

ORDINANCE NO. 2021-1511

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 19-3 (ESTABLISHMENT OF FEES AND TIME OF PAYMENT) OF THE GOODYEAR CITY CODE BY REVISING THE SECTION OUTLINED BELOW; PROVIDING TERMS FOR IMPLEMENTATION, CORRECTIONS OF SCRIVENERS ERRORS, SEVERABILITY, REPEAL AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Goodyear, Maricopa County, Arizona on, April 10, 1995, pursuant to Ordinance No. 95-517 amended the Goodyear City Code adding a new chapter to provide for establishing fees and procedures for the modification of assessments of municipal improvement districts; and

WHEREAS, the purpose and intent of Ordinance No. 95-517 was to provide for the establishment of fees in order to compensate the City for the expense incurred in analyzing each request for modification and in computing, assessing and collecting new municipal improvement district assessments; and

WHEREAS, Ordinance No. 95-517 limited the amount of fees imposed for the modification and recalculation of an assessment in a municipal improvement district;

WHEREAS, MGT Consulting prepared an official User Fee Study Report of Findings and presented it to the City on April 19, 2021 and recommended increasing the municipal improvement district assessment fee associated with modification ; and

WHEREAS, the April 19, 2021, User fee Study Report of Findings found the current fee established for the modification and recalculation of an assessment does not compensate the City for the expenses incurred in analyzing each request for modification and recalculation of assessments associated with municipal improvement district(s); and

WHEREAS, it is the intent of the Mayor and Council to require the recovery of those direct and indirect costs, charges or fees associated with providing related services or materials to the public .

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENT OF ARTICLE 19-3 OF THE GOODYEAR CITY CODE:

Effective September 1, 2021, Goodyear City Code Chapter 19 (Fees and Procedures for Modification of Municipal Improvement Assessment Districts) Article 19-3, Section 19-3-1, Establishment of Fees and Time of Payment is hereby deleted in its entirety and replaced as follows:

§ 19-3-1 Establishment of fees and time of payment.

- (A) In connection with any modification or recalculation of an assessment in a Municipal Improvement District, council shall adopt base fees necessary for the full recovery of city costs.
- (B) In addition to the base fees, the party submitting the application for modification or recalculation of any assessment shall also pay all outside engineering and legal fees incurred by the City in connection with the review of any modification or recalculation of any assessment (collectively, the outside fees). Base fees are due and payable to the City when the Petition for Modification of Assessment is filed with the City Clerk. Outside fees shall be billed to and paid by the applicant before the modification request is approved by the Council.
- (C) All fees and fee amounts for services or other operations of the City governed by this chapter shall be authorized, established and/or amended by resolution of the City Council. Any provision of the code requiring a fee to be authorized or established by ordinance is hereby amended to allow said fees to be enacted, established and amended by resolution.

SECTION 2. IMPLEMENTATION

The modifications to Section 19-3-1 of Article 19-3 of Goodyear City Code adopted by Ordinance 2021-1511, shall apply to all modification of assessments of municipal improvement districts submitted on or after September 1, 2021 except as provided herein.

SECTION 3. CORRECTIONS.

The City Clerk and his/her designee, the City Attorney and his/her designee, and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or parts thereof.

SECTION 5. REPEAL.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed as of September 1, 2021.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective September 1, 2021 in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2021-1511 is a true, correct and accurate copy of Ordinance No. 2021-1511, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk