



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 17, 2023, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on October 17, 2023, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 6:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility

To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas

Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

PROCLAMATIONS

PR1 Proclamation Recognizing November 6, 2023, as Color the World Orange Day (David L. Udall)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

- C1 Ordinance No. 2023.036: Relating to Administration; amending Town Code Title 3 (Administration), Chapter 3-1 (Officers and Employees); revising Section 3-1-3 (Position status) to revise the maximum employment time for short-term temporary positions; and designating an effective date (Curry C. Hale)
- C2 Resolution No. 2023-100: Relating to Addressing; renaming a street located in the Moonlight Canyon at Saguaro Ranch 2 subdivision generally located southwest of the intersection of Conrads Way and Old Ranch House Road (Austin Shreffler)
- C3 Resolution No. 2023-101: Relating to Administration; approving and authorizing the Finance and Purchasing Director to execute a Deed of Gift donating computer docking stations to the Los Angeles Sheriff's Department (Yiannis Kalaitzidis)
- C4 Resolution No. 2023-102: Relating to Personnel; Approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 3 - Classification and Compensation, Policy 3-1 "Position Status" and Policy 3-4 "Payroll Procedures," multiple policy revisions to Chapter 4 - Employment Benefits and Leaves, and revising Chapter 8 - Termination of Employment, Policy 8-2 "Exit Process" and Policy 3-4 "Re-employment"

(Curry C. Hale)

- C5 Resolution No. 2023-103: Relating to Utilities; approving and authorizing the Mayor to sign an amendment to the Intergovernmental Agreement, effective December 1, 2023, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services (Jing Luo)
- C6 Approval of Regular Council Meeting Summary Minutes of October 3, 2023 (David L. Udall)

LIQUOR LICENSES

- L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #012 Restaurant liquor license submitted by Minh Van Pham on behalf of Newton Pho, located at 5730 West Cortaro Farms Road, Tucson, Arizona 85742 (David L. Udall)

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 Ordinance No. 2023.037: Relating to Animal Control; amending Marana Town Code Title 6 (Animal Control); adding new chapter 6-10 “Pet Stores” to regulate pet stores by establishing requirements and authorizing enforcement; and designating an effective date

Resolution No. 2023-104: Relating to Animal Control; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.037 to Marana Town Code Title 6 (Animal Control); adding new chapter 6-10 “Pet Stores” to regulate pet stores by establishing requirements and authorizing enforcement (Luke Fischer)
- A2 Ordinance No. 2023.038: Relating to Animal Control; amending Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to add new definition for dog park; revising section 6-4-1(C)(4) (Dogs at large prohibited; exceptions; classification) to revise dog park exception; adding section 6-4-4 (Dog park regulations) to add dog park regulations; and revising section 6-7-2 (Evaluation of animals) to add exception to vicious, aggressive or destructive animal evaluation or investigation in dog parks; and designating an effective date

Resolution No. 2023-105: Relating to Animal Control; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.038, revisions to Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to add new definition of dog park; revising section 6-4-1(C)(4) (Dogs at large prohibited; exceptions; classification) to revise dog park exception; adding section 6-4-4 (Dog park regulations) to add dog park regulations; and revising section 6-7-2 (Evaluation of animals) to add exception to vicious, aggressive or destructive animal evaluation or investigation in dog parks (Lisa Shafer)

- A3 Ordinance No. 2023.039: Relating to Parks and Recreation; revising Marana Town Code Title 13 (Parks & Recreation), chapter 13-1 (Parks and recreation regulations); section 13-1-1 (Domestic animals and pets) to refer to dog park definition and regulation in Title 6 (Animal Control); and designating an effective date (Lisa Shafer)
- A4 Resolution No. 2023-106: Relating to Development; amending the infrastructure improvements plan supporting development impact fees for parks and recreation facilities by shifting the anticipated development impact fee funding among certain projects and by reducing the cost provided for the Twin Peaks District Park Land Acquisition and Phase 1 Development Project and for the New Competition Swimming Pool (50 Meter) Project without changing the amount of the parks impact fees or level of service; authorizing the transfer of up to \$693,302.00 in budgeted expense authority in the fiscal year 2023-2024 budget to the Santa Cruz Shared Use Path at Cal Portland Project line item within the impact fee fund from various line items within the budget (Jim Conroy)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

- E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

- E2 Executive session pursuant to A.R.S. §38-431.03 (A)(3) and (4) for discussion or consultation with the Town's attorneys in order to consider the Town's position and instruct its attorneys regarding the litigation entitled *In Re: AFFF Products Liability Litigation*, MDL No. 2873, currently pending in the United States District Court for the District of South Carolina, related to perfluorinated compounds (PFAS) water contamination, including discussion of the pending settlements reached with defendants 3M Company and the DuPont entities.

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT



Council-Regular Meeting

PR1

Meeting Date: 10/17/2023

Submitted For: David L. Udall, Town Clerk/ Assistant Town Attorney

Date: October 17, 2023

Subject: Proclamation Recognizing November 6, 2023, as Color the World Orange Day (David L. Udall)

Attachments

Proclamation



PROCLAMATION
Recognizing Color the World Orange Day

WHEREAS, complex regional pain syndrome (CRPS) is a chronic pain condition that most often affects one limb (such as an arm, leg, hand, or foot), usually after an injury, surgery, stroke, or heart attack; and in some cases it can spread throughout the body and become severely debilitating; and

WHEREAS, CRPS is believed to be caused by damage to, or malfunction of, the peripheral and central nervous systems. The central nervous system is composed of the brain and spinal cord; the peripheral nervous system involves nerve signaling from the brain and spinal cord to the rest of the body; and

WHEREAS, CRPS is characterized by prolonged or excessive pain and changes in skin color, temperature and/or swelling in the affected areas; and

WHEREAS, CRPS is divided into two types: CRPS-I and CRPS-II. Individuals without a confirmed nerve injury are classified as having CRPS-I (previously known as reflex sympathetic dystrophy syndrome, or RSD). CRPS-II (previously known as causalgia) is when there is an associated, confirmed nerve injury; and

WHEREAS, the cause of complex regional pain syndrome isn't clearly understood, but early treatment has proven to be most effective. In such cases, improvement and even remission may be possible. More research is being done to find a cure; and

WHEREAS, on November 6, 2023, members of the CRPS/RSD community will celebrate the eighth annual Color the World Orange Day to spread awareness of this poorly understood pain disorder; and

WHEREAS, there are many ways to show support and help raise awareness, including by wearing something orange or by shining an orange light on Color the World Orange Day.

NOW, THEREFORE, I Ed Honea, Mayor of the Town of Marana, do hereby proclaim November 6, 2023, as Color the World Orange Day in the Town, and I encourage all residents to learn about and raise awareness of complex regional pain syndrome, such as by wearing something orange on Color the World Orange Day.

Dated this 17th day of October 2023.

ATTEST:

David L. Udall, Town Clerk



Ed Honea, Mayor



Council-Regular Meeting

C1

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: Curry C. Hale, Human Resources Director

From: Jane Fairall, Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: Ordinance No. 2023.036: Relating to Administration; amending Town Code Title 3 (Administration), Chapter 3-1 (Officers and Employees); revising Section 3-1-3 (Position status) to revise the maximum employment time for short-term temporary positions; and designating an effective date (Curry C. Hale)

Discussion:

Tonight's agenda includes an item which makes various revisions to the Town's Personnel Policies and Procedures. One of the Personnel Policy revisions changes the maximum time of employment for employees serving in short-term temporary positions. This proposed ordinance will make the same changes to Section 3-1-3 of the Town Code to maintain consistency between the two documents.

Staff Recommendation:

Staff recommends approval of the ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2023.036, amending Town Code Section 3-1-3 (Position status) to revise the maximum employment time for short-term temporary positions; and designating an effective date.

Attachments

Ordinance No. 2023.036

MARANA ORDINANCE NO. 2023.036

RELATING TO ADMINISTRATION; AMENDING TOWN CODE TITLE 3 (ADMINISTRATION), CHAPTER 3-1 (OFFICERS AND EMPLOYEES); REVISING SECTION 3-1-3 (POSITION STATUS) TO REVISE THE MAXIMUM EMPLOYMENT TIME FOR SHORT-TERM TEMPORARY POSITIONS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council finds that the revisions to Town administration established by this ordinance are in the best interests of the Town of Marana.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 3 (Administration) is hereby amended to revise section 3-1-3 (Position status) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double-underlining):

3-1-3 Position status

[No amendments to paragraphs A and B]

- C. Temporary positions. This category of employment is comprised of term-limited temporary positions and short-term temporary positions. Employees in temporary positions are at-will employees. Temporary positions shall be identified as such in the salary schedule implemented by the town manager. Additionally, an employee will be considered to be in a temporary position when the employee is hired in a classified position, but on a temporary basis, as set forth in this section.

[No amendments to subparagraph 1]

2. Short-term temporary positions. Short-term temporary positions are positions used to augment the workforce due to seasonal and other specific temporary workload needs that require additional staffing. ~~Employees in short-term temporary positions shall work for a time period that does not exceed six months or 1040 hours in a rolling 12-month period.~~ The town manager or designee shall determine when a position may be designated as a short-term temporary position in accordance with this section. Employees in short-term temporary positions may not receive all general salary increases granted to town employees from time to time and shall not receive benefits provided to other employees of the town, unless

specifically stated otherwise in this code or in the town’s personnel policies. Employees in short-term temporary positions shall work for a time period that does not:

- a. In a fiscal year, exceed more than 20 hours per week for more than 19 weeks; and
- b. In a rolling 12-month period, exceed an average of more than 29 hours per week or 1040 hours.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney



Council-Regular Meeting

C2

Meeting Date: 10/17/2023

To: Mayor and Council

From: Austin Shreffler, Planner

Date: October 17, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2023-100: Relating to Addressing; renaming a street located in the Moonlight Canyon at Saguaro Ranch 2 subdivision generally located southwest of the intersection of Conrads Way and Old Ranch House Road (Austin Shreffler)

Discussion:

The Town of Marana has received a request from Saguaro Property Development LLC to change a street name in Moonlight Canyon at Saguaro Ranch 2, which is currently under development and generally located southwest of the intersection of Conrads Way and Old Ranch House Road. The request is to change Moon Gaze Drive to Moongaze Drive. This request is due to a typographical error of the original addressing for the final plat. The requested name change will affect 23 lots, 19 of which are wholly owned by the requestor, Saguaro Property Development LLC. The other four lots are 50% owned by the requestor and 50% owned by Miramonte Moonlight LLC. Paragraph X.040(C)(1)(c) of the Town of Marana Addressing Manual requires Town Council approval of street names.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2023-100, renaming a street in Moonlight Canyon at Saguaro Ranch II subdivision.

Suggested Motion:

I move to adopt Resolution No. 2023-100, renaming a street located in the Moonlight Canyon at Saguaro Ranch 2 subdivision generally located southwest of the intersection of Conrads Way and Old Ranch House Road.

Attachments

Resolution No. 2023-100
Application Request Letter
Site Map

MARANA RESOLUTION NO. 2023-100

RELATING TO ADDRESSING; RENAMING A STREET LOCATED IN THE MOONLIGHT CANYON AT SAGUARO RANCH 2 SUBDIVISION GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CONRADS WAY AND OLD RANCH HOUSE ROAD

WHEREAS, the final plat for Moonlight Canyon at Saguaro Ranch Phase 2, Lots 1-38, Block 1 & Common Areas "A" and "C-1" and "C-2" (the "Final Plat") was recorded in the Pima County Recorder's Office on June 01, 2020 at Sequence No. 20201530190; and

WHEREAS, the Final Plat includes the street named "Moon Gaze Drive"; and

WHEREAS, pursuant to paragraph X.040(C)(1) of the Town of Marana Addressing Manual, Saguaro Property Development LLC is requesting to rename "Moon Gaze Drive" to "Moongaze Drive"; and

WHEREAS, a total of 23 existing addresses will be affected by these changes; and

WHEREAS, Saguaro Property Development LLC is the owner of 19 of the affected addresses; and

WHEREAS, Saguaro Property Development LLC and Miramonte Moonlight LLC are each half owners of four of the affected addresses; and

WHEREAS, paragraph X.040(C)(1)(c) of the Town of Marana Addressing Manual requires Town Council approval of street names; and

WHEREAS, the Marana Town Council finds that changing the street name in the Moonlight Canyon at Saguaro Ranch 2 is in the best interests of the Town and the public.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona as follows:

SECTION 1. The street "Moon Gaze Drive" located in Moonlight Canyon at Saguaro Ranch 2 is hereby renamed to "Moongaze Drive."

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

Saguaro Property Development, LLC
2601 4th Ave., Floor 6
Seattle, WA 98121

September 25, 2023

TOWN OF MARANA
Development Services – Addressing
11555 West Civic Center Drive
Marana, AZ 85653

Subject: Petition to Change an Existing Street Name

Moonlight Canyon At Saguaro Ranch Phase 2
Lots 1-38, Block 1 & Common Area “A”
and “C-1” and “C-2”

We respectfully request to change the name of North Moon Gaze Drive to North Moongaze Drive. This is essentially a request to correct a typo on the original addressing.

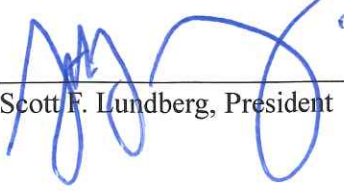
Curent Street Name: North Moon Gaze Dr.
Proposed Street Name: North Moongaze Dr.
Location: 1.95 miles north of the intersection of North Thornydale Road and West Moore Road
Sections: 19 & 20, T 11 S, R 13 E
Subdivision Name: Moonlight Canyon at Saguaro Ranch Phase 2
Lots 1-38, Block 1 & Common Area “A” and “C-1 and “C-2”
Sequence #20201530190

Moonlight Canyon at Saguaro Ranch is a new development. The requested name change will affect 23 lots, 19 of which are wholly owned by the petitioner, Saguaro Property Development LLC as highlighted in green on the attached exhibit. The other 4 lots are 50% owned by the petitioner, Saguaro Property Development LLC as highlighted in pink on the attached exhibit. The “Petition to Change an Existing Street Name” as well as the cover sheet of the recorded final plat is attached as well.”

Respectfully,

Saguaro Property Development LLC,
An Arizona limited liability company, by its Manager

By: **Saguaro Lot Management, Inc.**
An Arizona corporation, Manager

By: 
Scott F. Lundberg, President



Development Services / addressing@maranaAZ.gov 11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PETITION TO CHANGE AN EXISTING STREET NAME

Existing Street Name: N Moon Gaze Dr		Proposed Street Name: N Moongaze Dr.		
Property Address	Parcel Number	Owner's Name (print)	Signature	Phone Number
14340 N Moon Gaze Dr. (Lot 1)	219-10-1860	Miramonte Moonlight LLC		206-369-5475
14320 N Moon Gaze Dr. (Lot 2)	219-10-1870	Saguaro Property Development LLC		206-369-5475
14300 N Moon Gaze Dr. (Lot 3)	219-10-1880	Miramonte Moonlight LLC		206-369-5475
14280 N Moon Gaze Dr. (Lot 4)	219-10-1890	Saguaro Property Development LLC		206-369-5475
14260 N Moon Gaze Dr. (Lot 5)	219-10-1900	Miramonte Moonlight LLC		206-369-5475
14240 N Moon Gaze Dr. (Lot 6)	219-10-1910	Miramonte Moonlight LLC		206-369-5475
14220 N Moon Gaze Dr. (Lot 7)	219-10-1920	Saguaro Property Development LLC		206-369-5475
14200 N Moon Gaze Dr. (Lot 8)	219-10-1930	Saguaro Property Development LLC		206-369-5475
14180 N Moon Gaze Dr. (Lot 9)	219-10-1940	Saguaro Property Development LLC		206-369-5475
14140 N Moon Gaze Dr. (Lot 10)	219-10-1950	Saguaro Property Development LLC		206-369-5475
14120 N Moon Gaze Dr. (Lot 11)	219-10-1960	Saguaro Property Development LLC		206-369-5475
14400 N Moon Gaze Dr. (Lot 15)	219-10-2000	Saguaro Property Development LLC		206-369-5475
14080 N Moon Gaze Dr. (Lot 16)	219-10-2010	Saguaro Property Development LLC		206-369-5475
14061 N Moon Gaze Dr. (Lot 17)	219-10-2020	Saguaro Property Development LLC		206-369-5475
14081 N Moon Gaze Dr. (Lot 18)	219-10-2030	Saguaro Property Development LLC		206-369-5475
14101 N Moon Gaze Dr. (Lot 19)	219-10-2040	Saguaro Property Development LLC		206-369-5475
14121 N Moon Gaze Dr. (Lot 20)	219-10-2050	Saguaro Property Development LLC		206-369-5475

[illegible]

1. COVID
- 2-3. PLA*
- 4-5. FLOO

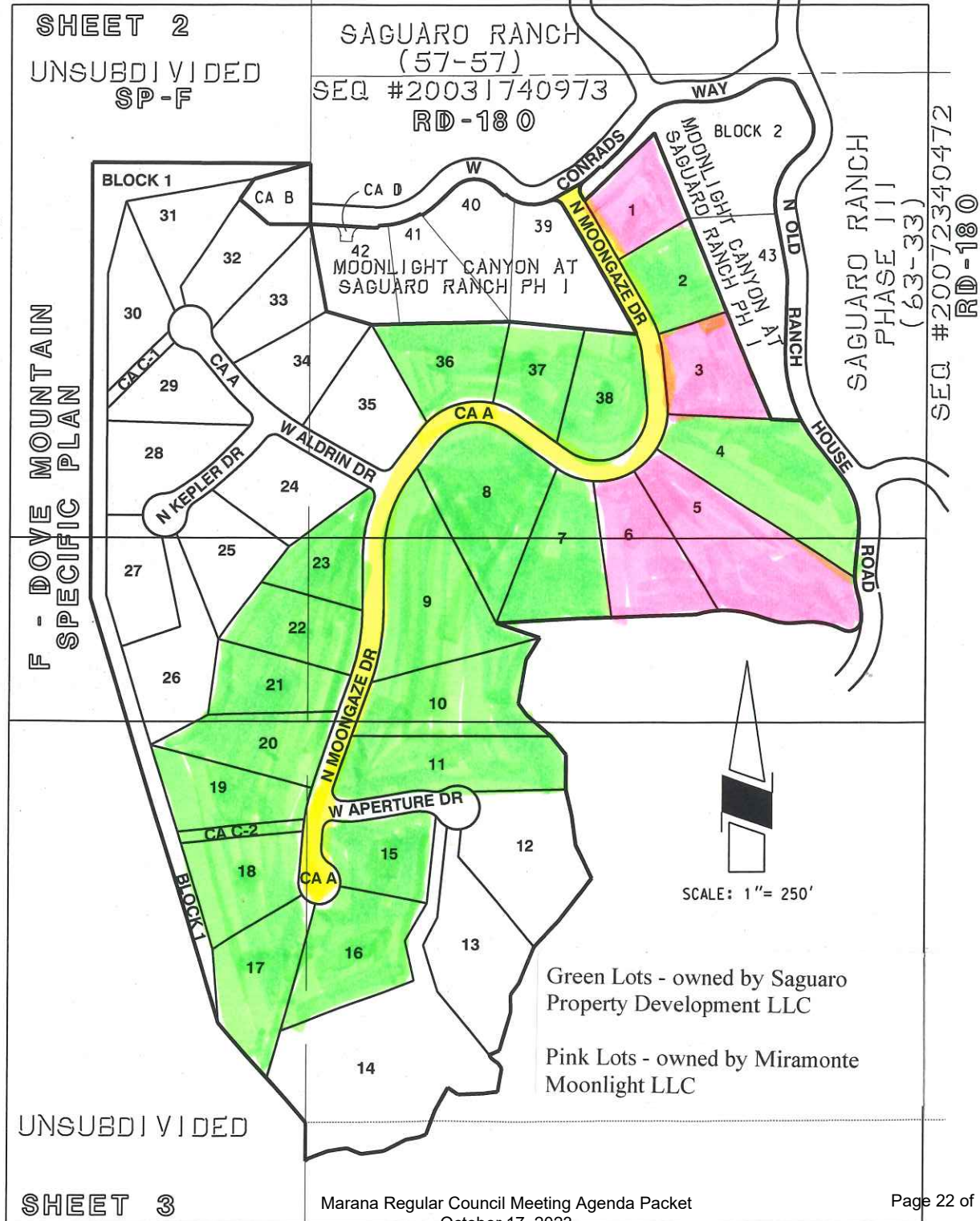
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FINAL PLAT FOR MOONLIGHT CANYON AT SAGUARO RANCH PHASE 2

SHEI

1. COVI
2-3. PLA
4-5. FLOC

BLOCK 1, LOTS 1-38, &
COMMON AREA "A" AND "C-1" AND "C-2"





Council-Regular Meeting

C3

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: Yiannis Kalaitzidis, Finance Director

From: Libby Shelton, Deputy Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2023-101: Relating to Administration; approving and authorizing the Finance and Purchasing Director to execute a Deed of Gift donating computer docking stations to the Los Angeles Sheriff's Department (Yiannis Kalaitzidis)

Discussion:

The Marana Police Department (MPD) previously used these docking stations for their computers, which were replaced in 2022. The new computers are not compatible with these docking stations. As such, MPD no longer needs these docking stations for their computers. Los Angeles Sheriff's Department (LASD) can use these docking stations for their computers. Since MPD no longer needs these docking stations for their computers and LASD can use the docking stations, this resolution authorizes donation of approximately 85 docking stations to LASD.

Financial Impact:

Disposal of these docking stations through an auction process would generate an estimated \$1-\$10 amount per docking station, before transport, auction fees and staff time. As such the total value of this property is estimated to be between zero and \$850. The financial impact is negligible and should not impact the Town's financial condition.

Staff Recommendation:

Staff recommends adoption of the resolution.

Suggested Motion:

I move to adopt Resolution No. 2023-101, approving and authorizing the Finance and Purchasing Director to execute a Deed of Gift donating computer docking stations to Los Angeles Sheriff's Department.

Attachments

Resolution No. 2023-101

Exhibit A to Resolution - Deed of Gift

MARANA RESOLUTION NO. 2023-101

RELATING TO ADMINISTRATION; APPROVING AND AUTHORIZING THE FINANCE AND PURCHASING DIRECTOR TO EXECUTE A DEED OF GIFT DONATING COMPUTER DOCKING STATIONS TO THE LOS ANGELES SHERIFF'S DEPARTMENT

WHEREAS the Town of Marana Police Department (MPD) replaced its computers beginning in 2022; and

WHEREAS approximately 85 docking stations for MPD's old computers are not compatible with MPD's new computers; and

WHEREAS since MPD's new computers cannot use these docking stations, it would be prudent to transfer these assets to another law enforcement agency; and

WHEREAS the Los Angeles Sheriff's Department has a need for the docking stations; and

WHEREAS the Town Council finds that the donation of the equipment to the Los Angeles Sheriff's Department is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The deed of gift attached to and incorporated by this reference in this resolution as Exhibit A is hereby approved and the Finance and Purchasing Director is hereby authorized and directed to execute it on behalf of the Town.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF
MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

DEED OF GIFT

THE TOWN OF MARANA, an Arizona municipal corporation ("Marana"), hereby donates, conveys, assigns, and transfers any rights, if any, Marana may have unto: LOS ANGELES SHERIFF'S DEPARTMENT, a department of the county of Los Angeles ("LASD") and its successors and assigns, to have and hold forever, the following described personal property, goods or chattels ("Assets"):

Approximately 85 Panasonic CF31 vehicle docking stations

subject to the following terms and conditions: Marana warrants that Marana owns the Assets; that Marana has the right to convey the Assets to LASD; and that Marana does so free and clear of all encumbrances. Marana gives no guarantee or warranty, express or implied, as to condition, usability, merchantability or fitness of the Assets for a particular purpose.

LASD hereby acknowledges that it has examined the Assets and has agreed to accept them "as is" and "where is." LASD acknowledges that the acceptance of the Assets is at its own risk and hereby agrees to make no claims against Marana based upon alleged representations, warranties (apart from the warranties expressly set out above) or collateral agreements, especially with respect to the fitness of the Assets listed above for any particular purpose or for their safe use.

IN WITNESS WHEREOF the parties have executed this instrument as of the last party's signature date below.

"Marana":

THE TOWN OF MARANA,
an Arizona municipal corporation

Yiannis Kalaitzidis
Finance and Purchasing Director

Date

ATTEST:

David L. Udall, Town Clerk

"LASD":

LOS ANGELES SHERIFF'S DEPARTMENT,
a department of the county of Los
Angeles

By: _____

Its: _____

Date

Exhibit A to Marana Resolution No. 2023-101

STATE OF CALIFORNIA)

County of _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of THE LOS ANGELES SHERIFF’S DEPARTMENT, a department of the county of Los Angeles, on behalf of Los Angeles county.

(Seal)

Notary Public



Council-Regular Meeting

C4

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: Curry C. Hale, Human Resources Director

From: Libby Shelton, Deputy Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:

Proactive Public Services

Subject: Resolution No. 2023-102: Relating to Personnel; Approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 3 - Classification and Compensation, Policy 3-1 "Position Status" and Policy 3-4 "Payroll Procedures," multiple policy revisions to Chapter 4 - Employment Benefits and Leaves, and revising Chapter 8 - Termination of Employment, Policy 8-2 "Exit Process" and Policy 3-4 "Re-employment" (Curry C. Hale)

Discussion:

The proposed revisions to Chapter 3, Classification and Compensation, Section 3-1-4 Temporary Positions clarifies the time period requirements for short-term temporary positions.

The proposed revisions to Chapter 4, Employment Benefits and Leaves, Policy 4-3 Managed Time Off (MTO) Leave clarify what constitutes "consecutive days" under the policy and adds flexibility to use up to five MTO days following the death of an immediate family member, rather than only the two days currently allowed. The changes to Policy 4-9 Leave Donation require that leave donations be in hour increments and streamlines the process for deducting leave from the donors' leave balances. The proposed revision to Policy 4-11 Workers' Compensation authorizes payment for hours spent to seek medical treatment on the date of the accident, injury or illness that extend beyond the employee's scheduled work hours. The proposed revision to Policy 4-14 Alternative Work Assignments/Light Duty, Section 4-14-3

Procedures requires that employees on light duty status not receive call-out pay or call-out supplementary pay.

The proposed revision to Chapter 8 Termination of Employment, Section 8-4-3 Compensation and Benefits removes the reference to Chapter 6 regarding future performance pay increases, as performance pay increases are addressed by the annual memo provided by the Human Resources Department.

The proposed revisions to Section 3-4-2 Pay Checks, Section 3-4-5 Payroll Errors, Section 4-7-14 Maintenance of Group Health Plan Benefits, Section 4-9-4 Donation of Leave, Section 4-15-2 Jury Duty, Section 4-15-3 Witness Duty, and Section 8-2-3 Final Pay Check are requested due to payroll moving from the Finance Department to the Human Resources Department.

Staff Recommendation:

Staff recommends approval of the Resolution adopting amendments to the Personnel Policies and Procedures.

Suggested Motion:

I move to adopt Resolution No. 2023-102, approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 3 - Classification and Compensation, Policy 3-1 "Position Status" and Policy 3-4 "Payroll Procedures," multiple policy revisions to Chapter 4 - Employment Benefits and Leaves, and revising Chapter 8 - Termination of Employment, Policy 8-2 "Exit Process" and Policy 3-4 "Re-employment".

Attachments

Resolution No. 2023-102
Exhibit A to Resolution
Exhibit B to Resolution
Exhibit C to Resolution

MARANA RESOLUTION NO. 2023-102

RELATING TO PERSONNEL; APPROVING AND ADOPTING AMENDMENTS TO THE TOWN'S PERSONNEL POLICIES AND PROCEDURES, REVISING CHAPTER 3 - CLASSIFICATION AND COMPENSATION, POLICY 3-1 "POSITION STATUS" AND POLICY 3-4 "PAYROLL PROCEDURES," MULTIPLE POLICY REVISIONS TO CHAPTER 4 - EMPLOYMENT BENEFITS AND LEAVES, AND REVISING CHAPTER 8 - TERMINATION OF EMPLOYMENT, POLICY 8-2 "EXIT PROCESS" AND POLICY 8-4 "RE-EMPLOYMENT"

WHEREAS Chapter 3-3 of the Marana Town Code provides that the Town Council may adopt personnel policies, rules, and regulations that follow the generally accepted principles of good personnel administration and which may be modified or changed from time to time; and

WHEREAS the Town Council adopted Personnel Policies and Procedures via Town of Marana Ordinance 99.12 and Resolution 99-38 on May 18, 1999; and

WHEREAS the Council finds that adoption of the amendments to the Town's Personnel Policies and Procedures as set forth in this resolution is in the best interests of the Town and its employees.

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

SECTION 1. Policy 3-1, entitled "Position Status," and Policy 3-4, entitled "Payroll Procedures," of the Town's Personnel Policies and Procedures are hereby amended as set forth in Exhibit A attached to this resolution, with deletions shown with ~~strikeouts~~ and additions shown with double underlining.

SECTION 2. Policy 4-3, entitled "Managed Time Off (MTO) Leave," Policy 4-7, entitled "Family and Medical Leave," Policy 4-9, entitled "Leave Donation," Policy 4-11, entitled "Workers' Compensation," Policy 4-14, entitled "Alternative Work Assignments/Light Duty," and Policy 4-15 "Civic Duty" of the Town's Personnel Policies and Procedures are hereby amended as set forth in Exhibit B attached to this resolution, with deletions shown with ~~strikeouts~~ and additions shown with double underlining.

SECTION 3. Policy 8-2, entitled "Exit Process," and Policy 8-4, entitled "Re-employment," of the Town's Personnel Policies and Procedures are hereby amended as set forth in Exhibit C attached to this resolution, , with deletions shown with ~~strikeouts~~ and additions shown with double underlining.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this resolution are hereby repealed, effective as of the effective date of this resolution.

SECTION 5. The Town's manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the aforementioned amendments.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David Udall, Town Clerk

Jane Fairall, Town Attorney



CHAPTER 3

CLASSIFICATION AND COMPENSATION

POLICY 3-1 POSITION STATUS

All positions in the Town of Marana are categorized as classified, unclassified, or temporary positions.

[No changes to Sections 3-1-1 through 3-1-3]

Section 3-1-4 Temporary Positions

This category of employment is comprised of term-limited temporary positions and short-term temporary positions, as defined below. Employees in temporary positions are at-will employees.

- A. Term-limited temporary positions are positions with work related to a specific grant, project, or other non-routine significant or substantial body of work, for a term of six to 36 months.
- B. Short-term temporary positions are positions used to augment the workforce due to seasonal and other specific temporary workload needs that require additional staffing. Employees in short-term temporary positions shall work for a time period that does not:
 - ~~exceed six months or 1040 hours in a rolling 12-month period.~~
 - 1. in a fiscal year, exceed more than 20 hours per week for more than 19 weeks; and
 - 2. in a rolling 12-month period, exceed an average of more than 29 hours per week or 1040 hours.

[NO CHANGES TO POLICIES 3-2 THROUGH 3-3]

POLICY 3-4 PAYROLL PROCEDURES

Regular Town employees are paid biweekly. There are 26 pay periods in the calendar year.

[No changes to Section 3-4-1]

Section 3-4-2 Pay Checks

- A. The ~~Finance~~Human Resources Department does not distribute paper checks. Employees are paid through direct deposit on the Friday following the close of the pay period. If the Friday following the close of the pay period is a Town-recognized holiday, the ~~Finance~~Human Resources Department shall select and coordinate an alternate pay date if necessary.



CHAPTER 3

CLASSIFICATION AND COMPENSATION

- B. Employees receive a statement of earnings, deductions, leave balances and compensatory time balance for the period covered by the payment.

[No changes to Sections 3-4-3 and 3-4-4]

Section 3-4-5 Payroll Errors

Occasionally, a payroll error will occur regarding an employee's wages. If an employee becomes aware of a payroll error, either an overpayment or an underpayment of wages, the employee shall provide written notice to the employee's supervisor and to the Human Resources Director or designee as soon as the employee becomes aware of the error. Likewise, the Human Resources Director or designee shall provide written notice to an employee of a payroll error as soon as the Human Resources Department becomes aware of the error. Once an error has been discovered, the Human Resources Department will initiate a correction as follows:

- A. If the employee has been underpaid due to an error made by the Human Resources Department, the ~~Finance~~ Human Resources Department will run a special payroll as soon as practical.
- B. If the employee has been underpaid due to an error made by the employee or the department payroll liaison, the Human Resources Department will make the appropriate adjustment in pay at the next regular pay cycle.
- C. If the employee has been overpaid due to an error made by the employee, the department payroll liaison or the Human Resources Department, the employee will be required to reimburse the Town for the overpayment. The Human Resources Department will make every effort to establish a repayment schedule that meets the Human Resources Department's responsibility to recoup public funds in a timely manner and incorporates consideration for the employee's ability to repay.

[NO CHANGES TO POLICIES 3-5 THROUGH 3-13]



CHAPTER 4

EMPLOYMENT BENEFITS AND LEAVES

[NO CHANGES TO POLICIES 4-1 AND 4-2]

POLICY 4-3 MANAGED TIME OFF (MTO) LEAVE

The Town of Marana provides managed time off (MTO) leave to eligible employees to allow for necessary rest and relaxation away from work, for attendance at commitments outside of work, and for income protection during medical leave. Employees are expected to responsibly use their MTO leave.

[No changes to Sections 4-3-1 through 4-3-4]

Section 4-3-5 Request for Planned Managed Time Off Leave

- A. Eligible employees may request to use planned MTO leave for up to two consecutive days for any purpose, including the reasons listed in A.R.S. § 23-373(A). MTO days that are split by a Town-approved holiday, weekend, or regularly scheduled days off are considered consecutive days.
- B. Eligible employees may request to use planned MTO leave for more than two consecutive days in the increments of time the employee reasonably needs to use based on the purpose of the leave. Planned MTO leave for more than two consecutive days may be used for any of the following purposes:
 1. Personal illness, disease or injury, or surgical, medical, dental or optical appointments, including regular, preventative care appointments, and travel time to and from medical appointments.
 2. Medical conditions that prevent the employee from performing assigned tasks.
 3. Illness or injury of family member or surgical, medical, dental or optical appointments, including regular, preventative care appointments, for a family member and related travel time to and from medical appointments.
 4. Any FMLA-qualifying reason not otherwise listed in this paragraph.
 5. Any reason listed in A.R.S. § 23-373(A).
- C. Employees must request to use planned MTO leave in advance. Leave requests shall be submitted as far in advance as possible. Employees shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the MTO leave and shall make a reasonable effort to schedule the use of MTO leave in a manner that does not unduly disrupt the operations of the employer.

D. No more than two planned MTO leave days may be used in conjunction with the use of vacation leave, compensatory time, military leave, ~~bereavement leave~~ or administrative leave unless the use is for medical purposes.

E. An employee may use up to a maximum of five consecutive planned MTO days, in addition to bereavement leave, following the death of an immediate family member as defined in Section 4-6-4 if the employee did not use MTO as set forth in Section 4-3-6(B).

Section 4-3-6 Request for Unplanned Managed Time Off Leave

A. Eligible employees may request to use unplanned MTO in the increments of time the employee reasonably needs to use based on the purpose of the leave for any of the following unforeseen reasons:

1. Personal illness, disease or injury, or surgical, medical, dental or optical appointments, including regular, preventative care appointments, and travel time to and from medical appointments.
2. Medical conditions that prevent the employee from performing assigned tasks.
3. Illness or injury of family member or surgical, medical, dental or optical appointments, including regular, preventative care appointments, for a family member and related travel time to and from medical appointments.
4. Any FMLA-qualifying reason not otherwise listed in this paragraph.
5. Any reason listed in A.R.S. § 23-373(A).
6. Emergencies or other similar circumstances necessitating the employee's absence from work.

B. An employee may use up to a maximum of five consecutive unplanned MTO days, in addition to bereavement leave, following the death of an immediate family member as defined in Section 4-6-4 if the employee did not use MTO as set forth in Section 4-3-5(E).

BC. For unplanned MTO leave, the employee shall notify his or her direct supervisor before the scheduled start of the employee's work day. The employee shall also contact his or her direct supervisor on each additional day of absence unless the employee has notified the supervisor in advance of the number of days the employee will be absent.

CD. Upon return to work, the employee shall submit a leave request to his or her direct supervisor for the time missed.

[No changes to Sections 4-3-7 through 4-3-9]

[NO CHANGES TO POLICIES 4-4 THROUGH 4-6]

POLICY 4-7 FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Acts (NDAA) of 2008 and 2010, the Town of Marana provides job-protected family and medical leaves of absence without pay to eligible employees who are temporarily unable to work due to an FMLA-qualifying reason.

The provisions of this policy are not intended to conflict with or supersede federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal law, federal law shall control.

[No changes to Sections 4-7-1 through 4-7-13]

Section 4-7-14 Maintenance of Group Health Plan Benefits

- A. Subject to the terms, conditions and limitations of the applicable group health insurance plans, the Town of Marana shall maintain group health plan benefits, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.
- B. An employee who is on paid FMLA leave via the use of paid leave balances shall continue to pay his or her share of the group health plan insurance premium, if any, through payroll deductions.
- C. An employee who is on unpaid FMLA leave shall make arrangements with the Human Resources ~~and Finance~~ Departments to make payments for his or her share of the group health plan insurance premium, if any. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.
- D. The Town's obligation to maintain group health plan benefits under this section stops if and when the employee informs the Town of an intent not to return to work at the end of the leave period or if the employee fails to return to work when the FMLA leave entitlement is exhausted. In some circumstances, the Town may recover its share of premiums it paid to maintain group health plan insurance coverage for an employee who fails to return to work from FMLA leave.

[No changes to Sections 4-7-15 through 4-7-19]

[NO CHANGES TO POLICY 4-8]

POLICY 4-9 LEAVE DONATION

Eligible employees may receive contributions of leave from other employees as outlined in this policy if the employee is unable to return to work due to his or her own serious health condition or the serious health condition of a family member as defined in this policy.

[No changes to Sections 4-9-1 through 4-9-3]

Section 4-9-4 Donation of Leave

- A. Employees may donate leave by submitting a completed leave donation form, available in the Human Resources Department, to the Human Resources Department. The identity of donating employees will be kept confidential.
- B. Employees must submit a new leave donation form for each FMLA leave or administrative leave for medical purposes period during which the employee desires to donate leave and for each person the employee desires to donate leave to.
- C. Employees may donate vacation, MTO, or sick leave, pursuant to the following conditions:

1. Donating employees must maintain a total cumulative balance of 80 hours of sick, MTO, and vacation leave.
 2. Employees may only donate up to a combined total of 40 hours of sick and MTO leave per calendar year. Employees may donate as much vacation leave as they choose, provided that the mandated 80-hour balance is maintained.
- D. Employees must donate leave in full day-hour increments, ~~based on the number of hours in the receiving employee's work day. That is, if the receiving employee works eight hour days, the donating employee must donate leave in eight hour increments; if the receiving employee works ten hour days, the donating employee must donate leave in ten hour increments, and so on.~~
- E. Employees must pledge up to a certain maximum amount of leave hours they will donate for a particular employee during a particular leave period. The pledged leave hours will remain in the donating employees leave banks unless and until they are needed by the receiving employee, at which time the ~~Finance~~Human Resources Department will draw from the pledged leave hours.
- F. The Human Resources Department will review the leave donation form to ensure that the donation complies with the provisions of this policy. As the ~~Finance~~Human Resources Department draws from the pledged leave hours, the ~~Finance~~Human Resources Department will monitor the donation to ensure continued compliance with the mandatory 80-hour leave balance provision of this policy.
- G. If more than one employee donates leave to a particular employee, leave will be deducted from the donors' leave balances ~~on a rotating basis, in the order it was donated, in full day increments, based on the number of hours in the receiving employee's work day.~~
- H. There is no limit on the amount of donated leave eligible employees may receive, except that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, shall not exceed the equivalent of 12 months in any 24-month period. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.
- I. Donated leave hours may only be drawn from and used by the receiving employee while the donating employee is an active Town employee.
- J. The receiving employee and the Town are under no obligation to repay any used donated leave to the donating employee.

[No changes to Sections 4-9-5 through 4-9-7]

[NO CHANGES TO POLICY 4-10]

POLICY 4-11 WORKERS' COMPENSATION

Under Arizona law, it is mandatory for employers to secure workers' compensation insurance for their employees. Workers' compensation is a "no fault" system in which an injured or ill employee is entitled to receive benefits for a job-related injury or illness, no matter who caused the injury or illness. If an illness or injury is job-related, then the injured employee is eligible to receive medical benefits and may receive temporary compensation, if eligibility requirements are

met. In some cases, a claimant may also receive permanent compensation benefits, job retraining, and supportive medical care.

The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

[No changes to Sections 4-11-1 and 4-11-3]

Section 4-11-4 Use of Leave

- A. On the day of the accident, injury or illness, the employee will not be required to use sick, MTO, or other leave for an absence that is a direct result of the accident, injury or illness. On the day of the accident, injury, or illness, time spent during the work day addressing the accident, injury or illness, such as seeking medical attention, shall be treated as time worked. The employee will not be paid wages for any time spent addressing the accident, injury or illness outside the employee's scheduled work day.
- B. Beginning with the first work day following the day of the accident, injury or onset of illness, the employee may use any leave balances for absences related to the accident, injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.
- C. After the employee informs the Town of a job-related accident, injury or illness, the Town may require the employee to be examined on one occasion by a physician of the Town's choosing. This does not restrict the employee from seeking treatment by a physician or facility of the employee's choosing at the time of the accident, injury, or illness. If the Town requires an examination pursuant to this section, such appointment will be scheduled in advance, during work time, on an employee's regularly scheduled work day. The time spent at the appointment will be considered time worked.
- ~~C~~D. If the employee used leave balances for time lost and the workers' compensation carrier then provides retroactive compensation benefits for lost wages, the Town shall reimburse the employee's leave balances in the appropriate amount and type of leave for the time lost that is retroactively paid through compensation benefits. The Town will correct the overpayment to the employee in the next regular pay cycle or cycles by reducing the employee's hours paid by the Town.
- ~~D~~E. The employee's pay shall not exceed the employee's normal weekly earnings through any combination of workers' compensation benefits, paid leave and other payments received by the employee. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.
- ~~E~~F. For any absences during which the employee is receiving compensation benefits for lost wages from the workers' compensation carrier, the payroll liaison for the employee's department shall record the employee's time allocating that portion of the employee's time that is being paid by the workers' compensation carrier as "workers' compensation" and the remainder of the employee's time as paid or unpaid leave, as applicable.
- ~~F~~G. When an employee with a job-related injury or illness returns to work, either in his or her normal assignment or in an alternative work assignment (light/restricted duty), the employee must use sick or MTO leave or other approved leave for absences due to

medical appointments, including physical therapy, for the job-related injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

~~6H.~~ The Town shall not approve the use of sick, MTO, or vacation leave for an employee who has an injury, illness or disease incurred while employed by another employer.

[No changes to Sections 4-11-5 through 4-11-7]

[NO CHANGES TO POLICIES 4-12 AND 4-13]

POLICY 4-14 ALTERNATIVE WORK ASSIGNMENTS/LIGHT DUTY

The Town of Marana recognizes the value of allowing employees with work restrictions to temporarily work in an alternative work or light/restricted duty assignment. Alternative work assignments are intended for employees with medically documented temporary mental or physical illnesses or injuries sustained on or off the job who have work restrictions and who are expected to eventually return to unrestricted work. The Human Resources Department shall coordinate and administer all alternative work assignments for the Town.

The provisions of this policy are not intended to conflict with or supersede federal or state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal or state law, federal or state law shall control.

[No changes to Sections 4-14-1 and 4-14-2]

Section 4-14-3 Procedures

- A. When the Human Resources Department becomes aware that an employee has temporary work restrictions, the Human Resources Department will make every effort consistent with the provisions of this policy to offer the employee an alternative work assignment.
- B. In order to be considered for an alternative work assignment, an employee must present a medical certification from a health care provider specifying work restrictions and the expected duration of the restrictions to the Human Resources Department.
- C. Upon receipt of the certification, the Human Resources Department may communicate with the employee's health care provider to clarify and attain specificity on physical restrictions and limitations relative to specific job duties and responsibilities.
- D. The Human Resources Department shall determine whether there are any alternative work assignments within the Town which the employee can perform given the work restrictions. Primary consideration will be given to job placement within the employee's department and regular job duties. However, an employee may also be placed in an alternative work assignment in another department and/or in another position. An alternative work assignment may also result in a change in the employee's work hours.
- E. An employee may be placed in an assignment that is in a lower classification than the employee's regular job assignment; however, the employee's salary shall remain the same as it was in the employee's regular job assignment. Overtime, on-call/stand-by pay, ~~and call-out pay, and call-out supplementary pay are~~ is not authorized for employees on light duty status.
- F. Under no circumstances will the Town create a position solely for the purpose of providing work for an employee who is eligible to return to work under a temporary work

restriction. Alternative work assignments shall involve productive work that is both useful to the Town and achievable within the restrictions placed on the employee. If there is no alternative work assignment available for a particular employee, the employee shall remain on, or be placed on, an appropriate form of leave, pursuant to the policies set forth in this chapter.

- G. Employees with on the job injuries or illnesses shall be given preference for alternative work assignments over employees with off the job injuries or illnesses, even if an employee with an off the job injury is already serving in an alternative work assignment. Thus, if an employee with an off the job injury is serving in an alternative work assignment, the Town may remove that employee from the assignment if removal is necessary to provide an alternative work assignment for an employee with an on the job injury.
- H. An employee who has previously been subject to work restrictions is required to inform the Human Resources Department immediately upon receiving a release to regular duty from a health care provider.

[No changes to Sections 4-14-4 through 4-14-8]

POLICY 4-15 CIVIC DUTY

The Town of Marana encourages employees to fulfill their civic responsibilities as citizens and provides civic duty leave to eligible employees as described in this policy.

[No changes to Section 4-15-1]

Section 4-15-2 Jury Duty

- A. Eligible employees shall be granted up to ten days of paid jury duty leave during any rolling 12-month period.
- B. Employees shall provide a copy of the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.
- C. Employees on jury duty shall be paid their regular base rate of pay provided that they submit any juror fee payments received from the court, excluding mileage and per diem payments, to the ~~Finance~~Human Resources Department. Employees may keep mileage and per diem payments.
- D. If an employee is required to serve on jury duty beyond the period of paid jury duty leave, the employee may request to use vacation, MTO, or compensatory leave balances or may request administrative leave for non-medical purposes.
- E. Employees shall report for work while on jury duty whenever the court schedule permits.
- F. The Department Head may ask the employee to request an excuse or postponement from jury duty if, in the Department Head's judgment, the employee's absence would create serious operational difficulties.

Section 4-15-3 Witness Duty

- A. Eligible employees shall be granted up to 40 hours of paid time off for each instance in which the employee is subpoenaed to appear in court as a witness in a case. This section

does not apply to employees who are subpoenaed to appear in court as a part of their regular job responsibilities, such as police officers. Employees who are subpoenaed to appear in court as a part of their regular job responsibilities are considered to be on duty while responding to the subpoena.

- B. Employees shall provide a copy of the subpoena to their supervisor immediately after it is received so that the supervisor may make arrangements to accommodate the employee's absence.
- C. Employees under subpoena shall be paid their regular base rate of pay provided that they submit any witness fee payments, excluding mileage and per diem payments, to the ~~Finance~~Human Resources Department. Employees may keep mileage and per diem payments.
- D. If an employee is required to appear in court beyond the period of paid leave provided by this section, the employee may request to use vacation, MTO, or compensatory leave balances or may request administrative leave for non-medical purposes.
- E. Employees under subpoena shall report for work whenever the court schedule permits.
- F. Employees are not eligible for witness duty leave for time spent in court on personal matters without a subpoena. Employees shall request the use of leave for these court matters.

[No changes to Section 4-15-4]

[NO CHANGES TO POLICY 4-16]



CHAPTER 8

TERMINATION OF EMPLOYMENT

[NO CHANGES TO POLICY 8-1]

POLICY 8-2 EXIT PROCESS

The Human Resources Department is responsible for coordinating the exit process with the Department Head, the chain of authority above the level of Department Head and the Finance Department.

[No changes to Sections 8-2-1 and 8-2-2]

Section 8-2-3 Final Pay Check

- A. ~~The Finance Department shall be notified of the employee's separation date through~~ as shall be documented on the Personnel Action Form. Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by Town policy and laws governing final payments.
1. Terminated employees must be issued their final pay check within seven working days of the effective date of the termination or at the end of the next regular pay period, whichever is sooner.
 2. Employees who leave the employment of the Town by means other than termination will be paid at the close of the next regular pay period.
 3. Costs of unreturned Town property will be deducted from the final paycheck.
 4. The Town will distribute the final pay check to the employee via direct deposit.
- B. It is the responsibility of the Department Head to ensure that the employee has completed final clearance and that all items, including the Personnel Action Form, the exit clearance checklist and the final time entry, have been properly completed and forwarded to the Human Resources Department ~~and the Finance Department~~ within the required time frames for issuance of the final pay check.

[No changes to Sections 8-2-4 and 8-2-5]

[NO CHANGES TO POLICY 8-3]

POLICY 8-4 RE-EMPLOYMENT

[No changes to Sections 8-4-1 and 8-4-2]

Section 8-4-3 Compensation and Benefits

- A. An employee re-employed in his or her former position or in another position will be subject to the compensation policies and practices for new hires regardless of the employee's previous compensation at the time of separation.

~~B. Future performance pay increases for a re-employed employee will be in accordance with the performance management policies and procedures set forth in Chapter 6 of these Personnel Policies and Procedures.~~

~~€B.~~ An employee re-employed in his or her former position or another position within nine months after the employee's resignation will accrue vacation leave at the same accrual rate as the employee accrued at the time of the employee's resignation. In addition, the employee's previous Town service time will be credited toward the employee's length of service for purposes of vacation leave accrual. However, the time between resignation and re-employment will not be credited toward the length of service for this purpose. The employee will not be required to serve the waiting period described in Section 4-1-5 of these Personnel Policies and Procedures before using vacation.

~~ÐC.~~ An employee re-employed in his or her former position or another position within nine months after the employee's resignation shall have his or her previous accumulated sick or MTO leave balance restored.

~~£D.~~ Depending upon the provider and the plan, separation and re-employment may be considered a break in service for purposes of insurance benefits and the employee may be required to serve the required waiting period before receiving insurance benefits.

[No changes to Sections 8-4-4 through 8-4-7]



Council-Regular Meeting

C5

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: Jing Luo, Water Director

From: Humberto Del Castillo, Business Financial Manager

Date: October 17, 2023

Strategic Plan Focus Area:

Proactive Public Services

Subject: Resolution No. 2023-103: Relating to Utilities; approving and authorizing the Mayor to sign an amendment to the Intergovernmental Agreement, effective December 1, 2023, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services (Jing Luo)

Discussion:

On November 17, 2020, the Town Council approved Resolution No. 2020-121 authorizing the Town to enter into an intergovernmental agreement (IGA) with Pima County for the provision of water consumption data and sewer user account billing services. Based on this IGA between Pima County and the Town of Marana, the Marana Water Department processes billing for Pima County Regional Wastewater Reclamation Department (RWRD) customers each month and transfers appropriate data and revenues to RWRD. For this service, the Town collected \$1.59 per month per customer account processed without exceeding \$65,000.00 (the Maximum Yearly Limit") annually. The IGA has a two-year term with up to four optional one-year extensions following the initial term. Amendment number one under this IGA, which was executed on November 30, 2022, established a revised current user fee of \$1.86 per month per customer account processed and a revised Maximum Yearly Limit increased to \$85,000.00 annually.

