



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 7, 2024, 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 May 7, 2024, 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

P1 Proclamation Recognizing Officer Robert Santos (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 Resolution No. 2024-036: Relating to the Police Department; exempting undercover vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from Arizona state laws related to the designation of political subdivision motor vehicles; authorizing the Chief of Police to renew existing vehicle registrations for these undercover police vehicles and to obtain vehicle registrations for new undercover vehicles to be used in felony investigations or activities of a confidential nature (Libby Shelton)
- C2 Resolution No. 2024-038: Relating to the Police Department; approving and authorizing the Town Manager to execute a High Intensity Drug Trafficking Area (HIDTA) Grant Agreement between the City of Tucson (COT) and the Town of Marana to receive funding under COT Grant Number HT-24-2930 (Melissa Weimer)
- C3 Resolution No. 2024-039: Relating to Public Works; authorizing the Town Manager to sign all documents and do all other things necessary or prudent to obtain land use rights from the Central Arizona Project (CAP) needed for Town Capital Improvement Program (CIP) projects (Jane Fairall)
- C4 Approval of Regular Council Meeting Summary Minutes of April 16, 2024 and approval of Special Council Meeting Summary Minutes of April 22, 2024 (David L. Udall)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 Resolution No. 2024-041: Relating to Real Estate; vacating unneeded public right-of-way located south of the existing cul-de-sac at Romero Pools Place and authorizing the Town Engineer to sign a quit claim deed of abandonment for the unneeded right-of-way in favor of Loyal A. Mehrhoff and Peggy Oyama (George Cardieri)
- A2 Resolution No. 2024-042: Relating to Water; adopting the Town of Marana Water Conservation Rebates Policy (Jing Luo)

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)
- D2 Relating to Legislation and Government Actions; discussion and possible action or direction regarding all pending state, federal, and local legislation/ government actions and on recent and upcoming meetings of other governmental bodies (Terry Rozema)
- D3 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2024/2025 budget, including proposed budget initiatives and expenditures (Terry Rozema)

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).

ADJOURNMENT



Council-Regular Meeting

P1

Meeting Date: 05/07/2024

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

Date: May 7, 2024

Subject: Proclamation Recognizing Officer Robert Santos (David L. Udall)

Attachments

Proclamation



PROCLAMATION
Recognizing Officer Robert Santos

WHEREAS, Officer Rob Santos began his law enforcement career in March, 1996 with the Las Vegas Police Department, where he earned the rank of Patrol Sergeant, Criminal Investigations Lieutenant-Commander, and Patrol Squad Commander; and

WHEREAS, Officer Santos relocated to Marana, Arizona and was hired by the Marana Police Department on December 1, 2003; and

WHEREAS, Officer Santos held several assignments in his law enforcement career such as Field Training Officer, Driving Instructor, Traffic Collision Reconstructionist, Firearms Instructor, Training Officer, and Detective; and

WHEREAS, Officer Santos earned the MPD Distinguished Service Award and three MPD Unit Citations while assigned to the Criminal Investigations Unit, Firearms Cadre, and Training Unit; and

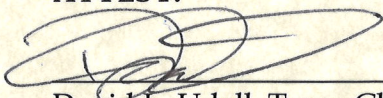
WHEREAS, Officer Santos has served his country and community for the last 38 years as a soldier, corrections officer, and police officer. He will retire on May 30, 2024; and

WHEREAS, Officer Santos plans to move to Snowflake, Arizona and will continue to work part-time for a few years. He plans to enjoy lots of hunting, fishing, and traveling with his wife Liza and said that his only plans for service will be to his Lord and Savior Jesus Christ and his family, because if it were not for them, he would not be here now.

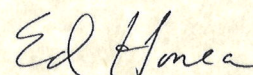
NOW, THEREFORE, I, Ed Honea, Mayor of the Town of Marana, do hereby recognize and commend Officer Robert Santos for his many years of service and for the profound impact he has had on the Town, and I invite the citizens of Marana to join me in congratulating him on his retirement.

Dated this 7th day of May, 2024.

ATTEST:


David L. Udall, Town Clerk





Ed Honea, Mayor



Council-Regular Meeting

C1

Meeting Date: 05/07/2024

To: Mayor and Council

Submitted For: Jeffrey Pridgett, Police Chief

From: Libby Shelton, Deputy Town Attorney

Date: May 7, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2024-036: Relating to the Police Department; exempting undercover vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from Arizona state laws related to the designation of political subdivision motor vehicles; authorizing the Chief of Police to renew existing vehicle registrations for these undercover police vehicles and to obtain vehicle registrations for new undercover vehicles to be used in felony investigations or activities of a confidential nature (Libby Shelton)

Discussion:

State law (A.R.S. § 38-538) provides that all vehicles used by a political subdivision for official use must bear the name of the political subdivision and the words "for official use only." However, A.R.S. § 38-538.03 allows the governing body of a political subdivision to exempt official vehicles that are used for felony investigations or activities of a confidential nature from these requirements. Undercover police vehicles may be exempted under this provision. Per the statute, the Council may grant the exemption for only one year at a time. This agenda item will grant the exemption from the provision of A.R.S. § 38-538 to the Marana Police Department's undercover police vehicles for the upcoming year. The item also authorizes the Chief of Police to take all necessary action to renew existing vehicle registrations for undercover police vehicles and to obtain vehicle registrations for any new undercover police vehicles.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2024-036, exempting the Marana Police Department's undercover police vehicles from Arizona state laws related to the designation of political subdivision motor vehicles and authorizing the Chief of Police to renew existing vehicle registrations for undercover police vehicles and obtain vehicle registrations for new undercover police vehicles.

Suggested Motion:

I move to adopt Resolution No. 2024-036, exempting the Marana Police Department's undercover police vehicles from Arizona state laws related to the designation of political subdivision motor vehicles and authorizing the Chief of Police to renew existing vehicle registrations for undercover police vehicles and obtain vehicle registrations for new undercover police vehicles.

Attachments

Resolution No. 2024-036

MARANA RESOLUTION NO. 2024-036

RELATING TO THE POLICE DEPARTMENT; EXEMPTING UNDERCOVER VEHICLES USED BY THE MARANA POLICE DEPARTMENT IN FELONY INVESTIGATIONS OR ACTIVITIES OF A CONFIDENTIAL NATURE FROM ARIZONA STATE LAWS RELATED TO THE DESIGNATION OF POLITICAL SUBDIVISION MOTOR VEHICLES; AUTHORIZING THE CHIEF OF POLICE TO RENEW EXISTING VEHICLE REGISTRATIONS FOR THESE UNDERCOVER POLICE VEHICLES AND TO OBTAIN VEHICLE REGISTRATIONS FOR NEW UNDERCOVER POLICE VEHICLES TO BE USED IN FELONY INVESTIGATIONS OR ACTIVITIES OF A CONFIDENTIAL NATURE

WHEREAS A.R.S. § 38-538.03 provides that the governing body of a political subdivision may grant an exemption for not more than one year from Arizona state law regulating the designation of political subdivision motor vehicles for motor vehicles used in felony investigations or activities of a confidential nature; and

WHEREAS the Town of Marana Police Department uses a number of undercover police vehicles in felony investigations and in activities of a confidential nature and maintains a list of those vehicles, including the year, make, model and identification number of each vehicle; and

WHEREAS the Mayor and Council of the Town of Marana feel it is in the best interests of the public to exempt these vehicles from state laws regulating the designation of political subdivision motor vehicles.

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

SECTION 1. The Town Council hereby exempts the undercover motor vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from state laws regulating the designation of political subdivision motor vehicles for a period of one year.

SECTION 2. The Chief of Police is 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, including maintaining a list of the vehicles in question, which list shall include the year, make, model and identification number of each vehicle, and renewing existing vehicle registrations for Marana Police Department undercover vehicles used in felony investigations and in activities of a confidential nature and obtaining vehicle registrations for new Marana Police Department undercover vehicles to be used in these activities.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 7th day of May, 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney



Council-Regular Meeting

C2

Meeting Date: 05/07/2024

To: Mayor and Council

From: Melissa Weimer, Grants Manager

Date: May 7, 2024

Strategic Plan Focus Area:
Vibrant Community

Subject: Resolution No. 2024-038: Relating to the Police Department; approving and authorizing the Town Manager to execute a High Intensity Drug Trafficking Area (HIDTA) Grant Agreement between the City of Tucson (COT) and the Town of Marana to receive funding under COT Grant Number HT-24-2930 (Melissa Weimer)

Discussion:

For the 17th consecutive year, the Town of Marana has been awarded grant funding to participate with the Pima County/Tucson Metro Counter Narcotics Alliance (CNA). Funding for this program comes from the federal Anti-Drug Abuse Act of 1998 and the Office of National Drug Control Policy (ONDCP) Reauthorization Act of 1998. These legislative acts authorized the Director of ONDCP to designate areas within the United States which exhibit serious drug trafficking problems and harmfully impact other areas of the country as High Intensity Drug Trafficking Areas (HIDTA). The HIDTA Program provides federal resources to those areas to help eliminate or reduce drug trafficking and its harmful consequences. Law enforcement organizations within HIDTAs assess drug trafficking problems including transportation, distribution, and chronic use of illegal drugs and money laundering. In Southern Arizona, the HIDTA Program helps improve the effectiveness and efficiency of drug control efforts by facilitating cooperation between law enforcement agencies, supplying resources, coordinating information sharing, and implementing joint initiatives.

The City of Tucson (COT) administers grant funding for these activities. A Marana Police Officer will be tasked to a grant-funded position under the HIDTA Program. Additional officers will also participate through the use of overtime. The attached grant

agreement provides the terms and conditions for the Marana Police Department in the HIDTA Program. Under the grant agreement, the Town of Marana will be reimbursed salary, other employee-related expenses, and overtime up to \$134,074 for services provided in coordination with CNA and funded under the HIDTA Program. The term of the grant agreement is 24 months, from January 1, 2024 to December 31, 2025. The grant funded position was included in the 2023-2024 budget. This award funds salary expense, other employee related expenses, and overtime at \$134,074.

Financial Impact:

Budget appropriation is included in the current year's budget and in the upcoming fiscal year 2024-2025 budget out of the Town's grant fund 2015.

Staff Recommendation:

Staff recommends approval of the Grant Agreement with the City of Tucson to receive funds under the High Intensity Drug Trafficking Areas Program.

Suggested Motion:

I move to adopt Resolution No. 2024-038; approving and authorizing the Town Manager to execute a High Intensity Drug Trafficking Area (HIDTA) grant agreement between the City of Tucson (COT) and the Town of Marana to receive funding under COT Grant Number HT-24-2930.

