURE AUTHORIZATION

City Council will consider a request to adopt Resolution 1075-1123 authorizing the submittal of an application to the Arizona Department of Water Resources (ADWR) to modify the City's Designation of Assured Water Supply and authorize Ron Corbin, City Manager, to sign the application for the Designation Modification on behalf of the City, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2068-1123 - AMENDING CITY CODE, CHAPTER 7, SPECIAL EVENTS

City Council will consider a request to adopt Ordinance 2068-1123, amending the Avondale City Code by amending Chapter 7, Special Events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2069-1123 – ABANDONMENT OF FILLMORE STREET RIGHT OF WAY

City Council will consider a request to adopt Ordinance 2069-1123 authorizing the abandonment of Fillmore Street right-of-way generally located south of Park Avenue and east of Avondale Boulevard and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. FINAL PLAT FOR RILEY PROPERTY 3, AVONDALE POLICE DETENTION SUBSTATION PL-23-0036

City Council will consider a City initiated request for approval of the Re-Plat for Riley Property 3 (Avondale Police Detention Substation) and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The City-owned property is approximately 10.34 acres of land bounded by Riley Drive to the north, Eliseo C. Felix Jr. Way to the east, Western Avenue to the south, and 9th Street to the west. The proposed Re-Plat modifies the existing Riley Property 2 Final Plat and will consist of two lots and a tract for the dedication of right-of-way along Eliseo Felix Jr. Way. The Council will take appropriate action.

i. MAP OF DEDICATION FOR ENTRADA - 107TH AVENUE - APPLICATION PL-22-0218

City Council will consider a request by Dan Auxier of EPS Group, on behalf of the property owner Meritage Homes of Arizona Inc. and Sim Reg Entrada LLC, for approval of a Map of Dedication of Entrada – 107th Avenue, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed Map of Dedication (MOD) dedicates approximately thirty-two feet (2.28 acres) of additional right-of-way along 107th Avenue. The subject property is located on the north side of Broadway Road and on the west side of 107th Avenue. The Council will take appropriate action.

4. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone or video conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por video. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

ITEM NUMBER: 3.a.

SUBJECT: Minutes

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item provides residents with access to a previous meeting's minutes. The meeting minutes provide another outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve the October 9, 2023 and October 16, 2023 City Council meeting minutes. The Council will take appropriate action.

BACKGROUND:

Pursuant to Arizona Revised Statute §§ 38-431.01(B), the City must provide written minutes of all City Council meetings.

DISCUSSION:

City Council held a meeting and the attached minutes have been prepared for approval.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the October 9, 2023 and October 16, 2023 City Council meeting minutes.

Contact person for document distribution: Chris Pierson

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
October 9, 2023

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:30 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Note: Council Member White attended the meeting virtually.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Cheryl Covert, Economic Development Services Assistant Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. NEW EMPLOYEE INTRODUCTIONS

The following employees were introduced to City Council. This item was for discussion only.

Finance and Budget Department

- Terri Chavez, Accounting Specialist

Office of Public Safety

- Phillip Washington, Municipal Security Officer

Neighborhood and Family Services

- Jovanna Marquez, Customer Service Rep.
- Jacqueline Guerrero, Family Education Spc.
- Adam Stone, Homeless Outreach Specialist

- Fortino Garcia, Sr. Programs Driver
- Laconda Pollard Hall, Sr. Programs Driver
- Mariaisabel Soto, Sr. Programs Driver

Public Works Department

- Michael Amsden, Sr. Water Reclamation Op.	- Tony Sandoval, Water Distribution Op.
- Uriel Carrillo Camarena, Street Maint. Worker I	- Dreyvin Smith, Environmental Tech
- Walter Gonzales, Water Distribution Operator	- Nathan Street, Street Maintenance Worker I
- Lake Powell, Water Reclamation Operator	- Jan Vaughn, Equipment Operator
- Gabriel Sanchez, Equipment Operator	- Tyler Wintjen, Wastewater Collection Op.

3. PROCLAMATION – CODE COMPLIANCE MONTH

City Council presented a Proclamation recognizing the month of October 2023 as Code Compliance Month in Avondale and extend appreciation to Code Compliance Officers for their dedication and service to Avondale. This item was for discussion only.

4. PROCLAMATION – FIRE PREVENTION WEEK

City Council presented a Proclamation recognizing the week of October 8-14, 2023 as Fire Prevention Week in Avondale and extend appreciation to the staff of the Fire and Medical Department for their dedication and service to Avondale. This item was for discussion only.

5. PROCLAMATION – NATIONAL COMMUNITY PLANNING MONTH

City Council presented a Proclamation recognizing the month of October 2023 as Community Planning Month in Avondale and extend appreciation to the staff of the Development Services Department for their dedication and service to Avondale. This item was for discussion only.

6. AVONDALE WINS FOUR AWARDS IN 2023 3CMA SAVVY AWARDS COMPETITION

City Council received a presentation from staff regarding the recent Savvy marketing awards the City received. This item was for discussion only

7. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Special Meeting; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 5:58 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 6:13 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Note: Council Member White attended the meeting by telephone.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Cheryl Covert, Economic Development Services Assistant Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: One member of the public was present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Vice Mayor Pineda, seconded by Council Member Nielson, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the August 21, 2023 City Council meeting minutes.

b. SERIES 10 (BEER AND WINE STORE) LIQUOR LICENSE FOR QUIK FOOD MART
City Council recommended approval to the Arizona Department of Liquor License and Control of a Series 10 (Beer and Wine Store) Liquor License submitted by George Ibrahim for the sale of beer and wine at Quik Food Mart located at 921 West Main Street and authorized the City Clerk to execute the necessary documents.

c. SERIES 6 (BAR) LIQUOR LICENSE - AMBIENTE NIGHTCLUB (OWNER TRANSFER)
City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 6 Bar Liquor License submitted by Juan Jose Bravo Villanueva for the sale of alcohol at Ambiente Nightclub, located at 613 East Western Avenue in Avondale and authorized the City Clerk to execute the necessary documents.

d. RESOLUTION 1062-1023 - INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, ON BEHALF OF THE UNIVERSITY OF ARIZONA AND THE SCHOOL OF ENVIRONMENTAL SCIENCE'S ARIZONA PROJECT WET PROGRAM.

City Council adopted Resolution 1062-1023, approving an Intergovernmental Agreement (IGA) between the Arizona Board of Regents, on behalf of the University of Arizona and its School of Environmental Sciences Arizona Project WET Program and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. SETTLEMENT AGREEMENT AND PAYMENT FOR THE CLAIM OF ROBERTO CARRANZA-VARGAS

City Council approved the settlement agreement with Roberto Carranza-Vargas in the amount of \$55,697.00 to settle his bodily injury claim and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. FINAL PLAT FOR FUZE 623 AND FLATZ 623 – APPLICATION PL-22-0172

City Council consider a request by Hannah Bleam of Whitney Morris, PLC, on behalf of the property owner Z-Modular Avondale, LLC, for approval of a Final Plat located at the northeast corner of Van Buren Street and 119th Avenue (portion of APN 500-01-010B) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed Final Plat divides 69.83 acres of undeveloped land into five (5) lots, and dedicates: right-of-way along 117th Avenue, 119th Avenue, and Corporate Drive; private roadway easements for 118th Avenue, Fillmore Street, and Polk Street; and 8 foot wide public utility easements (PUEs) on 117th Avenue, 119th Avenue, Van Buren Street, and Corporate Drive.

4. REGULAR AGENDA

a. SHORT-TERM RENTALS

City staff provide information and options related to regulating short-term rentals or vacation rentals for the purpose of gathering direction from City Council to draft an Ordinance for future consideration. This item is for discussion and feedback only; no Council action will be taken at this time.

Keith Fallstrom, Finance & Budget Assistant Director, presented an overview of proposed regulation of short-term rentals (STR) in Avondale for the development of an ordinance as allowed for by legislation. The purpose of the presentation is to receive guidance from the Council prior to finalizing the ordinance for STR regulations.

A year ago, the legislature passed a bill that allowed cities to regulate STRs. Currently there is an estimated 445 STRs in Avondale using data provided by AirDNA™. Regulation is primarily conducted through a licensing requirement inclusive of statutory options such as notification of neighbors, owner/operator must include license number on advertisements, maintaining liability insurance, performing background checks on applicants and guests, and penalty options for violations and a licensing fee.

a. Notification of Neighbors

The statutory option allows cities to require the owner/operator to provide a one-time notification to all single-family residential properties adjacent to and directly and diagonally across from the STR property. The City, along with most cities, is recommending a written notification of the STR that includes the owner/operators contact information, emergency contact information, and their license number. This informs neighbors of their surroundings and the ability to report any issues. This will create more work for the owner/operator who must provide attestation of such notification.

In response to a question by Vice Mayor Pineda, Mr. Fallstrom stated they are not requiring permission from neighbors but simply requiring a notification to be provided to neighbors which would include emergency contact information and license information.

In response to a question by Mayor Weise, Mr. Fallstrom clarified there are a variety of options of how they can communicate the notification to the neighbors. This requirement would be for existing and new STRs.

In response to a question by Council Member Malone, Mr. Fallstrom stated Avondale currently has around 445 STRs. Currently, there is no mechanism for notifying prospective homeowners of STRs within the neighborhood, but this is something that can be investigated.

In response to a question by Council Member Nielson, Mr. Fallstrom stated the definition of STR is any rental that is less than 30 days. Ron Corbin, City Manager, clarified state law only requires a one-time initial notification that is required as part of the licensing process and will not be for each time the STR is rented. The City will have no role in the notification process other than ensuring compliance is noted on the application. Once developed the ordinance will be brought before the Council for discussion and approval.

Mayor Weise noted further discussions can be had at the Arizona League of Cities and Towns regarding what other cities and towns are doing.

In response to a question by Council Member Solorio, Mr. Corbin clarified the notification would be a one-time requirement.

In response to a question by Council Member Conde suggested sharing a link with the public that provides the number of STRs in Avondale. Mr. Corbin stated staff are seeking feedback on the Ordinance and will obtain City Council guidance on implementation later in the future. He noted a link can be added to the website; however, Avondale will not be responsible for ensuring accuracy of the data.

b. Inclusion of License Number on Advertisements

This would allow the City to quickly see that the STR is licensed, which cities across the board require. The owner/operator would be responsible for updating all advertisements with the license number.

c. Liability Insurance

The statute allows the City to require up to \$500,000 in liability insurance, which is what most cities require. If the owner/operator is advertising through Airbnb or VRBO it comes with a \$1 million policy.

In response to Mayor Weise's question, Mr. Fallstrom explained the application requires the applicant to verify they understand the provisions and are following them. Should they not comply, the City can suspend their license for up to 12 months. Mr. Corbin stated there will be a later discussion related to violations.

d. Background Checks for the Applicant (owner/operator)

The statute provides for the City to deny a license if the owner/operator is a registered sex offender or has been convicted of certain felonies. An attestation is required of the applicant that they have complied with this. Should the applicant not be forthcoming the City can suspend their license for up to 12 months.

In response to questions from the Mayor and Council Members, Mr. Corbin clarified background checks are conducted using the internet as it is not a proper use of the police department's system to conduct such background checks. The attestation is required, as it would be a significant burden on City staff to conduct such background checks within seven days.

Council Member Solorio shared her professional experience with background checks and supports the attestation requirement, instead of the background check which could take weeks.

In response to a question by Council Member White, Mr. Fallstrom explained the statute allows for the City to deny the license. Mr. Corbin clarified the State would not be involved in the licensing process.

e. Background Checks for Guests

There will be a requirement for the owner/operator to conduct sex offender background checks on guests. The exemption would be if the owner/operator is using Airbnb, VRBO, etc. they will conduct the background check for them.

Mayor Weise was in support to the recommendation.

In response to Council Member White's concern, Mayor Weise stated hotels are not part of this requirement, but things can be figured out going forward.

f. Penalty Amounts

The statutory limit on violations is:

- i. First violation is \$500, or one night's rent, whichever is greater;
- ii. Second violation is \$1,000, or two night's rent, whichever is greater;
- iii. Third violation is \$3,500, or three night's rent, whichever is greater.
- iv. The City's recommendation is to mirror the statutory limits.

g. License Fee Amount

The statute states the fee cannot exceed the actual cost of issuing the license or \$250, whichever is less. The City recommends assessing a \$250 fee for the initial license and renewal, which mirrors other cities. This would require the City's fee schedule to be updated to reflect this change.

In response to Council Member Nielson's question, Mr. Fallstrom stated accounting would set up a code to keep track of the revenue received and the revenue would go into the general fund.

The timeline for the implementation was reviewed.

Mayor Weise expressed concern with protecting public health and safety, including rules and regulations related to fire and building codes, specifically pool barrier regulations that are imposed on single-family and multi-family residences and how they would be enforced when an owner/operator decides to turn their property into a STR. The City should be proactive in as many aspects of this ordinance. Mr. Corbin explained STRs would be monitored under the normal building code, as they must be treated like any other property with limited requirements as outlined in the statute. He stated City staff would discuss this matter offline and put it on City Council's regular agenda for a future meeting.

In response to Mayor Weise's concern, Council Member Malone noted the \$500,000 liability insurance would cover accidents within STRs.

In response to a question by Council Member White, Mr. Fallstrom stated the seven-day turnaround for issuing an STR license is part of the state statute. The applicant would be required to attest that they are not a registered sex offender or convicted of certain felonies. The statute states the City "may" deny an application to which the applicant can appeal. Brandon Cartwright, City Attorney, stated an application can be denied if the applicant has been convicted of a felony that resulted in death or serious physical injury

or use of a deadly weapon within the last five years. The background check for guests are more general.

Memo Espinoza, Police Chief, stated between October 1, 2022 and October 1, 2023 they had six criminal calls for service associated with STRs; one was an assault and the other five were for loud music. All five complied with the request to turn the music down. STR licensing will allow the owner/operator to be contacted with any issues that arise.

In response to a question by Council Member Solorio, Mr. Fallstrom stated the statute does not include any ADA requirements, because the City must be consistent with zoning and other requirements for the type of residence.

5. SUMMARY OF CURRENT EVENTS FROM THE MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

Mayor Weise stated today is his 30th wedding anniversary, noting he and his wife Shari have a special relationship where she has been by his side and serves as his sounding board during the years of service on City Council and as Mayor.

Mayor Weise stated there were a lot of good events offered by the Parks and Recreation Department including the well-attended event at Alamar.

Mayor Weise stated NASCAR events will be coming to Avondale next month, which is an exciting and busy time, but shows Avondale can be on the world stage with the best of them.

6. ADJOURNMENT

There being no further business before the Council, Council Member Malone moved to adjourn the Regular Meeting; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 6:59 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 9th day of October 2023. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

Date Approved by City Council

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
October 16, 2023

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:33 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Abril Ruiz-Ortega, Court Administrator; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: No members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. INTEGRITY LINE

City Council received a presentation from the City Attorney regarding the operation of the Integrity Line. This item was for presentation and discussion only.

Nicholle Harris, City Attorney, presented a background of the Integrity line, which was created at the direction of the City Council in May of 2022. It was established and incorporated into the personnel policies to provide employees with a method for reporting areas of concern like non-compliance, fraud, waste, abuse, or illegal activity. The line is managed by a third-party vendor as it was a priority of City Council to have the reports taken by someone outside of the City, so employees feel comfortable reporting. Reports are accepted 24 hours a day and 365 days a year.

The Integrity Line is only for employee use and not available to the public. Reports can be made anonymously to the Integrity Line telephonically using the 1-800 number or online. Ms. Harris provided examples of tips made through The Integrity Line in surrounding cities. Situations related to 911 emergencies, security, or any personnel related matters such as interpersonal disputes, and interdepartmental conflicts should

follow normal protocols. Complaints of discrimination, harassment, and retaliation should be reported to HR.

Upon making a report to the Integrity Line an email is automatically generated to the review panel for review. The review panel, which consists of the City Attorney and City Auditor determines based on the information provided if a violation exists. If action is required, the information is sent to the appropriate department for further investigation.

Statistical information related to Integrity Line shows the first report for the City of Avondale was received in July 2022. A total of 13 reports were made during FY 23, all of them were employee personnel-related matters and handled by HR. The first report for FY 24 was received two weeks ago and was also an employee personnel-related matter.

Proposed changes to the Integrity Line

- Adding the City Manager to the review panel
- Moving Integrity Line to be under the City Auditor, instead of the City Attorney along with the \$10,000 budget. Only \$1,700 has been expended from the budget for answering services.
- Amending language in the policy to City Auditor instead of City Internal Auditor

In response to a question by Mayor Weise, Barbara Copping, City Auditor, stated it is common for personnel issues to be reported through an Integrity Line.

In response to a question by Council Member Malone, Ms. Harris stated extensive marketing materials for the Integrity Line were distributed to City departments upon implementation; however, a QR code was not included. Council Member Malone recommended staff use a QR code to provide for easy access to the website address. Ron Corbin, City Manager, stated employees from various City departments have utilized Integrity Line, showing the information is readily available. A QR code can be added the next time materials are printed.

In response to a recommendation by Council Member Solorio, Mr. Corbin stated information will be included in the new employee orientation program and mentioned during quarterly staff meetings.

In response to a question by Council Member Conde, Ms. Copping stated at this time, the City Auditor's department will be able to handle the Integrity Line reports as a majority of the requests are personnel related. If an extensive investigation is required, she would work with the Audit Committee to reschedule audits and/ or ask for assistance from another City department to allow focus on the Integrity Line investigation.

In response to a question by Council Member White, Ms. Harris clarified the majority of the requests were submitted through the website. Mr. Corbin stated current trends show employees would go to HR directly to report violations. Council Member White stated the

integrity line seems valuable for HR related complaints for those who are not comfortable going to the Human Resource department. Mr. Corbin explained the last two complaints filed were what the City is looking for as they provided detailed information and cooperation to justify an investigation. Ms. Harris noted other cities have three or four members on their review panel.

Mayor Weise concurred with the proposed changes and stated he finds Integrity Line a valuable resource for employees.

Mr. Corbin stated this will come before the Council as part of the Consent Agenda at the first meeting in November.

3. POLICE TAKE-HOME VEHICLE PROGRAM

City Council received information regarding a police take-home vehicle program. This item was for discussion only.

Memo Espinoza, Police Chief, provided the background of the take-home vehicle program for sworn officers. He reviewed the benefits of a take-home vehicle program:

- Recruitment and Retention – It has been difficult to fill Police Department vacancies, which is not exclusive to Avondale. Many agencies have created incentives such as the take-home vehicle program. Five of the nine West Valley agencies have either implemented this program or are looking into it. Based on recently conducted research and surveys, it was determined 93% of the current staff stated they would take advantage of the program. This would provide would equate to a 5-7% pay increase depending on where the officer resides.
- Crime Deterrence – Studies show an increase in police presence discourages criminal activity; a tactic that has been used for decades by the Avondale Police Department. The nine West Valley agencies are fighting crime from a regional perspective using task force, advocacy centers, and the academy. Officers from other agencies that participate in a take-home vehicle program reside in Avondale and allowing an officer to take an Avondale vehicle into another city would be considered a deterrence trade-off.
- Damage Accountability – The reality is damage is going to occur to a police vehicle. With only one individual driving, accountability will rest on that sole driver and it can be properly addressed.
- Improved Maintenance and Appearance – Studies show when a vehicle is issued to a single employee, they take better care of it, as witnessed by the vehicles that are currently taken home.

- Extended Life of the Vehicle – Currently, vehicles are driven by multiple individuals for approximately 100-150 hours per week. With one driver the vehicles would only be driven for approximately 50 hours per week.
- Faster Response Time – Currently, officers who are not assigned a take-home vehicle must respond to a crime scene or provide coverage in their personal vehicle or go to the station and hope there is a vehicle available for use. If they had their own vehicle they could respond faster as the need to obtain a vehicle from the station would be eliminated.

The only drawback to the take-home program is the associated costs. Presently, the fleet has 86 marked units and 36 unmarked units. The take-home program would require an additional 37 marked units and 7 unmarked units. If the program is approved, vehicles would be ordered now for delivery in FY 25.

There is a current take home policy in effect for those units that qualify. Anyone who lives more than 20 miles outside of the City boundaries does not qualify. Eight officers would not qualify for a take-home vehicle.

Harold Siguenza, Assistant Director of Public Works, presented the budget impact of a take-home vehicle program, as the police services division is within Public Works. There are unknowns regarding the take-home vehicle program and the estimated costs are based on an average of costs associated with the current fleet.

Ongoing Operating Cost

- \$205,400 is the one year estimated costs for additional maintenance and repairs, including one additional mechanic at the fleet shop. Presently, the fleet shop does not have room for a seventh technician. Alternative options such as outsourcing would need to be considered. However, this could create an increase in downtime.
- \$211,200 is the one year estimated additional fuel cost

Capital Cost

- \$2,946,000 is the estimated cost for purchasing 37 marked vehicles and 7 unmarked vehicles. The last fully outfitted marked vehicle purchased was \$73,000, while the unmarked vehicle cost \$35,000.
- \$550,000 is the estimated budget amount for additional funding for annual replacement costs and would be built up over time.

In response to a question by Council Member Malone, Mr. Siguenza stated the department work with the Finance and Budget Department to determine additional ongoing capital costs.

Mr. Siguenza continued through the status of the fleet shop.

In response to a question by Council Member White, the fleet shop is in operation Monday through Thursday from 5:00 am to 3:30 pm. A second shift could be added, but it would require a supervisor, parts specialist, and technician.

Other considerations:

- Supply Chain – With the slowdown in vehicle production it will take a while to phase in the purchase of these additional vehicles.
- Insurance – Any vehicle under \$100,000 is covered under the City's self-insured policy and there is no anticipated increase in premium costs. However, there are some unknown risks with the take-home program.

Mr. Corbin noted the vehicles will be purchased over three years, which will allow both the size and staffing at the fleet shop to grow and to explore alternative options for providing service to the fleet.

In response to questions from Council Member Malone, Mr. Siguenza clarified that the \$211,000 in added fuel cost is an estimate for the new vehicles only. Chief Espinoza stated the take-home program has been a topic of discussion within the police department for many years and has come to the forefront as a possible incentive for retention and recruitment like other West Valley agencies. Officers assigned to Litchfield Park would not qualify for this program but would have the option to transfer to a station that does. Mr. Corbin stated he started the conversations on the take-home program. The program would not compete with salaries but could compete with one-time benefit costs. In fact, a 5% salary increase is already calculated in the future projections. The effect this program will have on recruitment/retention and deterring crime is significant for the City. An explanation of budget projections over the next three to four years was discussed.

In response to a question by Council Member Malone, Chief Espinoza explained the current process for when an officer is starting a shift and their vehicle is occupied.

In response to Council Member Conde's question, Chief Espinoza stated the small percentage of officers not interested in the program was related to officer preference.

Council Member Solorio stated she supports the program. In response to Council Member Solorio's question, Mayor Weise explained the City previously had other priorities such as capital infrastructure and parks, and the program was overall cost prohibitive. With a change in leadership, direction, and priorities, it has become a priority now. Mr. Corbin stated the City has sufficient one-time funds available to support this program without taking from other priorities.

In response to questions from Council Member White, Chief Espinoza clarified the current take-home vehicle policy applies to 30-35 vehicles and explained the difference in appearance and uses for marked and unmarked cars. Upon explanation of the 20-mile radius policy, Mr. Corbin stated amending the policy to a 25-mile radius would be looked at internally.

In response to Council Member Nielson's questions, Chief Espinoza explained when a shift begins based on current policy, which is either upon entering city limits or clocking in at the station using ADP. Based on historical data and a void in personnel, five spare vehicles are sufficient. Presently, when a new officer position is requested, it includes one half of a vehicle.

Vice Mayor Pineda opinioned that City Council should support the interest in this program as it will aid in the retention of current officers, especially understanding finances are available to support it. One concern is the unknown liability between an officer's home and work. Mr. Corbin clarified funding of the program and upcoming budget challenges.

Mayor Weise expressed concern with recurring costs, not only for the take-home vehicle program, but planned infrastructure, such as the aquatic center and Alamar Fire Station.

Mayor Weise stated the Council is in favor of the program and asks for updates as it progresses.

The meeting recessed at 6:46 pm and reconvened at 6:56 pm.

4. CITY COUNCIL CODE OF CONDUCT

City Council received a presentation regarding revisions to the adopted City Council Code of Conduct. This item was for presentation and discussion only.

Torin Sadow, Senior Management Analyst, presented a history of the City Council Code of Conduct. The Avondale City Council Code of Conduct was first adopted in January 2021. The document was prepared by the City Manager's Office and approved as a Consent Agenda Item at the January 19, 2021, City Council Meeting. As part of this year's 2023 City Council Work Session, the Council requested that staff revisit the City Council Code of Conduct. The revised Code of Conduct represents a research and review collaboration between the City Manager's and City Attorney's Offices to ensure that the document best fits the needs of Council and the community.

The existing Code of Conduct was organized into five sections.

1. General Duty of Council Members. This includes key requirements for Council members, such as compliance with legal requirements, policies, procedures, conduct of Council members, and decision-making guidance.

Mayor Weise recommended a change with the verbiage "Public Meetings" to encompass public gatherings. He also recommended making changes to the Code of Conduct to ensure the City Council Members act ethically outside of their official duties. The conduct of members' expectations must be clear for current and future Council Members.

Mr. Corbin clarified the intent was to limit the code of conduct to City Council meetings and public official duties as the Avondale City Council do not have the authority to remove a member of City Council from office.

Council Member Malone disagreed with Mayor Weise's recommended changes and supported the changes presented by Mr. Sadow.

Council Member White commented on the need to be mindful of and compliant with State and Federal requirements. Ms. Harris clarified the Council is self-governing and must enforce compliance among each other. A second recommendation is to reference professional conduct standards in the Arizona Revised Statutes. Mr. Corbin clarified the general statement states they will comply with the Arizona Statutes and laws.

Council Member Nielson spoke about the importance of creating a document that will last years from now.

Ms. Harris clarified the Code of Conduct encompasses all State, Federal, and local laws. The Code of Conduct is self-governing, and the City Council must enforce the document upon themselves.

Council Member Solorio presented the point of City Council being required to take an Oath of Office.

Mr. Corbin explained any specific language related to the conduct of members must be recommended and approved by all Council members.

Mayor Weise requested more specific language; however, there was a general consensus of the City Council to keep the presented language.

2. Council Member Conduct with City Staff. This section outlines Council Member roles as policy makers in addition to Council Member impact on attaining the City of Avondale's positive work environment for employees, citizens, and businesses that work with the City.

In response to Council Member Nielson's comments, Mr. Sadow clarified that the handbook is being revised and will come before the Council at a future date.

3. Council Member Conduct with the Public. This section addresses the way in which Council Members interact with members of the public on behalf of their constituents and their role as advocates of the Avondale community.
4. Council Member Conduct with each other. This section provides guidance regarding Council Members' interactions with one another, respect for City Council rules of

procedure, respect for one another, and the information each Council Member may be privy to. In addition to compliance with and enforcement of this code of conduct.

In response to Council Member Nielson's comment, Mr. Corbin clarified any pertinent information provided to a Council Member by a member of the community must ethically be shared with all Council Members. Possible rewording will be reviewed.

In response to Council Member White's comments, Mr. Corbin explained the Arizona State Statute that is referenced is also a criminal offense to influence election outcomes. Ms. Harris stated it was included for reference purposes but can be removed and made more general.

Council Member White raised a concern related to the compliance and enforcement of fellow council members. Specifically, with a majority and supermajority votes, sanctions, removal from the position, and censure can be imposed. Mr. Corbin stated the Council appoints fellow members and there is a biannual renewal process. The Council has the authority both to appoint and to remove. This section links that authority to the Code of Conduct. This is a tool for the Council to regulate each other publicly and to make a statement.

Council Member Malone provided background on why B and C were initially added to the Code of Conduct.

A discussion ensued among the Council Members that concluded with a direction to remove compliance and enforcement subsections B and C.

5. Definitions

Mr. Corbin stated with the recommended changes and clarifications this part of the presentation is not necessary. The Code of Conduct will be brought before the Council as an agenda item at a regular meeting in December.

Ms. Harris stated the current version of the Code of Conduct was adopted in 2021.

5. NON-DISCRIMINATION ORDINANCE

City Council received a presentation on research requested by City Councilmembers regarding the possible creation of an Avondale Non-Discrimination Ordinance (NDO). This item was for presentation and discussion only.

Torin Sadow, Senior Management Analyst, provided an overview of research and feedback from comparable Valley communities about their experiences in adopting and enacting non-discrimination / anti-discrimination ordinances. At the conclusion of the presentation the Council is asked to provide feedback and guidance regarding establishing such ordinances in Avondale.

Adopted criteria include the community must have an established non / anti-discrimination ordinance and the community must be within the Phoenix Metropolitan Region. Research conducted included paths taken to establish and enact the ordinance, experiences since adoption, obstacles, and recommendations. The outcome of this research includes

- The importance of using recommended terminology.
- The purpose of the ordinance is to create a space for residents to submit their discrimination complaints to the city and have them addressed.
- Obstacles include policies being leveraged by individuals to lodge inaccurate complaints due to personal strife.
- The burden of proof is difficult to obtain as complaints are often made by an individual to an individual.
- Key ordinance provisions. Note not all provisions are included in a city's ordinance and each city has a different selection of provisions
 - Fair Housing, Public Policy, Private Sector Employment, Public Accommodations, Public Sector Employment, Protective Hairstyles (Crown Act)
 - Each ordinance includes a list of unlawful practices that include prohibiting the practices of discriminating against a person, including restricting or refusing access based on discriminating criteria as set by the law.
 - Some included a provision for internal employees to utilize the complaint process.
 - Inclusion of language regarding jurisdiction of the complaint and the right to transfer the jurisdiction to the correct authority, such as the Equal Employment Opportunity Commission and the Department of Justice.

Research related to caseload determined Phoenix to be the outlier with an average of 255 complaints received annually. Complaints, including those from sworn public safety personnel, are processed internally through the Equal Employment Opportunity Department, which partners with outside entities as needed. In contrast, Scottsdale and Tempe had seven or less complaints and Glendale, Mesa, and Tolleson have not had any complaints since inception.

Mr. Sadow provided an overview of details related to the structure of the ordinance within the comparable cities, inclusive of the complaint filing, review, and decision-making process and penalties.

In response to a question by Mayor Wiese, Mr. Corbin stated the proposal is for anyone doing business or having a connection in the City of Avondale.

Mr. Sadow explained the Crown Act applies to protective hairstyles and prohibits an individual from being discriminated against based on the hairstyle(s) they maintain. Ms. Harris explained the Crown Act only applies to state agencies.

Mayor Weise commented that discrimination on all levels is bad and the public will decide whether to support a business based on their values and morals. Putting a member of

leadership in a predicament of adjudicating what is right and wrong without proper skills or training should not be done.

Vice Mayor Pineda was not in favor of a Non-Discrimination Ordinance as he does not believe the City should be filling the gaps between State and Federal laws. He concurred with Mayor Weise on not wanting to put a member of the City leadership in such a predicament.

Council Member Solorio provided support for developing the ordinance, noting it puts the City ahead of the times and provides a point of pride because they accept everyone and have a diverse community.

Council Member Malone stated she can see both sides and understands it is a point of pride due to the diversity of the community. It shows that the City is accepting of all. She noted other communities that have adopted such an Ordinance and it tells the community they are welcome.

Council Member Conde states she also sees both sides and believes people already see a point of pride with Avondale due to the diversity of the City Council and the businesses. She believes it opens other areas of concern since the City has never received a prior complaint.

Council Member Nielson recommended pushing the issue back onto the businesses.

Council Member White provided statistical information from Census.gov and the Government Accountability Office related to minorities within Avondale, noting the data shows racism is a problem and the main driver for terrorism. She noted adopting an Ordinance now will help address future issues as 10% of the population is black, according to Census.gov. She aimed to the point that people are asking the right questions, so it is time to address them.

Mr. Corbin refocused the Council to obtain direction on the next steps going forward.

- City Council support bringing an Ordinance forward for an official vote.
- Staff's preference is to have complaints filed online through.
- City Council agreed a new full-time employee with Diversity, Equity, and Inclusion experience should be created to handle the complaints. Mr. Corbin stated the Human Resource Department cannot handle the additional workload at this time.
- It was the majority of City Council to not obtain public outreach on the creation such Ordinance; however, public outreach will be done after the Ordinance is created.
- The Council does not want penalties and prefers education. Ms. Harris explained all ordinances have penalties associated with them, but they can be tailored.
- City Council would like another Work Session on this issue.

Mayor Weise reminded the Council whether they agree or disagree, in the end they need to come together on this issue.

6. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Work Session meeting; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 8:30 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 16th day of October 2023. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

Date Approved by City Council

ITEM NUMBER: 3.b.

SUBJECT: Appointment to the Public Safety Personnel Retirement System Fire Board

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other.

PURPOSE:

City Council will consider a request to appoint Westley Tank, Firefighter, to the Public Safety Personnel Retirement System Fire Board for a term to begin on January 1, 2024 through December 31, 2027 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Pursuant to A.R.S. §38-893, each city or town participating in the public safety retirement systems must establish a five (5) person Local Board, of which two are employees elected by secret ballot by members employed by the appropriate employer. The local board elections are conducted in accordance with Administrative Policy 65 - Public Safety Board Elections for Employees. Elected member terms are staggered and elections are held in odd-numbered years.

A vacancy will occur in January 2024 on the Public Safety Personnel Retirement System Fire Board due to the expiring term of current member, Westley Tank, Firefighter. Mr. Tank was recently elected by his peers in May 2023 to fill a partial term.

On October 2, 2023, a Notice of Election was sent to all eligible employees and physically posted at all Fire Stations. The City Clerk's Office received 1 Notice of Interest.

DISCUSSION:

Pursuant to the City of Avondale's Administrative Policy 65 - Public Safety Board Elections for Employees, in the event only 1 candidate is on the ballot, the election is deemed cancelled and the appointment of the interested candidate will be presented to City Council for approval.

As of the filing due date of November 1, 2023, Westley Tank was the only candidate for the position; therefore,

Mr. Tank shall be appointed for an additional term.

BUDGET IMPACT:

There is no fiscal impact related to this agenda item.

RECOMMENDATION:

Staff recommends City Council appoint Westley Tank, Firefighter, to the Public Safety Personnel Retirement System Fire Board for a term to begin on January 1, 2024 through December 31, 2027 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: n/a

CERTIFICATE OF APPOINTMENT

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF AVONDALE

SS

I, Marcella Carrillo, City Clerk of the City of Avondale, County of Maricopa, State of Arizona, do hereby certify that,

Westley Tank

was duly appointed to the office of Board Member of the Public Safety Personnel Retirement System Fire Board for the City of Avondale, County of Maricopa, State of Arizona as approved by the Avondale City Council on November 20, 2023.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Avondale this 20th day of November 2023.

Marcella Carrillo, City Clerk

ITEM NUMBER: 3.c.

SUBJECT: Appointments to Boards and Commissions

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item will allow residents to serve Avondale as an appointed board member, increasing community engagement.

PURPOSE:

City Council will consider a request to approve various appointments to the City's Boards and Commissions as recommended by the City Council Subcommittee on Boards and Commissions and as listed in the staff report and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The City Council Subcommittee on Boards, Commissions, and Committees (Subcommittee) makes recommendations for membership based on term expiration, vacancies from resignations, or changes to member eligibility status. The Subcommittee met on November 6, 2023 and made appointment recommendations. As required in the City Council Rules of Procedures, all candidates have been notified of the recommendations.

DISCUSSION:

The Subcommittee recommended the following:

AUDIT COMMITTEE

- Council Member Gloria Solorio as a Regular Member with a full term to expire on 12/31/2026
- Aaron Cook as a Regular Member with a partial term to expire on 12/31/2024

BOARD OF ADJUSTMENT

- LaChrisha Dourisseau as a Regular Member for a full term to expire on 12/31/2026
- Kenneth Shoaff as a Regular Member for a full term to expire on 12/31/2026

MUNICIPAL ART COMMITTEE

- Janice Graham as a Regular Member for a full term to expire on 12/31/2026
- Jayaker Nagamalla moved from an Alternate Member to a Regular Member for a full term to expire on 12/31/2026
- Margarita Barron as an Alternate Member for a full term to expire on 12/31/2026

NEIGHBORHOOD AND FAMILY SERVICES COMMISSION

- Dawn Gerundo as a Regular Member for a full term to expire on 12/31/2026
- Jerome Brownlee Jr as a Regular Member for a full term to expire on 12/31/2026
- Pearlette Ramos moved from an Alternate Member to a Regular Member for a full term to expire on 12/31/2026
- Lindsay Kothe as an Alternate Member for a partial term to expire on 12/31/2025

PARKS AND RECREATION ADVISORY BOARD

- LaChrisha Dourisseau as a Regular Member for a full term to expire on 12/31/2026
- Vannessa Cornejo moved from an Alternate Member to a Regular Member for a full term to expire on 12/31/2026
- Amy Soucinek as an Alternate Member for a partial term to expire on 12/31/2025

PLANNING COMMISSION

- Alan Agundez Castillo as a Regular Member for a full term to expire on 12/31/2026
- Alisha Meginnis as a Regular Member for a full term to expire on 12/31/2026
- Julia Arnette moved from an Alternate Member to a Regular Member for a full term to expire on 12/31/2026

RISK MANAGEMENT AND WORKERS' COMPENSATION BOARDS

- Angela Medina as a Regular Member for a full term to expire on 12/31/2026
- Julia Arnette as a Regular Member for a full term to expire on 12/31/2026
- Hector Arellano as a Regular Member for a full term to expire on 12/31/2026

SUSTAINABILITY COMMISSION

- Daniel Schuh as a Regular Member for a full term to expire on 12/31/2026
- Mina Dao as a Regular Member for a full term to expire on 12/31/2026

VOLUNTEER FIRE FIGHTER PENSION BOARD

- Kenneth Shoaff as a Regular Member for a full term to expire on 12/31/2027

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff is recommending that the Council approve the subcommittee's recommendations for the appointment of members of the city's boards, commissions, and committees.

Contact person for document distribution: n/a

ITEM NUMBER: 3.d.

SUBJECT: Resolution 1074-1123 - Intergovernmental Agreement with the Arizona Department of Revenue to administer and collect local excise taxes

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Department Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

Innovative Program and Service Delivery

Avondale will continue to serve as a model of innovative, efficient, and responsive government.

PURPOSE:

City Council will consider a request to adopt Resolution 1074-1123, approving an Intergovernmental Agreement (IGA) with the Arizona Department of Revenue regarding the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities or towns and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Arizona Department of Revenue (ADOR) administers and collects transaction privilege and use taxes imposed by the city. A.R.S. § 42-6001 requires ADOR enter into an intergovernmental agreement (IGA) with each city. The IGA was recently renegotiated and needs approval.

DISCUSSION:

This intergovernmental agreement (the 2023 IGA) was negotiated with the Department of Revenue (DOR) and Attorney General's office by the City Tax Administrators Council (CTAC) Rulings Group, which includes the League of Arizona Cities and Towns, and with the assistance of several city attorneys and a multitude of tax and IT experts from many municipalities.

Local Transaction Privilege Tax (TPT) administration is governed by A.R.S. § 42-6001. This statute requires the Arizona Department of Revenue (DOR) to administer the transaction privilege and use taxes imposed by all cities and towns and to enter into an intergovernmental agreement (IGA) with each city and town to clearly define the working relationship between the DOR and Arizona cities and towns.

This IGA establishes the framework for collaboration between the Department and the cities and towns for every aspect of TPT administration. It provides the principles, requirements, and responsibilities of both the City/Town and the Department, and it defines the many specific operational processes related to tax collection,

the protection of taxpayer confidentiality, and information security.

The 2023 IGA replaces the 2019 IGA and represents a complete rewrite of the prior Agreement. Great emphasis was placed on improving the thoroughness and consistency of the Agreement as well as minimizing the need to look through multiple sections to answer a single question or resolve a specific issue.

This is a high-level summary of the most notable changes compared to the 2019 IGA:

- The new IGA adds or clarifies the definitions of various terms including City Services, Collection, Development Fees, Options Chart, Primary Point of Contact (PPOC), Profile, Independent Contractor, State Tax, Tax Information, Authorized Access Lists, and Qualified Recipients of Information, and all defined terms are now capitalized throughout the Agreement for easy recognition.
- Taxpayer confidentiality measures have been significantly strengthened, placing additional emphasis on the protection of Tax Information provided under Arizona statutes, and refining the details surrounding authorized access, disclosure restrictions, and remedies for improper disclosure such as the possible suspension of Tax Information sharing.
- New procedures have been established for both the cities and the Department to regularly maintain the Authorized Access Lists that control who can see detailed taxpayer information, including clarifying confidentiality training requirements and adding that all responsibilities and restrictions apply to Independent Contractors in the same manner as they apply to regular employees.
- The new IGA addresses the developing scope of city assistance offered to the Department with the addition of delinquent tax collection activities and new collections reports along with new language that covers cities assisting with reviews of selected refund claims. In addition to the services that have long been provided by city and town auditors, these new areas expand the ways that we can partner with the Department, leveraging our personnel to help the DOR achieve more efficient operations.
- The 2023 IGA also provides new or improved coverage for several miscellaneous topics including the City/Town's responsibility for reviewing its City Profile and the Model City Tax Code website; workers' compensation issues when sharing office space with other jurisdictions; the expiration, termination, or amendment of the Agreement; and the disclosure of aggregated financial information.
- Finally, this version rewrote much of Appendix A regarding the handling and protection of confidential taxpayer information. Changes were made relative to identifying retention requirements and authorized disposal methods, critical information security protocols, and various software system requirements that cities and towns must follow to protect any confidential taxpayer data stored on their computer systems.

BUDGET IMPACT:

This agreement will not result in any budgetary impact to the City.

RECOMMENDATION:

Staff recommends City Council adopt a resolution approving an Intergovernmental Agreement (IGA) between the City of Avondale and the Arizona Department of Revenue regarding the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities or towns and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution:

RESOLUTION NO. 1074-1123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AVONDALE AND THE STATE OF ARIZONA, DEPARTMENT OF REVENUE FOR THE ADMINISTRATION, COLLECTION, AUDIT, AND LICENSING OF TRANSACTION PRIVILEGE TAXES, USE TAXES, SEVERANCE TAXES, JET FUEL EXCISE AND USE TAXES AND RENTAL OCCUPANCY TAXES IMPOSED BY THE STATE OR THE CITY.

WHEREAS, Title 11, Chapter 7, Article 3 (ARIZ. REV. STAT. § 11-952) authorizes two or more public agencies to enter into intergovernmental agreements to contract for services if authorized by their legislative or governing bodies; and

WHEREAS, ARIZ. REV. STAT. § 42-6001 et seq. was amended effective January 1, 2015 to provide that the Arizona Department of Revenue (“ADOR”), shall enter into an intergovernmental contract or agreement pursuant to ARIZ. REV. STAT. § 11-952 to provide a uniform method of administration, collection, audit and licensing of transaction privilege and affiliated excise taxes imposed by the State, cities or towns; and

WHEREAS, representatives of ADOR and representatives of Arizona cities and towns, with support from the League of Arizona Cities and Towns, have negotiated the terms of a new intergovernmental agreement to take effect as described within that document, which can be adopted individually by each Arizona city and town, and is the subject of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

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

SECTION 2. The City Council hereby (i) approves the Intergovernmental Agreement between the City of Avondale and the State of Arizona Department of Revenue for the administration, collection, audit and licensing of transaction privilege taxes, use taxes, severance taxes, jet fuel excise and use taxes and rental occupancy taxes imposed by the State, cities or towns (the “Agreement”) substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or

desirable instruments in connection with the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, November 20, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1074-1123

[Agreement]

See following pages.

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE ARIZONA DEPARTMENT OF REVENUE AND
THE CITY/TOWN OF Avondale**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is entered into this 20th day of November, 2023, by and between the Arizona Department of Revenue ("Department") and the City/Town of Avondale, an Arizona municipal corporation ("City/Town"). This Agreement shall supersede and replace all previous intergovernmental agreements, including amendments thereto, entered into by the Department and City/Town regarding the administration, collection, audit, and/or licensing of transaction privilege tax, use tax, severance tax, jet fuel excise and use taxes, and rental occupancy taxes (collectively referred to as "Taxes") imposed by the State, City/Town, and other Arizona municipalities.

RECITALS

WHEREAS, A.R.S. Title 11, Chapter 7, Article 3 (A.R.S. § 11-952 *et seq.*) authorizes two (2) or more public agencies to enter into intergovernmental agreements to contract for services, if authorized by their legislative or governing bodies.

WHEREAS, A.R.S. § 42-6001 *et seq.* was amended effective January 1, 2015 to provide that the Department shall collect and administer any transaction privilege and affiliated excise taxes imposed by any Arizona municipality and that the Department and each municipality shall enter into an intergovernmental contract or agreement pursuant to A.R.S. § 11-952 to provide a uniform method of administration, collection, audit, and licensing of transaction privilege and affiliated excise taxes imposed by the State and Arizona municipalities.

WHEREAS, City/Town has taken appropriate action by ordinance, resolution, or otherwise, pursuant to the laws applicable to the governing body of City/Town, to approve and authorize City/Town to enter into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the Department and City/Town enter into this Agreement as follows:

1. Definitions

1.1 **A.R.S.** means the Arizona Revised Statutes.

1.2 **Adoption of an Ordinance** means final approval by majority vote of the City/Town council.

- 1.3 **Ambassador Program** means the Department's provided structure and support of curriculum related to tax administration and compliance education.
- 1.4 **Arizona Management System** means the State's professional, results-driven management system that focuses on customer value and vital mission outcomes for citizens. The system is based on principles of Lean, a proven people-centered approach that has delivered effective results in both public and private sectors. Lean focuses on customer value, continuous improvement and engaged employees to improve productivity, quality, and service.
- 1.5 **Audit** means an examination and verification of accounts and records to determine taxpayer compliance with A.R.S. Title 42 and the Model City Tax Code, or any other assessment issued pursuant to A.R.S. § 42-1108.
- 1.6 **City Services** means the Department's team or successor unit thereof that assists Arizona municipalities with administrative functions and all other activities related to transaction privilege tax licensing, collection, and compliance of any kind. In this Agreement, all references to electronic communications with City Services shall be directed to the team's address at citiesunit@azdor.gov.
- 1.7 **Closing Agreement** means an agreement to settle a tax liability pursuant to A.R.S. § 42-1113.
- 1.8 **Collection** means activities to collect established liabilities for transaction privilege taxes, fees, and related penalties and interest that are due and owing.
- 1.9 **Confidentiality Standards** means the standards set forth in A.R.S. § 42-2001 *et seq.*, Model City Tax Code § 510, Appendix A of this Agreement, and such other written standards mutually agreed to by the Department and City/Town, and which will be incorporated into Appendix A of this Agreement.
- 1.10 **Development Fees** has the same meaning prescribed in A.R.S. § 42-5075(B).
- 1.11 **Desk Review** means any assessment issued pursuant to A.R.S. § 42-1109(B).
- 1.12 **Federal Tax Information ("FTI")** means Federal income tax returns or return information the Department receives from the Internal Revenue Service, including any information created by the Department derived from that information. Documents obtained from a taxpayer or State income tax returns are not considered Federal Tax Information. The scope of this Agreement does not permit the Department to share FTI with any Arizona municipality.
- 1.13 **Independent Contractor** means any individual or entity with which City/Town may enter into an agreement to perform transaction privilege tax administration, collection, audit, licensing, and any other related duties described in this Agreement or A.R.S. § 42-6001 *et seq.*
- 1.14 **Model City Tax Code** means the document defined in A.R.S. § 42-6051.