The 2022 amendment to the original agreement expires on November 30, 2023, and Marana Water Department staff has negotiated a new billing rate for the upcoming year. Pursuant to proposed new amendment, which is attached as Exhibit A to the

resolution accompanying these agenda materials, the rate will increase from \$1.86 to \$2.08 per month per customer account processed and the Maximum Yearly Limit will increase from \$85,000.00 to \$100,000.00 annually. Under the proposed amendment, the IGA will be extended through November 30, 2024.

Financial Impact:

The revenue resulting from the amendment is included in the Water Department's revenue forecasting on an annual basis and helps toward the recovery of costs associated with the administration of the IGA terms.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2023-103, approving and authorizing the Mayor to sign an amendment to the intergovernmental agreement, effective December 1, 2023, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services.

Suggested Motion:

I move to adopt Resolution No. 2023-103, approving and authorizing the Mayor to sign an amendment to the Intergovernmental Agreement, effective December 1, 2023, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services.

Attachments

Resolution No. 2023-103
Exhibit A to Resolution - IGA

MARANA RESOLUTION NO. 2023-103

RELATING TO UTILITIES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT, EFFECTIVE DECEMBER 1, 2023, BETWEEN THE TOWN OF MARANA AND PIMA COUNTY FOR PROVISION OF WATER CONSUMPTION DATA AND SEWER USER ACCOUNT BILLING SERVICES

WHEREAS Pima County operates and maintains a public sanitary sewerage system and is the designated public sewer system provider for the eastern and southern portions of the Town of Marana; and

WHEREAS the Town of Marana is the potable water provider for a portion of the area that receives sewer service from Pima County; and

WHEREAS on November 17, 2020, the Town Council approved Resolution No. 2020-121 authorizing the Town to enter into an intergovernmental agreement with Pima County, effective December 1, 2020 (the "IGA"), for the provision of water consumption data and sewer user account billing services; and

WHEREAS the IGA is effective for a two-year period with up to four optional, one-year extensions; and

WHEREAS the Town and the County exercised the first one-year extension on November 30, 2023, and amended the IGA to increase the monthly billing rate for the provision of water consumption data and sewer user account billing services; and

WHEREAS the Town and the County are now desirous to exercise the second extension and amend the agreement to further increase the monthly billing rate for the provision of water consumption data and sewer user account billing services; and

WHEREAS the Mayor and Town Council find that entering into such an amendment is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The amendment to the intergovernmental agreement between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services substantially in the same form attached to and incorporated

by this reference in this resolution as Exhibit A is hereby approved and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the intergovernmental agreement, as amended.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

Pima County Department of Regional Wastewater Reclamation**Project: Sewer Billing and Collection Services****Contractor: Town of Marana****Contract No.: CT-WW-21-224****Contract Amendment No.: Two (2)**

Orig. Contract Term:	12/01/2020 - 11/30/2022	Orig. Amount:	\$130,000.00
Termination Date Prior Amendment:	11/30/2023	Prior Amendments Amount:	\$ 85,000.00
Termination Date This Amendment:	11/30/2024	This Amendment Amount:	\$100,000.00
		Revised Total Amount:	\$315,000.00

INTERGOVERNMENTAL AGREEMENT AMENDMENT

WHEREAS, COUNTY and TOWN entered into an Intergovernmental Agreement (IGA) for services as referenced above; and

WHEREAS, TOWN and COUNTY pursuant to Article 4 – Term, have agreed to extend the IGA term for the second of four one-year renewal periods, and

WHEREAS, TOWN and COUNTY have agreed to increase the total contract amount to allow payment for the continued provision of sewer billing and collection services during the extended term of the contract.

NOW, THEREFORE, it is agreed as follows:

1. Maximum Payment Amount. Article 3 of the IGA is amended as follows:

- a. For the services described in Exhibit A - Scope of Services, the County agrees to pay Town a monthly administrative and billing fee (collectively, the “Unit Price”) of \$2.08 per account per month, for the purpose of reimbursing the Town for the cost of billing and collection services each year. The billing fee is also intended to compensate Town for its implementation of cost and price control activities. Town will invoice County on a monthly basis for the billing and collection services rendered. Each invoice will include detailed documentation supporting the requested payment. Payment requests will assign all costs to items identified and authorized by this IGA. County will pay Town within 30 days for the services invoiced pursuant to this IGA. County may challenge any invoice or may request additional supporting data, but such challenge or data request will not delay County’s payment.
- b. Total payment for this contract shall not exceed \$100,000.00 (the “Maximum Yearly Limit”) annually. In the event population growth projections indicate that the Maximum Yearly Limit will be exceeded, County and Town will meet to discuss increasing funding to cover the costs for services. The terms of this IGA, however, may only be amended pursuant to Article 20 below.

Contract No.: CT-WW-21-224-02

1

Revised 8/19/22

2. **Term.** Pursuant to Article 4 of the IGA, the County is exercising the second extension option to renew the IGA for one additional year commencing on December 1, 2023 and terminating on November 30, 2024. If the commencement date is before the Effective Date of this amendment, the parties will, for all purposes, deem the amendment to have been in effect as of the commencement date.

REMAINDER OF THIS PAGE INTENTIONALLY BLANK

All other provisions of the Contract not specifically changed by this Amendment remain in effect and are binding upon the parties.

PIMA COUNTY:

TOWN OF MARANA:

Chair, Board of Supervisors

Mayor, Town of Marana

ATTEST

ATTEST

Clerk of the Board

Town Clerk

Date

Date

Approval as to Content for Pima County:

Director, RWRD

Date

Director, Finance

Date

Intergovernmental Agreement Determination

The foregoing Intergovernmental Agreement Amendment between Pima County and the Town of Marana has been reviewed by the undersigned, each of whom 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 party he or she represents.

PIMA COUNTY:

TOWN OF MARANA:

Deputy County Attorney

Town Attorney

Contract No.: CT-WW-21-224-02

3

Revised 8/19/22



Council-Regular Meeting

C6

Meeting Date: 10/17/2023

To: Mayor and Council

From: David L. Udall, Town Clerk/ Assistant Town Attorney

Date: October 17, 2023

Subject: Approval of Regular Council Meeting Summary Minutes of October 3, 2023
(David L. Udall)

Attachments

Regular Council Meeting Summary Minutes, 10/03/2023



MARANA AZ

ESTABLISHED 1977

**MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING**

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 3, 2023, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 6:00 PM and directed the Town Clerk to call the roll. **Council Member Kai** was absent. All other Council Members were present, constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Honea**.

APPROVAL OF AGENDA

Mayor Honea asked for a motion to approve the agenda.

Council Member Ziegler moved to approve the agenda as presented. Vice Mayor Post seconded the motion. Motion passed, 6-0.

CALL TO THE PUBLIC

PROCLAMATIONS

PR1 Proclamation Recognizing October 8 - 13, 2023, as Fire Prevention Week (David L. Udall)

Town Clerk/Assistant Town Attorney David Udall read the proclamation as **Mayor Honea** presented it to its recipient.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Ziegler thanked Parks and Recreation Department staff for putting together the Crossroads Dog Park reopening event.

Mayor Honea said he visited the Marana Pumpkin Patch and highlighted its opening day on October 7, 2023. He said he and other Council Members also attended the ribbon cutting for the new Fry's store that will be constructed in Gladden Farms. He also attended a Community Christian Church of Marana food bank opening event, a Pima Association of Governments (PAG)/Regional Transportation Authority (RTA) meeting, and the Sahuarita State of the Town event. **Mayor Honea** also said he was starting a new podcast.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said there were 91 total single-family residence permits issued for the month of September. He said that last September, there were a total of 38 issued. He also highlighted an upcoming Concerts in the Courtyard Event taking place on October 19, the Community Center and Aquatics Facility groundbreaking event being held on October 20, and the Marana Fall Festival taking place on October 21.

PRESENTATIONS

CONSENT AGENDA

C1 Ordinance No. 2023.034: Relating to Finance; retroactively waiving the Park Rental Bundle fee for the October 1, 2023 Paws and Patches fundraising event (David L. Udall)

Regular Council Meeting Summary Minutes
October 3, 2023

C2 Ordinance No. 2023.035: Relating to Finance; retroactively waiving the Park Rental Bundle fee for an event held by HM3 Advocate, Inc. on August 5, 2023; and waiving the Park Rental Bundle fee for an event to be held by HM3 Advocate, Inc. in the Fall of 2023 (Wayne Barnett)

C3 Approval of Special Council Meeting Summary Minutes of September 12, 2023 and Regular Council Meeting Summary Minutes of September 19, 2023 (David L. Udall)

Vice Mayor Post moved to approve the consent agenda. Council Member Ziegler seconded the motion. Motion passed, 6-0.

LIQUOR LICENSES

L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #006 Bar liquor license submitted by Andrea Dahlman Lewkowitz on behalf of My Place Hotel Marana, located at 8530 North Joplin Lane, Tucson, Arizona 85742 (David L. Udall)

Mr. Udall informed the Council that Items L1 and L2 both involved series #006 Bar liquor license applications for the My Place Hotel in Marana. He explained that the series #006 liquor license is a quota license available through the State's Liquor License Lottery process, and that under state law, an applicant can apply for more than one available license under each quota-related series in the applicable County. He explained that in Pima County, eight series #006 liquor licenses were made available through the lottery system for the year 2023 and that My Place Hotel had submitted two applications for series #006 licenses.

Mr. Udall said that the Department of Liquor and the Town would process both licenses, and that the State may grant one of the licenses at the end of the lottery process. Town staff reviewed both applications, and both were posted for the required 20-day period. He said Town staff recommended an order of approval be submitted for both liquor license applications.

Vice Mayor Post moved to approve and submit to the Arizona Department of Liquor License and Control an order recommending approval of an application for a new series #006 Bar liquor license submitted by Andrea Dahlman Lewkowitz on behalf of My Place Hotel Marana, located at 8530 North Joplin Lane, Tucson, Arizona 85742. Council Member Comerford seconded the motion. Motion passed, 6-0.

L2 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #006 Bar liquor license submitted by Andrea Dahlman Lewkowitz on behalf of My Place Hotel Marana, located at 8530 North Joplin Lane, Tucson, Arizona 85742 (David L. Udall)

Vice Mayor Post moved to approve and submit to the Arizona Department of Liquor License and Control an order recommending approval of an application for a new series #006 Bar liquor license submitted by Andrea Dahlman Lewkowitz on behalf of My Place Hotel Marana, located at 8530 North Joplin Lane, Tucson, Arizona 85742. Council Member Comerford seconded the motion. Motion passed, 6-0.

[Vice Mayor Post left the meeting at 6:15 PM.]

BOARDS, COMMISSIONS and COMMITTEES

COUNCIL ACTION

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Development and Public Works; update, discussion, and possible direction regarding public and private projects and development applications on the Town's [Marana Current and Proposed Projects](#) internet site (Jason Angell)

Development Services Director Jason Angell provided an update on public and private projects and development applications in the Town, as currently listed on the following website:

<https://experience.arcgis.com/experience/9bcda179c412496a8be2a5af29727745/>.

During the presentation, **Mr. Angell** answered questions about the various projects.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

Mayor Honea asked for future agenda items. There were no future agenda items.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Council Member Ziegler moved to adjourn the meeting. Council Member Comerford seconded the motion. Motion passed, 6-0. Meeting adjourned at 6:23 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on October 3, 2023. I further certify that a quorum was present.

David L. Udall, Town Clerk



Council-Regular Meeting

L1

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: David L. Udall, Town Clerk/ Assistant Town Attorney

From: Nolette Hernandez, Records Clerk

Date: October 17, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #012 Restaurant liquor license submitted by Minh Van Pham on behalf of Newton Pho, located at 5730 West Cortaro Farms Road, Tucson, Arizona 85742 (David L. Udall)

Discussion:

This application is for a new series #012 Restaurant liquor license for Newton Pho located at 5730 West Cortaro Farms Road, Tucson, Arizona 85742.

Pursuant to state law, the application was posted at the premises where the business is to be conducted. The posted notice provided that residents within a one-mile radius from the premises may file written arguments in favor of or opposed to the issuance of the license with the Town Clerk's Office within 20 days of the posting. Any written arguments received by the Clerk's Office for or against the proposed liquor license are attached to this item and will be submitted to the Department of Liquor Licenses and Control (DLLC).

Town staff has reviewed this application to determine whether the applicant is in compliance with zoning, building, and other legal requirements for the business. Additionally, the Marana Police Department has conducted a local background check.

The Town Council must enter an order recommending approval or disapproval of the application within 60 days after filing of the application. Pursuant to state statute, a

license will only be issued after a satisfactory showing of the capability, qualifications, and reliability of the applicant and “in all proceedings before the town council, the applicant bears the burden of showing that the public convenience requires and that the best interests of the community will be substantially served by the issuance of a license.”

If the Council’s recommendation is for disapproval, the order must include an attachment stating the specific reasons for the recommendation of disapproval and include a summary of the testimony or other evidence supporting the recommendation.

If the Council enters an order recommending approval of the application, or makes no recommendation, then no hearing before the Arizona state liquor board will take place, unless the director of the DLLC, the Liquor Board or a resident within a one-mile radius from the premises requests a hearing. If the Council enters an order recommending disapproval of the application, or if the director, board or a resident within a one-mile radius from the premises requests a hearing, then the state board will hold a hearing regarding the application.

At the hearing, the state board will consider all evidence and testimony in favor of or opposed to the granting of the license. The decision of the board to either grant or deny an application will normally take place within 105 days after the application has been filed, unless the director of the DLLC deems it necessary to extend the time period.

Staff Recommendation:

Town staff recommends that an order recommending approval be submitted to the DLLC for this liquor license application.

Suggested Motion:

OPTION 1: I move to approve and submit to the DLLC an order recommending approval of an application for a new series #012 Restaurant liquor license submitted by Minh Van Pham on behalf of Newton Pho, located at 5730 West Cortaro Farms Road, Tucson, Arizona 85742.

OPTION 2: I move to approve and submit to the DLLC an order recommending disapproval of an application for a new series #012 Restaurant liquor license application submitted by Minh Van Pham on behalf of Newton Pho, located at 5730 West Cortaro Farms Road, Tucson, Arizona 85742.

Attachments

Redacted Application

Affidavit of Posting

Local Governing Body Recommendation

Descriptions of Common Liquor Licenses

State of Arizona
Department of Liquor Licenses and Control

Created 09/05/2023 @ 01:53:53 PM

Local Governing Body Report

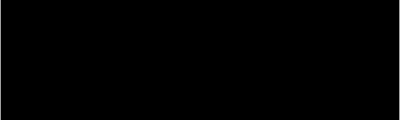
LICENSE

Number:		Type:	012 RESTAURANT
Name:	NEWTON PHO		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	5730 W CORTARO FARM ROAD TUCSON, AZ 85742 USA		
Mailing Address:	5730 W CORTARO FARM ROAD TUCSON, AZ 85742 USA		
Phone:			
Alt. Phone:			
Email:			

AGENT

Name:	MINH VAN PHAM
Gender:	Male
Correspondence Address:	5730 W CORTARO FARM ROAD TUCSON, AZ 85742 USA
Phone:	
Alt. Phone:	
Email:	

OWNER

Name:	MINH VAN PHAM
Gender:	Male
Correspondence Address:	5730 W CORTARO FARM ROAD TUCSON, AZ 85742 USA
Phone:	
Alt. Phone:	
Email:	

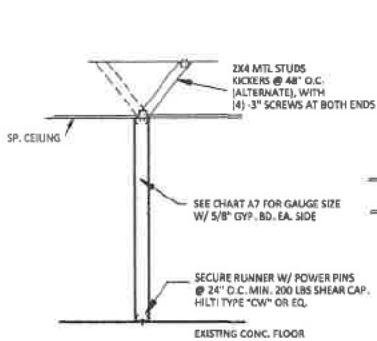
APPLICATION INFORMATION

Application Number: 255727
Application Type: New Application
Created Date: 08/22/2023

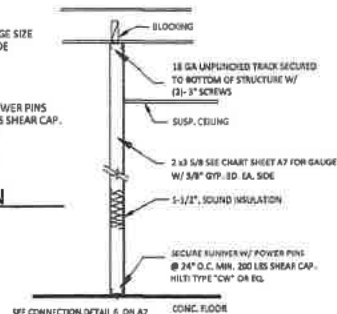
QUESTIONS & ANSWERS

012 Restaurant

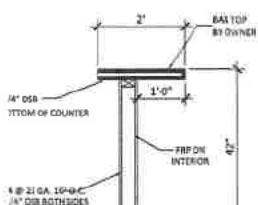
- 1) Are you applying for an Interim Permit (INP)?
No
- 2) Are you one of the following? Please indicate below.
Property Tenant
Subtenant
Property Owner
Property Purchaser
Property Management Company
PROPERTY TENANT
- 3) Is there a penalty if lease is not fulfilled?
No
- 4) Is the Business located within the incorporated limits of the city or town of which it is located?
No
If no, in what City, Town, County or Tribal/Indian Community is this business located?
MARANA
- 5) What is the total money borrowed for the business not including the lease?
Please list each amount owed to lenders/individuals.
ZERO
- 6) Are there walk-up or drive-through windows on the premises?
No
- 7) Does the establishment have a patio?
No
- 8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
No
- 9) What type of business will this license be used for?
RESTAURANT