Attachments

Resolution No. 2024-038
Exhibit A to Resolution

MARANA RESOLUTION NO. 2024-038

RELATING TO THE POLICE DEPARTMENT; APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT AGREEMENT BETWEEN THE CITY OF TUCSON (COT) AND THE TOWN OF MARANA TO RECEIVE FUNDING UNDER COT GRANT NUMBER HT-24-2930

WHEREAS the Anti-Drug Abuse Act of 1988 and the National Drug Control Policy Reauthorization Act of 1998 authorized the Director of the Office of National Drug Control Policy to designate areas within the United States which exhibit serious drug trafficking problems as High Intensity Drug Trafficking Areas (HIDTA); and

WHEREAS the Southern Arizona Counties of Cochise, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma are designated target areas under the HIDTA Program; and

WHEREAS the HIDTA Program provides federal funding to designated HIDTA areas to help eliminate or reduce drug trafficking and its harmful consequences; and

WHEREAS the City of Tucson has been awarded funding to coordinate efforts and administer grants in the Southern Arizona Region on behalf of the Office of National Drug Control Policy under the HIDTA Program; and

WHEREAS upon execution of a grant agreement, the City of Tucson will award grant funding to the Town of Marana to reimburse salary and employee-related expenses for a Marana Police Department officer for services provided in coordination with the Pima County/Tucson Metro Counter Narcotics Alliance (CNA) funded under the HIDTA Program between January 1, 2024 and December 31, 2025; and

WHEREAS the Mayor and Council of the Town of Marana find it is in the best interests of its citizens to enter into this grant agreement.

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

SECTION 1. The grant agreement between the Town of Marana and the City of Tucson attached to and incorporated by this reference in this resolution as Exhibit A is hereby approved, and the Town Manager is hereby authorized and directed to execute 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 grant agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 7th day of May, 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

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**CITY OF TUCSON
HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)
PROGRAM
GRANT AGREEMENT CFDA NUMBER: 95.001**

AWARD NUMBER (FAIN): **G24SA0007A**COT Grant Number **HT-24-2930**

This Grant Agreement is made this **first day of January 2024** by and between the CITY OF TUCSON hereinafter called "CITY" and **GOVERNING BODY**, through **Marana Police Department**, hereinafter called "GRANTEE". The CITY enters into this Agreement pursuant to its authority under the provisions of A.R.S. § 11-951, et seq., and the City of Tucson's Resolution number 21460, having satisfied itself as to the qualification of the GRANTEE.

NOW, THEREFORE, it is agreed between the parties as follows:

1. This Agreement will commence on **January 1, 2024**, and terminate on **December 31, 2025**. This Agreement expires at the end of the award period unless prior written approval for an extension has been obtained from the CITY. A request for an extension must be received by the CITY sixty (60) days prior to the end of the award period. The CITY may approve an extension that furthers the goals and objectives of the program and shall determine the length of any extension within Office of National Drug Control Policy (ONDCP) guidelines.
2. The GRANTEE agrees that grant funds will be used for the **Counter Narcotics Alliance (CNA)**.
3. The CITY will monitor the performance of the GRANTEE against goals and performance standards outlined in the grant application. Sub-standard performance as determined by the CITY will constitute non-compliance with this Agreement. The GRANTEE shall operate in a manner consistent with and in compliance with the provisions and stipulations of the approved grant application and this Agreement. If the CITY finds non-compliance, the GRANTEE will receive a written notice that identifies the area of non-compliance, and the appropriate corrective action to be taken. If the GRANTEE does not respond within thirty calendar days to this notice and does not provide sufficient information concerning the steps that are being taken to correct the problem, the CITY may suspend funding; permanently terminate this Agreement and/or revoke the grant. Any deviation or failure to comply with the purpose and/or conditions of this Agreement without prior written CITY approval may constitute sufficient reason for the CITY to terminate this Agreement; revoke the grant; require the return of all unspent funds; perform an audit of expended funds; and require the return of any previously spent funds which are deemed to have been spent in violation of the purpose or conditions of this grant.
4. This Agreement may be modified only by a written amendment signed by the parties. Any notice given pursuant to this Agreement shall be in writing and shall be considered to have been given when actually received by the following addressee or their agents or employees:

A. If to the City of Tucson:

**City of Tucson
ATTN: Business Services
Police Satellite Office (Finance)
Tucson Police Department
270 South Stone Avenue
Tucson, Arizona 85701-1917**

B. If to the GRANTEE:

**Marana Police Department
Town of Marana
11555 West Civic Center Drive
Attention: Terry Rozema, Town Manager**

5. The GRANTEE may make budget adjustments only after written notification with signature approval from the Arizona HIDTA Director is provided to the CITY. A grant adjustment notice (GAN) will be issued to the GRANTEE notifying the GRANTEE of the approval. Adjustments or reprogramming of the Grantee's budget in an initiative or any reprogramming between initiative and/or agencies; in any amount, require the approval of the Board, the AZ HIDTA Director, and/or the ONDCP in accordance with HIDTA Program Policy and Budget Guidance.

APPROVED LINE-ITEM PROGRAM BUDGET	
Personnel:	
Salaries	\$57,456.00
Fringe Benefits	\$8,618.00
Overtime	\$68,000.00
Travel	\$0.00
Facilities	\$0.00
Services	\$0.00
Operating Expenses:	
Supplies	\$0.00
Other	\$0.00
Equipment	\$0.00
TOTAL	\$134,074.00
See Attached Budget Detail Sheet	

6. The GRANTEE understands that financial reports are required for reimbursement of expenditures.
7. Every payment obligation of the CITY under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the CITY. No liability shall accrue to the CITY in the event this provision is exercised, and the CITY shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
8. The GRANTEE understands that prior to the expenditure of confidential funds, an authorized official of the GRANTEE shall sign a certification indicating that he or she has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures as set forth in HIDTA Program Policy and Budget Guidance Para. 6.16.2

9. The GRANTEE certifies that it will comply with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 as codified in 2 CFR Part 3603 and HIDTA Program Policy & Budget Guidance - January 6, 2020.

Link: Electronic Code of Federal Regulations: <http://www.ecfr.gov>

10. The GRANTEE agrees to account for interest earned on Federal grant funds and shall remit interest earned in excess of the allowable amount as detailed in 2 CFR, Part 200, §200.305 Payment, and all unexpended grant funds to the CITY within 30 days after receipt of a written request from the CITY. The GRANTEE agrees to expend all encumbered funds within 90 days of expiration of this award.
11. The GRANTEE agrees to retain all books, account reports, files, and other records, (paper and/or electronic) relating to this Agreement and the performance of this Agreement for no less than five (5) years from the last financial report submitted to the CITY. All such documents shall be subject to inspection and audit at reasonable times.
12. For the purpose of this grant, capital expenditure is \$5,000 or above. If the GRANTEE'S policy defines a capital expenditure as less than \$5,000, the GRANTEE will use its own policy.

The GRANTEE shall maintain a tracking system, in accordance with HIDTA Program Policy & Budget Guidance – January 6, 2020, Section 8, to account for all HIDTA purchased equipment, vehicles, and other items valued at \$5000 or more per unit at the time of purchase. GRANTEE is encouraged to include lower cost, high-risk items, electronic devices, and software, such as but not limited to digital cameras, palm pilots, and GPS devices in the tracking system.

The GRANTEE agrees to abide by Section 8, that those using HIDTA funds to purchase equipment must maintain a current inventory of HIDTA-purchased equipment and must provide that inventory to the HIDTA Director or an ONDCP employee, and/or the CITY upon request. A 100-percent physical inventory of HIDTA-purchased equipment must be conducted at least every two years.

13. The GRANTEE agrees to follow equipment disposition policies outlined in Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 Subpart D- Post Federal Award Requirements, §§ 310-316- Property Standards when the equipment is no longer needed for the grant program. When no longer needed for the original program, the equipment may be used in other activities supported by the Office of National Drug Control Policy.

Link: *Electronic Code of Federal Regulations* <http://www.ecfr.gov>

The GRANTEE agrees that the purchasing agency shall comply with ONDCP HIDTA Program Policy & Budget Guidance – January 6, 2020, Section 8 in determining the end of the useful life and disposition of HIDTA purchased equipment. Purchasing agencies must retain documentation of the disposition and provide it to the HIDTA Director and the CITY.

14. The GRANTEE agrees to keep time and attendance sheets signed by the employee and supervisory official having firsthand knowledge of the work performed by the grant funded employees. The GRANTEE agrees to track overtime expenses in accordance with ONDCP HIDTA Program Policy & Budget Guidance – January 6, 2020.
15. The GRANTEE will comply with the audit requirements of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200 Subpart F- Audit Requirements and provide the CITY with the audit report and any findings within 90 days of receipt of such finding. If the report contains no findings, the GRANTEE must provide notification that the audit was completed.

Link: *Electronic Code of Federal Regulations* <http://www.ecfr.gov>

16. The GRANTEE agrees that it will submit financial reports and supporting documentation to the CITY through the AZ HIDTA Finance Manager on forms/format provided by the CITY, documenting the activities supported by these grant funds. In the event reports are not received on or before the indicated date(s), funding will be suspended until such time as delinquent report(s) are received. These reports are submitted according to the following schedule:

Report Period Month of:	Due Date:	Report Period Month of:	Due Date:
January 1 - 31	February 25	July 1 - 31	August 25
February 1 - 29	March 25	August 1 - 31	September 25
March 1 - 30	April 25	September 1 - 30	October 25
April 1 - 30	May 25	October 1 - 31	November 25
May 1 - 31	June 25	November 1 - 30	December 25
June 1 - 30	July 25	December 1 - 31	January 25

More frequent reports may be required for the GRANTEES that are considered high risk.

17. All goods and services purchased with grant funds must be received by the GRANTEE within 60 days of the expiration of this award.
18. The GRANTEE agrees to check the U.S. General Service Administration (GSA) Excluded Parties Listing Service as required by Executive Order 12549, as defined in 2 CFR 180 et. seq. for individuals, agencies, companies and corporations debarred or suspended from doing business with recipients receiving Federal funds. The GRANTEE agrees not to do business with any individual, agency, company, or corporation listed in the Excluded Parties Listing Service.
Link: *Excluded Parties Listing System* <http://sam.gov>
19. No funds shall be used to supplant federal, state, county or local funds that would otherwise be made available for such purposes. Supplanting means the deliberate reduction of State or local funds because of the existence of Federal funds.
20. The GRANTEE assigns to the CITY any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services applied by third parties to the GRANTEE in exchange for grant funds provided under this Agreement.
21. The parties agree to use arbitration in the event of disputes in accordance with the provisions of A.R.S. § 12-1501 et seq.
22. The laws of the State of Arizona apply to questions arising under this Agreement and any litigation regarding this Agreement must be maintained in Arizona courts, except as provided in paragraph 25 of this Agreement pertaining to disputes, which are subject to arbitration.
23. The GRANTEE understands that grant funds will not be released until all required reports and reversion of funds from the prior year grant are submitted to the CITY.
24. The GRANTEE (as "Indemnitor") agrees to indemnify, defend and hold harmless the CITY (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses, (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. If the GRANTEE is a state agency or entity, this paragraph does not apply.

25. Unless the GRANTEE's contractor or subcontractor is a State agency or entity, the GRANTEE shall cause its contractor(s) and subcontractors, if any to indemnify defend, save and hold harmless the City of Tucson, any jurisdictions or agency issuing any permits for any work arising out of this Agreement, and their respective directors, officers, officials, agents, and employees from and against any and all claims, actions, liabilities, damages, losses or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the GRANTEE'S contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Worker's Compensation Law or arising out of the failure of such contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligence or willful acts or omissions of the Indemnatee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Insurance requirements for any contractor used by the GRANTEE are incorporated herein by this reference and attached to this Agreement as Exhibit "A".
26. If the GRANTEE is a governmental political subdivision, the GRANTEE will, to the extent possible and practical, share criminal justice information with other authorized criminal justice agencies. The process control number (PCN) shall be used in accordance with A.R.S. § 41-1750 when sharing data with other criminal justice agencies as electronic data systems are developed or improved.
27. The GRANTEE agrees to comply with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 42 USC 3789(d); Title VI of the Civil Rights Act of 1964, as amended; Section 504, Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972 and the Department of Justice regulations 28 CFR Part 54; The Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, G and I; Department of Justice regulations on disability discrimination 28 CFR Part 35; all applicable state laws of A.R.S. § 41-1463; and Executive Orders 2009-09 and 2007-21. These laws prohibit discrimination based on race, color, religion, sex and national origin including Limited English Proficiency (LEP) in the delivery of service. In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing against the GRANTEE, the GRANTEE will forward a copy of the findings to the Office for Civil Rights, Office of Justice Programs and the CITY.
28. The GRANTEE agrees to formulate and keep on file an Equal Employment Opportunity Plan (EEOP) (if Grantee is required pursuant to 28 CFR 42.302). The GRANTEE certifies that they have forwarded to the Office for Civil Rights, Office of Justice Programs the EEOP, or certifications that they have prepared and have on file an EEOP, or that they are exempt from EEOP requirements. Failure to comply may result in suspension of the receipt of grant funds. Copies of all submissions such as certifications to or correspondence with the Office for Civil Rights, Office of Justice Programs regarding this requirement must be provided to the CITY by the GRANTEE.
29. The GRANTEE certifies it will comply with the Drug-Free Workplace Act of 1988, as implemented in 2 CFR Part 182.

30. The GRANTEE agrees to complete and keep on file, as appropriate, Immigration and Naturalization Forms (I-9). This form is to be used by recipients to verify that persons are eligible to work in the United States. Additionally, the GRANTEE ensures compliance with Executive Order 2005-30 federal immigration laws by state employees and contractors.
31. The GRANTEE agrees to notify the Arizona HIDTA Director and provide written notification to the CITY within ten (10) days in the event that the project official is replaced during the award period.
32. No rights or interest in this Agreement shall be assigned by GRANTEE without prior written approval of the CITY.
33. The GRANTEE agrees that no funds provided, or personnel employed under this Agreement shall be in any way or to any extent engaged in conduct of political activities in violation of U.S.C. Title 5, Part II, Chapter 15, Section 1502.
34. The GRANTEE certifies that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.
35. The Grantee certifies that no federal funds will be paid, by or on behalf of, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and for the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. If any funds other than Federal funds are paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal award, grant loan, or cooperative agreement, the GRANTEE will complete and submit to the CITY Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions
36. This Agreement is subject to cancellation pursuant to the provision of A.R.S. § 38-511.
37. This Agreement may be cancelled at the CITY's discretion if not returned with authorized signatures to the CITY within 90 days of commencement of the award.
38. If any provision of this Agreement is held invalid the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.
39. Pursuant to resolution number 21460, adopted by the Mayor and Council December 15, 2009, the Tucson Police Chief is authorized to enter into contracts and grant agreements for HIDTA operations.
40. In accordance with A.R.S. §41-4401, the GRANTEE warrants compliance with E-Verify and all federal immigration laws and regulations relating to employees and warrants compliance with A.R.S. § 23-214A.
41. (Added by the Grantee) Nothing herein shall be interpreted as an express or implied waiver of either party's sovereign immunity in any forum or jurisdiction.

IN WITNESS WHEREOF, the parties have made and executed the Agreement the day and year first above written.

FOR GRANTEE:

Signature

Date

Printed Name and Title

Note: If applicable, the Agreement must be approved by the appropriate county supervisory board or municipal council and appropriate local counsel (i.e. county or city attorney). Furthermore, if applicable, resolutions and meeting minutes must be forwarded to the CITY with the signed Agreement.

Approved as to form and authority to enter into Agreement:

Legal counsel for GRANTEE

Date

Printed Name and Title

INDICATE STATUTORY OR OTHER LEGAL AUTHORITY TO ENTER AGREEMENT BELOW:

Appropriate A.R.S., ordinance, or charter reference

FOR CITY OF TUCSON:

Chad Kasmar, Chief of Police
City of Tucson Police Department

Date

Principal Assistant City Attorney
City of Tucson Police Department
Approved as to form.

Date



CITY OF TUCSON
GRANT AGREEMENT

**Insurance Requirements
Exhibit "A"**

Insurance Requirements for Governmental Parties to a Grant Agreement:

None.

Insurance Requirements for Any Contractors Used by a Party to the Grant Agreement:

(Note: this applies only to Contractors used by a governmental entity, not to the governmental entity itself.)

The *insurance requirements* herein are minimum requirements and in no way limit the indemnity covenants contained in the Intergovernmental Agreement. The City of Tucson in no way warrants that the minimum limits contained herein are sufficient to protect the governmental entity or Contractor from liabilities that might arise out of the performance of the work under this Contract by the Contractor, his agents, representatives, employees or subcontractors, and Contractor and the governmental entity are free to purchase additional insurance.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Contractor shall provide coverage with limits of liability not less than those stated below.

1. **Commercial General Liability – Occurrence Form**

Policy shall include bodily injury, property damage, personal injury and broad form contractual liability.

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Blanket Contractual Liability – Written and Oral \$1,000,000
- Fire Legal Liability \$50,000
- Each Occurrence \$1,000,000

- a. The policy shall be endorsed to include the following additional insured language: ***"The City of Tucson, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor".***

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

- b. Policy shall contain a waiver of subrogation against the City of Tucson, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

2. Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.

Combined Single Limit (CSL) \$1,000,000

- a. The policy shall be endorsed to include the following additional insured language: *"The City of Tucson, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insured with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor".*

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

3. Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$500,000
Disease – Each Employee	\$500,000
Disease – Policy Limit	\$1,000,000

- a. Policy shall contain a waiver of subrogation against the City of Tucson, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.
- b. This requirement shall not apply to: Separately, EACH contractor or subcontractor exempt under A.R.S. 23-901, AND when such contractor or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

B. ADDITIONAL INSURANCE REQUIREMENTS: The policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Tucson, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees *and the other governmental entity* shall be additional insureds to the full limits of liability purchased by the Contractor even if those limits of liability are in excess of those required by the Contract.
2. The Contractor's insurance coverage shall be primary insurance with respect to all other available sources.
3. The Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of its Contract with the other governmental entity(ies) party to the Grant Agreement.

- C. **NOTICE OF CANCELLATION:** Each insurance policy required by the insurance provisions of this Contract shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given the City of Tucson. Such notice shall be sent directly to the GRANTEE and shall be sent by certified mail, return receipt requested.
- D. **ACCEPTABILITY OF INSURERS:** Insurance is to be placed with duly licensed or approved non-admitted insurers in the State of Arizona with an "A.M. Best" rating of not less than A- VII. The City of Tucson in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.
- E. **VERIFICATION OF COVERAGE:** Contractor shall furnish the GRANTEE with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to the GRANTEE. The City of Tucson's project/contract number and project description are to be noted on the certificate of insurance. The City of Tucson reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. **DO NOT SEND CERTIFICATES OF INSURANCE TO THE CITY OF TUCSON'S RISK MANAGEMENT SECTION.**

- F. **SUBCONTRACTORS:** Contractor's certificate(s) shall include all subcontractors as insured under its policies or Contractor shall furnish to the county or local government agency responsible separate certificates for each subcontractor. All coverage for subcontractors shall be subject to the minimum requirements identified above.
- G. **APPROVAL:** Any modification or variation from the *insurance requirements* must have prior approval from the City of Tucson, Risk Management Section, whose decision shall be final. Such an action will not require a formal contract amendment but may be made by administrative action.
- H. **EXCEPTIONS:** In the event the Contractor or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such a public entity shall provide a Certificate of Self-Insurance. If the contractor or sub-contractor(s) is/are a City of Tucson agency, board, commission, or university then none of the above shall apply.

Exhibit A to Resolution No. 2024-038
CITY OF TUCSON
HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)
GRANT AGREEMENT

**Confidential Funds Certification
Exhibit "B"**

CONFIDENTIAL FUNDS CERTIFICATION

1) This is to certify that I have read, understand, and agree to abide by all of the conditions for confidential funds as set forth in the effective edition of the Office of National Drug Control Policy Financial and Administrative Guide.

2) My agency **is/is not** authorized to disburse confidential funds.

Grant Number: **HT-24-2930**

Date: _____

Signature: _____
Authorized Official

PROCEDURES

Each project agency authorized to disburse confidential funds must develop and follow internal procedures, which incorporate the following elements:

Deviations from these elements must receive prior approval of the ONDCP.

1. Imprest Fund. The funds authorized will be established in an imprest fund, which is controlled by a bonded cashier.
2. Advance of Funds: The supervisor of the unit to which the imprest funds is assigned must authorize all advances of funds for the P/I. Such authorization must specify the information to be received, the amount of expenditures and assumed name of the informant.
3. Informant Files: Informant files are confidential files of the true names, assumed names, and signature of all informants to whom payments of confidential expenditures have been made. To the extent possible, pictures and/or fingerprints of the informant payee should also be maintained. Refer to Informant Files "Documentation" (2) for a list of required documents for the informant files.
4. Cash Receipts.
 - a. The cashier shall receive from the agent or officer authorized to make a confidential payment, receipt for cash advanced to him/her for such purposes.
 - b. The agent or officer shall receive from the informant payee a receipt for cash paid to him/her.

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5. Receipts for Purchase of Information. An Informant Payee Receipt shall identify the exact amount paid to and received by the informant payee on the date executed. Cumulative or anticipatory receipts are not permitted. Once the receipt has been completed no alteration is allowed. The agent shall prepare an Informant Payee Receipt containing the following information:
- a. The jurisdiction initiating the payment.
 - b. A description of the information/evidence received.
 - c. The amount of payment, both in numeral and word form.
 - d. The date on which the payment was made.
 - e. The signature of the informant payee.
 - f. The signature of the case agent or officer making payment.
 - g. The signature of at least one other officer witnessing the payment.
 - h. The signature of the first-line supervisor authorizing and certifying the payment.
6. Review and Certification. The signed Informant Payee Receipt with a memorandum detailing the information received shall be forwarded to the agent or officer in charge. The agent or officer in charge shall compare the signatures. He/she shall also evaluate the information received in relation to the expense incurred and add his/her evaluation remarks to the report of the agent or officer who made the expenditure from the imprest funds. The certification will be witnessed by the agent or officer in charge on the basis of the report and Informant Payee's Receipt.
7. Reporting of Funds. Each project shall prepare a reconciliation report on the imprest funds on a quarterly basis. Information to be included in the reconciliation report will be the assumed name of the informant payee, the amount received, the nature of the information given, and to what extent this information contributed to the investigation. Recipients/subrecipients shall retain the reconciliation report in their files and shall be available for review unless the State agency requests that the report be submitted to them on a quarterly basis.
8. Record and Audit Provisions. Each project and member agency must maintain specific records of each confidential fund transaction. At a minimum, these records must consist of all documentation concerning the request for funds, processing (to include the review and approve/disapprove), modifications, closure or impact material, and receipts and/or other documentation necessary to justify and track all expenditures. Refer to Informant Files Documentation (2) for a list of documents, which should be in an informant's file. In projects where funds are used for confidential expenditures, it will be understood that all of the above records, except the true name of the informant, are subject to the record and audit provision of grantor agency legislation.

INFORMANT FILES

1. Security. A separate file should be established for each informant for accounting purposes. Informant files should be kept in a separate and secure storage facility, segregated from any other files, and under the exclusive control of the supervisor or an employee designated by him/her. The facility should be always locked when unattended. Access to these files should be limited to those employees who have a necessary legitimate need. An informant file should not leave the immediate area except for review by a management official or the handling agent and should be returned prior to the close of business hours. Sign-out logs should be kept indicating the date, informant number, time in and out, and the signature of the person reviewing the file.

2. Documentation. Each file should include the following information:

- a. Informant Payment Record - kept on top of the file. This record provides a summary of informant payments.
- b. Informant Establishment Record - including complete identifying and location data, plus any other documents connected with the informant's establishment.
- c. Current photograph and fingerprint card (or FBI/State Criminal Identification Number).
- d. Agreement with cooperating individual.
- e. Receipt for P/I.
- f. Copies of all debriefing reports (except for the Headquarters case file).
- g. Copies of case initiation reports bearing on the utilization of the informant (except for the Headquarters case file).
- h. Copies of statements signed by the informant (unsigned copies will be placed in appropriate investigative files).
- i. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his behalf or any other nonmonetary considerations furnished.
- j. Any deactivation report or declaration of any unsatisfactory informant.

INFORMANT MANAGEMENT AND UTILIZATION

All persons who will be utilized as informants should be established as such. The specific procedures required in establishing a person as an informant may vary from jurisdiction to jurisdiction but, at a minimum, should include the following:

1. Assignment of an informant code name to protect the informant's identity.
2. An informant code book controlled by the supervisor or his/her designee containing:
 - a. Informant's code number.
 - b. Type of information (i.e. informant, defendant/informant, restricted use/informant).
 - c. Informant's true name.
 - d. Name of establishing law enforcement officer.
 - e. Date the establishment is approved.
 - f. Date of deactivation.
3. Establish each informant file in accordance with Informant File Documentation (2).
4. For each informant in an active status, the agent should review the informant file on a quarterly basis to assure it contains all relevant and current information. Where a MATERIAL face that was earlier reported on the Establishment Record is no longer correct (e.g., a change in criminal status, means of locating him/her, etc.), a supplemental establishing report should be submitted with the correct entry.
5. All informants being established should be checked in all available criminal indices. If verified FBI number is available, request a copy of the criminal records from the FBI. Where a verified FBI number is not available, the informant should be fingerprinted with a copy sent to the FBI and appropriate State authorities for analysis. The informant may be utilized on a provisional basis while awaiting a response from the FBI.

PAYMENTS TO INFORMANTS

1. Any person who is to receive payments charged against PE/PI funds should be established as an informant. This includes a person who may otherwise be categorized as sources of information or informants under the control of another agency. The amount of payment should be commensurate with the value of services and/or information provided and should be based on the following factors:
 - a. The level of the targeted individual, organization, or operation.
 - b. The amount of the actual or potential seizure.
 - c. The significance of the contribution made by the informant to the desired objectives.
2. There are various circumstances in which payments to informants may be made.
 - a. a. Payments for Information and/or Active Participation. When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service either in a lump sum or in staggered payments. Payments for information leading to a seizure, with no defendants, should be held to a minimum.
 - b. Payment for Informant Protection. When an informant needs protection, law enforcement agencies may absorb the expenses of relocation. These expenses may include travel for the informant and his/her immediate family, movement and/or storage of household goods, and living expense at the new location for a specific period of time (not to exceed 6 months). Payments should not exceed the amounts authorized by law enforcement employees for these activities.
 - c. Payments to Informants of Another Agency. To use or pay another agency's informant, he/she should be established as an informant. These payments should not be a duplication of a payment from another agency; however, sharing a payment is acceptable.
3. Documentation of payments to informants is critical and should be accomplished on a Informant Payee Receipt. Payment should be made and witnessed by two law enforcement officers and authorized payment amounts should be established and reviewed by at least the first line supervisory level. In unusual circumstances, a non-officer employee or an officer of another law enforcement agency may serve as witness. In all instances, the original signed receipt must be submitted to the project director for review and record keeping.

ACCOUNTING AND CONTROL PROCEDURES

Special accounting and control procedures should govern the use and handling of confidential expenditures, as described below:

1. It is important that expenditures which conceptually should be charged to PE/PI/PS are so charged. It is only in this manner that these funds may be properly managed at all levels, and accurate forecasts of projected needs be made.
2. Each law enforcement entity should apportion its PE/PI/PS allowance throughout its jurisdiction and delegate authority to approve PE/PI/PS expenditures to those offices, as it deems appropriate.
3. Headquarters management should establish guidelines authorizing offices to spend up to a predetermined limit of their total allowance on any buy or investigation.

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4. In exercising his/her authority to approve these expenditures, the supervisor should consider:
 - a) The significance of the investigation.
 - b) The need for this expenditure to further the investigation.
 - c) Anticipated expenditures in other investigations.

Funds for PE/PI/PS expenditures should be advanced to the officer for a specific purpose. If they are not expended for that purpose, they should be returned to the cashier. They should not be used for another purpose without first returning them and repeating the authorization and advance process based on the new purpose.

5. Funds for PE/PI/PS expenditure should be advanced to the officer on suitable receipt form. Informant Payee Receipt or a voucher for P/E should be completed to document funds used in the purchase of evidence or funds paid or advanced to an informant.
6. For security purposes there should be a 48-hour limit on the amount of time funds advanced for PE/PI/PS expenditure may be held outstanding. If it becomes apparent at any point within the 48-hour period that the expenditure will not materialize, the funds should be returned to the cashier as soon as possible. An extension of the 48-hour limit may be granted by the level of management that approved the advance. Factors to consider in granting such an extension are:
 - a. The amount of funds involved.
 - b. The degree of security under which the funds are being held.
 - c. How long an extension is required.
 - d. The significance of the expenditure.

Such extensions should be limited to 48 hours. Beyond this, the funds should be returned and readvanced, if necessary. Regardless of circumstances, within 48 hours of the advance, the cashier should be presented with either the unexpended funds, an executed Informant Payee Receipt or purchase of evidence or written notification by management that an extension has been granted.

7. P/S expenditures, when not endangering the safety of the officer or informant, need to be supported by canceled tickets, receipts, lease agreements, etc. If not available, the supervisor, or his immediate subordinate, must certify that the expenditures were necessary and justify why supporting documents were not obtained.

Budget Detail

2024 - Arizona

Initiative - Counter Narcotics Alliance

Investigation

Award Recipient - City of Tucson Police (G24SA0007A)

Resource Recipient - Marana Police Department

Current Budget (net of reprogrammed funds)		\$134,074.00	
Personnel	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	1	57,456.00	1 Officer
Total Personnel	1	\$57,456.00	
Fringe	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	1	8,618.00	1 Officer
Total Fringe	1	\$8,618.00	
Overtime	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	4	68,000.00	2 Sergeants & 2 Officers
Total Overtime	4	\$68,000.00	
Total		\$134,074.00	



Council-Regular Meeting

C3

Meeting Date: 05/07/2024

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: May 7, 2024

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2024-039: Relating to Public Works; authorizing the Town Manager to sign all documents and do all other things necessary or prudent to obtain land use rights from the Central Arizona Project (CAP) needed for Town Capital Improvement Program (CIP) projects (Jane Fairall)

Discussion:

From time to time, the Town of Marana needs to obtain land use rights from the Central Arizona Project (CAP) to construct Capital Improvement Program (CIP) projects. In the past, Town staff has brought a resolution to Council authorizing the Town Manager to sign all documents necessary to obtain CAP rights on a project-by-project basis. The most recent resolutions were related to the Tangerine Road Phase 2A road widening project and the Tangerine TI improvements.

The proposed resolution on tonight's agenda will grant general authorization for the Town Manager or designee to sign all documents and do all other things necessary or prudent to obtain land use rights from the CAP for all Town CIP projects, without requiring Council approval for each individual project.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Town Manager or designee to sign documents necessary to obtain land use rights from the CAP for CIP projects.

Suggested Motion:

I move to adopt Resolution No. 2024-039, authorizing the Town Manager to sign all documents and do all other things necessary or prudent to obtain land use rights from the Central Arizona Project (CAP) needed for Town Capital Improvement Program (CIP) projects.

Attachments

Resolution No. 2024-039

MARANA RESOLUTION NO. 2024-039

RELATING TO PUBLIC WORKS; AUTHORIZING THE TOWN MANAGER TO SIGN ALL DOCUMENTS AND DO ALL OTHER THINGS NECESSARY OR PRUDENT TO OBTAIN LAND USE RIGHTS FROM THE CENTRAL ARIZONA PROJECT (CAP) NEEDED FOR TOWN CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS

WHEREAS from time to time, the Town of Marana needs to obtain land use rights from the Central Arizona Project (CAP) to construct Capital Improvement Program (CIP) projects; and

WHEREAS the Town Council finds that it is beneficial to grant the Town Manager or the Town Manager's designee the authority to sign all documents and undertake all other actions on behalf of the Town that are necessary or prudent to obtain land use rights from the CAP needed for various Town CIP projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the Town Manager or the Town Manager's designee is hereby authorized to sign all documents and undertake all actions on behalf of the Town of Marana that are necessary or prudent to obtain land use rights from the Central Arizona Project (CAP) needed for Town Capital Improvement Program (CIP) projects.

IT IS FURTHER RESOLVED that the Town 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 7th day of May, 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney



Council-Regular Meeting

C4

Meeting Date: 05/07/2024

To: Mayor and Council

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

Date: May 7, 2024

Subject: Approval of Regular Council Meeting Summary Minutes of April 16, 2024 and approval of Special Council Meeting Summary Minutes of April 22, 2024 (David L. Udall)

Attachments

Regular Council Meeting Summary Minutes, 04/16/2024

Special Council Meeting Summary Minutes, 04/22/2024



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 16, 2024, 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 6:01 PM and directed the Town Clerk to call the roll. All 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 hear Item C5 under Council Action and to otherwise approve the agenda as presented. Council Member Kai seconded the motion. Motion passed, 7-0.

CALL TO THE PUBLIC

Ms. Lori Schaeffler addressed the Council and invited them to the upcoming Run for the Wall event on May 16, 2024.

PROCLAMATIONS

PR1 Proclamation Recognizing Education & Sharing Day (David L. Udall)

PR2 Proclamation Recognizing Arizona Water Awareness Month (David L. Udall)

Town Clerk / Assistant Town Attorney David Udall read the proclamations as **Mayor Honea** presented them to their recipients.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Comerford said she attended the CTI Inc. ribbon cutting and complemented the event.

Council Member Ziegler praised the Parks and Recreation Department for facilitating plaques honoring deceased dogs. She attended a meeting regarding a proposed TEP substation at Grier Road and the 24th annual Nighthawk-72 annual service at the Marana Municipal Airport honoring the 19 marines who died. She also attended a Missing in America Project ceremony.

Vice Mayor Post praised the Marana High School prom event held at the Post Pumpkin Patch and thanked the Council for annexing the Pumpkin Patch into the Town.

Mayor Honea praised the Nighthawk-42 event and commented that the Town should help make it special next year, since it will be the 25th anniversary. He also attended the CTI ribbon cutting event and said they love being in Marana.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said the Town has issued 39 single-family residential permits so far in April. Last April, there were 66 total permits issued. He said the Marana Regional Airport received notification that it has another five years in the Airport Contract Tower program for the completion of a tower at the Airport. He highlighted the upcoming Concerts in the Courtyard event on Thursday, April 18, 2024, and provided an update on the CalPortland segment of the Loop Path construction and the construction

of the Community and Aquatics Center. He also said the Heritage River Park splashpad is now open.

In response to **Council Member Ziegler's** request at the previous meeting, **Mr. Rozema** said he sent detailed information to the Council regarding the Town's Restaurant Recruitment Task Force and said the work was ongoing, but involved a slow process. He also highlighted the Town's most recent Real Talk with the Town podcast featuring **Marana Police Chief Jeff Pridgett** and **Public Works Director Fausto Burruel** regarding questions involving Ina Road.

Council Member Ziegler said that people are wanting a restaurant and indicated the Town should monitor the progress of the task force and determine if a different direction is needed. She also said the Town should plan and pursue the Airport tower as expeditiously as possible during this new five-year grant of time under the Airport Tower Contract Program.

PRESENTATIONS

CONSENT AGENDA

C1 Ordinance No. 2024.011: Relating to Land Development; adopting revisions to Title 17 "Land Development" of the Marana Town Code, including miscellaneous revisions to Chapter 17-5 "Subdivisions", Section 17-5-4 (Performance guarantee), Chapter 17-13 "Standards for Grading and Related Site Work", and Chapter 17-15 "Floodplain and Erosion Hazard Management Code"; and designating an effective date (Dustin Ward)

Resolution No. 2024-031: Relating to Land Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2024.011, revisions to Title 17 "Land Development" of the Marana Town Code, including miscellaneous revisions to Chapter 17-5 "Subdivisions", Section 17-5-4 (Performance guarantee), Chapter 17-13 "Standards for Grading and Related Site Work", and Chapter 17-15 "Floodplain and Erosion Hazard Management Code" (Dustin Ward)

C2 Resolution No. 2024-032: Relating to Development; approving the final plat for Remington Ranch Block 1, Lots 132-231, Common Areas "K" through "Q" (Recreation/Drainage/Utilities) generally located south of Barnett Road and east of Sanders Road within Section 28, Township 11 South and Range 11 East (Scott Radden)

C3 Resolution No. 2024-033: Relating to Development; approving a release of assurances for Gladden Farms Block 33 Lots 1-119 and Common Areas and accepting public improvements for maintenance (Jason Angell)

C4 Resolution No. 2024-034: Relating to Development; approving a release of assurances for Saguaro Reserve I at Dove Mountain Lots 1-38, 41-173, Block 1, and Common Areas (Jason Angell)

[Item C5 was moved from the Consent Agenda to Council Action by motion under Approval of Agenda above.]

C6 Approval of Regular Council Meeting Summary Minutes of April 2, 2024 (David L. Udall)

Vice Mayor Post moved to approve the consent agenda, except for Item C5, which was moved to Council Action. Council Member Kai seconded the motion. Motion passed, 7-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

C5 Resolution No. 2024-035: Relating to Public Works; approving and authorizing the Mayor to sign a Utility Relocation Reimbursement Agreement with Trico Electric Cooperative, Inc. for the relocation of certain Trico facilities as part of the Tangerine Road widening phase 2A road project (Jane Fairall)

Town Attorney Jane Fairall presented on this item. **Ms. Fairall** said this item involved an agreement with Trico Cooperative for the removal of five Trico power poles currently in conflict with the Town's Tangerine widening phase 2A project. She explained that Trico has asserted a prior rights claim. She said if a utility has facilities in place prior to the legal establishment of the right of way in question, then the Town is required to pay for the relocation of the facilities. She said the Town's Real Property Manager verified Trico's prior rights claim and that, under the terms of the agreement, the Town would make a deposit to Trico of the estimated \$238,000.00 (approximate) cost of relocating the poles, which amount will be reconciled after the removal work is complete. She answered a clarifying question during her presentation.

Council Member Kai moved to adopt Resolution No. 2024-035. Vice Mayor Post seconded the motion. Motion passed, 7-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Development; discussion and direction from Council regarding the potential annexation of approximately 39 acres north of Linda Vista Boulevard and west of Blue Bonnet Road (Brian Varney)

Senior Planner Brian Varney introduced this item. A copy of his presentation slides is on file with the Town Clerk's Office. **Mr. Varney** said this item involves the potential annexation of around 39 acres of land north of Linda Vista Boulevard and around half a mile west of Blue Bonnet Road. He said the purpose of this item was to receive feedback from the Council to determine whether an application should be pursued for annexation. For more information, including maps and images, please see the presentation slides and the backup materials accompanying the agenda.

Mr. Varney introduced **Linda Morales** and **Adam Cole** with **The Planning Center**, who also presented on this item. A copy of the presentation slides, which include images and maps, is on file with the Town Clerk's Office.

Ms. Morales said they were in the very preliminary stages of developing a land plan for the property. She explained the history of the property's ownership and said it is located in a growing location. She said they have met with the property owner adjacent to the east regarding the potential annexation and said they would continue conversations with him. She said the applicant was excited to be part of the Town of Marana and to continue to the Town's growth in the surrounding area. She showed slides related to significant resource inventories (including washes), along with a conceptual land use plan. Please see the slides for details. She said they hoped the annexation and zoning could happen around the same time once the application was brought forward. Clarifying questions were asked and answered during her presentation.

Council Member Craig asked if the wash would be undisturbed open space. **Ms. Morales** said it was likely much of it would be preserved as open space.

Council Member Ziegler asked if they had received any objections from people in the surrounding area. **Ms. Morales** said they were still in the early stages of having these conversations. **Council Member Ziegler** said she does not have an objection to an annexation coming forward and asked **Mr. Varney** if a cost-benefit analysis would be

done under the Town's annexation policy before the annexation decision was made. **Mr. Varney** said such a cost-benefit analysis would be done.

Mayor Honea asked if a roadway would have a crossing across the wash. **Ms. Morales** said that was the current plan. He asked how wide the wash was, and **Mr. Cole** said it was approximately 100 feet wide. **Mayor Honea** commented that such a width should not cause wildlife corridor issues if a wash crossing were constructed.

Mayor Honea said that one of the Town's biggest business districts is right across the street from this property and said he would be interested in annexing the property into the Town so the Town has more control over what happens with it. He expressed some concern with the wash and would like it to be open space all the way through. He said the Town does not generally zone and annex at the same time, and that the annexation generally comes first.

Vice Mayor Post commented that annexing areas in order to have more control over areas adjacent to the Town would be a never-ending battle because the goal post would keep moving outward.

D2 Relating to Legislation and Government Actions; discussion and possible action or direction regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of other governmental bodies (Terry Rozema)

Mr. Rozema said there was no update at this time.

D3 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2024/2025 budget, including proposed budget initiatives and expenditures (Terry Rozema)

Mr. Rozema said the Manager's Recommended Budget would be presented to the Council on Monday, April 22, 2024, and invited the Council to provide feedback regarding the development of next fiscal year's budget.

Council Member Ziegler asked if there could be funding added to put Automated External Defibrillators (AEDs) in at least some of the Town's parks. **Mr. Rozema** said there are organizations who provide them, and that Town staff would look into it.

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 any future agenda items. There were no requests to add future agenda items.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Council Member Kai seconded the motion. Motion passed, 7-0. Meeting adjourned at 7:02 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on April 16, 2024. I further certify that a quorum was present.

David L. Udall, Town Clerk



MARANA TOWN COUNCIL
SPECIAL COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Second Floor Conference Center, April 22, 2024, 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

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

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Special Council Meeting Summary Minutes
April 22, 2024

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Town Manager Terry Rozema said that the Town was notified that it would be receiving a refund in the amount of approximately \$430,000.00 from the risk pool.

PRESENTATIONS

CONSENT AGENDA

C1 Resolution No. 2024-037: Relating to Intergovernmental Relations; approving and authorizing the Mayor to execute an Intergovernmental Agreement by and between Marana Unified School District No. 6 and the Town of Marana for the 2024 Summer Youth Art Program (Andrea De La Cruz)

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

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

ITEMS FOR DISCUSSION/POSSIBLE ACTION

D1 Relating to Budget; review, discussion, consideration, and direction to staff regarding the fiscal year 2024-2025 Manager's recommended budget for the Town of Marana (Terry Rozema and Yiannis Kalaitzidis)

Mr. Rozema and **Finance Director Yiannis Kalaitzidis** presented on this item. A copy of the presentation slides and the 2024-2025 Manager's Recommended Budget report are on file with the Town Clerk's Office.

Mr. Rozema introduced the item and highlighted the Town's core values, vision and mission statements, and certain Town accomplishments over the last year, including the following:

- The completion of Gladden Farms Dog Park.
- The completion of Gladden Farms Baseball and Softball Fields.
- The completion of the Tortolita Preserve Trailhead Project.
- The completion of the design for the Marana Community and Aquatic Center.
- The start of construction of the Shared Use Path at CalPortland project.

- The Marana Police Department being awarded re-accreditation certification from the Arizona Law Enforcement Accreditation Program (ALEAP).
- The Arizona Department of Water Resources (ADWR) granting the Town's Designation of Assured Water Supply (DAWS) application.
- The Town's Water Conservation plan nearing completion.
- The Town's Transportation Master Plan nearing completion.
- The Town's Facilities Master Plan nearing completion.
- The start of the process for the Town's Tourism Master Plan.
- The launch of the new Discover Marana website.

Mr. Rozema provided a brief overview of the Manager's Recommended Budget, which includes the general fund, special revenue funds, capital project funds (including impact fees), debt service funds, internal service funds, enterprise funds, and special taxing districts. He highlighted that the recommended budget was \$446 million, which was around \$100 million more than the previous year. He said the vast majority of the recommended budget is related to capital improvements. He said the recommended budget includes funds for 31.5 new positions, with a little over half of those positions being dedicated to the new Marana Community and Aquatic Center. During his presentation, **Mr. Rozema** answered clarifying questions.

Council Member Ziegler asked how many employees the Town has currently. **Mr. Rozema** said there were 444.1 full-time equivalent (FTE) positions in the Town. **Mr. Kalaitzidis** said the recommended additional employees would put the Town at 475.6 FTEs.

Mr. Kalaitzidis addressed the Council regarding the economic and revenue outlooks for the Town. He then presented on the Manager's Recommended Budget for the next fiscal year and noted there will be some changes added to the Tentative Budget that will come before Council in May. He said that the budget numbers will be pretty close. He explained what was in the Manager's Recommended Budget, including compensation adjustments, capital projects, and unfunded liability contributions for the Police Department. He provided an overview of budget summaries, including the general fund, the bed tax fund, the HURF fund, the water and wastewater operating funds, and the airport operating fund. **Mr. Kalaitzidis** then went over next steps, consisting of Council adoption of the Tentative Budget on May 21, 2024, and Council adoption of the Final Budget on June 18, 2024. Please see the presentation slides and Manager's Recommended Budget report for details, charts, tables, and graphs. **Mr. Kalaitzidis** and other members of Town staff answered clarifying questions throughout the presentation.

Mayor Honea recommended that the Town add more money to pay down PSPRS liability. He said the PSPRS has a higher interest rate and that the Town would get a better deal if it paid it down faster.

Regarding employee raises, **Council Member Ziegler** expressed concern that employees who are at the top of their salary range receive only a one-time \$750 payment. **Mr. Kalaitzidis** and **Mr. Rozema** explained that the Town recently completed a compensation study and that a number of positions were moved up in pay grade. **Mr. Rozema** said that the Town did not have a lot of positions at the top of the range. He said that the Town's Human Resources Department is very cognizant of the issue and works with experts to ensure the Town is not falling behind. **Council Member Ziegler** said she didn't like the \$750 option and requested that Town Staff look into that policy. She complemented the HSA increase, comp-time adjustments, and parental leave changes, along with the increase in uniform allowance.

Council Member Craig asked if the FTE positions needed for the Marana Community and Aquatics Center were what was required to open the center or if they were enough to also operate the center once it opens. **Mr. Kalaitzidis** said the positions were enough to operate the center. **Mr. Rozema** highlighted that cost recovery for the Center has not been programed into the upcoming fiscal year's budget and that Town staff would likely be presenting options before the Council in June. **Council Member Ziegler** commented that she would like to keep cost recovery rates affordable.

Council Member Craig asked if the Town would initiate an open space master plan during the next fiscal year. **Assistant to the Town Manager Andrea De La Cruz** said that it would be initiated during the next fiscal year and **Mr. Kalaitzidis** said there is budget capacity for it.

Council Member Ziegler said the Town needed to do whatever it could to finish the Saguaro Bloom Community Park. She said Phase Two of the project must be funded and that the sports courts needed to go in. She suggested that some of the Town's contingency fund be utilized for this purpose. **Mr. Rozema** agreed that it would be detrimental to the community to not have the promised elements in the park and said Town staff would look for creative ways to get those elements in place.

Council Member Ziegler asked how long the FBO lease was at the Airport. **Town Attorney Jane Fairall** said the lease was a 40-year lease. **Council Member Ziegler** asked if the Town received a percentage of the FBO's fuel flowage fees and rents for leasing its hangars, and **Ms. Fairall** said that both were percentage based. **Council Member Ziegler** expressed dismay that the Town was stuck with such lengthy leases. **Council Member Comerford** and **Council Member Ziegler** expressed dismay regarding the percentage the Town is receiving for rents and fuel flowage.

Council Member Ziegler requested a project timeline for the Airport tower project and asked if design was completed. **Mr. Rozema** said a site analysis has been completed and

that the project was currently in the environmental study phase, but that design has not started yet. He said that will happen once the environmental study concludes.

Mayor Honea reaffirmed he would like to see the Town put more money into the PSPRS in order to pay down that debt, if possible, because PSPRS has a higher interest rate.

Council Member Comerford said she would still like to see the Town give employees the week off between the Christmas and New Years holidays and requested a feasibility report regarding it.

Council Member Ziegler thanked the presenters.

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

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

ADJOURNMENT

Mayor Honea asked for a motion to adjourn.

Vice Mayor Post moved to adjourn the meeting. Council Member Comerford seconded the motion. Motion passed, 6-0. Meeting adjourned at 7:55 PM.

CERTIFICATION

I hereby certify that the forgoing are the true and correct minutes of the Marana Town Council Special Meeting held on April 22, 2024. I further certify that a quorum was present.

David L. Udall, Town Clerk

Special Council Meeting Summary Minutes
April 22, 2024

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Council-Regular Meeting

A1

Meeting Date: 05/07/2024

To: Mayor and Council

Submitted For: George Cardieri, Real Property Manager

From: George Cardieri, Real Property Manager

Date: May 7, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2024-041: Relating to Real Estate; vacating unneeded public right-of-way located south of the existing cul-de-sac at Romero Pools Place and authorizing the Town Engineer to sign a quit claim deed of abandonment for the unneeded right-of-way in favor of Loyal A. Mehrhoff and Peggy Oyama (George Cardieri)

Discussion:

Loyal A. Mehrhoff and Peggy Oyama have submitted a formal proposal for the Town to vacate and abandon public right-of-way located south of the existing cul-del-sac at Romero Pools Place, in an area located outside the Town's publicly maintained roadway, and an area that encompasses the applicant's driveway directly adjacent to their residence located at 7222 W. Romero Pools Place (Lot 21 of Continental Reserve Block 16B). The public right-of-way was dedicated to the Town by Final Plat for Continental Reserve Block 16B, recorded at Book 58, Page 73, Sequence Number 20041320757. The proposed abandonment area is located entirely within an easement for a high pressure natural gas transmission line held by El Paso Natural Gas Company, who has consented to the public abandonment. The proposed public right-of-way abandonment will alleviate the Town from liability and potential maintenance obligations for what is really a private driveway, and the abandonment will give the applicant more control over maintenance and future improvement of their driveway.

Financial Impact:

The Town has received proceeds in the amount of \$2,500.00 as part of the abandonment application fee. This amount covers processing the application as well as the minimal value of the land being abandoned.

Staff Recommendation:

Staff recommends approval of the resolution to abandon the described portion of public right-of-way.

Suggested Motion:

I move to adopt Resolution No. 2024-041, vacating unneeded public right-of-way located south of the existing cul-de-sac at Romero Pools Place and authorizing the Town Engineer to sign a quit claim deed of abandonment for the unneeded right-of-way in favor of Loyal A. Mehrhoff and Peggy Oyama.

Attachments

Resolution No. 2024-041

Exhibit A to Resolution - Legal Description

Exhibit B to Resolution - Form of Quit Claim Deed

(Aerial Map)

Streetview Image

MARANA RESOLUTION NO. 2024-041

RELATING TO REAL ESTATE; VACATING UNNEEDED PUBLIC RIGHT-OF-WAY LOCATED SOUTH OF THE EXISTING CUL-DE-SAC AT ROMERO POOLS PLACE AND AUTHORIZING THE TOWN ENGINEER TO SIGN A QUIT CLAIM DEED OF ABANDONMENT FOR THE UNNEEDED RIGHT-OF-WAY IN FAVOR OF LOYAL A. MEHRHOFF AND PEGGY OYAMA

WHEREAS the Town of Marana received fee title public right-of-way dedication for Romero Pools Place by Final Plat for Continental Reserve Block 16B, recorded at Book 58, Page 73, Sequence Number 20041320757; and

WHEREAS Loyal A. Mehrhoff and Peggy Oyama, as the adjacent fee title property owners, have submitted a formal application for the Town to vacate and abandon the unneeded public right-of-way located south of the existing cul-del-sac at Romero Pools Place, in an area located outside the Town's publicly maintained roadway, and an area that encompasses the applicant's driveway directly adjacent to their residence located at 7222 W. Romero Pools Place (Lot 21 of Continental Reserve Block 16B) ; and

WHEREAS the Town of Marana is authorized by A.R.S. §§ 9-240 (B)(3)(e) and 28-7205 to vacate and abandon Town roadways; and

WHEREAS the Mayor and Council of the Town of Marana find that the public interests are served by approving this resolution.

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

SECTION 1. The Town of Marana hereby vacates and abandons that portion of the Romero Pools Place right-of-way more particularly described and depicted in Exhibit A attached to and incorporated within this resolution by this reference.

SECTION 2. The Town Engineer is hereby authorized to execute a Quit Claim Deed of Abandonment in favor of Loyal A. Mehrhoff and Peggy Oyama, the property owners adjacent to the Abandonment Area in the form of Exhibit B attached to and incorporated within this resolution by this reference, evidencing the transfer of title to the Abandonment Area in accordance with requirements of and as prescribed by A.R.S. § 28-7205.

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 this resolution.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 7th day of May 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David Udall, Town Clerk

Jane Fairall, Town Attorney

LEGAL DESCRIPTION

THAT PORTION OF ROMERO POOLS PLACE, A PUBLIC RIGHT OF WAY, DEDICATED ON THE FINAL PLAT OF CONTINENTAL RESERVE BLOCK 16B, A SUBDIVISION RECORDED IN BOOK 58 OF MAPS AND PLATS AT PAGE 73, WITHIN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF **LOT 21** OF SAID FINAL PLAT;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES UPON THE RIGHT OF WAY LINE OF SAID ROMERO POOLS PLACE:

1) THENCE NORTH 36°52'33" WEST 77.60 FEET;

2) THENCE NORTH 53°07'27" EAST 50.00 FEET TO A CURVE CONCAVE SOUTHERLY;

3) THENCE EASTERLY UPON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 38°02'08", FOR AN ARC DISTANCE OF 33.19 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY;

4) THENCE EASTERLY UPON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 11°41'34", FOR AN ARC DISTANCE OF 10.20 FEET TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 76°38'12" EAST;

THENCE SOUTHEASTERLY UPON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 96°59'38", FOR AN ARC DISTANCE OF 84.64 FEET TO SAID RIGHT OF WAY LINE, A NON-TANGENT LINE;

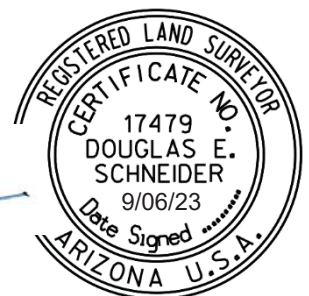
THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES UPON SAID RIGHT OF WAY LINE:

1) THENCE SOUTH 36°03'59" WEST 3.85 FEET;

2) THENCE SOUTH 17°58'40" WEST 40.66 FEET;

3) THENCE NORTH 89°52'49" WEST 62.88 FEET TO THE **POINT OF BEGINNING.**

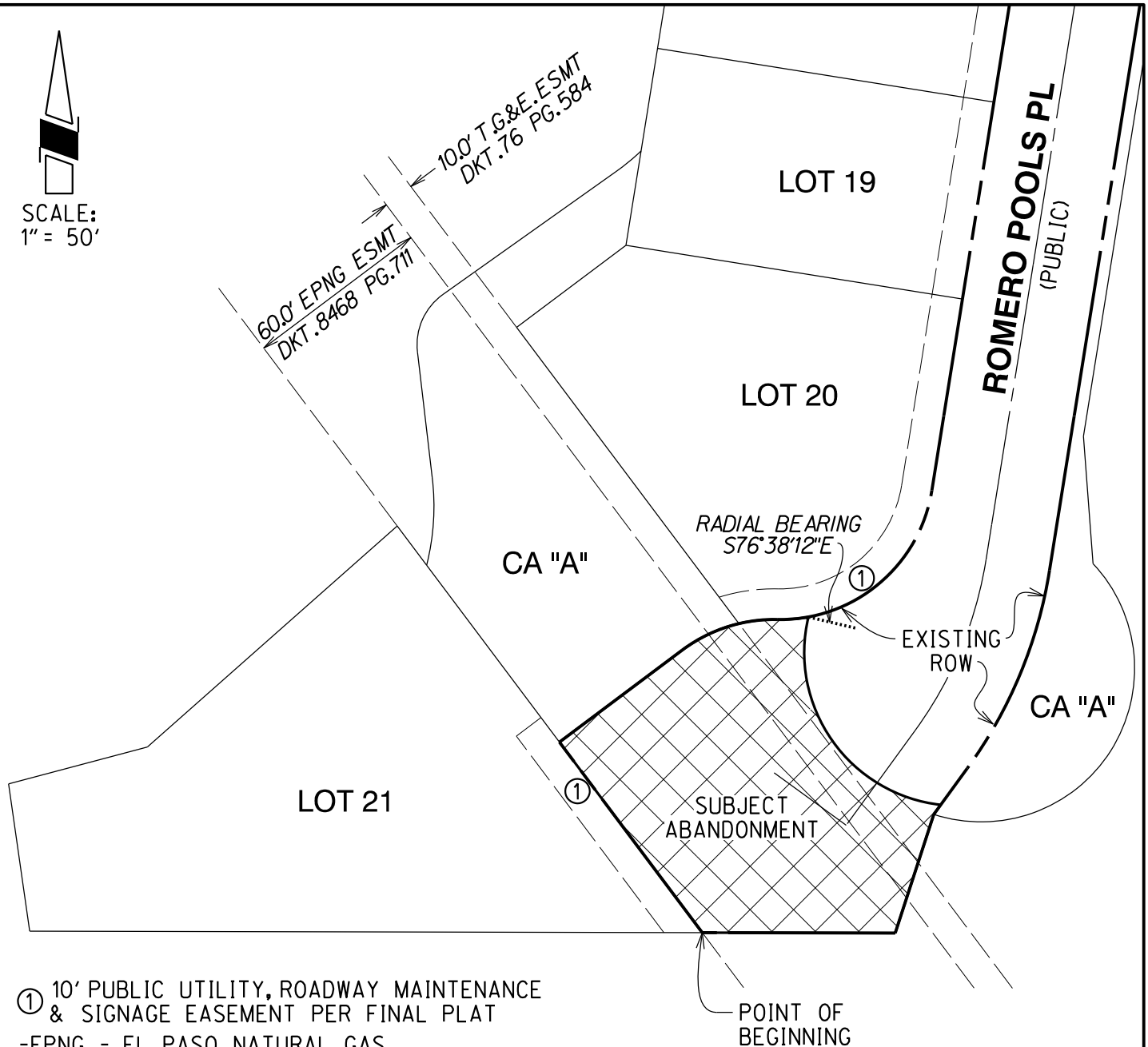
CONTAINING 7,659 SQUARE FEET OR 0.176 ACRES, MORE OR LESS.



\\cp.rickeng.com\projects\T05000\5422_7222_W_Romero_Pools_PL\Survey\Legals\5422LG01_ROW_Abandonment.docx



SCALE:
1" = 50'



- ① 10' PUBLIC UTILITY, ROADWAY MAINTENANCE & SIGNAGE EASEMENT PER FINAL PLAT
-EPNG - EL PASO NATURAL GAS
-T.G.&E. - TUCSON GAS & ELECTRIC
(EASEMENTS ARE SHOWN PER FINAL PLAT)

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
WITHIN THE NORTHEAST QUARTER SECTION 33,
TOWNSHIP 12 SOUTH, RANGE 12 EAST, G&SRM,
TOWN OF MARANA, PIMA COUNTY, ARIZONA



3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520-795-1000

QUIT CLAIM DEED OF ABANDONMENT

Exempt: A.R.S. § 28-7210

THE TOWN OF MARANA, an Arizona municipal corporation, hereby quit claims in favor of Loyal A. Mehrhoff and Peggy Oyama, husband and wife, the following described real property situated in Pima County, Arizona:

SEE LEGAL DESCRIPTION AND DEPICTION ATTACHED AS
EXHIBIT "A" TO THIS QUIT CLAIM DEED OF ABANDONMENT AND
INCORPORATED HERE BY THIS REFERENCE

RESERVING easements, if any, pursuant to A.R.S. § 28-7210 for the following as they existed before this abandonment: (a) existing sewer, gas, water or similar pipelines and appurtenances, (b) existing canals, laterals or ditches and appurtenances, and (c) electric, telephone and similar lines and appurtenances.

Further reserving, pursuant to A.R.S. § 28-7215 (A), rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land over any portion of the abandoned property if and to the extent any land adjoining the abandoned roadway is left without a public or private legal access connecting the land with an established public roadway.

SUBJECT TO reservations in patents and all covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

DATED _____, 2024.

THE TOWN OF MARANA, an Arizona
municipal corporation

APPROVED AS TO FORM:

By: _____
Fausto Burruel, Town Engineer

Jane Fairall, Town Attorney

*Per Marana Resolution No. 2024-xxx

Notary Acknowledgment to Follow



EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF ROMERO POOLS PLACE, A PUBLIC RIGHT OF WAY, DEDICATED ON THE FINAL PLAT OF CONTINENTAL RESERVE BLOCK 16B, A SUBDIVISION RECORDED IN BOOK 58 OF MAPS AND PLATS AT PAGE 73, WITHIN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF **LOT 21** OF SAID FINAL PLAT;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES UPON THE RIGHT OF WAY LINE OF SAID ROMERO POOLS PLACE:

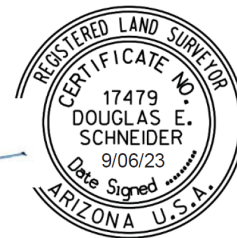
- 1) THENCE NORTH 36°52'33" WEST 77.60 FEET;
- 2) THENCE NORTH 53°07'27" EAST 50.00 FEET TO A CURVE CONCAVE SOUTHERLY;
- 3) THENCE EASTERLY UPON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 38°02'08", FOR AN ARC DISTANCE OF 33.19 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY;
- 4) THENCE EASTERLY UPON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 11°41'34", FOR AN ARC DISTANCE OF 10.20 FEET TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 76°38'12" EAST;

THENCE SOUTHEASTERLY UPON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 96°59'38", FOR AN ARC DISTANCE OF 84.64 FEET TO SAID RIGHT OF WAY LINE, A NON-TANGENT LINE;

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES UPON SAID RIGHT OF WAY LINE:

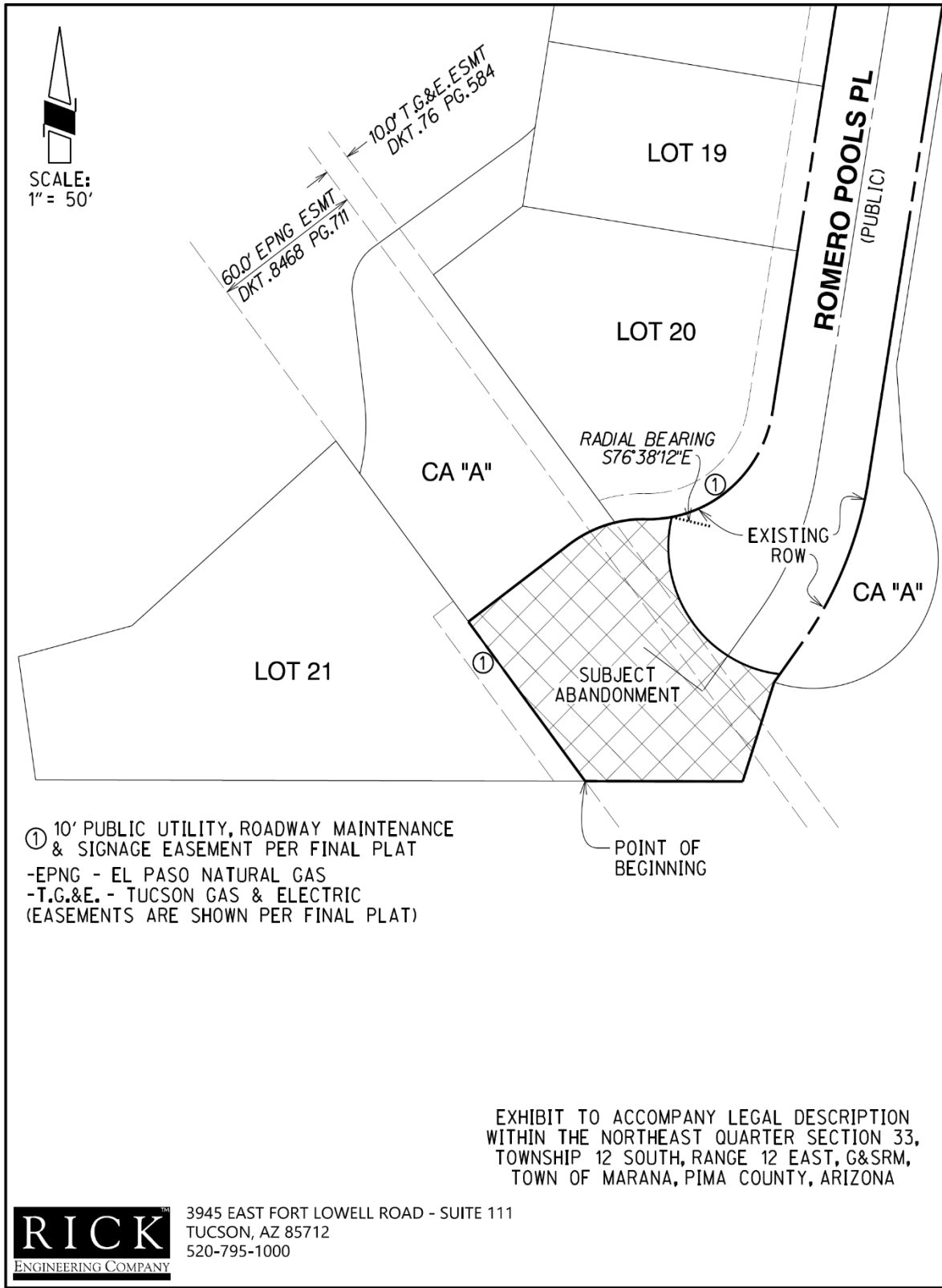
- 1) THENCE SOUTH 36°03'59" WEST 3.85 FEET;
- 2) THENCE SOUTH 17°58'40" WEST 40.66 FEET;
- 3) THENCE NORTH 89°52'49" WEST 62.88 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 7,659 SQUARE FEET OR 0.176 ACRES, MORE OR LESS.



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EXHIBIT A Continued



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06-SEP-2023





Council-Regular Meeting

A2

Meeting Date: 05/07/2024

To: Mayor and Council

Submitted For: Jing Luo, Water Director

From: Asia Philbin, Water Resources Coordinator

Date: May 7, 2024

Strategic Plan Focus Area:

Proactive Public Services

Subject: Resolution No. 2024-042: Relating to Water; adopting the Town of Marana Water Conservation Rebates Policy (Jing Luo)

Discussion:

The Marana Water Department seeks to add customer rebates to the Water Conservation Program it has maintained since 1997. Marana started its conservation program in compliance with State regulations and with help from the non-profit, WaterCASA. The Department incorporated a number of best-management practices (BMPs) into its program that were established by the Arizona Department of Water Resources (ADWR), and it has added additional BMPs from time to time. Certain BMPs, like a tiered-rate structure, require specific approval from the Marana Town Council. Others, like posting conservation messages to social media, are BMPs the Department has added administratively.

In 2022, the Water Department identified water conservation rebates as the next major additional BMP and presented the concept to the Town Council. Council was supportive of the concept and provided direction to seek grant funding to implement customer rebates. Subsequently, the Department applied for and received a WIFA Water Conservation Grant for a pilot customer rebate program. The grant requires the Town's Water Department to roll out and complete evaluation of a customer rebate program by June 30, 2026. The Water Department presented this news to Council at its February 2024 special meeting/retreat and received additional guidance on rebates.

Based on that guidance and industry information from others who have already

implemented a rebate BMP, the Water Department developed a water conservation rebates policy to provide guidelines for how customer rebates would be selected and implemented. The policy is included in the backup materials accompanying this agenda item and is intended to be applied, maintained, and amended administratively.

Financial Impact:

This is a multi-year grant award of \$242,000.00 from WIFA Water Conservation Program and \$60,500.00 match from the Town's Water Fund that is in the approved budget for FY2024. The revenue and expense anticipated under this grant project (WT071) is also included in the proposed budget for FY2025, and will be included in the proposed budget for FY2026, if necessary.

Staff Recommendation:

Staff recommends approval of Resolution No. 2024-042.

Suggested Motion:

I move to approve Resolution No. 2024-042, adopting the Town of Marana Water Conservation Rebates Policy.

Attachments

Resolution No. 2024-042

Exhibit A - Water Conservation Rebates Policy

MARANA RESOLUTION NO. 2024-042

RELATING TO WATER; ADOPTING THE TOWN OF MARANA WATER CONSERVATION REBATES POLICY

WHEREAS the Town of Marana Water Department has maintained a Water Conservation Program since 1997; and

WHEREAS the Department has identified, and the Town Council has provided guidance relative to, the need for a water conservation rebate program; and

WHEREAS the has Town applied for and received a Water Infrastructure Authority of Arizona (WIFA) grant for a pilot customer rebate program; and

WHEREAS the Department has now drafted a Water Conservation Rebates Policy to provide guidelines for how to apply the Town's customer rebate program; and

WHEREAS the Mayor and Council find that adopting the Water Conservation Rebates Policy 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: the Water Conservation Rebates Policy, substantially in the same form attached to and incorporated by this reference in this resolution as Exhibit A, is hereby approved, 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 policy, and the policy shall hereafter be applied, revised, amended, and otherwise maintained administratively by Town staff.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 7th day of May, 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney



Exhibit A to Resolution No. 2024-042

Date May 7, 2024

From: Jing Luo, Water Director

Water Conservation Rebates Policy

EFFECTIVE IMMEDIATELY

Purpose

The purpose of this document is to define the policy for the Town of Marana Water Department to provide water conservation rebates to its customers.

Background

This policy applies to Marana Water and its customers and is intended to be reasonably consistent with water conservation rebates offered by other water providers within the Town, e.g. Tucson Water and the Central Arizona Groundwater Replenishment District. Under State regulation, the Town must provide an assured water supply for all its water customers and maintain programs for water conservation and drought preparedness. In addition to the regulatory driver for water conservation programs, these efforts tend to lower per capita water use, which in turn leads to lower costs and improved reliability of water supplies.

Marana Water has maintained a Water Conservation Program since 1997, by adopting best management practices (BMPs) recommended by the Arizona Department of Water Resources (ADWR) and working with the non-profit WaterCASA to implement the BMPs. Over time, the utility has developed an in-house water conservation program and has included additional BMPs as its water service area expands.

The Department is now seeking to implement the ADWR-recommended BMP for customer rebates, with an adaptive management approach. This approach will rely on the Drought Preparedness Team, which is comprised of staff from several key Departments and was established to adaptively prepare for and respond to drought conditions.

Policy

Marana Water will establish an adaptive program by piloting an initial set of water efficient items eligible for rebate and evaluating each type of rebate offered on an annual basis (or more frequently). Rebates may take the form of checks provided to customers for items they have purchased or items offered for purchase at a discount to the customer. Marana

Water will work with the Finance Department as necessary to provide rebates to customers. Marana Water will review the rebate programs offered by other local or regional providers, identify pilot rebates, and will evaluate the efficacy of each rebate type over a defined pilot period.

Evaluation

After the pilot period for a rebate, Marana Water will review its evaluation with the Drought Preparedness Team. Marana Water will standardize or discontinue evaluated rebates and pilot additional rebates based on the recommendation of the Team. Rebates will be evaluated by costs and benefits, including costs and benefits to the utility, customer, and community, using a decision framework approved by the Drought Preparedness Team.

Eligibility and Requirements

Customers of Marana Water will be eligible for rebates on a first-come, first-served basis. Marana Water will prepare forms of application for all rebates offered. To receive the rebate, Customers must apply via the forms provided by Marana Water, and their application will be deemed complete when Marana Water receives all the information required on the application form. Requirements will include documentation, such as receipts and photos, and customers must allow Marana Water to inspect installations.

Program Oversight

Costs for rebate programming will be part of the Town's annual budget process, requiring approval by Mayor and Council. Marana Water will provide Council with an annual report (or more frequently as appropriate) on the status of its rebate program, including costs and benefits of all rebates offered and/or utilized.

Authority

This policy was approved by the Marana Town Council on May 7, 2024, at its regular Town Council Meeting and will be applied and amended administratively by Marana Water.