- 1.15 Municipal Tax or Municipal Taxes** means collectively the transaction privilege and affiliated excise taxes, including use tax, severance tax, jet fuel excise and use tax, and rental occupancy tax imposed by City/Town in accordance with the Model City Tax Code and similar taxes imposed by City/Town pursuant to a City/Town code section outside the Model City Tax Code that are collected via the standard transaction privilege tax return. Unless the context provides otherwise, this definition includes municipal privilege tax, municipal privilege tax license fees, and all related penalties, interest and other similar charges collected by the Department on behalf of an Arizona municipality.
- 1.16 Options Chart** means any chart contained in a section of the Model City Tax Code which identifies the various approved standard Options adopted by an Arizona municipality.
- 1.17 Primary Point of Contact (“PPOC”)** means a designated City/Town representative with the primary responsibility for communicating with the Department and their respective staff on any matters described within this Agreement. The PPOC must be an individual qualified to receive Tax Information under Section 2.1 of this Agreement and be included on the Master Authorization List referenced in Section 2.3 of this Agreement.
- 1.18 Profile** means a dedicated section of the Model City Tax Code that provides specific information for each Arizona municipality, including contact information, applicable tax rates, and amendments and provisions unique to City/Town.
- 1.19 Standard Audit Life Cycle Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities from the assignment of audits through final resolution consistent with this Agreement and the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Audit Life Cycle Process Map shall be referred to SMART for resolution.
- 1.20 Standard Authorization List Update Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities to keep an updated list of current employees and contractors who are authorized to receive Tax Information consistent with this Agreement and with the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Authorization List Update Process Map shall be referred to SMART for resolution.
- 1.21 Standard Inter-Jurisdictional Transfer Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities to document and authorize the transfer of erroneously reported or

allocated tax from one (1) municipality to another based upon a municipality's request or during the audit process consistent with this Agreement and with the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Inter-Jurisdictional Transfer Process Map shall be referred to SMART for resolution.

- 1.22 **State** means the State of Arizona.
- 1.23 **State & Municipal Audit Resolution Team ("SMART")** means an advisory committee responsible for resolving issues as set forth in Section 15 of this Agreement.
- 1.24 **State Tax** or **State Taxes** means transaction privilege tax and affiliated excise taxes, including use tax, severance tax, and jet fuel excise and use taxes imposed by the State of Arizona or its counties.
- 1.25 **Tax Information** means information deemed confidential taxpayer information protected from disclosure pursuant to A.R.S. § 42-2001 *et seq.* or Model City Tax Code § 510 concerning the business financial affairs or operations of a taxpayer as it relates to Municipal Taxes or State Taxes. Tax Information includes all financial information related to transaction privilege taxes obtained from any source related to an individual taxpayer and all such aggregate financial information related to any group of identified or identifiable taxpayers.
 - (a) Examples of Tax Information include without limitation:
 - (1) Any information provided by the Department to City/Town derived from any source including tax returns, reports, tax license applications, and the New License Report or License Update Report; and
 - (2) Any information received by, recorded by, prepared by, furnished to, or collected by the Department or City/Town with respect to a transaction privilege tax return or the termination or possible existence of liability of any person for any transaction privilege tax and related penalty or interest, such as the taxpayer's identity; the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, taxes withheld, deficiencies, over-assessments, or tax payments; or whether the taxpayer's account was, is being, or will be examined or subject to audit, desk review, investigation, collection, or processing.
 - (b) Taxpayer identifying information obtained by City/Town from any source not identified in Section 1.25(a) of this Agreement is not Tax Information for purposes of this Agreement.

- 1.26 Voluntary Disclosure Agreement** means a document used in a voluntary disclosure program designed for eligible taxpayers with exposure for tax liability and/or civil penalties arising from a failure to report and/or pay all Taxes due which allows the taxpayer to come into voluntary compliance.

2. Authorized Access Lists

- 2.1 Statutory Authority:** The disclosure of information relating to State Taxes and Municipal Taxes is governed by A.R.S. § 42-2001 *et seq.*, and, for reporting periods prior to January 1, 2015, by Model City Tax Code § 510.
- 2.2 Qualified Recipients of Information:** The Department and City/Town shall only disclose Tax Information related to State Tax and Municipal Tax pursuant to this Agreement to individuals authorized by law as described in Section 2.1 of this Agreement, including those authorized persons listed on the Authorized Access Lists provided by the Department and Arizona municipalities. Questions related to a listed Department recipient may be directed to City Services at citiesunit@azdor.gov. Questions related to a listed Arizona municipal recipient may be directed to the PPOC of the pertinent Arizona municipality.
- 2.3 Department's Authorized Access List:** Pursuant to Section 2.4(c) of this Agreement, the Department shall maintain, update, and provide a current statewide Master Authorization List of names, job titles, and contact information of the Department staff and Arizona municipal representatives who are authorized by law as described in Section 2.1 of this Agreement to receive State Tax and Municipal Tax information from the Department or Arizona municipalities, as defined in the Standard Authorization List Update Process Map. Updates shall be provided on not less than a monthly basis. The Department shall promptly notify Arizona municipalities of any individual whose authorization to receive State Tax and Municipal Tax information has been revoked for any reason.
- 2.4 City/Town's Authorized Access List:** City/Town shall maintain, update, and provide a current Authorized Access List of names, job titles, and contact information for all persons acting on behalf of City/Town authorized by law as described in Section 2.1 of this Agreement to receive State Tax and Municipal Tax information as defined in the Standard Authorization List Update Process Map.
- (a) City/Town shall indicate one PPOC on the Authorized Access List to resolve any administrative issues with the Authorized Access List. At its discretion, City/Town may also indicate an additional individual as a back-up or alternate PPOC.
 - (b) City/Town shall ensure all personnel on the Authorized Access List meet the requirements indicated in the Confidentiality Standards (Appendix A) including completing all required confidentiality training certification and recertification as required from time to time, within the time required by the Department.

- (c) Upon execution of this Agreement and on the first day of each calendar quarter thereafter, City/Town shall email to City Services at citiesunit@azdor.gov a current Authorized Access List of its staff and representatives authorized to receive State Tax and Municipal Tax information from the Department and Arizona municipalities, including additions and deletions, changes in job titles, and contact information. City/Town's PPOC shall promptly notify the Department of any person whose authorization to receive State Tax and Municipal Tax information is revoked for any reason.
- (d) The Department shall review City/Town's Authorized Access List. If the Department finds that any person on the list has not completed the required confidentiality training in a timely manner or does not meet the Confidentiality Standards in Appendix A of this Agreement, the Department shall notify the City/Town PPOC to resolve the issue. The Department shall not include that person on the Master Authorization List until the issues have been resolved to the satisfaction of the Department.

2.5 Independent Contractors:

- (a) City/Town may at times choose to enter into a contract with an Independent Contractor to perform the transaction privilege tax administration, collection, audit, desk review, licensing, and other duties described in this Agreement or A.R.S. § 42-6001 *et seq.*
- (b) In accordance with A.R.S. §§ 42-1004 and 42-6002, no contract with an Independent Contractor may be entered into on a contingency fee basis for the performance of any transaction privilege tax related functions, including but not limited to license inspections, audits, desk reviews, or collections.
- (c) Within ten (10) business days of ratification of this Agreement, or subsequent execution of such a contract between City/Town and an Independent Contractor, City/Town shall provide a copy of each such contract to the City Services electronically at citiesunit@azdor.gov.
- (d) City/Town shall notify the Department of the expiration, termination, or amendment of any agreement with such Independent Contractors within ten (10) business days of such event.
- (e) In this Agreement it is presumed that any reference to a municipal employee such as a license inspector, auditor, desk reviewer, collector, supervisor, etc., also refers to an Independent Contractor performing that function on behalf of the Department or City/Town.
- (f) An Independent Contractor is subject to all training requirements, authorization limitations, and other privileges and restrictions incorporated into this Agreement or provided in statute in the same form and manner as

such conditions apply to an employee performing the same function on behalf of the Department or City/Town.

- (g) When an Independent Contractor issues any correspondence to a taxpayer on behalf of the Department or City/Town, the Independent Contractor shall expressly identify all of the following on such correspondence: the Independent Contractor's name; the name of the Independent Contractor's firm, if applicable; the Independent Contractor's status as a license inspector, auditor, desk reviewer, or collector acting on behalf of the Department or City/Town; the Independent Contractor's mailing address, telephone number, and e-mail address; and the telephone number and e-mail address of a specific person who is an employee of the Department or City/Town capable of responding to the issues raised in the correspondence for the Department or City/Town.
- (h) The Department and/or City/Town may pursue any remedy authorized by this Agreement or by statute for a violation of this Section by an Independent Contractor.

2.6 Sharing of Authorized Access Lists: The Department shall share the Department's Authorized Access List and the Authorized Access Lists for all Arizona municipalities provided to the Department on the Core SFTP site. The Department shall update the lists on a monthly basis with information provided by each Arizona municipality, or as needed to immediately remove any person whose authorized access has been revoked by the Department or an Arizona municipality.

3. Disclosure of Information by City/Town to the Department or Another Arizona Municipality

3.1 Disclosure and Use of Municipal Tax Information: Any Tax Information released by City/Town to the Department or another Arizona municipality may only be used by persons authorized to receive such Tax Information for tax administration and collection purposes and may not be disclosed to the public in any manner that does not comply with A.R.S. § 42-2003, and/or Model City Tax Code § 510 for reporting periods prior to January 1, 2015. All Tax Information shall be stored and destroyed in accordance with the Confidentiality Standards (Appendix A).

3.2 Municipal Ordinances: City/Town shall provide the Department with a copy of its Municipal Tax Code or any City/Town ordinances imposing the taxes to be collected hereunder within ten (10) calendar days of a request for such information from the Department. This information shall be sent to City Services electronically at citiesunit@azdor.gov.

- (a) Tax Code Changes: City/Town shall provide notice to the Department of any tax code change with a copy of any ordinance adopted by City/Town that imposes or modifies the Municipal Taxes or municipal privilege tax

license fees to be collected hereunder within ten (10) calendar days of adoption of the ordinance. This information shall be sent to City Services electronically at citiesunit@azdor.gov.

- (1) City/Town agrees that any ordinance that changes a tax rate, Option selection, or includes the addition or removal of a unique Model City Tax Code exception shall take effect on the first day of the month that is at least sixty (60) calendar days after the City/Town council adopts the change. City/Town and the Department recognize there may be occasions when the City/Town council establishes an effective date less than sixty (60) calendar days after adoption. If City/Town chooses to propose an ordinance with an effective date that is less than sixty (60) calendar days after adoption, City/Town shall notify the Department as soon as possible after that choice is made.
 - (2) The Department shall incorporate all ordinance changes into the official copy of the Model City Tax Code within ten (10) calendar days of receipt of notice from City/Town. The copy provided to the Department may be an electronic copy but shall reflect the identical language contained in the version adopted by the City/Town and shall contain the required signatures indicating council approval.
 - (3) The Department shall notify City/Town when the tax code change has been incorporated and City/Town is responsible for confirming the change has been correctly entered in the official copy of the Model City Tax Code.
 - (4) Pursuant to A.R.S. § 42-6052, if City/Town fails to notify the Department of a tax code change within ten (10) calendar days after City/Town council approval, the ordinance shall be considered null and void. All tax code changes described in this Section shall have no effect until reflected in the official copy of the Model City Tax Code.
- (b) Annexation Ordinances: Within fifteen (15) calendar days following the adoption of an annexation ordinance, one (1) copy of the ordinance and notification of the effective date of such ordinance shall be sent to the Department via email at GIS@azdor.gov and City Services at citiesunit@azdor.gov. City/Town may provide the Department with a list of businesses subject to Municipal Taxes known to be located in the annexed area.
- (c) Review of the Model City Tax Code: City/Town shall be responsible for reviewing the information contained on its Profile, the Options Charts, tax rates for City/Town, and other information specific to City/Town contained in the official copy of the Model City Tax Code and ensuring it is correct.

City/Town affirms that it has an ongoing obligation to notify City Services of any changes needed to such information at citiesunit@azdor.gov.

- 3.3 **Development Fees:** Upon request by the Department to City/Town's PPOC, City/Town shall provide to the Department any information regarding Development Fees imposed by City/Town under A.R.S. § 9-463.05 to assist the Department with the auditing of taxpayers and the ordinary billing and collection of taxes.
- 3.4 **Prior Audits:** Upon request by the Department, City/Town shall allow inspections and copies of any City/Town tax audits conducted prior to January 1, 2015.
- 3.5 **Other Information:** City/Town shall provide other relevant information necessary for tax administration and collection purposes as requested by the Department.

4. **Disclosure of Information by Department to City/Town**

- 4.1 **Statutory Authority:** The Department may disclose information relating to State Taxes and Municipal Taxes to City/Town pursuant to A.R.S. § 42-2003 if the information relates to a taxpayer who is or may be taxable by a county, city, or town or who may be subject to audit by the Department pursuant to A.R.S. § 42-6002.
- 4.2 **Restrictions on Use and Disclosure to Unauthorized Parties:** Any Tax Information disclosed by the Department to City/Town is subject to all restrictions provided for in A.R.S. § 42-2003. Tax Information shall only be used by persons authorized to receive such Tax Information for internal tax administration purposes, including audit, desk review, collection, and licensing activity, and may not be disclosed to the public or any unauthorized party in any manner that does not comply with the Confidentiality Standards (Appendix A).
- 4.3 **Liability for Improper Disclosure:** The disclosure of confidential information concerning Arizona taxes is governed by A.R.S. § 42-2001 *et seq.*, which strictly controls the accessibility and use of this information. Individuals who receive confidential information relating to State Taxes and Municipal Taxes from the Department are subject to the penalties provided in A.R.S. § 42-2004 and other applicable statutes if they misuse or improperly disclose this information to unauthorized individuals.
- 4.4 **Reporting Potential Disclosure Violations/Incidents:** The Department shall not withhold Tax Information from City/Town provided that City/Town complies with A.R.S. § 42-2001 *et seq.*, and the Confidentiality Standards (Appendix A).
 - (a) If City/Town or the Department has information to suggest City/Town or any of its duly authorized representatives has violated A.R.S. § 42-2001 *et seq.* or the Confidentiality Standards (Appendix A), City/Town or the Department shall immediately notify City Services at citiesunit@azdor.gov, the Department's Disclosure Officer at DisclosureOfficer@azdor.gov, and the Department's Information Security Team at InfoSec@azdor.gov.

- (b) City/Town and the Department shall fully cooperate with the Department's Disclosure Officer and Information Security Team in investigating the alleged violation and shall promptly address any identified issues.
- (c) The Department's Disclosure Officer and Information Security Team:
 - (1) Shall send written notice to City/Town's PPOC detailing the alleged breach as understood by the Department and request a response to the allegation within twenty (20) calendar days of the date of the letter, and
 - (2) May inspect City/Town's records, facilities, and equipment to determine whether there has been a violation, and
 - (3) Shall review the written response from City/Town and consider the information contained therein and all relevant circumstances surrounding the alleged violation prior to issuing any determination, and
 - (4) Shall issue a written determination delivered by certified mail to City/Town regarding the alleged violation within sixty (60) calendar days of the date of City/Town's response letter. If the Department determines that a violation has occurred, the Department shall indicate whether a suspension of information is warranted and the length of the suspension. During the period of suspension, City/Town shall not access information maintained or created by the Department related to City/Town.
- (d) If the Department makes a written determination to suspend sharing of information, City/Town may, within ten (10) calendar days of receiving the written determination, submit a written request to SMART requesting the group review the determination as provided in Section 15 of this Agreement.
- (e) If there is a suspension of Tax Information sharing with City/Town, the Department shall maintain all information collected or created during the suspension period related to City/Town that would otherwise have been shared with City/Town and shall assist City/Town with accessing the accumulated information for City/Town immediately upon termination of the suspension.
- (f) Under no circumstances shall the suspension of any right to receive Tax Information adversely impact the Department's delivery or transfer of any City/Town revenues in any manner.

4.5 Information to be Provided: The Department shall provide information pursuant to A.R.S. § 42-6001(B). The Department shall provide such information as outlined

in Appendix B and elsewhere in this Agreement, which shall only be modified in accordance with Section 4.7 of this Agreement.

- (a) The Department shall not provide Federal Tax Information to City/Town.
- (b) In addition to the information detailed in Appendix B of this Agreement, the Department shall disclose, upon request, the following information to City/Town:
 - (1) Department tax audits, including all information related to all Arizona municipalities included in the tax audit; and
 - (2) Other relevant information necessary for City/Town's tax administration and collection purposes, including all information necessary to verify that City/Town received all revenues collected by the Department on behalf of City/Town.

4.6 Storage and Destruction of Tax Information: All Tax Information provided by the Department to City/Town shall be managed, stored, protected, and destroyed in accordance with the Confidentiality Requirements (Appendix A).

4.7 Specificity of Data: Pursuant to A.R.S. § 42-6001, the Department and City/Town agree that the data fields identified in Appendix B of this Agreement and the JT-1, TPT-2, and TPT-EZ forms in Appendix C of this Agreement (also provided online at www.azdor.gov) meet the specificity requirements of City/Town. The data fields identified in Appendix B and the forms in Appendix C may be revised or replaced only by mutual agreement of the Department and Arizona municipalities, with any unresolved issues being referred to SMART for final determination.

4.8. Notwithstanding any provision to the contrary, nothing in this Section shall prevent the Department from complying with state information security requirements in the situation of a data breach or similar event.

5. Audit

The Department shall administer audit functions with City/Town in accordance with the Standard Audit Life Cycle Process Map and with the following provisions.

5.1 Training: All auditors, desk reviewers, and supervisors shall be trained in accordance with the policies of the Department. Auditors and desk reviewers who have not completed the training may only work in conjunction with a trained auditor or supervisor and cannot be the only auditor or desk reviewer assigned to the audit or desk review. The Department shall do all the following:

- (a) Provide semi-annual audit and desk review training in accordance with A.R.S. § 42-6002(C) and be responsible for the costs of the training, limited to any cost for procuring the site and training materials;

- (b) Notify City/Town of any training sessions at least thirty (30) calendar days before the date of the training session;
- (c) Permit City/Town auditors, desk reviewers, and supervisors to attend any scheduled training as space permits at any designated training location;
- (d) Provide additional training, as needed, to inform auditors, desk reviewers, and supervisors regarding changes in State law, the Model City Tax Code, audit and desk review procedures, or Department policy.

5.2 Conflicts of Interest:

- (a) An auditor, desk reviewer, supervisor, or Independent Contractor trained and authorized to conduct an audit or desk review, in addition to the restrictions provided under A.R.S. Title 38, Chapter 3, Article 8, § 38-501 *et seq.*, shall not conduct any of the following prohibited acts:
 - (1) Represent a taxpayer in any tax matter against the Department or City/Town while employed by or in an Independent Contractor relationship with the Department or City/Town.
 - (2) Attempt to use his/her official position to secure any valuable thing or valuable benefit for himself/herself or his/her family members.
 - (3) Represent a taxpayer before the Department or City/Town concerning any matter in which he/she personally participated for a period of one year after he/she ends employment or the Independent Contractor relationship with the Department or City/Town.
 - (4) Use information he/she acquires in the course of the official duties as an auditor, desk reviewer, supervisor, or Independent Contractor in a manner inconsistent with his/her official duties without prior written approval from the Department.
 - (5) For a period of one (1) calendar year after he/she ends employment by or an Independent Contractor relationship with the Department or City/Town, work in the same firm as a person who represents a taxpayer against the Department or City/Town unless the firm institutes a formal screen or ethical wall to prevent any sharing of information between the person and the remainder of the firm. Documentation of such formal screen or ethical wall shall be provided by the firm to the Department or City/Town upon request.
 - (6) Receive compensation from a source other than City/Town or pursuant to an agreement with City/Town for the performance of any work or transaction performed expressly on behalf of City/Town.

- (7) Make any representation of being an employee or contractor of City/Town or the Department in marketing and promotional materials soliciting work or transactions to be performed on behalf of a taxpayer or potential taxpayer.
- (b) In addition to any other remedies available to the Department and City/Town by statute and under the terms of this Agreement, the Department may revoke an individual's authority to audit or perform desk reviews on behalf of the Department or City/Town and prohibit the use of any auditor, desk reviewer, supervisor, or Independent Contractor who violates this provision.

5.3 Audits and Desk Reviews:

- (a) City/Town may request the Department conduct an audit or desk review of any taxpayer engaged in business in City/Town, including a taxpayer whose business activity is subject to tax by City/Town but is not subject to tax by the State. The Department and Arizona municipalities shall collaboratively establish and maintain minimum justification standards and procedures City/Town shall adhere to when submitting an audit or desk review request.
- (b) City/Town may conduct an audit or desk review of a taxpayer engaged in business only in City/Town. Before commencing such audit, City/Town shall submit a Field Audit Request Form. Before commencing such desk review, City/Town shall submit the request using the Desk Review Approval Excel Sheet. The Department shall provide City/Town with a determination of approval or denial of the request within ten (10) calendar days of the notice from City/Town.
- (c) Except as permitted below, the Department shall conduct all audits and desk reviews of taxpayers having locations in two (2) or more Arizona municipalities. A City/Town auditor may participate in any audit or desk review City/Town requested the Department to perform.
- (d) City/Town shall notify the Department if it wants to conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose business activity is subject to tax by City/Town but is not subject to tax by the State. The Department shall authorize such audits or desk reviews, to be overseen by the Department, unless there is already an audit or desk review of the taxpayer in process, scheduled, or planned, or the Department determines the audit or desk review selection is discriminatory, an abuse of process, or poses other similar defects. The Department shall notify City/Town of its determination within ten (10) calendar days. No initial audit or desk review contact may occur between City/Town and a taxpayer until the Department approves the audit or desk review notice.

- (e) In the case of taxpayers doing business in more than one (1) Arizona municipality:
 - (1) City/Town may request the Department conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose primary business is subject to both Municipal Taxes and State Taxes.
 - (2) City/Town may request authorization from the Department for City/Town to conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose primary business is subject to both Municipal Taxes and State Taxes.
 - (3) Requests pursuant to (e)(1) or (e)(2) shall be made using the Department's Field Audit Request Form or the Desk Review Approval Excel Sheet, as appropriate. The Department shall notify City/Town of its decision regarding the request within ten (10) calendar days of receipt of the request.
- (f) The Department may deny, in writing, City/Town's request for the Department to conduct an audit or desk review within ten (10) calendar days of receiving the request for any of the following reasons:
 - (1) An audit or desk review is already in process or is scheduled or planned for the taxpayer within six (6) months of the request;
 - (2) The requested audit or desk review would interfere with strategic tax administration planning;
 - (3) The audit or desk review selection is discriminatory, an abuse of process, or poses other similar defects;
 - (4) The request lacks sufficient information for the Department to determine whether it is appropriate;
 - (5) The Taxpayer was audited within the previous two (2) years;
 - (6) The Department lacks sufficient resources to conduct the audit or desk review;
 - (7) The scope or subject of the audit or desk review does not justify the use of Department resources.
- (g) If the Department denies a request to conduct an audit or desk review for the reasons provided in (f)(6) or (f)(7), and the audit or desk review is not for a taxpayer that only has a business location in City/Town, then City/Town may request to conduct the audit or desk review itself under the

supervision of the Department. No initial audit or desk review contact may occur between City/Town and a taxpayer until City/Town receives written Department approval.

- (h) Any decision by the Department denying City/Town's request to conduct any audit or desk review may be referred to SMART in accordance with Section 15 of this Agreement.
- (i) All audits or desk reviews conducted by City/Town shall be in accordance with standard audit procedures defined in the Department audit manual and the Standard Audit Life Cycle Process Map. All auditors and desk reviewers shall be trained in accordance with Section 5.1 of this Agreement.
- (j) The Department may appoint a Department manager to supervise any audit or desk review conducted by City/Town.
- (k) All audits shall include all taxing jurisdictions in the State regardless of which jurisdiction's auditors participate in the audit. All desk reviews must include all taxing jurisdictions for which there is information provided by the taxpayer.
- (l) The Department shall issue all audit or desk review assessments on behalf of all affected taxing jurisdictions in a single notice to the taxpayer.
- (m) The Department shall issue amendments to audit or desk review assessments on behalf of all affected taxing jurisdictions in a single notice to the taxpayer.

5.4 Claims for Refund:

- (a) When a taxpayer files a request for refund, including refunds requested by filing amended returns, the Department shall process the request and review it for mathematical errors or for the failure of the taxpayer to properly compute the tax based on the taxable income reported on the return or refund request.
- (b) The Department shall notify City/Town of all refund requests that are reviewed and approved involving City/Town's Municipal Taxes within thirty (30) calendar days of processing the refund. City/Town may request an audit of the taxpayer as set forth in Section 5.3 of this Agreement.
- (c) The Department may assign a Department auditor to review requests for refunds. The Department shall notify City/Town of all refunds under review by an auditor pertaining to a taxpayer who engages in business within City/Town within thirty (30) calendar days of initiating the review and may request that City/Town assist with such reviews, with acceptance of such request at the discretion of City/Town. The Department may assign a refund request to a City/Town for review, with acceptance of such assignment at

the discretion of City/Town. The Department may only assign refund requests to City/Town if taxes paid to City/Town are included in the refund request.

- (d) City/Town is responsible for payment of all amounts to be refunded to taxpayers for Municipal Tax incorrectly paid to City/Town. The Department may offset a remittance to City/Town under this Agreement to cover the amounts of allowed Municipal Tax refunds paid by the Department.
- (e) The Department shall issue refund approvals/denials on behalf of all taxing jurisdictions in a single notice to the taxpayer. City/Town may request copies of such determinations.

5.5 Protests: Taxpayer protests of audit assessments, desk review assessments, and refund denials shall be directed to the Department. Protests of audit assessments, desk review assessments, and refund denials shall be administered pursuant to A.R.S. Title 42, Chapter 1, Article 6. The Department shall notify City/Town of any protests within thirty (30) calendar days of receipt of the protest.

5.6 Status Reports: The Department shall keep all Arizona municipalities apprised of the status of each protested matter involving the imposition of Municipal Taxes. City/Town may request to be on a distribution list for monthly status reports by contacting City Services at citiesunit@azdor.gov.

6. Voluntary Disclosure Agreements

The Department may enter into a Voluntary Disclosure Agreement with a taxpayer. A Voluntary Disclosure Agreement may limit the years subject to audit and waive penalties. If the taxpayer discloses to the Department that it owes Municipal Taxes to City/Town, the Department shall notify City/Town of the Department's intent to enter into a Voluntary Disclosure Agreement and the Department shall provide the taxpayer's identity within thirty (30) calendar days of the identity being disclosed to Department. City/Town may subsequently request an audit of a taxpayer subject to a Voluntary Disclosure Agreement pursuant to Section 5.3 of this Agreement.

7. License Compliance

7.1 License Issuance and Renewal: The Department shall issue new municipal privilege tax licenses and shall annually renew such licenses for City/Town Municipal Tax. The Department shall provide City/Town with information about all persons obtaining and renewing municipal privilege tax licenses as set forth in Appendix B of this Agreement.

7.2 License Checks: The Department and City/Town shall coordinate efforts to conduct mutual tax license compliance checks through canvassing and other compliance methods.

7.3 Confidentiality: Any tax license information City/Town obtains from the Department is confidential and may only be disclosed as authorized by A.R.S. § 42-2003. Any tax license information City/Town obtains through its own efforts may be disclosed as allowed by City/Town ordinance or policy.

7.4 Changes to License Fees: Within ten (10) business days following the adoption of an ordinance (or official acknowledgment of an ordinance approved by voters in an election) creating or modifying a municipal privilege tax license fee, one (1) copy of the ordinance and notification of the effective date of such ordinance shall be sent to City Services at citiesunit@azdor.gov. The Department shall not be obligated to begin collection of the new or modified tax license fee any sooner than sixty (60) calendar days after the date the Department received the ordinance from City/Town.

8. Closing Agreements

The Department shall notify City/Town before entering into a Closing Agreement and shall seek a range of settlement authority from City/Town related to the tax levied and imposed by City/Town in accordance with the Standard Audit Life Cycle Process.

9. Responsibility for Representation in Litigation

9.1 Administrative Proceedings: Pursuant to A.R.S. § 42-6002, the Department shall coordinate the litigation and defense of assessments and refund denials in any administrative appeals before the Office of Administrative Hearings or the Director of the Department regardless of the jurisdiction that conducted the audit, desk review, or refund review in accordance with the Standard Audit Life Cycle Process Map. The Department shall diligently defend the interests of City/Town and City/Town shall assist the Department in such representation as requested by either party.

9.2 Further Appeals: The Arizona Attorney General is responsible for defending the assessment or refund denial at the Board of Tax Appeals, the Arizona Tax Court, and all higher courts. City/Town shall assist the Attorney General in such representation and litigation as requested by the Attorney General's Office in accordance with the Standard Audit Life Cycle Process Map.

9.3 Mutual Cooperation: The Department and City/Town agree they shall cooperate in the appeal and litigation processes and shall ensure their auditors, desk reviewers, supervisors, and other necessary employees are available to assist the Department and the Attorney General through informal interviews, providing documents and records, preparing for depositions, attending depositions and trial as witnesses, and assisting in trial/hearing preparation, as needed.

9.4 Administrative Decisions: The Department shall provide a copy of all administrative hearing level decisions regarding State Taxes and Municipal Taxes, including Director's decisions issued by the Department, to City/Town within ten (10) business days after issuance of the decision if City/Town requests to be

included on a distribution list created by the Department for the purposes of disseminating such decisions. City/Town may request to be on the distribution list by contacting City Services at citiesunit@azdor.gov. Administrative decisions contain Tax Information and must be stored and destroyed in accordance with the Confidentiality Standards (Appendix A).

10. Collection of Municipal Taxes

10.1 Tax Returns: Taxpayers who are subject to City/Town Municipal Taxes are required to pay such taxes to the Department utilizing a form prescribed by the Department.

10.2 Delinquent Tax Collections: Pursuant to A.R.S. § 42-6001, the Department shall collect any delinquent Municipal Tax imposed by City/Town recorded on the Department's tax accounting system. In the event this Agreement is terminated, the Department shall continue to collect delinquent Municipal Taxes recorded on the Department's accounting system on behalf of City/Town and distribute any such amounts collected to City/Town.

10.3 City/Town Assistance in Delinquent Tax Collections: To expand the Department's State Tax and Municipal Tax collection efforts by leveraging City/Town resources, City/Town may choose to provide collection efforts by deploying City/Town collectors to work in conjunction with the Department on the following terms:

- (a) **Training:** All City/Town collectors authorized to collect obligations in cooperation with the Department shall be trained in accordance with the policies of the Department. Training shall be provided in the same manner as set forth in Section 5.1 of this Agreement.
- (b) **Conflict of Interest:** A collector trained and authorized under this provision to perform collections activity shall not conduct any of the following prohibited acts:
 - (1) Represent a taxpayer in any tax matter against the Department or City/Town while employed by City/Town.
 - (2) Attempt to use his/her official position to secure any valuable thing or valuable benefit for himself/herself or his/her family members.
 - (3) Represent a taxpayer before the Department or City/Town concerning any matter in which he/she personally participated for a period of one (1) calendar year after he/she ends employment with City/Town.
 - (4) Use information he/she acquires in the course of the official duties as a collector in a manner inconsistent with his/her official duties without prior written approval from the Department.

- (5) For a period of one (1) calendar year after he/she ends employment with City/Town, work in the same firm as a person who represents a taxpayer against the Department or City/Town unless the firm institutes formal barriers to prevent any sharing of information between the trained collector and the remainder of the firm.
 - (c) **Revocation:** The Department may revoke the authorization of City/Town or of any individual City/Town employee to collect obligations under this Section. A revocation determination may be subject to review by SMART upon request by the individual or City/Town.
- 10.4 State of Arizona Liquor License Affidavit:** City/Town may request that the Department issue a liquor license affidavit. The Department shall respond to the request via secured e-mail to indicate the status of completion of the request with a note stating complete, in-process, or unable to complete.
- 10.5 Uncollectible/Discretionary Write-offs:** The Department shall share the annual list of uncollectible/discretionary write-offs of City/Town's Municipal Taxes prior to the write-off event at the end of the fiscal year. City/Town shall have forty-five (45) calendar days to submit feedback.
- 10.6 Remittance:** All amounts collected by the Department for City/Town's Municipal Taxes under this Agreement shall be remitted to City/Town weekly on the basis of actual collections. To the extent possible, the Department shall initiate the electronic payment by Noon on the Monday after the end of the week in which the collections were received by the Department. If the Monday falls on a holiday, payment will be initiated by Noon on the Tuesday after the end of the week in which the collections were received by the Department. Remittance shall be made in the form of immediately available funds transferred electronically to the bank account designated by City/Town.
- 10.7 Abatement:** Pursuant to A.R.S. § 42-1004, the Department, with the approval of the Attorney General, may abate tax under certain circumstances including Municipal Taxes. During the ordinary course of business, the Department may determine that certain taxpayer accounts shall be closed or cancelled. The Department shall seek input from City/Town or SMART before abating Municipal Taxes or closing accounts with Municipal Taxes due. The Department may request a telephonic meeting of SMART if time or circumstances require immediate action.
- 10.8 Funds Owed to City/Town:** At all times and under all circumstances, payments remitted by a taxpayer to the Department for City/Town Municipal Taxes shall be considered property of City/Town. The Department may not retain or fail to remit such funds to City/Town for any reason not specifically set forth in this Agreement including, but not limited to, during the course of a dispute between City/Town and the Department.

10.9 Adjustments to Reported Taxes: If the Department determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department may temporarily hold the payment until the distribution of the payment is corrected to ensure the appropriate city or town receives the payment. If a payment by the Department has been made to an incorrect City/Town, the Department and affected Arizona municipalities shall follow the Standard Inter-Jurisdictional Transfer Process Map.

10.10 Collection Reports: The Department shall keep all Arizona municipalities apprised of the status of every open case in a collection status involving the imposition of Municipal Taxes. City/Town may request to be on a distribution list for monthly status reports by contacting Cities Collections at citiescollection@azdor.gov.

11. Taxpayer Rulings and Uniformity

The Department shall be responsible for issuing the official responses to taxpayer ruling requests and requests for interpretation of the Model City Tax Code. City/Town acknowledges that pursuant to A.R.S. § 42-6005(B), when the state statutes and Model City Tax Code are the same and where the Department has issued written guidance, the Department's interpretation is binding on Arizona municipalities and interpretation of Model City Tax Code. The Department acknowledges that in all other situations, interpretation of the Model City Tax Code is the sole purview of Municipal Tax Code Commission or its designee. This Section is not intended to affect procedures for appeals and litigation as outlined in Section 5.5 and Section 9 of this Agreement.

12. Financing Collection of Taxes

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City/Town of any financial obligation imposed by statute.

13. Inter-Jurisdictional Transfers (“IJTs”)

The Department shall administer Inter-Jurisdictional Transfers of Municipal Tax monies in accordance with the Standard Inter-Jurisdictional Transfer Process Map. The affected Arizona municipalities shall agree on any amounts to be transferred before notifying the Department of such amounts to be transferred under this Section.

14. Education and Outreach Efforts

To further its focus on serving taxpayers and its commitment to funding Arizona’s future through enhanced customer service, continuous improvement, and innovation, the Department is expanding its outreach and education program to connect with all citizens of Arizona by strategically working with taxpayer and industry groups, tax practitioners, and Arizona’s municipalities to ensure consistent tax education is widely available.

Any City/Town may further this mission, at its own expense, in providing education and outreach to taxpayers. Education and outreach programs and content shall be consistent with applicable law and the Department's written guidance.

Increased education and outreach efforts undertaken by the Department and Arizona municipalities will ensure collaborative partnerships beneficial to both parties, emphasize an ongoing two-way exchange of information, enhance communication on issues of common interest, and promote cooperation in areas of overlapping special projects. Therefore, upon request, City/Town shall provide information to the Department concerning such education and outreach efforts.

The Department shall implement an Ambassador Program, whereby the Department provides curriculum, structure, and support for education related to tax administration and compliance. City/Town shall be provided a standard work process when participating in Department-led educational events.

15. State & Municipal Audit Resolution Team ("SMART")

15.1 Members: The SMART committee shall consist of four (4) primary (voting) members representing municipal taxing jurisdictions and four (4) primary (voting) members representing the Department. There shall also be two (2) alternate members representing each party, who are non-voting representatives unless required to vote due to the absence, recusal, or disqualification of a primary (voting) member. All primary and alternate members are required to attend all meetings unless excused.

15.2 Selection: The Director of the Department shall appoint Department employees to serve as primary and alternate members representing the Department. Arizona municipalities shall collectively appoint municipal employees to serve as primary and alternate members representing the Arizona municipalities. The members representing either party may be changed at any time following the standard work process agreed upon by both parties.

15.3 Meetings: SMART shall meet monthly unless there is no business to be conducted. Additional meetings can be scheduled as necessary to timely discuss issues presented.

15.4 Issues: The Department or City/Town may refer issues to SMART for resolution including but not limited to:

- (a) Decisions by the Department to not audit a taxpayer;
- (b) Amendments to Department audit procedures or manuals;
- (c) Closing Agreements or a range of settlement authority;
- (d) Abatement or account closure in collections;

- (e) Suspension of disclosure of Tax Information to City/Town;
- (f) Disagreements regarding proposed changes to the process maps defined in Sections 1.19, 1.20, and 1.21 of this Agreement;
- (g) Revocation of collection authority; and
- (h) Other issues as authorized by the Director of the Department or agreed upon by the parties, subject to the limitations described in Section 29 of this Agreement.

15.5 Recommendations: SMART shall make recommendations to the Director of the Department or Director's designee. If the recommendation is approved by at least five (5) members of SMART, the Director shall accept the recommendation of SMART. If SMART cannot reach a recommendation agreeable to at least five (5) members of the group, the Director or Director's designee may act as they deem to be in the best interests of all parties. Notwithstanding the above, upon request by City/Town, the Director shall submit their decision to the Attorney General's Office for review.

15.6 Voting: Any voting member of the committee may request the vote be held by secret ballot.

15.7 Procedures: SMART shall develop procedures concerning the operation of the committee consistent with this Agreement.

16. Funding of Additional Auditors by City/Town

16.1 Funding: At the sole discretion of City/Town, City/Town may contribute funding to the Department to pay for additional auditors to assist the Department in the performance of audits of Municipal Tax owed to City/Town. Such additional auditors funded by City/Town shall at all times be deemed to be employees of the Department and under no circumstances shall be deemed to be employees or agents of City/Town. It is the Parties' intention that any City/Town funding provided pursuant to this Section shall be used to increase the resources and capabilities of the Department to perform Municipal Tax audits and not to subsidize or replace State funding required for audit and collection of taxes.

16.2 Use of Funds: City/Town funding for additional auditors under this Section shall be used to fund the auditors' salaries and related expenses and shall not be used to pay for Department office space, utilities, equipment, supplies, or similar kinds of overhead.

16.3 Pool of Funds: The Department may pool any City/Town funding with any other similar funding provided by other Arizona municipalities to pay for additional auditors dedicated to serving those jurisdictions. The Department shall separately account for such funds in its annual budget.

- 16.4 Accounting:** The Department shall provide an annual accounting to City/Town, by August 31 each year describing how City/Town funding was used during the prior fiscal year.

17. Satellite Offices for Department Auditors

- 17.1 Funding:** City/Town, at its own expense and at its sole discretion, may provide one (1) or more satellite offices and associated amenities for use by Department employees to provide audit and/or customer service to taxpayers. Use of such facilities by Department employees shall be at the sole discretion of the Department. Nothing in this Section shall require the Department to make use of such facilities provided by City/Town.
- 17.2 Requirements:** Any Department employee using a City/Town satellite office must meet reasonable requirements of City/Town related to the use of the facility. City/Town shall be responsible for notifying the Department of any concerns and the Department shall be responsible for taking appropriate actions to resolve those concerns.
- 17.3 Termination:** Once a satellite office is established, City/Town shall provide at least one hundred eighty (180) calendar days' written notice to the Department prior to the termination or relocation of a satellite office. The Department may discontinue the use of a satellite office at any time upon notice to City/Town and shall promptly remove all Department property.
- 17.4 License:** All requirements of City/Town and the Department related to the satellite office shall be outlined in a mutually acceptable form of license and subject to separate approval.
- 17.5 Workers' Compensation for Satellite Offices and Certain Site Visits:** If employees of City/Town or Department are working at the facility of the other public agency pursuant to this Agreement, it is agreed that:
- (a) Each employee will be deemed an employee of both public agencies for the purposes of A.R.S. § 23-1022(D) and Arizona workers' compensation laws.
 - (b) Each employee's primary employer (*i.e.*, the State of Arizona for a Department employee, and City/Town for a City/Town employee or Independent Contractor) shall be solely liable for the payment of workers' compensation benefits.
 - (c) Each public agency for which employees of City/Town or Department are working at the facility of the other public agency under this Agreement shall post a notice complying with A.R.S. § 23-1022(E).
 - (d) In all circumstances other than as provided in the foregoing, nothing in this Agreement shall be construed to result in any person being the officer,

agent, employee, or servant of either party when such person, absent this Agreement and the performance thereof, would not in law have such status.

18. Non-availability of Funds

Every payment obligation of the Department and City/Town pursuant to this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation, except for the rendering of funds to City/Town paid by a taxpayer for Municipal Taxes or municipal privilege tax license fees of City/Town. If funds are not appropriated, allocated, and available, or if the appropriation is changed resulting in funds no longer being available for the continuance of this Agreement, this Agreement may be terminated at the end of the period for which funds are available. No liability shall accrue to the State or City/Town, as applicable, in the event this provision is exercised and the State or City/Town, as applicable, shall not be obligated or liable for any future payments or for any damages as a result of termination under this Section. The termination of this Agreement shall not entitle the Department to retain any Municipal Tax collected on behalf of City/Town pursuant to this Agreement.

19. Waiver

Nothing in this Agreement should be interpreted as City/Town relinquishing its legal rights under the Arizona Constitution or other applicable law, nor that City/Town is conceding the administration and collection of its Municipal Tax is not of a local interest or should not be under local control.

20. Cancellation

The requirements of A.R.S. § 38-511 apply to this Agreement. The Department or City/Town may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the Department or City/Town is, at any time while this Agreement or any extension is in effect, an employee, agent, or consultant of the other party with respect to the subject matter of this Agreement. The obligation of the Department to remit City/Town taxes shall survive cancellation.

21. Notice

- (a) When any Notice to City/Town is required under the terms of this Agreement, such Notice shall be sent by electronic correspondence to:

Michael Shoemaker at mshoemaker@avondaleaz.gov

- (b) When any Notice to the Department is required under the terms of this Agreement, such Notice shall be sent by electronic correspondence to City Services at citiesunit@azdor.gov.

22. Non-discrimination

ADOR and City/Town shall comply with Executive Order 2023-01, which prohibits discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status, by persons performing state contracts or subcontracts. ADOR and City/Town also agree to comply with Executive Orders 2003-22 and 2009-09 as amended by Executive Order 2023-01, all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act of 1990. ADOR and the City/Town shall also comply with Executive Order 2023-09 prohibiting race-based hair discrimination.

23. Compliance with Immigration Laws and A.R.S. § 41-4401

23.1 The Department and City/Town shall comply with all Federal immigration laws and regulations relating to employees and warrants compliance with A.R.S. § 23-214 which reads in part: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.”

23.2 A breach of compliance with immigration laws and regulations shall be deemed a material breach of this Agreement and may be grounds for the immediate termination of this Agreement.

23.3 The Department and City/Town retain the legal right to confirm the authorized presence and work authorization of any employee who works under this Agreement to ensure the Department and City/Town are complying with the applicable Federal immigration laws and regulations, and State statutes as set forth above.

24. Audit of Records

City/Town and the Department shall retain all data, books, and other records (“Records”) relating to this Agreement for at least six (6) years

(a) after termination of this Agreement, and

(b) following each annual renewal thereof.

All Records shall be subject to inspection by the Department at reasonable times. Upon request, the Department and City/Town shall produce any or all such records. This Agreement is subject to A.R.S. § 35-214 and A.R.S. § 35-215.

25. Amendments

Any amendments to the enumerated provisions or Appendices A, B, and C of this Agreement must be executed in writing in accordance with the provisions of this

Agreement. The Standard Process Maps described within certain enumerated provisions are not themselves part of this Agreement.

26. Mutual Cooperation

In the event of a disagreement between the parties regarding the terms, provisions, and requirements of this Agreement, or in the event of the occurrence of any circumstances bearing upon or affecting this Agreement, parties hereby agree to mutually cooperate to resolve the said disagreement or deal with the said circumstance.

27. Arbitration

To the extent required by A.R.S. § 12-1518 and as provided for in A.R.S. § 12-133, the parties agree to resolve any dispute arising out of this Agreement by arbitration. The parties agree that any lawsuit filed by City/Town relating to the issues outlined in Section 19 of this Agreement is not considered to be a dispute arising out of this Agreement.

28. Implementation

The implementation and execution of the provisions of this Agreement shall be the responsibility of the Director of the Department or his/her designee and the Mayor of City/Town, his/her designee, or another party with designated authority pursuant to applicable law or City/Town charter to act on behalf of City/Town.

29. Limitations

Nothing in this Agreement shall be construed as limiting or expanding the statutory responsibilities of the parties in performing functions beyond those granted to them by law, or as requiring the parties to expend any sum in excess of their appropriations.

30. Duration

30.1 The term of this Agreement shall commence from the latest date as indicated in Section 33 of this Agreement and continue in force through December 31st of the following calendar year unless canceled or terminated as provided herein. The term of this Agreement shall automatically be extended for successive one (1) year terms commencing on January 1st and ending on December 31st of each year thereafter unless canceled or terminated as provided herein.

30.2 Amendments to this Agreement that are negotiated and agreed to by a simple majority of the review committee referenced in Section 30.9 of this Agreement shall thereafter be executed by the parties hereto by a separate signed amendment and incorporated herein to be effective during the term of this Agreement and any extensions.

30.3 This Agreement may be canceled or terminated effective on December 31st of any year by either party by providing written notice no later than sixty (60) calendar days prior to the expiration of the term then in effect.

- 30.4 This Agreement shall expire on December 31st of any year the Department is subject to sunset review by the legislature. Upon expiration, cancellation, or termination, any subsequent Agreement must be ratified through signature by both parties.
- 30.5 If State legislation enacted subsequent to the date of this Agreement substantially affects the performance of this Agreement by either party or substantially diminishes the benefits either party would receive under this Agreement, either party may then terminate this Agreement by giving at least thirty (30) calendar days' notice to the other party. The termination shall become effective immediately upon the expiration of the notice period unless otherwise agreed to by the parties.
- 30.6 Notwithstanding any provision to the contrary herein, both parties may by mutual agreement provide for the termination of this Agreement upon such terms and at such time as is mutually agreeable to them.
- 30.7 Any notice of termination shall be mailed and served on the other party in accordance with Section 21 of this Agreement.
- 30.8 In the event of a partial or complete termination of this Agreement, if the parties have shared or exchanged property the parties will return the property to its original owner or dispose of it in a manner required by the original owner as described in this Agreement.
- 30.9 During the term of this Agreement, the terms and conditions of this Agreement shall undergo an annual review to be initiated no later than June 1st of each year. The review shall be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

31. Choice of Law

The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this Agreement, and any disputes arising from this Agreement.

32. Entire Agreement

This document, including the specific appendices attached hereto, and any approved subcontracts, amendments, and modifications made thereto, shall constitute the entire Agreement between the parties and shall supersede all other understandings, oral or written.

33. Signature Authority

33.1 By signing below, the signer certifies he or she has the authority to enter into this Agreement on behalf of his or her respective party, and he or she has read the foregoing and agrees to accept the provisions herein on said party's behalf.

33.2 This Agreement may be executed in counterpart.

For the Department:

For City/Town:

Signature			Date			Signature			Date		
Robert Woods, Director						Ron Corbin, City Manager					
Typed Name and Title						Typed Name and Title					
Arizona Department of Revenue						City of Avondale					
Entity Name						Entity Name					
1600 W. Monroe St.						11465 W. Civic Center Drive					
Address						Address					
Phoenix		Arizona		85007		Avondale		AZ		85323	
City		State		Zip		City		State		Zip	
RESERVED FOR THE ATTORNEY GENERAL:						RESERVED FOR CITY/TOWN ATTORNEY:					
This agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General. KRIS MAYES The Attorney General BY: _____ Signature Assistant Attorney General Date: _____						This agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952 by the undersigned City/Town Attorney who has determined, on behalf of the City/Town only, that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the City/Town. APPROVED AS TO FORM AND AUTHORITY: Nicholas Harris, City Attorney BY: _____ CITY/TOWN ATTORNEY Date: _____					

APPENDIX A

ARIZONA DEPARTMENT OF REVENUE CONFIDENTIALITY REQUIREMENTS

1. Confidential Information

- 1.1 “Confidential Information” is defined in A.R.S. § 42-2001. Confidential Information may not be disclosed except as provided by statute. A.R.S. §§ 42-2001 through 42-2004.
- 1.2 “Tax Information” as defined in this Agreement is Confidential Information.
- 1.3 **Disclosure of aggregated financial information.** Under no circumstance shall aggregated financial information related to transaction privilege taxes allow any person who is not authorized to receive Tax Information to identify or discover the financial information of an individual taxpayer.
 - (a) Except as provided in Section 1.3(b) of this Appendix, City/Town will disclose aggregated financial information in accordance with the Department’s standard:
 - (1) City/Town shall only disclose aggregated financial information from not less than ten (10) taxpayers within the political boundaries of City/Town.
 - (2) No individual taxpayer’s financial information should be discernible due to its relative size compared to other members of the aggregated group. For example, if one of the taxpayers in the data set represents 90% or more of the data point, then that data point must not be disclosed, regardless of the number of taxpayers.
 - (b) City/Town may disclose its aggregated financial information from less than ten (10) taxpayers provided City/Town first determines the aggregated data could not potentially reveal the financial information of an individual taxpayer. Such a determination shall take all the following into consideration:
 - (1) *Ownership.* All taxpayers with common ownership entities shall be considered a single taxpayer for aggregation purposes; and
 - (2) *Proportionality.* No individual taxpayer’s financial information should be discernible due to its relative size compared to other members of the aggregated group; and

- (3) Any other factor that might allow any person who is not authorized to receive Tax Information to identify or discover the financial information of an individual taxpayer.

2. **Protecting Information**

- 2.1 City/Town must identify all places, both physical and logical, where City/Town receives, processes, and stores Tax Information and create a plan to adequately secure those areas.
- 2.2 Tax Information must be protected during transmission, storage, use, and destruction. City/Town must have written policies, standards, and procedures to document how it protects its information systems, including Tax Information so that it conforms to the State of Arizona statutes A.R.S. §§ 42-2001 through 42-2004 and policies, standards, and procedures found on the Arizona Strategic Enterprise Technology (“ASET”) website at aset.az.gov/resources/policies-standards-and-procedures or ASET’s successor agency or website and Arizona Department of Homeland Security’s website at <https://azdohs.gov/information-security-policies-standards-and-procedures>.
- 2.3 Department staff and authorized City/Town staff are prohibited from inspecting Tax Information unless they have a business reason. Browsing through Tax Information concerning friends, neighbors, family members, or people in the news is strictly prohibited.
- 2.4 All removable media, including paper and CDs, containing Tax Information must be secured when not in use and after normal business hours by placing all materials in a locked drawer or cabinet. During use, Tax Information must be protected so that it is not visible to members of the public or anyone without a business need for the information.
- 2.5 All individuals accessing or storing Tax Information from an alternative work site must enter into a signed agreement that specifies how the Tax Information will be protected while at that site. Only trusted employees shall be permitted to access Tax Information from alternative sites. Tax Information may not be accessed while in public places such as restaurants, lounges, or pools.
- 2.6 Tax Information may not be discussed in elevators, restrooms, the cafeteria, or other public areas. Terminals should be placed in such a manner that prohibits public viewing of Tax Information.
- 2.7 When transporting confidential materials, the materials should be covered so that others cannot see the Tax Information. When sending Tax Information by fax, a cover sheet should always be used.
- 2.8 Any person with unsupervised access to Tax Information shall receive training on the confidentiality laws and requirements to protect such information before being given access to such information and annually thereafter. They must sign

certificates after the training acknowledging that they understand their responsibilities. City/Town must keep records to document this training and certification and submit a copy of the certification to the Department.

3. Disclosure of Information

- 3.1 Tax Information may only be disclosed as permitted by A.R.S. § 42-2003.
- 3.2 Tax Information is protected by statute and, therefore, shall not be disclosed in response to a public records request except as authorized by law. A state agency, including political subdivisions (City/Town), may deny inspection of public records if the records are deemed confidential by statute. *Berry v. State*, 145 Ariz. 12, 13 699 P.2d 387, 388 (App. 1985).
- 3.3 A taxpayer may designate a person to whom Tax Information may be disclosed by completing an Arizona Department of Revenue Form 285 or Form 285B, or such other form that contains the authorizing information included in those forms. City/Town may contact the Department's Disclosure Officer at DisclosureOfficer@azdor.gov if there are any questions concerning this requirement.

4. Retention and Disposal of Information

- 4.1 All records received from the Department must be kept for the duration of the records retention period as listed in the official records retention schedules approved by the Secretary of State Library Archives and Public Records Division ("LAPR") published on the LAPR website.
 - (a) The Department's custom records retention schedule is published on the LAPR website at apps.azlibrary.gov/records/schedules.aspx.
 - (b) In the event of a legal hold (such as a litigation hold or investigative hold), Department and/or City/Town may be required to retain records beyond the retention period.
- 4.2 The Department and City/Town shall follow the legal requirements for reporting the disposition and destruction of records to the Arizona State Library Archives, & Public Records Division under A.R.S. § 41-151.19. Certificate of Records Destruction Forms are found at: azlibrary.gov/arm/forms.
- 4.3 All removable media containing Tax Information must be returned to the Department or sanitized before disposal or release from the control of City/Town.
- 4.4 Tax Information must be destroyed by shredding or burning the materials when the retention period has been met and no legal holds are in place. Tax Information may not be disposed of by placing the materials in the garbage or recycle bins. Destruction of Tax Information may be performed by a third-party vendor.

City/Town must take appropriate actions to protect the Tax Information in transit and storage before it is destroyed, such as periodic inspections of the vendor.

- 4.5 Computer system components and devices, such as copiers and scanners, which have been used to store or process Tax Information may not be repurposed for non-tax administration uses unless the memory or hard drive of the device is sanitized to ensure under no circumstances Tax Information can be restored or recovered.

5. Information Security

- 5.1 Systems containing Tax Information must be protected in accordance with the State of Arizona Policies, Standards, and Procedures that govern State data found at <https://azdohs.gov/information-security-policies-standards-and-procedures>, particularly Policies and Standards 8000-8410 and the Arizona NIST Security Baseline Controls.
- 5.2 City/Town is responsible for creating architectural diagrams of any systems connecting to the Department's systems and depicting the flow of State Tax Information. Architectural diagrams for systems connecting to the ADOR shall be shared with the ADOR and updated after any architectural changes.
- 5.3 Incident Reporting. City/Town is required to notify the Department in the event of a suspected or actual unauthorized disclosure of Tax Information, data loss, breach, or other security concern regarding Tax Information by reporting the incident to the Department's: 1) City Services Manager by email at citiesunit@azdor.gov, 2) Disclosure Officer by email at DisclosureOfficer@azdor.gov, and 3) Chief Information Security Officer's Information Security Team by email at InfoSec@azdor.gov.
- 5.4 The Department may send employees or auditors to inspect any of City/Town information systems and/or facilities used to process, store, or transmit any Department data at any time to ensure that Department information is adequately protected. City/Town shall provide audit records and evidence of system and application hardening to the department's information security team upon request. Hardening evidence can include, but is not limited to: RiskSense, CIS benchmarks, SCSEMs, STIGs, or other security best practices. If City/Town hires a third-party for any system or information support, all security provisions apply.

6. Wireless Access (if accessing State Confidential Information from a wireless network)

City/Town must:

- 6.1 Establish restrictions, configuration/connection requirements, and implementation guidance for wireless access.
- 6.2 Authorize wireless access to the information system prior to allowing such connections.

- 6.3 Employ a wireless intrusion detection system to identify rogue wireless devices and to detect attack attempts and potential compromises/breaches to the information system.

APPENDIX B

REQUIRED REPORTS AND DATA FIELDS

At a minimum, the Department of Revenue shall provide the following reports which display all of fields identified below, per report:

NEW LICENSE REPORT and LICENSE UPDATE REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- Update Date
- ID Type
- ID
- Account ID
- Entity Name
- Ownership Type
- License ID
- OTO/Applied For indicator
- Bankruptcy Indicator
- Filing Frequency
- Issue Date
- Account Start Date
- Business Start Date
- Arizona Start Date
- Doc Loc Nbr
- Accounting Method
- Close Date
- Close Code
- Business Description
- NAICS1
- NAICS2
- NAICS3
- NAICS4
- Mailing Street1
- Mailing Street2
- Mailing Street3
- Mailing City
- Mailing State
- Mailing ZIP
- Mailing Country
- Mailing Phone Number
- Mailing Address Add date
- Mailing Address End Date

ADOR-Municipal IGA for TPT Administration

- Audit Street1
- Audit Street 2
- Audit Street 3
- Audit City
- Audit State
- Audit Zip
- Audit Country
- Audit Phone Number
- Audit Address Add Date
- Audit Address End Date
- Location Code
- Business Codes
- Location Name (DBA)
- Number of Units
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- Location Phone Number
- Location Start Date
- Location End Date
- Primary Location Street 1
- Primary Location Street 2
- Primary Location Street 3
- Primary Location City
- Primary Location State
- Primary Location Zip Code
- Primary Location Country
- Primary Location Phone Number
- Primary Location Start Date
- Primary Location End Date
- Owner Name
- Owner Title
- Owner Name 2
- Owner Title 2
- Owner Name 3
- Owner Title 3

CITY PAYMENT JOURNAL

- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period

ADOR-Municipal IGA for TPT Administration

- Period End Date
- Payment received date
- Return received date
- Payment process date
- Return process date
- Filing Frequency
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- NAICS
- Business Code
- Doc Loc Nbr
- Pmt Loc Nbr
- Gross Receipts
- Total Deductions
- Tax or Fee Collected
- P & I Collected
- Audit Collections
- Tran Type
- Tran Subtype
- Rev Type

CITY PAYMENT JOURNAL SUMMARY

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Business Code
- Number of Accounts
- Collections

NO MONEY REPORT

- Region Code
- GL Accounting Period
- Period End Date
- Payment received date
- Return received date

ADOR-Municipal IGA for TPT Administration

- Payment process date
- Return process date
- Filing Frequency
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- NAICS
- Business Code
- Doc Loc Nbr
- Pmt Loc Nbr
- Gross Receipts
- Total Deductions
- Tax or Fee Collected
- P & I Collected
- Audit Collections
- Tran Type
- Tran Subtype

DEDUCTION REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Period End Date
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Business Code
- Doc Loc Nbr
- Deduction Code
- Deduction Amount
- Tran Type
- Tran Subtype
- Rev Type

FUND DISTRIBUTION REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Period End Date
- Payment Received Date
- Return Received Date
- Payment Processed Date
- Return Processed Date
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Business Code
- Doc Loc Nbr
- Fund Allocation Code
- Amount Distributed

FUND DISTRIBUTION SUMMARY REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Fund Allocation Code
- Amount Distributed

APPENDIX C

REQUIRED FORMS

1. **JT-1 Joint Tax Application for a TPT License**

ADOR Form 10196

2. **TPT-2 Transaction Privilege, Use and Severance Tax Return (filing periods beginning on or AFTER June 1, 2016)**

ADOR Form 11249

3. **TPT-EZ Transaction Privilege, Use and Severance Tax Return**

ADOR Form 11263

ITEM NUMBER: 3.e.

SUBJECT: Resolution 1075-1123 - Designation of Assured Water Supply Application Signature Authorization

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director

THROUGH: Tracy Stevens, Assistant City Manager, (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Creative and Sustainable Community Development – Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The application to renew Avondale's designation as an Assured Water Supplier with the Arizona Department of Water Resources (ADWR) is a critical step in ensuring that the City has the water resources necessary to continue to develop sustainably and thrive as a community.

PURPOSE:

City Council will consider a request to adopt Resolution 1075-1123 authorizing the submittal of an application to the Arizona Department of Water Resources (ADWR) to modify the City's Designation of Assured Water Supply and authorize Ron Corbin, City Manager, to sign the application for the Designation Modification on behalf of the City, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Assured and Adequate Water Supply programs were created to address the problem of limited groundwater supplies in Arizona. Both the Assured and Adequate Water Supply programs evaluate the availability of a 100-year water supply considering current and committed demand, as well as growth projections.

The City of Avondale is one of only 15 entities in the Phoenix Active Management Area (AMA) to be designated as an Assured Water Supplier. This designation means that the City has proven a physical, continuous, legal and financial availability of source water that meets the requirements of the State's water quality standards within Avondale's water service area.

Per ADWR regulations, designations of Assured Water Supply expire and must be modified/renewed on a regular interval. The City of Avondale last modified/renewed their designation in 2010 and is now re-applying to

continue their status as an Assured Water Supplier.

DISCUSSION:

This Resolution is a requirement of the ADWR application process and a copy of the resolution will be submitted with the application to verify that the signatory on the application has the authorized rights to sign the application on behalf of the City of Avondale.

The Public Works Department and their consultant, Carollo Engineers, Inc., have been preparing the modification application through-out Calendar Year 2023 and are now making final preparations to submit the application in December before the end-of-the-year deadline.

BUDGET IMPACT:

There are no budgetary impacts by authorizing the signatory for this application.

Funding for the preparation and submittal of the re-designation application was previously approved and is included in the adopted FY2024 budget. Future funding shall be contingent upon budget approval in subsequent fiscal years.

RECOMMENDATION:

Staff recommends that City Council approve the request to adopt Resolution 1075-1123 authorizing the submittal of an application to the Arizona Department of Water Resources (ADWR) to modify the City's Designation of Assured Water Supply and authorize Ron Corbin, City Manager to sign the application for the Designation Modification on behalf of the City, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Kirk Beaty, Eric Bay

RESOLUTION NO. 1075-1123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE ARIZONA DEPARTMENT OF WATER RESOURCES REQUESTING A MODIFICATION OF THE CITY'S DESIGNATION OF ASSURED WATER SUPPLY.

WHEREAS, the City of Avondale ("City") has received a Designation of Assured Water Supply ("Designation") from the Arizona Department of Water Resources; and

WHEREAS, Arizona Administrative Code R12-15-715 permits a municipality to apply for a modification of its Designation; and

WHEREAS, the City's current Designation requires the City to submit an application to modify its Designation by December 31, 2023 to extend the term of the Designation.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

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

SECTION 2. The submittal of an application to the Arizona Department of Water Resources to modify the City's Designation of Assured Water Supply is hereby authorized.

SECTION 3. The Mayor, the City Manager, the City Attorney and the City Clerk are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 4. The City Council hereby authorizes Ron Corbin, the City Manager to execute the application for the Designation Modification on behalf of the City and further authorizes City staff to submit requisite application information and studies and to provide in support of the application such additional documents, information, and studies as necessary to further the application.

[SIGNATURES OF FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
November 20, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

ITEM NUMBER: 3.f.

SUBJECT: Ordinance 2068-1123 - Amending City Code, Chapter 7, Special Events

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Bryan Hughes, Parks and Recreation Director

THROUGH: Tracy Stevens, Assistant City Manager, (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

The ordinances will help improve application protocols for event hosts, promoters, and other customers and consolidate guidelines for permit approval.

This agenda item supports the following Avondale Strategic Outcome Area:

- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

The ordinances will help improve review procedures to certify safe and compliant uses of property owned or controlled by the City.

PURPOSE:

City Council will consider a request to adopt Ordinance 2068-1123, amending the Avondale City Code by amending Chapter 7, Special Events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

City of Avondale Parks and Recreation Department, with the assistance of a Special Event Review Committee, is responsible for processing applications for special events held on property owned or controlled by the City.

DISCUSSION:

Adoption of the proposed ordinance will amend Chapter 7, Special Events to update the City's regulations, policies, and procedures governing the requirements for the issuance of permits for special events and the operation of special events held on property owned or controlled by the City. Amendments include 7-1

Definitions, updating the language for "First Amendment Activities"; 7-3 Exceptions, removing exemptions for events held at the Phoenix International Raceway; 7-4 Application Process, specifying terms for denial of an application for a special event permit; Section 7-5, adding language to apply terms of Chapter 17 Parks and Recreation to events located on city property;

BUDGET IMPACT:

This item does not have any new budget impact.

RECOMMENDATION:

Staff recommends adoption of an Ordinance, amending the Avondale City Code by amending Chapter 7, Special Events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Corey Larriva

ORDINANCE NO. 2068-1123

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 7 (SPECIAL EVENTS CODE).

SECTION 1. The Avondale City Code, Chapter 7 (Special Events Code), Section 7-1 (Definitions) is hereby amended to read as follows:

7-1 Definitions.

...

“First Amendment Activity.” All expressive and associative activity conducted on private property OR in a public forum that is protected by the United States and Arizona Constitutions, including speech, press, assembly and the right to petition, but does not include commercial advertising or speech.

...

SECTION 2. The Avondale City Code, Chapter 7 (Special Events Code), Section 7-3 (Exceptions) is hereby amended to read as follows:

7-3 Exceptions.

The provisions of this chapter do not apply to the following:

(a) School events unless the event involves any of the activities identified in the section 7-1, with the exception of subsections (d) and (f);

(b) Events occasioned by news or affairs coming into public knowledge less than forty-eight (48) hours prior to such event;

~~(c) Events occurring completely within Phoenix International Raceway;~~

~~(d)~~(C) City sponsored events, unless the event requires a state-issued temporary extension of liquor license premises or a special event liquor license.

SECTION 3. The Avondale City Code, Chapter 7 (Special Events Code), Section 7-4 (Application Process) is hereby amended to read as follows:

7-4 Application Process.

...

(E) The director shall notify the applicant of the decision on the application. In the event of a denial, the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to an independent hearing officer by serving written notice to the city clerk within 30 days of the denial by the director. TO THE EXTENT PERMITTED BY LAW, THE DIRECTOR MAY DENY AN APPLICATION FOR A SPECIAL EVENT PERMIT FOR ANY OF THE FOLLOWING:

(1) THE APPLICATION, INCLUDING ANY REQUIRED ATTACHMENTS AND SUBMISSIONS, IS NOT FULLY COMPLETED AND EXECUTED;

(2) THE APPLICANT HAS NOT TENDERED THE REQUIRED APPLICATION FEE WITH THE APPLICATION OR ANY REQUIRED DEPOSIT, INDEMNIFICATION OR USER AGREEMENT, INSURANCE CERTIFICATE, OR SURETY WITHIN THE PRESCRIBED TIME;

(3) THE APPLICATION CONTAINS A MATERIAL FALSEHOOD OR MISREPRESENTATION OR THE APPLICANT OR THE PERSON ON WHOSE BEHALF THE APPLICATION WAS MADE, HAS ON PRIOR OCCASIONS MADE MATERIAL MISREPRESENTATIONS REGARDING THE NATURE OR SCOPE OF AN EVENT OR ACTIVITY PREVIOUSLY PERMITTED, OR HAS VIOLATED THE TERMS OF PRIOR PERMITS ISSUED TO OR ON BEHALF OF THE APPLICANT.;

(4) THE APPLICANT OR THE PERSON ON WHOSE BEHALF THE APPLICATION WAS MADE IS LEGALLY INCOMPETENT TO CONTRACT OR TO SUE AND BE SUED;

(5) THE APPLICANT OR THE PERSON ON WHOSE BEHALF THE APPLICATION WAS MADE HAS ON PRIOR OCCASIONS DAMAGED CITY PROPERTY, OR HAS OTHER OUTSTANDING AND UNPAID DEBTS TO THE CITY;

(6) A PRIOR APPLICATION FOR THE SAME TIME AND PLACE HAS BEEN RECEIVED, AND A PERMIT HAS BEEN OR WILL BE GRANTED TO A PRIOR APPLICANT AUTHORIZING USES OR ACTIVITIES WHICH DO NOT REASONABLY PERMIT MULTIPLE OCCUPANCY OF THE AREA OR PART THEREOF;

(7) THE USE OR ACTIVITY INTENDED BY THE APPLICANT WOULD CONFLICT WITH PREVIOUSLY PLANNED PROGRAMS ORGANIZED AND CONDUCTED BY THE CITY AND PREVIOUSLY SCHEDULED FOR THE SAME TIME AND PLACE;

(8) THE PROPOSED USE OR ACTIVITY IS INCONSISTENT WITH THE EXISTING ZONING DESIGNATION;

(9) THE USE OR ACTIVITY INTENDED BY THE APPLICANT WOULD PRESENT AN UNREASONABLE DANGER TO THE HEALTH OR SAFETY OF THE APPLICANT, OF CITY EMPLOYEES, OR OF THE PUBLIC;

(10) THE APPLICANT HAS NOT COMPLIED OR CANNOT COMPLY WITH APPLICABLE LICENSURE REQUIREMENTS, CODES, OR REGULATIONS CONCERNING THE SALE OR OFFERING FOR SALE OF ANY GOODS OR SERVICES;

(11) THE USE OR ACTIVITY INTENDED BY THE APPLICANT IS PROHIBITED BY LAW, BY THE CITY CODE, OR BY THE REGULATIONS OF THE DIRECTOR;

(12) THE EVENT WILL SUBSTANTIALLY INTERRUPT THE SAFE AND ORDERLY MOVEMENT OF AERIAL NAVIGATION, OR OF PUBLIC TRANSPORTATION OR OTHER VEHICULAR AND PEDESTRIAN TRAFFIC IN THE AREA OF THE EVENT, WILL CAUSE CONFLICTS WITH CONSTRUCTION OR DEVELOPMENT IN PUBLIC RIGHTS-OF-WAY OR AT THE AREA WHERE THE EVENT IS HELD, OR WILL CLOSE STREETS OR SIGNIFICANTLY RESTRICT THE NUMBER OF TRAFFIC LANES; OR

(13) THE EXPECTED ATTENDANCE AT THE EVENT WILL EXCEED THE LAWFUL CAPACITY OF AREA UNDER THE CITY'S FIRE CODE OR THE PARKING AVAILABLE AT THE AREA WILL BE INADEQUATE TO ACCOMMODATE THE EXPECTED ATTENDANCE OF THE EVENT.

...

SECTION 4. The Avondale City Code, Chapter 7 (Special Events Code), Section 7-5 (General Requirements and Terms) is hereby amended to add a new subsection (n) to read as follows:

7-5 General Requirements and Terms.

...

(N) CHAPTER 17 OF THIS CODE (PARKS AND RECREATION) SHALL APPLY TO SPECIAL EVENTS LOCATED ON CITY PROPERTY UNLESS OTHERWISE PERMITTED BY THE CITY, IN WRITING.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. The Mayor, the Acting City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, November 20, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

ITEM NUMBER: 3.g.

SUBJECT: Ordinance 2069-1123 – Abandonment of Fillmore Street Right of Way

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager, (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2069-1123 authorizing the abandonment of Fillmore Street right-of-way generally located south of Park Avenue and east of Avondale Boulevard and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

On March 21, 2022, City Council approved "Final Plat Alta Avondale", which was recorded in Book of Maps 1692, Page 6, with the Maricopa County Recorder's Office. The plat dedicated the southern 33-feet half street right-of-way for Fillmore Street, generally located south of Park Avenue and east of Avondale Boulevard.

DISCUSSION:

The developer for ALTA Avondale has advised Staff that a portion of building slab for one of their buildings is encroaching into the southern portion of Fillmore Street right-of-way by 1.5-feet. Staff has reviewed and determined this portion of existing right-of-way may be abandoned and designated as excess city property. The City will authorize the sale of this portion of right-of-way to the owner of ALTA Avondale in a separate Council action.

The proposed right-of-way abandonment consists of an area containing 387 square feet.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the abandonment of Fillmore Street right-of-way generally located south of Park Avenue and east of Avondale Boulevard and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Terry Dorscheid

ORDINANCE NO. 2069-1123

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ABANDONING THAT CERTAIN PORTION OF FILLMORE STREET RIGHT-OF-WAY GENERALLY LOCATED SOUTH OF PARK AVENUE AND EAST OF AVONDALE BOULEVARD AND DESIGNATING IT AS REAL PROPERTY.

WHEREAS, on May 21, 2022, the Council of the City of Avondale (the “City Council”) approved the Final Plat for Alta Avondale that included a 33-foot right-of-way generally located south of Park Avenue and east of Avondale Boulevard, that is recorded with the Office of the Maricopa County Recorder at Instrument No. 20220677694 in Book of Maps 1692, Page 6 on August 30, 2022 (the “right-of-way”); and

WHEREAS, pursuant to Article I, Section 3 of the Avondale City Charter, the City may abandon a right-of-way as the City’s interests may require; and

WHEREAS, the City Council (i) has determined that a portion of the right-of-way totaling $\pm$ 0.0089 acres has no useful purpose as right of way and (ii) desires to abandon this portion as right-of-way and designate it as excess real property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

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

SECTION 2. The portion of right-of-way, consisting of $\pm$ 0.0089 acres as more particularly described and depicted in Exhibit A, attached hereto and incorporated by reference, is hereby abandoned as right-of-way and designated as real property by the City.

SECTION 3. It is necessary for the preservation of the peace, health and safety of the City that an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
November 20, 2023.

Kenneth Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2069-1123

[Legal Description and Map of Right-Of-Way]

See following pages.

Wood, Patel & Associates, Inc.
602.335.8500
www.woodpatel.com

October 17, 2023
WP# 215259
Page 1 of 2
See Exhibit "A"

LEGAL DESCRIPTION
Alta Avondale
Right-of-Way Abandonment

A parcel of land lying within the southwest quarter of Section 6, Township 1 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southwest corner of said Section 6, a 3-inch brass cap in handhole, from which the west quarter corner of said section, a 3-inch brass cap in handhole, bears North 00°02'20" West (basis of bearing), a distance of 2626.68 feet;
THENCE along the west line of said section, North 00°02'20" West, a distance of 617.81 feet;
THENCE leaving said west line, North 89°57'40" East, a distance of 743.96 feet, to the southerly right-of-way line of Fillmore Street as shown on Final Plat recorded in Book 1692, page 6, Maricopa County Records (MCR) and the **POINT OF BEGINNING**;
THENCE along said southerly right-of-way line, North 01°12'33" West, a distance of 1.50 feet;
THENCE leaving said southerly right-of-way line, North 89°05'37" East, a distance of 258.22 feet, to the east right-of-way line of said Fillmore Street;
THENCE along said east right-of-way line, South 00°02'51" East, a distance of 1.50 feet, to said southerly right-of-way line;
THENCE leaving said east right-of-way line, along said southerly right-of-way line, South 89°05'37" West, a distance of 258.19 feet, to the **POINT OF BEGINNING**.

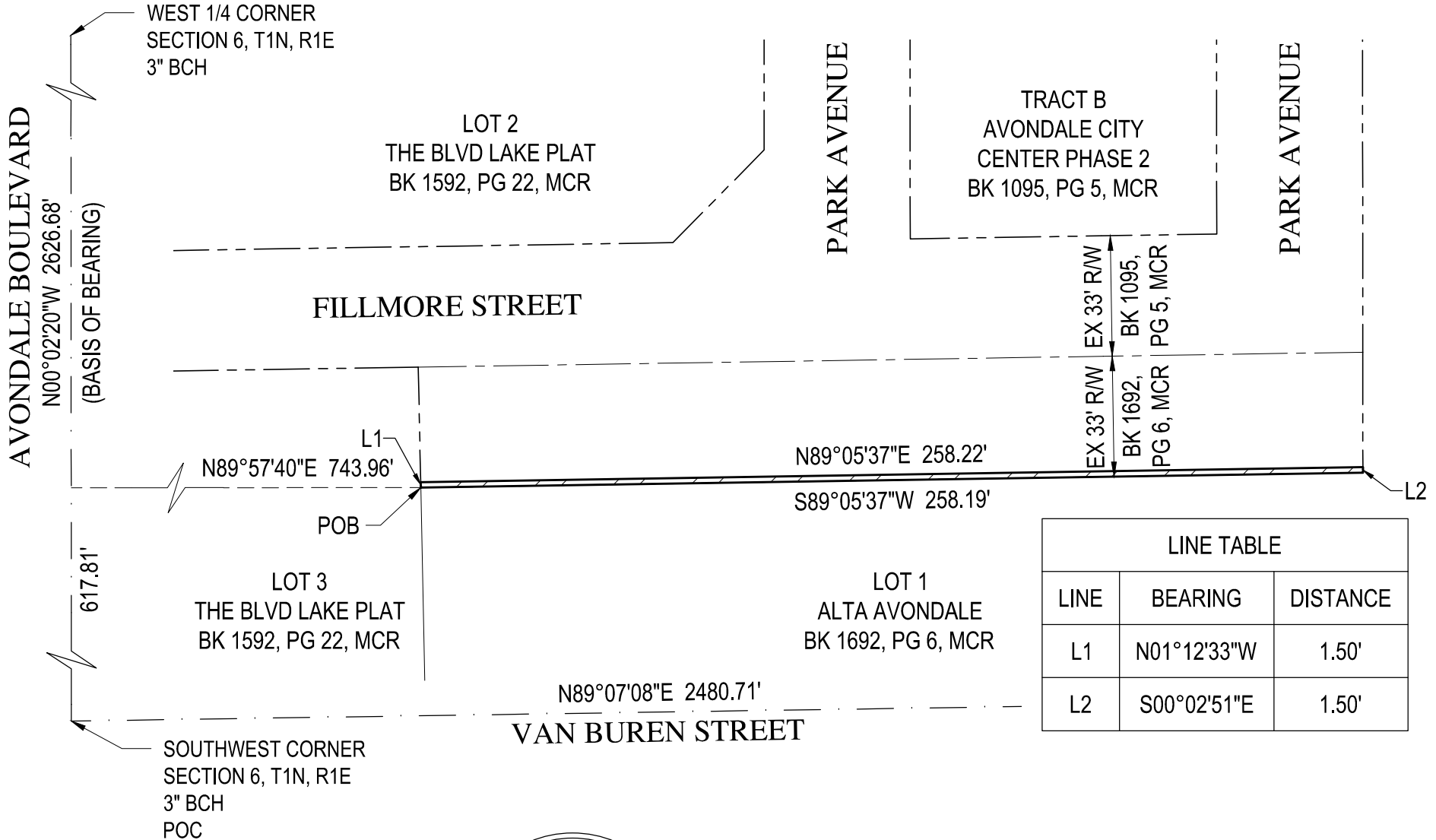
Containing 387 square feet or 0.0089 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on Final Plat for Alta Avondale, recorded in Book 1692, page 6, MCR, other client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of September, 2021. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2021\215259 Alta Avondale Right-of-Way Abandonment L05 10-17-23.docx





LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°12'33"W	1.50'
L2	S00°02'51"E	1.50'

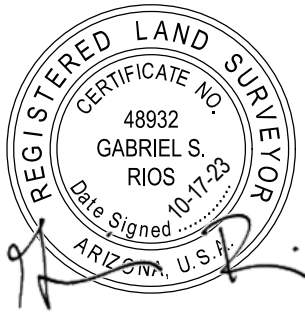
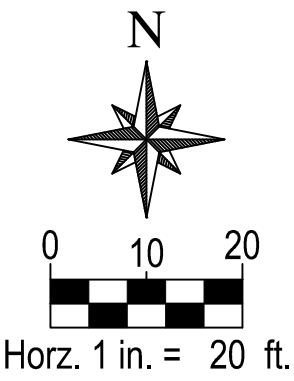
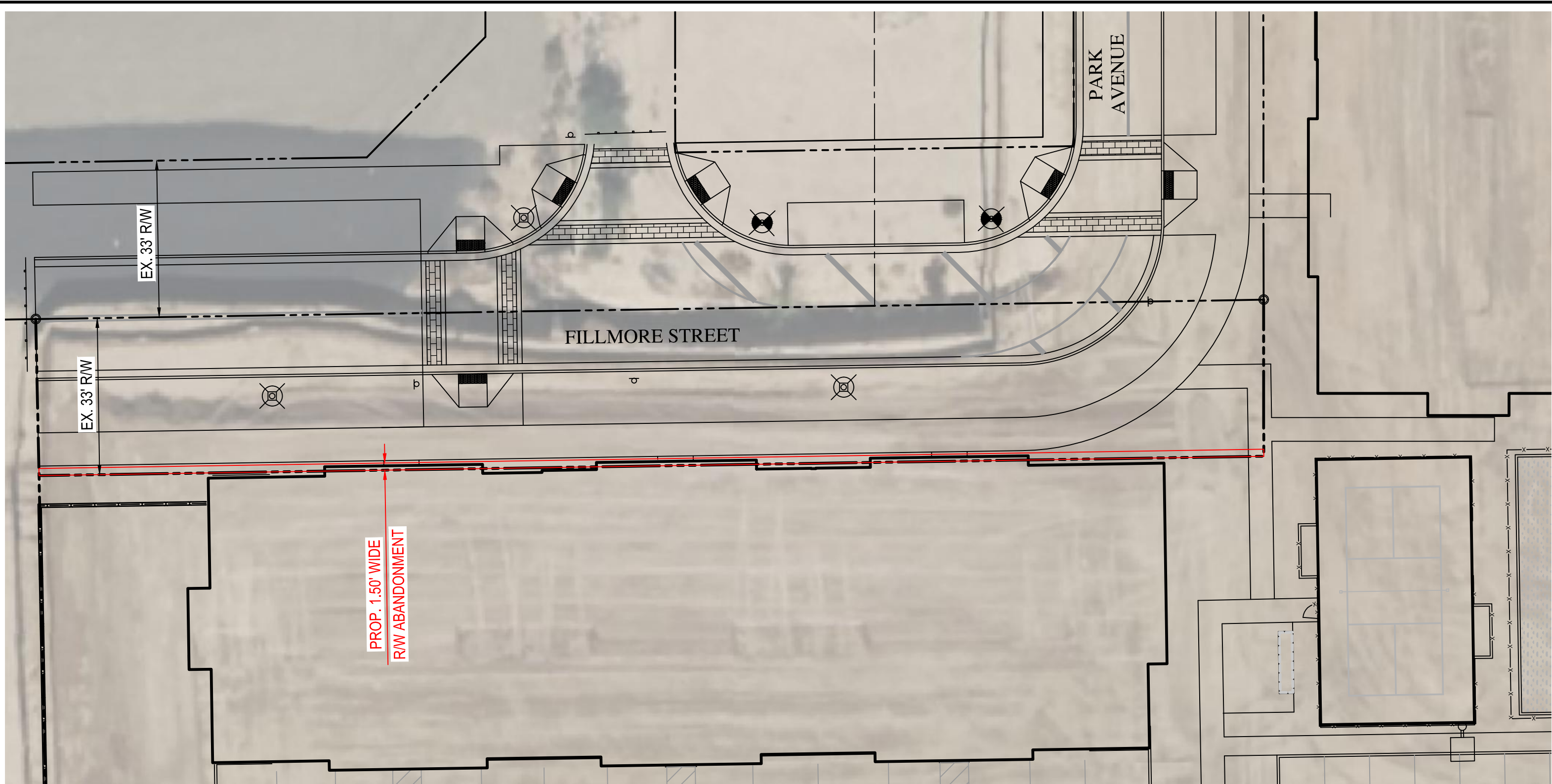


EXHIBIT "A"
 ALTA AVONDALE
 RIGHT-OF-WAY ABANDONMENT
 10/17/2023
 WP# 215259
 PAGE 2 OF 2
 NOT TO SCALE

EXPIRES 12-31-23

Z:\2021\215259\Survey\Legal\5259-L05.dwg



	VICINITY MAP		
	10-16-2023	WP#215259	SHEET 1 OF 1

ITEM NUMBER: 3.h.

SUBJECT: Final Plat for Riley Property 3, Avondale Police Detention Substation PL-23-0036

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Tracy Stevens, Assistant City Manager (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

STRATEGIC OUTCOME AREA: Creative and Sustainable Community Development

STRATEGY: Maintain and expand quality infrastructure and improve connectivity to city amenities.

PURPOSE:

City Council will consider a City initiated request for approval of the Re-Plat for Riley Property 3 (Avondale Police Detention Substation) and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The City-owned property is approximately 10.34 acres of land bounded by Riley Drive to the north, Eliseo C. Felix Jr. Way to the east, Western Avenue to the south, and 9th Street to the west. The proposed Re-Plat modifies the existing Riley Property 2 Final Plat and will consist of two lots and a tract for the dedication of right-of-way along Eliseo Felix Jr. Way. The Council will take appropriate action.

BACKGROUND:

The 10.34-acre subject property is located at the southwest corner of Riley Drive and 9th Street and includes assessor parcel numbers (APNs) 500-21-025 and 500-21-026 (Exhibits A and B). The rectangular property features a significant slope from north to south; a sizable portion of the southern half of the site is located within the floodplain. The proposed Re-Plat will establish a new lot line between the two existing lots.

City Council approved Riley Property 2, a Re-Plat of the Riley Property, on December 9, 2019. The previous Re-Plat reconfigured three existing lots into two lots, one for the development of the Arizona Complete Health Avondale Resource Center and the second for future development.

The General Plan 2030 Land Use Map designates the property as Industrial (Exhibit C). The industrial land-use category is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures. This category is typically characterized by uses that may need special consideration and may include refining, assembly, fabrication of products, demolition, solar, or wholesaling.

The existing uses and zoning of surrounding properties include:

NORTH: The Avondale Resource Center zoned PAD and Riley Drive.

EAST: Eliseo C. Felix Jr. Way and vacant land is currently zoned A-1.

SOUTH: Western Avenue and the railroad property abutting Buckeye Road.

WEST: 9th Street and vacant land currently zoned A-1 with a variety of construction companies on adjacent parcels.

SUMMARY OF REQUEST:

The City is requesting approval for the Re-Plat of Riley Property 3, which will consist of two lots, to facilitate the construction of the Avondale Police Detention Substation (the Facility). The new facility will be located just south of the Avondale Resource Center. In finalizing the location of the Facility, a Re-Plat of the property is needed to shift the existing lot line between the new Facility and Arizona Complete Health Avondale Resource Center. Tract A was established to dedicate city-owned land to public right-of-way.

Lot 1: Approximately 6.010 acres

Lot 2: Approximately 4.199 acres

PUBLIC PARTICIPATION:

Public notification is not required for Re-Plat applications.

PLANNING COMMISSION ACTION:

The Planning Commission does not review Re-Plat applications.

ANALYSIS:

The proposed Re-Plat has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

DISCUSSION:

- The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
- The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

Staff recommends City Council **APPROVE** Application PL-23-0036, a Re-Plat for Riley Property 3 (Avondale Police Detention Substation) subject to the following one (1) condition of approval:

1. The recorded plat shall be in conformance with the Re-Plat for Riley Property 3 submitted electronically on October 26, 2023, and provided in Exhibit D.

Contact person for document distribution: Sylvia Willem Marcor, Planner

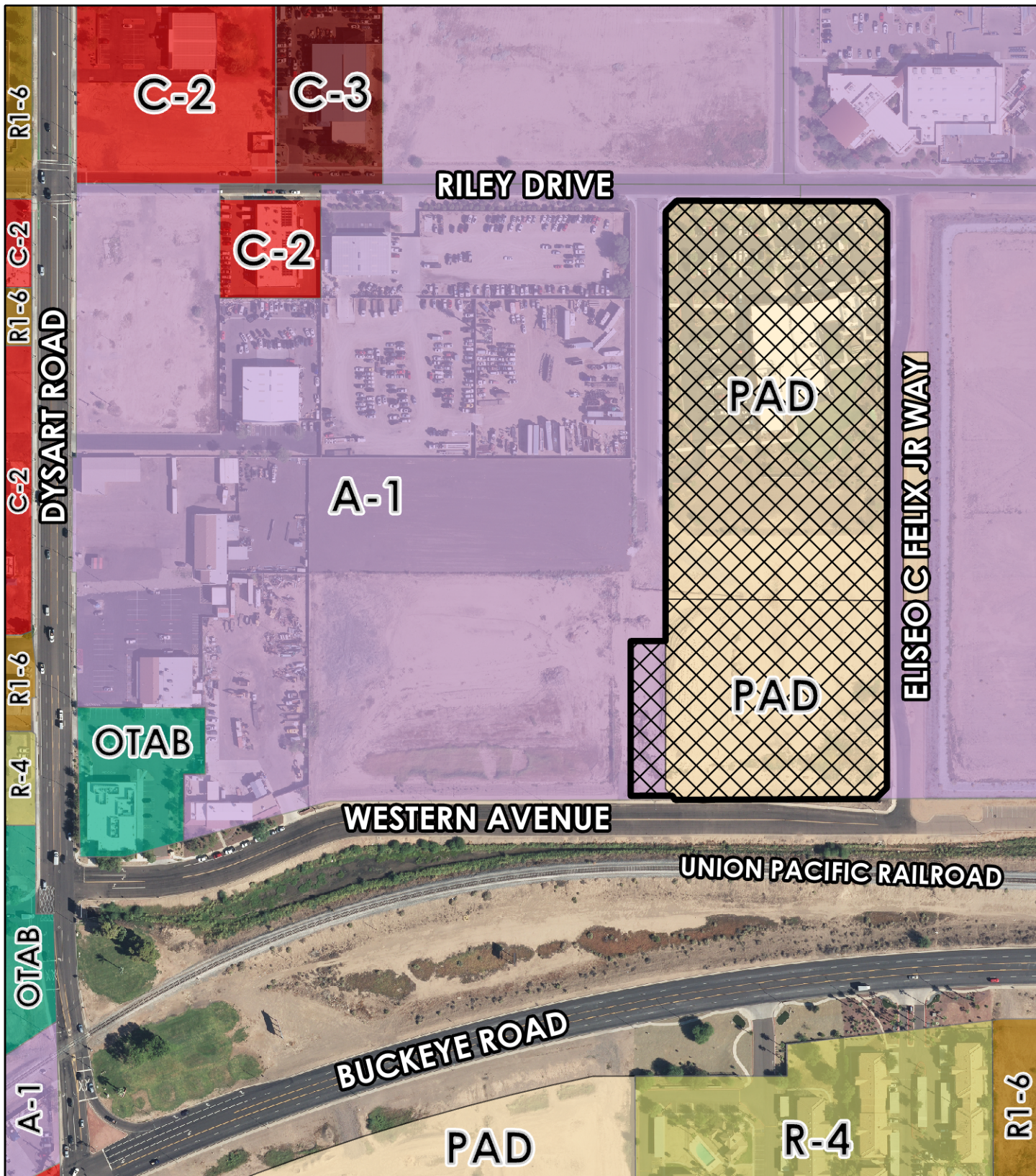


Aerial Map

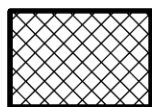


Subject Property



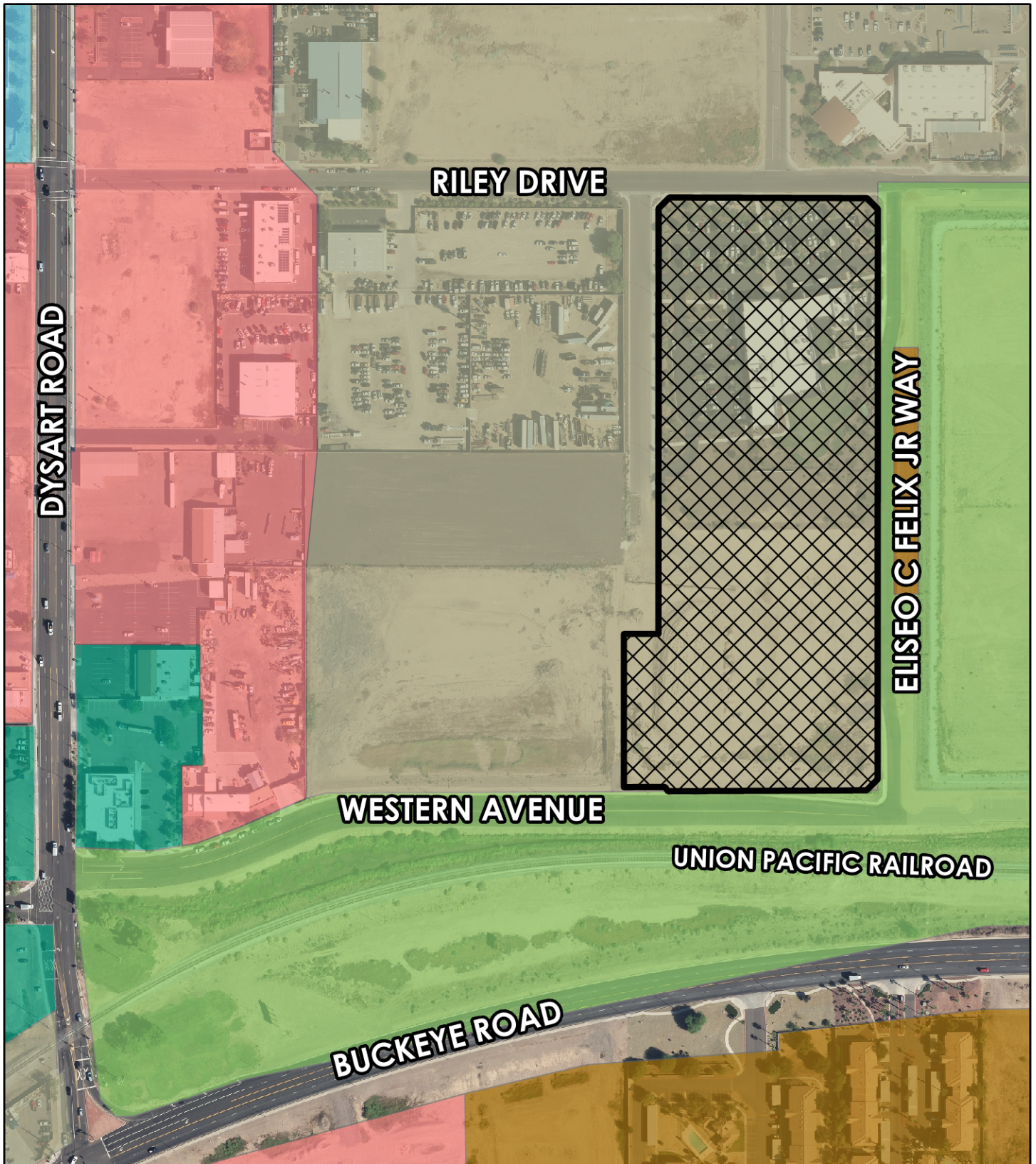


Zoning Vicinity



Subject Property

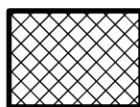




General Plan Land Use



- Education
- High Density Residential
- Historic Avondale District
- Industrial
- Local Commercial
- Open Space and Parks



Subject Property



DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL MEN BY THESE PRESENTS: THE CITY OF AVONDALE, AN ARIZONA MUNICIPAL CORPORATION, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "RILEY PROPERTY 3", A ONE LOT COMMERCIAL SUBDIVISION BEING A REPLAT OF RILEY PROPERTY 2, AS RECORDED IN BOOK 1501, PAGE 4, OFFICIAL RECORDS OF MARICOPA COUNTY, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON, HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "RILEY PROPERTY 3", A COMMERCIAL SUBDIVISION, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT THE LOTS AND STREETS SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN EACH RESPECTIVELY ON SAID PLAT. EASEMENTS ARE HEREBY DEDICATED FOR THE PURPOSES SHOWN HERON. TRACT "A" IS TO BE DEDICATED TO THE CITY OF AVONDALE AS PUBLIC RIGHT OF WAY.

IN WITNESS WHEREOF:

THE CITY OF AVONDALE, AN ARIZONA MUNICIPAL CORPORATION, AS OWNER, HAS HEREUNDER CAUSED ITS CORPORATE NAME TO BE AFFIXED BY THE UNDERSIGNED OFFICER HEREUNTO DULY AUTHORIZED,

THIS DAY OF , 2023.

BY: MAYOR

ACKNOWLEDGEMENT:

STATE OF ARIZONA
COUNTY OF MARICOPA

BEFORE ME THIS DAY OF , 2023, THE UNDERSIGNED OFFICER,

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE THE MAYOR OF THE CITY OF AVONDALE. IN WITNESS WHEREFORE, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

PARENT PARCEL DESCRIPTION

LOTS NO. 1 AND 2 OF THE FINAL PLAT OF "RILEY PROPERTY 2" AS RECORDED IN BOOK 1501 PAGE 4, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA

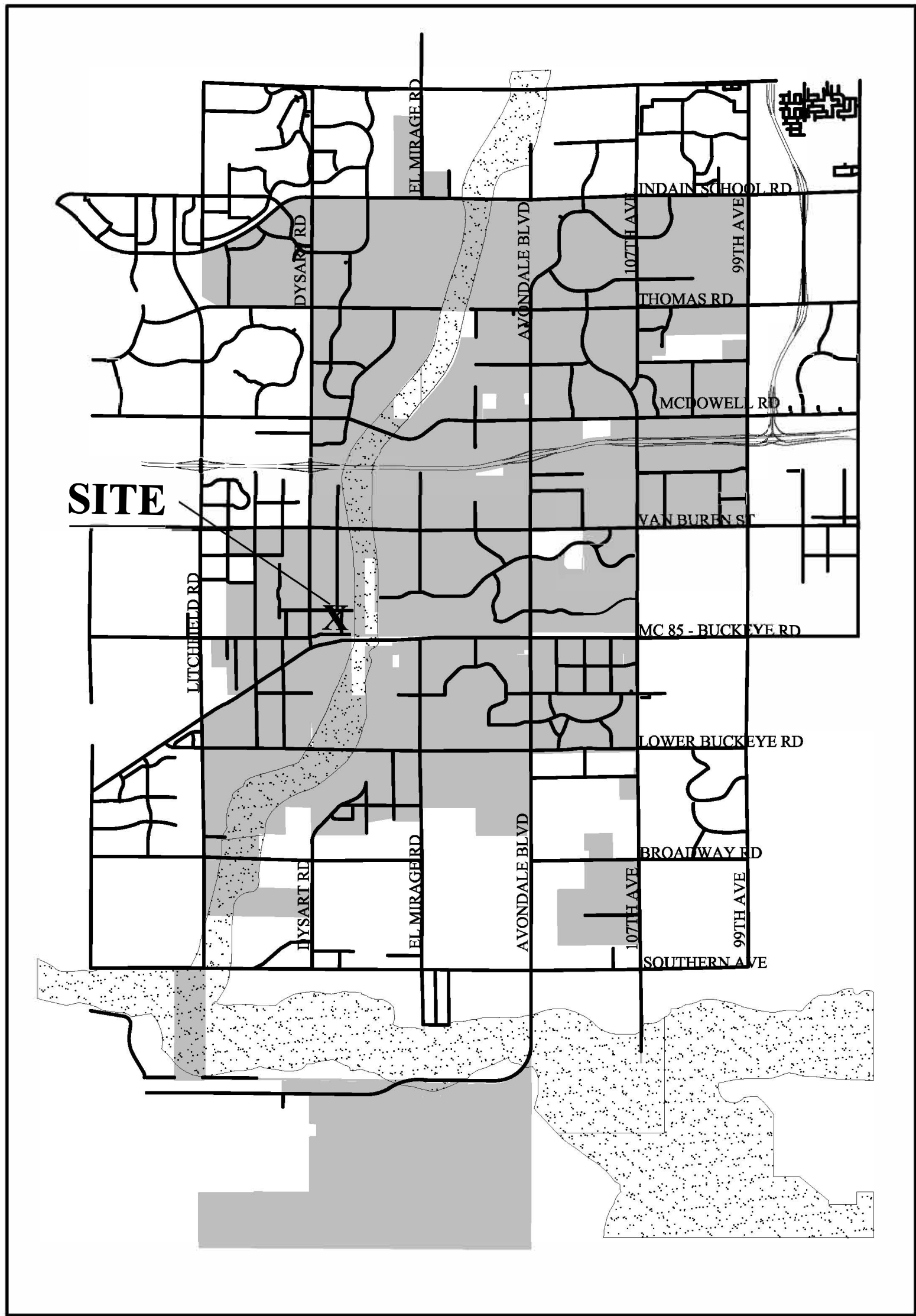
NOTES

- ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY OWNER EXCLUDING MEDIANS ON ARTERIAL STREETS.
- ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.
- ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
- NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.
- NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.
- NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.
- PORTIONS OF THE SUBJECT PROPERTY, AS SHOWN, LIE WITHIN SHADED ZONES "A", "AH" AND "X" ACCORDING TO FIRM NO. 0413C2155M AND 04132165M, PUBLISHED BY FEMA NOVEMBER 5, 2015.

FINAL PLAT FOR RILEY PROPERTY 3

A REPLAT OF "RILEY PROPERTY 2"

ACCORDING TO BOOK 1501, PAGE 4, OFFICIAL RECORDS OF MARICOPA COUNTY, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



KEY MAP

LOT AREAS AND TRACT TABLE			
TRACT	AREA (S.F.)	AREA (ACRES)	PRIMARY USE
LOT 1	261,807 S.F.	6.010 ACRES	
LOT 2	182,892 S.F.	4.199 ACRES	
TRACT "A"	5757 S.F.	0.132 ACRES	RIGHT OF WAY

100 YEAR ASSURED WATER SUPPLY:

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

OWNER

CITY OF AVONDALE
11465 W. CIVIC CENTER DRIVE
AVONDALE, ARIZONA 85323
Phone: 623-333-4216
CONTACT: ARIC STEWART, P.E. - CITY ENGINEER

SURVEYOR

DIBBLE ENGINEERING
7878 N. 16TH STREET
PHOENIX, ARIZONA 85020
PHONE: 602-957-1155
CONTACT: JASON P. GRAHAM RLS

REFERENCE DOCUMENTS

ROS GDACS BOOK 694, PAGE 38, MCR
BOOK 955 OF MAPS, PAGE 25, MCR
BOOK 1501 OF MAPS, PAGE 4, MCR
DOC. 2005-0905028 MCR

BASIS OF BEARING:

THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC.11, T1N, R1W OF THE G&SRM, MARICOPA COUNTY, ARIZONA BEARING: N 00° 01' 11"W, PER BOOK 955, PAGE 25, M.C.R.

APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY AND EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA.
APPROVED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA,

THIS DAY OF , 2023.

MAYOR DATE

ATTEST, CITY CLERK DATE

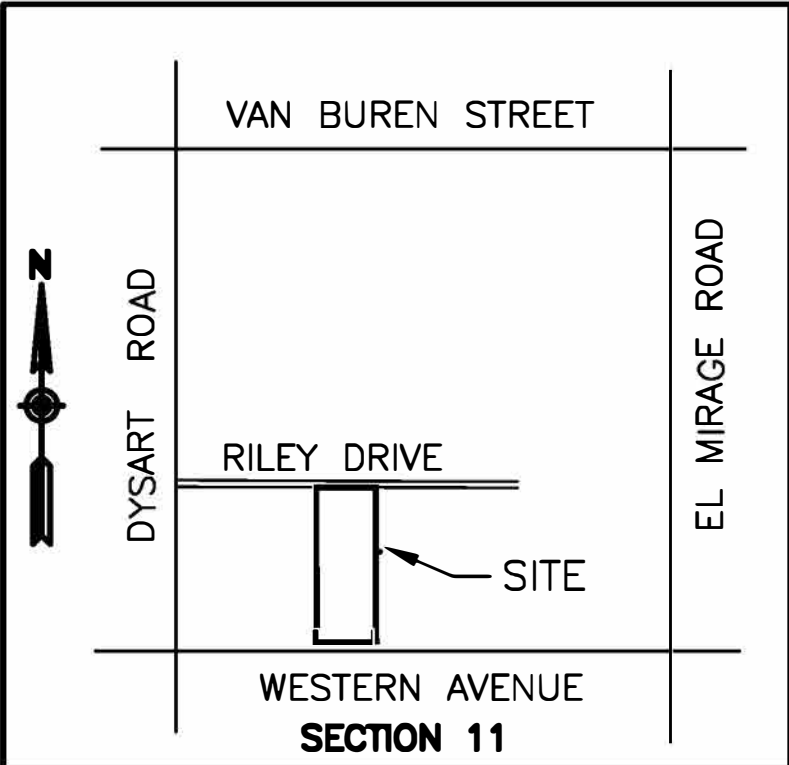
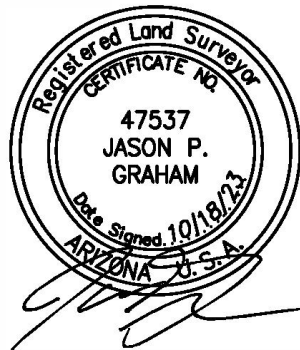
CITY ENGINEER DATE

SURVEYORS CERTIFICATION

THIS CERTIFICATE OF SURVEY IS ONLY VALID IF IT BEARS THE ORIGINAL SEAL AND INKED SIGNATURE OF THE CERTIFYING PROFESSIONAL LAND SURVEYOR.

I, JASON P. GRAHAM, HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ACTUALLY EXIST AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THIS CERTIFICATE OF SURVEY IS BASED UPON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR AN ARIZONA BOUNDARY SURVEY TO THE BEST OF MY PROFESSIONAL ABILITIES, KNOWLEDGE, AND BELIEFS.

JASON P. GRAHAM RLS 47537



7878 N. 16th Street
Suite 300
Phoenix, AZ 85020
P 602.957.1155
F 602.957.2838
www.dibblecorp.com

DIBBLE

FINAL PLAT FOR RILEY PROPERTY 3

A REPLAT OF "RILEY PROPERTY 2"

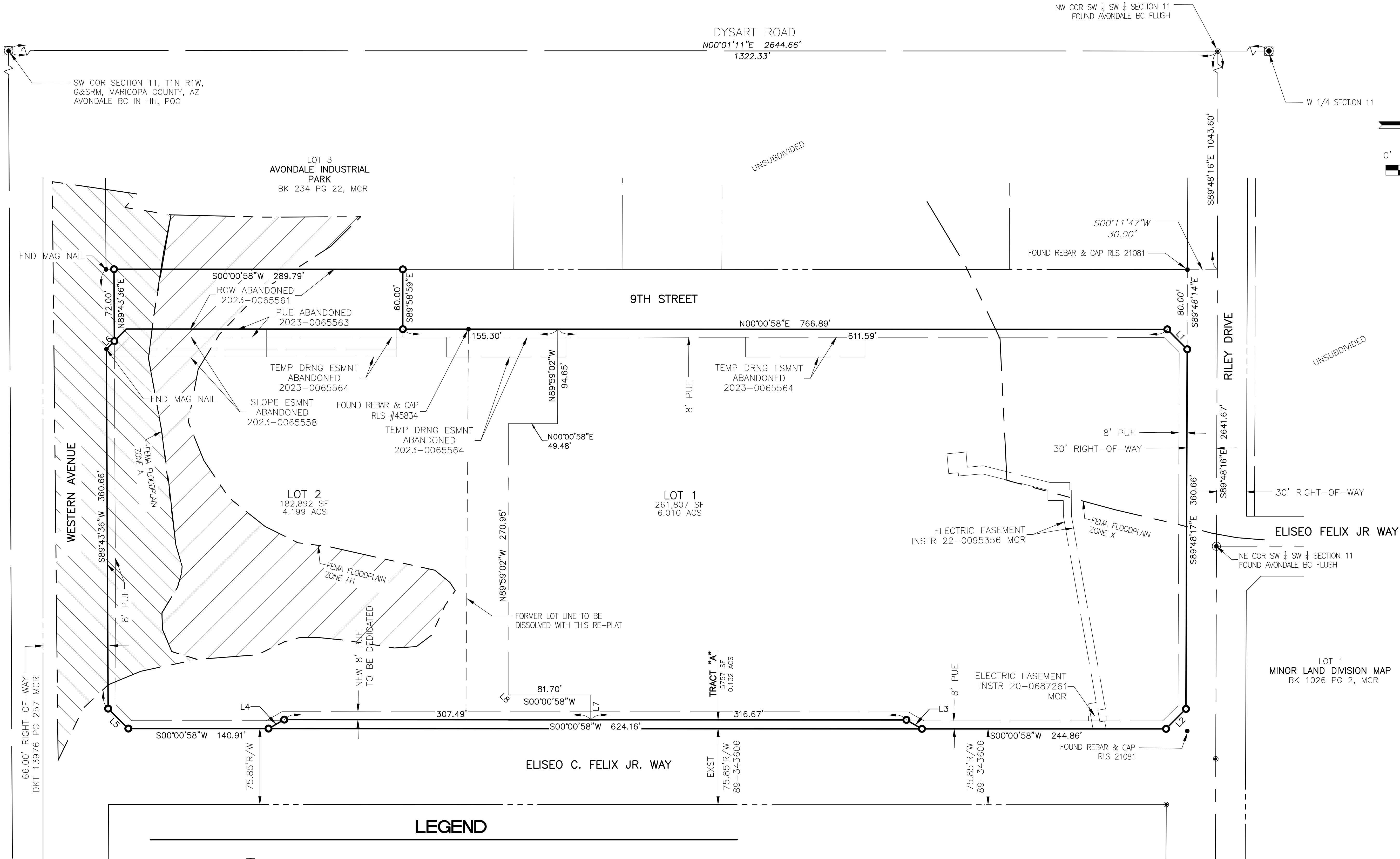
ACCORDING TO BOOK 1501, PAGE 4, OFFICIAL RECORDS OF MARICOPA COUNTY, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

PROJECT NO: 1022159	DATE: JAN 2023	SCALE: AS SHOWN
SURVEYED: SEP 2022	DRAWN: CSD	REVIEWED: ACC
FIELD WORK: JRK	ARC	REVIEWED: JPG
REVISIONS:		

SHEET

OF 2

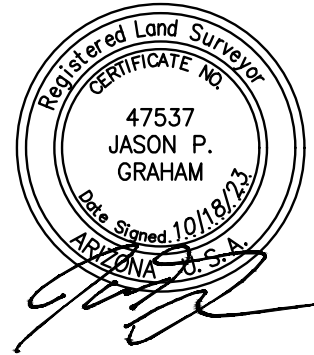
FILE:\PROJECTS\2023\1022159_Avonendale_Division\CAD\2159-REPLAT.dwg DATE: Oct. 19, 2023 TIME: 04:12 pm



LEGEND

	FOUND BRASS CAP IN HANDHOLE	TEMP	TEMPORARY
	FOUND BRASS OR ALUMINUM CAP FLUSH	ESMNT	EASEMENT
	FOUND REBAR & CAP OR AS NOTED	DRNG	DRAINAGE
	SET REBAR & CAP RLS #47537 OR AS NOTED	FND	FOUND
	DOCKET#, PAGE#	PUE	PUBLIC UTILITY EASEMENT
DKT, PG. MCR	MARICOPA COUNTY RECORDER		
	MONUMENT LINE		
	EASEMENT LINE		
	PROPERTY BOUNDARY		
	RIGHT OF WAY		
	SECTION LINE		
	RIGHT OF WAY		

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N45°06'21"E	28.24'
L2	S44°53'39"E	28.33'
L3	S30°00'00"W	18.01'
L4	S30°00'00"E	17.99'
L5	S44°52'17"W	28.36'
L6	S45°07'43"E	11.29'
L7	S89°59'02"E	25.00'
L8	S45°00'58"W	1.41'



FINAL PLAT FOR RILEY PROPERTY 3

A REPLAT OF "RILEY PROPERTY 2"

ACCORDING TO BOOK 1501, PAGE 4, OFFICIAL RECORDS OF MARICOPA COUNTY, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

PROJECT NO: 1022159	DATE: JAN. 2023	SCALE: AS SHOWN
SURVEYED: SEP 2022	DRAWN: CSD	REVIEWED: ACC
FIELD WORK: JRK	ARC	REVIEWED: JPG
REVISIONS:		

SHEET

2

OF 2

7878 N. 16th Street
Suite 300
Phoenix, AZ 85020
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DIBBLE

ITEM NUMBER: 3.i.

SUBJECT: Map of Dedication for Entrada - 107th Avenue - Application PL-22-0218

MEETING DATE: 11/20/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Tracy Stevens, Assistant City Manager, (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

STRATEGIC OUTCOME AREA: Creative and Sustainable Community Development

STRATEGY: Maintain and expand quality infrastructure and improve connectivity to city amenities

PURPOSE:

City Council will consider a request by Dan Auxier of EPS Group, on behalf of the property owner Meritage Homes of Arizona Inc. and Sim Reg Entrada LLC, for approval of a Map of Dedication of Entrada – 107th Avenue, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed Map of Dedication (MOD) dedicates approximately thirty-two feet (2.28 acres) of additional right-of-way along 107th Avenue. The subject property is located on the north side of Broadway Road and on the west side of 107th Avenue. The Council will take appropriate action.

BACKGROUND:

The subject property is approximately 2.28 acres in size and is exclusively comprised of right-of-way to be dedicated to the City of Avondale. The property was annexed in August 2020 and rezoned from Agricultural (AG) to Entrada Planned Area Development (PAD). The property is located within the Medium Density Residential Land Use designation of the Avondale General Plan. This land use designation provides for a suburban lifestyle with planned detached single-family residential communities with larger setbacks and neighborhood facilities.

The existing uses and zoning of surrounding properties include:

NORTH: Vacant and zoned Entrada PAD.

EAST: Single-family residential homes zoned in the City of Phoenix.

SOUTH AND WEST: Vacant and zoned Entrada PAD.

SUMMARY OF REQUEST:

The applicant requests approval of the Map of Dedication (MOD) for Entrada – 107th Avenue (Exhibit D). The proposed MOD dedicates approximately thirty-two feet (2.28 acres) for off-site right-of-way improvements for the

adjacent single-family residential development.

The proposed MOD dedicates approximately thirty-two (32) feet of additional right-of-way on the west side of 107th Avenue, north of Broadway Road.

PUBLIC PARTICIPATION:

Public notification is not required for MOD applications.

PLANNING COMMISSION ACTION:

The Planning Commission does not review MOD applications.

ANALYSIS:

The proposed MOD has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property. The proposed Map of Dedication is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

DISCUSSION:

- The proposed MOD is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
- The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

BUDGET IMPACT:

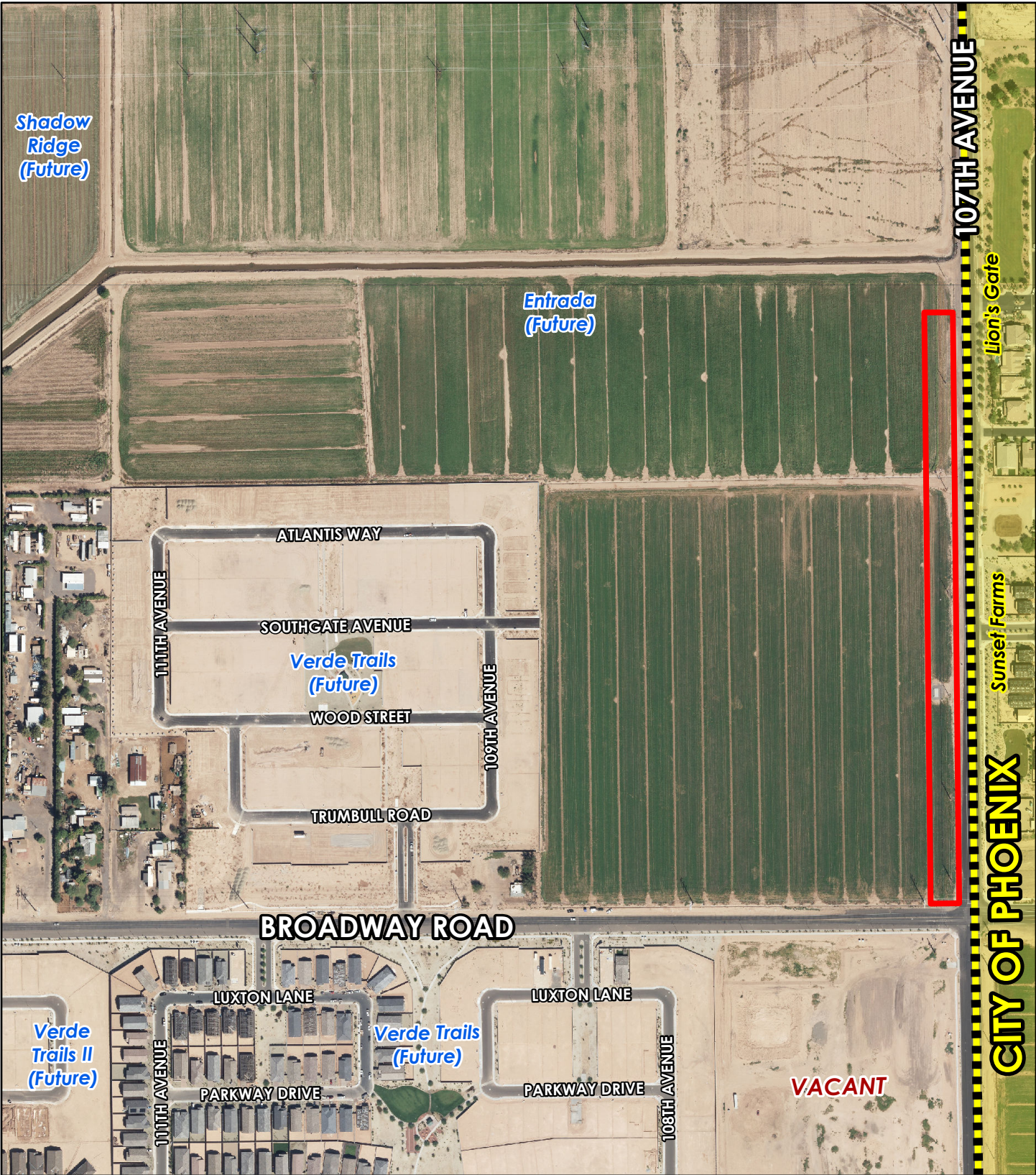
No budget impacts.

RECOMMENDATION:

Staff recommends that City Council **APPROVE** Application PL-22-0218 Map of Dedication of Entrada – 107th Avenue, subject to the following condition of approval:

1. The recorded map shall be in conformance with the Map of Dedication submitted electronically on August 23, 2023 and provided in Exhibit D.

Contact person for document distribution: Joshua Orton

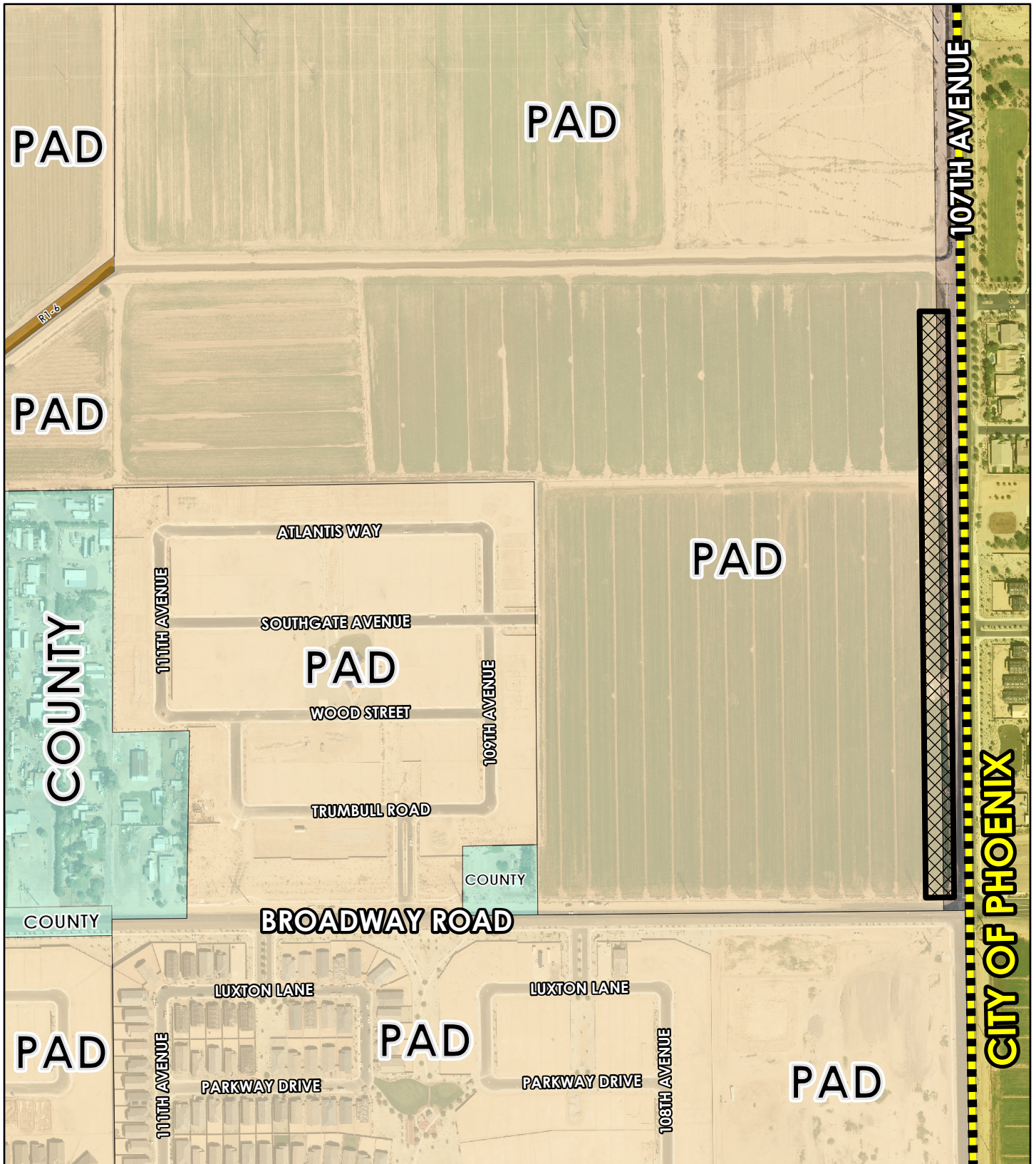


Aerial Map

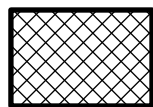


Subject Property



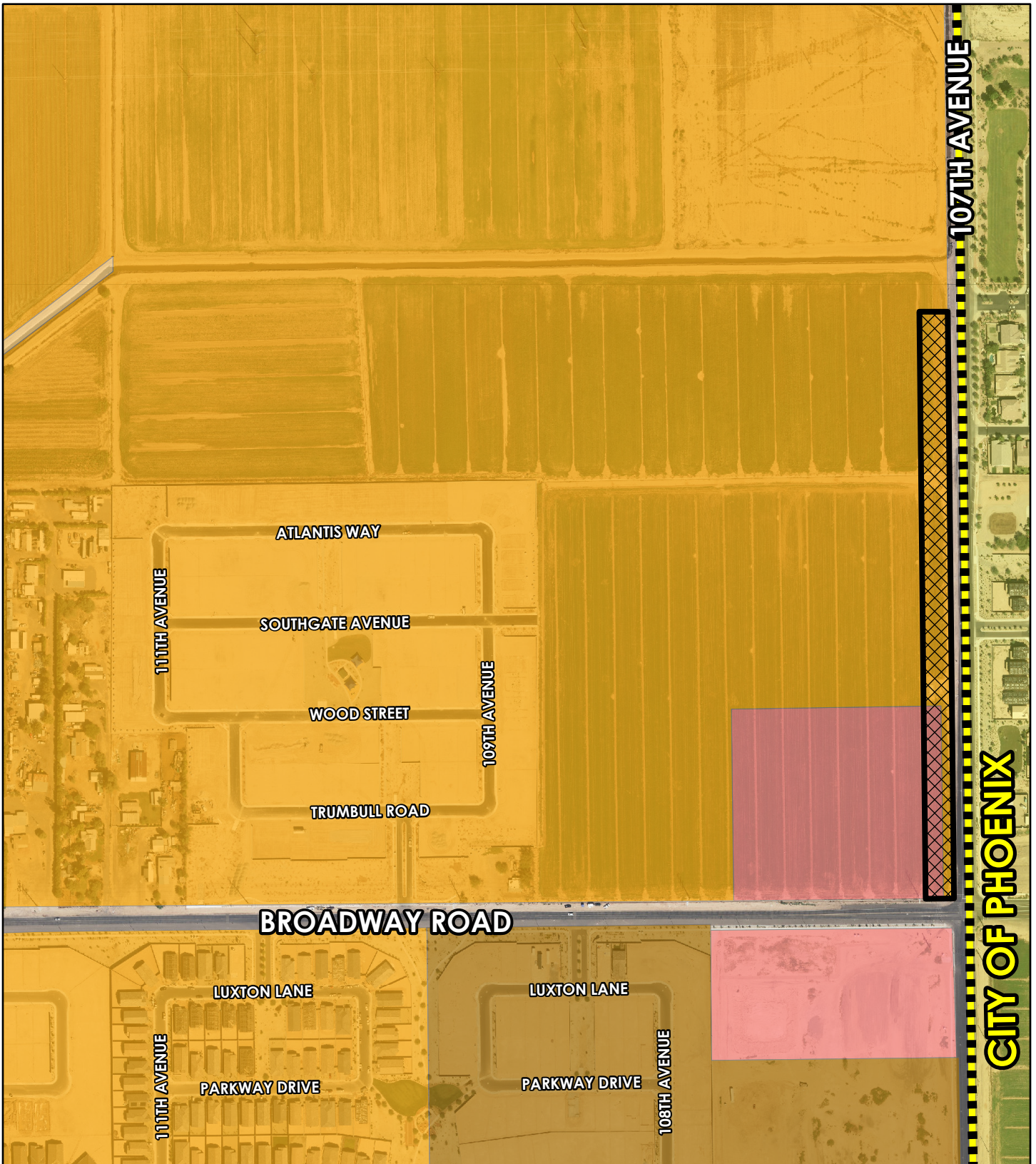


Zoning Vicinity



Subject Property

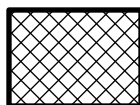




General Plan Land Use



- High Density Residential
- Local Commercial
- Estate/Low Density Residential
- Medium Density Residential



Subject Property



Aug 18, 2023 9:18am C:\Users\agross\appdata\local\temp\AcPublish_1226b\21-0147 - 107th Ave MOD - Plat.dwg agross

Exhibit D - Electronically Submitted 8/23/2023

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS: THAT MERITAGE HOMES OF ARIZONA, INC., AN ARIZONA CORPORATION AND SIM REG ENTRADA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNERS, HEREBY PUBLISHES THIS MAP OF DEDICATION AS THE PLAT OF "ENTRADA - 107TH AVENUE" A PORTION OF THE EAST HALF OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH STREET AND EASEMENT, AND THAT EACH TRACT OR STREET SHALL BE KNOWN BY THE LETTER OR NAME GIVEN TO EACH RESPECTIVELY.

THE OWNERS, AS LISTED ABOVE, HEREBY DEDICATES IN FEE ALL RIGHT TITLE AND INTEREST TO THE CITY FOR USE AS SUCH, THE STREET RIGHT OF WAYS AS SHOWN ON SAID MAP AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

OWNERS WARRANTS AND REPRESENTS TO THE CITY OF AVONDALE TO BE THE SOLE OWNER OF THE PROPERTY COVERED HEREBY AND THAT EVERY EASEMENT HOLDER, OR OTHER PERSON, OR ENTITY, HAVING ANY INTEREST IN THE LAND ADVERSE TO OR INCONSISTENT WITH THE DEDICATIONS, CONVEYANCES, OR OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS PLAT HAS CONSENTED TO, OR JOINED IN THIS PLAT, AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE, OR WHICH OWNER WILL RECORD NOT LATER THAN DATE ON WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF: MERITAGE HOMES OF ARIZONA, INC., AN ARIZONA CORPORATION, AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURES OF THE UNDERSIGNED OFFICER THEREUNTO DULY AUTHORIZED THIS _____ DAY OF _____, 2023.

BY: MERITAGE HOMES OF ARIZONA, INC., AN ARIZONA CORPORATION

OWNER/AUTHORIZED SIGNER

TITLE

IN WITNESS WHEREOF: SIM REG ENTRADA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURES OF THE UNDERSIGNED OFFICER THEREUNTO DULY AUTHORIZED THIS _____ DAY OF _____, 2023.

BY: SIM REG ENTRADA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

OWNER/AUTHORIZED SIGNER

TITLE

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

BEFORE ME THIS ____ DAY OF _____, 2023, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF MERITAGE HOMES OF ARIZONA, INC., AN ARIZONA CORPORATION, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT _____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES:

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

BEFORE ME THIS ____ DAY OF _____, 2023, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF SIM REG ENTRADA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT _____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES:

MAP OF DEDICATION

"Entrada - 107th Avenue"

A PORTION OF THE EAST HALF OF SECTION 19,
TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA & SALT RIVER MERIDIAN,
CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA.

RATIFICATION AND CONSENT

KNOW ALL MEN BY THESE PRESENTS:

BY THIS RATIFICATION _____ DULY ELECTED PRESIDENT OF THE ENTRADA HOMEOWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION ACKNOWLEDGES THE RESPONSIBILITIES DEDICATED HEREON.

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

BEFORE ME THIS ____ DAY OF _____, 2023, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE _____ OF ENTRADA HOMEOWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, ACKNOWLEDGE THAT HE/SHE, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES:

NOTES

- ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION, EXCLUDING MEDIANS ON ARTERIAL STREETS.
- ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.
- ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
- NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.
- NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.
- NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.
- THIS SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID).
- ALL SPILLWAYS SHALL BE MAINTAINED BY THE HOA

FLOODPLAIN DESIGNATION

THE PLATTED PROPERTY APPEARS TO LIE PARTIALLY WITHIN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHNACE FLOOD, AREAS OF SPECIAL FLOOD HAZARD INCLUDE ZONES A, AE, AH, AO, AR, A99, V, AND VE. THE BASE FLOOD ELEVATION IS THE WATER-SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD AND APPEARS TO LIE PARTIALLY WITHIN ZONE SHADED X (OTHER FLOOD AREAS) AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE MARICOPA COUNTY, COMMUNITY PANEL NO. 04013C2170M, EFFECTIVE DATE: NOVEMBER 4, 2015.

BASIS OF BEARING

THE BASIS OF BEARINGS IS THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST, BEARING: SOUTH 89 DEGREES 26 MINUTES 07 SECONDS WEST PER RECORD OF SURVEY RECORDED IN BOOK 1478 OF MAPS, PAGE 33, MCR

REFERENCE DOCUMENTS

RESULTS OF SURVEY AS RECORDED IN BOOK 667 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA

RESULTS OF SURVEY AS RECORDED IN BOOK 1104 OF MAPS, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA

RECORD OF SURVEY AS RECORDED IN BOOK 1478 OF MAPS, PAGE 33, RECORDS OF MARICOPA COUNTY, ARIZONA

OWNER / DEVELOPER

MERITAGE HOMES OF ARIZONA, INC.
8800 E. RAINTREE DRIVE, SUITE 300
SCOTTSDALE, ARIZONA 85260
TEL: (480) 515-8139
CONTACT: TYLER CHAMPLIN

OWNER

SIM REG ENTRADA, LLC
8901 E. RAINTREE DRIVE, SUITE 140
SCOTTSDALE, AZ 85260

ENGINEER

EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, SUITE 120
MESA, AZ 85201
TEL: (480)-503-2250
FAX: (480)-503-2258
CONTACT: TINO QUINTANA, P.E.
EMAIL: Tino.Quintana@epsgroupinc.com

UTILITY PROVIDERS

WATER	CITY OF AVONDALE
RECLAIMED WATER	CITY OF AVONDALE
SEWER	CITY OF AVONDALE
REFUSE	CITY OF AVONDALE
FIRE	CITY OF AVONDALE
TRAFFIC SIGNALS	CITY OF AVONDALE
GAS	SOUTHWEST GAS
ELECTRIC	SALT RIVER PROJECT (SRP)
TELEPHONE	CENTURYLINK/COX COMMUNICATIONS/MCI
CABLE TV	CENTURYLINK/COX COMMUNICATIONS
POLICE	CITY OF AVONDALE

RIGHT-OF-WAY DEDICATION TABLE		
STREET CLASSIFICATION	AREA (SF)	AREA (ACRES)
ARTERIAL	99,330 S.F.	2.2803 AC.

100-YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND MAP OF DEDICATION OF THE PREMISES DESCRIBED AND MAPPED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MAY, 2022; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

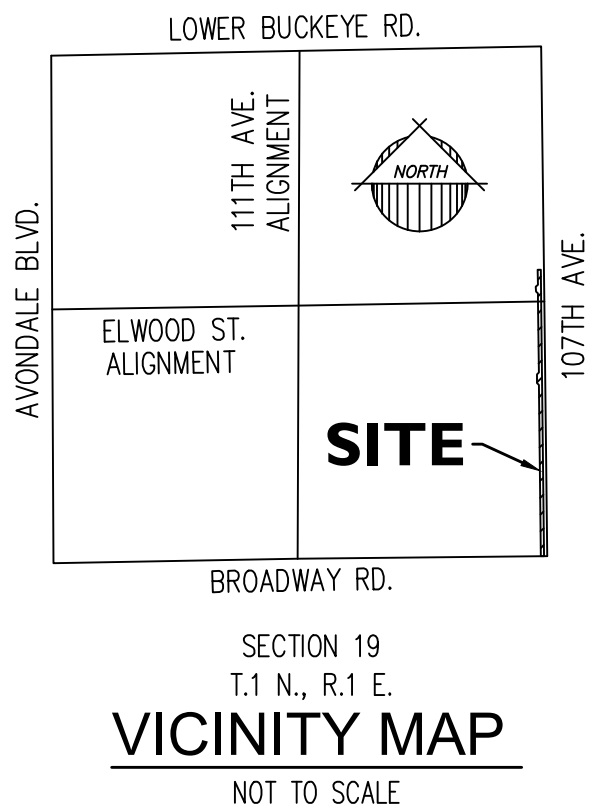
ROBERT A. JOHNSTON, R.L.S. 37495
EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, SUITE 120
MESA, AZ 85201
TEL: (480)-503-2250
FAX: (480)-503-2258



APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY AND EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA THIS _____ DAY OF _____, 20____.

_____ MAYOR	_____ DATE
_____ ATTEST, CITY CLERK	_____ DATE
_____ CITY ENGINEER	_____ DATE



1130 N Alma School Rd., Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
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EPS GROUP

"Entrada - 107th Avenue"

AVONDALE, ARIZONA

MAP OF DEDICATION

Project:

Revisions:

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Designer: RJ

Drawn by: AG

Job No.

21-0147

Sheet No.

1 of 2

LEGEND

■	SECTION CORNER (AS NOTED)
○	SUBDIVISION BOUNDARY CORNER
●	SET 1/2" REBAR WITH CAP (LS 37495) UNLESS OTHERWISE NOTED
○	CENTERLINE MONUMENT (TO BE SET BY OTHERS)
R/W	RIGHT OF WAY
SRP	SALT RIVER PROJECT
M.C.	MARICOPA COUNTY
M.C.R.	MARICOPA COUNTY RECORD
M.C.D.O.T.	MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
—	BOUNDARY LINE
—	LOT LINE
—	RIGHT OF WAY LINE
—	CENTER LINE
- - -	PUBLIC UTILITY EASEMENT
- - -	VEHICULAR NON ACCESS EASEMENT
- - -	SECTION LINE
- - -	RIGHT OF WAY LINE
- - -	PARCEL LINE
- - -	EASEMENT LINE

LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCEING AT A 4-INCH MARICOPA COUNTY BRASS CAP FLUSH AT THE SOUTHEAST CORNER OF SAID SECTION 19, FROM WHICH A 4-INCH MARICOPA COUNTY BRASS CAP FLUSH AT THE SOUTH QUARTER CORNER OF SAID SECTION 19, BEARS SOUTH 89 DEGREES 26 MINUTES 07 SECONDS WEST, 2,599.52 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19, SOUTH 89 DEGREES 26 MINUTES 07 SECONDS WEST, 33.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 26 MINUTES 07 SECONDS WEST, 32.00 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 65.00 FEET OF SAID SOUTHEAST QUARTER, NORTH 0 DEGREES 37 MINUTES 32 SECONDS WEST, 1,784.98 FEET;

THENCE NORTH 45 DEGREES 50 MINUTES 36 SECONDS WEST, 29.59 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 86.00 FEET OF SAID SOUTHEAST QUARTER, NORTH 0 DEGREES 37 MINUTES 32 SECONDS WEST, 88.00 FEET;

THENCE NORTH 44 DEGREES 09 MINUTES 24 SECONDS EAST, 29.81 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 65.00 FEET OF SAID SOUTHEAST QUARTER, NORTH NORTH 0 DEGREES 37 MINUTES 32 SECONDS WEST, 738.61 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 65.00 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 19, NORTH 0 DEGREES 41 MINUTES 57 SECONDS WEST, 83.27 FEET;

THENCE NORTH 45 DEGREES 51 MINUTES 06 SECONDS WEST, 29.62 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 86.00 FEET OF SAID NORTHEAST QUARTER, NORTH 0 DEGREES 41 MINUTES 57 SECONDS WEST, 50.00 FEET;

THENCE NORTH 44 DEGREES 08 MINUTES 54 SECONDS EAST, 29.78 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 65.00 FEET OF SAID NORTHEAST QUARTER, NORTH 0 DEGREES 41 MINUTES 57 SECONDS WEST, 156.92 FEET;

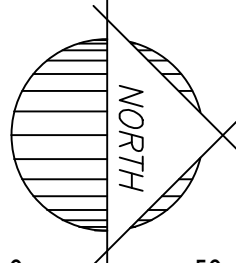
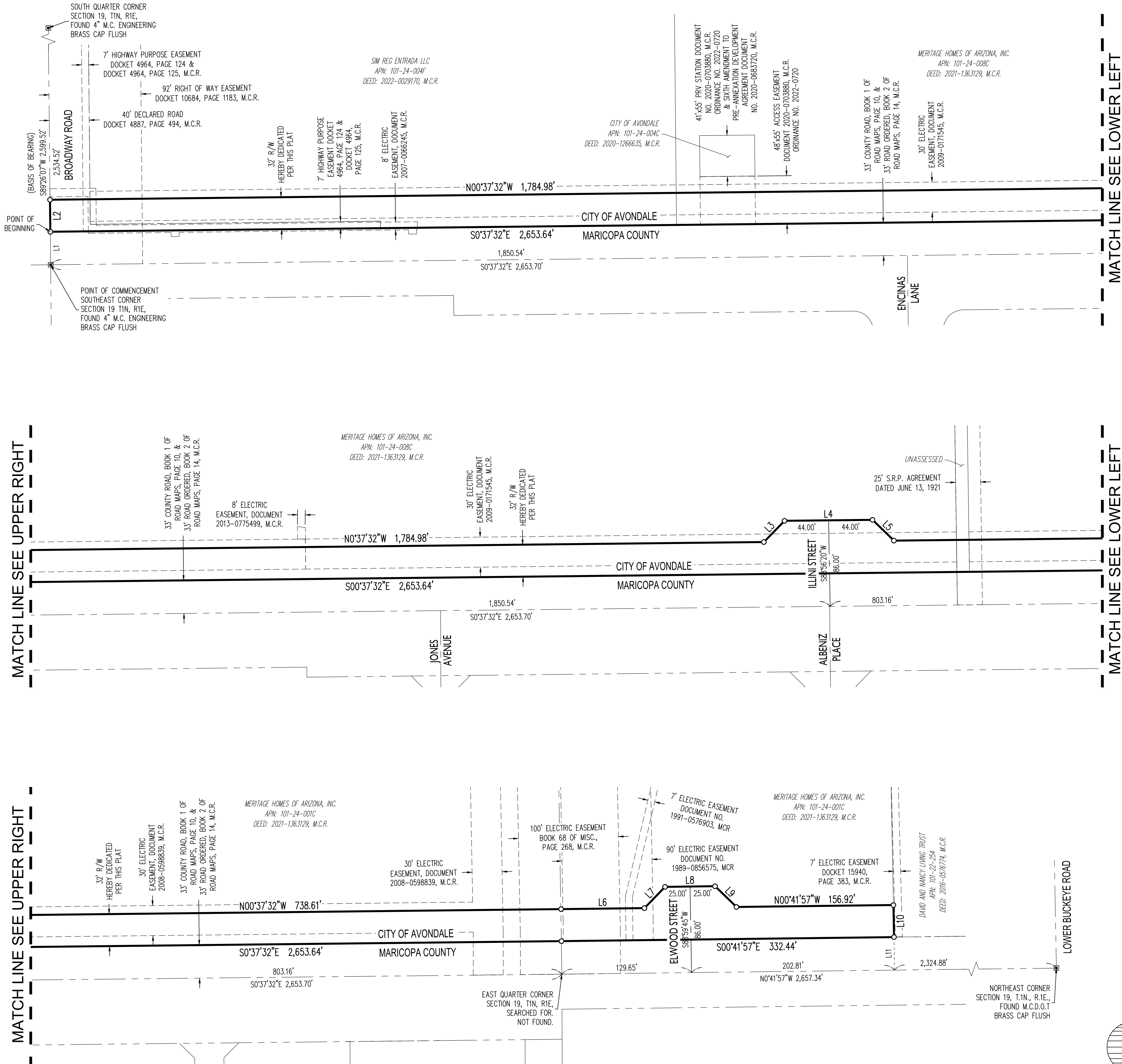
THENCE NORTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, 32.00 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 33.00 FEET OF SAID NORTHEAST QUARTER, SOUTH 0 DEGREES 41 MINUTES 57 SECONDS EAST, 332.44 FEET;

THENCE ALONG THE WEST LINE OF THE EAST 33.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 19, SOUTH 0 DEGREES 37 MINUTES 32 SECONDS EAST, 2653.64 FEET TO THE POINT OF BEGINNING.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°26'07"W	33.00'
L2	S89°26'07"W	32.00'
L3	N45°50'36"W	29.59'
L4	N00°37'32"W	88.00'
L5	N44°09'24"E	29.81'
L6	N00°41'57"W	83.27'

LINE TABLE		
LINE	BEARING	LENGTH
L7	N45°51'06"W	29.62'
L8	N00°41'57"W	50.00'
L9	N44°08'54"E	29.78'
L10	N88°52'30"E	32.00'
L11	S89°18'03"W	33.00'



50 0 50 100
scale feet

1130 N Alma School Rd., Suite 120
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"Entrada - 107th Avenue"

AVONDALE, ARIZONA

Project:

Revisions:

Designer: RJ

Drawn by: AG

REGISTERED LAND SURVEYOR

37495

ROBERT A. JOHNSON

PHYSICIAN

Job No.

21-0147

Sheet No.

2 of 2