1 INTERIOR PARTITION



2 INTERIOR PARTITION

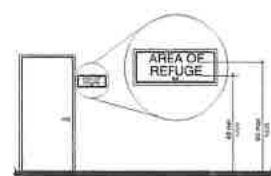


3 BAR SECTION

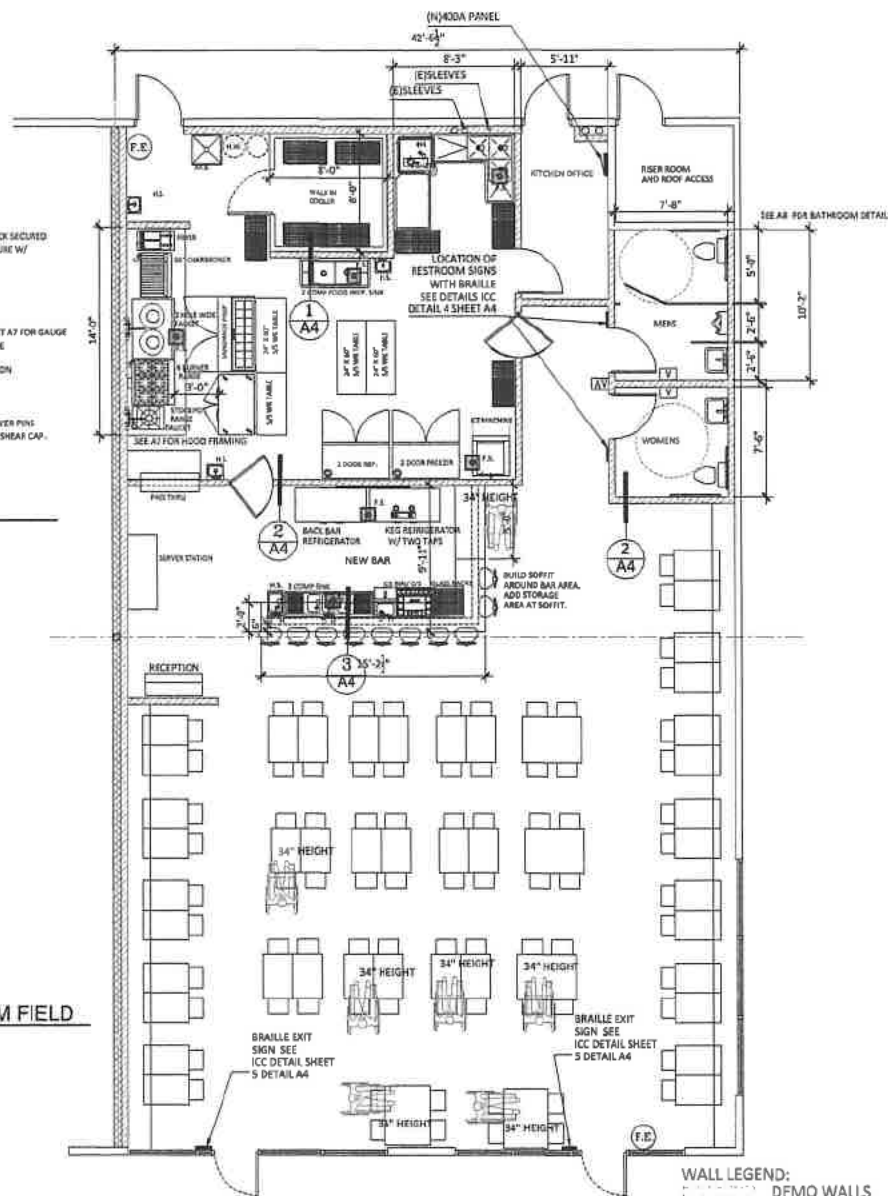


FIG. 703.5 PICTOGRAM FIELD

4 FIG. 703.5 PICTOGRAM FIELD - ICC



5 FIG. 703.3.10, 703.3.11 PICTOGRAM FIELD - ICC/ANSI A117.1 N.T.S.



FLOOR PLAN

SCALE 1/4\"/>

WALL LEGEND:
 --- DEMO WALLS
 ——— EXISTING WALLS
 - - - NEW WALLS
 - - - DEMISING WALL

ROOM FINISH SCHEDULE										
ROOM NAME	WALLS	FLOOR	CEILING	DOORS	WINDOWS	STAIRS	ROOF	BASE	TRIM	FINISHES
SEATING AREA										
KITCHEN										
STORAGE AREA										
BATHROOM										

FRP= FIBERGLASS REINFORCED PANEL TO 8'-0\"/>

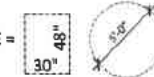
PLAN NOTES:

ALL EXITS TO BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE. MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS AND SURFACE BOLTS ARE PROHIBITED. EXISTING MAIN EXITS IDENTIFIED ON PLAN TO OUTSIDE TO HAVE A SIGN READING "THIS DOOR MUST REMAIN UNLOCKED AT ALL TIMES BUILDING IS OCCUPIED". (WITH 1\"/>

ANSI A117.1/09-404.2.6 DOOR HARDWARE HANDLES, PULLS LATCHES, LOCKS AND OTHER OPERABLE PARTS ON ACCESSIBLE DOORS SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST OPERATE. OPERABLE PARTS OF SUCH HARDWARE SHALL BE 34 INCHES MIN. AND 48 INCHES MAX. ABOVE THE FLOOR.

ADA CLEAR FLOOR SPACE =

- (A) AUDIO/VISUAL FLOW NOTIFICATION DEVICE
- (V) AUDIO FLOW NOTIFICATION DEVICE
- (F.E) FIRE EXTINGUISHER



105 SEATS 5% ACCESSIBLE
 6 ACCESSIBLE SEATS REQUIRED AND PROVIDED

ADA SIGNAGE IS REQUIRED AT ALL EXIT DOORS PER 2012 IBC SEC. 1031.1 AND SECTION 1110.3 PARAGRAPH THIS APPLIES TO ALL EXIT DOORS THE SIGNS SHALL BE TACTILE, BRAILLE PER IBC SEC. 1013.4 AND SECTION 1111.3 EXCEPTION #2 AND CONFORM TO THE REQUIREMENTS OF ICC/ANSI A117.1 SECTION 703.3. PROVIDE ADA RESTROOM SIGNS ADJACENT TO THE DOORS PER ICC/ANSI A117.1.2009 FIGURE 703.3.10 AND FIGURE 703.3.11



VVC DESIGN ARCHITECT		A4
1920 W. CASSIN LN TUCSON, AZ. (520)575-7040		
NEWTON PHO	DATE: 01/18/23	SHEET: 4



RESTAURANT/HOTEL/MOTEL OPERATION PLAN

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

AMENDMENT

Type or Print with **Black Ink**

1. Name of restaurant (Please print): Newton Pho Restaurant corp.
2. Must indicate the equipment below by Make, Model, and Capacity:

LIST ONLY THE FOLLOWING - NO ATTACHMENTS

Grill	1 Aston brand
Oven	1 oven with 6 burner on top :Aston
Freezer	1 aston brand
Refrigerator	3 aston brand
Sink	10 sink
Dish Washing Facilities	1 diswasher machine
Food Preparation Counter (Dimensions)	2x table 4x8, 2x preparation 5 feets long
Other	ice maker, 2 bin ice at bar area, 3 refrigerator at bar area

3. Attach a copy of your FULL menu with pricing **INCLUDING NON-ALCOHOLIC BEVERAGES**

4. What percentage of your public premises is used primarily for restaurant dining?

(Do not include kitchen, bar, hi-top tables, or game area.) _____%

5. Does your restaurant have a bar area that is distinct and separate from the dining area? ☐ YES ☐ No

(If yes, what percentage of the public floor space does this area cover?) _____%

6. List the **seating capacity** for:

a) Restaurant dining area of your premises:

[100]

(DO NOT INCLUDE PATIO SEATING)

b) Bar area

[+ 9]

TOTAL [= 109]



RESTAURANT/HOTEL/MOTEL OPERATION PLAN

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

1. Name of restaurant (Please print): _____

2. Must indicate the equipment below by Make, Model, and Capacity:

LIST ONLY THE FOLLOWING - <u>NO ATTACHMENTS</u>	
Grill	1
Oven	1
Freezer	2
Refrigerator	2
Sink	8
Dish Washing Facilities	1
Food Preparation Counter (Dimensions)	(2x) 60 in Long
Other	Walkin cooler, 2 Refrigerator at Bar area

3. Attach a copy of your FULL menu with pricing INCLUDING NON-ALCOHOLIC BEVERAGES

4. What percentage of your public premises is used primarily for restaurant dining?

(Do not include kitchen, bar, hi-top tables, or game area.) 90 %

5. Does your restaurant have a bar area that is distinct and separate from the dining area? ☒ YES ☐ No

(If yes, what percentage of the public floor space does this area cover?) 10 %

6. List the seating capacity for:

a) Restaurant dining area of your premises: []

(DO NOT INCLUDE PATIO SEATING)

b) Bar area [+]

TOTAL [=]

7. What type of dinnerware is primarily used in your restaurant? ☐ Reusable ☐ Disposable ☒ Both
8. Does your restaurant contain any **games, televisions, or any other entertainment**? ☒ YES ☐ No

If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

4 TV

9. Do you have live entertainment or dancing? ☐ YES ☒ No
- If yes, what type and how often** (example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. List number of employees for each position:

Position	How many
Cooks	4
Bartenders	0
Hostesses	1
Managers	2
Servers	8
Other ()	
Other ()	
Other ()	

I, (Print Full Name) Minh Pham, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: _____

[Signature]



**RECORDS REQUIRED
FOR AUDIT
RESTAURANT/HOTEL/MOTEL**

AMENDMENT

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

Newton Pho Restaurant corp *36*

1. Name of restaurant (Please print): _____
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of **all** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, **accurate** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets
11. **General Ledger**
 - A. Sales Journals/Monthly Sales Schedules
 - 1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
 - 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
 - 3) Dated Guest Checks
 - 4) Coupons/Specials/Discounts
 - 5) Any other evidence to support income from food and liquor sales
 - B. Cash Receipts/Disbursement Journals
 - 1) Daily Bank Deposit Slips
 - 2) Bank Statements and canceled checks

12. **Tax Records**

- A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
- B. Income Tax Return - city, state and federal (copies)
- C. Any supporting books, records, schedules or documents used in preparation of tax returns



RECORDS REQUIRED FOR AUDIT RESTAURANT/HOTEL/MOTEL

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with **Black Ink**

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. Name of restaurant (Please print): MINH PHAM
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of **all** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, **accurate** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets

11. General Ledger

A. Sales Journals/Monthly Sales Schedules

- 1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
- 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
- 3) Dated Guest Checks
- 4) Coupons/Specials/Discounts
- 5) Any other evidence to support income from food and liquor sales

B. Cash Receipts/Disbursement Journals

- 1) Daily Bank Deposit Slips
- 2) Bank Statements and canceled checks

12. Tax Records

- A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
- B. Income Tax Return - city, state and federal (copies)
- C. Any supporting books, records, schedules or documents used in preparation of tax returns

13. **Payroll Records**

'23 AUG 21 PM 1 43 AZD LLC

- A. Copies of all reports required by the State and Federal Government
- B. Employee Log (A.R.S. §4-119)
- C. Employee time cards (actual document used to sign in and out each work day)
- D. Payroll records for all employees showing hours worked each week and hourly wages

14. **Off-site Catering Records** (must be complete and separate from restaurant records)

- A. All documents which support the income derived from the sale of food off the license premises.
- B. All documents which support purchases made for food to be sold off the licensed premises.
- C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

**REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH
A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).**

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section:

- 1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
- 2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

I, (Print Full Name) Minh Pham hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: 

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

Newton Phở

2510 W. Garden Place, Suite 100
Tucson, AZ 85710
Phone: 520 552 1022

Phở Noodle Soup

SIDES

Sweet Onion & Vinegar	2
Extra Noodles	3
Extra Meat	5
Extra Shrimp	4
Side White Rice	3
Egg With Soup	3
Extra Meat Ball	4

26. PHỞ GÀ
CHICKEN BREAST NOODLES
(All soups are served with rice noodles & chicken broth / beef broth, garnished with scallions, onions & cilantro)



S 13
L 15.5
XL 18

27. PHỞ TÔM
SHRIMP NOODLE SOUP
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)



S 14
L 16
XL 18

28. PHỞ TÀU HŨ
TOFU NOODLES
(All soups are served with rice noodles & veggie broth / chicken broth garnished with scallions, onions & cilantro)



S 13
L 15
XL 16

29. PHỞ TÁI NAM
EYE ROUND RARE, BEEF FLANK NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)



S 14
L 16
XL 18

30. PHỞ BÒ VIÊN
MEATBALLS NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)



S 13
L 15
XL 17

31. PHỞ TÁI BÒ VIÊN
MEATBALLS, EYE ROUND RARE NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro...More)



S \$14
L \$16
XL \$17

32. PHỞ TÁI, NAM, BÒ VIÊN
EYE ROUND RARE, BEEF FLANK, MEATBALLS NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)



S 14
L 17
XL 19

Vietnamese Restaurant, Got Phở? Tastes like Asia feels like home!

S 14
L 17
XL 19



33. PHỞ TÁI, NAM, SÁCH
EYE ROUND RARE, BEEF FLANK, TRIPES NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

S 14
L 17
XL 19



34. PHỞ TÁI, NAM, GÂN
EYE ROUND RARE, BEEF FLANK, TENDON NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

S 14
L 17
XL 19



35. PHỞ TÁI, GÂN, BÒ VIÊN
EYE ROUND RARE, TENDON, MEATBALLS.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

S 15
L 18
XL 20



36. NEWTON PHỞ ĐẶC BIỆT
SPECIAL COMBINATION OF NOODLES, SIDE OF EYE ROUND RARE, BEEF FLANK, TRIPES, TENDON, MEATBALLS NOODLE SOUP.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

ALLERGEN ALERT

Food Allergy Notice Warning May Contain Milk, Eggs, Wheat, Soybean, Peanuts, Fish

FRESH INGREDIENTS

All of our ingredients we use are from Costco and Sysco to provide the most fresh and delicious tasting meals.

17



37. PHỞ HẢI SẢN
SEAFOOD NOODLE SOUP, SHRIMPS, SQUIDS, MUSSELS & SCALLOPS.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

21.5



38. PHỞ ĐUÔI BÒ
SPECIAL OXTAIL NOODLE SOUP, OXTAIL, EYE ROUND RARE & MEATBALL.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

23.5



39. PHỞ SUÔN BÒ
SHORT RIBS NOODLE SOUP, SHORT RIBS & EYE ROUND RARE.
(All soups are served with rice noodles & beef broth, garnished with scallions, onions & cilantro)

Phở Kids

40. PHỞ KHÔNG THỊT Kid pho with noodle, no meat.	9
41. PHỞ TÁI NHỎ Eye round rare small noodle soup.	11
42. CƠM CHIÊN TRỨNG Kid fried Rice.	5

SEP 1 11:41 AM '23

1. GỎI CUỐN
FRESH ROLLS
Iceberg lettuce, vermicelli
noodles, bean sprouts,
pork & shrimp



6.5

2. GỎI CUỐN Tôm
SHRIMP FRESH ROLLS
Iceberg lettuce, vermicelli
noodles, bean sprouts
& shrimp



6.5

3. NEM CUỐN
PORK FRESH ROLLS
Iceberg lettuce, vermicelli
noodles, cucumber,
bean sprouts & BBQ pork



6.5

4. GỎI CUỐN TÀU HỘ
TOFU FRESH ROLLS
Iceberg lettuce, vermicelli
noodles, bean sprouts
& tofu



6.5

5. CHẢ GIÒ
CRISPY FRIED ROLLS
Wonton wrapper, pork
noodles & veggies



7.5

6. HÁ CẢO
DUMPLINGS
Dumplings filled with ground pork,
shredded cabbage and
sliced scallions and accompanied
by a signature dipping sauce



9.5

7. GỎI Tôm THỊT
SHRIMP PORK SALAD
Shrimp, pork, cucumber,
carrots, lettuce, cilantro,
peanut shrimp chips, served
with sweet and sour sauce



12

8. BÚN GAO XÀO Tôm THỊT
VERMICELLI STIR FRY
(SHRIMP / CHICKEN)
Vermicelli noodles, shrimp
Chicken or combines
vegetables, scallions



16 - 18

9. CÁNH GÀ CHỜN MÚC MẮM
(VIETNAMESE FISH SAUCE
CHICKEN WING)
Chicken wings fried with fish
sauce, garlic, hot peppers



12.99

Other than PHỞ

10. MÌ XÀO (TÔM / GÀ)
CHOW MEIN NOODLES WITH
SHRIMP / CHICKEN
VEGETABLES



16 - 18

11. BÚN THỊT NƯỚNG CHẢ GIÒ
GRILLED PORK & FRIED ROLL
VERMICELLI BOWLS
Vermicelli, pork, iceberg, cilantro,
bean sprouts, cucumber, peanuts,
pickled carrot and scallions oil.
Served with homemade fish sauce.
OPTIONAL add garlic, hot peppers
in fish sauce



15

12. BÚN THỊT NƯỚNG ĐẶC BIỆT
GRILLED PORK, FRIED ROLL & SHRIMP
VERMICELLI BOWLS: Thin rice noodles,
pork, iceberg, cilantro, bean sprouts,
cucumber, peanuts, pickled carrot and
scallions oil. Served with homemade fish sauce.
OPTIONAL add garlic, hot peppers
in fish sauce



17

13. BÚN THỊT BÒ XÀO / TÔM / ĐẬU HŨ
VERMICELLI BOWL, STIR BEEF /
SHRIMP / TOFU
Iceberg, cilantro, bean sprouts,
cucumber, peanuts, pickled carrot
and scallions oil. Served with
homemade fish sauce. OPTIONAL
add garlic, hot peppers in fish sauce



15

14. CƠM SƯỜN NƯỚNG
PORK CHOPS RICE
RICE PLATES: Rice, lettuce,
tomato, pickle carrot, cucumber,
scallions oil. Served with
homemade fish sauce. OPTIONAL
add garlic, hot peppers in fish
sauce



14

15. CƠM SƯỜN CHẢ TRỨNG
PORK CHOP WINEAT LOAF
RICE PLATES: Rice, sunnyside
up eggs, lettuce, tomato, pickle
carrot, cucumber, scallions oil.
Served with homemade fish sauce.
OPTIONAL add garlic, hot peppers
in fish sauce



16

16. CƠM SƯỜN ĐẶC BIỆT
SPECIAL RICE PLATTER
RICE PLATES: Rice,
sunnyside up eggs, lettuce,
tomato, pickle carrot, cucumber,
scallions oil. Served with
homemade fish sauce. OPTIONAL
add garlic, hot peppers in fish sauce



20

17. CƠM VÀNG SƯỜN BÒ
BEEF BURGOGI W / YELLOW RICE
RICE PLATES: Rice, Beef, ribs,
tomatoes, cucumber, cilantro
Served with soy sauce



18



16



15



18



20



15.5



16



S 12
L 15
XL 17



30

18. CƠM CHIÊN TÔM / GÀ
FRIED RICE
(SHRIMP / CHICKEN)
Rice, egg, shrimp or
chicken, bean sprouts,
scallions, cilantro

19. CƠM VÀNG GÀ CHIÊN
CHICKEN FRIED RICE
Yellow rice, quart of
chicken, cucumbers
tomatoes, scallions oil
and soy sauces

20. CƠM CHIÊN DƯƠNG CHÁU
IMPERIAL FRIED RICE
Veggies fried rice with
BBQ pork, shrimp, scallop,
sausage & cucumber

21. CƠM BÒ LÚC LẮC
SHAKEN BEEF RICE
With onion, lettuce, pickled
carrot & cucumber. Served with
bean sprouts, basil leaves,
grated sliced cabbage & Jalapenos

22. BÁNH MÌ CHẢO
VIETNAMESE BEEF STEAK
Beef, eggs, meatballs, onions
and cheese with bread

23. BÚN BÒ HUẾ
HUÉ SPICY NOODLE SOUP
Spicy lemongrass broth, beef &
ham hock (optional). Served with
bean sprouts, basil leaves,
boiled cabbage & Jalapenos

24. PHỞ TÁI
EYE ROUND RARE BEEF NOODLE SOUP
(All soups are served with
rice noodles & lettuce) but
garnished with scallions,
onions & cilantro

25. PHỞ QUÝT TÔM HÙM
LOBSTER TAIL NOODLE SOUP
(All soups are served with
rice noodles & lettuce) but
garnished with scallions,
onions & cilantro

Giải Khát - Beverage

1. Cà Phê Sữa Đá..... \$6.00
Ice Coffee
2. Trà Thái..... \$6.00
Thai Tea
3. Trà Đào Sả Tắc..... \$6.00
Peach Tea with Kumquat
4. Nước Đá Chanh..... \$4.50
Ice Lemon
5. Chanh Xí Muội..... \$4.50
Lime Juice
6. Chanh Dây Xí Muội..... \$4.50
Passion Fruit
7. Dừa Tươi..... \$4.50
Fresh Coconut
8. Nước Ngọt..... \$3.15
Soda
9. Soda Can..... \$2.50
8. Trà Nóng / Trà Đá..... \$1.99
Hot Tea / Ice Tea



LC:

Amount:

23 AUG 21 PM 1:42 AZD LLC



AGENT/CONTROLLING PERSON QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLIC USE ONLY

Job #: 255727
Date Accepted: 08-21-2023
CSR: SC

Type or Print with Black Ink

License Number:

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the
Appropriate
Box →



Agent



Controlling Person

2. Name: PHAM MINH VAN Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Drivers License #: [REDACTED] State Issued: AZ

4. Place of birth: Ben Tre Viet Nam Height: [REDACTED] Weight: [REDACTED] Eyes: B Hair: B
City State COUNTRY

5. Name of current/most recent spouse: HO TRAM Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☒ No ☐ If yes, what is your date of residency? 01/02/2010

7. Daytime telephone number: [REDACTED] Email address: [REDACTED]

8. Premises Name: NEWTON PHO Business Phone: [REDACTED]

9. Premises Address: 5730 W CORTARO FARM RD TUCSON AZ PIMA 85742
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address. (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
10/2017	CURRENT	business owner	i touch day spa 1335 w lambert lane , oro valley Az 85737
7/2023	current	business owner	I TOUCH DAY SPA , 5660 W CORTARO FARM S RD #114 TUCSON AZ 85742
4/2007	CURRENT	business owner	5730 w cortaro farm rd #100 , Tucson Az 85742

11. Provide your residence address information for the last five (5) years A.R.S. §4-202(D) (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	To Month/Year	Street	City	State	Zip
5/2012	CURRENT				

AMENDMENT

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As an Agent or Controlling Person, will you be managing the day to day operation of the licensed premises? If you answered YES, then answer #13 below. If NO, skip to #14 Yes ☐ No ☐
13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? **MUST** attach copies of both training certificates. Yes ☐ No ☐
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes ☐ No ☐
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202,4-210 Yes ☐ No ☐
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☐
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes ☐ No ☐
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes ☐ No ☐

If you answered "YES" to any Question 14 through 18 **YOU MUST** attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) _____ hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: _____ Date: _____

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address. (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
2009 →	CURRENT	owner Business	Itouch II 5660 W Cortaro Farms Rd
2023	current	owner Business	Newton Pho 5730 W Cortaro Farms Rd
2007	current	owner Business	Itouch Day spa 1390 W Lamber lane

11. Provide your residence address information for the last five (5) years A.R.S. §4-202(D) (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	To Month/Year	Street	City	State	Zip
2018	CURRENT				

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As an Agent or Controlling Person, will you be managing the day to day operation of the licensed premises? If you answered YES, then answer #13 below. If NO, skip to #14 Yes ☒ No ☐
13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? MUST attach copies of both training certificates. Yes ☐ No ☒
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes ☐ No ☒
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202, 4-210 Yes ☐ No ☒
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☒
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes ☐ No ☒
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes ☐ No ☒

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Minh Pham hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: [Signature] Date: 7/27/23



ALIEN STATUS

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with **Black Ink**

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

APPLICANT NAME (Print or type) Minh PHAM

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? ☒ Yes ☐ No - If yes, indicate place of birth:

City _____ State _____ COUNTRY Vietnam

If you answered **Yes, 1)** Attach a legible copy of a document from the list below.

2) Name of document: Passport

If you answered **No**, you must complete Sections III.

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after Jan. 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed*** ✓
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

SECTION III – QUALIFIED ALIEN DECLARATION

Applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- ☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- ☐ 2. An alien who is granted asylum under Section 208 of the INA.
- ☐ 3. A refugee admitted to the United States under Section 207 of the INA.
- ☐ 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- ☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- ☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- ☐ 7. An alien who is a Cuban/Haitian entrant.
- ☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non-immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.
- 14. **Otherwise Lawfully Present**
- 15. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. §

Minh Pham
Print Name


Signature

7/27/23
Date



FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY

Job #:	255 727
Date Accepted:	08-21-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. **Please print clearly.**
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
Do not give the applicant the fingerprint card without first sealing it inside the envelope.
5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date 7.25.23	Name of Applicant: PHAM MINH VAN
Name of Fingerprint Technician: Mika Menta	
Fingerprint technician's Signature: [Signature] CV613	
Fingerprint technician's Agency/company Name: OVPD	Phone Number: 520-229-4900
Type of Photo ID Provided (check one):	
☒ Driver's License ☐ Passport ☐ Other (Please specify)	

23 AUG 21 PM 1:43 AZD LLC

ARIZONA

Driver License

Number
Expires
Date of Birth
Issued

MINH VAN PHAM

Class D Sex M
Eyes BRO Height
Hair BK Weight

[Signature]

You must Report Change of Address Within 10 Days



Number
Expires
Issued



Class D Operator

Endorsements NONE

Restrictions NONE

23 AUG 21 PM 1:43 AZDILC

Certificate # _____

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

☒	On-sale
☐	Off-sale
☐	On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Minh Pham

Full Name (please print)

Minh Pham

Signature

August 9, 2023

Training Completion Date

August 9, 2026

Certificate Expiration Date
(three years from completion date)

Training Provider Information

AZLiquorTraining.com

Company Name

536 East Wagon Bluff Drive, Tucson, AZ 85704

Mailing Address

(520) 235-5684

Daytime Contact Phone Number

I, Kevin A. Kramber, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Kevin A. Kramber

Instructor Signature

09 / 08 / 2023
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below

2) licensees, agents and managers actively involved in the daily business

operations of a liquor-licensed business of a series listed below

Certificate # _____

Certificate of Completion

Title 4 **MANAGEMENT** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

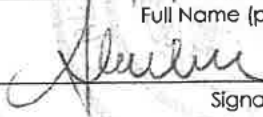
Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Minh Pham

Full Name (please print)



Signature

August 9, 2023

Training Completion Date

August 9, 2026

Certificate Expiration Date
(three years from completion date)

Training Provider Information

AZLiquorTraining.com

Company Name

536 East Wagon Bluff Drive, Tucson, AZ 85704

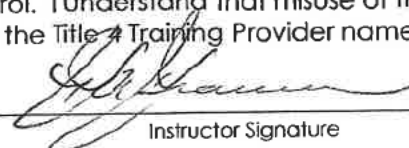
Mailing Address

(520) 235-5684

Daytime Contact Phone Number

I, Kevin A. Kramber, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.) R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).


Instructor Signature09 / 08 / 2023
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)
Conveyance (series 8)
Restaurant (series 12)

Government (series 5)
Liquor Store (series 9)
In-state Farm Winery (series 13)

Bar (series 6)
Private Club (series 14)

Beer & Wine Bar (series 7)
Hotel/Motel w/restaurant (series 11)
Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

July 11, 2013



POSTING

Job#

DLIC use only

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

Date of Posting: 09 / 12 / 23

Date of Posting Removal: 10 / 12 / 23

Applicant's Name: Pham Minh Van
Last First Middle

Business Address: 5730 W Cortaro Farm Rd Tucson 85742
Street City Zip

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

JR Burns Housing Rehabilitation Specialist (520) 990-2496
Print Name of City/County Official Title Phone Number

Signature Date Signed

Return this affidavit with your recommendations or any other related documents.
If you have any questions please call (602) 542-5141 and ask for the Licensing Division.



Local Governing Body Recommendation A.R.S. § 4-201(C)

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with **Black Ink**

City or Town of: Town of Marana Liquor License/Application #: 255727
(Circle one) (Arizona license/application #)
County of: Pima County City/Town/County #: LL2023-13

Licensed establishment that will be operating within an "entertainment district" as described in A.R.S. § 4-207(D)(2),

(Name of entertainment district)

(Date of resolution to create the entertainment district)

A boundary map of entertainment district must be attached.

The Marana Town Council at a Regular meeting held
(Governing body) (Regular or special)
on the 17 of October, 2023 considered the application of Minh Van Pham
(Day) (Month) (Year) (Name of applicant)

for a license to sell spirituous liquor at the premises described in the application as provided by A.R.S § 4-201.

ORDER OF APPROVAL/DISAPPROVAL

IT IS THEREFORE ORDERED that the license APPLICATION OF _____
(Name of applicant)
to sell spirituous liquor of the class and in the manner designated in the application, is hereby recommended
for _____.
(Approval, disapproval, or no recommendation)

TRANSMISSION OF ORDER TO STATE

IT IS FURTHER ORDERED that a certified copy of this order be immediately transmitted to the State
Department of Liquor, License Division, 800 W Washington, 5th Floor, Phoenix, Arizona 85007.

Dated at _____ on _____
(Location) (Day) (Month) (Year)

(Printed name of city, town or county clerk)

(Signature of city, town or county clerk)

Department of Liquor Licenses and Control
Descriptions of Common Types of Liquor Licenses

Series 6 Bar

The bar (series 6) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve all types of spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 6 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 7 Beer and Wine Bar

The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery.

Department of Liquor Licenses and Control
Descriptions of Common Types of Liquor Licenses

Series 9 Liquor Store

The liquor store (series 9) license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 9 (liquor store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 10 Beer and Wine Store

This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 11 Hotel/Motel

This non-transferable, on-sale retail privileges liquor license allows the holder of a hotel/motel license to sell and serve all types of spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises. The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food. The holder of this license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is provided by a key or magnetic card device and may not be furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 12 Restaurant

This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.



Council-Regular Meeting

A1

Meeting Date: 10/17/2023

To: Mayor and Council

From: Luke Fischer, Senior Assistant Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:

Proactive Public Services

Subject: Ordinance No. 2023.037: Relating to Animal Control; amending Marana Town Code Title 6 (Animal Control); adding new chapter 6-10 "Pet Stores" to regulate pet stores by establishing requirements and authorizing enforcement; and designating an effective date

Resolution No. 2023-104: Relating to Animal Control; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.037 to Marana Town Code Title 6 (Animal Control); adding new chapter 6-10 "Pet Stores" to regulate pet stores by establishing requirements and authorizing enforcement (Luke Fischer)

Discussion:

Arizona Revised Statutes Article 17 - Pet Dealers (A.R.S. § 44-1799 *et. seq.*) sets forth regulations for pet dealers. These regulations include requirements that a dog or cat must be examined by a licensed veterinarian before being placed for sale, and, if the dog or cat is afflicted with a contagious disease, it either will be returned to the source or kept by the pet dealer but caged separately from other healthy animals. Pet dealers must give purchasers of a cat or dog a written statement regarding the animal including: birth date and birthplace, the date the pet dealer received the animal, immunizing and deworming treatments given as of the time of sale, identifying marks apparent at the time of sale, and information related to any veterinary treatment or medication given to the animal while in possession of the pet dealer. The purchaser shall acknowledge receipt of the written statement and, upon request, be provided written notice of the purchaser's rights including a copy of the state law. Additionally, pet dealers must post a notice in close proximity to the cages with specific language

directing prospective purchasers to state law and advising them of their rights as a purchaser. Written health records for each cat and dog placed for sale must be maintained for one year after sale and are subject to inspection. Finally, pet dealers shall not offer for sale a cat or dog that is less than eight weeks old. A.R.S. § 44-1799.08 authorizes a civil penalty of not more than one thousand dollars per violation for civil violations of state law.

A.R.S. § 44-1799.04(A) requires that pet dealers must also maintain sanitary facilities, provide cats or dogs potable water and adequate nutrition, provide adequate space and appropriate flooring, cage contagious animals separately from healthy animals, and provide appropriate veterinary care when necessary. A pet dealer in violation of A.R.S. § 44-1799.04(A) is guilty of a class 1 misdemeanor, a criminal offense.

A.R.S. § 44-1799.10 outlines requirements for pet stores and pet dealers related to how they obtain dogs or cats that are placed for sale. These requirements include, but are not limited to:

- dogs or cats offered for sale must be obtained by pet stores and dealers in a manner that meets requirements to ensure compliance with pet dealer regulations of the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159);
- pet dealers must maintain records, subject to inspection, verifying compliance with obtaining requirements for at least two years after obtaining dogs or cats for sale; and
- pet dealers must display, on both the cage and any marketing materials, the source of any dog or cat offered for sale by providing the name of the breeder of the animal, the United States department of agriculture license number of the breeder, if applicable, and the United States department of agriculture website where information about the breeder can be obtained.

A.R.S. § 44-1799.11 authorizes the town to enact and enforce an ordinance to enforce A.R.S. § 44-1799.10 against a pet store or pet dealer, but any such ordinance cannot exceed the requirements of either A.R.S. § 44-1799.10 or the penalties specifically prescribed by A.R.S. § 44-1799.08. The penalties prescribed by A.R.S. § 44-1799.08 begin with a civil penalty of not more than one thousand dollars per violation for a first violation, but the penalties increase when there are subsequent violations in specified time periods.

The proposed ordinance would add Chapter 6-10 "Pet Stores" to town code, incorporating the regulations and enforcement authorized in state law and specifically authorizing the Town to enforce regulations authorized by A.R.S. § 44-1799.10 against a pet store or pet dealer.

Staff Recommendation:

Town staff recommends adoption of the revisions to Town Code regarding pet store regulations.

Suggested Motion:

I move to adopt Ordinance No. 2023.037, amending Marana Town Code Title 6 (Animal Control); adding new chapter 6-10 “Pet Stores” to regulate pet stores by establishing requirements and authorizing enforcement and Resolution No. 2023-104, declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.037

Attachments

Ordinance No. 2023.037

Resolution No. 2023-104

Exhibit A to Resolution No. 2023-104

MARANA ORDINANCE NO. 2023.037

RELATING TO ANIMAL CONTROL; AMENDING MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); ADDING NEW CHAPTER 6-10 "PET STORES" TO REGULATE PET STORES BY ESTABLISHING REQUIREMENTS AND AUTHORIZING ENFORCEMENT; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS local governments may regulate pet stores pursuant to Arizona Revised Statutes ("A.R.S.") § 44-1799 *et seq.*; and

WHEREAS the regulation of pet stores is necessary to ensure the health, safety, and welfare of the Town's residents and to protect the dogs and cats offered for sale; and

WHEREAS the Marana Town Council deems it necessary to adopt certain regulations regarding pet stores to protect the health, safety, and welfare of the Town's residents and to protect the dogs and cats offered for sale.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

Section 1. The amendments to Title 6 "Animal Control" of the Marana Town Code adding new chapter 6-10 "Pet Stores", one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which were made a public record by and attached as Exhibit A to Resolution No. 2023-104 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

Section 2. The following penalty clauses are included in Marana Town Code chapter 6-10 "Pet Stores" as adopted pursuant to this ordinance:

6-10-6 Animal care requirements; violation; classification

A. A pet dealer shall do the following:

1. Maintain facilities in which cats or dogs are housed in a sanitary condition.
2. Provide cats or dogs with potable water and adequate nutrition.
3. Provide adequate space that is appropriate to the age, size, weight, species and breed of cat or dog. For the purposes of this paragraph, "adequate space" means sufficient space for the cat or dog to experience normal body movements without having to make contact with the sides or top of the enclosure, including the ability to stand up, sit down, turn about freely, and relax in a natural position.

4. If cats or dogs are housed on wire flooring, provide a resting board, a floormat or another similar device that is maintained in a sanitary condition and that allows the cat or dog to rest off of the wire flooring.
 5. If a cat or dog is afflicted with a contagious disease, handle the cat or dog in a manner that is required by section 6-10-3.
 6. Promptly provide appropriate veterinary care when it is necessary.
- B. A pet dealer shall not offer for sale a cat or dog that is less than eight weeks old.
- C. A pet dealer who violates subsection A of this section is guilty of a class 1 misdemeanor.

6-10-8 Civil Penalties; enforcement actions

- A. Except as provided in subsection B or C of this section, a pet dealer who violates this chapter is subject to a civil penalty of not more than one thousand dollars per violation.
- B. Any violation of section 6-10-7 by a pet store or pet dealer or a violation of section 6-10-7 by someone who should have known the dog or cat was obtained for sale or resale shall have the following penalties:
1. For a first violation, a civil penalty of not more than one thousand dollars per violation.
 2. For a second violation within a five-year period, a civil penalty of not more than two thousand five hundred dollars per violation.
 3. For a third or subsequent violation within a five-year period:
 - a. A civil penalty of not more than five thousand dollars per violation.
 - b. An order entered by the court enjoining the pet store or pet dealer from selling or offering for sale, for up to three years, a dog or cat obtained from any person other than a publicly operated pound or a private, charitable nonprofit humane society or from any animal adoption activity conducted by a pound or humane society.
- C. In an action brought to enforce section 6-10-7:
1. A violation is a subsequent violation if it occurs within a five-year period after a final judgment or order that the pet store or pet dealer knowingly violated section 6-10-7 or A.R.S. § 44-1799.10, subsection A or B or should have known of the violation.
 2. In addition to any other defense that may be raised, a pet store or pet dealer is presumed to have acted in good faith and to have satisfied its obligation to ascertain whether a person meets the criteria described in section 6-10-7 if, when placing an order to obtain a dog or cat for sale or resale, the pet store or pet dealer conducts a search for inspection reports

of the breeder on the animal care information system search tool maintained by the United States department of agriculture.

3. Each order placed by a pet store or pet dealer to obtain a dog or cat for sale or resale shall be considered a single act, regardless of the number of dogs or cats obtained in the order.

D. This section does not prohibit prosecution for criminal violations.

Section 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

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

Section 6. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2023-104

RELATING TO ANIMAL CONTROL; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2023.037 TO MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); ADDING NEW CHAPTER 6-10 "PET STORES" TO REGULATE PET STORES BY ESTABLISHING REQUIREMENTS AND AUTHORIZING ENFORCEMENT.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to Marana Town Code Title 6 (Animal Control) adopted by Ordinance No. 2023.037, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2023-104
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to Marana
Ordinance No. 2023.037

SECTION 1. Title 6 “Animal Control” of the Marana Town Code is hereby revised by adding new chapter 6-10 “Pet Stores” as follows:

CHAPTER 6-10. PET STORES

6-10-1 Purpose

This chapter is intended to carry out the provisions of Arizona Revised Statutes, Title 44, Chapter 11, Article 17 (A.R.S. § 44-1799 *et seq.*), which sets forth the regulations for Pet Dealers.

6-10-2 Definitions

In this chapter, unless the context or definitions in A.R.S. §44-1799 indicate otherwise, the following terms or phrases are defined as follows:

- A. “Clinically ill” means an illness that is apparent to a veterinarian based on the veterinarian's observation, examination, or testing of an animal or on a review of the animal's medical records.
- B. “Nonelective surgical procedure” means a surgical procedure that is necessary according to commonly accepted standards of veterinary medicine to preserve or restore the health of the cat or dog, to prevent the animal from experiencing pain or discomfort, or to correct a condition that would interfere with the cat's or dog's ability to walk, run or jump or to otherwise function in a normal manner.
- C. “Pet dealer” means a person who owns a pet store.
- D. “Pet store” means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs or other animals, but does not include commercial livestock operations and commercial livestock auction markets. Pet store does not mean a publicly operated pound or a private, charitable not-for-profit humane society or any animal adoption activity that a pound or humane society conducts off site at any pet store or other commercial enterprise.
- E. “Purchaser” means a person who purchases any cat or dog without intent to resell.

6-10-3 Initial veterinary inspection

- A. A veterinarian, who is licensed pursuant to A.R.S. §32-2212, shall examine all cats and dogs that are received by a pet dealer before the cat or dog is placed for sale.
- B. If the veterinarian determines that a cat or dog is afflicted with a contagious disease, the cat or dog may be returned to the source or kept by the pet dealer. If the pet dealer keeps the cat or dog, the pet dealer shall cage the

*EXHIBIT A TO MARANA RESOLUTION NO. 2023-104
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to
Marana Ordinance No. 2023.037*

cat or dog separately from healthy animals and shall house and handle the cat or dog in a manner that will minimize the likelihood of contagion.

6-10-4 Information statement; purchaser rights; notice

- A. At the time of sale, each pet dealer shall give the purchaser of a cat or dog a written statement that contains the following information:
1. The date of the animal's birth, if known, the state in which the animal was born, if known, and the date the pet dealer received the animal.
 2. The immunizations and deworming treatments that have been administered to the animal as of the time of sale, if known, including the dates of administration and the type and brand of vaccine or deworming treatment.
 3. The breed, sex, color, and other identifying marks apparent at the time of sale. If the animal is from a source that is licensed by the United States department of agriculture, the individual identifying tag, tattoo, or color number for the animal shall be included. If the breed is unknown or mixed, this fact shall be stated.
 4. Any veterinary treatment or medication that the animal received while in the possession of the pet dealer and either of the following:
 - a. A statement signed by the pet dealer and the purchaser at the time of sale that contains all of the following:
 - i. A statement that a veterinarian examined the animal and the animal has no apparent disease or illness.
 - ii. A statement that a veterinarian examined the animal and at the time of the examination the animal had no apparent congenital or hereditary condition that would adversely affect the health of the animal at the time of sale or that is likely to adversely affect the health of the animal in the future.
 - b. A record of any known disease or illness or any hereditary or congenital condition that adversely affects the health of the animal at the time of sale or that is likely to adversely affect the health of the animal in the future. The record shall include a statement that is signed by a veterinarian who is licensed pursuant to A.R.S. §32-2212, that recommends necessary treatment, if any, and that

EXHIBIT A TO MARANA RESOLUTION NO. 2023-104
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to
Marana Ordinance No. 2023.037

verifies that the disease, illness, or condition does not require hospitalization or nonelective surgical procedures and is not likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian's statement is not required for intestinal or external parasites. The pet dealer and the purchaser shall sign the statement required by this subdivision.

- B. The purchaser shall acknowledge in writing that the purchaser has received the information required by subsection A.
- C. In addition to information required to be given to a purchaser pursuant to subsection A, at the time of sale and on request of the purchaser, a pet dealer that sells a cat or dog shall provide the prospective purchaser with written notice of the purchaser's rights. The notice shall be a legible copy of A.R.S. § 44-1799 et seq.
- D. A pet dealer shall post the following notice within close proximity of the cages or enclosures in which cats or dogs are offered for sale:

Pursuant to title 44, chapter 11, article 17, Arizona Revised Statutes, information on the source of the cat or dog and any veterinary treatment received by the cat or dog is available for review. You are entitled to a copy of the law describing your rights as a consumer.

6-10-5 Record keeping

- A. A pet dealer shall maintain a written record on the health, status, and disposition of each cat and dog at the time of sale for at least one year after the cat or dog is sold or as otherwise provided by law.
- B. The records shall contain all of the information that is required by section 6-10-4 and shall be made available to town enforcement agents, law enforcement officers, and representatives of the county health or environmental services department for inspection during normal business hours.

6-10-6 Animal care requirements; violation; classification

- A. A pet dealer shall do the following:
 - 1. Maintain facilities in which cats or dogs are housed in a sanitary condition.
 - 2. Provide cats or dogs with potable water and adequate nutrition.
 - 3. Provide adequate space that is appropriate to the age, size, weight, species and breed of cat or dog. For the purposes of this paragraph, “adequate space” means sufficient space for the cat or dog to experience normal body movements without having

EXHIBIT A TO MARANA RESOLUTION NO. 2023-104
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to
Marana Ordinance No. 2023.037

to make contact with the sides or top of the enclosure, including the ability to stand up, sit down, turn about freely, and relax in a natural position.

4. If cats or dogs are housed on wire flooring, provide a resting board, a floormat or another similar device that is maintained in a sanitary condition and that allows the cat or dog to rest off of the wire flooring.
 5. If a cat or dog is afflicted with a contagious disease, handle the cat or dog in a manner that is required by section 6-10-3.
 6. Promptly provide appropriate veterinary care when it is necessary.
- B. A pet dealer shall not offer for sale a cat or dog that is less than eight weeks old.
- C. A pet dealer who violates subsection A of this section is guilty of a class 1 misdemeanor.

6-10-7 Pet stores; pet dealers; prohibitions on dog and cat purchases; recordkeeping

- A. A pet store or pet dealer may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who is required to be licensed by the pet dealer regulations of the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159) if any of the following applies:
1. The person is not currently licensed by the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).
 2. Within two years before obtaining the dog or cat the person commits a direct violation of any of the pet dealer regulations of the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).
 3. The person receives an indirect no access violation on each of the two most recent inspection reports issued by the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).
 4. The person commits three or more indirect violations of the pet dealer regulations of the United States department of agriculture during the two-year period before obtaining the dog or cat for violations relating to the health or welfare of the animal and the violations were not administrative in nature.

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Marana Ordinance No. 2023.037

The indirect violations described in this paragraph do not include a violation described in paragraph 3 of this subsection.

- B. A pet store or pet dealer may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who directly or indirectly obtained a dog or cat from a person described in subsection A of this section. A pet store or pet dealer is presumed to have acted in good faith and to have satisfied its obligation to ascertain whether a person meets the criteria described in subsection A of this section if, when placing an order to obtain a dog or cat for sale or resale, the pet store or pet dealer conducts a search for inspection reports of the breeder on the animal care information system search tool maintained by the United States department of agriculture.
- C. Notwithstanding subsections A and B of this section, a pet store or pet dealer may obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a publicly operated pound or a private, charitable nonprofit humane society or from any animal adoption activity conducted by a pound or humane society.
- D. A pet dealer shall maintain records verifying its compliance with this section for at least two years after obtaining the dog or cat to be sold or offered for sale. Records maintained pursuant to this subsection shall be open to inspection on request by a town enforcement agent.
- E. A pet dealer shall display the source of any dog or cat offered for sale by providing the name of the breeder of the animal, the United States department of agriculture license number of the breeder if the animal is from a breeder that is licensed by the United States department of agriculture and the United States department of agriculture website where information about the breeder may be obtained. The pet dealer shall display the information described in this subsection on both of the following:
 - 1. The cage or enclosure for each animal.
 - 2. All printed or electronic marketing materials about a specific dog or cat that has been obtained by the pet dealer and that is being offered for sale.

6-10-8 Civil Penalties; enforcement actions

- A. Except as provided in subsection B or C of this section, a pet dealer who violates this chapter is subject to a civil penalty of not more than one thousand dollars per violation.
- B. Any violation of section 6-10-7 by a pet store or pet dealer or a violation of section 6-10-7 by someone who should have known the dog or cat was obtained for sale or resale shall have the following penalties:

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Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to
Marana Ordinance No. 2023.037

1. For a first violation, a civil penalty of not more than one thousand dollars per violation.
2. For a second violation within a five-year period, a civil penalty of not more than two thousand five hundred dollars per violation.
3. For a third or subsequent violation within a five-year period:
 - a. A civil penalty of not more than five thousand dollars per violation.
 - b. An order entered by the court enjoining the pet store or pet dealer from selling or offering for sale, for up to three years, a dog or cat obtained from any person other than a publicly operated pound or a private, charitable nonprofit humane society or from any animal adoption activity conducted by a pound or humane society.

C. In an action brought to enforce section 6-10-7:

1. A violation is a subsequent violation if it occurs within a five-year period after a final judgment or order that the pet store or pet dealer knowingly violated section 6-10-7 or A.R.S. § 44-1799.10, subsection A or B or should have known of the violation.
2. In addition to any other defense that may be raised, a pet store or pet dealer is presumed to have acted in good faith and to have satisfied its obligation to ascertain whether a person meets the criteria described in section 6-10-7 if, when placing an order to obtain a dog or cat for sale or resale, the pet store or pet dealer conducts a search for inspection reports of the breeder on the animal care information system search tool maintained by the United States department of agriculture.
3. Each order placed by a pet store or pet dealer to obtain a dog or cat for sale or resale shall be considered a single act, regardless of the number of dogs or cats obtained in the order.

D. This section does not prohibit prosecution for criminal violations.



Council-Regular Meeting

A2

Meeting Date: 10/17/2023

To: Mayor and Council

From: Luke Fischer, Senior Assistant Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: Ordinance No. 2023.038: Relating to Animal Control; amending Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to add new definition for dog park; revising section 6-4-1(C)(4) (Dogs at large prohibited; exceptions; classification) to revise dog park exception; adding section 6-4-4 (Dog park regulations) to add dog park regulations; and revising section 6-7-2 (Evaluation of animals) to add exception to vicious, aggressive or destructive animal evaluation or investigation in dog parks; and designating an effective date

Resolution No. 2023-105: Relating to Animal Control; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.038, revisions to Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to add new definition of dog park; revising section 6-4-1(C)(4) (Dogs at large prohibited; exceptions; classification) to revise dog park exception; adding section 6-4-4 (Dog park regulations) to add dog park regulations; and revising section 6-7-2 (Evaluation of animals) to add exception to vicious, aggressive or destructive animal evaluation or investigation in dog parks (Lisa Shafer)

Discussion:

As the Town continues to grow, there has been an increase in the enjoyment and use of the Town's dog parks. The proposed ordinance revises Title 6 "Animal Control" by defining "dog park," adding specific dog park regulations, clarifying the town's response to biting incidents in dog parks, and other corresponding changes. Specifically, the proposed ordinance:

- Revises section 6-1-1 (Definitions) to add a definition of "dog park."
- Revises section 6-4-1 (Dogs at large prohibited; exceptions; classification) to incorporate the new dog park definition.
- Adds section 6-4-4 (Dog park regulations) to create dog park regulations, including requirements that dogs be accompanied by owners at all times, that dogs be restrained when entering and exiting the dog park, that owners remove dogs acting aggressively from dog parks, that town employees can require a dog to leave a dog park, and that owners are responsible for the conduct of their dogs and accept the risks associated with use of the dog park.
- Revising 6-7-2 (Evaluation of animals) to limit aggressive, vicious, and destructive animal investigations and/or evaluations to only biting incidents in dog parks that involve serious physical injury to a person.

Staff Recommendation:

Town staff recommends adoption of the revisions to Town Code regarding dog parks and additional revisions.

Suggested Motion:

I move to adopt Ordinance No. 2023.038, adopting revisions to Title 6 "Animal Control" of the Marana Town Code, including adding section 6-4-4 (Dog park regulations), creating an exception under section 6-7-2 (Evaluation of animals) and Resolution No. 2023-105, declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.038.

Attachments

Ordinance No. 2023.038

Resolution No. 2023-105

Exhibit A to Resolution No. 2023-105

MARANA ORDINANCE NO. 2023.038

RELATING TO ANIMAL CONTROL; AMENDING MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO ADD NEW DEFINITION FOR DOG PARK; REVISING SECTION 6-4-1(C)(4) (DOGS AT LARGE PROHIBITED; EXCEPTIONS; CLASSIFICATION) TO REVISE DOG PARK EXCEPTION; ADDING SECTION 6-4-4 (DOG PARK REGULATIONS) TO ADD DOG PARK REGULATIONS; REVISING SECTION 6-7-2 (EVALUATION OF ANIMALS) TO ADD EXCEPTION TO VICIOUS, AGGRESSIVE OR DESTRUCTIVE ANIMAL EVALUATION OR INVESTIGATION IN DOG PARKS; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS the Town Council is authorized by A.R.S. §§ 9-240, 9-499.04, 9-500.32, 11-1018, 11-1029, 13-2910, and 13-4281 to adopt animal control regulations; and

WHEREAS the Town Council finds that the animal control regulations established by this ordinance are necessary for the health, safety, and welfare of the town's residents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

Section 1. The amendments to the Marana Town Code Title 6 (Animal Control), one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which were made a public record by and attached as Exhibit A to Resolution No. 2023-105 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

Section 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,
ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2023-105

RELATING TO ANIMAL CONTROL; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2023.038, REVISIONS TO MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO ADD NEW DEFINITION OF DOG PARK; REVISING SECTION 6-4-1(C)(4) (DOGS AT LARGE PROHIBITED; EXCEPTIONS; CLASSIFICATION) TO REVISE DOG PARK EXCEPTION; ADDING SECTION 6-4-4 (DOG PARK REGULATIONS) TO ADD DOG PARK REGULATIONS; AND REVISING SECTION 6-7-2 (EVALUATION OF ANIMALS) TO ADD EXCEPTION TO VICIOUS, AGGRESSIVE OR DESTRUCTIVE ANIMAL EVALUATION OR INVESTIGATION IN DOG PARKS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to Marana Town Code Title 6 (Animal Control) adopted by Ordinance No. 2023.038, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2023-105
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to Marana
Ordinance No. 2023.038

SECTION 1. Title 6 “Animal Control”, Section 6-1-1 “Definitions” of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining):

6-1-1 Definitions

The following definitions shall apply throughout this title unless the context clearly indicates otherwise.

[No revisions to paragraphs A through K]

L. “Dog park” means any designated, fenced, off-leash dog area which allows dogs to run freely and socialize with other dogs while being supervised by their owners.

[No revisions to existing paragraphs L through CC which are hereby re-lettered as paragraphs M through DD]

SECTION 2. Title 6 “Animal Control”, Section 6-4-1 “Dogs at large prohibited; exceptions; classification” of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~):

6-4-1 Dogs at large prohibited; exceptions; classification

[No revisions to paragraphs A and B]

C. Dogs may be at large as an exception to this section under the following circumstances:

1. While participating in field trials, obedience classes or kennel club events, or while engaging in races approved by the Arizona Racing Commission, provided that the dog is accompanied by and under the control of the dog’s owner or trainer.
2. While being used or trained for legal hunting or for control of livestock.
3. While assisting a peace officer engaged in law enforcement duties.
4. While within a ~~county or town maintained temporary or permanent~~ dog park.
5. While acting as a service animal and assisting an individual with a disability and only if the individual with a disability is unable because of the disability to restrain the service animal by leash, chain, rope, cord or similar device, or the use of a leash, chain, rope, cord or similar device would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the individual’s control, by voice control, signals or other effective means.

EXHIBIT A TO MARANA RESOLUTION NO. 2023-105
Amendments to Marana Town Code, Title 6 “Animal Control” pursuant to
Marana Ordinance No. 2023.038

[No revisions to paragraphs D through F]

SECTION 3. Title 6 “Animal Control” of the Marana Town Code is hereby revised by adding new Section 6-4-4 “Dog park regulations” as follows:

6-4-4 Dog park regulations

- A. Dogs must be accompanied by their owner at all times within the dog park.
- B. Dogs must be restrained upon entering and exiting the dog park.
- C. Dogs are to be removed by the owner from the dog park immediately following any indication of aggressive behavior.
 - 1. A town employee can require a dog to leave a designated dog park.
- D. Dog owners are solely responsible for the conduct of their dogs at all times.
- E. Dog owners and all visitors to the dog parks enter at their own risk and assume all risks related to their visit and use of the areas, including, but not limited to, all dog bites and damage to personal property.

SECTION 4. Title 6 “Animal Control”, Section 6-7-2 “Evaluation of Animals” of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining):

6-7-2 Evaluation of animals

[No revisions to paragraphs A through D]

E. The town enforcement agent will not conduct an investigation and/or evaluation for biting incidents that occur in a dog park, unless it involves severe physical injury to a person.



Council-Regular Meeting

A3

Meeting Date: 10/17/2023

To: Mayor and Council

From: Luke Fischer, Senior Assistant Town Attorney

Date: October 17, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: Ordinance No. 2023.039: Relating to Parks and Recreation; revising Marana Town Code Title 13 (Parks & Recreation), chapter 13-1 (Parks and recreation regulations); section 13-1-1 (Domestic animals and pets) to refer to dog park definition and regulation in Title 6 (Animal Control); and designating an effective date (Lisa Shafer)

Discussion:

Marana Town Code section 13-1-1 regulates domestic animals and pets in town parks and recreation areas. The proposed ordinance revises section 13-1-1 to correspond with the proposed changes to Title 6 regarding dog parks.

Staff Recommendation:

Staff recommends approval of revisions to Title 13 (Parks and Recreation) of the Marana Town Code referring to dog park definition and regulation in Title 6 (Animal Control).

Suggested Motion:

I move to adopt Ordinance No. 2023.039, revising Marana Town Code Title 13 (Parks & Recreation), chapter 13-1 (Parks and recreation regulations); section 13-1-1 (Domestic animals and pets) to refer to dog park definition and regulation in Title 6 (Animal Control); and designating an effective date.

Attachments

MARANA ORDINANCE NO. 2023.039

RELATING TO PARKS AND RECREATION; REVISING MARANA TOWN CODE TITLE 13 (PARKS & RECREATION), CHAPTER 13-1 (PARKS AND RECREATION REGULATIONS); SECTION 13-1-1 (DOMESTIC ANIMALS AND PETS) TO REFER TO DOG PARK DEFINITION AND REGULATION IN TITLE 6 (ANIMAL CONTROL); AND DESIGNATING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, AS FOLLOWS:

SECTION 1. Marana Town Code Title 13 (Parks and Recreation), Chapter 13-1 (Parks and Recreation Regulations), Section 13-1-1 (Domestic animals and pets) is hereby amended as follows (with additions shown with double-underlining):

13-1-1 Domestic animals and pets

[No revisions to paragraphs A through D]

E. Owners and dogs within a town-maintained dog park, as defined by chapter 6-1 of this code, must comply with chapter 6-4 of this code.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall be effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,
ARIZONA, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney



Council-Regular Meeting

A4

Meeting Date: 10/17/2023

To: Mayor and Council

Submitted For: Jim Conroy, Parks & Recreation Director

From: Wayne Barnett, Deputy Director Parks & Recreation

Date: October 17, 2023

Strategic Plan Focus Area:

Healthy Lifestyles

Subject: Resolution No. 2023-106: Relating to Development; amending the infrastructure improvements plan supporting development impact fees for parks and recreation facilities by shifting the anticipated development impact fee funding among certain projects and by reducing the cost provided for the Twin Peaks District Park Land Acquisition and Phase 1 Development Project and for the New Competition Swimming Pool (50 Meter) Project without changing the amount of the parks impact fees or level of service; authorizing the transfer of up to \$693,302.00 in budgeted expense authority in the fiscal year 2023-2024 budget to the Santa Cruz Shared Use Path at Cal Portland Project line item within the impact fee fund from various line items within the budget (Jim Conroy)

Discussion:

The Town's infrastructure improvements plan for parks and recreation facilities (the "Parks IIP") identifies the projects and funding levels for parks and recreation facilities that are proposed to be funded with the Town's Parks and Recreation Facilities Development Impact Fee (the "P&R DIF"). The Town Council adopted the most recent Parks IIP on September 20, 2022.

The Santa Cruz Shared Use Path at Cal Portland Project (PK023) which is part of the Town's capital improvement plan was inadvertently omitted from the P&R DIF. The project involves the acquisition of easements and the design and construction of a 14' wide asphalt path with above grade crossing north of Avra Valley Road along the

Santa Cruz River bank. The project, which includes funding from Pima County, will complete the Chuck Huckleberry loop in the Marana area.

Furthermore, the P&R DIF identifies proposed funding for the El Rio Disk Golf Course Project (PK031) in the amount of 288,334 and the Honea Heights Park, East (PK039) in the amount of \$1,261,461; however, the most recent revised estimates for these projects indicate that funding for the projects should likely be increased to \$400,000 and \$1,461,461 respectively.

To make the additional P&R DIF funding available for the above-noted projects, Town staff proposes to shift:

- \$1,611,666 in funding from the Twin Peaks Park District Park - Land Acquisition and Phase 1 Development line item of the Parks IIP.
- \$2,300,000 in funding from the New Competition Swimming Pool line item of the Parks IIP.

The proposed resolution for this item includes a finding that the shift of \$3,911,666 in funding will not change the amount of the fee or the level of service. The P&R DIF is proposed to remain at \$2,529.63 per single family residence. Town staff believes the shift in funding to the above-noted projects will not change the level of service anticipated by the Parks IIP.

The proposed resolution will also authorize staff to transfer up to \$693,302.00 in budgeted expense authority to the Santa Cruz Shared Use Path at Cal Portland Project (PK023) line item within the impact fee fund from the following line items: \$240,000.00 from the El Rio Disk Golf Project (PK031) where construction will not start until next fiscal year, \$253,302.00 from the Gladden Farms Baseball Fields Project (PK033) where bids came in below the current budget amount for the project, and \$200,000.00 from the Twin Peaks Road Rattlesnake Pass Project (ST073) where utility work is causing a delay in the project.

Financial Impact:

Fiscal Year: 2023

Budgeted No

Y/N:

Amount: \$693,302.00

Additional budget authority of up to \$693,302 will be transferred to Santa Cruz Shared Use Path at Cal Portland Project (PK023) from the El Rio Disk Golf Project (PK031) where construction will not start until next fiscal year, from the Gladden Farms Baseball Fields Project (PK033) where bids came in below the current budget amount for the project, and from the Twin Peaks Road Rattlesnake Pass Project (ST073) where utility work is causing a delay in the project. The Town's overall budget authority will not be impacted and budget authorization for the above projects may be replenished in future years as necessary.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2023-106, amending the infrastructure improvements plan supporting development impact fees for parks and recreation facilities by shifting the anticipated development impact fee funding among projects without changing the amount of the fee or the level of service.

Suggested Motion:

I move to adopt Resolution No. 2023-106, amending the infrastructure improvements plan supporting development impact fees for parks and recreation facilities without changing the amount of the parks impact fees or level of service, and authorizing the transfer of up to \$693,302.00 in budgeted expense authority in the fiscal year 2023-2024 budget to the Santa Cruz Shared Use Path at Cal Portland Project line item within the impact fee fund from various line items within the budget.

Attachments

Resolution No. 2023-106

MARANA RESOLUTION NO. 2023-106

RELATING TO DEVELOPMENT; AMENDING THE INFRASTRUCTURE IMPROVEMENTS PLAN SUPPORTING DEVELOPMENT IMPACT FEES FOR PARKS AND RECREATION FACILITIES BY SHIFTING THE ANTICIPATED DEVELOPMENT IMPACT FEE FUNDING AMONG CERTAIN PROJECTS AND BY REDUCING THE COST PROVIDED FOR THE TWIN PEAKS DISTRICT PARK LAND ACQUISITION AND PHASE 1 DEVELOPMENT PROJECT AND FOR THE NEW COMPETITION SWIMMING POOL (50 METER) PROJECT WITHOUT CHANGING THE AMOUNT OF THE PARKS IMPACT FEES OR THE LEVEL OF SERVICE; AUTHORIZING THE TRANSFER OF UP TO \$693,302.00 IN BUDGETED EXPENSE AUTHORITY IN THE FISCAL YEAR 2023-2024 BUDGET TO THE SANTA CRUZ SHARED USE PATH AT CAL PORTLAND PROJECT LINE ITEM WITHIN THE IMPACT FEE FUND FROM VARIOUS LINE ITEMS WITHIN THE BUDGET

WHEREAS the Town is authorized by the Arizona municipal development impact fee enabling statute, A.R.S. § 9-463.05, to assess and collect development impact fees to offset costs to the Town associated with providing necessary public services to a development; and

WHEREAS the Town Council adopted Marana Ordinance No. 2022.029 at its regularly scheduled Town Council meeting on December 20, 2022 to, among other things, revise development impact fees for parks and recreation facilities to conform to A.R.S. § 9-463.05; and

WHEREAS the parks and recreation facilities development impact fee adopted relied on the parks and recreation infrastructure improvement plan adopted by paragraph 3 of Marana Resolution No. 2022-100 dated September 20, 2022 (the "2022 Parks IIP"); and

WHEREAS the 2022 Parks IIP used an incremental expansion methodology, which allows the Town to adjust the projects on the capital plan to meet changing needs without having to also go through the process of re-calculating the fees or a master plan update (2022 Parks IIP, last bulleted paragraph on page 2-1); and

WHEREAS the Town Council adopted Marana Resolution No. 2022-125 at its regularly scheduled Town Council meeting on December 6, 2022, amending the 2022 Parks IIP to adjust the funding for the projects on the capital plan; and

WHEREAS citizen demand for Town parks and recreation facilities and cost escalations make it prudent to further shift the anticipated development impact fee funding among certain projects included in the 2022 Parks IIP; and

WHEREAS the revisions to the 2022 Parks IIP supporting development impact fees for parks and recreation facilities will not result in any change in the amount of the parks and recreation development impact fee or the level of service provided to payers of the fee, and therefore fall within the authorization found at A.R.S. § 9-463.05(D)(10), allowing the revisions to be adopted upon 30 days' notice without a public hearing; and

WHEREAS notice of the proposed revisions to the 2022 Parks IIP was published in *The Daily Territorial* on September 11, 12, 13, and 14, 2023; and

WHEREAS on June 20, 2023, the Town Council adopted the fiscal year 2023-2024 budgetary document and overall financial plan which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds; and

WHEREAS staff requests to transfer up to \$693,302.00 in budgeted expense authority to the Santa Cruz Shared Use Path at Cal Portland Project (PK023) line item from the following line items: \$240,000.00 from the El Rio Disk Golf Project (PK031), \$253,302.00 from the Gladden Farms Baseball Fields Project (PK033), and \$200,000.00 from the Twin Peaks Road Rattlesnake Pass Project (ST073); and

WHEREAS reallocating amounts between line items within the fiscal year 2023-2024 budget will not significantly impact the budget; and

WHEREAS the Town Council finds this resolution to be in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. Figure 19 (Parks Capital Improvement Plan – January 1, 2023 to December 31, 2032) of the 2022 Parks IIP, as previously amended, is hereby amended as follows (with the “Original Allocation” being those set forth in the 2022 Parks IIP, as previously amended, and the “Amended Allocation” being those set forth pursuant to this resolution):

Project	Original Allocation	Amended Allocation
El Rio Disc Golf Course	\$288,334.00	\$400,000.00
El Rio Recreation Area - Loop Access Parking Lot	\$204,237.00	\$204,237.00
Gladden Farms Baseball Field Improvements	\$1,200,000.00	\$1,200,000.00
Gladden Farms Lighted Soccer Fields	\$286,636.00	\$286,636.00
Tortolita Preserve Trailhead, Trails, and Fencing	\$156,181.00	\$156,181.00
Honea Heights Park - Phase 2 Improvements	\$1,261,461.00	\$1,461,461.00
Continental Ranch Park to Loop Extension	\$420,487.00	\$420,487.00
New Competition Swimming Pool (50 Meter)	\$3,934,557.00	\$1,634,557.00
Ora Mae Harn Park Facility Expansion	\$1,784,066.00	\$1,784,066.00
Saguaro Bloom Park - Phase 1	\$1,600,375.00	\$1,600,375.00
Saguaro Bloom Park - Phase 2	\$4,805,566.00	\$4,805,566.00
Gladden Farms Bike Park	\$1,201,391.00	\$1,201,391.00
Santa Cruz SUP, Avra Valley Rd. to North Marana	\$0.00	\$3,600,000.00
Twin Peaks Park District Park - Land Acquisition and Phase 1 Development	\$16,695,888.00	\$15,084,222.00
Mandarina Community Park	\$7,568,766.00	\$7,568,766.00
Impact Fee Study	\$60,000.00	\$60,000.00
Total	\$41,467,945.00	\$41,467,945.00
Amount Funded by Parks Impact Fee	\$34,666,423.00	\$34,666,423.00
Amount Funded by Construction Sales Tax Credits	\$6,801,522.00	\$6,801,522.00

SECTION 2. The transfer of up to \$693,302.00 in budgeted expense authority to the Santa Cruz Shared Use Path at Cal Portland Project (PK023) line item within the impact fee fund from the following line items: \$240,000.00 from the El Rio Disk Golf Project (PK031), \$253,302.00 from the Gladden Farms Baseball Fields Project (PK033), and \$200,000.00 from the Twin Peaks Road Rattlesnake Pass Project (ST073) in the fiscal year 2023-2024 budget, is hereby approved.

SECTION 3. The Town’s Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana,
Arizona, this 17th day of October, 2023.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney