



## NOTICE OF SPECIAL COUNCIL MEETING

In accordance with §38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of City Council and to the general public that the Mayor and Council of the City of San Luis, Arizona, will hold a Special City Council meeting at 6:30 p.m., Tuesday, February 13, 2018. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights, may either file written consent with the City Clerk to such recording or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Sonia Cornelio, City Clerk

## AVISO DE JUNTA ESPECIAL

De acuerdo con los Estatutos del Estado de Arizona A.R.S. §38-431.01, se le informa a los miembros del Cabildo y al público en general que el Alcalde y el Cabildo, tendrán una Junta Especial a las 6:30 p.m., el día Martes, 13 de Febrero del 2018. La junta se llevará a cabo en la Sala del Cabildo, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349. El público está cordialmente invitado a la junta.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación del 1973, la Ciudad de San Luis, Arizona no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la Ciudad, contactar al: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, Arizona, ubicado en el 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de este aviso y de acuerdo con los Estatutos del Estado de Arizona A.R.S §1-602.A.9, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar el consentimiento ante el Estado o cualquiera de sus subdivisiones políticas para hacer una grabación de audio o video de su hijo menor de edad. Las juntas del Cabildo se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden dar el consentimiento por escrito con la Secretaria de la Ciudad a tal grabación, o tomar acción personal para asegurarse que su hijo menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con los Estatutos del Estado de Arizona A.R.S. §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Sonia Cornelio, Actuaría de la Ciudad



**AGENDA**  
**Special Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**San Luis, AZ 85349**  
**February 13, 2018**  
**6:30 P.M.**

**MEMBERS OF THE CITY COUNCIL WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION**

- 1. CALL TO ORDER/ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION**
- 4. PRESENTATION / PROCLAMATION**
  - 4. A.** Recognition of Fire Chief Hank Green's 11 years of service. **(Angel Ramirez, Assistant Fire Chief)**
  - 4. B.** Proclamation - Youth Leadership Day February 14, 2018
- 5. CONSENT AGENDA**

All matters are considered to be routine by the City Council and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

  - 5. A. MINUTES OF**
    - Work Session held November 1, 2017
    - Regular Council Meeting held November 8, 2017
    - Special Council Meeting held November 21, 2017
    - Work Session held December 6, 2017
    - Regular Council Meeting held December 13, 2017
    - Special Council meeting held December 14, 2017
    - Regular Council meeting held December 27, 2017
  - 5. B. DISBURSEMENTS FROM JANUARY 13, 2018 THROUGH FEBRUARY 2, 2018**

Total Disbursements \$1,018,488.28  
(One Million, Eighteen Thousand, Four Hundred Eighty-Eight Dollars and Twenty-Eight Cents)
  - 5. C.** Discussion and possible action on any and all matters regarding disposal of obsolete portable radios. **(Hank Green, Fire Chief)**
  - 5. D.** Discussion and possible action on any and all matters regarding the TischlerBise Proposal for Development Fee Study under A.R.S. §9-463.05. **(Kay Marion Macuil, City Attorney)**

- 5. E. Discussion and possible action on any and all matters regarding authorization to purchase two (2) police canines for the San Luis Police Department Canine Unit. (**Richard Jessup, Acting Chief of Police**)
- 5. F. Discussion and possible action on any and all matters regarding the adoption of Resolution No. 2029. A resolution of the Mayor and City Council of San Luis, Arizona to receive funding for overtime and mileage by approving an Intergovernmental Agreement and authorizing execution of Subrecipient Agreement #170436-01, Operation Stonegarden Grant Program Award - Overtime and Mileage between the State of Arizona through the Arizona Department of Homeland Security and the City of San Luis, Arizona through the San Luis Police Department. (**Richard Jessup, Acting Chief of Police**)

6. **DISCUSSION AND POSSIBLE ACTION ITEMS:**

- 6. A. Public Hearing followed by discussion and possible action on any and all matters regarding recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Abraham Andrade on behalf of Rolls and Bowls located at 1627 Juan Sanchez Boulevard, San Luis, Arizona. (**Sonia Cornelio, City Clerk**)
    - A. Open public hearing
      - 1. Staff and/or applicant presentation
      - 2. Call to the public on this item
    - B. Close public hearing
    - C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for Rolls and Bowls.
  - 6. B. Public hearing followed by the discussion and possible action on any and all matters regarding recommendation of a Special Event Liquor License application to the Arizona Department of Liquor Licenses and Control to authorize Somerton Rotary Club to sell alcohol on Friday, March 09, 2018 during the Baseball Game event in which the Tigres de Quintana Roo will play against the Algodoneros de San Luis. (**Lizandro Galaviz, Director of Parks & Recreation**)
    - A. Open public hearing
      - 1. Staff and/or applicant presentation
      - 2. Call to the Public on this item
    - B. Close public hearing
    - C. Action on Special Event Liquor License Application to the Arizona Department of Liquor Licenses & Control
  - 6. C. Discussion and possible action on any and all matters regarding Resolution No. 2030. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing alcohol permit fees, special alcohol permit fees and facility fees and repealing any conflicting provisions. (**Lizandro Galaviz, Director of Parks & Recreation**)
7. **SUMMARY OF CURRENT EVENTS**  
Events by Mayor, Council Members and/or City Manager pursuant to A.R.S. §38-431.02 (K).

**8. CALL TO THE PUBLIC**

This is the time for the public to comment. Members of the City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01 (H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

**9. ADJOURNMENT**



## PRESENTATION

### Special City Council Meeting

4.A.

Meeting Date: 02/13/2018

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Presentation Topic/Summary:

Recognition of Fire Chief Hank Green's 11 years of service. **(Angel Ramirez, Assistant Fire Chief)**

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## PROCLAMATION

### Special City Council Meeting

**4.B.**

Meeting Date: 02/13/2018

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Title:

Proclamation - Youth Leadership Day February 14, 2018

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#### Attachments

Proclamation - 2018 Youth Leadership Day

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# *Proclamation*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

## **Youth Leadership Day February 14<sup>th</sup> 2018**

**WHEREAS**, the youth of Arizona are the future leaders of our communities, our state, and our nation; and

**WHEREAS**, the well-being and prosperity of our communities are dependent on the wise decisions and commitment of those who govern, those who lead, and those who participate; and

**WHEREAS**, formulating public policy in areas of health, environment, and public safety is a complex task undertaken by local government, including the City of San Luis; and

**WHEREAS**, in honor of the youth gathered in San Luis this day to improve their leadership skills, so they may put them to work at school, and in their careers and communities as they move forward;

**NOW, THEREFORE, BE IT RESOLVED** that I, Mayor Gerardo Sanchez, of City of San Luis, do hereby proclaim February 14<sup>th</sup>, 2018 as **Youth Leadership Day** in the City of San Luis, and encourage all of our residents to promote youth leadership in the community.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of February, 2018.

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Gerardo Sanchez  
Mayor

**ATTEST:**

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Sonia Cornelio, City Clerk



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.A.

Meeting Date: 02/13/2018

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#### Summary

#### **MINUTES OF**

- Work Session held November 1, 2017
  - Regular Council Meeting held November 8, 2017
  - Special Council Meeting held November 21, 2017
  - Work Session held December 6, 2017
  - Regular Council Meeting held December 13, 2017
  - Special Council meeting held December 14, 2017
  - Regular Council meeting held December 27, 2017
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#### Attachments

11/01/2017 WS  
11/08/2017 RCM  
11/21/2017 SCM  
12/06/2017 WS  
12/13/2017 RCM  
12/14/2017 SCM  
12/27/2017 RCM

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**MINUTES**  
**Work Session**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**November 1, 2017**  
**6:30 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Work Session to order at approximately 6:31 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice-Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Africa Luna-Carrasco  
Council Member Matias Rosales  
Council Member Gloria Torres  
Council Member Ruben Walshe

**OTHERS PRESENT:** Tadeo A. De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Kay Marion Macuil, City Attorney  
Angel Ramirez, Assistant Fire Chief  
Aracely De La Hoya, Senior Services Manager  
Carlos Cortes, Assistant Director of Finance  
Derek Dueñas, IT Manager  
Francia Alonso, Administrative Coordinator  
Glenn Gimbut, Assistant City Attorney  
Hank Green, Fire Chief  
Jenny Torres, Economic Development Manager  
Jorge Mungaray, IT Department  
Jose Guzman, Acting Director of Planning and Zoning  
Jesus Meza, Acting Director of Parks and Recreation  
Kristin McManus, Municipal Court Judge  
Lizandro Galaviz, Director of Parks and Recreation  
Maria Sabori, HR Senior Specialist  
Olivia Jenkins, Director of Human Resources  
Richard Jessup, Acting Chief of Police  
Ric Bauermann, Fire Department

## **2. ITEMS FOR DISCUSSION ONLY:**

### **2. A. Discussion and possible directions to staff on any and all matters regarding the contract for the Court Interpreter for the San Luis Municipal Court. (Kristin McManus, Municipal Court Judge)**

Ms. Kristin McManus, Municipal Court Judge, informed that this contract started at the beginning of the current fiscal year, but during the budget preparation this was not approved as an independent contractor nor a salaried position. She stated that the position is needed. Furthermore, she added that the contract was revised to reflect a 6-month term instead of a 12-month term; staff is asking Council to release the funds from the Court funds. She explained that the reason staff is asking for a 6-month term is that staff will be asking for a salary position. If it is not doable for the next 6-month term, staff will come back for another renewal, and during next fiscal year's budget preparation staff will be asking for the salary position and the contract renewal.

### **2. B. Discussion and possible directions to staff on any and all matters regarding purchase agreement for portable radios for the City of San Luis Fire and Police Departments. (Hank Green, Fire Chief and Richard Jessup, Acting Chief of Police)**

Mr. Hank Green, Fire Chief, informed that this item is to replace portable radios utilized by the San Luis Fire and Police Departments. All radios are reaching its service life of 10 years, and Yuma Regional Communications Systems has negotiated a purchase contract and equipment pricing from Motorola. He mentioned that both departments must commit to purchase before November 17, 2017. This contract will allow making payments over seven (7) years; the first payment will be one calendar year from delivery of the radios.

### **2. C. Discussion and possible directions to staff on any and all matters regarding Resolution No. 2013. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing and directing the entering into an Intergovernmental Agreement between the City of San Luis and the City of Yuma for mutual aid and assistance for fire, medical, hazardous material, CBRNE, mass casualty emergencies, technical rescue, and operational support. (Hank Green, Fire Chief)**

Mr. Hank Green, Fire Chief, informed that this is a renewal of the Intergovernmental Agreement that will allow each agency to assist each other, should the need arise, regardless of the type of event. This agreement will facilitate the interactions, operations, and responsibilities between the two communities and departments. One of the features with this agreement is the inclusion of the traffic signal preemption system (OPTICOM®). This system is installed at all signalized traffic intersections within the City of Yuma and provides a green signal light to the direction of approach of the apparatus. The San Luis Fire Department will

be able to access the City of Yuma's OPTICOM® system when transporting medical patients to Yuma Regional Medical Center (YRMC). San Luis will include this system in all future signalized intersections within the city, and this project is part of the Capital Improvement Project that will retrofit the existing six (6) signalized intersections.

**2. D. Discussion and possible directions to staff on any and all matters regarding the NEOGOV Software, License Subscription, Maintenance, and GovernmentJobs.com contract renewal. (Olivia Jenkins, Director of Human Resources)**

Ms. Olivia Jenkins, Director of Human Resources, informed that this is a renewal of the software currently utilized since 2014, this software is for the recruitment of new positions. This software is unique and has a copyright; the software is an exclusive service. She stated that staff is recommending a five-year contract renewal, this will allow staff to continue with the services without interruptions. She informed that a one-year and a five-year contract are attached to the item for review and consideration.

Mayor Gerardo Sanchez asked if this software has been beneficial for the city.

Ms. Jenkins replied this software has been very beneficial.

**2. E. Discussion and possible directions to staff on any and all matters regarding Resolution No. 2012. A resolution of the Mayor and City Council of the City of San Luis, Arizona amending the Personnel Policies Sections HR-4-01 and HR-4-05 on sick leave benefits. (Olivia Jenkins, Director of Human Resources)**

Ms. Olivia Jenkins, Director of Human Resources, informed that this is to amend the Personnel Policies regarding sick leave benefits. She stated that Arizona State Legislature passed new statutes requiring employers to provide "paid sick time" for part-time employees up to 40-hours per fiscal year and other related "paid sick time" benefits.

**2. F. Discussion and possible directions to staff on any and all matters regarding formal approval and ratification of the City of San Luis Salary Schedule for certain positions starting pay rate and skills pay for Fiscal Year 2014-2015 and 2016-2017. (Olivia Jenkins, Director of Human Resources)**

Ms. Olivia Jenkins, Director of Human Resources, explained that it was brought to Human Resources attention that there was a discrepancy in the starting pay rate and skills pay for some positions in the Fire and Police Departments. She informed that after extensive research on said discrepancies it was determined and concluded that the starting pay rate for some positions as well as pay skills was not applied as proposed nor adopted during the fiscal year budget. Therefore, Human Resources Department is recommending that the

identified salaries and skills pay for Fiscal Years 2014-2015 and 2016-2017 are ratified by Council action.

Mr. Tadeo De La Hoya, City Manager, informed that this item would come in the form of a resolution for Mayor and Council's approval.

**2. G. Discussion and possible directions to staff on any and all matters regarding a proposed resolution declaring as a public record the "2017 S-3 Supplement to the Code of Ordinances of the City of San Luis. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring as a public record that certain document filed with the City Clerk and titled "2017 S-3 Supplement to the Code of Ordinances of the City of San Luis, Arizona." (Sonia Cornelio, City Clerk)**

Ms. Sonia Cornelio, City Clerk, informed that this resolution declares the "2017 S-3 Supplement to the Code of Ordinances of the City of San Luis" a public record, this is the third supplement to the City Code.

**2. H. Discussion and possible directions to staff on any and all matters regarding the proposed ordinance enacting and adopting a supplement to the Code of Ordinances for the City of San Luis, Arizona. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, enacting and adopting the third supplement titled "2017 S-3 Supplement to the Code of Ordinances for the City of San Luis, Arizona"; repealing any conflicting provisions; and providing for severability. (Sonia Cornelio, City Clerk)**

Ms. Sonia Cornelio, City Clerk, informed that this ordinance adopts the "2017 S-3 Supplement to the Code of Ordinance of the City of San Luis".

**2. I. Discussion and possible directions to staff on any and all matters regarding Resolution No. 2015. A resolution of the Mayor and Council of the City of San Luis, Arizona, declaring as a public record that certain document filed with the City Clerk and titled "2012-2014 Amendments and the Codified Version of Ordinance 357 to the Tax Code of the City of San Luis." (Kay Marion Macuil, City Attorney)**

Ms. Kay Marion Macuil, City Attorney, informed that this ordinance adopts the tax amendments already codified into the Tax Code of the City of San Luis by the Municipal Tax Code Commission. This proposed resolution will establish such document as public records and direct the City Clerk to maintain three (3) copies on file.

**2. J. Discussion and possible directions to staff on any and all matters regarding a proposed ordinance. An ordinance of the Mayor and City Council of the City of San Luis, Arizona relating to adopting "The 2012-2014 Amendments and the Codified**

**Version of Ordinance No. 357 to the Tax Code of the City of San Luis” by reference; establishing effective dates; providing for severability; and providing penalties for violations. (Kay Marion Macuil, City Attorney)**

Ms. Kay Marion Macuil, City Attorney, informed that this ordinance would adopt “The 2012-2014 Amendments to the Tax Code of the City of San Luis”.

**2. K. Discussion and possible directions to staff on any and all matters regarding the Roadway Naming and Addressing Policy. (Jose A. Guzman, Acting Director of Planning & Zoning)**

Mr. Jose A. Guzman, Acting Director of Planning & Zoning, informed that this policy has been reviewed by the review committee and the legal department. This policy will establish procedures for addressing properties and roadway naming and re-naming.

**2. L. Discussion and possible directions to staff on any and all matters regarding Text Amendment Case No. 2017-0664. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations to amend the provisions for side yard setback for R1-6 zoning district and to clarify applicability of design and development standards for single detached dwelling lots created prior to March 1, 2016. (Jose A. Guzman, Acting Director of Planning and Zoning)**

Mr. Jose A. Guzman, Acting Director of Planning and Zoning, informed that this text amendment would allow reduction of side yard setbacks from 7 to 5 feet with a minimum of two-hour fire resistive construction.

**2. M. Update/discussion and possible directions to staff on any and all matters regarding employee incentive, retention, training, and development programs in place for City of San Luis employees. (Council Member Africa Luna-Carrasco and Olivia Jenkins, Director of Human Resources)**

Council Member Africa Luna-Carrasco stated that she has noticed that there have been several employees retiring, those positions will have to be filled. She mentioned that she would like to see if there is an incentive program to retain or to attract new employees to fill those positions.

Ms. Olivia Jenkins, Director of Human Resources, mentioned that one of the Human Resources Department projects is to incorporate a succession plan for the city. Also, to encourage managers to train their staff to step up when they retire.

Council Member Africa Luna-Carrasco asked how is training determined for employees to attend. She mentioned that in the organization she works for employees are required to attend certain hours of training a year.

Mr. Tadeo A. De La Hoya replied that this would depend on the position, supervisor and department head. The employee requests the training or the employee is sent by the supervisor/manager.

Ms. Jenkins replied that trainings are contingent to budget for the department and at the discretion of the department head. There are some jobs that require certifications and training; then the employees need to take that training to maintain the certification current for those positions. She informed that some in-house trainings are offered online, those trainings are required by the risk pool insurance, as they require that training is provided to employees on safety, customer service, etc.

Council Member Matias Rosales mentioned that in a work session it was discussed incentive programs in other cities to retain public safety personnel, one of the incentives discussed was helping the employees with closing costs for a new home. He asked if this has been looked at.

Mr. De La Hoya replied that this topic is in the personnel attorneys list to review to find the legalities to be able to do that.

Mayor Gerardo Sanchez suggested looking at what the City of Yuma is doing for their employees and not reinvent the wheel. He mentioned that this is something that needs to be done to retain employees.

Council Member Africa Luna-Carrasco asked if there are employees taking advantage of the tuition reimbursement program.

Ms. Jenkins replied that there are employees taking advantage of the incentive and are dedicated to improving their professional growth.

Mr. Hank Green, Fire Chief, stated that he would support everything that can be done to have a succession planning in the city to improve the professionalism of the entire organization not just the San Luis Fire Department. He informed his concern is that the city continues to invest in trainings then lose the employees. He stated that he has been working with the City Manager and the Human Resources Department in a retention and education contract to keep the investment.

Council Member Africa Luna-Carrasco congratulated the Human Resources for the wellness program. She asked staff to continue to promote this program and try to have more activities for the employees.

**2. N. Update and/or status on any and all matters regarding the Miss San Luis Pageant community event. (Council Member Africa Luna-Carrasco and Lizandro Galaviz, Director of Parks & Recreation)**

Mr. Lizandro Galaviz, Director of Parks and Recreation, informed that Miss San Luis Pageant was a non-profit that did not belong to the City of San Luis. This pageant was organized and ran by an outside agency.

Mr. Jesus Meza, Assistant Director of Parks and Recreation, informed that the idea will be to include this event to the Founder's Day celebration, as this has always been part of this event. He added that the main idea is to build a program which will be the same concept to integrate the program. He informed that before this program it was just a local pageant and as years passed it got to state level. Furthermore, he mentioned that as the program is put together, it will be a local pageant to re-establish the tradition in San Luis and in the future look into going to state level. Mr. Meza commented that staff would work with local agencies to sponsor this program.

Mr. Galaviz added that the idea is to bring back this event at a local level, then in the future work with the non-profit to see if they will be interested in providing their services for the event.

Mayor Gerardo Sanchez stated that he agrees with Mr. Galaviz about bringing this event at a local level, but he does not agree that the city supports the non-profit. The reason is the city was the main sponsor of this event, and it was not recognized. He mentioned that while this event was ran by the non-profit, there were too many complaints from the parents about not receiving the awards and paying for their own expenses. He stated that the city should not support the non-profit and added that if the city is doing an event like the Miss San Luis Pageant, then the city should run its own event.

Mr. Galaviz stated that the city would be able to work with the local schools to promote this event. He mentioned that the idea is that the Miss San Luis would be able to represent the city in the different events.

**2. O. Discussion and possible directions to staff on any and all matters regarding installation of splash pads in city parks. (Council Member Africa Luna-Carrasco and Lizandro Galaviz, Director of Parks & Recreation)**

Mr. Lizandro Galaviz, Director of Parks and Recreation, mentioned that this item was discussed during the Capital Improvement Plan. He stated that one of the challenges is that equipment can be expensive but there are different price ranges for this, it all depends on what the city wants. He commented that one of the ideas is to utilize a pond system that can be used to supply the splash pad. Mr. Galaviz added that the possible locations for this project would be the Joe Orduño Park and the PPEP Park, as the others are retention basins.

Council Member Africa Luna-Carrasco asked if this project will be proposed for next fiscal year's budget.

Mr. Galaviz replied that this project is on the list for next fiscal year's budget. He informed that staff has looked at other possible areas in the community.

### **3. ADJOURNMENT**

**MOTION:** Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to adjourn the meeting at approximately 7:26 p.m. Motion passed unanimously.

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**November 8, 2017**  
**7:00 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:00 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Africa Luna-Carrasco  
Council Member Matias Rosales  
Council Member Gloria Torres  
Council Member Ruben Walshe

**OTHERS PRESENT:** Tadeo De La Hoya, City Manager  
Melissa Lopez, Deputy City Clerk  
Andrea Ruiz, Municipal Court  
Carlos Cortes, Assistant Director of Finance  
Derek Dueñas, I.T. Manager  
Enrique Partida, Recreation Coordinator  
Estella Diaz, Custodian  
Eulogio Vera, Director of Public Works  
Francia Alonso, Administrative Coordinator  
Hank Green, Fire Chief  
Jenny Torres, Economic Development Manager  
Jorge Mungaray, I.T. Technician  
Jorge Perez, Billing & Collections Manager  
Jose Guzman, Acting Director of Planning & Zoning  
Jesus Meza, Assistant Director of Parks & Recreation  
Kay Macuil, City Attorney  
Kristin McManus, Municipal Court Judge  
Lizandro Galaviz, Director of Parks & Recreation  
Marco Santana, Police Department  
Nigel Reynoso, Police Department  
Olivia Jenkins, Director of Human Resources  
Richard Jessup, Acting Chief of Police

Ric Bauermann, Fire Department  
Yolanda Dueñas, Facilities Supervisor  
Cesar Neyoy, Reporter  
Eduardo Garcia, Factor Sales  
Francisca Guzman, Translator  
Lee Maness, Visitor  
Lucy Lopez, Reporter  
Maria Robles, Resident

## **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Mario Buchanan Jr.

## **3. INVOCATION**

The Invocation was led by Mr. Hank Green, Fire Chief.

## **4. PRESENTATIONS**

### **4. A. Introduction of the 2017 City of San Luis new hires for the third quarter from July through September 2017. (Olivia Jenkins, Director of Human Resources)**

Ms. Olivia Jenkins, Director of Human Resources, presented the new hires for the third quarter.

Mayor Gerardo Sanchez welcomed the new employees to the team.

### **4. B. Presentation of retirement plaque to Ms. Keti St. Louis for her 10 years of service to the City of San Luis. (Olivia Jenkins, Director of Human Resources and Tadeo A. De La Hoya, City Manager)**

Ms. Olivia Jenkins, Director of Human Resources, presented the retirement plaque to Ms. Keti St. Louis for her 10 years of service to the City adding that Ms. St. Louis declined to receive the award as she did not have time to stop by.

Mayor Gerardo Sanchez read the inscription on the plaque for the members of the public and stated that Ms. St. Louis has been a key part of the city investments and is one of the reasons why the city is where it is today. He added that City Council will forever be grateful for what she has done. Mayor Gerardo Sanchez requested the plaque to be sent out certified to ensure she receives it.

## **5. CONSENT AGENDA**

### **5. A. MINUTES OF**

- Work Session held July 19, 2017
- Special Council meeting held July 25, 2017

### **5. B. DISBURSEMENTS FROM OCTOBER 16, 2017 THROUGH OCTOBER 29, 2017**

Total Disbursements \$750,610.42

(Seven Hundred Fifty Thousand, Six Hundred Ten Dollars and Forty-Two Cents)

**5. C. Discussion and possible action on any and all matters regarding the contract for the Court Interpreter for the San Luis Municipal Court. (Kristin McManus, Municipal Court Judge)**

**5. D. Discussion and possible action on any and all matters regarding approval of a contract for the ComicCon event in San Luis, Arizona for Fiscal Year 2017-2018. (Tadeo A. De La Hoya, City Manager)**

**5. E. Discussion and possible action on any and all matters regarding payment of the judgement in the tax case of APS versus the City of San Luis and authorizing the use of City Council Contingency Budget. (Kay Marion Macuil, City Attorney)**

**5. F. Discussion and possible action on any and all matters regarding the purchase agreement for portable radios for the City of San Luis Fire and Police Departments. (Hank Green, Fire Chief and Richard Jessup, Acting Chief of Police)**

**5. G. Discussion and possible action on any and all matters regarding the NEOGOV Software, License Subscription, Maintenance, and GovernmentJobs.com contract renewal. (Olivia Jenkins, Director of Human Resources)**

**5. H. Discussion and possible action on any and all matters regarding formal approval and ratification of the City of San Luis Salary Schedule for certain positions starting pay rate and skills pay for Fiscal Year 2014-2015 and 2016-2017. (Olivia Jenkins, Director of Human Resources)**

**5. I. Discussion and possible action on any and all matters regarding Resolution No. 2012. A resolution of the Mayor and City Council of the City of San Luis,**

**Arizona amending the Personnel Policies Sections HR-4-01 and HR-4-05 on sick leave benefits. (Olivia Jenkins, Director of Human Resources)**

**5. J. Discussion and possible action on any and all matters regarding Resolution No. 2014. A resolution of the Mayor and City Council of the City of San Luis, Arizona, declaring as a public record that certain document filed with the City Clerk and titled “2012-2014 Amendments and the 2016 Amendment of Local Option V (Tier Tax) to the City of San Luis Tax Code.” (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, commented that the agreement for item 5. F. has been updated to reflect the agreement with the City of San Luis and not the City of Yuma.

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to approve the Consent Agenda with the changes mentioned by legal regarding the contract with Motorola changing the name from Yuma to San Luis. Motion passed unanimously.

## **6. DISCUSSION AND POSSIBLE ACTION ITEMS**

**6. A. Discussion and possible action on any all matters regarding the proposed agreement with Portable Practical Education Preparation, Inc. (PPEP) for Fiscal Year 2017-2018. (Tadeo A. De La Hoya, City Manager)**

Mr. Tadeo A. De La Hoya, City Manager, stated that this agreement was presented to Mayor and City Council during a work session. Mr. De La Hoya stated that the agreement was not part of the Consent Agenda as it needed a motion to approve and ratify the agreement. He assured Mayor and Council that the agreement is the same one that was presented during the work session.

Vice Mayor Maria Cecilia Ramos commented that Council Member Ruben Walshe and she attended the PPEP Graduation and stated that all the graduates will be continuing their education at Arizona Western College. She added that they also broke last year’s record on cans donations for the Yuma Community Food Bank.

Council Member Ruben Walshe added that the graduating class completed more than 9,000 hours in community service.

Mayor Gerardo Sanchez congratulated the PPEP graduates and thanked them for the time dedicated to the city. Mayor Gerardo Sanchez also thanked City Council for continuing to support PPEP.

**MOTION:** Council Member Gloria Torres/Vice Mayor Maria Cecilia Ramos to approve and ratify the contract with PPEP, Inc. for the Fiscal Year 2017-2018 in the amount of \$26,000.00. Motion passed unanimously.

**6. B. Public hearing followed by discussion and possible action on any and all matters regarding recommendation on the Agent Change, Acquisition of Control and/or Restructure application submitted to the Arizona Department of Liquor Licenses and Control by Michael Joseph Basha on behalf of Food City #127, located at 576 S. Main Street, San Luis, Arizona. (Sonia Cornelio, City Clerk)**

**A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to open public hearing. Motion passed unanimously.

**1. Presentation by Staff and/or Applicant**

Ms. Melissa Lopez, Deputy City Clerk, stated that the application for the Agent Change, Acquisition of Control and/or Restructure from the Arizona Department of Liquor Licenses and control was received by the Office of the City Clerk and was posted at the site for 20 days. Ms. Lopez added that staff recommends approval of the application as no comments against or in favor of the application were received.

**2. Call to the Public on this item**

Mayor Gerardo Sanchez asked if this was done previously.

Ms. Lopez replied that it was the second time they did an agent change.

There were no further comments

**B. Close public hearing**

**MOTION:** Council Member Matias Rosales/Council Member Africa Luna-Carrasco to close public hearing. Motion passed unanimously.

**C. Action on the recommendation of the Agent Change, Acquisition of Control, and/or Restructure application to the Arizona Department of Liquor Licenses and Control.**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchannan Jr. to recommend approval of the application as presented to the Arizona Department of Liquor Licenses and Control. Motion passed with six (6) ayes and one (1) nay from Vice Mayor Maria Cecilia Ramos.

**6. C. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 370. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, enacting and adopting the Third Supplement to the Code of Ordinances for the City of San Luis, Arizona; providing for penalties; repealing any conflicting provisions, providing for severability. (Sonia Cornelio, City Clerk)**

Ms. Kay Macuil, City Attorney, stated that the supplements to the Code of Ordinances was a routine matter and that with every new law that is passed by Mayor and City Council the Code of Ordinances has to be updated. She added that the since 2012 this supplement would be the third.

Mayor Gerardo Sanchez thanked the City Clerk's Office for their hard work.

**MOTION:** Council Member Matias Rosales/Council Member Gloria Torres to approve Ordinance No. 370 by title only. Motion passed unanimously.

Ms. Melissa Lopez, City Clerk, read Ordinance No. 370 by title only.

**6. D. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 371. An ordinance of the Mayor and City Council of the City of San Luis, Arizona relating to adopting the "2012-2014 Amendments and 2016 Amendment of Local Option V (Tier Tax) to the San Luis Tax Code by reference; establishing effective dates; providing for severability; and providing penalties for violations. (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, stated that the State of Arizona centralizes all the Tax Codes on a website within the Arizona Department of Revenue. Ms. Macuil further explained the City Council would be adopting the 2012-2014 amendments as that is what is done with the state and the 2016 Tier Tax would also be adopted into the San Luis Tax Code by reference.

**MOTION:** Council Member Matias Rosales/Council Member Africa Luna-Carrasco to approve the First Reading of Ordinance No. 371 by title only. Motion passed unanimously.

**A. Action on First Reading of Ordinance No. 371 by title only  
(City Clerk reads Ordinance No. 371 by title only)**

Ms. Melissa Lopez, Deputy City Clerk, read Ordinance No. 371 by title only.

**6. E. Discussion and possible action on and all matters regarding Resolution No. 2016. A resolution of the Mayor and City Council of the City of San Luis, Arizona adopting the City of San Luis Roadway Naming and Addressing Policy. (Jose A. Guzman, Acting Director of Planning and Zoning)**

Mr. Jose Guzman, Acting Director of Planning and Zoning, stated that Resolution No. 2016 was presented to Council during a work session adding that the resolution would establish a procedure for naming new streets and renaming existing property.

Mayor Gerardo Sanchez asked for clarification in regards to a policy that stated that the person had to be deceased for twelve (12) years for a street to be renamed for them.

Mr. Guzman stated that Mayor and City Council has the power to override that rule if need be. Mr. Guzman added that if City Council would like to name a street section, the policy would not be applied.

Council Member Gloria Torres stated that there are several houses that don't match the street names, in particular streets like 6<sup>th</sup> Street. Council Member Gloria Torres added that in different cities the house numbers match the street name. She asked if there would be a problem with changing house numbers to match street names.

Mr. Guzman replied that house numbers are based off of the base lines which defines were the North, South, East, and West of the city are to the address. Mr. Guzman added that the base line was set up more than 20 years from the South West corner of the city.

Mayor Gerardo Sanchez commented that the renaming of the streets will be an easier process now and thanked Planning and Zoning for putting together the policy.

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 2016. Motion passed unanimously.

**6. F. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2017-0664 and First Reading of Ordinance No. 372. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the San Luis City Code, Chapter 152 Zoning Regulations Section 152.078(E) – Table No. 3 Development Standards to amend the provisions for side yard setback for R1-6 zoning district; Amending Subsections 152.091(A) and (B)(1) to clarify applicability of design and development standards for single detached residence dwelling lots created prior to March 1, 2016; repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Acting Director of Planning and Zoning)**

#### **A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Gloria Torres to open public hearing. Motion passed unanimously.

##### **1. Presentation by staff and/or applicant**

Mr. Jose Guzman, Acting Director of Planning and Zoning stated that this item was presented during the previous work session and further explained that text amendment would be to allow the reduction of side yard setback from seven (7) to five (5) feet.

##### **2. Call to the public on this item**

Mayor Gerardo Sanchez commented that every year the number of applicants that apply for setback reductions increase because lots were too small and people wanted to build larger homes. Mayor Gerardo Sanchez commented that this would make things a lot easier and stated it is a big positive for the city.

Mr. Guzman added that this would make a difference on the number of variances the city has to process.

Mr. Tadeo De La Hoya, City Manager, stated for the record that the changes would be for the side setback and not front and back.

#### **B. Close public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Gloria Torres to close public hearing. Motion passed unanimously.

#### **C. Action on First Reading of Ordinance No. 372 by title only**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve the First Reading of Ordinance No. 372 by title only. Motion passed unanimously.

**(City Clerk to read Ordinance by title only)**

Ms. Melissa Lopez, Deputy City Clerk, read Ordinance No. 372 by title only.

## **7. SUMMARY OF CURRENT EVENTS**

Mayor Gerardo Sanchez reported that he and City Council attended the ground breaking for the San Luis Port of Entry I Pedestrian Annex Building on November 7th. Mayor Gerardo Sanchez added that Governor Doug Ducey was present along with Arizona Department of Transportation (ADOT), General Services Administration (GSA), and Mayor Reina from San Luis Rio Colorado were present and added that they covered a huge milestone in regards to south bound traffic and added that they are in the works on getting a solution to the ingress into Mexico. He added that it is a great time for the City of San Luis, adding that there will be a lot of changes in the next five (5) years relating to the Ports of Entry, Economic Development, Planning and Zoning, and Public Works.

Vice Mayor Maria Cecilia Ramos reported that on November 7<sup>th</sup> she attended the Border Liaison Unit Workshop in San Luis Rio Colorado. She added that she was there to show that the City of San Luis supports of the ADOT adding that truck crossing through the City San Luis has increased 8.6%. Vice Mayor Maria Cecilia Ramos included that she too attended the Arizona and Mexico: Leading with Trade Governor's Luncheon on November 8th adding that the collaboration between Arizona/Mexico Commission is growing stronger.

Mayor Gerardo Sanchez thanked Governor Ducey for showing an interest.

## **8. CALL TO THE PUBLIC**

Ms. Maria Robles, 1195 California Avenue, San Luis, Arizona invited Mayor and City Council to attend and be a part of the Thanksgiving supper in the City of San Luis. Ms. Robles stated that Gethsemani Church would be doing this event for the 17<sup>th</sup> year and being able to gather and assist the families in need. This year their focus will be on the field work.

Mayor Gerardo Sanchez thanked Ms. Robles and Ms. Julie for the invite and stated that it is a good idea to host the event in the area where the field workers' busses park, as it

could be their only hot meal for the day adding that it is a positive impact for the community.

Mr. Eduardo Garcia, 676 North Archibald Avenue, San Luis, Arizona read a letter in which he gave thanking the Mayor, City Council, and City staff for their work for the city.

Council Member Gloria Torres thanked Mr. Garcia for his kind words.

Mr. Pedro Camacho, former City of San Luis employee, presented a request to Mayor and City Council regarding legal matter between the City of San Luis and himself. Mr. Camacho proceeded to hand out copies of the legal document to the Mayor and City Council.

Ms. Kay Macuil, City Attorney, stated that any legal matters relating to the Mayor and City Council are handled through her as she is their representative and attorney. She added that the documents can be handed to her.

Mr. Camacho for the record stated that a copy was made for each member of City Council. Mr. Camacho read the request, stating that a debt amount from the City of San Luis is pending and past due.

Ms. Macuil after reviewing the documents handed by Mr. Camacho stated that the documents cites a case that was dismissed in 2012 adding that there is no money due. She reviewed the file prior to the meeting, as he had notified that he was going to be present and stated that there were settlements made but were refused by Mr. Camacho and the case ended in dismissal. She explained that Mr. Camacho could take it up with the City of San Luis Risk Pool she also added that she will be showing him the documents that the case has been dismissed.

## **9. ADJOURNMENT**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adjourn the Regular Council Meeting at approximately 8:00 p.m. Motion passed unanimously.

**MINUTES**  
**Special Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**November 21, 2017**  
**6:30 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Special City Council meeting to order at approximately 6:38 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr. (arrived at approximately 6:41 p.m.)  
Council Member Africa Luna-Carrasco  
Council Member Gloria Torres  
Council Member Ruben Walshe

**ABSENT:** Council Member Matias Rosales

**OTHERS PRESENT:** Tadeo De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Axel Chaira, I.T. Department  
Carlos Cortes, Assistant Director of Finance  
Derek Dueñas, I.T. Manager  
Eulogio Vera, Director of Public Works  
Hank Green, Fire Chief  
Jose Guzman, Acting Director of Planning & Zoning  
Jesus Meza, Assistant Director of Parks & Recreation  
Lizandro Galaviz, Director of Parks & Recreation  
Olivia Jenkins, Director of Human Resources  
Richard Jessup, Acting Chief of Police  
Ric Bauermann, Fire Inspector  
Emma Torres, Campesinos Sin Fronteras  
Liliana Arroyo, Campesinos Sin Fronteras  
Pamela Green, Visitor

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Africa Luna-Carrasco.

### **3. INVOCATION**

The invocation was made by Mr. Hank Green, Fire Chief.

### **4. PROCLAMATION**

#### **4. A. Dia Del Campesino December 2, 2017**

Mrs. Sonia Cornelio, City Clerk, read the proclamation in its entirety.

Ms. Emma Torres, Campesinos Sin Fronteras, thanked Mayor Gerardo Sanchez and City Council for the continuous support provided to this event.

### **5. CONSENT AGENDA**

#### **MINUTES OF**

- Work Session held August 2, 2017
- Regular City Council meeting held August 9, 2017
- Work Session held August 16, 2017
- Regular City Council meeting held August 23, 2017
- Special City Council meeting held August 30, 2017

#### **DISBURSEMENTS FROM OCTOBER 30, 2017 THROUGH NOVEMBER 12, 2017**

Total Disbursements \$472,991.06

**MOTION:** Council Member Gloria Torres/Council Member Africa Luna-Carrasco to approve the Consent Agenda as presented. Motion passed unanimously.

### **6. DISCUSSION AND POSSIBLE ACTION ITEMS:**

#### **6. A. Discussion and possible action on any and all matters regarding the City of San Luis accepting and ratifying slurry seal application services from American Pavement Preservation for application of Type 2 and Type 3 slurry seal as part of the 2018 Pavement Preservation Project. (Eulogio Vera, Director of Public Works)**

Mr. Eulogio Vera, Director of Public Works, explained that American Pavement Preservation does the slurry seal for the city. Some services have already been paid so staff is asking for ratification for past payment and approval to go forward with more pavement preservation while American Pavement Preservation is in our area. Staff is

still working on the selection of streets that will receive slurry seal but attached is a map which shows streets that have received either slurry or chip seal in the last three (3) years.

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to ratify, approve and accept the services of Pavement Preservation for the application of slurry seal in the amount of \$220,000.00 as presented. Motion passed unanimously.

**6. B. Discussion and possible action on any and all matters regarding approval of the Proposal for Engineering Services for the design of new lines to improve the reliability of the water system in east San Luis. (Eulogio Vera, Director of Public Works)**

Mr. Eulogio Vera, Director of Public Works, explained the overall benefit of the new lines to improve the reliability of the water system in east San Luis. A proposal for engineering services was received from James Davey and Associates for the East Mesa Water Line project. This would be for the design of 12-inch water lines along County 23-1/2 Street from Avenue E-1/2 to Avenue E and also from Avenue E to Avenue D, along Avenue E from County 23-1/2 Street to about County 23-3/4 Street (to the line planned as a part of the San Luis Port Subdivision), and along Avenue D from County 24th Street to County 25th Street; approximately 2-3/4 miles of water line altogether.

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and accept the proposal for engineering services from James Davey and Associates in an amount not to exceed \$46,300.00. Motion passed unanimously.

**6. C. Discussion and possible action on any and all matters regarding Resolution No. 2018. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing and directing the entering into an intergovernmental agreement with the Yuma County Flood Control District relating to the San Luis Area Phase II Drainage Improvements. (Eulogio Vera, Director of Public Works)**

Mr. Eulogio Vera, Director of Public Works, explained the Yuma County Flood Control District is mainly expanding the downtown storm drain system to collect storm water from the old areas of downtown that do not have retention basins. The city has a need for storm water collection improvements upon the mesa, resulting from the development of homes and businesses that went in before development standards for drainage existed.

Under this intergovernmental agreement, the district will pay for the design and the construction. The city will review plans and comment, will coordinate utility relocation necessary for the project and will acquire all required property, right of way needed for the project. Staff recommends approval of this essential project.

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 2018. Motion passed unanimously.

**6. D. Discussion and possible action on any and all matters regarding the approval of the organizational audits and assessments contract for the San Luis Police Department by Exceptional Training, LLC. (Richard Jessup, Acting Chief of Police)**

Mr. Richard Jessup, Acting Chief of Police, requested that this item be continued as there are some discrepancies who the department will actually go with. The last time the Police Department was audited was 10-15 years ago. There has not been a best practice done on the department.

Council Member Gloria Torres asked if when the city's audit is performed are the Police and Fire Departments audited as well.

Mayor Gerardo Sanchez responded it is different and they have their own auditing for policies and procedures and a certified auditor is required. It is important that the different departments are audited to make sure and assure that the city is providing the best quality.

Mr. Hank Green, Fire Chief, stated the insurance services office is the auditing agency for the Fire Department and they are completely separate from finance and numbers but they evaluate the department's ability to fight fire.

**MOTION:** Council Member Africa Luna-Carrasco/Council Member Mario Buchanan Jr. to continue the item to the next scheduled City Council meeting. Motion passed unanimously.

**6.E. Discussion and possible action on any and all matters regarding Resolution No. 2017. A resolution of the Mayor and City Council of the City of San Luis, Arizona to authorize the City of San Luis Police Department to receive funding for the Impaired Driver/DUI Alcohol Enforcement and STEP/Selective Traffic Enforcement projects by approving Highway Safety Contracts 2018-405d-045 & 2018-PTS-060 between the City of San Luis, Arizona through the San Luis Police Department and the Governor's Office of Highway Safety. (Richard Jessup, Acting Chief of Police)**

Mr. Richard Jessup, Acting Chief of Police, explained that the City of San Luis Police Department (SLPD) has been awarded two (2) grants and awarded a total of \$22,000.00 to support additional overtime and employee related expenses to enhance Driving Under the Influence (DUI) and traffic enforcement throughout the City of San Luis.

The SLPD has been awarded \$10,000.00 for the Impaired Driver/DUI Alcohol Enforcement project under Contract No. 2018-405d-045 to support personnel services and employee related expenses to enhance DUI alcohol enforcement and education throughout the City of San Luis. Additional manpower will allow the SLPD to increase its DUI task force efforts, and will improve the ability to enforce DUI laws.

The SLPD has been awarded \$12,000.00 for the STEP/Selective Traffic Enforcement project under Contract No. 2018-PTS-060 to support personnel services and employee related expenses to enhance speed enforcement and education throughout the City of San Luis. Additional manpower under this grant will allow the SLPD to increase its police traffic efforts and will improve the ability to enforce speeding laws.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Resolution No. 2017. Motion passed unanimously.

**6.F. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 370. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, enacting and adopting the Third Supplement to the Code of Ordinances for the City of San Luis, Arizona; repealing any conflicting provisions, and providing for severability. (Sonia Cornelio, City Clerk)**

Mrs. Sonia Cornelio, City Clerk, stated that this ordinance is to include the 3<sup>rd</sup> Supplement to the City Code which includes Ordinances No. 343-361.

**A. Approval of Second Reading of Ordinance No. 370 by title only  
(City Clerk to read Ordinance by title only)**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Gloria Torres to approve Ordinance No. 370 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 370 by title only.

**B. Approval and adoption of Ordinance No. 370**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Africa Luna-Carrasco to approve and adopt Ordinance No. 370. Motion passed unanimously.

**6.G. Discussion and possible action on any and all matters regarding the Second Reading of Ordinance No. 371. An ordinance of the Mayor and City Council of the City of San Luis, Arizona relating to adopting the "2012-2014 Amendments and 2016 Amendment of Local Option V (Tier Tax) to the San Luis Tax Code " by reference; establishing effective dates; providing for severability; and providing penalties for violations. (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, explained that Ordinance No. 371 is the city's adoption which is the so-called "rubber stamp" on the tax code amendments passed and approved by the Municipal Tax Code Commission. Under A.R.S. §42-6053(A), the taxes are valid once they are posted on the Arizona Department of Revenue's (ADOR) website which was done. The purpose of this system of a Model Tax Code on a central state website is to make it easier for businesses to comply with paying taxes while doing business around the state. The amendments that Ordinance No. 371 "rubber stamps" are all of the Model City Tax Code changes approved by the Municipal Tax Code Commission since the last approval ("rubber stamp") in the 2014 City of San Luis Ordinance No. 328. The amendments cover 2012 through 2014 plus the Municipal Tax Code Commission's approved Tier Tax for the City of San Luis that became effective June 1, 2016.

**A. Approval of Second Reading of Ordinance No. 371 by title only  
(City Clerk to read Ordinance by title only)**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve Second Reading of Ordinance No. 371 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 371 by title only.

## **B. Approval and adoption of Ordinance No. 371**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Ordinance No. 371. Motion passed unanimously.

### **6.H. Discussion and possible action on any and all matters regarding Subdivision Case No. 2015-0482F. A request by Nicklaus Engineering on behalf of San Luis Port L.L.C., Stephen Shadle, owner, for the final plat approval of San Luis Port Subdivision. The property is located at the northeast corner of Avenue E and County 24th Street. (Jose A. Guzman, Acting Director of Planning and Zoning)**

Mr. Jose Guzman, Acting Director of Planning & Zoning, explained that this request is for the final plat approval of the first phase of San Luis Port Subdivision. Phase 1 will consist of 8 lots ranging in size from 1.71 to 4 acres in a total of 27 acres. The entire subdivision contains approximately 228 acres. At this time, the property is vacant but has been used for agricultural activities in the past. Zoned as Rural Area- 10 acres (RA-10) for many years, it was rezoned as a combination of General Commercial (C-2), Light Industrial (L-1), Medium Density Residential (R-2), and High Density Residential (R-3). The zoning districts within the first phase are C-2 and L-1. Staff recommends approval of the request with the condition that the developer addresses letter from staff dated November 13, 2017.

**MOTION:** Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve the final plat on the condition that the developer address the letter from staff dated November 13, 2017. Motion passed unanimously.

### **6.I. Discussion and possible action on any all matters regarding Second Reading of Ordinance No. 372. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the San Luis City Code, Chapter 152 Zoning Regulations Section 152.078(E) - Table No. 3 Development Standards to amend the provisions for side yard setback for R1-6 zoning district; Amending Subsections 152.091(A) and (B)(1) to clarify applicability of design and development standards for single detached residence dwelling lots created prior to March 1, 2016; repealing any conflicting provisions; and providing for severability. (Jose A. Guzman, Acting Director of Planning and Zoning)**

Mr. Jose Guzman, Acting Director of Planning & Zoning, mentioned that this proposed amendment will allow the reduction of the side yard setback from 7 feet to 5 feet on lots in an R1-6 district and the existing lots in R-2 districts.

However, construction with setbacks of less than 7 feet but no greater than 5 feet must be constructed with a minimum of a 2-hour fire resistive construction. Staff recommends approval and adoption of Ordinance No. 372.

Mayor Gerardo Sanchez, thanked staff for working on this ordinance and added that having a two (2) hour fire resistive wall makes a difference.

**A. Second Reading of Ordinance No. 372 by title only.  
(City Clerk to read Ordinance No. 372 by title only)**

**MOTION:** Council Member Gloria Torres/Council Member Africa Luna Carrasco to approve Second Reading of Ordinance No. 372 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 372 by title only.

**B. Approval and adoption of Ordinance No. 372.**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve and adopt Ordinance No. 372. Motion passed unanimously.

**6.J. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 373. An ordinance of the Mayor and City Council of the City of San Luis, Arizona changing the San Luis City Code by deleting Section 30.076 on prohibiting same day passage of ordinances, by amending sections 30.77 and 30.78 to allow for one reading and same day passage of ordinances; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, explained that the purpose of this ordinance is to eliminate delay in passing ordinances where State law allows for it. Currently the City Code requires two (2) readings of ordinances. The first and second readings must be on different days.

This proposed ordinance requires only one reading of ordinances and allows for passage on the same day as the reading. This ordinance does not change the effective date of ordinances because state law requires a 30-day wait for an ordinance to become effective. Only in cases of emergency can an ordinance become effective immediately.

**A. Approval of First Reading of Ordinance 373 by title only  
(City Clerk to read Ordinance by title only)**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve First Reading of Ordinance No. 373 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 373 by title only.

**6.K. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 374. An ordinance of the Mayor and City Council of the City of San Luis, Arizona amending Section 30.075 of the San Luis City Code by requiring prior approval of suggested orders and Section 30.078 providing that orders are effective immediately upon passage; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Macuil, City Attorney, stated that by state law, ordinances and resolutions become effective 30 days after passage by City Council. Administrative actions which are referred to frequently, are best handled by the formality of a written, numbered document but often it is preferable that the action of Council become effective immediately so as not to delay implementation.

In addition to ordinances and resolutions, the San Luis City Code provides for "orders" in Section 30.080. However, there is no mention when they become effective. Ordinance No. 374 provides that orders become effective immediately and clarifies that "orders" receive the same review by staff that ordinances and resolutions receive.

Mayor Gerardo Sanchez asked if by approving this ordinance if any state or federal law will be infringed.

Ms. Macuil responded that she still needs to review the contents of what staff wants to do, certain things are subject to referendum, but administrative things that staff wants to have track of.

Mr. Tadeo De La Hoya, City Manager, added that this subject came up after the City Council adopted the resolution of the renaming policy and having the 30 day waiting period to become effective, but had it been an order already approved by the City Council it would become effective immediately.

**A. Approval of First Reading of Ordinance 374 by title only  
(City Clerk to read the Ordinance by title only)**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve First Reading of Ordinance No. 374 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 374 by title only.

**7. SUMMARY OF CURRENT EVENTS**

Mayor Gerardo Sanchez reported that they will be going to the Arizona/Mexico Commission next week; he will be attending the William Brook's retirement dinner in Tucson, he will be a keynote speaker to talk about Port of Entry I and the inspection occurring at the Port of Entry II. The City of San Luis has worked very hard on this and the City of Somerton, City of Yuma and Town of Wellton have been supportive.

**8. CALL TO THE PUBLIC**

There were no comments from the public.

**9. ADJOURNMENT**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to adjourn the Special Meeting at approximately 7:29 p.m. Motion passed unanimously.

**MINUTES**  
**Work Session**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**December 6, 2017**  
**6:30 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Work Session to order at approximately 6:36 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice-Mayor Maria Cecilia Ramos-arrived at 6:42 p.m.  
Council Member Mario Buchanan Jr.  
Council Member Africa Luna-Carrasco  
Council Member Matias Rosales

**ABSENT:** Council Member Gloria Torres  
Council Member Ruben Walshe

**OTHERS PRESENT:** Tadeo A. De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Kay Marion Macuil, City Attorney  
Andrea Ruiz, Municipal Court  
Carlos Cortes, Assistant Director of Finance  
Derek Dueñas, IT Manager  
Eulogio Vera, Director of Public Works  
Jenny Torres, Economic Development Manager  
Jesus Meza, Assistant Director of Parks and Recreation  
Laura Herrera, Assistant to Mayor and Council / PIO  
Manuel Rojas, Assistant Director of Public Works  
Richard Jessup, Acting Chief of Police  
Ric Bauermann, Fire Department

## **2. ITEMS FOR DISCUSSION ONLY:**

### **2. A. Discussion and possible directions to staff on any and all matters regarding the approval of a six (6) month gym service agreement between the City of San Luis and 24/7 Get Fit. (Olivia Jenkins, Director of Human Resources and Janet Taylor, Wellness Committee Member)**

Ms. Maria Sabori, Human Resources, introduced Ms. Janet Taylor, Wellness Committee Member.

Ms. Janet Taylor informed that the Wellness Committee met to discuss the employee's Gym services and are recommending that the contract with 24/7 Get Fit be reviewed and authorized for a period of six (6) months. She mentioned that the current contract with Border Fitness Gym expires on December 31, 2017, the reasons for recommending the change are, cleanliness concerns in both locations, air conditioning problems, outside poor lighting, bathroom out of order in Somerton, machines are out of order and take a while to be repaid and the majority of the machines are worn out. These issues were brought to Border Fitness Gym attention six (6) months ago, and no effort has been made to improve these conditions. Therefore, staff is requesting to enter into a six (6) month contract with 24/7 Get Fit.

Council Member Mario Buchanan Jr. asked if Border Fitness is aware of all the recommendation from staff.

Ms. Maria Sabori replied that the Human Resources Department sent a notification informing them that the Wellness Committee was considering the change and added that there was no reply from them. The communication between the city and Border Fitness is through email and normally get a response from them, but this time there was no reply from them.

Mayor Gerardo Sanchez asked if 24/7 Get Fit Gym also offer classes or is it just aesthetics.

Ms. Taylor replied that they only offer aesthetics. However a survey was put out to the employees, and the major concern was Zumba classes. She mentioned that Zumba classes at the Cesar Chavez Cultural Center were offered from the Border Fitness Gym instructor as long as they are a gym member.

Ms. Sabori explained that the Parks and Recreation Department usually charges for the Zumba classes, but this time if an employee is a gym member, classes will be offered for free.

Council Member Africa Luna-Carrasco asked if after the survey conducted, all employees agreed with the changes.

Ms. Sabori replied that the survey was conducted only for the gym members currently enrolled, from the 34 members-only 11 responses were received. From those 11 members, 6 attend classes, and 5 did not attend classes, only uses the machines. She added that all members were also informed that the new gym did not offer classes, would that discourage them from being in the program, four (4) members replied "Yes," and seven (7) members replied "No."

Mayor Gerardo Sanchez asked how much will the city be spending with 24/7 Get Fit Gym.

Ms. Kay Marion Macuil, City Attorney, explained that the proposed contract with 24/7 Get Fit has a membership fee of \$19.99 per employee, there is no Administrative Fee, but there is a penalty when fewer than 15 employees participate. She added that the total penalty fee would be \$1,799.10. Furthermore, she informed that with the contract with Border Fitness the membership fee is \$22.00 per employee, \$25.00 flat Administrative Fee and there is no penalty. Both contracts have a maximum of 50 employees. Furthermore, she added that in the proposed contract, there is a penalty if the membership is fewer than 15 or if the contract terminates before the expiration of the contract, the city will pay \$49.00 enrollment fee per employee and pay \$20.00 for a key card for every employee. Ms. Macuil stated that for the last two and a half (2 1/2) years the city has been offering this benefit, employee participation has not fallen below 35, the city probably will not incur the penalty.

Mr. Tadeo A. De La Hoya, City Manager, stated that he does not agree with the 30-day clause in the proposed contract. He mentioned that it would be cheaper for the city to stay with the contract and not terminate, because of the 30-day clause.

Mayor Gerardo Sanchez stated that the benefit for employees with the proposed contract is that they will be able to go to the gym at any time. The issue will be that the gym is always full and that there are no machines available.

Council Member Africa Luna-Carrasco asked if staff already negotiated the contract with 24/7 Get Fit.

Mayor Gerardo Sanchez mentioned that this must be a negotiation as the membership fees are lower. He commented that this benefit is only for the employee and not the family.

Council Member Mario Buchanan Jr. asked how is attendance taken for members attending to the gym.

Ms. Taylor replied that they have a system that will record attendance.

Mayor Gerardo Sanchez asked how will 24/7 Get Fit keep track of members attending the gym just for the Zumba classes if they will be provided by an instructor not associated with them.

Ms. Sabori replied that BorderFitness does not keep track of the classes taken, the numbers were taken when the survey was done to the employees.

Mayor Gerardo Sanchez asked staff to make sure that the contract meets the city requirements, it is very important to review the contract.

Council Member Africa Luna-Carrasco stated that she would like to ask staff to make sure that BorderFitness has been properly informed.

Council Member Matias Rosales asked if there is a way that the city can stick with the two gym contracts.

Council Member Africa Luna-Carrasco suggested that in the future the gym membership benefit should also include the gyms in Yuma, as there are employees that live in Yuma.

Mayor Gerardo Sanchez asked staff to negotiate the contract with both gyms and informed BorderFitness of the changes.

**2. B. Discussion and possible directions to staff on any and all matters regarding a request for the creation of city employee position of Court Interpreter. (Kristin McManus, City Magistrate)**

Ms. Andrea Ruiz, Municipal Court, informed that the Municipal Court is asking for a city employee position of Court Interpreter. She explained that the court is currently utilizing contract interpreters, and due to the large demand for these services in San Luis and the certification requirements for court interpreters statewide, a salaried position is beneficial and necessary. Ms. Ruiz made a presentation on the benefits of having a court interpreter. The benefits estimated provided by the Finance Department for a total of \$53,330.00. She informed that the court already contracted a court interpreter services for July 1, 2017 through December 31, 2017. She stated that the court is requesting this position beginning January 1, 2018. The full total cost for the salaried position for the remaining six (6) months is \$26,665.00.

Council Member Africa Luna-Carrasco asked why it is recommended that this position come from the general fund.

Ms. Ruiz explained that the recommendation was made by the Finance Department, as all salaried positions come out the general fund and not from the special revenues from the court.

Mr. Carlos Cortes, Assistant Director of Finance, explained that it is not appropriate to allocate operational salaries from the court special revenues for this reason the Finance Department's recommendation is to allocate the salary from the city's general fund.

Mayor Gerardo Sanchez stated that he understands that the special revues are not appropriate to fund operational positions, and stated that currently the city is in a tremendous need of Police Officers if other positions are funded the general fund will get depleted and the public safety positions will not be funded.

Ms. Ruiz commented that she understand the problem, but if this position is not funded it will be a problem next fiscal year. She added that a full time interpreter is needed as the need is there.

Mayor Gerardo Sanchez stated that he understands that this is necessary and asked staff to look at other options. He mentioned that at the end this position will be funded but staff needs to look at the numbers first.

Mr. Cortes informed that there are some categories under the Internal Revenue Services, that some contractual services falls under salaries depending of the type of services.

Council Member Matias Rosales asked how much the court currently is paying for interpreter services.

Ms. Ruiz replied that the current salary is approximately \$25,000.00, but more than one interpreter is needed at the court. For the two salaries it will be approximately \$40,000.00.

Council Member Matias Rosales asked when there is a downtime at the court for the interpreter, does she help in other duties.

Ms. Ruiz replied that currently the interpreter is not allowed to do anything else as it is stipulated in her contract that only interpreter services will be given. She added that the benefit of creating this position and funded with city monies, is that this person will be an employee and will be able to help with other duties. Ms. Ruiz commented that this issue was brought up that the translator is at the court all day and works as a full-time employee but without the benefits.

Mayor Gerardo Sanchez asked staff to research to see if there are other ways to fund this position.

Mr. Tadeo De La Hoya, City Manager, stated that as Ms. Ruiz mentioned the current interpreter is working as a regular employee, but from this point forward this person should not be working as a regular employee. This person needs to start working as an independent contractor.

Ms. Kay Marion Macuil, City Attorney, explained that the current interpreter is an independent contract and not a regular employee. She stated that there has been a misunderstanding, this person only does interpretation services.

**2. C. Discussion and possible directions to staff on any and all matters regarding a proposed ordinance. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending subsection 51.12(C) of city code, rates and charges for sewage collection and disposal rates and charges by amending provisions regarding liens and provisions for enforcement of liens; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)**

Mr. Jorge Perez, Billing & Collections Manager, informed that currently the city provides sewer services for Gadsden, AZ; providing sewer service without water services creates problems as Gadsden at the time of collecting monies for those services. In the City of San Luis if an account is delinquent in the city, then their services may be shut off then the account holder will then pay the bill. In Gadsden, those services cannot be shut off as those services are not provided to the town. Those account will go for years without paying the charges. He explained that in those cases the city imposes a lien on the real property and then foreclose for the lien. This process is time-consuming and can be a costly process. Furthermore, he informed that the proposed ordinance will allow the city to recover its costs which can include a reasonable attorney's fees; will bring the code into strict conformance with state law; and it will provide that a recorded lien is behind all other previously recorded liens. Mr. Perez explained that this ordinance does not propose new fees or charges for fees or services.

Mayor Gerardo Sanchez asked if services can be interrupted for the delinquent accounts.

Ms. Kay Marion Macuil, City Attorney, replied that she reviewed this with Mr. Eulogio Vera, Director of Public Works, and he stated that this will put the city in a public safety health issue. She informed that the city currently has multiple properties owing more than \$30,000.00 from which only several owe more than \$3,000.00.

### **3. ADJOURNMENT**

**MOTION:** Council Member Africa Luna-Carrasco/Council Member Matias Rosales to adjourn the Work Session at approximately 7:36 p.m. Motion passed unanimously.

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**December 13, 2017**  
**7:00 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:04 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Africa Luna-Carrasco  
Council Member Matias Rosales  
Council Member Gloria Torres  
Council Member Ruben Walshe

**OTHERS PRESENT:** Tadeo De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Angelica Cifuentes, Finance Department  
Axel Chaira, I.T. Technician  
Carlos Cortes, Assistant Director of Finance  
Chris Hagan, Management Analyst  
Derek Dueñas, I.T. Manager  
Eulogio Vera, Director of Public Works  
Hank Green, Fire Chief  
Jenny Torres, Economic Development Manager  
Jorge Perez, Billing & Collections Manager  
Jesus Meza, Assistant Director of Parks & Recreation  
Kay Macuil, City Attorney  
Kristin McManus, Municipal Court Judge  
Laura Herrera, PIO/Assistant to City Council  
Lizandro Galaviz, Director of Parks & Recreation  
Manuel Rojas, Assistant Director of Public Works  
Ralph Velez, City Consultant  
Richard Jessup, Acting Chief of Police  
Ric Bauermann, Fire Department  
Robert Solis, Fire Department  
Cesar Neyoy, Reporter

Lucy Lopez, Reporter  
Raul Lomeli, Resident  
Ana Lomeli, Resident

## **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Maria Cecilia Ramos.

## **3. INVOCATION**

The Invocation was led by Mr. Hank Green, Fire Chief.

## **4. PRESENTATIONS**

### **4. A. Presentation of recognition plaque to Antonio Carrillo for his hard work and dedication during the 2017 San Luis Film Festival. (Lizandro Galaviz, Director of Parks & Recreation)**

Mr. Lizandro Galaviz, Director of Parks & Recreation, presented an award to Mr. Antonio Carrillo for his hard work and dedication during the 2017 San Luis Film Festival.

Mayor Gerardo Sanchez thanked Mr. Antonio Carrillo on behalf of the city for his devotion, dedication, and hard work during the 2017 San Luis Film Festival.

Mr. Antonio Carrillo thanked Mayor Gerardo Sanchez and the citizens of San Luis for their continuous support during the San Luis Film Festival.

### **4. B. Presentation of retirement recognition to Mr. Gerardo Muñoz for his 14 years of service to the City of San Luis. (Lizandro Galaviz, Director of Parks & Recreation)**

Item continued to the next scheduled meeting as Mr. Muñoz was not able to be present to receive the plaque.

## **5. CONSENT AGENDA**

### **5. A. MINUTES OF**

-Work Session held September 6, 2017

-Regular Council meeting held September 13, 2017

**5. B. DISBURSEMENTS FROM NOVEMBER 13, 2017 THROUGH DECEMBER 13, 2017.** Total Disbursements \$1,254,441.86  
(One Million, Two Hundred Fifty-Four Thousand, Four Hundred Forty-One Dollars and Eighty-Six Cents)

**MOTION:** Council Member Gloria Torres/Council Member Africa Luna-Carrasco to approve the Consent Agenda as presented. Motion passed unanimously.

**6. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**6. A. Discussion and possible action on any and all matters regarding a request for the creation of city employee position of Court Interpreter. (Kristin McManus, City Magistrate)**

Ms. Kristin McManus, City Magistrate, informed Mayor Gerardo Sanchez and City Council, that there is still no definite answer for the creation of city employee position of Court Interpreter. She requested item be continued to the next scheduled meeting.

**MOTION:** Council Member Africa Luna-Carrasco/ Council Member Ruben Walshe to continue the item to the next scheduled meeting. Motion passed unanimously.

**6. B. Discussion and possible action on any and all matters regarding the approval of the organizational audits and assessments contract for the San Luis Police Department by LD Consulting, LLC. (Richard Jessup, Acting Chief of Police)**

Mr. Richard Jessup, Acting Chief of Police, informed City Council about the changes regarding the consulting company being used. It will cost them \$27,850.00 which is under their initial budget of \$30,000.00. He is asking for approval from City Council in order to proceed and start the project by January 1, 2018.

Council Member Gloria Torres disagrees with the proposal presented by Mr. Richard Jessup.

Mayor Gerardo Sanchez stated that the City Council should consider the audit, and agreed on the idea of using an agency with no relation to the City of San Luis. Vice Mayor Maria Cecilia Ramos agreed with Mayor Gerardo Sanchez.

**MOTION:** Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Ramos to approve a contract with LD Consulting, LLC as presented in the amount of \$27,850.00. Motion passed with five (5) ayes and two (2) nay votes from Council Members Africa Luna-Carrasco/Gloria Torres.

**6. C. Discussion and possible action on any and all matters regarding Resolution No. 2019. A resolution of the Mayor and City Council of the City of San Luis, Arizona, directing and authorizing the street name change of First Avenue to William Brooks Avenue. (Mayor Gerardo Sanchez & Tadeo A. De La Hoya, City Manager)**

Mayor Gerardo Sanchez discussed the reasons why the street name of 'First Avenue' should be changed to 'William Brooks Avenue'.

Council Member Matias Rosales agreed with Mayor Gerardo Sanchez with changing the name of First Avenue to William Brooks Avenue for his more than Fourteen (14) years of service.

**MOTION:** Council Member Matias Rosales/Vice Mayor Maria Cecilia Ramos to approve and adopt Resolution No. 2019. Motion passed with five (5) ayes and two (2) nay votes from Council Members Africa Luna-Carrasco/Gloria Torres.

**6. D. Public Hearing followed by discussion and possible action on any and all matters regarding a surcharge on residents of San Luis Lane between 5th and 6th Avenues for additional infrastructure to increase circulation of water. (Eulogio Vera, Director of Public Works)**

**A. Open Public Hearing**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to open public hearing. Motion passed unanimously.

**1. Staff presentation**

Eulogio Vera, Director of Public Works, stated that this project is to increase the water circulation of San Luis Lane. The project consists of adding a six (6) inch water line to the water distribution system of Las Casitas Apartments to increase the circulation in the cul-de-sac. The project will cost \$28,000.00.

**2. Call to the public on this item only**

Ms. Griselda Pelayo 1121 East San Luis Lane, San Luis, AZ, disagreed with the surcharge on residents in the amount of \$25.00.

Ms. Apolonia Corrales resident of San Luis, Arizona disagreed with the surcharge on residents in the amount of \$25.00 for three (3) years.

Mayor Gerardo Sanchez asked Mr. Eulogio Vera what the options will be for people who are not financially able to pay the \$25.00.

Mr. Jorge Perez, Billing and Collections Manager explained the usage of payment plans with an extended period of time to pay that will be available to residents who contact them before the disconnection date.

Mr. Cesar Bobadilla resident of San Luis, Arizona is dissatisfied with the water temperature and the surcharge on residents for the amount of \$25.00 but assures that he is okay with the project going into effect.

Council Member Matias Rosales suggested the extension of the period of time to pay in order for the amount per month to decrease.

A resident of San Luis, Arizona has questions about a document she was previously asked to sign.

Mr. Tadeo De La Hoya, City Manager, explained that the document did not state the price of the water bill would increase by \$25.00 but that it would be a decision taken by City Council. The document was solely to keep exploring the idea of this project.

Ms. Kay Macuil, City Attorney, stated that 9 out of 18 residents have signed to proceed with the project. Mr. Cesar Bobadilla resident of San Luis, Arizona recently agreed as well making it 10 out of 18 residents.

City Council and Mr. Cesar Bobadilla discussed on how the voting will happen. Only 13 families of the 18 affected showed up. The five (5) families that did not show up will not be taken into consideration.

Mr. Raul Lomeli 1133 San Luis Lane, San Luis, Arizona stated he has a problem with the fees. He would prefer if the period of time to pay would be extended.

Ms. Ana Lomeli 1133 San Luis Lane, San Luis, Arizona, thanked City Council for their support on this project.

Ms. Marisela Bobadilla Lomeli 1136 San Luis Lane, San Luis, Arizona, asked the City Council to vote in favor of this project because she needs a solution to the problem she is currently facing.

## **B. Close Public Hearing**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to close the public hearing. Motion passed unanimously

### **C. Action on Surcharge**

**MOTION:** Council Member Mario Buchanan Jr. to approve the surcharge on residents of San Luis Lane as presented and direct staff to take all action to construct the connecting waterline as presented. There was no seconded, therefore the motion died.

**MOTION:** Council Member Matias Rosales/ Council Member Africa Luna-Carrasco to amend the motion to include the extension of this repayment fees to 72 months. Council Member Mario Buchanan Jr. accepted the amendment to his motion. Motion passed unanimously.

### **6. E. Discussion and possible action on any and all matters regarding First Reading of Ordinance No. 375. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending subsection 51.12(C) of City Code, rates and charges for sewage collection and disposal rates and charges by amending provisions regarding liens and provisions for enforcement of liens; repealing any conflicting provisions; and providing for severability. (Jorge Perez, Billing & Collections Manager)**

Mr. Jorge Perez, Billing & Collections Manager, suggested establishing a more specific procedure on collections regarding wastewater.

#### **A. Approval of First Reading of Ordinance No. 375 by title only**

**(City Clerk to read ordinance by title only)**

**MOTION:** Council Member Africa Luna-Carrasco/ Council Member Gloria Torres to approve the First Reading of Ordinance No. 375 by title only. Motion passed unanimously.

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 375 by title only.

### **7. SUMMARY OF CURRENT EVENTS**

Vice Mayor Maria Cecilia Ramos reported she attended the First thing's First. She said it was very informative and added that early childhood education is very important for students. She mentioned that in the State of Arizona a quarter of students are not graduating. She believed this is something we should support. She also mentioned a new app called Right by Text, which is a free app to help parents interact with their children.

Mayor Gerardo Sanchez reminded everyone about the employment recognition that will take place next Friday. He encouraged Council to attend and thanked the City of San Luis employees for their hard work and dedication to the City of San Luis.

Mayor Gerardo Sanchez payed his respects towards Father Oscar Magallanes of St. Jude Thaddeus Catholic Church for his passing.

Mayor Gerardo Sanchez reported he will be attending the Tamale Festival in Somerton, Arizona. He added that Mayor and City Council of Douglas will be attending and be given a tour of the Port of Entry 2.

Vice Mayor Maria Cecilia Ramos thanked the City of San Luis employees that put time and effort into the light parade. Mayor Gerardo Sanchez agreed.

Mr. Tadeo De La Hoya, City Manager, read the winners of the Light Parade.

## **8. CALL TO THE PUBLIC**

Mr. Lizandro Galaviz, Director of Parks & Recreation, thanked the Public Works Department, Police Department and Finance for their help during the Tree Lighting.

## **9. ADJOURNMENT**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to adjourn the Regular Council Meeting at approximately 8:21 p.m. Motion passed unanimously.

**MINUTES**  
**Special Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**December 14, 2017**  
**6:30 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Special City Council meeting to order at approximately 6:30 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Africa Luna-Carrasco  
Council Member Matias Rosales – via telephone  
Council Member Gloria Torres  
Council Member Ruben Walshe

**OTHERS PRESENT:** Christine Hagen, Acting City Manager  
Sonia Cornelio, City Clerk  
Derek Dueñas, I.T. Manager  
Enrique Lopez, Fire Department  
Johnny Morris, Fire Department  
Laura Herrera, Public Information Officer/Asst. to the City Council  
Ralph Velez, City Consultant

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Maria Cecilia Ramos.

**3. DISCUSSION AND POSSIBLE ACTION ITEM:**

**3. A. Public Hearing followed by discussion and possible action on any and all matters regarding recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Ruben Alberto Walshe on behalf of La Concha Marisqueria located at 1914 E. Juan Sanchez Boulevard, Suite 7a-b, San Luis, Arizona. (Sonia Cornelio, City Clerk)**

**A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to open the public hearing. Motion passed unanimously.

### **1. Staff and/or applicant presentation**

Mr. Ruben Walshe, owner of La Concha Marisqueria, stated that this is something that he has been planning for approximately one (1) month ago. This is just approval for recommendation by the City Council to the Arizona Department of Liquor Licenses and Control. This restaurant is sea food and he is planning on serving beer and not a full bar.

Mrs. Sonia Cornelio, City Clerk, added that she posted the Notice and application at the proposed premises for the number of days as required by state law and her office did not receive any phone calls or comments in favor of or against the application.

### **2. Call to the public on this item**

There were no comments from the public.

### **B. Close public hearing**

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Gloria Torres to close the public hearing. Motion passed with six (6) aye votes and one (1) abstention from Council Member Ruben Walshe.

### **C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for La Concha Marisqueria.**

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to recommend approval of the liquor license application to the Arizona Department of Liquor Licenses and Control for La Concha Marisqueria as presented. Motion passed with five (5) aye votes, one (1) nay vote by Vice Mayor Maria Cecilia Ramos and one (1) abstention from Council Member Ruben Walshe.

### **4. ADJOURNMENT**

**MOTION:** Council Member Mario Buchanan Jr. / Council Member Africa Luna-Carrasco to adjourn the Special Council Meeting at approximately 6:34 p.m. Motion passed unanimously.

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**December 27, 2017**  
**7:00 p.m.**

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:00 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Ramos  
Council Member Mario Buchanan Jr.  
Council Member Matias Rosales  
Council Member Gloria Torres  
Council Member Ruben Walshe

**ABSENT:** Council Member Africa Luna-Carrasco

**OTHERS PRESENT:** Tadeo De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Axel Chaira, I.T. Technician  
Carlos Cortes, Assistant Finance Director  
Eulogio Vera, Director of Public Works  
Hank Green, Fire Chief  
Jorge Perez, Billing & Collections Manager  
Jesus Meza, Assistant Director of Parks & Recreation  
Kay Macuil, City Attorney  
Kristin McManus, Municipal Court Judge  
Laura Herrera, PIO/Assistant to City Council  
Lizandro Galaviz, Director of Parks & Recreation  
Olivia Jenkins, Director of Human Resources  
Ralph Velez, City Consultant  
Cesar Neyoy, Reporter  
Francisca Guzman, Translator  
Lucy Lopez, Reporter  
Pamela Green, Visitor  
Miguel Alvarez, Police Department  
Andrea Moreno, Police Department

## **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Maria Cecilia Ramos.

## **3. INVOCATION**

The Invocation was led by Mr. Hank Green, Fire Chief.

## **4. CONSENT AGENDA**

### **4. A. MINUTES OF**

- Special Council meeting held September 20, 2017
- Work Session held September 20, 2017
- Regular Council meeting held September 27, 2017
- Work Session held October 4, 2017
- Regular Council meeting held October 11, 2017

### **4. B. DISBURSEMENTS FROM DECEMBER 1, 2017 THROUGH DECEMBER 15, 2017**

Total Disbursements \$754,917.73

(Seven Hundred Fifty-Four Thousand, Nine Hundred Seventeen Dollars and Seventy-Three Cents)

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve the Consent Agenda with the changes discussed. Motion passed unanimously.

## **5. DISCUSSION AND POSSIBLE ACTION ITEMS**

### **5. A. Discussion and possible action on any and all matters regarding the approval of gym service agreements for the continuation of the employee gym membership benefit. (Olivia Jenkins, Director of Human Resources and Wellness Committee Representative)**

Ms. Olivia Jenkins, Director of Human Resources, stated that Kay Macuil, City Attorney and she have been working together to go over the agreement with 24/7 Get Fit. She informed that the changes to the agreement had been made and the owner had approved the new changes. One of the new additions is a five hundred dollar deposit (\$500) that will be refunded at the end of the agreement term if the agreement is not canceled.

Mr. Tadeo A. De La Hoya, City Manager, stated that they would move forward with both gym memberships, and that City of San Luis employees will choose which gym membership they will get.

Ms. Jenkins informed that she met with the owner of Border Fitness and discussed the concerns the committee had regarding the facility.

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to approve all contracts as presented. Motion passed unanimously.

**5. B. Discussion and possible action on any and all matters regarding a request for the creation of city employee position of Court Interpreter. (Kristin McManus, City Magistrate)**

Ms. Kristin McManus, City Magistrate, explained that the funds to be used for the position of Court Interpreter would be the local court fund which was established by an ordinance. The ordinance allows the fund to be used for operational cost such as salary. She proceeded to explain that the Finance Department has moved the thirteen thousand dollars (\$13,000) from the court fund to the general fund.

Ms. Kay Macuil, City Attorney, reassured Council that Ms. McManus got approval from the Administrative Office of the Courts and Finance to proceed with her usage of local funds.

**MOTION:** Vice Mayor Maria Cecilia Ramos/Council Member Ruben Walshe to approve and create the position of a court interpreter. Motion passed unanimously.

**5. C. Discussion and possible action on any and all matters regarding ratification of payment for Emergency Medical Services (EMS) training and to waive procurement procedures. (Hank Green, Fire Chief)**

Mr. Hank Green, Fire Chief, requested to ratification to obtain two levels of training for the Fire Department personnel. He wants to upgrade his staff from Basic Life Support to Advanced Life Support. He mentioned they had contacted Arizona Western College but time and convince did not allow them to play in it. He proceeded to explain that they decided to contact Wizard Education, someone who they had worked with before. Hank Green had made an agreement with Wizard Education to start the class and enroll the student, and they would pay them as soon as they got approval. Mr. Green informed that he spoke with Wizard Education to put all students into one single class, rather than the usual two classes for Paramedics, and EMTs'. This was solely for convenience in order to have all people be able to work together during events, calls, and emergencies. He asked Council to waive procurement procedures since Wizard Education were the

only ones that could work with their time schedules, and were able to accommodate them.

**MOTION:** Council Member Gloria Torres/ Vice Mayor Maria Cecilia Ramos to approve and ratify the purchase of training services through Wizard Education in the amounts of \$47,700.00 and \$7,685.00 and to further move to waive the procurement code for the reasons presented. Motion passed unanimously.

**5. D Discussion and possible action on any and all matters regarding Resolution No. 2020. A resolution of the Mayor and City Council of the City of San Luis, Arizona, authorizing the city of San Luis to become a member of the Yuma Regional Communications System. (Hank Green, Fire Chief and Richard Jessup, Acting Chief of Police)**

Mr. Hank Green, Fire Chief, asked Council to allow them to become members of the Yuma Regional Communications System, and renew their existing intergovernmental agreement. The city of San Luis has been members of the Yuma Regional Communications System since approximately 2008. This agreement is to benefit both the San Luis Fire Department and the San Luis Police Department. Hank Green proceeds to explain the many ways they are able to benefit from the YRCS.

**MOTION:** Council Member Mario Buchanan Jr./ Vice Mayor Maria Cecilia Ramos to approve and adopt Resolution No. 2020. Motion passed unanimously.

**5. E. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 373. An ordinance of the Mayor and City Council of the City of San Luis, Arizona changing the San Luis City Code by deleting Section 30.076 on prohibiting same-day passage of ordinances, by amending sections 30.77 and 30.78 to allow for one reading and same day passage of ordinances; repealing any conflicting provisions; and providing for severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Marion Macuil, City Attorney, informed that is ordinance is to eliminate delay in passing ordinances. Currently, the City Code requires two (2) reading of ordinances. This ordinance will allow passage of ordinances on the same day as the reading.

**A. Approval of Second Reading of Ordinance No. 373 by title only**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to approve the second reading of Ordinance No. 373 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 373 by title only.

**B. Approval and adoption of Ordinance No. 373**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 373. Motion passed unanimously.

**5. F. Discussion and possible action on any and all matters regarding Second Reading of Ordinance No. 374. An ordinance of the Mayor and City Council of the City of San Luis, Arizona amending Section 30.075 of the San Luis City Code by requiring prior approval of suggested orders and Section 30.078 providing that orders are effective immediately upon passage; repealing any conflicting provisions; providing severability. (Kay Marion Macuil, City Attorney)**

Ms. Kay Marion Macuil, City Attorney, explained that the purpose of the ordinance is to allow for written orders for certain administrative motions council makes. This will allow them to keep track of them in an order book like they do with resolutions.

**A. Approval of Second Reading of Ordinance No. 374 by title only**

**MOTION:** Council Member Ruben Walshe/Council Member Mario Buchanan Jr to approve the second reading of Ordinance No. 374 by title only. Motion passed unanimously.

Ms. Sonia Cornelio, City Clerk, read Ordinance No. 374 by title only.

**B. Approval and adoption of Ordinance No. 374**

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan Jr. to approve and adopt Ordinance No. 374. Motion passed unanimously.

**6. BOARD OF ADJUSTMENT**

**MOTION TO ADJOURN AS CITY COUNCIL AND CONVENE AS BOARD OF ADJUSTMENT**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to adjourn as City Council and convene as Board of Adjustment. Motion passed unanimously.

**6. A. Public hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2017-0722. A request by Juan Luna, owner, for a Variance to build a 6-foot wall on the property line instead of the 3 feet 6 inches required. The property is located at 1271 N. Ruiz Avenue, San Luis, Arizona. (Jose A. Guzman, Acting Director of Planning and Zoning)**

**A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr./ Council Member Ruben Walshe to open the public hearing. Motion passed unanimously.

**1. Presentation by staff and/or applicant**

Mr. Jose A. Guzman, Acting Director of Planning and Zoning, explained that this Variance Case is to request permission to build a 6-foot wall along the property line in the front yard setback, but regulations only allow a maximum of 3 feet 6 inches. He mentioned that the front yard setback is 20 feet and is facing Ruiz Avenue. The size of the lot is approximately 6,800 with an average lot of the subdivision only being 5,700. He mentioned that the design of the lot was not created by the owner, but the request is self-imposed because the owner can still build the 3.5 feet wall or a 6-foot wall respecting the setback. He proceeded to explain that the right to use the property as a residence is not compromised because the owner can still build a 6-foot wall respecting the setback and have a private job. He added that having a 6-foot wall along the property line might create traffic issues and put in danger the public welfare. The request does not meet the criteria for the variance.

Mayor Gerardo Sanchez asked where they are planning to build the structure.

Mr. Guzman replied that it would be built on the right side.

Vice Mayor Maria Cecilia Ramos declared a conflict of interest because she resides in the area.

Ms. Kay Marion Macuil, City Attorney, explained that the conflict rules allow a Council member to vote if 10 people are in the same circumstance. Regarding this neighborhood, there are more than 10 people.

Mayor Gerardo Sanchez asked if there is any safety issue involved.

Mr. Guzman mentioned that regulations require this on a corner lot, based on the tracker it can create a traffic issue. If the 6-foot wall is built, when citizens approach the stop sign you won't be able to see the traffic.

Ms. Yesenia Sambrano, Resident of San Luis Arizona in 1271 North Ruiz Avenue, stated that the variance is to build the 6 feet wall because that will act as their backyard. She wants to have the same privacy as all of her neighbors do.

Mayor Gerardo Sanchez Asks Eulogio Vera, Director of Public Works to clarify questions council has about side distance.

Mr. Eulogio Vera, Director of Public Works, explained that a distance study would have to be 100%. He says that on the corner lots the distance used to be a 15 x 15 side triangle, they are currently doing 25 x 25. He stated that if the 6-foot wall is built neither of the two distances will be met.

Mr. Hank Green, Fire Chief mentioned that there are clearances the Fire Department needs in order to be able to operate a fire hydrant.

Vice Mayor Maria Cecilia Ramos suggested building the wall on the property line, in order to avoid creating a blind spot on Black St.

## **2. Call to the Public on this item**

Mr. Luis Chang resident of San Luis AZ suggested moving the corner further back.

## **B. Close public hearing**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to close the public hearing. Motion passed unanimously.

## **C. Action on Variance Case No. 2017-0722**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to continue the item to January 10, 2018. Motion passed unanimously.

## **7. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RE-CONVENE AS CITY COUNCIL**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. adjourn as Board of Adjustment and re-convene as City Council. Motion passed unanimously.

## **8. SUMMARY OF CURRENT EVENTS**

Mayor Gerardo Sanchez thanked Council and staff for attending the meetings every Wednesday. He recommends skipping a few meeting for 2018 in order to have more Wednesdays off. He wishes everyone a Merry Christmas and safe New Year.

Mayor Gerardo Sanchez asked about waste collection schedule for the holidays.

Mr. Eulogio Vera, Director of Public Works, informed that the pickup day would roll over and that the schedule is also on the website.

## **9. CALL TO THE PUBLIC**

There were no comments.

## **10. EXECUTIVE SESSION**

**MOTION TO HOLD AN EXECUTIVE SESSION PURSUANT TO A.R.S. §§38-431.03(A)(1), 38-431.03(A)(3), 38-431.03(A)(4) and 38-431(A)(5).**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Ruben Walshe to go to Executive Session at approximately 7:53 p.m. Motion passed unanimously.

**Discussion and possible action to hold an Executive Session pursuant to the authority of A.R.S. §§38-431.03(A)(1), 38-431.03(A)(3), 38-431.03(A)(4) and 38-431(A)(5) regarding an employee salary survey, possible implementation, and impacts on existing employee contracts and benefits. (Kay Marion Macuil, City Attorney)**

## **11. MOTION TO GO BACK INTO REGULAR SESSION**

**MOTION:** Council Member Matias Rosales/Council Member Ruben Walshe to go back to regular session at approximately 8:44 p.m. Motion passed unanimously.

## **11. ADJOURNMENT**

**MOTION:** Council Member Matias Rosales/Council Member Gloria Torres to adjourn the Regular Council Meeting at approximately 8:44 p.m. Motion passed unanimously.



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.B.

Meeting Date: 02/13/2018

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#### Summary

#### **DISBURSEMENTS FROM JANUARY 13, 2018 THROUGH FEBRUARY 2, 2018**

Total Disbursements \$1,018,488.28

(One Million, Eighteen Thousand, Four Hundred Eighty-Eight Dollars and Twenty-Eight Cents)

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#### Attachments

Disbursements 2/13/2018

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# City of San Luis

Finance Department

**COUNCIL MEETING FEBRUARY 13, 2018**  
**Disbursement Reports from 1/13/2018 to 2/2/2018**

<u>Bank Accounts</u>	<u>Check Date</u>	<u>Amount</u>	<u>Schedule</u>
Accounts Payable Check Account	1/18/2018	\$ 185,334.14	Schedule A
Payroll Check Account	1/22/2018	\$ 4,708.93	Schedule B
Payroll Check Account	1/23/2018	\$ 265,250.62	Schedule C
Accounts Payable Check Account	1/25/2018	\$ 255,871.52	Schedule D
Accounts Payable Check Account	2/1/2018	\$ 307,323.07	Schedule E

**Total Disbursements: \$ 1,018,488.28**

Please contact Mr. Carlos Cortes prior to the meeting if additional information is needed.

Prepared by Angelica V. Castro:

*Angelica V. Castro*

Verified by Director of Finance:

*C Cortes 02-07-2018*

For Council approval on: \_\_\_\_\_

Mayor: \_\_\_\_\_

Council: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICE OF THE CITY CLERK  
CITY OF SAN LUIS

2018 FEB - 7 P 3: 53

RECEIVED

# Payment Register

From Payment Date: 1/15/2018 - To Payment Date: 1/18/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
83293	01/18/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$89.00		
83294	01/18/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$351.00		
83295	01/18/2018	Open			Accounts Payable	BORDER GYM FITNESS LLC	\$748.00		
83296	01/18/2018	Open			Accounts Payable	CELAYA, MIGUEL	\$250.00		
83297	01/18/2018	Open			Accounts Payable	CORREA, ENRIQUE	\$403.00		
83298	01/18/2018	Open			Accounts Payable	DE LA HOYA, ARACELY	\$44.24		
83299	01/18/2018	Open			Accounts Payable	ESPARZA, JUAN	\$90.00		
83300	01/18/2018	Open			Accounts Payable	GONZALEZ, SAMUEL	\$253.00		
83301	01/18/2018	Open			Accounts Payable	GONZALEZ, MIGUEL	\$130.08		
83302	01/18/2018	Open			Accounts Payable	GUERRA, RUTH	\$625.00		
83303	01/18/2018	Open			Accounts Payable	HUERTA, JOSE	\$100.00		
83304	01/18/2018	Open			Accounts Payable	JAUREGUI, CESAR	\$150.00		
83305	01/18/2018	Open			Accounts Payable	MOJICA, JOSE	\$253.00		
83306	01/18/2018	Open			Accounts Payable	PADILLA, GUSTAVO	\$81.30		
83307	01/18/2018	Open			Accounts Payable	STANDARD PRINTING COMPANY, INC	\$1,328.15		
83308	01/18/2018	Open			Accounts Payable	TORRES, GILBERTO	\$97.28		
83309	01/18/2018	Open			Accounts Payable	US POST MASTER	\$2,577.88		
							<b>\$185,334.14</b>		

Prepared By:  
Maggie Dominguez  
Date: 1/18/18

Type Check Totals:  
1BYPAYABLE - 1st BY Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	90	\$185,334.14	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>90</b>	<b>\$185,334.14</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	90	\$185,334.14	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>90</b>	<b>\$185,334.14</b>	<b>\$0.00</b>

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	90	\$185,334.14	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>90</b>	<b>\$185,334.14</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	90	\$185,334.14	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>90</b>	<b>\$185,334.14</b>	<b>\$0.00</b>

# Payment Register

From Payment Date: 1/15/2018 - To Payment Date: 1/18/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
Check									
83220	01/16/2018	Open			Utility Management Refund	AGUILAR, ESTHER	\$90.49		
83221	01/16/2018	Open			Utility Management Refund	BRICENO, ALBARO H	\$37.50		
83222	01/16/2018	Open			Utility Management Refund	CEBREROS, IRMA, A	\$50.25		
83223	01/16/2018	Open			Utility Management Refund	CHAIRES, NORMA & MIGUEL GUERRERO	\$173.56		
83224	01/16/2018	Open			Utility Management Refund	GIL HUMBERTO & MARIA	\$209.22		
83225	01/16/2018	Open			Utility Management Refund	JSA COMPANY	\$2,046.47		
83226	01/16/2018	Open			Utility Management Refund	LOERA, DAVID	\$101.54		
83227	01/16/2018	Open			Utility Management Refund	LOPEZ, MARIA DEL CARMEN	\$176.86		
83228	01/16/2018	Open			Utility Management Refund	LPC CONSTRUCTION/DREW PILKINGTON	\$189.21		
83229	01/16/2018	Open			Utility Management Refund	LPC CONSTRUCTION/WESLEY SPLAWN	\$657.27		
83230	01/16/2018	Open			Utility Management Refund	MARTINEZ, CECILIA	\$180.28		
83231	01/16/2018	Open			Utility Management Refund	MUNOZ, YOLANDA, A	\$30.95		
83232	01/16/2018	Open			Utility Management Refund	PALMER, MICHAEL/A & S PAVING, INC	\$2,045.29		
83233	01/16/2018	Open			Utility Management Refund	RAMOS, ANGELICA	\$182.83		
83234	01/16/2018	Open			Utility Management Refund	RIEDEL CONSTRUCTION, INC	\$1.49		
83235	01/16/2018	Open			Utility Management Refund	RIEDEL CONSTRUCTION, INC	\$1.38		
83236	01/16/2018	Open			Utility Management Refund	RIEDEL, GEORGINA	\$27.27		
83237	01/16/2018	Open			Utility Management Refund	RODRIGUEZ, REGINO R	\$14.91		
83238	01/16/2018	Open			Utility Management Refund	RUIZ, MARIA, J	\$172.92		
83239	01/16/2018	Open			Utility Management Refund	TOM CAT ELECTRIC	\$2,210.60		
83240	01/16/2018	Open			Utility Management Refund	VIRAMONTES ALEJANDRO & MARY	\$14.56		
83241	01/17/2018	Open			Accounts Payable	ALVAREZ CASTELLANOS, MIGUEL , ANGEL	\$948.14		
83242	01/17/2018	Open			Accounts Payable	ARRELLANO, JAVIER	\$999.35		
83243	01/17/2018	Open			Accounts Payable	BARRON , MIGUEL, A	\$1,131.87		
83244	01/17/2018	Open			Accounts Payable	BAUERMAN, RICHARD, W	\$902.36		
83245	01/17/2018	Open			Accounts Payable	BOBADILLA, YADIRA, D.	\$1,096.93		
83246	01/17/2018	Open			Accounts Payable	BOTELLO, EMMANUEL	\$1,010.60		
83247	01/17/2018	Open			Accounts Payable	CAMPA, ALFREDO	\$1,219.34		

# Payment Register

From Payment Date: 1/15/2018 - To Payment Date: 1/18/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
83248	01/17/2018	Open			Accounts Payable	CEBREROS, LUIS, E	\$1,485.82		
83249	01/17/2018	Open			Accounts Payable	CHAVEZ, NOEL, A	\$1,109.74		
83250	01/17/2018	Open			Accounts Payable	CORONADO, ARTURO	\$1,076.66		
83251	01/17/2018	Open			Accounts Payable	DE LEON, JESUS, R.	\$1,110.57		
83252	01/17/2018	Open			Accounts Payable	FELIX, FABIAN	\$982.94		
83253	01/17/2018	Open			Accounts Payable	FIGUEROA, VICTOR	\$1,525.05		
83254	01/17/2018	Open			Accounts Payable	GALVAN, AURELIO	\$661.16		
83255	01/17/2018	Open			Accounts Payable	GONZALEZ, JAVIER	\$955.21		
83256	01/17/2018	Open			Accounts Payable	GREEN, TYLER, J	\$1,250.09		
83257	01/17/2018	Open			Accounts Payable	GUTIERREZ, GUADALUPE, A	\$1,051.15		
83258	01/17/2018	Open			Accounts Payable	HUMPHREY, JEREMY, D	\$1,162.91		
83259	01/17/2018	Open			Accounts Payable	JOHNSON, JOE	\$1,177.76		
83260	01/17/2018	Open			Accounts Payable	LARA, PAULINO	\$905.59		
83261	01/17/2018	Open			Accounts Payable	LOPEZ, ENRIQUE, I	\$1,674.39		
83262	01/17/2018	Open			Accounts Payable	LOPEZ, ISIDRO	\$1,286.28		
83263	01/17/2018	Open			Accounts Payable	LUNA, TOMAS, C	\$97.24		
83264	01/17/2018	Open			Accounts Payable	MARQUEZ, LUIS	\$891.48		
83265	01/17/2018	Open			Accounts Payable	MILLER, DAMIAN	\$1,141.36		
83266	01/17/2018	Open			Accounts Payable	MORA, CESAR	\$1,327.49		
83267	01/17/2018	Open			Accounts Payable	MORRIS, JOHNNIE, W	\$1,290.97		
83268	01/17/2018	Open			Accounts Payable	NUNO, JAVIER	\$134.35		
83269	01/17/2018	Open			Accounts Payable	PACHECO, CARLOS	\$1,035.32		
83270	01/17/2018	Open			Accounts Payable	PELAYO, MANUEL	\$875.53		
83271	01/17/2018	Open			Accounts Payable	PHILLIPS, JUSTIN, C	\$1,094.98		
83272	01/17/2018	Open			Accounts Payable	PRIETO, ERNESTO	\$1,234.03		
83273	01/17/2018	Open			Accounts Payable	RAMIREZ, ALEJANDRO	\$1,092.73		
83274	01/17/2018	Open			Accounts Payable	RAMIREZ, ANGEL	\$1,323.87		
83275	01/17/2018	Open			Accounts Payable	REYNOSO, NIGEL, I	\$1,206.78		
83276	01/17/2018	Open			Accounts Payable	RUIZ, OSCAR, R	\$1,001.85		
83277	01/17/2018	Open			Accounts Payable	SANTANA, MARCO, A	\$1,270.66		
83278	01/17/2018	Open			Accounts Payable	SAUCEDA, JOEL	\$1,328.35		
83279	01/17/2018	Open			Accounts Payable	SILVA, FRANCISCO	\$1,172.40		
83280	01/17/2018	Open			Accounts Payable	SOLIS, ROBERTO	\$1,103.73		
83281	01/17/2018	Open			Accounts Payable	TORRES, JOSE, BARRAGAN	\$1,152.21		
83282	01/17/2018	Open			Accounts Payable	VALENCIA, RODRIGO	\$997.23		
83283	01/17/2018	Open			Accounts Payable	VALENZUELA, JAIME, I	\$1,063.19		
83284	01/17/2018	Open			Accounts Payable	WOODS, JOSEPH, M	\$29.07		
83285	01/17/2018	Open			Accounts Payable	YAGER, JAMES, A	\$911.76		
83286	01/17/2018	Open			Accounts Payable	ZARAGOZA, GERARDO, F	\$1,186.91		
83287	01/17/2018	Open			Accounts Payable	ARIZONA DEPARTMENT OF REVENUE / TPT	\$33,533.08		
83288	01/17/2018	Open			Accounts Payable	ARIZONA DEPT OF ECONOMIC SECUR	\$7,791.87		
83289	01/17/2018	Open			Accounts Payable	ARIZONA MUNICIPAL RISK RETENTION POOL - WC	\$77,789.00		
83290	01/18/2018	Open			Accounts Payable	ACEVES, CAROLINA	\$250.00		
83291	01/18/2018	Open			Accounts Payable	ARIZONA DEPARTMENT OF REVENUE / TPT	\$147.96		
83292	01/18/2018	Open			Accounts Payable	ARIZONA PUBLIC SERVICE	\$949.05		



Schedule B  
**Pay Day Register**  
 Pay Date Range 01/01/18 - 01/01/18  
 Pay Batch 201801M

Pay Batch 201801M Total

Employees in Pay Batch 7

Female Employees in Pay Batch 3

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
102 - SALARY	.0000	7,550.00	Gross	7,700.00	ASRS/EORP - LEGACY RATE	109.35 .00
806 - TELEPHONE STIPEND	.0000	150.00	Imputed Income		Dental Council	253.26 .00
<b>Total</b>	<b>0.0000</b>	<b>\$7,700.00</b>	FEDERAL TAX WITHHOLDING	72.03 5,624.99	EODCRS - COUNCIL	54.00 .00
			SOCIAL SECURITY TAX	477.40 7,700.00	EODCRS - DISABILITY	1.13 .00
			MEDICARE	111.67 7,700.00	EODCRS/EORP LEGACY RATE	157.50 .00
			STATE WITHHOLDING	154.96 5,624.99	EORP COUNCIL RETIREMENT	423.00 .00
			Council Retirement EORP	588.50 .00	Health Council	6,317.20 .00
			Dental Council	147.98 .00	Retirement Council EORP	928.25 .00
			EODCRS - COUNCIL	72.00 .00	Vision Council	74.90 .00
			EODCRS - DISABILITY	1.13 .00	<b>Total</b>	<b>\$8,318.59</b>
			Medical Council	1,216.20 .00	Workers' Comp	Gross Base
			MISCELLANEOUS	100.00 .00	<b>Total</b>	
			Vision Council	49.20 .00		
			<b>Net</b>	<b>\$4,708.93 ✓</b>		
					Direct Deposits	Amount
					1st Bank Yuma	714.95
					Chase Bank	643.14
					Federal Credit Union	892.12
					REALTORS FED CRED UNION	272.35
					Sunbank	1,005.82
					Wells Fargo	359.93
					<b>Total</b>	<b>\$3,888.31</b>
					Check	\$820.62

*Debra Luna*

*[Signature]*



# Schedule C Pay Day Register

Pay Date Range 01/06/18 - 01/19/18  
Pay Batch 201802

TRANSWESTERN MEXICAN	48.00
U.S. MEX DENTAL - EE &	529.00
U.S. MEX DENTAL - EE &	84.64
UNITED WAY	19.00
US & MEX DENTAL= FAMILY	660.50
US & MEX HEALTH = C	5,992.00
US & MEX HEALTH = FAMILY	4,124.70
US & MEX HEALTH = SP	898.80
VSP - VISION FAMILY	627.30
Net	<u>\$265,250.62</u> ✓

.00	CLERICAL OFFICE/ LIBRARY/	255.89	106,598.79
.00	Electrician	59.22	1,886.00
.00	FIREFIGHTERS & DRIVERS	2,812.07	79,888.89
.00	GARBAGE/ ASH/ REFUSE	262.80	4,204.80
.00	MUNICIPAL/ TOWN/	75.27	4,300.94
.00	PARKS- NOC ALL EMPLOYEES	470.75	15,185.80
.00	POLICE OFFICERS	3,149.88	71,915.45
.00	RECREATION- ALL EMPLOYEES/	209.22	15,270.49
.00	SEWAGE DISPOSAL/ PLANT	644.82	18,744.12
	Street or Road Construction	1,232.93	15,353.88
	WATERWORKS OPERATIONS	<u>517.70</u>	14,919.59
	Total		<u>\$10,825.20</u>

Direct Deposits	Amount
1st Bank Yuma	20,388.97
ACADEMY BANK	1,485.50
Bank of America	400.00
Chase Bank	116,538.70
CHASE BANK CA	3,040.94
CHASE BANK MORGAN	1,349.94
chase bank somerton	1,868.26
chase centro	697.62
Federal Credit Union	31,417.42
HUGHES FCU	100.00
National Bank	500.00
Navy Federal	6,825.02
NetSpend Corporation DD	120.00
NORTH ISLAND CREDIT UNION	1,015.38
Sunbank	100.00
US Bank	679.14
WASHINGTON FEDERAL	956.87
Wells Fargo	<u>52,875.26</u>
Total	<u>\$240,359.02</u>
Check	\$24,891.60

*Slun*

*C Cortes*

City of San Luis

# Payment Register

From Payment Date: 1/22/2018 - To Payment Date: 1/25/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
83376	01/25/2018	Open			Accounts Payable	YUMA OFFICE EQUIPMENT	\$2,980.40		
Type Check Totals:									
1BYPAYABLE - 1st BY Accounts Payable Totals							\$255,871.52		

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$255,871.52	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>67</b>	<b>\$255,871.52</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$255,871.52	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>67</b>	<b>\$255,871.52</b>	<b>\$0.00</b>

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$255,871.52	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>67</b>	<b>\$255,871.52</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$255,871.52	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>67</b>	<b>\$255,871.52</b>	<b>\$0.00</b>

Prepared By:  
*Maggie Dominguez*  
 Date: *1/25/18*  
*C*

# Payment Register

From Payment Date: 1/22/2018 - To Payment Date: 1/25/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
<u>Check</u>									
83310	01/22/2018	Open			Accounts Payable	DOI/BLM	\$11,400.00		
83311	01/22/2018	Open			Accounts Payable	VASQUEZ, JOSE	\$108.00		
83312	01/23/2018	Open			Accounts Payable	ALSCO, INC	\$3,570.91		
83313	01/23/2018	Open			Accounts Payable	ALVAREZ, MIGUEL	\$150.00		
83314	01/23/2018	Open			Accounts Payable	CDWG	\$3,658.77		
83315	01/23/2018	Open			Accounts Payable	EMPIRE MACHINERY	\$6,690.29		
83316	01/23/2018	Open			Accounts Payable	GALVAN, AURELIO, JR	\$150.00		
83317	01/23/2018	Open			Accounts Payable	JESSUP, RICHARD	\$150.00		
83318	01/23/2018	Open			Accounts Payable	OFFICE DEPOT	\$6,015.83		
83319	01/24/2018	Open			Accounts Payable	CALIFORNIA STATE DISBURSEMENT UNIT	\$160.61		
83320	01/24/2018	Open			Accounts Payable	CHARGO PA, GURSTEL	\$52.21		
83321	01/24/2018	Open			Accounts Payable	CHILD SUPPORT SERVICES	\$274.62		
83322	01/24/2018	Open			Accounts Payable	FOP/ALC	\$255.00		
83323	01/24/2018	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$50.00		
83324	01/24/2018	Open			Accounts Payable	NATIONWIDE RETIREMENT SOLUTIONS	\$126.00		
83325	01/24/2018	Open			Accounts Payable	NATIONWIDE RETIREMENT SOLUTIONS	\$470.00		
83326	01/24/2018	Open			Accounts Payable	PUBLIC SAFETY PERSONNEL RET SY	\$157.50		
83327	01/24/2018	Open			Accounts Payable	PUBLIC SAFETY PERSONNEL RET SY	\$156.33		
83328	01/24/2018	Open			Accounts Payable	PUBLIC SAFETY PERSONNEL RET SY	\$109.35		
83329	01/24/2018	Open			Accounts Payable	PUBLIC SAFETY PERSONNEL RET SY	\$2.26		
83330	01/24/2018	Open			Accounts Payable	PUBLIC SAFETY PERSONNEL RET SY	\$1,939.75		
83331	01/24/2018	Open			Accounts Payable	SAN LUIS POLICE OFFICERS ASSOC	\$465.00		
83332	01/24/2018	Open			Accounts Payable	STANDARD INSURANCE CO.	\$6,734.93		
83333	01/24/2018	Open			Accounts Payable	SUPPORT PAYMENT CLEARINGHOUSE	\$4,277.20		
83334	01/24/2018	Open			Accounts Payable	UNITED WAY OF YUMA COUNTY INC.	\$19.00		
83335	01/24/2018	Open			Accounts Payable	UNITED YUMA FIRE FIGHTERS- IAFF	\$650.00		
83336	01/25/2018	Open			Accounts Payable	24-7 GET FIT SL, LLC	\$500.00		
83337	01/25/2018	Open			Accounts Payable	ALONSO, FRANCIA	\$130.61		
83338	01/25/2018	Open			Accounts Payable	ANGUIANO, RAYMUNDO	\$150.00		
83339	01/25/2018	Open			Accounts Payable	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	\$65.00		
83340	01/25/2018	Open			Accounts Payable	ARIZONA MUNICIPAL RISK	\$110,161.00		
83341	01/25/2018	Open			Accounts Payable	ARIZONA PUBLIC SERVICE	\$86.68		
83342	01/25/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$302.25		
83343	01/25/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$80.10		

# Payment Register

From Payment Date: 1/22/2018 - To Payment Date: 1/25/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
83344	01/25/2018	Open			Accounts Payable	CENTURYLINK	\$6,724.84		
83345	01/25/2018	Open			Accounts Payable	DIAZ, ESTELA	\$150.00		
83346	01/25/2018	Open			Accounts Payable	DOI/BLM	\$461.55		
83347	01/25/2018	Open			Accounts Payable	EAP PREFERRED	\$434.70		
83348	01/25/2018	Open			Accounts Payable	ESPARZA, JUAN	\$238.00		
83349	01/25/2018	Open			Accounts Payable	GONZALEZ, CARLOS	\$119.63		
83350	01/25/2018	Open			Accounts Payable	GUTIERREZ, JUAN, F	\$450.00		
83351	01/25/2018	Open			Accounts Payable	GUZMAN, FRANCISCA	\$112.00		
83352	01/25/2018	Open			Accounts Payable	HERRERA, MARTIN	\$128.99		
83353	01/25/2018	Open			Accounts Payable	LOOMIS	\$1,393.90		
83354	01/25/2018	Open			Accounts Payable	LOPEZ, FAUSTO	\$150.00		
83355	01/25/2018	Open			Accounts Payable	LUMBARD & ASSOCIATES P.L.L.C.	\$5,095.00		
83356	01/25/2018	Open			Accounts Payable	MARTINEZ, NERYS	\$150.00		
83357	01/25/2018	Open			Accounts Payable	MGM INTERNET SOLUTIONS, INC	\$2,980.00		
83358	01/25/2018	Open			Accounts Payable	MORALES, BLANCA	\$93.08		
83359	01/25/2018	Open			Accounts Payable	PITNEY BOWES CREDIT CORP	\$98.35		
83360	01/25/2018	Open			Accounts Payable	SOUTH YUMA COUNTY LANDFILL	\$27,348.27		
83361	01/25/2018	Open			Accounts Payable	VALENZUELA, SERGIO	\$148.82		
83362	01/25/2018	Open			Accounts Payable	VISION SERVICE PLAN OF ARIZONA	\$7,551.00		
83363	01/25/2018	Open			Accounts Payable	ZATARAIN, EDUARDO	\$150.00		
83364	01/25/2018	Open			Accounts Payable	24 KARAT JEWELERS	\$174.03		
83365	01/25/2018	Open			Accounts Payable	CDWG	\$4,929.43		
83366	01/25/2018	Open			Accounts Payable	GUERRA, RUTH	\$400.00		
83367	01/25/2018	Open			Accounts Payable	NEW YORK LIFE INSURANCE CO.	\$507.36		
83368	01/25/2018	Open			Accounts Payable	RALPH VELEZ CONSULTING SERVICES	\$4,485.00		
83369	01/25/2018	Open			Accounts Payable	RIVERA, MARIA , ELENA	\$75.00		
83370	01/25/2018	Open			Accounts Payable	RON TURLEY ASSOCIATES INC.	\$566.36		
83371	01/25/2018	Open			Accounts Payable	TRANSWESTERN INSURANCE ADMIN	\$192.00		
83372	01/25/2018	Open			Accounts Payable	LD CONSULTING LLC	\$13,925.00		
83373	01/25/2018	Open			Accounts Payable	SPECTRUM BUSINESS	\$7,182.26		
83374	01/25/2018	Open			Accounts Payable	THE ROTARY FOUNDATION OF ROTARY INTERNATIONAL	\$500.00		
83375	01/25/2018	Open			Accounts Payable	VERIZON WIRELESS MESSAGING SVC	\$6,707.35		

# Payment Register

From Payment Date: 1/29/2018 - To Payment Date: 2/1/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Open		74	\$307,323.07	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Stopped		0	\$0.00	\$0.00
					Total		74	\$307,323.07	\$0.00
<b>Grand Totals:</b>									
				<b>Checks</b>	<b>Status</b>	<b>Count</b>	<b>Transaction Amount</b>	<b>Reconciled Amount</b>	
					Open	74	\$307,323.07	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	74	\$307,323.07	\$0.00	
				<b>All</b>	<b>Status</b>	<b>Count</b>	<b>Transaction Amount</b>	<b>Reconciled Amount</b>	
					Open	74	\$307,323.07	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	74	\$307,323.07	\$0.00	

Prepared By:  
*Maggie Dominguez*  
 Date: *Maggie*  
*C 2/1/18*

# Payment Register

From Payment Date: 1/29/2018 - To Payment Date: 2/1/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
Check									
83377	02/01/2018	Open			Accounts Payable	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	\$65.00		
83378	02/01/2018	Open			Accounts Payable	CAZAREZ, MAYTE	\$250.00		
83379	02/01/2018	Open			Accounts Payable	GETHSEMANI FOOD MINISTRY	\$3,000.00		
83380	02/01/2018	Open			Accounts Payable	GUERRA, RUTH	\$575.00		
83381	02/01/2018	Open			Accounts Payable	MECHO'S MOBIL WELDING	\$600.00		
83382	02/01/2018	Open			Accounts Payable	OCHOA, ANTONIO	\$150.00		
83383	02/01/2018	Open			Accounts Payable	SANTANA, MARCO	\$238.00		
83384	02/01/2018	Open			Accounts Payable	SAVERS ENERGY	\$996.37		
83385	02/01/2018	Open			Accounts Payable	YUMA COUNTY WATER USERS	\$30.00		
83386	02/01/2018	Open			Accounts Payable	ALSCO, INC	\$43.22		
83387	02/01/2018	Open			Accounts Payable	AMBERLY'S PLACE	\$17,116.65		
83388	02/01/2018	Open			Accounts Payable	AMERICAN RED CROSS	\$300.00		
83389	02/01/2018	Open			Accounts Payable	AMERICANA POLYGRAPH & PRIVATE INVESTIGATION	\$150.00		
83390	02/01/2018	Open			Accounts Payable	ARIZONA REFUSE SALES, LLC	\$1,105.87		
83391	02/01/2018	Open			Accounts Payable	ARIZONA STATE UNIVERSITY	\$570.00		
83392	02/01/2018	Open			Accounts Payable	AZ LAW ENFORCEMENT LEGAL ADVISORS ASSOC	\$50.00		
83393	02/01/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$80.10		
83394	02/01/2018	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	\$331.50		
83395	02/01/2018	Open			Accounts Payable	BORDER CONSTRUCTION SPECIALTIES	\$152.76		
83396	02/01/2018	Open			Accounts Payable	BORREGO BROTHERS, INC	\$1,715.30		
83397	02/01/2018	Open			Accounts Payable	BOUND TREE MEDICAL, LLC.	\$491.54		
83398	02/01/2018	Open			Accounts Payable	CDWG	\$90.26		
83399	02/01/2018	Open			Accounts Payable	CHAVEZ, LIZETH	\$10.00		
83400	02/01/2018	Open			Accounts Payable	COPPER STATE BOLTS & NUT CO.	\$266.73		
83401	02/01/2018	Open			Accounts Payable	CRAFCO INC.	\$1,534.83		
83402	02/01/2018	Open			Accounts Payable	DIRECTV, INC	\$223.28		
83403	02/01/2018	Open			Accounts Payable	GALLS, AN ARAMARK CO., LLC	\$3,238.51		
83404	02/01/2018	Open			Accounts Payable	GUST ROSENFELD P.L.C.	\$4,077.09		
83405	02/01/2018	Open			Accounts Payable	GUZMAN, FRANCISCA	\$37.00		
83406	02/01/2018	Open			Accounts Payable	INDEPENDENT HYDRAULIC & MACHINE INC.	\$637.95		
83407	02/01/2018	Open			Accounts Payable	IPS GROUP INC	\$477.22		
83408	02/01/2018	Open			Accounts Payable	JAMES DAVEY AND ASSOCIATES	\$4,112.00		
83409	02/01/2018	Open			Accounts Payable	KENZ & LESLIE OF ARIZONA INC.	\$144.66		
83410	02/01/2018	Open			Accounts Payable	LEXIS NEXIS RISK DATA MANAGEMENT INC.	\$110.71		
83411	02/01/2018	Open			Accounts Payable	LOGICAL CONCEPTS, INC	\$1,380.00		
83412	02/01/2018	Open			Accounts Payable	MERKOW, HAROLD J	\$3,713.31		
83413	02/01/2018	Open			Accounts Payable	METRO FIRE EQUIPMENT INC	\$5,855.00		
83414	02/01/2018	Open			Accounts Payable	MONSTERMEDIA LLC	\$50.00		
83415	02/01/2018	Open			Accounts Payable	MUNICIPAL EMERGENCY SERVICES, INC	\$1,478.54		
83416	02/01/2018	Open			Accounts Payable	NAPA AUTO PARTS	\$280.00		

# Payment Register

From Payment Date: 1/29/2018 - To Payment Date: 2/1/2018

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
83417	02/01/2018	Open			Accounts Payable	NET TRANSCRIPTS INC.	\$600.20		
83418	02/01/2018	Open			Accounts Payable	NICKLAUS ENGINEERING	\$10,552.00		
83419	02/01/2018	Open			Accounts Payable	PACIFIC MEDICAL WASTE	\$59.90		
83420	02/01/2018	Open			Accounts Payable	PIERCE COLEMAN PLLC	\$481.69		
83421	02/01/2018	Open			Accounts Payable	PIRAMIDE CONSTRUCTION	\$850.00		
83422	02/01/2018	Open			Accounts Payable	PPEP INC.	\$6,500.00		
83423	02/01/2018	Open			Accounts Payable	PROFESSIONAL PEST CONTROL LLC	\$135.00		
83424	02/01/2018	Open			Accounts Payable	R&M ELECTRIC SUPPLY LLC	\$5,129.96		
83425	02/01/2018	Open			Accounts Payable	RAMIREZ ADVISORS INTER- NATIONAL,LLC	\$4,166.66		
83426	02/01/2018	Open			Accounts Payable	RIVERA, MARIA , ELENA	\$75.00		
83427	02/01/2018	Open			Accounts Payable	SAN LUIS AZ NEWS	\$468.00		
83428	02/01/2018	Open			Accounts Payable	SHERWIN WILLIAM	\$1,997.11		
83429	02/01/2018	Open			Accounts Payable	SHUCK DRILLING COMPANY LLC	\$2,681.62		
83430	02/01/2018	Open			Accounts Payable	SIMS MURRAY, LTD.	\$960.00		
83431	02/01/2018	Open			Accounts Payable	SMITH, RALPH E. SR.	\$1,180.00		
83432	02/01/2018	Open			Accounts Payable	SONORAN CYCLES, LLC	\$1,675.00		
83433	02/01/2018	Open			Accounts Payable	SYNOVIA SOLUTIONS, LLC	\$389.71		
83434	02/01/2018	Open			Accounts Payable	TACOS EL CHIPILON, LLC	\$442.86		
83435	02/01/2018	Open			Accounts Payable	THOMSON WEST PUBLISHING CO.	\$1,210.85		
83436	02/01/2018	Open			Accounts Payable	UNIVERSAL BACKGROUND SCREENING INC	\$177.00		
83437	02/01/2018	Open			Accounts Payable	WAXIE SANITARY SUPPLY	\$1,649.10		
83438	02/01/2018	Open			Accounts Payable	WESTMOOR ELECTRIC INC.	\$12,346.00		
83439	02/01/2018	Open			Accounts Payable	YUMA COUNTY BAR ASSOCIATION	\$60.00		
83440	02/01/2018	Open			Accounts Payable	YUMA COUNTY CHAMBER	\$600.00		
83441	02/01/2018	Open			Accounts Payable	YUMA COUNTY HUMANE SOCIETY	\$4,104.00		
83442	02/01/2018	Open			Accounts Payable	YUMA COUNTY INTERGOVERNMENTAL PUBLIC TRNSP AUTH	\$70,573.00		
83443	02/01/2018	Open			Accounts Payable	YUMA COUNTY RECORDER	\$85.50		
83444	02/01/2018	Open			Accounts Payable	YUMA COUNTY WATER USERS	\$955.87		
83445	02/01/2018	Open			Accounts Payable	YUMA OFFICE EQUIPMENT	\$175.00		
83446	02/01/2018	Open			Accounts Payable	YUMA REGIONAL MEDICAL CENTER	\$5,226.36		
83447	02/01/2018	Open			Accounts Payable	YUMA SUN INC	\$1,148.00		
83448	02/01/2018	Open			Accounts Payable	YUMA WINNELSON CO.	\$7,045.35		
83449	02/01/2018	Open			Accounts Payable	ZAVALA, EDNA, I	\$200.00		
83450	02/01/2018	Open			Accounts Payable	DPE CONSTRUCTION, INC	\$107,693.93		
Type Check Totals:									
1BYPAYABLE - 1st BY Accounts Payable Totals									
							74 Transactions	\$307,323.07	

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	74	\$307,323.07	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	74	\$307,323.07	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.C.

**Meeting Date:** 02/13/2018

**Department Head:** Hank Green, Fire Chief, Fire Department

**Submitted By:** Hank Green, Fire Chief, Fire Department

**Action Requested:** Motion

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#### ITEM:

Discussion and possible action on any and all matters regarding disposal of obsolete portable radios.  
**(Hank Green, Fire Chief)**

#### SUMMARY:

In November of 2017, San Luis City Council authorized a multi-year contract for the purchase of 27 portable radios for the City of San Luis Fire Department. As was stated then, I reported that these radios had reached their service life and would no longer be supported by Motorola for parts and accessories. I am requesting that the City of San Luis and the City of San Luis Fire Department dispose of these radios by:

- Assigning four (4) radios to our Public Safety Communication Center (SLPSCC) for use by our communication personnel as an emergency backup radio, should our system experience a temporary failure. These radios will supplement radios already in the SLPSCC and while they will still not be supported for maintenance and accessories, we believe that being in a desktop charger in the climate controlled setting will stretch out their service life, compared to being front line fire radios and in and out of vehicles. Should they need to be replaced, we can defer the purchase to another year.
- Donate the balance (estimated to be about 20 radios) of the SLFD radios to Arizona Western College (AWC) Fire Academy Program. Presently the Fire Academy uses "job com" type radios (CB radios) for communication training, fire ground simulations, and coordination of live fire training evolutions. I have been in contact with the Yuma Regional Communication System (YRCS) Manager and raised this subject to the YRCS Executive Board for consideration. The YRCS Manager has assured me that it is possible to re-program these radios in such a manner that they would not create a load on the YRCS system. When asked by an Executive Board member regarding any trade-in or resale value of these obsolete radios, the YRCS manager stated that they had been offered a bid of \$100.00 per radio; to include the radio, any and all accessories (leather holster, belt clip, battery, spare battery, desktop charger, remote microphone, etc.). It is my opinion that donating these radio to AWC's Fire Academy is the best option considering that if these radios were disposed of through a San Luis surplus auction, they may be reprogrammed by a technically competent geek and could interfere with our radio system.

#### RECOMMENDATION / SUGGESTED MOTION:

**I MOVE TO APPROVE THE DISPOSAL OF SURPLUS RADIOS TO THE ARIZONA WESTERN COLLEGE FIRE ACADEMY IN THE BEST INTERESTS OF THE CITY FOR THE REASONS PRESENTED.**

**Supporting information not attached to the Agenda Item Review Form:**

N/A

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**Fiscal Impact**

**IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:** NO  
**CITY/STATE/FEDERAL FUNDS:** N/A  
**TOTAL:** N/A  
**BUDGETED AMOUNT:** N/A  
**AVAILABLE AMOUNT TO TRANSFER:** N/A  
**ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:** N/A  
**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**

There are no fiscal impacts associated to this item.

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## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.D.

**Meeting Date:** 02/13/2018

**Department Head:** Kay Macuil, City Attorney, Attorney's Office

**Submitted By:** Kay Macuil, City Attorney, Attorney's Office

**Action Requested:** Motion

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#### ITEM:

Discussion and possible action on any and all matters regarding the TischlerBise Proposal for Development Fee Study under A.R.S. §9-463.05. **(Kay Marion Macuil, City Attorney)**

#### SUMMARY:

A.R.S. §9-463.05 (D)(3) requires cities to update the land use assumptions and infrastructure improvement plans every five (5) years. The last San Luis Land Use Assumptions and Infrastructure Improvements Plan were May of 2014. The studies to produce these documents take time and they must be in place to make statutory deadlines for public hearings. In 2014, San Luis joined with other cities in Yuma County who needed the studies done and hired TischlerBise.

Land use assumptions and infrastructure improvements plans are the basis for charging development fees. Development fees are the fees in the city building applications which are to help defray the costs of infrastructure related to growth. Under A.R.S. § 9-463.05(D)(3), qualified professionals using generally accepted engineering and planning practices must develop these studies. Under A.R.S. §9-463.05 (E) the infrastructure improvements plan must include:

1. A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.
2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.
3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved land use assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.
4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.
5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated under generally accepted

engineering and planning criteria.

6. The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten (10) years.

7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.

Staff is recommending TischlerBise do the study. They are familiar with San Luis, having done the study in 2014. There may be travel savings because other cities in Yuma County have already hired the firm to do their studies, which are also due for 2019. For these reasons, staff requests that formal bidding be waived as is allowed under San Luis City Code-Purchasing §36.01(H). TischlerBise's Proposal is for **\$66,540.00**.

**RECOMMENDATION / SUGGESTED MOTION:**

**I MOVE TO APPROVE THE PROPOSAL OF TISCHLERBISE FOR A DEVELOPMENT FEE STUDY IN THE AMOUNT OF \$66,540.00.**

**Supporting information not attached to the Agenda Item Review Form:**

N/A

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**Fiscal Impact**

<b>IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:</b>	Yes
<b>CITY/STATE/FEDERAL FUNDS:</b>	City
<b>TOTAL:</b>	\$66,540.00
<b>BUDGETED AMOUNT:</b>	TBD
<b>AVAILABLE AMOUNT TO TRANSFER:</b>	TBD
<b>ACCT NAME &amp; GL#/REMAINING BALANCE BEFORE PURCHASE:</b>	TBD
<b>FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):</b>	

ARS §9-463.05(A) provides in part:

A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, **including the costs of** infrastructure, improvements, real property, engineering and architectural services, financing and **professional services required for the preparation or revision of a development fee**

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**Attachments**

TislerBise Proposal  
ARS 9-463-05

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# Proposal for Development Fee Study

City of San Luis, Arizona

January 20, 2018



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## Section 1: Cover Letter

January 22, 2018

Ms. Kay Macuil, Esq., City Attorney  
City of San Luis  
1090 E. Union Street  
San Luis, AZ 85349

Ms. Macuil,

TischlerBise is pleased to submit the enclosed proposal to provide an update to the City's Development Fee Study. We feel that TischlerBise is ideally suited to undertake this project based on our extensive national and Arizona development fee experience, which includes several engagements with the City of San Luis. There are several points we would like to note that make our qualifications unique:

- 1. Depth of Experience.** TischlerBise has been in business now for forty years. Our firm specializes in fiscal/economic impact analysis, development fees and infrastructure financing strategies, and market analysis. consulting firm. Our qualified team of six professionals bring an unparalleled depth of experience to this assignment. **We have prepared over 900 development fee studies across the country – more than any other firm.** We are innovators in the field, pioneering approaches for credits, impact fees by size of housing unit, and distance-related/tiered impact fees. More importantly, a TischlerBise development fee methodology has never been challenged in a court of law.
- 2. Technical Knowledge of Land Use Planning and Local Government Finance.** The City requires consulting expertise in the areas of infrastructure planning/finance, land use planning and growth management in the State of Arizona, as well as in local government finance. **Many communities overlook the fact that development fees are a land use regulation.** The TischlerBise team will apply years of development fee experience within the context of overall City financial needs, land use, and economic development policies. This will lead to a work product that is both defensible and that promotes equity.
- 3. Arizona Experience.** TischlerBise has prepared more development fees in the State of Arizona than any other firm. We also worked with the Arizona League of Cities and Towns in analyzing and suggesting amendments to SB 1525 which has dramatically changed Arizona's development fee enabling legislation.

As the President of TischlerBise, I have the authority to negotiate and contractually bind the firm. We look forward to the possibility of working again with the City of San Luis and are committed to providing cost-effective, high-quality support for this assignment.

Sincerely,

A handwritten signature in blue ink, appearing to be 'L. Carson Bise II', written in a cursive style.

L. Carson Bise II, AICP, President  
TischlerBise  
4701 Sangamore Road S240  
301.320.6900 x12  
carson@tischlerbise.com

## Section 2: Firm Experience and Expertise

TischlerBise, Inc., was founded in 1977 as Tischler, Montasser & Associates. The firm became Tischler & Associates, Inc., in 1980 and TischlerBise, Inc., in 2005. The firm is a Subchapter (S) corporation, is incorporated in Washington, D.C., and is headquartered in Bethesda, Maryland. The firm's legal address is:

### Principal Office

L. Carson Bise, AICP, President  
4701 Sangamore Rd, Suite 240  
Bethesda, MD 20816  
301.320.6900 x12 (w) | 301.320.4860 (f)  
carson@tischlerbise.com

TischlerBise is a fiscal, economic, and planning consulting firm specializing in fiscal/economic impact analysis, impact fees, market feasibility, infrastructure financing studies and related revenue strategies. Our firm has been providing consulting services to public agencies for forty years. In this time, we have prepared over **700 fiscal/economic impact evaluations and over 900 impact fee/infrastructure financing studies** – more than any other firm. Through our detailed approach, proven methodology, and comprehensive product, we have established TischlerBise as the leading national expert on revenue enhancement and cost of growth strategies.

### Arizona Experience

An important factor to consider related to this work effort is our relevant experience working in the State of Arizona. TischlerBise has unsurpassed experience preparing development fees and infrastructure improvements plans in the State of Arizona, particularly with Arizona's new development fee legislation, SB 1525. **We have completed or are currently engaged with the following Arizona communities to conduct SB 1525-related updates and analyses:**

- Apache Junction \*
- Avondale
- Buckeye\*#
- Casa Grande\*
- Cave Creek\*
- Coolidge\*
- Eloy\*
- Flagstaff\*
- Gilbert\*#
- Glendale\*
- Goodyear\*
- Maricopa\*
- Payson
- Pinetop-Lakeside\*
- Queen Creek\*
- Safford
- Sedona\*
- Show Low\*
- Sierra Vista\*
- San Luis
- Somerton\*#
- Wellton
- Yuma\*#

*\*Indicates multiple engagements*

*#Indicates repeat client currently updating SB 1525 fee study*

## TischlerBise National Experience

TischlerBise is the national leader in advancing the “state of the practice.” For example, TischlerBise pioneered development fees by housing size and/or bedroom count, tiered transportation fee schedules, techniques for mitigating high fees for nonresidential development, and integrating transportation impact fees as part of an overall funding strategy. While every community is unique, this national experience provides invaluable perspective for our clients. A summary of our national development fee experience is shown below.

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
AZ	<i>Apache County</i>	◆												
AZ	<i>Apache Junction</i>		◆					◆	◆	◆		◆	◆	
AZ	<i>Avondale</i>		◆	◆	◆			◆	◆	◆		◆	◆	
AZ	<i>Buckeye</i>		◆	◆	◆			◆		◆		◆	◆	
AZ	<i>Bullhead City</i>		◆					◆		◆			◆	
AZ	<i>Camp Verde</i>	◆						◆		◆		◆	◆	
AZ	<i>Carefree</i>	◆	◆		◆						◆		◆	
AZ	<i>Casa Grande</i>		◆	◆				◆	◆	◆		◆	◆	
AZ	<i>Cave Creek</i>		◆	◆	◆					◆	◆		◆	
AZ	<i>Coolidge</i>		◆	◆			◆	◆	◆	◆			◆	
AZ	<i>Dewey-Humboldt</i>		◆					◆	◆	◆		◆	◆	
AZ	<i>El Mirage</i>			◆	◆			◆	◆	◆			◆	
AZ	<i>Eloy</i>			◆	◆			◆		◆		◆	◆	
AZ	<i>Flagstaff</i>	◆	◆					◆	◆	◆		◆	◆	
AZ	<i>Gilbert</i>		◆		◆			◆	◆			◆		
AZ	<i>Glendale</i>			◆	◆	◆		◆	◆	◆		◆	◆	
AZ	<i>Goodyear</i>		◆	◆	◆			◆	◆	◆		◆		
AZ	<i>Holbrook</i>			◆	◆		◆							
AZ	<i>Lake Havasu City</i>		◆											
AZ	<i>Maricopa</i>	◆	◆					◆	◆	◆	◆	◆	◆	
AZ	<i>Navajo County</i>	◆	◆						◆					
AZ	<i>Peoria</i>	◆	◆					◆	◆	◆	◆	◆	◆	
AZ	<i>Phoenix</i>		◆				◆	◆	◆	◆	◆	◆		
AZ	<i>Pinal County</i>	◆	◆					◆		◆				
AZ	<i>Pinetop-Lakeside</i>		◆					◆		◆	◆		◆	
AZ	<i>Prescott</i>	◆												

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
AZ	Queen Creek		◆	◆	◆			◆	◆		◆	◆	◆	
AZ	Safford			◆	◆									
AZ	San Luis		◆	◆	◆	◆		◆	◆	◆				
AZ	Scottsdale			◆	◆									
AZ	Sedona		◆			◆		◆		◆			◆	
AZ	Show Low	◆	◆	◆	◆			◆		◆		◆		
AZ	Sierra Vista		◆					◆	◆	◆	◆	◆		
AZ	Somerton		◆	◆	◆	◆		◆	◆	◆				
AZ	Springerville	◆		◆	◆									
AZ	Surprise		◆	◆	◆			◆	◆	◆		◆	◆	
AZ	Taylor	◆	◆					◆	◆	◆			◆	
AZ	Tolleson	◆	◆	◆	◆	◆		◆	◆				◆	
AZ	Tucson		◆											
AZ	Wellton		◆	◆	◆	◆		◆	◆	◆				
AZ	Yuma		◆	◆		◆		◆	◆	◆	◆		◆	
CA	Avenal		◆	◆		◆	◆	◆	◆	◆		◆		
CA	Banning		◆					◆	◆	◆			◆	
CA	Butte County		◆					◆	◆			◆	◆	
CA	Chino Hills		◆	◆		◆				◆				
CA	Clovis			◆										
CA	Corcoran			◆	◆			◆		◆			◆	
CA	El Centro							◆	◆	◆		◆	◆	
CA	Grass Valley		◆	◆	◆	◆		◆	◆	◆			◆	
CA	Half Moon Bay		◆	◆				◆		◆	◆			
CA	Hemet		◆			◆		◆	◆	◆	◆	◆	◆	
CA	Imperial County	◆												
CA	Mammoth Lakes		◆			◆		◆		◆	◆		◆	
CA	Maywood	◆												
CA	National City							◆	◆	◆		◆		
CA	Rancho Cucamonga									◆				
CA	Suisun City		◆							◆			◆	
CA	Temecula		◆	◆	◆			◆		◆	◆	◆	◆	
CA	Tulare		◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	
CA	Visalia									◆		◆	◆	
CO	Arapahoe County		◆											
CO	Boulder		◆				◆	◆	◆	◆	◆	◆		

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
CO	Castle Rock		◆			◆	◆	◆	◆	◆		◆		
CO	Colorado Springs		◆											
CO	Eaton			◆	◆		◆		◆	◆		◆		
CO	Erie		◆				◆		◆	◆		◆		
CO	Evans		◆											
CO	Fort Collins		◆											
CO	Greeley		◆	◆				◆	◆					
CO	Johnstown		◆				◆	◆	◆	◆	◆	◆		
CO	Larimer County		◆											
CO	Longmont		◆					◆				◆		
CO	Louisville	◆	◆				◆		◆	◆	◆	◆		
CO	Mead		◆				◆		◆			◆		
CO	Montezuma County		◆											
CO	Pitkin County		◆											
CO	Pueblo		◆											
CO	Steamboat Springs		◆				◆	◆	◆	◆		◆		
CO	Thornton		◆				◆	◆	◆	◆		◆		
CO	Vail		◆											
FL	Islamorada								◆	◆			◆	
FL	Manatee County		◆					◆	◆	◆	◆		◆	◆
FL	Manatee County Schools													◆
FL	Miami	◆						◆	◆	◆	◆		◆	◆
FL	Naples	◆												
FL	North Miami	◆		◆	◆			◆	◆	◆	◆	◆	◆	
FL	Parkland							◆		◆				
FL	Pasco Co. School Board													◆
FL	Port St. Lucie									◆			◆	
FL	Punta Gorda		◆					◆	◆	◆		◆	◆	
FL	South Miami		◆							◆				
FL	Seminole Co. Schools													◆
FL	Stuart		◆					◆	◆	◆			◆	
FL	West Miami			◆				◆		◆			◆	
GA	Effingham County		◆	◆	◆			◆		◆		◆		
GA	Gordon County	◆							◆	◆		◆		
GA	Henry County		◆											
GA	Roswell		◆						◆	◆		◆		

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
ID	Hailey		◆	◆	◆			◆	◆	◆	◆	◆	◆	
ID	Hayden		◆					◆		◆				
ID	Post Falls	◆	◆					◆		◆				
ID	Sandpoint		◆						◆	◆	◆			
ID	Shoshone Co. Fire Dept								◆					
ID	Victor		◆					◆	◆	◆				
LA	Covington			◆	◆									
MD	Carroll County					◆			◆	◆		◆	◆	◆
MD	Charles County		◆							◆				◆
MD	Cecil County		◆					◆	◆				◆	
MD	Dorchester County	◆						◆						◆
MD	Easton	◆	◆					◆	◆	◆			◆	
MD	Frederick		◆											
MD	Frederick County		◆					◆	◆	◆		◆	◆	◆
MD	Hagerstown		◆					◆		◆			◆	
MD	Hampstead				◆			◆		◆				
MT	Belgrade	◆	◆	◆	◆				◆	◆				
MT	Bozeman		◆	◆	◆				◆					
MT	Flathead County		◆						◆					
MT	Florence School District													◆
MT	Gallatin County	◆	◆						◆					
MT	Gallatin Co. Fire Districts								◆					
NC	Orange County									◆	◆			◆
NC	Pasquotank													◆
ND	Minot											◆	◆	
NM	Las Cruces			◆	◆									
NV	North Las Vegas	◆							◆					
NV	Nye County		◆			◆		◆	◆	◆				
NV	Washoe County		◆					◆						
OH	Delaware							◆	◆	◆			◆	
OH	Lebanon		◆							◆				
OH	Pickerington	◆	◆					◆		◆			◆	
OH	Sunbury							◆					◆	
RI	East Greenwich								◆	◆	◆		◆	◆
RI	Middletown			◆				◆	◆	◆			◆	◆
UT	Mapleton			◆	◆	◆			◆	◆	◆			

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
UT	North Logan	◆	◆	◆	◆					◆	◆			
UT	Pleasant Grove	◆	◆	◆	◆			◆	◆	◆				
UT	Sandy City		◆			◆		◆	◆		◆			
UT	Spanish Fork	◆		◆	◆	◆				◆				
UT	West Jordan		◆	◆	◆	◆		◆	◆	◆				
VA	Stafford County		◆											
VA	Suffolk			◆	◆									
WV	Jefferson County							◆	◆	◆			◆	◆
WY	Casper	◆	◆						◆	◆				
WY	Cheyenne		◆					◆	◆	◆			◆	◆

## Project Examples/References

The following project descriptions demonstrate our team’s recent and vast experience with assignments similar to the scope of services required by the City of San Luis.

### **City of Buckeye, Arizona – Land Use Assumptions, IIP and Development Fee Study**

Project Contact: George Flores, Development Services Director

Phone: (623) 349-6209

E-mail: [gflores@buckeyeaz.gov](mailto:gflores@buckeyeaz.gov)

Date of Performance: 2013 and 2017

TischlerBise Staff: Carson Bise, AICP, and Benjamin Griffin

TischlerBise is completing an update to the City’s SB1525 compliant development fees we completed in 2013. This study includes an update to parks and recreation, library, street, police, fire, water, and wastewater development fees. **Due to Buckeye’s acquisition of Global Water, and the complexity of existing development agreements related to this acquisition, Buckeye accelerated its update process.** To account for development agreements related to water and wastewater service throughout Buckeye, which often vary within individual Community Master Plan Areas and 208 Areas, **TischlerBise and Buckeye staff are designing a GIS-based development fee schedule to accurately assess fees at the parcel level.** Buckeye’s current (four) water and wastewater service areas are projected to increase to approximately ten to twenty service areas for each type of infrastructure – Buckeye’s water and wastewater development agreements do not usually have similar geographic boundaries.

### **City of Yuma, Arizona – Land Use Assumptions, IIP and Development Fee Study**

Project Contact: Andrew McGarvie, Assistant City Engineer

Phone: (928) 373-5000 Ext. 3044

E-mail: Andrew.mcgarvie@yumaaz.gov

Date of Performance: 2000, 2005, 2011, and 2017

TischlerBise Staff: Carson Bise, AICP, and Benjamin Griffin

TischlerBise is completing an update to the City's SB1525 compliant development fees, we completed in 2011. This study includes an update to parks and recreation, library, police, fire, and transportation development fees (**this is the fourth time the City has engaged TischlerBise**). The scope of this work effort included developing land use assumptions for the service area(s) where development fees were to be assessed, determining eligible infrastructure projects under the new definition of "necessary public services," and calculating Infrastructure Improvement Plans. As part of this update, TischlerBise examined the feasibility of implementing a tiered transportation development fee structure that is designed to encourage development in the downtown area. Ultimately, the City and TischlerBise agreed this was not a supportable option for a variety of reasons.

### **City of Avondale, Arizona – Land Use Assumptions, IIP and Development Fee Study**

Project Contact: David Vaca, CIP Manager

Phone: (623) 333-1000

E-mail: dvaca@avondale.org

Date of Performance: 2002 and 2013

TischlerBise Staff: Carson Bise, AICP, Julie Herlands, AICP, and Ben Griffin

**The City of Avondale contracted with TischlerBise midway through their SB1525 compliance fee study in 2013 after parting ways with their contracted consulting firm.** Since TischlerBise has a substantial staff devoted to its development fee practice, we were able to immediately bring the necessary resources to bear in order to salvage the work effort and successfully complete the assignment in order to meet the City's deadline. This study included preparing Infrastructure Improvements Plan and associated development fees for the following necessary public services: General Government, Library, Parks and Recreational, Fire, Police, Streets, Water and Wastewater.

### **City of Tempe, Arizona – Land Use Assumptions, IIP and Development Fee Study**

Project Contact: Julie Hietter, Public Works Manager

Phone: (480) 350-8371

E-mail: julie\_hietter@tempe.gov

Date of Performance: 2014 and 2017

TischlerBise Staff: Carson Bise, AICP, and Benjamin Griffin

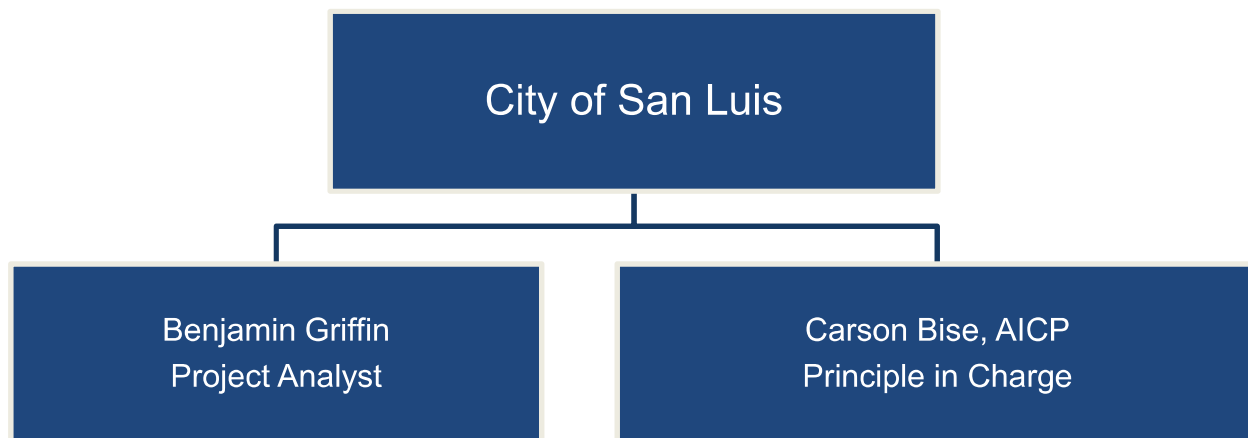
The City of Tempe hired TischlerBise in 2013 to prepare SB1525 compliant Land Use Assumptions, Infrastructure Improvements Plan and Development Fee Study for Police, Libraries, Streets, Fire and Parks. As part of this effort, TischlerBise prepared several iterations of the fees (e.g., plan-based versus incremental expansion) for the City's consideration. A primary consideration as part of this assignment was the City's ability to fund the operating expenses associated with various planned facilities. TischlerBise also prepared the residential fees using a progressive fee structure (e.g., fees vary by size of house),

which helps with housing equity and affordability issues. **TischlerBise was recently retained to update the Streets fees as well as redo the existing Water and Wastewater development fees.**

## Section 3: Staff Qualifications and Experience

### Consulting Team Roles and Responsibilities

To successfully navigate your Infrastructure Improvements Plan and Development Fee Study, the consultant must possess specific, detailed and customized knowledge of not only the technical analysis, but the context of the development fee structures and implementation in achieving City fiscal, economic, transportation and land use policies goals. Our proposed Project Team of Carson Bise, AICP and Benjamin Griffin has unsurpassed experience performing projects requiring the same expertise as that needed to serve the City of San Luis. Our Project Team brings over 35 years of development fee calculation, infrastructure finance, demographic and market analysis, and development fee implementation experience to the City's assignment. In summary, our Principal in Charge and Project Manager are considered national thought leaders in the areas of impact fees, exactions, infrastructure finance, impact fee program administration, and implementation. The organizational chart below shows our project team for this assignment.



**Carson Bise, AICP**, President of TischlerBise, will serve as Principal-In-Charge and coordinate our Project Team's interaction with the City of San Luis to ensure that all work is completed properly, on time, and within budget. He will work closely with Benjamin Griffin, developing and reviewing all aspects of the project and providing overall quality assurance for the project.

**Benjamin Griffin**, Senior Fiscal/Economic Analyst, has been selected as Project Manager for this project because of his substantial experience preparing development fees and financing strategies, as well as his strong project management skills. Mr. Griffin will be responsible for controlling the work in progress, providing feedback to project team members and staff, and will be responsible for the technical requirements of the project. Mr. Griffin has been with TischlerBise for five years and is the Project Manager for our current Land Use Assumptions, IIP and Development Fee studies in Casa Grande, Tempe and Buckeye.

## Consulting Team Resumes

### L. Carson Bise, II, AICP, President

Mr. Bise has 25 years of fiscal, economic and planning experience, and **has conducted fiscal and infrastructure finance evaluations in 37 states**. Mr. Bise is a leading national figure in the calculation of impact fees, having completed over 250 impact fees for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. In his seven years as a planner at the local government level he coordinated Capital Improvement Plans, conducted market analyses and business development strategies, and developed comprehensive plans. Mr. Bise has also written and lectured extensively on fiscal impact analysis and infrastructure financing. His most recent publications are *Next Generation Transportation Impact Fees* and *Fiscal Impact Analysis: Methodologies for Planners* published by the American Planning Association, a chapter on fiscal impact analysis in the book *Planning and Urban Design Standards* also published by the American Planning Association, and the ICMA IQ Report, *Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets*. Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled *The Economics of Density*. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and **recently Chaired the American Planning Association's Paying for Growth Task Force. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.**

### SELECTED IMPACT FEE AND INFRASTRUCTURE FUNDING STRATEGY EXPERIENCE

- City of Apache Junction, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Avondale, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Buckeye, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- Town of Camp Verde, Arizona – *Impact Fee Study*
- City of Coolidge, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Glendale, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Eloy, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Flagstaff, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- Town of Payson, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- Town of Pinetop-Lakeside, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Safford, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of San Luis, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Sedona, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Sierra Vista, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Somerton, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- Town of Wellton, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Yuma, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Avenal, California – *Impact Fee Study*

- City of National City, California – *Impact Fee Study*
- City of Temecula, California – *Impact Fee Study*
- City of Tulare, California – *Impact Fee Study*
- City of Boulder, Colorado – *Impact Fee/Excise Tax Study*
- City of Evans, Colorado – *Impact Fee Study*
- City of Greeley, Colorado – *Impact Fee Study*
- City of Longmont, Colorado – *Impact Fee Study*
- City of Louisville, Colorado – *Impact Fee Study*
- City of Steamboat Springs, Colorado – *Impact Fee Study*
- City of Thornton, Colorado – *Impact Fee Study*
- Town of Vail, Colorado – *Impact Fee Study*
- DeSoto County, Florida – *Impact Fee Study*
- Manatee County, Florida – *Impact Fee Study*
- City of North Miami, Florida – *Impact Fee Study*
- Pasco County, Florida – *School Impact Fee Study*
- City of Hagerstown, Maryland – *Impact Fee Study*
- Town of Hampstead, Maryland – *Impact Fee Study*
- City of Salisbury, Maryland – *Impact Fee Study*
- Talbot County, Maryland – *Impact Fee Study*
- Washington County, Maryland – *Impact Fee Study*
- Worcester County, Maryland – *Impact Fee Study*
- Broadwater County, Montana – *Impact Fee Feasibility Study*
- Gallatin Canyon/Big Sky, Montana – *Capital Improvement and Funding Plan*
- City of Great Falls, Montana – *Impact Fee Feasibility Study*
- City of Las Cruces, New Mexico – *Water and Sewer Impact Fee Study*

## EDUCATION

M.B.A., Economics, Shenandoah University

B.S., Geography/Urban Planning, East Tennessee State University

B.S., Political Science/Urban Studies, East Tennessee State University

## PUBLICATIONS

- “Next Generation Transportation Impact Fees,” American Planning Association, Planners Advisory Service.
- “Fiscal Impact Analysis: Methodologies for Planners,” American Planning Association.
- “Planning and Urban Design Standards,” American Planning Association, Contributing Author on Fiscal Impact Analysis.
- “Fiscal Impact Analysis: How Today’s Decisions Affect Tomorrow’s Budgets,” ICMA Press.
- “The Cost/Contribution of Residential Development,” Mid-Atlantic Builder.

## Benjamin Griffin, Senior Fiscal/Economic Analyst

Benjamin Griffin is a Senior Fiscal and Economic Analyst at TischlerBise and has 6 years of experience, specializing in development fees, fiscal impact analysis and economic development planning. Prior to

joining TischlerBise, Mr. Griffin worked on real estate and economic development projects for the New Orleans Business Alliance. During this time, he conducted field surveys to determine the economic health of key retail corridors, researched real estate development projects, and analyzed economic development initiatives. Prior to his real estate and economic development experience, Mr. Griffin worked with the New Orleans Redevelopment Authority, where he gained experience in performance-based funding sources, title clearance, and GIS. This position provided practical experience with issues concerning the redevelopment process, title clearance of properties received and acquired through various means, and analysis of property data for redevelopment projects. Mr. Griffin also possesses professional experience with the Jefferson Parish Planning Department, where he worked in the Current Planning Division.

### SELECTED IMPACT FEE AND INFRASTRUCTURE FUNDING STRATEGY EXPERIENCE

- City of Buckeye, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Maricopa, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Sierra Vista, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Tempe, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- City of Yuma, Arizona – *Land Use Assumptions, IIP and Development Fee Study*
- Pinal County, Arizona – *Development Fee Study*
- City of Lemoore, California – *Development Fee Study*
- City of Tulare, California – *Development Fee Study*
- City of Boulder, Colorado – *Impact Fee Study*
- City of Durango, Colorado – *Housing and Transit Linkage Fees*
- City of Erie, Colorado – *Impact Fee Study*
- City of Louisville, Colorado – *Development Fee Study*
- Town of Mead, Colorado – *Impact Fee Study*
- City of Coral Gables, Florida – *Impact Fee Study*
- Village of Islamorada, Florida – *Impact Fee Study*
- Manatee County, Florida – *Impact Fee Study*
- Manatee County School District, Florida – *Impact Fee Study*
- City of Covington, Louisiana – *Impact Fee Study*
- City of Sandy, Utah – *Impact Fee Study*
- City of West Jordan, Utah – *Impact Fee Study*

### EDUCATION

Master of Urban and Regional Planning, Economic Development, University of New Orleans  
Bachelor of Business Administration, Finance, University of Mississippi

## Section 4: Project Understanding and Approach

### Project Approach

Development fees are fairly simple in concept, but complex in delivery. Generally, the jurisdiction imposing the fee must: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) show a reasonable relationship between the fee's use and the type of development project, (4) show a reasonable relationship between the facility to be constructed and the type of development, and (5) account for and spend the fees collected only for the purpose(s) used in calculating the fee.

Reduced to its simplest terms, the process of calculating impact fees involves the following two steps:

1. Determine the cost of development-related improvements, and
2. Allocate those costs equitably to various types of development.

There is, however, a fair degree of latitude granted in constructing the actual fees, as long as the outcome is "proportionate and equitable." Fee construction is both an art and a science, and it is in this convergence that TischlerBise excels in delivering products to clients.

Any one of several legitimate methods may be used to calculate impact fees for the City. Each method has advantages and disadvantages given a particular situation, and to some extent they are interchangeable because they all allocate facility costs in proportion to the needs created by development. In practice, the calculation of development fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for capital facilities. The following paragraphs discuss the three basic methods for calculating development fees and how those methods can be applied.

**Plan-Based Fee Calculation** - The plan-based method allocates costs for a specified set of future improvements to a specified amount of development. The improvements are identified by a CIP. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. The plan-based method is often the most advantageous approach for facilities that require engineering studies, such as roads and utilities.

**Cost Recovery Fee Calculation** - The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities from which new growth will benefit. To calculate a development fee using the cost recovery approach, facility cost is divided by the ultimate number of demand units the facility will serve. An oversized arterial roadway is an example.

**Incremental Fee Calculation** - The incremental expansion method documents the current level-of-service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an existing service standard such as square feet per capita or park acres per capita. The LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, clients do not use the funds for renewal and/or replacement of existing facilities. Rather, the jurisdiction uses the impact fee revenue to expand or provide additional facilities as needed to accommodate new development. An

incremental expansion cost method is best suited for public facilities that will be expanded in regular increments with LOS standards based on current conditions in the community.

**Growth Projections and Demographic Trends.** Projecting future residential and nonresidential development is more difficult now than in the past due to the lingering effects of the Great Recession. This is compounded by shifting trends in the housing market as a result of changing demographics and lifestyle choices. Changes in the retail sector combined with existing surpluses of retail space in many communities are also a concern. **TischlerBise's extensive national experience conducting market analysis and real estate feasibility studies is invaluable in determining the appropriate development projections used in the IIP and development fee calculations.** This includes both the amount of development and the geographic location. Depending on the methodology employed, overly optimistic development projections can increase the City's financial exposure, if projected development fee revenue is less than expected.

## Work Scope

### TASK 1: PROJECT INITIATION / DATA ACQUISITION

During this task, we will meet with City staff to establish lines of communication, review and discuss project goals and expectations related to the project, review (and revise if necessary) the project schedule, request data and documentation related to new proposed development, and discuss City staff's role in the project. The objectives of this initial discussion are outlined below:

- Obtain and review current demographics and other land use information for the City of San Luis
- Review and refine work plan and schedule
- Discuss current and previous work efforts related to this topic
- Assess additional information needs and required staff support
- Identify and collect data and documents relevant to the analysis
- Identify any major relevant policy issues

#### **Meetings:**

One (1) on-site visit to meet with City project management team/City staff as appropriate.

#### **Deliverables:**

Data request memorandum.

### TASK 2: DEVELOP LAND USE ASSUMPTIONS

TischlerBise will review and update annual projections of population, employment, housing, commercial, industrial and other nonresidential square footage data for at least fifteen (15) years for utilities and ten (10) year for all other development fee categories. The Consultant will prepare a memorandum discussing the recommended land use projections (Land Use Assumptions Document) that will serve as the basis for the IIP and development impact fee schedule. TischlerBise will prepare a plan that includes

projections of changes in land uses, densities, intensities, and population for a specific service area. A map of the area(s) to which the land use assumptions apply will also be included in this task.

**Meetings:**

Discussions with the Department of Planning and Zoning will be held as part of Task 1, as well as conference calls as needed.

**Deliverables:**

TischlerBise will prepare a draft technical memorandum discussing the recommended Land Use Assumptions. After review and sign-off by the City, a final memorandum will be issued, which will become part of the final Development Fee Report.

**TASK 3: ASCERTAIN DEMAND FACTORS AND LEVELS-OF-SERVICE FOR “NECESSARY PUBLIC SERVICES”**

Communities in Arizona may assess development fees for “necessary public services” which have a useful life of more than three years and that are owned and operated on behalf of the City and within the incorporated boundary.

There are several important subtasks that are outlined below:

- **Proportionate Share** – Determine the proportionate share of the cost of “necessary public services,” based on service units needed to provide such services to new development.
- **Determine Existing Levels-of-Service** – The costs for the “necessary public services” required to serve new development are based on the same level-of-service being provided to existing development in the service area. We will determine the existing level-of-service by conducting onsite interviews, evaluating the appropriate studies, and analyzing relevant local data. These onsite interviews will also include discussions about and defining of the infrastructure components to be included in the IIP and development fees.
- **Determine Service Areas** – Specify the area(s) within the City’s boundaries in which development will be served by the “necessary public services” or facility expansions and that a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the IIP.

The above subtasks will enable us to ensure that three important development fee requirements are met, collectively referred to as rational nexus requirements: demonstration of impact, benefit, and proportionality.

**Meetings:**

Two (2) meetings with City staff to discuss capital facility needs and levels-of-service.

**Deliverables:**

Technical Memorandum Discussing Recommended Service Areas by Fee Category (if applicable).

## TASK 4: IDENTIFY CAPITAL NEEDS AND COSTS

This task will determine the relevant capital needs and costs due to growth.

- 1) **Long-Range Capital Need** – TischlerBise will focus on relevant documents such as the General Plan, any relevant master plans, the current Capital Improvements Plan, and other mapping and data that is available. Discussions will aim not only to understand the specific costs, but also to assess the size and scope of projects and whether capital facility needs are due to normal replacement, catch-up, or new demand.
- 2) **Service Units** – TischlerBise will define the standardized measures of consumption, use, or generation attributable to an individual unit of development for each category of “necessary public services” or facility expansions.
- 3) **Review Cost Estimates** – TischlerBise will review the costs of infrastructure improvements, real property, financing, engineering, and architectural services associated with the “necessary public services” to be included in the IIP and development fees.
- 4) **Financing Costs** – TischlerBise will identify projected interest charges and other financial costs which are to be used for repayment of principal and interest of debt used to finance construction of “necessary public services” identified in the IIP.
- 5) **Identify Ineligible Costs** – TischlerBise will identify costs that are not eligible for inclusion in the IIP and development fees. Ineligible costs include projects not included in the IIP; repair, maintenance, or operation of existing facilities; projects which serve existing development in order to meet stricter regulatory requirements; projects which provide a higher level-of-service to existing development; and administrative, maintenance, and operating costs.

As part of calculating the fee, costs for infrastructure improvements, real property, financing, engineering, and architectural services will be considered. TischlerBise will consider all of these components in developing an equitable allocation of costs.

### **Meetings:**

Two (2) meetings with City staff.

### **Deliverables:**

See Task 7.

## TASK 5: DETERMINE NEED FOR “CREDITS” TO BE APPLIED AGAINST CAPITAL COSTS

A consideration of “credits” is integral to the development of a legally valid impact fee methodology. There is considerable confusion among those who are not immersed in impact fee law about the definition of a credit and why it may be required.

There are two types of “credits” that are included in the calculation of impact fees, each with specific, distinct characteristics. The first is a credit due to possible double payment situations. This could occur when a property owner will make future contributions toward the capital costs of a public facility covered by an impact fee. The second is a credit toward the payment of an impact fee for the required dedication of public sites and improvements provided by the developer and for which the impact fee is imposed. Both types of credits will be considered and addressed in the development fee study.

***Deliverables:***

Memoranda as appropriate. See Task 10.

**TASK 6: DISCUSS PRELIMINARY METHODOLOGIES AND POLICY OPTIONS**

The requirement that development fees be based on an IIP does not equate to a requirement that only the plan-based methodology can be used in the calculations. The IIP can reflect the past capacity investments in infrastructure that will be repaid by new development with development fee revenue. Likewise, the City can plan to provide new development the same level-of-service being currently provided to existing development.

TischlerBise will evaluate different allocation methodologies for each IIP and development fee component to determine which methodology is the most appropriate measure of the demand created by new development. These methodologies include:

**Cost Recovery Methodology** – This methodology is best suited for infrastructure which has already been built and has excess capacity available to be utilized for new development.

**Incremental Expansion Methodology** – Under this approach, new development will receive the current level-of-service being provided to existing development by the existing inventory of infrastructure.

**Plan-Based Methodology** – This methodology primarily evaluates the CIP for new development’s proportionate share of planned capital projects. It is important to note, however, that CIP’s are often fiscally constrained and may not reflect the true requirements of new development. TischlerBise will therefore also evaluate master plans for different categories of infrastructure.

This comprehensive approach and consideration of alternative methodologies will allow maximization of the development fees. TischlerBise to prepare draft levels-of-service tables and methodology recommendations for each infrastructure category and component. We will discuss this information with City staff to ensure understanding and acceptance. Policy alternatives will be discussed as appropriate. This should help ensure “sign-off” and prevent time delays in finalizing the analysis.

***Meetings:***

One (1) meeting with City staff and elected officials (if desired) to discuss and explain the preliminary findings, assumptions, and results.

***Deliverables:***

TischlerBise will prepare a “story board” for staff review and comment detailing proposed levels-of-service, cost estimates, service areas, credits and recommended calculation methodologies.

**TASK 7: PREPARE DRAFT INFRASTRUCTURE IMPROVEMENT PLAN (IIP)**

In this task, TischlerBise’s qualified professionals will prepare an IIP using generally accepted engineering and planning practices for each “necessary public service” for which a development fee can be assessed. Development of the IIP will include the following subtasks:

- **Reserve Capacity** – The IIP will identify infrastructure capacity to be reserved to serve future development.

- **Description of Existing Necessary Public Services in the Service Area(s)** – The IIP will include a description of the existing “necessary public services” in the service area(s) and the costs to upgrade, update, improve, expand, correct, or replace those services to meet existing needs and usage and stricter safety, efficiency, environmental, and regulatory standards.
- **Analysis of Total Capacity** – The IIP will identify the current usage and commitments for usage of capacity of the existing “necessary public services.”
- **Description of “Necessary Public Services” Attributable to New Development** – The IIP will describe all parts of the “necessary public services” of facility expansions and their costs necessitated by and attributable to development in the service area(s) based on the approved land use assumptions. Cost forecasts will include the costs of infrastructure improvements, real property, financing, engineering, and architectural services.
- **Equivalency/Conversion Table** – The IIP will include a table establishing the specific level or quantity of use, consumption, or generation of a service unit for each category of “necessary public services” or facility expansions. The table will include the ratio of a service unit to various types of residential, commercial, and industrial land uses.
- **Projected Service Units** – The IIP will include the total number of projected service units necessitated by and attributable to new development in the service area(s), based on the approved land use assumptions.
- **Projected Demand for Necessary Public Services** – The IIP will include a ten-year projection of the demand for “necessary public services” or facility expansions required by new service units.
- **Forecast of Non-Development Fee Revenues from New Service Units** – The IIP will forecast revenues other than development fees generated by new service units, such as state-shared revenue, highway user revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes, and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions. This subtask will include a plan to include these contributions in determining the extent of the burden created by new development.

These subtasks will result in a written plan that identifies each “necessary public service” or facility expansion that is to be the subject of a development fee and complies with the requirements of State law.

**Meetings:**

None.

**Deliverables:**

Draft Infrastructure Improvement Plan.

**TASK 8: CONDUCT FUNDING AND CASH FLOW ANALYSIS; ESTIMATE ANNUAL OPERATING COSTS**

In order to prepare a meaningful IIP, it is important to evaluate the anticipated funding sources. In this task, TischlerBise will prepare a ten-year cash flow analysis. This calculation will allow the City to better

understand the revenue potential of the development fees and the amount which would be needed if the fees were discounted. It will also provide a good understanding of the cash flow needed to cover the infrastructure costs for new development. The cash flow analysis will indicate whether additional funds might be needed or whether the IIP might need to be altered. This could also affect the total credits calculated in the previous task. Therefore, it is likely that a number of iterations will be conducted in order to refine the cash flow analysis reflecting the capital improvement needs. Development fee revenues can only be spent on capital projects that add capacity. Operating and maintenance costs associated with these capital improvements will have to be funded from other revenue sources, mostly likely from the General Fund. To estimate the annual operational and maintenance costs of the projected infrastructure, TischlerBise will utilize several data sources, including:

- Most recently adopted operating budget.
- Most recently adopted CIP.
- Capital project/program submittal sheets from departments.

***Meetings:***

None.

***Deliverables:***

See Task 10.

#### **TASK 9: COMPLETE DEVELOPMENT FEE METHODOLOGY AND CALCULATIONS**

The completion of the previous task will enable the development fee methodology and calculations to be finalized. TischlerBise will calculate the maximum justifiable fee for commercial, residential, and industrial development that can be charged and conform to fee requirements.

***Meetings:***

None.

***Deliverables:***

Draft Development Fee Report.

#### **TASK 10: PREPARE FINAL LAND USE ASSUMPTIONS, IIP AND DEVELOPMENT FEE REPORT, PUBLIC PRESENTATIONS**

TischlerBise will prepare a written report for the City that summarizes the need for development fees for the “necessary public services” category and the relevant methodologies employed, as well as documentation for all assumptions and cost factors. The report will include at a minimum the following information:

- Executive Summary.
- A detailed description of the methodologies used during the study.
- A detailed description of all level-of-service standards and cost factors used and accompanying rationale.
- An IIP spanning a maximum ten-year planning horizon (15-year for utilities), listing projects, costs, timing, and financing.
- A detailed schedule of all proposed fees listed by land use type and activity.

- Other information which adequately explains and justifies the resulting recommended fee schedule.
- A ten-year cash flow analysis of development fees and estimate of operating costs.

***Meetings:***

Two (2) presentations/worksessions with the City Council to present and discuss final and Use Assumptions, Development Fee Report and IIP as part of the legislatively required adoption process.

***Deliverables:***

Final Land Use Assumptions, IIP and Development Fee Report and presentation materials for meetings.

## Section 5: Project Schedule

The table below indicates our proposed schedule for this assignment. Given that both TischlerBise and the City have navigated an SB1525 fee study previously, we have found with other clients, the second update doesn't take as long given the previous experience under the new law. Completion of the Final Reports in by late September should provide enough lead time for a timely adoption.

<b>PROPOSED SCHEDULE- LAND USE ASSUMPTIONS, IIP AND DEVELOPMENT FEE STUDY</b>			
<b>Tasks</b>	<b>Anticipated Dates</b>	<b>Meetings*</b>	<b>Meetings/Deliverables</b>
Task 1: Project Initiation	February, 2018	1	Data Request Memorandum
Task 2: Develop Land Use Assumptions	February - March, 2018	1*	Land Use Assumptions Document
Task 3: Ascertain Demand Factors and Levels-of-Service for "Necessary Public Services"	March - April, 2018	2	Technical Memorandum Discussing Recommended Service Areas by Fee Category
Task 4: Identify Capital Needs and Costs	March - June, 2018	2*	See Task 7
Task 5: Determine Need for Credits	June, 2018	0	See Task 10
Task 6: Discuss Preliminary Methodologies and Policy Options	June, 2018	1	"Storyboard" Presentation Outlining Preliminary Methodologies and Policy Options
Task 7: Prepare Draft Infrastructure Improvement Plan	June - July, 2018	0	Draft Infrastructure Improvement Plan
Task 8: Conduct Funding and Cash Flow Analysis; Estimate Annual Operating Costs	July, 2018	0	See Task 10
Task 9: Complete Development Fee Methodologies and Calculations	August, 2018	0	Draft Development Fee Report
Task 10: Prepare Final Land Use Assumptions, IIP and Development Fee Report	September, 2018	3	Final Land Use Assumptions, IIP and Development Fee Reports

\*In several cases it is assumed meetings are held with multiple departments over one (1) trip.

## Section 6: Fee Schedule

The table below indicates the fixed fee consulting costs for this assignment. TischlerBise invoices monthly on a percentage complete basis.

PROPOSED FEE - DEVELOPMENT FEE STUDY					
Project Team Member:	Bise	Griffin	Total		
	Hourly Rate*	\$200	\$165	Hours	Cost
Task 1: Project Initiation	8	8	16	\$2,920	
Task 2: Develop Land Use Assumptions	6	32	38	\$6,480	
Task 3: Ascertain Demand Factors and Levels-of-Service for "Necessary Public Services"	8	36	44	\$7,540	
Task 4: Identify Capital Needs and Costs	12	48	60	\$10,320	
Task 5: Determine Need for Credits	4	8	12	\$2,120	
Task 6: Discuss Preliminary Methodologies and Policy Options	16	20	36	\$6,500	
Task 7: Prepare Draft Infrastructure Improvement Plan	8	60	68	\$11,500	
Task 8: Conduct Funding and Cash Flow Analysis; Estimate Annual Operating Costs	4	16	20	\$3,440	
Task 9: Complete Development Fee Methodologies and Calculations	6	32	38	\$6,480	
Task 10: Prepare Final Land Use Assumptions, IIP and Development Fee Report	12	24	36	\$6,360	
<b>Subtotal</b>	<b>76</b>	<b>276</b>	<b>352</b>	<b>\$60,740</b>	
<b>Expenses:</b>				<b>\$5,800</b>	
<b>Total Cost:</b>				<b>\$66,540</b>	

## Principal Office

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[Arizona Revised Statutes Annotated](#)

[Title 9. Cities and Towns](#)

[Chapter 4. General Powers](#)

[Article 6.2. Municipal Subdivision Regulations \(Refs & Annos\)](#)

A.R.S. § 9-463.05

§ 9-463.05. Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

Effective: January 1, 2012

[Currentness](#)

**A.** A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of a development fee pursuant to this section, including the relevant portion of the infrastructure improvements plan.

**B.** Development fees assessed by a municipality under this section are subject to the following requirements:

1. Development fees shall result in a beneficial use to the development.
2. The municipality shall calculate the development fee based on the infrastructure improvements plan adopted pursuant to this section.
3. The development fee shall not exceed a proportionate share of the cost of necessary public services, based on service units, needed to provide necessary public services to the development.
4. Costs for necessary public services made necessary by new development shall be based on the same level of service provided to existing development in the service area.

5. Development fees may not be used for any of the following:

(a) Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the infrastructure improvements plan.

(b) Repair, operation or maintenance of existing or new necessary public services or facility expansions.

(c) Upgrading, updating, expanding, correcting or replacing existing necessary public services to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.

(d) Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development.

(e) Administrative, maintenance or operating costs of the municipality.

6. Any development for which a development fee has been paid is entitled to the use and benefit of the services for which the fee was imposed and is entitled to receive immediate service from any existing facility with available capacity to serve the new service units if the available capacity has not been reserved or pledged in connection with the construction or financing of the facility.

7. Development fees may be collected if any of the following occurs:

(a) The collection is made to pay for a necessary public service or facility expansion that is identified in the infrastructure improvements plan and the municipality plans to complete construction and to have the service available within the time period established in the infrastructure improvement plan, but in no event longer than the time period provided in subsection H, paragraph 3 of this section.

(b) The municipality reserves in the infrastructure improvements plan adopted pursuant to this section or otherwise agrees to reserve capacity to serve future development.

(c) The municipality requires or agrees to allow the owner of a development to construct or finance the necessary public service or facility expansion and any of the following apply:

(i) The costs incurred or money advanced are credited against or reimbursed from the development fees otherwise due from a development.

(ii) The municipality reimburses the owner for those costs from the development fees paid from all developments that will use those necessary public services or facility expansions.

(iii) For those costs incurred the municipality allows the owner to assign the credits or reimbursement rights from the development fees otherwise due from a development to other developments for the same category of necessary public services in the same service area.

8. Projected interest charges and other finance costs may be included in determining the amount of development fees only if the monies are used for the payment of principal and interest on the portion of the bonds, notes or other obligations issued to finance construction of necessary public services or facility expansions identified in the infrastructure improvements plan.

9. Monies received from development fees assessed pursuant to this section shall be placed in a separate fund and accounted for separately and may only be used for the purposes authorized by this section. Monies received from a development fee identified in an infrastructure improvements plan adopted or updated pursuant to subsection D of this section shall be used to provide the same category of necessary public services or facility expansions for which the development fee was assessed and for the benefit of the same service area, as defined in the infrastructure improvements plan, in which the development fee was assessed. Interest earned on monies in the separate fund shall be credited to the fund.

10. The schedule for payment of fees shall be provided by the municipality. Based on the cost identified in the infrastructure improvements plan, the municipality shall provide a credit toward the payment of a development fee for the required or agreed to dedication of public sites, improvements and other necessary public services or facility expansions included in the infrastructure improvements plan and for which a development fee is assessed, to the extent the public sites, improvements and necessary public services or facility expansions are provided by the developer. The developer of residential dwelling units shall be required to pay development fees when construction permits for the dwelling units are issued, or at a later time if specified in a development agreement pursuant to § 9-500.05. If a development agreement provides for fees to be paid at a time later than the issuance of construction permits, the deferred fees shall be paid no later than fifteen days after the issuance of a certificate of occupancy. The development agreement shall provide for the value of any deferred fees to be supported by appropriate security, including a surety bond, letter of credit or cash bond.

11. If a municipality requires as a condition of development approval the construction or improvement of, contributions to or dedication of any facilities that were not included in a previously adopted infrastructure improvements plan, the municipality shall cause the infrastructure improvements plan to be amended to include the facilities and shall provide a credit toward the payment of a development fee for the construction, improvement, contribution or dedication of the facilities to the extent that the facilities will substitute for or otherwise reduce the need for other similar facilities in the infrastructure improvements plan for which development fees were assessed.

12. The municipality shall forecast the contribution to be made in the future in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the development fee and shall include these contributions in determining the extent of the burden imposed by the development. Beginning August 1, 2014, for purposes of calculating the required offset to development fees pursuant to this subsection, if a municipality imposes a construction contracting or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications, the entire excess portion of the construction contracting or similar excise tax shall be treated as a contribution to the capital costs of necessary public services provided to development for which development fees are assessed, unless the excess portion was already taken into account for such purpose pursuant to this subsection.

13. If development fees are assessed by a municipality, the fees shall be assessed against commercial, residential and industrial development, except that the municipality may distinguish between different categories of residential, commercial and industrial development in assessing the costs to the municipality of providing necessary public services to new development and in determining the amount of the development fee applicable to the category of development. If a municipality agrees to waive any of the development fees assessed on a development, the municipality shall reimburse the appropriate development fee accounts for the amount that was waived. The municipality shall provide notice of any such waiver to the advisory committee established pursuant to subsection G of this section within thirty days.

14. In determining and assessing a development fee applying to land in a community facilities district established under title 48, chapter 4, article 6,<sup>1</sup> the municipality shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess a portion of the development fee based on the infrastructure or costs.

**C.** A municipality shall give at least thirty days' advance notice of intention to assess a development fee and shall release to the public and post on its website or the website of an association of cities and towns if a municipality does not have a website a written report of the land use assumptions and infrastructure improvements plan adopted pursuant to subsection D of this section. The municipality shall conduct a public hearing on the proposed development fee at any time after the expiration of the thirty day notice of intention to assess a development fee and at least thirty days before the scheduled date of adoption of the fee by the governing body. Within sixty days after the date of the public hearing on the proposed development fee, a municipality shall approve or disapprove the imposition of the development fee. A municipality shall not adopt an ordinance, order or resolution approving a development fee as an emergency measure. A development fee assessed pursuant to this section shall not be effective until seventy-five days after its formal adoption by the governing body of the municipality. Nothing in this subsection shall affect any development fee adopted before July 24, 1982.

**D.** Before the adoption or amendment of a development fee, the governing body of the municipality shall adopt or update the land use assumptions and infrastructure improvements plan for the designated service area. The municipality shall conduct a public hearing on the land use assumptions and infrastructure improvements plan at least thirty days before the adoption or update of the plan. The municipality shall release the plan to the public, post the plan on its website or the website of an association of cities and towns if the municipality does not have a website, including in the posting its land use assumptions, the time period of the projections, a description of the necessary public services included in the infrastructure improvements plan and a map of the service area to which the land use assumptions apply, make available to the public the documents used to prepare the assumptions and plan and provide public notice at least sixty days before the public hearing, subject to the following:

1. The land use assumptions and infrastructure improvements plan shall be approved or disapproved within sixty days after the public hearing on the land use assumptions and infrastructure improvements plan and at least thirty days before the public hearing on the report required by subsection C of this section. A municipality shall not adopt an ordinance, order or resolution approving the land use assumptions or infrastructure improvements plan as an emergency measure.

2. An infrastructure improvements plan shall be developed by qualified professionals using generally accepted engineering and planning practices pursuant to subsection E of this section.

3. A municipality shall update the land use assumptions and infrastructure improvements plan at least every five years. The initial five year period begins on the day the infrastructure improvements plan is adopted. The municipality shall review and evaluate its current land use assumptions and shall cause an update of the infrastructure improvements plan to be prepared pursuant to this section.

4. Within sixty days after completion of the updated land use assumptions and infrastructure improvements plan, the municipality shall schedule and provide notice of a public hearing to discuss and review the update and shall determine whether to amend the assumptions and plan.

5. A municipality shall hold a public hearing to discuss the proposed amendments to the land use assumptions, the infrastructure improvements plan or the development fee. The land use assumptions and the infrastructure improvements plan, including the amount of any proposed changes to the development fee per service unit, shall be made available to the public on or before the date of the first publication of the notice of the hearing on the amendments.

6. The notice and hearing procedures prescribed in paragraph 1 of this subsection apply to a hearing on the amendment of land use assumptions, an infrastructure improvements plan or a development fee. Within sixty days after the date of the public hearing on the amendments, a municipality shall approve or disapprove the amendments to the land use assumptions, infrastructure improvements plan or development fee. A municipality shall not adopt an ordinance, order or resolution approving the amended land use assumptions, infrastructure improvements plan or development fee as an emergency measure.

7. The advisory committee established under subsection G of this section shall file its written comments on any proposed or updated land use assumptions, infrastructure improvements plan and development fees before the fifth business day before the date of the public hearing on the proposed or updated assumptions, plan and fees.

8. If, at the time an update as prescribed in paragraph 3 of this subsection is required, the municipality determines that no changes to the land use assumptions, infrastructure improvements plan or development fees are needed, the municipality may as an alternative to the updating requirements of this subsection publish notice of its determination on its website and include the following:

(a) A statement that the municipality has determined that no change to the land use assumptions, infrastructure improvements plan or development fee is necessary.

(b) A description and map of the service area in which an update has been determined to be unnecessary.

(c) A statement that by a specified date, which shall be at least sixty days after the date of publication of the first notice, a person may make a written request to the municipality requesting that the land use assumptions, infrastructure improvements plan or development fee be updated.

(d) A statement identifying the person or entity to whom the written request for an update should be sent.

9. If, by the date specified pursuant to paragraph 8 of this subsection, a person requests in writing that the land use assumptions, infrastructure improvements plan or development fee be updated, the municipality shall cause, accept or reject an update of the assumptions and plan to be prepared pursuant to this subsection.

10. Notwithstanding the notice and hearing requirements for adoption of an infrastructure improvements plan, a municipality may amend an infrastructure improvements plan adopted pursuant to this section without a public hearing if the amendment addresses only elements of necessary public services in the existing infrastructure improvements plan and the changes to the plan will not, individually or cumulatively with other amendments adopted pursuant to this subsection, increase the level of service in the service area or cause a development fee increase of greater than five per cent when a new or modified development fee is assessed pursuant to this section. The municipality shall provide notice of any such amendment at least thirty days before adoption, shall post the amendment on its website or on the website of an association of cities and towns if the municipality does not have a website and shall provide notice to the advisory committee established pursuant to subsection G of this section that the amendment complies with this subsection.

**E.** For each necessary public service that is the subject of a development fee, the infrastructure improvements plan shall include:

1. A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.

2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.

3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved land use assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.

4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.

5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.

6. The projected demand for necessary public services or facility expansions required by new service units for a period not to

exceed ten years.

7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.

**F.** A municipality's development fee ordinance shall provide that a new development fee or an increased portion of a modified development fee shall not be assessed against a development for twenty-four months after the date that the municipality issues the final approval for a commercial, industrial or multifamily development or the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of service units. If the number of service units increases, the new or increased portion of a modified development fee shall be limited to the amount attributable to the additional service units. The twenty-four month period shall not be extended by a renewal or amendment of the site plan or the final subdivision plat that was the subject of the final approval. The municipality shall issue, on request, a written statement of the development fee schedule applicable to the development. If, after the date of the municipality's final approval of a development, the municipality reduces the development fee assessed on development, the reduced fee shall apply to the development.

**G.** A municipality shall do one of the following:

1. Before the adoption of proposed or updated land use assumptions, infrastructure improvements plan and development fees as prescribed in subsection D of this section, the municipality shall appoint an infrastructure improvements advisory committee, subject to the following requirements:

(a) The advisory committee shall be composed of at least five members who are appointed by the governing body of the municipality. At least fifty per cent of the members of the advisory committee must be representatives of the real estate, development or building industries, of which at least one member of the committee must be from the home building industry. Members shall not be employees or officials of the municipality.

(b) The advisory committee shall serve in an advisory capacity and shall:

(i) Advise the municipality in adopting land use assumptions and in determining whether the assumptions are in conformance with the general plan of the municipality.

(ii) Review the infrastructure improvements plan and file written comments.

(iii) Monitor and evaluate implementation of the infrastructure improvements plan.

(iv) Every year file reports with respect to the progress of the infrastructure improvements plan and the collection and expenditures of development fees and report to the municipality any perceived inequities in implementing the plan or imposing the development fee.

(v) Advise the municipality of the need to update or revise the land use assumptions, infrastructure improvements plan and development fee.

(c) The municipality shall make available to the advisory committee any professional reports with respect to developing and implementing the infrastructure improvements plan.

(d) The municipality shall adopt procedural rules for the advisory committee to follow in carrying out the committee's duties.

2. In lieu of creating an advisory committee pursuant to paragraph 1 of this subsection, provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit pursuant to this paragraph shall be conducted by one or more qualified professionals who are not employees or officials of the municipality and who did not prepare the infrastructure improvements plan. The audit shall review the progress of the infrastructure improvements plan, including the collection and expenditures of development fees for each project in the plan, and evaluate any inequities in implementing the plan or imposing the development fee. The municipality shall post the findings of the audit on the municipality's website or the website of an association of cities and towns if the municipality does not have a website and shall conduct a public hearing on the audit within sixty days of the release of the audit to the public.

**H.** On written request, an owner of real property for which a development fee has been paid after July 31, 2014 is entitled to a refund of a development fee or any part of a development fee if:

1. Pursuant to subsection B, paragraph 6 of this section, existing facilities are available and service is not provided.

2. The municipality has, after collecting the fee to construct a facility when service is not available, failed to complete construction within the time period identified in the infrastructure improvements plan, but in no event later than the time period specified in paragraph 3 of this subsection.

3. For a development fee other than a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within ten years after the fee has been paid or, for a development fee for water or waste water facilities, any part of the development fee is not spent as authorized by this section within fifteen years after the fee has been paid.

**I.** If the development fee was collected for the construction of all or a portion of a specific item of infrastructure, and on completion of the infrastructure the municipality determines that the actual cost of construction was less than the forecasted cost of construction on which the development fee was based and the difference between the actual and estimated cost is greater than ten per cent, the current owner may receive a refund of the portion of the development fee equal to the difference between the development fee paid and the development fee that would have been due if the development fee had been calculated at the actual construction cost.

**J.** A refund shall include any interest earned by the municipality from the date of collection to the date of refund on the amount of the refunded fee. All refunds shall be made to the record owner of the property at the time the refund is paid. If the development fee is paid by a governmental entity, the refund shall be paid to the governmental entity.

**K.** A development fee that was adopted before January 1, 2012 may continue to be assessed only to the extent that it will be used to provide a necessary public service for which development fees can be assessed pursuant to this section and shall be replaced by a development fee imposed under this section on or before August 1, 2014. Any municipality having a development fee that has not been replaced under this section on or before August 1, 2014 shall not collect development fees until the development fee has been replaced with a fee that complies with this section. Any development fee monies collected before January 1, 2012 remaining in a development fee account:

1. Shall be used towards the same category of necessary public services as authorized by this section.

2. If development fees were collected for a purpose not authorized by this section, shall be used for the purpose for which they were collected on or before January 1, 2020, and after which, if not spent, shall be distributed equally among the categories of necessary public services authorized by this section.

**L.** A moratorium shall not be placed on development for the sole purpose of awaiting completion of all or any part of the process necessary to develop, adopt or update development fees.

**M.** In any judicial action interpreting this section, all powers conferred on municipal governments in this section shall be narrowly construed to ensure that development fees are not used to impose on new residents a burden all taxpayers of a municipality should bear equally.

**N.** Each municipality that assesses development fees shall submit an annual report accounting for the collection and use of the fees for each service area. The annual report shall include the following:

1. The amount assessed by the municipality for each type of development fee.

2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.

3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.

4. The amount of development fee monies used to repay:

(a) Bonds issued by the municipality to pay the cost of a capital improvement project that is the subject of a development fee assessment, including the amount needed to repay the debt service obligations on each facility for which development fees have been identified as the source of funding and the time frames in which the debt service will be repaid.

(b) Monies advanced by the municipality from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment, the total amount advanced by the municipality for each facility, the source of the monies advanced and the terms under which the monies will be repaid to the municipality.

5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.

6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.

**O.** Within ninety days following the end of each fiscal year, each municipality shall submit a copy of the annual report to the city clerk and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website. Copies shall be made available to the public on request. The annual report may contain financial information that has not been audited.

**P.** A municipality that fails to file the report and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website as required by this section shall not collect development fees until the report is filed and posted.

**Q.** Any action to collect a development fee shall be commenced within two years after the obligation to pay the fee accrues.

**R.** A municipality may continue to assess a development fee adopted before January 1, 2012 for any facility that was financed before June 1, 2011 if:

1. Development fees were pledged to repay debt service obligations related to the construction of the facility.
  
2. After August 1, 2014, any development fees collected under this subsection are used solely for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued before June 1, 2011 to finance construction of the facility.

**S.** Through August 1, 2014, a development fee adopted before January 1, 2012 may be used to finance construction of a facility and may be pledged to repay debt service obligations if:

1. The facility that is being financed is a facility that is described under subsection T, paragraph 7, subdivisions (a) through (g) of this section.
  
2. The facility was included in an infrastructure improvements plan adopted before June 1, 2011.
  
3. The development fees are used for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued to finance construction of the necessary public services or facility expansions identified in the infrastructure improvement plan.

**T.** For the purposes of this section:

1. "Dedication" means the actual conveyance date or the date an improvement, facility or real or personal property is placed into service, whichever occurs first.
  
2. "Development" means:
  - (a) The subdivision of land.
  
  - (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that adds or increases the number of service units.
  
  - (c) Any use or extension of the use of land that increases the number of service units.

3. "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise new necessary public service in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

4. "Final approval" means:

(a) For a nonresidential or multifamily development, the approval of a site plan or, if no site plan is submitted for the development, the approval of a final subdivision plat.

(b) For a single family residential development, the approval of a final subdivision plat.

5. "Infrastructure improvements plan" means a written plan that identifies each necessary public service or facility expansion that is proposed to be the subject of a development fee and otherwise complies with the requirements of this section, and may be the municipality's capital improvements plan.

6. "Land use assumptions" means projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least ten years and pursuant to the general plan of the municipality.

7. "Necessary public service" means any of the following facilities that have a life expectancy of three or more years and that are owned and operated by or on behalf of the municipality:

(a) Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.

(b) Wastewater facilities, including collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.

(c) Storm water, drainage and flood control facilities, including any appurtenances for those facilities.

(d) Library facilities of up to ten thousand square feet that provide a direct benefit to development, not including equipment, vehicles or appurtenances.

(e) Street facilities located in the service area, including arterial or collector streets or roads that have been designated on an officially adopted plan of the municipality, traffic signals and rights-of-way and improvements thereon.

(f) Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.

(g) Neighborhood parks and recreational facilities on real property up to thirty acres in area, or parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools.

(h) Any facility that was financed and that meets all of the requirements prescribed in subsection R of this section.

8. "Qualified professional" means a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person's license, education or experience.

9. "Service area" means any specified area within the boundaries of a municipality in which development will be served by necessary public services or facility expansions and within which a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the infrastructure improvements plan.

10. "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated pursuant to generally accepted engineering or planning standards for a particular category of necessary public services or facility expansions.

### Credits

Added by Laws 1982, Ch. 187, § 2. Amended by Laws 1988, Ch. 320, § 1; Laws 1991, Ch. 273, § 1; Laws 2001, Ch. 378, § 1; Laws 2005, Ch. 215, § 1; Laws 2007, Ch. 136, § 1; Laws 2009, 3rd S.S., Ch. 7, § 5, eff. Jan. 1, 2010; Laws 2011, Ch. 243, § 1, eff. Jan. 1, 2012.

### Footnotes

<sup>1</sup>  
Section 48-701 et seq.

**§ 9-463.05. Development fees; imposition by cities and towns;..., AZ ST § 9-463.05**

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Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Notes Of Decisions (36)

### Construction and application

“Necessary,” in statute granting municipalities the authority to impose development fees for necessary public services, is an elastic term that can be applied on a case-by-case basis to the needs of individual communities; accordingly, a service is a “necessary” public service depends on whether it is rationally related to the implementation of powers specifically granted to the municipality. [Home Builders Ass’n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#), review denied. [Zoning and Planning](#) 🔑 1382(4)

When construing what is a necessary public service, for purposes of statute granting municipalities the authority to impose development fees for necessary public services, a court should adopt an approach sufficiently flexible to preserve the broad powers of municipal governments to respond to the needs of the diverse communities they serve, while preserving the ability of the courts to enforce the statute according to its intended meaning. [Home Builders Ass’n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#), review denied. [Zoning and Planning](#) 🔑 1382(4)

City consultant’s assertion that city would not use sales and other taxes from improvements to pay growth-related infrastructure costs that were to be funded by impact fee revenue, was admissible to show consultant’s state of mind as he created plan subsequently adopted by city, at administrative review hearing held to determine if there was sufficient evidence to support city’s decision to impose development impact fee ordinances. [Home Builders Ass’n of Cent. Arizona v. City of Goodyear \(App. Div.1 2009\) 223 Ariz. 193, 221 P.3d 384](#). [Zoning And Planning](#) 🔑 1657

Trial court’s determination that city complied with statutory requirement that the impact fees bore a reasonable relationship or were roughly proportionate to the burden imposed by the new development, was implicit in its conclusion that city used only growth related costs in calculating its impact fees and offset all other funding sources or revenue sources that would pay for capital improvements including grants and state shared revenues, in home builders association’s action seeking declaration that impact fee ordinances were illegal. [Home Builders Ass’n of Cent. Arizona v. City of Goodyear \(App. Div.1 2009\) 223 Ariz. 193, 221 P.3d 384](#). [Zoning And Planning](#) 🔑 1725

Fire districts, unlike municipalities, do not have the power to impose development fees. [Northwest Fire Dist. v. U.S. Home of Arizona Const. Co. \(2007\) 215 Ariz. 492, 161 P.3d 535](#). [Zoning And Planning](#) 🔑 1382(4)

Statute stating that a “municipality shall provide credit toward the payment of a development fee for the required dedication of public sites and improvements provided by the developer for which that development fee is assessed” is intended to prevent the governmental authority from imposing a double burden on the developer and does not indicate a legislative intent to permit a city to charge a development fee notwithstanding the existence of a development agreement that provides to the contrary. [Home Builders Ass’n of Central Arizona v. City of Maricopa \(App. Div.2 2007\) 215 Ariz. 146, 158 P.3d 869](#). [Zoning And Planning](#) 🔑 1382(4)

Development agreement statute stating that “[t]he municipality shall provide credit toward the payment of a development fee for the required dedication of public sites and improvements provided by the developer for which that development fee is assessed” did not apply to allow newly incorporated city, as county’s successor-in-interest, to impose additional fees on developers who had entered into development agreements with county. [Home Builders Ass’n of Central Arizona v. City of Maricopa \(App. Div.2 2007\) 215 Ariz. 146, 158 P.3d 869](#). [Zoning And Planning](#) 🔑 1382(4)

Capital financing costs for schools were not “costs to the municipality” associated with providing “necessary public services” to development, as purported statutory basis for general law city to voluntarily finance capital costs for additional schools through a development fee on residential development, because city lacked any constitutional or statutory

authority over, or responsibility for, public school matters. [Home Builders Ass'n of Central Arizona v. City of Apache Junction \(App. Div.2 2000\) 198 Ariz. 493, 11 P.3d 1032](#) , review denied, on remand [2002 WL 34075425](#) . [Zoning And Planning](#) 🔑 1382(4)

Fact that counties but not cities were expressly limited by statute as to the matters for which they could assess development fees did not allow for an expansion, by inference, of the “necessary public services” which cities could finance through development fees. [Home Builders Ass'n of Central Arizona v. City of Apache Junction \(App. Div.2 2000\) 198 Ariz. 493, 11 P.3d 1032](#) , review denied, on remand [2002 WL 34075425](#) . [Zoning And Planning](#) 🔑 1382(4)

“Costs to the municipality,” within meaning of statute allowing a municipality to assess development fees to offset costs to the municipality associated with providing necessary public services to a development, must be caused by the direct provision of necessary public services by the municipality. [Home Builders Ass'n of Central Arizona v. City of Apache Junction \(App. Div.2 2000\) 198 Ariz. 493, 11 P.3d 1032](#) , review denied, on remand [2002 WL 34075425](#) . [Zoning And Planning](#) 🔑 1382(4)

A community facilities district’s statutory authority to construct public school facilities did not authorize city to impose a development fee on residential development to finance capital costs for additional schools. [Home Builders Ass'n of Central Arizona v. City of Apache Junction \(App. Div.2 2000\) 198 Ariz. 493, 11 P.3d 1032](#) , review denied, on remand [2002 WL 34075425](#) . [Zoning And Planning](#) 🔑 1382(4)

#### **Rational basis**

Cultural facilities development fee imposed by city bore a rational relationship to city’s municipal powers, as required in order for such development fee to be authorized by development fees statute, as the city had the power to develop and fund tourism-related improvements, which included cultural facilities. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1382(4)

Before a municipality is authorized by statute to impose a development fee, the public service funded by the fee must be rationally related to the powers granted to a municipality, and the service must be one that traditionally has been provided or lawfully forecast pursuant to statutes governing municipal planning. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1382(4)

A challenge to the reasonable relationship requirement in the development fees statute could be premised upon a municipality’s failure to actually account, in some meaningful way, for future revenues to be paid by a development property owner and applied to the growth-related capital costs on which impact fees were calculated, but a city need only demonstrate some rational basis for setting the amount of the fee in order to avoid it being clearly erroneous, arbitrary, and wholly unwarranted. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1382(4)

Reasonableness of city’s development fee was not before trial court, and remand on that issue was unwarranted, where developer did not offer any evidence on reasonableness of fee or challenge amount of fee at trial, but based argument on lack of concrete benefit conferred by fee. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(1997\) 187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Appeal And Error](#) 🔑 1178(1)

Municipality is not required to have specific plans that must yield specific results to specific development within given period of time before it may assess development fees; only requirement is that municipality have some basis for fee that withstands clearly erroneous, arbitrary, and wholly unwarranted test. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1993\) 179 Ariz. 5, 875 P.2d 1310](#) , review granted, cause remanded, supplemented [183 Ariz. 243, 902 P.2d 1347](#) , opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1382(4)

Development fees are not subject to restrictive special-assessment-like standards requiring specific and definite plans and direct benefit from fees; municipality need only show some rational basis for setting amount of fee for it to avoid being clearly erroneous, arbitrary, and wholly unwarranted. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1993\) 179 Ariz. 5, 875 P.2d 1310](#) , review granted, cause remanded, supplemented [183 Ariz. 243, 902 P.2d 1347](#) , opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1104

Evidence was sufficient to establish that ordinance authorizing water resource development fee would result in beneficial use based on plans to develop new water supplies to support new development, though remand was required to determine whether fee bore reasonable relationship to burden placed on municipality. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1993\) 179 Ariz. 5, 875 P.2d 1310](#) , review granted, cause remanded, supplemented [183 Ariz. 243, 902 P.2d 1347](#) , opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1663; [Zoning And Planning](#) 🔑 1724

Development fee meets reasonable relationship requirement so long as fee bears reasonable relationship to method of obtaining beneficial use; fact that municipality may spend fees on projects not originally planned does not invalidate calculation. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1993\) 179 Ariz. 5, 875 P.2d 1310](#) , review granted, cause remanded, supplemented [183 Ariz. 243, 902 P.2d 1347](#) , opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1382(4)

#### **Purpose**

The requirement of a nexus between the amount of the fee and the burden imposed, in statute granting municipalities the authority to impose development fees for necessary public services, indicates legislative intent to limit the imposition of the fee to actual services provided, or to be provided, by the municipality. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1382(4)

#### **Discriminatory assessment**

Enforcing development agreements between developers and city, as county's successor-in-interest, which did not allow city to impose additional development fees did not violate statutory prohibition precluding city from assessing development fees in a non-discriminatory manner, as agreements between developers and county pre-existed the city's fee schedule. [Home Builders Ass'n of Central Arizona v. City of Maricopa \(App. Div.2 2007\) 215 Ariz. 146, 158 P.3d 869](#) . [Zoning And Planning](#) 🔑 1382(4)

Ordinance authorizing water resource development fee did not assess fee in discriminatory manner, though fees would place additional burden upon new developments, where there was no allegation of discrimination in way fee was imposed. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1993\) 179 Ariz. 5, 875 P.2d 1310](#) , review granted, cause remanded, supplemented [183 Ariz. 243, 902 P.2d 1347](#) , opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1104


#### **Taking**

Statutory prohibition against issuance of injunction to prevent enforcement of public statute by officers of law for public benefit did not deprive trial court of authority to issue injunction to prevent city and State from diverting and channeling excess storm water into terminal basin beyond its retention capacity; residents were not seeking to enjoin enforcement of public statutes authorizing city and State to construct drainage channels, manage retention basins, and other drainage components relating to storm water management, but instead sought to enjoin city and State from allegedly exceeding


their statutory authority by negligently managing system, knowingly breaching terminal basin's retention capacity, and using their properties as "ad hoc" overflow relief for basin without just compensation. [Boruch v. State ex rel. Halikowski \(App. Div.1 2017\) 242 Ariz. 611, 399 P.3d 686](#) . [Courts](#) 4


Development fee charged by city as condition to issuance of building permit was "regulatory fee" akin to land-use regulation implicating eminent domain, rather than "tax" not subject to takings clause; fee was for express purpose of providing future water to subject property and, thus, was to be used to benefit property on which fee was imposed, rather than for general revenue, and extent of property's need for future water was directly related to new development. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1995\) 183 Ariz. 243, 902 P.2d 1347](#) , review granted, opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Eminent Domain](#) 2.10(7)


### Necessary public services

Cultural facilities were existing necessary public services that city traditionally had provided to its residents, for purposes of determining whether cultural facilities development fee imposed by city was authorized by development fees statute, where city had been imposing a cultural facilities development fee for more than a decade to maintain existing cultural facilities, including a historical museum, an art museum and a youth museum. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#)  1382(4)


### Special assessment

Even if fire district's facilities benefit assessment were similar in nature to development fees, which municipalities were statutorily authorized to impose, fire district was authorized to impose assessment under statute governing powers and duties of fire districts; legislature intended to allow fire district to assess fees on those who benefited from district's facilities. [Northwest Fire Dist. v. U.S. Home of Arizona Const. Co. \(App. Div.2 2006\) 213 Ariz. 489, 143 P.3d 1030](#) , review granted, vacated [215 Ariz. 492, 161 P.3d 535](#) . [Municipal Corporations](#)  406(2)

Development fees are generally considered "regulatory fees" if they are reasonably related to needs created by new development and are used to benefit land on which they are imposed, but are considered "taxes" if fees are not related to new development and are used to benefit other property. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1995\) 183 Ariz. 243, 902 P.2d 1347](#) , review granted, opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#)  1382(4)

"Development fees" are distinguishable from "special assessments," which are not subject to takings analysis; development fees are imposed by government upon property owners who wish to develop their land, while special assessments are generally imposed only after affected property owners have petitioned for creation of improvement district and, moreover, development fees are condition on ability to develop one's property and are directly necessitated by needs created by new development, while special assessments are neither conditions on development nor necessarily caused by new development. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale \(App. Div.1 1995\) 183 Ariz. 243, 902 P.2d 1347](#) , review granted, opinion approved in part [187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Eminent Domain](#)  2.10(7)

### Benefit to development

A municipality is not required by the development fees statute to have specific plans that must, by necessity, yield specific results to a specific development within a given period of time before it may assess development fees. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#)  1382(4)

Municipalities are entitled to deference concerning whether a development fee will result in a beneficial use, for purposes of statute authorizing development fees. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1625

Development fee imposed by city on all new real estate developments conferred sufficient benefit on potential developments, as required by enabling statute, to extent fee would be used to acquire new water supplies so that city could demonstrate adequate future water supply under Groundwater Management Act, as necessary to approve new developments. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale\(1997\) 187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1382(4)

Requirement of development fee statute that fee result in benefit to developer did not include requirement that benefit be based on "locked in" or unchangeable concrete and immediate plans; statute required only that municipality develop plans indicating good faith intent to use fees to provide services within reasonable time. [Home Builders Ass'n of Cent. Arizona v. City of Scottsdale\(1997\) 187 Ariz. 479, 930 P.2d 993](#) , certiorari denied [117 S.Ct. 2512, 521 U.S. 1120, 138 L.Ed.2d 1015](#) . [Zoning And Planning](#) 🔑 1382(4)

### Injunctions

Statutory prohibition against issuance of injunction to prevent exercise of public or private office in lawful manner by person in possession did not deprive trial court of authority to issue injunction to prevent city and State from diverting and channeling excess storm water into terminal basin to level that exceeded basin's retention capacity; residents alleged that city and State were unlawfully, in unreasonable and arbitrary manner, exceeding their statutory authority to construct drainage channels, manage retention basins, and other drainage components relating to storm water management, by diverting excess storm water into basin, despite knowledge that basin lacked effective emergency overflow relief during heavy storm, which caused excess contaminated storm water to flood residents' properties, in manner constituting trespass. [Boruch v. State ex rel. Halikowski \(App. Div.1 2017\) 242 Ariz. 611, 399 P.3d 686](#) . [Municipal Corporations](#) 715; [States](#) 21(1)

### Sufficiency of evidence

Cultural facilities development fee imposed by city complied with beneficial use and reasonable relationship requirements of development fees statute, though city did not have a specific plan for the use of the fee, where city's master plan stated that the purpose of the fee was to enhance the city's historical and artistic legacy, city paid an independent consultant to determine the projected impact of new development on the demand for city's cultural facilities, study determined the maximum cost per dwelling unit of maintaining existing cultural facilities, ordinance set the cultural facilities development fee at a level slightly below the level recommended by the study, finding by city that growth was increasing demand for cultural facilities was supported by some evidence, and city considered other sources of future revenue to ensure the burden of the fee was proportional to the benefit. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#) , review denied. [Zoning and Planning](#) 🔑 1382(4)

Evidence that city tried to separate forecasted capital costs strictly related to growth from other projected capital costs, and that other revenues to be paid by property owners were considered in calculating impact fees for new development, was sufficient to support finding that city met its duty to consider relevant future revenues, and to ensure that new impact fees reasonably related to the burden of necessary growth-related improvements, even if it did not offset anticipated sales and property taxes to be collected from improvements, in action by home builders association seeking declaration that impact fee ordinances were illegal. [Home Builders Ass'n of Cent. Arizona v. City of Goodyear \(App. Div.1 2009\) 223 Ariz. 193, 221 P.3d 384](#) . [Zoning And Planning](#) 🔑 1382(4)

### Review

If a municipality can show that its plans, calculations and predictions are not clearly erroneous, arbitrary, and wholly unwarranted, courts will defer to its judgment and uphold a development fee ordinance as satisfying the broad requirements of the development fee statute. [Home Builders Ass'n of Cent. Arizona v. City of Mesa \(App. Div.1 2010\) 226 Ariz. 7, 243 P.3d 610](#), review denied. [Zoning and Planning](#) 🔑 1632



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.E.

**Meeting Date:** 02/13/2018

**Department Head:** Richard Jessup, Acting Chief of Police, Police Department

**Submitted By:** Miguel Alvarez, Lieutenant, Police Department

**Action Requested:** Motion

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#### ITEM:

Discussion and possible action on any and all matters regarding authorization to purchase two (2) police canines for the San Luis Police Department Canine Unit. (**Richard Jessup, Acting Chief of Police**)

#### SUMMARY:

The San Luis Police Department is seeking approval to purchase two (2) police canines (K9), for the purpose of retiring its two in-service K9's or that have reached retirement age (8 years of service) and are experiencing medical problems related to aging. Three (3) quotes have been received and reviewed by Police Administration. The one time expense for the purchase of two (2) K9's is \$20,000.00. Adlerhorst International, LLC from Jurupa Valley, California met all of the service needs established by the San Luis Police Department Administration upon the inquiry of cost quotes to purchase two K9's.

Adlerhorst International, LLC from Jurupa Valley, California provided a contract quote of **\$20,250.00**. We also contacted Vohne Liche Kennels, Inc. from Denver, Indiana which provided a contract quote of \$20,000.00, and International Canine Exchange Inc. from Portsmouth, Rhode Island with a quote of \$19,500.00. Under San Luis City Code-Purchasing Section 36.01(D) for purchasing in this amount requires three (3) quotes which are provided. The contracted service was not approved in the budget for Fiscal Year 2017-2018.

After reviewing the three (3) quotes, Adlerhorst International, LLC purchase quote was determined to be the most warranty accessible.

Exclusive critical determining factors for proposing the acceptance of Adlerhorst International, LLC quote are listed as follows:

1. Seller is conveniently situated within driving distance, which can better accommodate any warranty issues within a 24 hour time period, where other sellers may take up to one (1) to three (3) weeks to settle any warranty issues.
2. New K9's will be hand picked by experienced San Luis Police Department K9 handlers.

Due to above-listed reasons, the San Luis Police Department is requesting for Council to waive the formal purchase procedures for the lowest responsive quote, as permitted in the San Luis City Code-Purchasing Section 36.01 (H) and purchase from to Adlerhorst International, LLC.

#### RECOMMENDATION / SUGGESTED MOTION:

**I MOVE TO APPROVE THE PURCHASE OF TWO POLICE CANINES IN THE AMOUNT OF \$20,250.00, AND WAIVE FORMAL PURCHASING PROCEDURES FOR THE REASONS PRESENTED.**

**Supporting information not attached to the Agenda Item Review Form:**

N/A

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**Fiscal Impact**

**IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:** Yes  
**CITY/STATE/FEDERAL FUNDS:** City  
**TOTAL:** \$20,250.00  
**BUDGETED AMOUNT:** No  
**AVAILABLE AMOUNT TO TRANSFER:** \$20,250.00  
**ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:** 250-181-90000-118 Capital outlay - Auction and Equipment  
\$20,250.00

**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**

Accounts used to transfer budget are listed below:

250-181-60035.118 Minor Tools - Auction \$10,250.00  
250-181-60040.118 Miscellaneous - Auction \$ 10,000.00

Payment Account:250-181-90000.118 - Capital Outlay -Auction Equipment

If we exceed budgeted total amount, we will transfer funds from operational budget to cover the additional funds.

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**Attachments**

Adlerhorst International, LLC  
Vohne Linhe Kennels, Inc.  
Intenational Canine Exchange

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# Dog Prices

Police Service Dogs:	
German Shepherd – Titled or equivalent training	\$10,000
Belgian Malinois – Titled or equivalent training	\$10,000
Single Purpose Detection Dog	\$8,000
Untitled dogs, other breeds or any special requirements for your agency	Call

## **Canine Surcharge:**

Security and Shipping Surcharge \$250

Because of rising prices due to the security and shipping of our canines from Europe into the United States, we are charging a Canine Surcharge for every dog.

## Contact

*Adlerhorst International, LLC*

*3951 Vernon Ave*

*Jurupa Valey, CA 92509*

*(951) 685-2430*

*Contact*

*About*

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- [Partial Customer List](#)
- [Our Staff](#)

- [California Sales Tax](#)

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Web Development by Joshua Sloan

**DEA License PA:0232520 -- Explosive License #ESO8290001**

# Vohne Liche Kennels, Inc.

7953 N Old Rt 31  
Denver, IN 46926

# Cost Quote

Date	Estimate #
11/1/2017	7548

Bill To
San Luis Police Department 1030 Union St San Luis, AZ 85349

Ship To

P.O. No.	Terms	Due Date	VLK Rep		Contact #
	Net 30	12/1/2017	LAP		
Description		Qty	Rate	Total	
Dual Purpose Pre-trained Narcotic Dog, Untitled Guarantee:Effective from day of purchase. 100% Health for 6 months, Skeletal 12 months. If any genetic or hereditary problem is found during time of guarantee K-9 will be replaced. A vet report stating diagnosis must accompany K-9 on return . Trainability 3 months, Compatibility 3 months.		2	10,000.00	20,000.00T	
TAX ID # 35-2148814				0.00	
This estimate is good for ninety days. Thank you for your inquiry.				<b>Subtotal</b> \$20,000.00	
(765) 985-2274 Phone				<b>Sales Tax (0.0%)</b> \$0.00	
(765) 985-2595 Fax					
www.vohneliche.com				<b>Total USD</b> \$20,000.00	

# International Canine Exchange Inc.

**QUOTE**

160 Willow Ln.  
Portsmouth, RI 02871  
401-640-0626  
k9instincts@cox.net

**Bill To**

San Luis Police Department  
1030 Union St  
San Luis, AZ 85349  
USA

**Quote #** 20171023      **Date** 11-16-2017  
**Account #** 20171044      **Valid Until** 12-31-2017

SKU	Description	QTY	Price	T	Total
	K9 - Dual Purpose K9 candidate each k9 will come with a current vaccination record, xrays. a one year genetic medical warranty. Each K9 will be guaranteed to complete the certifying training class, if a k9 is determined to have a reason not to be able to be certified by the certifying trainers a replacement k9 will be supplied. Terms - A Purchase Order must be supplied to start procurement process. price is subject to change after 30 days from date of this quote. Payment- via check , wire transfer made withing 15 days of taking possession of k9(s)	1	\$9,750.00	N	\$9,750.00
	Terms - quote is subject to change after 12-31-17	1	\$0.00	N	\$0.00
		1	\$0.00	N	\$0.00

**Subtotal**      **\$9,750.00**  
**Total**      **\$9,750.00**



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

5.F.

**Meeting Date:** 02/13/2018

**Department Head:** Richard Jessup, Acting Chief of Police, Police Department

**Submitted By:** Miguel Alvarez, Lieutenant, Police Department

**Action Requested:** Motion  
Resolution

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#### ITEM:

Discussion and possible action on any and all matters regarding the adoption of Resolution No. 2029. A resolution of the Mayor and City Council of San Luis, Arizona to receive funding for overtime and mileage by approving an Intergovernmental Agreement and authorizing execution of Subrecipient Agreement #170436-01, Operation Stonegarden Grant Program Award - Overtime and Mileage between the State of Arizona through the Arizona Department of Homeland Security and the City of San Luis, Arizona through the San Luis Police Department. **(Richard Jessup, Acting Chief of Police)**

#### SUMMARY:

The City of San Luis Police Department has been awarded \$343,575.00 for overtime and \$20,000.00 for mileage under Fiscal Year 2017 Operation Stonegarden Program Award #170436-01. The adoption of this resolution will support the United States Border Patrol mission by allowing police officers the ability to prevent or stop the egression of drug and undocumented person smuggling, and the nexus to terrorism.

#### RECOMMENDATION / SUGGESTED MOTION:

**I MOVE TO APPROVE AND ADOPT RESOLUTION NO. 2029.**

#### Supporting information not attached to the Agenda Item Review Form:

N/A

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#### Fiscal Impact

<b>IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:</b>	Yes
<b>CITY/STATE/FEDERAL FUNDS:</b>	Federal
<b>TOTAL:</b>	\$363,575.00
<b>BUDGETED AMOUNT:</b>	Yes
<b>AVAILABLE AMOUNT TO TRANSFER:</b>	N/A
<b>ACCT NAME &amp; GL#/REMAINING BALANCE BEFORE PURCHASE:</b>	Special Rev-Public Safety PD OT 250-181-50010.162 Gas/Oil 250-181-70005.162

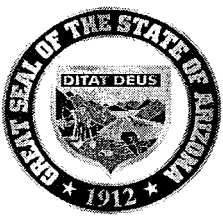
**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**

The San Luis Police Department will receive \$363,575.00 in Overtime and Mileage as reimbursements. Accounts numbers:250-181-50010.162 (Special Rev-Public Safety, Police Department- **Overtime** -DOHS OPSG 170436-01 and 250-181-70005.162 (Special Rev-Public Safety, Police Department-**Gas/Oil** -DOHS OPSG 170436-01.

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**Attachments**

- OPSG Award Letter
  - Subrecipient Agreement
  - Resolution No. 2029
-



# State of Arizona Department of Homeland Security



Governor Douglas A. Ducey

Director Gilbert M. Orrantia

January 8, 2018

Acting Chief Richard Jessup  
San Luis Police Department  
PO Box 3720  
San Luis, AZ 85349

Subject: FFY 2017 Operation Stonegarden Grant Program Award  
Subrecipient Agreement Number: **170436-01**  
Project Title: **OPSG Overtime and Mileage**

Dear Acting Chief Jessup:

The Operations Order that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Operation Stonegarden Grant Program (OPSG) has been awarded. The project titled "**OPSG Overtime and Mileage**" has been funded under the Operation Stonegarden Grant Program for **Acting Chief**. The grant performance period is **January 8, 2018 through December 31, 2018**. This grant program is part of the U.S. Department of Homeland Security Grant Program and specifically is awarded under CFDA #97.067 (Catalog of Federal Domestic Assistance).

To initiate the award process, the following action items must be completed, signed and returned to AZDOHS:

1. Two Subrecipient Agreements - go to [www.azdohs.gov](http://www.azdohs.gov), click on Grant Programs, Operation Stonegarden Grant Program, Grant Award Information and then FFY 2017. Download **two** original OPSG Subrecipient Agreements (NOTE: they are specific to the "Overtime/Mileage" and "Equipment" grants):
  - a. Overtime/Mileage Subrecipient Agreement for an Overtime/Mileage grant
  - b. Equipment Subrecipient Agreement for an Equipment grant
2. Financial Forms - go to [www.azdohs.gov](http://www.azdohs.gov), click on Grant Programs, Operation Stonegarden Grant Program, Grant Award Information and then FFY 2017. Download this Excel document
3. NIMS Compliance Certification - go to [www.azdohs.gov](http://www.azdohs.gov), click on Grant Programs, Operation Stonegarden Grant Program, Grant Award Information and then FFY 2017. Download this document
4. OPSG Budget Detail (enclosed)
5. Environmental and Historic Preservation (EHP) required documentation (if applicable, see enclosed EHP Designation Letter).

Hard copies of the Subrecipient Agreements, Financial Forms, and the NIMS Compliance Certification will **not** be mailed to you. These items must be completed and on file at AZDOHS in order for your agency to be eligible for reimbursement. **If all documentation listed in numbers 1, 2, 3, 4 and 5 above (if applicable) is not signed and received by AZDOHS on or before April 30, 2018 this award is rescinded and the funds will be reallocated.**

Additional grant requirements:

- This letter does **not** serve as authorization to obligate or begin spending funds toward this award. Obligations and expenditures cannot take place until January 8, 2018.
- Quarterly programmatic reports must be submitted on the most recent form/template available on the AZDOHS website.
- Per 2 CFR 200 Subpart F, Subrecipients who expend \$750,000 or more in Federal dollars in the previous fiscal year must have a single audit or program specific audit conducted for that year. Subrecipients shall submit their annual Single or program specific audit to [audits@azdohs.gov](mailto:audits@azdohs.gov) within 9 months after the close of the fiscal year. If a Subrecipient does not expend more than \$750,000 a statement must be submitted in writing to [audits@azdohs.gov](mailto:audits@azdohs.gov) identifying that they did not meet the threshold and therefore do not have to conduct a Single or program specific audit. The AZDOHS reserves the right to withhold reimbursement payments or future subrecipient agreements until the Single or program specific audit or statement has been received and, if

1700 West Washington Street Suite 210 Phoenix, Arizona 85007  
Office: (602) 542-7013 Fax: (602) 542-1729 [www.azdohs.gov](http://www.azdohs.gov)

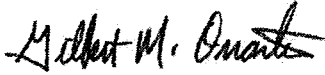
applicable, an approved action plan for compliance has been completed.

- All travel associated in support of this award must comply with the State of Arizona Accounting Manual (SAAM) Travel Policies, found at: <https://gao.az.gov/publications/SAAM>. This includes maximum lodging, meals, parking and incidental expense reimbursement rates.
- Subrecipients are subject to the AZDOHS Site Monitoring Program.
- Reimbursements are limited to approved quantities and funding thresholds. You will not be reimbursed for quantities in excess of what you have been authorized to purchase.
- AZDOHS reserves the right to request additional documentation at any time.
- The FFY 2017 federal award date as indicated in the U.S. DHS award package is 9/5/2017 with a total amount of funding of \$21,531,000. The Federal Award Identification Number is EMW-2017-SS-00003-S01.

If you should have any questions, please do not hesitate to contact your Strategic Planner.

Congratulations on your Operation Stonegarden Grant Program award.

Sincerely,



Gilbert M. Orrantia  
Director

Cc: Lt. Miguel Alvarez

Enclosures: OPSG Budget Detail, EHP Designation Letter

# FY 2017 Operation Stonegarden Grant Program

## Overtime - Budget Detail

Agency: San Luis Police Department

Grant#: 170436-01

The signatures below verify the submission/approval process. All parties signify that all aspects of this project are allowable, reasonable and justifiable in accordance with published federal grant guidelines. Subgrantee agrees to the funding shown here:

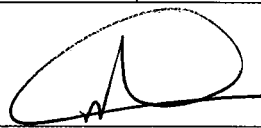
### OVERTIME

OVERTIME	MILEAGE	TRAVEL	TOTAL AWARD
\$343,575	\$20,000		\$363,575

Project Point of Contact

MIGUEL ALVAREZ

Print Name



Signature

11/22/18

Date

Strategic Planner or  
Assistant Director Planning &  
Preparedness

William D. Seltzer

Print Name

Signature

Date

This form is to be signed and returned.

**SUBRECIPIENT AGREEMENT  
OPERATION STONEGARDEN GRANT PROGRAM  
OVERTIME/MILEAGE**

**17-AZDOHS-OPSG-** \_\_\_\_\_

Enter Subrecipient Agreement number above (e.g., 170XXX-XX)

**Between**

**The Arizona Department of Homeland Security  
And**

---

Enter the name of the Subrecipient Agency above

**DUNS Number** \_\_\_\_\_

Enter the DUNS Number above

WHEREAS, A.R.S. section 41-4254 charges the Arizona Department of Homeland Security (AZDOHS) with the responsibility of administering funds.

THEREFORE, it is agreed that the AZDOHS shall provide funding to the

---

Enter the name of the Subrecipient Agency above

(Subrecipient) for services under the terms of this Agreement (the "Agreement").

**I. PURPOSE OF AGREEMENT**

The purpose of this Agreement is to specify the rights and responsibilities of AZDOHS in administering the distribution of homeland security grant funds to the Subrecipient, and to specify the rights and responsibilities of the Subrecipient as the recipient of these funds.

**II. PERIOD OF PERFORMANCE, TERMINATION AND AMENDMENTS**

This Agreement shall become effective on **January 8, 2018** and shall terminate on **December 31, 2018**. The obligations of the Subrecipient as described herein will survive termination of this agreement.

**III. DESCRIPTION OF SERVICES**

The Subrecipient shall provide the services for AZDOHS as set forth in writing in Subrecipient's grant application titled "**OPSG Overtime and Mileage**" and funded at \$ \_\_\_\_\_ (as may have been modified by the award letter). Enter Funded Amount above

**IV. MANNER OF FINANCING**

The AZDOHS shall under the U.S. Department of Homeland Security grant # EMW-2017-SS-00033-S01 and CFDA #97.067:

- a) Provide up to \$ \_\_\_\_\_ to the Subrecipient for services provided under Paragraph III. Enter Funded Amount above

- b) Payment made by the AZDOHS to the Subrecipient shall be on a reimbursement basis only and is conditioned upon receipt of proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by the AZDOHS, to be submitted by the Subrecipient. A listing of acceptable documentation can be found at [www.azdohs.gov](http://www.azdohs.gov). Payments will be contingent upon receipt of all reporting requirements of the Subrecipient under this Agreement.

**V. FISCAL RESPONSIBILITY**

It is understood and agreed that the total amount of the funds used under this Agreement shall be used only for the project as described in the application and award documentation. Therefore, should the project not be completed, the subrecipient shall reimburse said funds directly to the AZDOHS immediately. If the project is completed at a lower cost than the original budget called for, the amount reimbursed to the subrecipient shall be for only the amount of dollars actually spent by the subrecipient in accordance with the approved application. For any funds received under this Agreement for which expenditure is disallowed by an audit exemption or otherwise by the AZDOHS, the State, or Federal government, the Subrecipient shall reimburse said funds directly to the AZDOHS immediately.

**VI. FINANCIAL AUDIT/PROGRAMMATIC MONITORING**

The Subrecipient agrees to comply with the record-keeping requirements and other requirements of A.R.S. section 35-214 and section 35-215.

- a) In addition, in compliance with the Federal Single Audit Act (31 U.S.C. part 7501-7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104 to 156), the Subrecipient must have a Single Audit or program specific audit conducted in accordance with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) if the Subrecipient expends more than \$750,000 from Federal awards in its previous fiscal year. If the Subrecipient has expended more than \$750,000 in Federal dollars, a copy of the Subrecipient's single audit or program specific audit report for the previous fiscal year and subsequent fiscal years that fall within the period of performance is due annually to AZDOHS within nine (9) months of the Subrecipient's fiscal year end.
- b) Failure to comply with any requirements imposed as a result of an audit will suspend reimbursement by AZDOHS to the Subrecipient until the Subrecipient is in compliance with all such requirements. Additionally, the Subrecipient will not be eligible for any new awards until the Subrecipient is in compliance with all such requirements.
- c) Subrecipients who do not expend more than \$750,000 in Federal dollars in the previous fiscal year and subsequent fiscal years that fall within the period of performance must submit to AZDOHS via [audits@azdohs.gov](mailto:audits@azdohs.gov), a statement stating they do not meet the threshold and therefore do not have to complete a single audit or program specific audit.
- d) Subrecipient will be monitored periodically by AZDOHS, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. Monitoring can involve aspects of the work involved under this Agreement including but not limited to the review and analysis of financial, programmatic, equipment, performance, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. Subrecipient shall participate in and cooperate with all such monitoring by AZDOHS, and shall provide access to all personnel, documents, and other records as may be requested from time to time by AZDOHS. Subrecipient also shall comply with all requests of AZDOHS that AZDOHS deems necessary to assure the parties' compliance with their obligations under this Agreement.

## **VII. APPLICABLE FEDERAL REGULATIONS**

The Subrecipient must comply with the applicable Notice of Funding Opportunity (NOFO), Office of Management and Budget Code of Federal Regulations (CFR) 2 CFR 200: Uniform Guidance. The NOFO for this program is hereby incorporated into your award agreement by reference. By accepting this award, the Subrecipient agrees that all allocation and use of funds under this grant will be in accordance with the requirements contained in the NOFO.

Where applicable and with prior written approval from AZDOHS/DHS/FEMA, HSGP Program recipients using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. 3141 *et seq.*). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the *Davis-Bacon Act*, including Department of Labor (DOL) wage determinations, is available from the following website <http://www.dol.gov/compliance/laws/comp-dbra.htm>.

### **Insurance Coverage**

The Subrecipient affirms the organization maintain insurance coverage as described in 2 CFR 200.310. The non-Federal (Subrecipient) entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity. Federally-owned property need not be insured unless required by the terms and conditions of the Federal award.

### **National Incident Management System (NIMS)**

The Subrecipient agrees to remain in compliance with National Incident Management System (NIMS) implementation initiatives as outlined in the applicable NOFO.

### **Environmental Planning and Historic Preservation**

The Subrecipient shall comply with Federal, State and Local environmental and historical preservation (EHP) regulations, laws and Executive Orders as applicable. Subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project. If ground disturbing activities occur during project implementation, the Subrecipient must ensure monitoring of ground disturbance and if any archeological resources are discovered, the Subrecipient shall immediately cease construction in that area and notify FEMA, AZDOHS and the appropriate State Historic Preservation Office. DHS/FEMA will not fund projects that are initiated without the required EHP review.

Additionally, all recipients are required to comply with DHS/FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance, and FP108-024-4, Environmental Planning and Historical Preservation Policy.

In addition to the above mentioned guidance documents, the following provisions must be adhered to:

### **Consultants/Trainers/Training Providers**

Invoices for consultants/trainers/training providers must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Consultant/trainer/training provider costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the Subrecipient and 2 CFR 200; and shall not exceed the maximum of \$450 per day per consultant/trainer/training provider unless prior written approval is granted by the AZDOHS. In addition to the per day \$450 maximum amount, the consultant/trainer/training provider may be reimbursed reasonable travel, lodging, meal and incidental expenses not to exceed the State rate. Itemized receipts are required for lodging and travel reimbursements. The Subrecipient will not be reimbursed costs other than travel, lodging, meals and incidentals on travel days for consultants/trainers/training providers.

### **Contractors/Subcontractors**

The Subrecipient may enter into written subcontract(s) for performance of certain of its functions under the Agreement in accordance with terms established in 2 CFR 200 and the applicable NOFO. The Subrecipient agrees and understands that no subcontract that the Subrecipient enters into with respect to performance under this Agreement shall in any way relieve the Subrecipient of any responsibilities for performance of its duties. The Subrecipient shall give the AZDOHS immediate notice in writing by certified mail of any action or suit filed and prompt notice of any claim made against the Subrecipient by any subcontractor or vendor which, in the opinion of the Subrecipient, may result in litigation related in any way to this Agreement.

### **Travel Costs**

All grant funds expended for travel, lodging, and meals and incidentals must be consistent with the subrecipient's policies and procedures; and the State of Arizona Accounting Manual (SAAM); must be applied uniformly to both federally financed and other activities of the agency; and will be reimbursed at the most restrictive allowability and rate. At no time will the Subrecipient's reimbursement(s) exceed the State rate established by the Arizona Department of Administration, General Accounting Office Travel Policies: <https://gao.az.gov>.

### **Procurement**

The Subrecipient shall comply with its own procurement rules/policies and must also comply with Federal procurement rules/policies and all Arizona state procurement code provisions and rules. The Federal intent is that all Homeland Security Funds are awarded competitively. The Subrecipient shall not enter into a Noncompetitive (Sole or Single Source) Procurement Agreement, unless prior written approval is granted by the AZDOHS. The Noncompetitive Procurement Request Form and instructions are located on the AZDOHS website: [www.azdohs.gov](http://www.azdohs.gov).

### **Training and Exercise**

The Subrecipient agrees that any grant funds used for training and exercise must be in compliance with the applicable NOFO. All training must be included and approved in your application and/or approved through the DEMA/AZDOHS training request process prior to execution of training contract(s). All exercises must utilize and comply with the FEMA Homeland Security Exercise and Evaluation Program (HSEEP) guidance for exercise design, development, conduct, evaluation and reporting. The Subrecipient agrees to:

- a) Submit an exercise summary and attendance/sign-in roster to AZDOHS with all related reimbursement requests.
- b) Email the After Action Report/Improvement Plan (AAR/IP) to the local County Emergency Manager, the AZDOHS Strategic Planner, and the Arizona Department of Military Affairs

(DEMA) Exercise Branch within 90 days of completion of an exercise or as prescribed by the most current HSEEP guidance.

### **Nonsupplanting Agreement**

The Subrecipient shall not use funds received under this Agreement to supplant Federal, State, Tribal or Local funds or other resources that would otherwise have been made available for this program/project. The Subrecipient may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within thirty (30) days. If the vacancy is not filled within thirty (30) days, the Subrecipient must stop charging the grant for the new position. Upon filling the vacancy, the Subrecipient may resume charging for the grant position.

### **E-Verify**

Compliance requirements for A.R.S. section 41-4401—immigration laws and E-Verify requirement.

- a) The Subrecipient warrants its compliance with all State and Federal immigration laws and regulations relating to its employees and to employees of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, including but not limited to A.R.S. section 23-214, Subsection A (that subsection reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program”).
- b) A breach of a warranty by Subrecipient regarding compliance with immigration laws and regulations shall be deemed a material breach of this Agreement and the Subrecipient may be subject to penalties to be determined at AZDOHS’s discretion, up to and including termination of this Agreement.
- c) The AZDOHS retains the legal right to inspect the papers of any Subrecipient employee who works on the Agreement, and to those of any employee of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, to ensure that the Subrecipient is complying with the warranty under paragraph (a) above.

### **Property Control**

Effective control and accountability must be maintained by Subrecipient for all property/equipment purchased under this Agreement. The Subrecipient must adequately safeguard all such property/equipment and must assure that it is used for authorized purposes as described in the NOFO, grant application, and Code of Federal Regulations 2 CFR 200. The Subrecipient shall exercise caution in the use, maintenance, protection and preservation of such property.

- a) Property/equipment shall be used by the Subrecipient in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal grant funds. Subrecipient is required to maintain and utilize equipment as outlined in 2 CFR 200.313 - Equipment. Any loss, damage, or theft shall be investigated and reported to the AZDOHS.
- b) Nonexpendable Property/Equipment and Capital Assets:
  1. Nonexpendable Property/Equipment is property which has a continuing use, is not consumed in use, is of a durable nature with an expected service life of one or more years, has an acquisition cost of \$5,000 (Five Thousand Dollars) or more, and does not become a fixture or lose its identity as a component of other equipment or systems.

2. A Capital Asset is any personal or real property, or fixture that has an acquisition cost of \$5,000 (Five Thousand Dollars) or more per unit and a useful life of more than one year.
- c) A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. The Subrecipient shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report. The Property Control Form can be located at [www.azdohs.gov](http://www.azdohs.gov). The Subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.
- d) A physical inventory of Nonexpendable Property/Equipment and Capital Assets must be taken and the results reconciled with the Property Control Form at least once every two years.
  1. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated and reported to AZDOHS.
  2. Adequate maintenance procedures must be developed to keep the property in good condition.
- e) When Nonexpendable Property/Equipment and/or Capital Assets are no longer in operational use by the Subrecipient, an updated Property Control Form must be submitted to AZDOHS immediately. The disposition of equipment shall be in compliance with the AZDOHS Disposition Guidance and 2 CFR 200. If the Subrecipient is requesting disposition of Capital Assets for reasons other than theft, destruction, or loss, the Subrecipient must submit an Equipment Disposition Request Form and receive approval prior to the disposition. The Equipment Disposition Request Form can be found at [www.azdohs.gov](http://www.azdohs.gov).

#### **Allowable Costs**

The allowability of costs incurred under this agreement shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable Code of Federal Regulations, authorized equipment lists, and guidance documents referenced above.

- a) The Subrecipient agrees that grant funds for any indirect costs that may be incurred are in accordance with 2 CFR 200 and the applicable NOFO. Indirect costs must be applied for and approved in writing by the AZDOHS prior to expenditure and reimbursement.
- b) The Subrecipient agrees that grant funds are not to be expended for any Management and Administrative (M&A) costs that may be incurred by the Subrecipient for administering these funds unless explicitly applied for and approved in writing by the AZDOHS and shall be in compliance with the applicable NOFO.

#### **VIII. DEBARMENT CERTIFICATION**

The Subrecipient agrees to comply with the Federal Debarment and Suspension regulations as outlined in the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions." All recipients must comply with Executive Orders 12549 and 12689, and 2 CFR 200 Part 180 which provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

## **IX. FUNDS MANAGEMENT**

The Subrecipient must maintain funds received under this Agreement in separate ledger accounts and cannot mix these funds with funds from other sources. The Subrecipient must manage funds according to applicable Federal regulations for administrative requirements, costs principles, and audits.

The Subrecipient must maintain adequate business systems to comply with Federal requirements. The business systems that must be maintained are:

- Financial Management
- Procurement
- Personnel
- Property
- Travel

A system is adequate if it is 1) written; 2) consistently followed – it applies in all similar circumstances; and 3) consistently applied – it applies to all sources of funds.

## **X. REPORTING REQUIREMENTS**

Regular reports by the Subrecipient shall include:

a) Programmatic Reports

The Subrecipient shall provide quarterly programmatic reports to the AZDOHS within fifteen (15) calendar days of the last day of the quarter in which services are provided. The Subrecipient shall use the form provided by the AZDOHS to submit quarterly programmatic reports. The report shall contain such information as deemed necessary by the AZDOHS. The Subrecipient shall use the Quarterly Programmatic Report form, which is posted at [www.azdohs.gov](http://www.azdohs.gov). If the scope of the project has been fully completed and implemented, and there will be no further updates, then the quarterly programmatic report for the quarter in which the project was completed will be sufficient as the final report. The report should be marked as final and should be inclusive of all necessary and pertinent information regarding the project as deemed necessary by the AZDOHS. Quarterly programmatic reports shall be submitted to the AZDOHS until the entire scope of the project is completed.

b) Subrecipients must provide substantial/detailed information as to the status of completion of the milestones included in the application (not applicable to Operation Stonegarden). Failure to adequately provide complete information will result in the Quarterly Report being rejected and resubmission will be required.

c) Quarterly Programmatic Reports are due:

**January 15** (for the period from October 1– December 31)

**April 15** (for the period from January 1 – March 31)

**July 15** (for the period from April 1 – June 30)

**October 15** (for the period from July 1 – September 30)

d) Final Quarterly Report:

The final quarterly report is due no more than fifteen (15) calendar days after the end of the performance period. Subrecipient may submit a final quarterly report prior to the end of the performance period if the scope of the project has been fully completed and implemented. The Property Control Form is due with the final quarterly report (if applicable).

e) Property Control Form – if applicable:

The Subrecipient shall provide the AZDOHS a copy of the Property Control Form with the final quarterly report.

- a. In case of equipment disposition:  
The Property Control Form shall be updated and a copy provided to AZDOHS no more than forty-five (45) calendar days after equipment disposition, if applicable. The disposition of equipment must be in compliance with the AZDOHS Disposition Guidance and 2 CFR 200.313.

f) Financial Reimbursements

**The Subrecipient shall provide AZDOHS request for reimbursement as frequently as monthly but not less than quarterly.** Reimbursement requests are only required when expenses have been incurred. Reimbursement requests shall be submitted with the Reimbursement Form provided by the AZDOHS staff. The Subrecipient shall submit a final reimbursement request for expenses received and invoiced prior to the end of the termination of this Agreement no more than **forty-five (45) calendar days** after the end of the Agreement. Requests for reimbursement received by AZDOHS later than **forty-five (45) calendar days** after the Agreement termination will not be paid. The final reimbursement request as submitted shall be marked as final.

Subrecipients will only be reimbursed for expenses that have been obligated, expended and received within the authorized Period of Performance as identified in Section II of this Agreement. Subrecipients are not authorized to obligate or expend funds prior to the start date of the Period of Performance. Any expenses obligated or expended prior to the Period of Performance start date will be deemed unallowable and will not be reimbursed. Any expenses/services that occur beyond the Period of Performance (i.e. cell phone service) will be deemed unallowable and will not be reimbursed.

The AZDOHS requires that all requests for reimbursement are submitted via United States Postal Service, FedEx, UPS, etc. or in person. Reimbursement requests submitted via fax or by any electronic means will not be accepted.

The AZDOHS reserves the right to request and/or require any supporting documentation and/or information it feels necessary in order to process reimbursements. Subrecipient shall promptly provide AZDOHS with all such documents and/or information.

All reports shall be submitted to the contact person as described in Paragraph XXXVII, NOTICES, of this Agreement.

**XI. ASSIGNMENT AND DELEGATION**

The Subrecipient may not assign any rights hereunder without the express, prior written consent of both parties.

**XII. AMENDMENTS**

Any change in this Agreement including but not limited to the Description of Services and budget described herein, whether by modification or supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representative of the Subrecipient and the AZDOHS. In the event of any new legislation, laws, ordinances, or rules affecting this Agreement, the parties agree that the terms of this Agreement shall automatically incorporate the terms of such new legislation, laws, ordinances, or rules.

Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the Subrecipient's compensation, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding paragraph. The Subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.

### **XIII. US DEPARTMENT OF HOMELAND SECURITY AGREEMENT ARTICLES**

#### **Article A – Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to this Agreement after it has been entered into, including changes to period of performance or terms and conditions, the Subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds by Subrecipient will constitute Subrecipient's acceptance of the changes to this Agreement and the incorporation of such changes into this Agreement.

#### **Article B - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired in conjunction with this Agreement by the Subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, the Subrecipient must request instructions from DHS/FEMA via AZDOHS by submitting an Equipment Disposition Request Form in order to make proper disposition of the equipment pursuant to 2 CFR section 200.313.

#### **Article C - DHS Specific Acknowledgements and Assurances**

Subrecipient hereby acknowledges and agrees—and agrees to require any contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Subrecipient hereby agrees to cooperate with any compliance review or complaint investigation conducted by DHS.
2. Subrecipient hereby agrees to give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Subrecipient hereby agrees to submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Subrecipient hereby agrees to comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the Subrecipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the Subrecipient shall provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by email at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov) or by mail at U.S. Department of Homeland Security Office of Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event any court or administrative agency makes a finding of discrimination by Subrecipient (or any of its contractors or subcontractors involved in providing goods or services under this Agreement) on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, Subrecipient must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by email or mail at the addresses listed above.

Subrecipient hereby acknowledges and agrees that the United States has the right to seek judicial enforcement of these obligations.

#### **Article D - Use of DHS Seal, Logo and Flags**

Subrecipient hereby acknowledges that it must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article E - USA Patriot Act of 2001**

Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. section 175–175c.

#### **Article F - Trafficking Victims Protection Act of 2000**

Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. section 7104). The award term is located at 2 CFR Part 175.

#### **Article G - Lobbying Prohibitions**

The Subrecipient hereby acknowledges and agrees that it must comply with 31 U.S.C. section 1352, and acknowledges and agrees that none of the funds provided under this Agreement may be used to pay any person to influence, or attempt to influence an officer or employee of any agency (whether State or Federal), a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

#### **Article H - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225(a), the Subrecipient hereby acknowledges and agrees that it must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. section 2225.

#### **Article I - Fly America Act of 1974**

The Subrecipient hereby acknowledges and agrees that it must comply with the following Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. section 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

#### **Article J - Federal Debt Status**

The Subrecipient hereby acknowledges and agrees that it is required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

#### **Article K - False Claims Act and Program Fraud Civil Remedies**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of 31 U.S.C. section 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. sections 3801-3812 which details the administrative remedies for false claims and statements made.

#### **Article L - Duplication of Benefits**

Any cost allocable to a particular Federal award, provided for in 2 CFR Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude a Subrecipient from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal award.

#### **Article M - Drug-Free Workplace Regulations**

The Subrecipient hereby acknowledges and agrees that it must comply with the Drug-Free Workplace Act of 1988 (412 U.S.C. section 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The Subrecipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR Part 3001, which adopts the Government-wide implementation (2 CFR Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 USC 8101-8107).

#### **Article N - Copyright**

The Subrecipient hereby acknowledges and agrees that it must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards.

#### **Article O - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

The Subrecipient hereby acknowledges and agrees that if it collects PII, it is required to have a publicly-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

#### **Article P - Activities Conducted Abroad**

The Subrecipient hereby acknowledges and agrees that it must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### **Article Q - Acknowledgement of Federal Funding from DHS**

The Subrecipient hereby acknowledges and agrees that it must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

#### **Article R - Assurances, Administrative Requirements and Cost Principles, and Audit Requirements**

The Subrecipient hereby acknowledges and agrees that it must complete OMB Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs as applicable. Certain assurances in this document may not be applicable to this Agreement, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

#### **Article S - Age Discrimination Act of 1975**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

#### **Article T - Americans with Disabilities Act of 1990**

The Subrecipient hereby acknowledges and agrees that it shall comply with all State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including but not limited to Arizona Executive Order 2009-9 and the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. sections 12101–12213).

#### **Article U - Civil Rights Act of 1964 - Title VI**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

#### **Article V - Civil Rights Act of 1968**

The Subrecipient hereby acknowledges and agrees that it must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. section 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR section 100.201).

#### **Article W - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

The Subrecipient hereby acknowledges and agrees that it must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with Limited English Proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

#### **Article X - SAFECOM**

The Subrecipient hereby acknowledges and agrees that recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

#### **Article Y - Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19.

#### **Article Z - Rehabilitation Act of 1973**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, as amended, which

provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

#### **Article AA - Energy Policy and Conservation Act**

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of 42 U.S.C. section 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **Article AB - Patents and Intellectual Property Rights**

Unless otherwise provided by law, the Subrecipient hereby acknowledges and agrees that it is subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. section 200 et seq., and that it is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 CFR Part 401 and the standard patent rights clause in 37 CFR section 401.14.

#### **Article AC - Procurement of Recovered Materials**

The Subrecipient hereby acknowledges and agrees that it must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and that the requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **Article AD - Terrorist Financing**

The Subrecipient hereby acknowledges and agrees that it must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Subrecipient to ensure compliance with the Order and laws.

#### **Article AE - Whistleblower Protection Act**

The Subrecipient hereby acknowledges and agrees that it must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. 4712, and 10 U.S.C. section 2324, 41 U.S.C. section 4304 and 4310.

#### **Article AF - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and, Performance Matters located at 2 CFR Part 200 Appendix XII, the full text of which is incorporated here by reference in the terms and conditions of your award.

#### **Article AG - Reporting Subawards and Executive Compensation**

All Subrecipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 CFR Part 170, Appendix A, the full text of which is incorporated here by reference in the terms and conditions of your award.

#### **Article AH - Federal Leadership on Reducing Text Messaging while Driving**

All Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.

### **Article AI – Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All Subrecipients must comply with the equal treatment policies and requirements contained in 6 CFR Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

### **Article AJ – National Environmental Policy Act**

All Subrecipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires Subrecipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

#### **XIV. OFFSHORE PERFORMANCE OF WORK PROHIBITED**

Due to security and identity protection concerns, all services under this Agreement shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by the Subrecipient's contractors and subcontractors at all tiers.

#### **XV. AGREEMENT RENEWAL**

This Agreement shall not bind nor purport to bind the AZDOHS for any contractual commitment in excess of the original Agreement period.

#### **XVI. RIGHT TO ASSURANCE**

If the AZDOHS in good faith has reason to believe that the Subrecipient does not intend to, or is unable to perform or continue performing under this Agreement, the AZDOHS may demand in writing that the Subrecipient give a written assurance of intent to perform. If the Subrecipient fails to provide written assurance within the number of days specified in the demand, the AZDOHS at its option may terminate this Agreement.

#### **XVII. CANCELLATION FOR CONFLICT OF INTEREST**

The AZDOHS may, by written notice to the Subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to A.R.S. section 38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the State or its subdivisions (unit of Local Government) is an employee or agent of any other party in any capacity or a consultant to any other party to the Agreement with respect to the subject matter of the Agreement. Such cancellation shall be effective when the parties to the Agreement receive written notice from the AZDOHS, unless the notice specifies a later time.

#### **XVIII. THIRD PARTY ANTITRUST VIOLATIONS**

The Subrecipient hereby assigns to the State of Arizona any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to Subrecipient toward fulfillment of this Agreement.

#### **XIX. AVAILABILITY OF FUNDS**

Every payment obligation of the AZDOHS under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations under A.R.S. section 35-154. If the funds are not allocated and available for the continuance of this Agreement, the AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to the AZDOHS in the event this provision is exercised, and the AZDOHS shall not be obligated or liable for any future payments or for any damages as a

result of termination under this paragraph, including purchases and/or contracts entered into by the Subrecipient in the execution of this Agreement.

**XX. FORCE MAJEURE**

If either party hereto is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.

**XXI. PARTIAL INVALIDITY**

Any term or provision of this Agreement that is hereafter declared contrary to any current or future law, order, regulation, or rule, or which is otherwise invalid, shall be deemed stricken from this Agreement without impairing the validity of the remainder of this Agreement.

**XXII. ARBITRATION**

In the event of any dispute arising under this Agreement, written notice of the dispute must be provided to the other party within thirty (30) calendar days of the events giving the rise to the dispute. Any claim made by or against the State or any of its political subdivisions (including but not limited to AZDOHS) relating to this Agreement shall be resolved through the administrative claims process. In the event that the parties would otherwise be in court and/or if A.R.S. section 12-1518 applies, the parties shall proceed in arbitration through the American Arbitration Association ("AAA"), with the arbitrator to be selected pursuant to AAA rules and the arbitration to be conducted according to the applicable AAA rules, and with the costs of arbitration (including but not limited to the arbitrator's fees and costs) to be divided 50/50 between the parties, subject to reallocation between the parties by the arbitrator. In the event that the parties become involved in litigation with each other relating to this Agreement for any reason in any other forum, both parties agree to have any claim(s) resolved in arbitration on the terms set forth in this part XXII. Any arbitration award may be enforced through the Maricopa County Superior Court or the U.S. District Court located in Phoenix, Arizona.

**XXIII. GOVERNING LAW AND CONTRACT INTERPRETATION**

- a) This Agreement shall be governed and interpreted in accordance with the laws of the State of Arizona.
- b) This Agreement is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms in this document.
- c) Either party's failure to insist on strict performance of any term or condition of the Agreement shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object.

**XXIV. ENTIRE AGREEMENT**

This Agreement constitutes the entire Agreement between the parties hereto pertaining to the subject matter hereof and may not be changed or added to except by a writing signed by all parties hereto in conformity with Paragraph XII, AMENDMENTS. The Subrecipient agrees to comply with any such amendment within ten (10) business days of receipt of a fully executed amendment. All prior and contemporaneous agreements, representations, and understandings of the parties, oral, written, pertaining to the subject matter hereof, are hereby superseded or merged herein.

**XXV. LICENSING**

The Subrecipient, unless otherwise exempted by law, shall obtain and maintain all licenses, permits, and authority necessary to perform those acts it is obligated to perform under this Agreement.

**XXVI. SECTARIAN REQUESTS**

Funds disbursed pursuant to this Agreement may not be expended for any sectarian purpose or activity, including sectarian worship or instruction in violation of the United States or Arizona Constitutions.

**XXVII. ADVERTISING AND PROMOTION OF AGREEMENT**

The Subrecipient shall not advertise or publish information for commercial benefit concerning this Agreement without the written approval of the AZDOHS.

**XXVIII. OWNERSHIP OF INFORMATION, PRINTED AND PUBLISHED MATERIAL**

The AZDOHS reserves the right to review and approve any publications funded or partially funded through this Agreement. All publications funded or partially funded through this Agreement shall recognize the AZDOHS and the U.S. Department of Homeland Security. The U.S. Department of Homeland Security and the AZDOHS shall have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all materials prepared under this Agreement.

The Subrecipient agrees that any report, printed matter, or publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the Subrecipient describing programs or projects funded in whole or in part with Federal funds shall contain the following statement:

"This document was prepared under a grant from the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security."

The Subrecipient also agrees that one copy of any such publication, report, printed matter, or publication shall be submitted to the AZDOHS to be placed on file and distributed as appropriate to other potential subrecipients or interested parties. The AZDOHS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the Subrecipient.

The AZDOHS and the Subrecipient recognize that research resulting from this Agreement has the potential to become public information. However, prior to the termination of this Agreement, the Subrecipient agrees that no research-based data resulting from this Agreement shall be published or otherwise distributed in any form without express written permission from the AZDOHS and possibly the U.S. Department of Homeland Security. It is also agreed that any report or printed matter completed as a part of this agreement is a work for hire and shall not be copyrighted by the Subrecipient.

**XXIX. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS**

Any television public service announcement that is produced or funded in whole or in part by the Subrecipient shall include closed captioning of the verbal content of such announcement.

**XXX. INDEMNIFICATION**

Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (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. The State of Arizona, (AZDOHS) is self-insured per A.R.S. 41-621.

In addition, should Subrecipient utilize a contractor(s) and subcontractor(s), the indemnification clause between Subrecipient and contractor(s) and subcontractor(s) shall include the following:

*Contractor shall defend, indemnify, and hold harmless the (insert name of other governmental entity) and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") 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 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 Workers' 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 Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, 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. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.*

**XXXI. TERMINATION**

- a) All parties reserve the right to terminate the Agreement in whole or in part due to the failure of the Subrecipient or AZDOHS to comply with any term or condition of the Agreement, to acquire and maintain all required insurance policies, bonds, licenses, and permits or to make satisfactory progress in performing the Agreement. The staff of either party shall provide a written thirty (30) day advance notice of the termination and the reasons for it.
- b) If the Subrecipient chooses to terminate the Agreement before the grant deliverables have been met then the AZDOHS reserves the right to collect all reimbursements distributed to the Subrecipient.
- c) The AZDOHS may, upon termination of this Agreement, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this Agreement. The Subrecipient shall be liable to the AZDOHS for any excess costs incurred by the AZDOHS in procuring materials or services in substitution for those due from the Subrecipient.

**XXXII. CONTINUATION OF PERFORMANCE THROUGH TERMINATION**

The Subrecipient shall continue to perform, in accordance with the requirements of the Agreement, up to the date of termination, as directed in the termination notice.

**XXXIII. PARAGRAPH HEADINGS**

The paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this Agreement or any of its provisions.

**XXXIV. COUNTERPARTS**

This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one agreement.

**XXXV. AUTHORITY TO EXECUTE THIS AGREEMENT**

Each individual executing this Agreement on behalf of the Subrecipient represents and warrants that he or she is duly authorized to execute this Agreement.

**XXXVI. SPECIAL CONDITIONS**

- a) The Subrecipient must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.
- b) The Subrecipient acknowledges that the U.S. Department of Homeland Security and the AZDOHS reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a subrecipient purchases ownership with Federal support. The Subrecipient shall consult with the AZDOHS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.
- c) The Subrecipient agrees to cooperate with any assessments, state/national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
- d) The Subrecipient is prohibited from transferring funds between programs (e.g., State Homeland Security Program, Urban Area Security Initiative, Operation Stonegarden).

**XXXVII. NOTICES**

Any and all notices, requests, demands, or communications by either party to this Agreement, pursuant to or in connection with this Agreement shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security  
1700 West Washington Street, Suite 210  
Phoenix, AZ 85007

The Subrecipient shall address all programmatic and reimbursement notices relative to this Agreement to the appropriate AZDOHS staff; contact information at [www.azdohs.gov](http://www.azdohs.gov).

The AZDOHS shall address all notices relative to this Agreement to:

\_\_\_\_\_  
Enter Title, First & Last Name Above

\_\_\_\_\_  
Enter Agency Name Above

\_\_\_\_\_  
Enter Street Address Above

\_\_\_\_\_  
Enter City, State, ZIP Above

**XXXVIII. IN WITNESS WHEREOF**

The parties hereto agree to execute this Agreement.

**FOR AND BEHALF OF THE**

\_\_\_\_\_  
Enter Agency Name Above

\_\_\_\_\_  
Authorized Signature Above

\_\_\_\_\_  
Print Name & Title Above

\_\_\_\_\_  
Enter Date Above

**FOR AND BEHALF OF THE**

Arizona Department of Homeland Security

\_\_\_\_\_  
Gilbert M. Orrantia  
Director

\_\_\_\_\_  
Date

*(Complete and mail two original documents to the Arizona Department of Homeland Security.)*



# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

No. 2029

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA TO AUTHORIZE THE CITY OF SAN LUIS POLICE DEPARTMENT TO RECEIVE FUNDING FOR OVERTIME AND MILEAGE BY APPROVING AN INTERGOVERNMENTAL AGREEMENT AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT OPERATION STONEGARDEN GRANT PROGRAM – OVERTIME AND MILEAGE BETWEEN THE STATE OF ARIZONA THROUGH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY AND THE CITY OF SAN LUIS, ARIZONA THROUGH THE SAN LUIS POLICE DEPARTMENT.**

**WHEREAS**, the City of San Luis desires to increase police presence within our city limits to support the United States Border Patrol mission by allowing police officers to stop or prevent the egression of drug, undocumented persons smuggling, and the nexus to terrorism;

**WHEREAS**, the Arizona Department of Homeland Security has approved OPSG Overtime and Mileage and Employee Related Expenses to enhance border security throughout the City of San Luis;

**WHEREAS**, the Arizona Department of Homeland Security has prepared an Intergovernmental Agreement which provides for all of the funds including that these funds shall not be used to supplant other funding of the San Luis Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of San Luis, State of Arizona as follows:

**Section 1:** That the Intergovernmental Agreement titled "SUBRECIPIENT AGREEMENT 17-AZDOHS-OPSG-170436-01" and the grant application titled OPSG Overtime and Mileage" both Attached to this resolution are approved.

**Section 2:** That the appropriate City officials are hereby authorized and directed to enter into said agreement on behalf of the City and take any and all actions as may be necessary to effectuate said agreement.

**PASSED AND ADOPTED** by the Mayor and Council of the City of San Luis, Arizona this 13<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

\_\_\_\_\_  
Kay Marion Macuil, City Attorney



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

6.A.

**Meeting Date:** 02/13/2018

**Department Head:** Sonia Cornelio, City Clerk, Office of the City Clerk

**Submitted By:** Sonia Cornelio, City Clerk, City Clerk's Office

**Action Requested:** Motion  
Public Hearing

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#### ITEM:

Public Hearing followed by discussion and possible action on any and all matters regarding recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Abraham Andrade on behalf of Rolls and Bowls located at 1627 Juan Sanchez Boulevard, San Luis, Arizona. **(Sonia Cornelio, City Clerk)**

- A. Open public hearing
  - 1. Staff and/or applicant presentation
  - 2. Call to the public on this item
- B. Close public hearing
- C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for Rolls and Bowls.

#### SUMMARY:

Mr. Abraham Andrade submitted a Liquor License application to the Arizona Department of Liquor Licenses and Control. The notice of the application was posted in a conspicuous place at the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days pursuant to A.R.S. §4-201. The Office of the City Clerk has not received any comments in favor of or against it. Staff recommends approval of the recommendation to the Arizona Department of Liquor Licenses and Control for Rolls and Bowls.

#### RECOMMENDATION / SUGGESTED MOTION:

**A. I MOVE TO OPEN THE PUBLIC HEARING**

- 1. Staff and/or applicant presentation
- 2. Call to the Public on this item

**B. I MOVE TO CLOSE THE PUBLIC HEARING**

**C. I MOVE TO RECOMMEND APPROVAL OF LIQUOR LICENSE APPLICATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL FOR ROLLS AND BOWLS AS PRESENTED.**

**Supporting information not attached to the Agenda Item Review Form:**

N/A

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#### Fiscal Impact

**IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:** N/A

**CITY/STATE/FEDERAL FUNDS:** N/A  
**TOTAL:** N/A  
**BUDGETED AMOUNT:** N/A  
**AVAILABLE AMOUNT TO TRANSFER:** N/A  
**ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:** N/A  
**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**  
N/A

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**Attachments**

Rolls and Bowls Liquor License Application  
Planning & Zoning Liquor License Review

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# NOTICE

## APPLICATION TO SELL ALCOHOLIC BEVERAGES

DATE POSTED: January 17, 2018

A HEARING ON A LIQUOR LICENSE APPLICATION SHALL BE HELD BEFORE THE

City Council

PLACE 1090 E. Union Street DATE/TIME 2/13/2018 @ 6:30 pm  
San Luis, AZ 85349

HEARING DATES SUBJECT TO CHANGE, TO VERIFY CALL: 928-341-8520

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR BOARD WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE STATE LIQUOR BOARD MAY HOLD A HEARING TO CONSIDER THE RECOMMENDATION OF THE LOCAL GOVERNING BODY. ANY PERSON RESIDING OR OWNING OR LEASING PROPERTY WITHIN A ONE-MILE RADIUS MAY CONTACT THE STATE LIQUOR BOARD IN WRITING TO REGISTER AS A PROTESTER. TO REQUEST INFORMATION REGARDING PROCEDURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING THIS APPLICATION, CONTACT THE **STATE LIQUOR BOARD:** 800 W. WASHINGTON, 5TH FLOOR, PHOENIX, AZ. 85007 (602) 542-9789

INDIVIDUALS REQUIRING ADA ACCOMMODATIONS CALL - LOCAL GOVERNING BODY: 928-341-8520 STATE LIQUOR DEPT: (602) 542-9789

POST ONE COPY OF THE APPLICATION FORM BELOW THIS NOTICE.

C-A



18 JAN 5 11:47 AM '10

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

DLLC USE ONLY
License # 12143236
Date Accepted: 1-5-18
CSR: C.A

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- Interim Permit
New License
Person Transfer
Location Transfer (series 6, 7 and 9)
Probate/ Will Assignment/ Divorce Decree (No Fees)
Seasonal

SECTION 2 Type of Ownership

- J.T.W.R.O.S.
Individual
Partnership
Corporation
Limited Liability Co
Club
Government
Trust
Tribe
Other (Explain)

SECTION 3 Type of license

- Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application A.R.S.§4-206.01(G), (H), (I) & (L))
Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (restaurant, bar etc.): RESTAURANT (SERIES 12) 2. LICENSE # (if issued): N/A 12143236

SECTION 4 Applicants

1. Agent's Name: ANDRADE ABRAHAM
2. Applicant/Licensee Name: ROLLS AND BOWLS, LLC
3. Business Name (Doing Business As-DBA): ROLLS AND BOWLS, LLC
4. Business Location Address: 1627 JUAN SANCHEZ BLVD SAN LUIS AZ 85349 YUMA
5. Mailing Address: P.O. BOX 9181 SAN LUIS AZ 85349
6. Business Phone: 928-550-5342 Daytime Contact Phone: 928-276-8114
7. Email Address: aprandrade@yahoo.com
8. Is the Business located within the incorporated limits of the above city or town? Yes

Fees: Application \$100 Interim Permit 0 Department Use Only \$50 Finger Prints \$57 Total of All Fees \$207.00
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes

**SECTION 5 Background Check**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. If the applicant is an entity, not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 10/19/2015 State where Incorporated/Organized: ARIZONA

b) AZ Corporation or AZ L.L.C. File No: L20417525 Date authorized to do business in AZ 10/21/2015

2. List any individual or entity that own a beneficial interest of 10 % or more and/or controls the license. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed to disclose any controlling person, member, shareholder or general partner who owns a beneficial interest of 10 % or more of the license.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
ANDRADE	ABRAHAM		OWNER member	50	P.O. BOX 9181	SAN LUIS	AZ	85349
HUGUEZ	ALFREDO	Angel	OWNER member	50	P.O. BOX 9181	SAN LUIS	AZ	85349

(Attach additional sheet if necessary)

**SECTION 6 Interim Permit**

If you intend to operate business while your application is pending you will need an interim permit pursuant to A.R.S. §4-203.01 For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S. §4-203.01 (A)

1. Enter license number currently at the location: N/A

2. Is the license currently in use?  Yes  No If no, how long has it been out of use? N/A

I, (Signature) [Signature] declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING PERSON on the stated license and location.

Attach a copy of the license currently issued at this location to this application.

**NOTARY**

State of Arizona  
 County of Yuma }

On this 29<sup>th</sup> Day of December, 2017 before me personally appeared Abraham Andrade  
(Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

**GEORGINA GONZALEZ**  
 Notary Public - State of Arizona  
 YUMA COUNTY  
 My Commission Expires Feb. 14, 2019

(Affix Seal Above)

[Signature]  
 Signature of NOTARY PUBLIC

**SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license ARS § 4-204**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. Current Licensee's Name: N/A  
 (Exactly as it appears on the license) Last First Middle

2. Assignee's Name: N/A  
 Last First Middle

License Number: N/A

**ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.**

**SECTION 8 Government (for Cities, Towns or Counties only)**

1. Government Entity: N/A  
2. Person/Designee: N/A  
Last First Middle Daytime Contact Phone #

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 9  Person to Person – Current Licensee Information ARS§4-203(C), (D), (G)**  
(Bar and Liquor Stores only – Series 06, 07 and 09)

1. License #: N/A  
2. Current Agent Name: N/A  
Last First Middle  
3. Current Licensee Name: N/A  
(Exactly as it appears on the license)  
4. Current Business Name: N/A  
(Exactly as it appears on the license)  
5. Current Daytime Phone: N/A Primary Email Address: \_\_\_\_\_  
6. Does current licensee intend to operate the business while this application is pending?  Yes  No  
7. I authorize the transfer of this license to the applicant: \_\_\_\_\_  
Signature or Agent or Individual controlling person

**NOTARY**

State of Arizona )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared \_\_\_\_\_  
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Signature of NOTARY PUBLIC

(Affix Seal Above)

**SECTION 10 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.**

A.R.S. §4-207. (A) and (B) state that no **retailer's license** shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

**The above paragraph DOES NOT apply to:**

- a) Restaurants that do not sell growers (A.R.S. §4-205.02) Series 12
- b) Hotel/motel license (A.R.S. §4-205.01) Series 11
- c) Microbrewery (A.R.S. §4-205.08) Series 3
- d) Craft Distillery (A.R.S. §4-205.10) Series 18
- e) Government license (A.R.S. §4-205.03) Series 5
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 4
- h) Farm Winery Series 13
- i) Producer Series 1

1. Distance to nearest School: N/A Name of School: N/A  
 (If less than one (1) mile note footage) Address: \_\_\_\_\_

2. Distance to nearest Church: N/A Name of Church: \_\_\_\_\_  
 (If less than one (1) mile note footage) Address: \_\_\_\_\_

**SECTION 11 Business Financials A.R.S. §4-202(F)**

1. I am the:

- Tenant; a person who holds the lease of a property; a lessee.
- Sub-tenant; a person who holds a lease which was given to another person (tenant) for all or part of a property.
- Owner
- Purchaser
- Management Company

2. If the premises is leased give lessors: Name: HMS DEVELOPMENT

Address: 2954 N. CAMPBELL AVE TUCSON AZ 85716  
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or Other: BALANCE OF LEASE

4. Total money borrowed for the Business not including lease? \$ 6500.00

Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
SQUARE	CAPITAL		\$6500.00	1455 MARKET ST.	SAN FRANCISCO	CA	94103

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?  
 Yes  No If yes, attach explanation.

6. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?  
 Yes  No If yes, attach explanation.

**SECTION 12 Diagram of Premises**

Check ALL boxes that apply to your business:

Walk-up or drive-through windows

Patio:  Contiguous  Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?  
 Yes  No If yes, what is your estimated completion date? \_\_\_\_/\_\_\_\_/\_\_\_\_

Please attach a diagram of the premises which clearly show only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include all entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and the kitchen. **DO NOT INCLUDE** parking lots, living quarters or areas where business is not conducted under this liquor license. When completing your premises diagram, please identify which orientation is North.

2. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

3. As stated in A.R.S. §4-207.01 (B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to the service areas or the square footage of the licensed premises, either by increase or decrease.

A. A.

Applicants Initials

**RESTAURANTS AND HOTELS/MOTELS ONLY**

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. The fee of \$50.00 will be due and payable upon submitting this application.)

4a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture, these are required as part of the diagram. A.R.S. §4-205.02(C)

4b. Provide a restaurant operation plan.

**SECTION 13 SIGNATURE BLOCK**

I, (Signature) \_\_\_\_\_, hereby declare that I am the Owner/Agent filing this application, I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

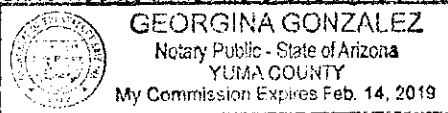
**NOTARY**

State of Arizona

County of Yuma }

On this 21<sup>st</sup> Day of December, 20 17 before me personally appeared Abraham Andrade  
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.



\_\_\_\_\_  
Signature of NOTARY PUBLIC

(Affix Seal Above)

**A.R.S. §41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice**

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

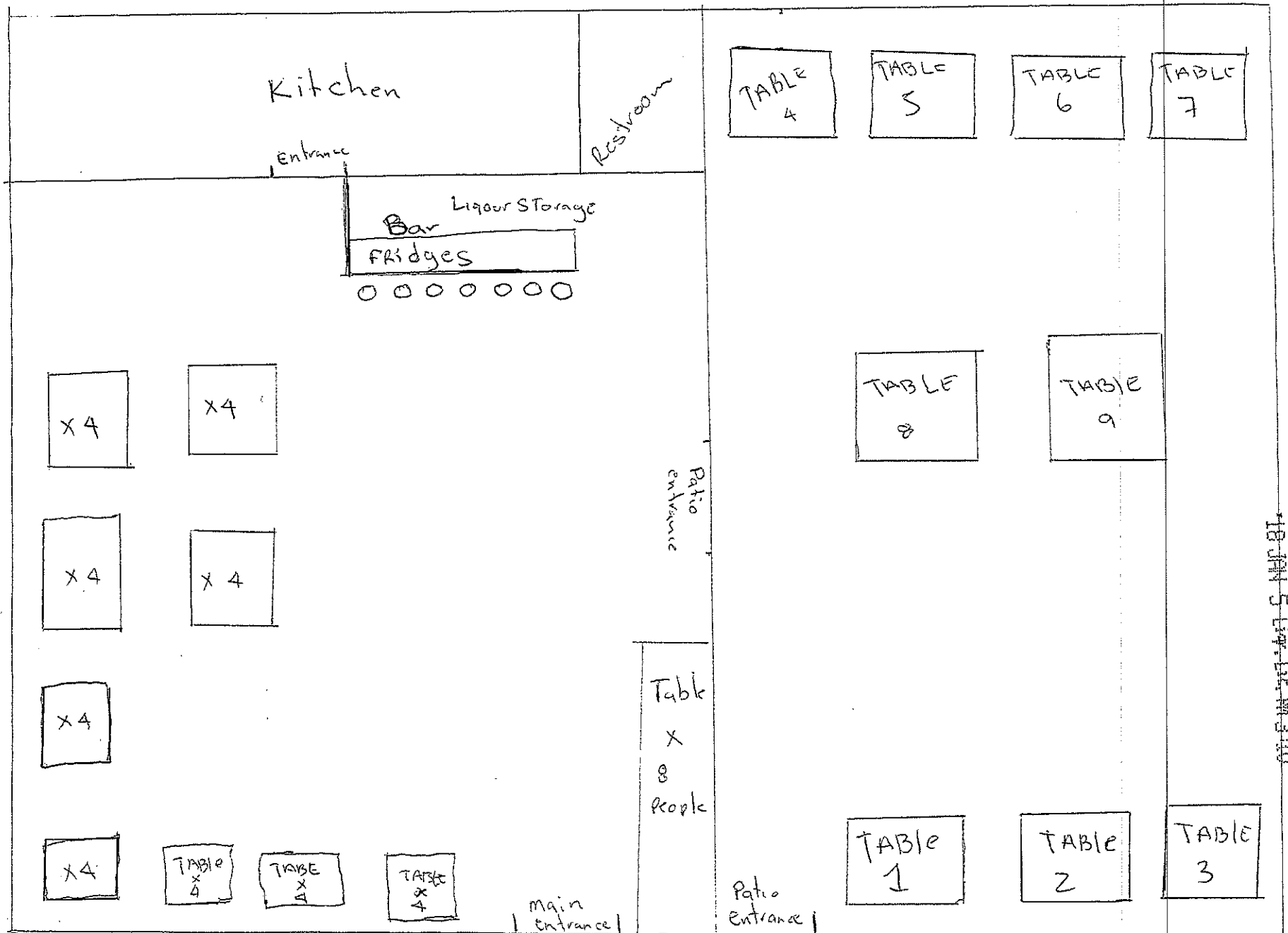
D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

North ↑

← 1800 sofas →



Patio 800 sqft



# City of San Luis

## Planning and Zoning Department

### Liquor License Review

Name of Business: ROLLS AND BOWLS

Former Name of Business (if applicable): \_\_\_\_\_

Physical Address: 1627 E. JUAN SANCHEZ BLVD., SAN LUIS, ARIZONA

Type of Arizona liquor license requested: ACQUISITION OF CONTROL

Date of City Council Public Hearing: February 13, 2018

Zoning: COMMUNITY COMMERCIAL (C-2) // Is requested use permitted?  Yes / No

Verified by Planning & Zoning: *Jose Guzman*

Distance to nearest school facility: 963 N. 8<sup>th</sup> Ave. Southwest Junior High = 800 Feet (distance is measured from wall to wall unless outdoor school recreation area is included)

Verified by GIS: *[Signature]*

Distance to nearest religious institution: 685 N. 9<sup>th</sup> Avenue- Church of Jesus Christ of LDS = 2130 Feet (distance is measured from wall to wall unless outdoor school recreation area is included)

Verified by GIS: *[Signature]*



## AGENDA ITEM REVIEW FORM

### Special City Council Meeting

6.B.

**Meeting Date:** 02/13/2018

**Department Head:** Lizandro Galaviz, Parks & Recreation Director, Parks & Recreation Department

**Submitted By:** Crystal Fragozo, Administrative Assistant, Parks & Recreation Department

**Action Requested:** Motion  
Public Hearing

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#### ITEM:

Public hearing followed by the discussion and possible action on any and all matters regarding recommendation of a Special Event Liquor License application to the Arizona Department of Liquor Licenses and Control to authorize Somerton Rotary Club to sell alcohol on Friday, March 09, 2018 during the Baseball Game event in which the Tigres de Quintana Roo will play against the Algodoneros de San Luis. **(Lizandro Galaviz, Director of Parks & Recreation)**

A. Open public hearing

1. Staff and/or applicant presentation
2. Call to the Public on this item

B. Close public hearing

C. Action on Special Event Liquor License Application to the Arizona Department of Liquor Licenses & Control

#### SUMMARY:

Somerton Rotary Club wishes to sell beer on Friday, March 09, 2018, in Joe Orduño Park, during the Baseball Game event.

#### RECOMMENDATION / SUGGESTED MOTION:

**A. I MOVE TO OPEN THE PUBLIC HEARING**

1. Staff and/or applicant presentation
2. Call to the Public on this item

**B. I MOVE TO CLOSE THE PUBLIC HEARING**

**C. I MOVE TO RECOMMEND APPROVAL OF THE SPECIAL EVENT LIQUOR LICENSE APPLICATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL**

Supporting information not attached to the Agenda Item Review Form:

N/A

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#### Fiscal Impact

**IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:** NO  
**CITY/STATE/FEDERAL FUNDS:** N/A  
**TOTAL:** N/A

**BUDGETED AMOUNT:** N/A

**AVAILABLE AMOUNT TO TRANSFER:** N/A

**ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:** N/A

**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**

N/A

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**Attachments**

Somerton Rotary Club Application for Special Event Liquor License

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Arizona Department of Liquor Licenses and Control  
 800 W Washington 5th Floor  
 Phoenix, AZ 85007-2934  
 www.azliquor.gov  
 (602) 542-5141

FOR DLLC USE ONLY

Event Date(s):
Event time start/end:
CSR:
License:

**APPLICATION FOR SPECIAL EVENT LICENSE**  
 Fee= \$25.00 per day for 1-10 days (consecutive)  
 Cash Checks or Money Orders Only

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

**IMPORTANT INFORMATION: This document must be fully completed or it will be returned.**

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 12).

**SECTION 1** Name of Organization: Somerton Rotary Club

Name of Licensed Contractor **only** (if any): \_\_\_\_\_

**SECTION 2** Non-Profit/IRS Tax Exempt Number: 86 6038213

**SECTION 3** Event Location: Joe Orduno Park

Event Address: 965 Park Ave. San Luis, AZ 85349

**SECTION 4** Applicant must be a member of the qualifying organization and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Jackson Paula Catherine 12/24/1954  
Last First Middle Date of Birth

2. Applicant's mailing address: 4590 E. 40th St. Yuma AZ 85365  
Street City State Zip

3. Applicant's home/cell phone: 928 580-2873 Applicant's business phone: (\_\_\_\_) \_\_\_\_\_

4. Applicant's email address: paulac7483@aol.com

I, (Print Full Name) Paula Catherine Jackson declare that I am the APPLICANT filing this application as listed above. I have read the application and the contents and all statements are true, correct and complete.

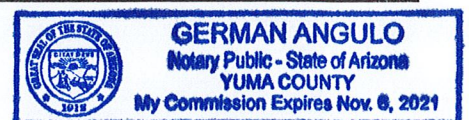
X Paula Catherine Jackson Club secretary 02/08/2018 928-580-2873  
Signature Title/ Position Date Phone Number

The foregoing instrument was acknowledged before me this 8<sup>th</sup> February 2018  
Day Month Year

State AZ County of Yuma

My Commission Expires on: 11.6.2021  
Date

[Signature]  
 Signature of Notary Public



**SECTION 5** Regarding the Applicant's application for a special event permit, I hereby certify that the Organization meets the criteria in A.R.S. § 4-203.02(E) for the issuance of the permit as indicated by checking one of the boxes below.

- (1)  The Applicant is a political party or a campaign committee supporting a candidate for public office. Please indicate the name of the candidate that the Applicant supports, the office that the candidate seeks, and the month and year that the applicant would first fill the office if successful.

Candidate: \_\_\_\_\_  

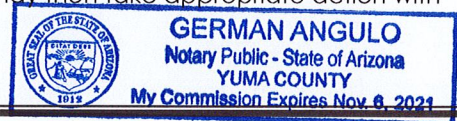
Name	Office	Month/Year
------	--------	------------

- (2)  The Applicant is a non-profit entity organized in Arizona, or pursuant to the laws of another state that is eligible for designation as a nonprofit entity under Section 501 (C) of the internal revenue code of the United States. If the Applicant is applying under option (2) as a nonprofit entity, **please also INITIAL in the space provided next to all following statements to indicate that, to the best of the applicant's knowledge, they are true and correct.**

*pcj* The Applicant has received a determination letter from the Internal Revenue Service ("IRS") indicating that it is eligible for designation as a nonprofit entity under Section 501 (C), eligibility or will be eligible on all days that the special event will occur, or has a pending application with the IRS for such treatment that has not been resolved but that will retroactively cover all days that the special event will occur. (Please provide a copy of either the IRS determination letter or the application [without attachments] with this application).

*pcj* The Applicant is not aware of any action by the IRS to revoke, suspend, or otherwise eliminate the Applicant's eligibility under 501 (C), or if there is a pending application, the Applicant has not received any indication that the IRS will deny its application and has a good faith basis formed upon a reasonable inquiry into IRS regulations, guidelines, and forms that it is eligible under 501 (C).

*pcj* The Applicant understands that if there is a change in circumstances after completing this form that may cause or has caused it to lose its eligibility under 501 (C), whether before or after receiving an IRS determination letter, that it has an affirmative duty to notify the Department of Liquor, which may then take appropriate action with regard to the loss of eligibility.



To be completed only by an Officer, Director, or Chairperson of the organization.

I, (Print Full Name) Paula Catherine Jackson declare that I am an Officer, Director, or Chairperson of the organization filing this application as listed above. I have read the application and the contents and all statements are true, correct and complete.

Paula Catherine Jackson Club secretary 02/08/2018 928-580-2873  
 Signature Title/ Position Date Phone Number

The foregoing instrument was acknowledged before me this 8<sup>th</sup> February 2018  
 Day Month Year

State AZ County of Yuma

My Commission Expires on: 11-6-2021 [Signature]  
 Date Signature of Notary Public

**SECTION 6** Will this event be held on a currently licensed premise and within the already approved premises?  Yes  No (If yes, Local Governing Body Signature **not** required)

N/A N/A N/A  
 Name of Business License Number Phone (Include Area Code)

**SECTION 7** How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- Place license in non-use
- Dispense and serve all spirituous liquors under retailer's license
- Dispense and serve all spirituous liquors under special event
- Split premise between special event and retail location

**(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)**

**SECTION 8**

What is the purpose of this event?  On-site consumption  Off-site (auction/wine/distilled spirits pull)  Both

**SECTION 9**

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?  
 Yes  No (If yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 0  
(The number cannot exceed 10 days per year.)

3. Is the organization using the services of a promoter or other person to manage the sale or service of alcohol?  Yes  No  
(If yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name Somerton Rotary Club Percentage: 25%  
 Address 4590 E. 40th St. Yuma, AZ 85365

Name San Luis Rotary Club Percentage: 75%  
 Address P.O. Box 13926 San Luis AZ 85349  
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

**Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.**

**NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.**

5. What type of security and control measures will you take to prevent violations of liquor laws at this event?  
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

2 Number of Police 2 Number of Security Personnel  Fencing  Barriers

Explanation: There will be one entrance and one exit. Security will be at entrance.

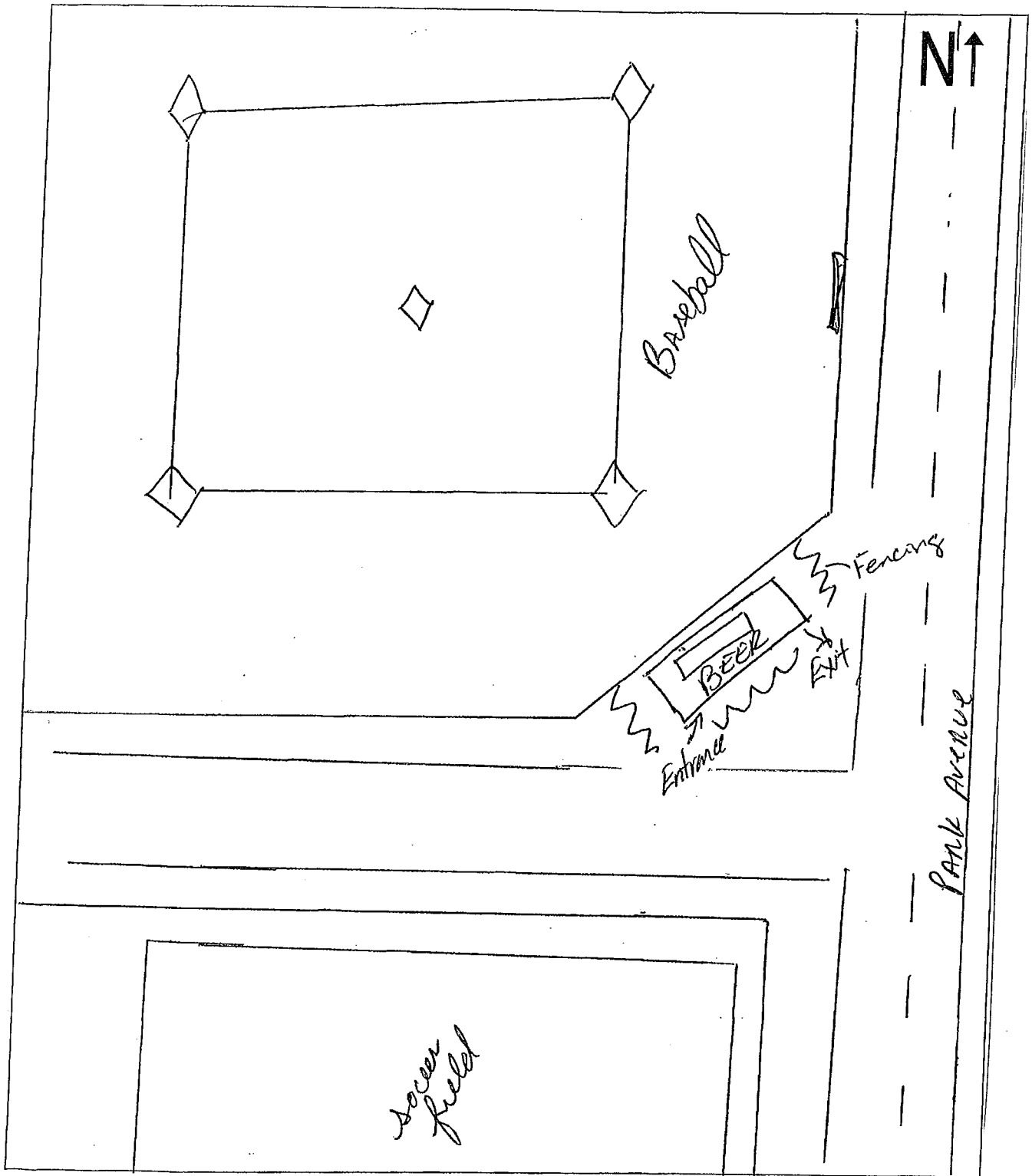
**SECTION 10** Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.  
See A.R.S. § 4-244(15) and (17) for legal hours of service.

**PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY**

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	03/09/2018	Friday	3:00 pm	12:00 pm
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

**SECTION 11** License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

**ATTACH DIAGRAM**



Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

**SECTION 12 Local Governing Body Approval Section.**

Date Received: _____			
I, _____ (Government Official)	_____ (Title)	recommend	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL
On behalf of _____ (City, Town, County)	_____ Signature	_____ Date	_____ Phone

**SECTION 13 For Department of Liquor Licenses and Control use only.**

<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	BY: _____	DATE: ____/____/____
--	-----------	----------------------

**A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice**

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.





Department of the Treasury  
Internal Revenue Service

P.O. Box 2508  
Cincinnati OH 45201

In reply refer to: 0248459781  
Apr. 16, 2008 LTR 4170C E0  
36-1707667 000000 00 000  
00015468  
BODC: TE

TOM DURAND  
% ROTARY INTERNATIONAL  
1560 SHERMAN AVE  
EVANSTON IL 60201



03417

Person to Contact: MS. WINKLER  
Toll Free Telephone Number: 1-877-829-5500

Dear TAXPAYER:

This is in response to your request of Apr. 07, 2008, regarding the tax-exempt status of ROTARY INTERNATIONAL.

Our records indicate that a determination letter was issued in MAY 1958, granting this organization exemption from Federal income tax under section 501(c)(4) of the Internal Revenue Code.

Because this organization is not described in section 170(c) of the Code, contributions to it are not tax-deductible.

If you have any questions, please call us at the telephone number shown above.

Sincerely yours,

A handwritten signature in cursive script that reads "Michele M. Sullivan".

Michele M. Sullivan, Oper. Mgr.  
Accounts Management Operations I



U. S. TREASURY DEPARTMENT  
WASHINGTON 25

OFFICE OF  
COMMISSIONER OF INTERNAL REVENUE

ADDRESS REPLY TO  
COMMISSIONER OF INTERNAL REVENUE  
WASHINGTON 25, D. C.

AND REFER TO

T:R:EO:5  
RMM

MAY 13 1958

Rotary International  
c/o George R. Means, Secretary  
1600 Ridge Avenue  
Evanston, Illinois

Gentlemen:

Reference is made to your letter dated April 16, 1958, transmitting additional information for our use in reconsideration of your status for Federal income tax purposes under the provisions of section 501(a) of the Internal Revenue Code of 1954.

A review of our records discloses that in a ruling dated January 17, 1935, it was held that you were exempt under section 103(9) of the Revenue Act of 1932. This ruling was affirmed August 23, 1938 under the Revenue Act of 1936. Later, in a group ruling dated September 22, 1942, it was held that you and your subordinate clubs were entitled to exemption under section 101(9) of the Internal Revenue Code. Supplemental group rulings were thereafter issued annually from 1943 through 1958, holding you and your subordinate clubs exempt as social clubs under section 101(9) of the 1939 Code and under section 501(c)(7) of the 1954 Code.

Based upon a careful review of the information which you recently submitted together with all other evidence of record, it is our opinion that you and your subordinate clubs are entitled to exemption from Federal income tax under section 501(c)(4) of the 1954 Code as "organizations not organized for profit but operated exclusively for the promotion of social welfare", rather than as social clubs as described in section 501(c)(7) of the Code. Therefore, the above mentioned rulings dated January 17, 1935, August 23, 1938, September 22, 1942, and supplemental group rulings issued in the years 1943 to 1958, inclusive, are modified accordingly.

In view of the above, therefore, you and your subordinate clubs are not required to file income tax returns so long as there is no change in the character, purposes or method of operation of your organization or such subordinate clubs. Any such changes should be reported immediately

COPY

2 - Rotary International

to the National Office of the Internal Revenue Service in Washington, D. C., in order that the effect of the changes upon your present exempt status or that of the subordinate clubs may be determined.

However, you and your subordinate units are required to file an information return, Form 990, annually, with the District Director of Internal Revenue for your district so long as this exemption remains in effect. This form may be obtained from your District Director and is required to be filed on or before the fifteenth day of the fifth month following the close of the respective annual accounting periods.

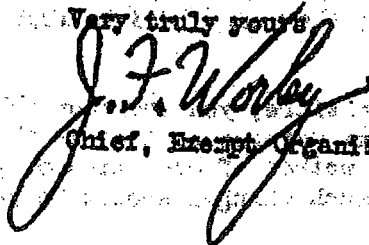
Failure by you or your subordinate units to file the required information return or to otherwise comply with the provisions of section 6033 of the Code and regulations applicable thereto may result in the termination of the exempt status of you or your subordinate units on the grounds that you or your subordinate units have not established that you are observing the conditions required for the continuation of an exempt status.

You should continue to furnish the National Office, annually, on the calendar year basis, lists, in duplicate, showing only the names, numbers and addresses of your new subordinate units and the names, numbers and addresses of any units which have ceased to exist. These lists should be submitted in alphabetical or numerical order and, if your subordinate units are located in more than one State, should be prepared separately by States. This information is necessary in order that we may advise the District Directors of Internal Revenue for the respective districts in which your new subordinate units are located of their exempt status as promptly as possible.

The annual lists should be accompanied by a statement signed by one of your principal officers stating whether the information previously submitted upon which your original ruling was based, is applicable in all respects to the new subordinate units. These lists and accompanying statements should be forwarded in time to reach the National Office not later than February 15 of each succeeding year.

The District Directors of Internal Revenue for the Districts in which the subordinate units referred to herein are located are being advised of this action.

Very truly yours



Chief, Exempt Organizations Branch

Department of the Treasury  
Internal Revenue Service

for Tax-Exempt Organization not Required to File Form 990 or 990-EZ

2016

Open to Public Inspection

A For the 2016 Calendar year, or tax year beginning 2016-07-01 and ending 2017-06-30

B Check if available

Terminated for Business

Gross receipts are normally \$50,000 or less

C Name of Organization: ROTARY INTERNATIONAL

1217 S 19th Avenue, Yuma,

AZ, US, 85364

D Employee Identification

Number 86-6038213

E Website:

F Name of Principal Officer: Paula C Jackson

4600 E 40th Street, Yuma,

AZ, US, 85365

**Privacy Act and Paperwork Reduction Act Notice:** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990-N is covered in code section 6104.

The time needed to complete and file this form and related schedules will vary depending on the individual circumstances. The estimated average times is 15 minutes.

**Note:** This image is provided for your records only. Do Not mail this page to the IRS. The IRS will not accept this filing via paper. You must file your Form 990-N (e-Postcard) electronically.

Information Copy  
Do not send to IRS



## Confirmation

[Home](#) | [Security Profile](#) | [Logout](#)

Your Form 990-N(e-Postcard) has been submitted to the IRS

- **Organization Name:** ROTARY INTERNATIONAL
- **EIN:** 866038213
- **Tax Year:** 2016
- **Tax Year Start Date:** 07-01-2016
- **Tax Year End Date:** 06-30-2017
- **Submission ID:** 10065520172671417364
- **Filing Status Date:** 09-24-2017
- **Filing Status:** Pending

**Note:** Print a copy of this filing for your records. Once you leave this page, you will not be able to do so.

**MANAGE FORM 990-N SUBMISSIONS**



# AGENDA ITEM REVIEW FORM

## Special City Council Meeting

6.C.

**Meeting Date:** 02/13/2018

**Department Head:** Lizandro Galaviz, Director of Parks & Recreation, Parks & Recreation Department

**Submitted By:** Crystal Fragozo, Administrative Assistant, Parks & Recreation Department

**Action Requested:** Motion

### ITEM:

Discussion and possible action on any and all matters regarding Resolution No. 2030. A resolution of the Mayor and City Council of the City of San Luis, Arizona authorizing alcohol permit fees, special alcohol permit fees and facility fees and repealing any conflicting provisions. **(Lizandro Galaviz, Director of Parks & Recreation)**

### SUMMARY:

The Parks & Recreation staff would like to enforce Resolution No. 2030 allowing the department to charge the community a specific fee if they want to consume beer and/or wine at a park ramada reservation or City approved facility. This notice has already been posted on our City of San Luis webpage advising our community of the city considering possibly establishing a permit fee for alcohol in public parks and other city facilities to help cover the cost of administering the program. At present, the consumption of alcoholic beverages in public parks or other City facilities is prohibited. This proposed fee is in line with similar fees charged by the Cities of Somerton and Yuma. It would be for permits for the personal use of alcoholic beverages by small groups for events at the ramada in the City parks or facilities on conditions as may be established by the City Council and would not be transferable. It would not be for the sale or large distribution of alcoholic beverages. A Special Alcohol Permit application process would apply for those requesting to bring a keg of beer to their event. The proposed fees are:

Alcohol Permit			
Individual & Non-Profit Groups		Commercial	
Residents	Non-Resident	Residents	Non-Residents
\$25.00	\$30.00	\$35.00	\$40.00

Special Alcohol Permit			
Individual & Non-Profit Groups		Commercial	
Residents	Non-Resident	Residents	Non-Residents
\$25.00	\$30.00	\$35.00	\$40.00

### RECOMMENDATION / SUGGESTED MOTION:

**I MOVE TO APPROVE RESOLUTION NO. 2030.**

**Supporting information not attached to the Agenda Item Review Form:**

N/A

**Fiscal Impact**

**IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:** N/A  
**CITY/STATE/FEDERAL FUNDS:** N/A  
**TOTAL:** N/A  
**BUDGETED AMOUNT:** N/A  
**AVAILABLE AMOUNT TO TRANSFER:** N/A  
**ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:** N/A  
**FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):**  
N/A

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**Attachments**

Resolution No. 2030  
Alcohol Permit Application

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# Resolution

No. 2030

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AUTHORIZING ALCOHOL PERMIT FEES, SPECIAL ALCOHOL PERMIT FEES AND FACILITY FEES AND REPEALING ANY CONFLICTING PROVISIONS.**

**BE IT RESOLVED** by the Mayor and City Council of the City of San Luis, Arizona, as follows:

**Section 1.** There shall be a fee for an Alcohol Permit for the consumption of Beer and Wine in conjunction with a city park ramada reservation or facility rental.

**Section 2.** There shall be a fee for a Special Alcohol Permit to allow for kegs of Beer in conjunction with a city park ramada reservation or facility rental and an Alcohol Permit.

**Section 3.** At the time of applying for Alcohol Permits and Special Alcohol Permits, Applicants must present proof of residency within the city limits of the City of San Luis, Arizona in order to receive the resident's discount.

**Section 4.** Acceptable proof of residency are current utility bills, rent receipts, or documents of similar reliability in demonstrating Applicant is currently residing or doing business within the city limits of the City of San Luis, Arizona.

**Section 5.** The fee for an Alcohol Permit, the fee for a Special Alcohol Permit and the fees for facilities designated as eligible for alcohol permits are set as follows:

Alcohol Permit			
Individual & Non-Profit Groups		Commercial	
Residents	Non-Resident	Residents	Non-Residents
\$25.00	\$30.00	\$35.00	\$40.00

Special Alcohol Permit			
Individual & Non-Profit Groups		Commercial	
Residents	Non-Resident	Residents	Non-Residents
\$25.00	\$30.00	\$35.00	\$40.00

**Section 6.** All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

**Section 7.** The Director of the Department of Parks and Recreation and the City Manager or designee of the City Manager are hereby authorized and directed to take any and all actions as may be necessary to put this resolution into effect.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of San Luis, Arizona, this 13<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

\_\_\_\_\_  
Kay Marion Macuil, City Attorney



**CITY OF SAN LUIS  
PARKS AND RECREATION DEPARTMENT  
ALCOHOL BEVERAGE PERMIT**



Name: (Please Print)	Today's Date:	Permit No.
Physical Address & P.O Box	City, State & Zip Code:	Phone Number:
Cell Phone:	Date of Birth:	Age:
Facility / Park Ramada Reserving:	Approx. Group / Party Number:	Type of Sound System:
Date of Event Rental:	Time:	Type of Event:

The applicant is responsible for any of the persons consuming alcoholic beverages in the applicant's group/party. The applicant assures the City of San Luis that no person under 21 years of age will consume alcoholic beverages and no one will be drunk or consume to the point of becoming drunk in the group/party at the specified Facility or Park Ramada mentioned above.

**NOTE: This alcohol permit does not authorize the sale of alcohol.  
This alcohol permit is not for the free distribution of alcohol.**

**This alcohol permit is for responsible personal consumption by the applicant's group/party during applicant's the event mentioned above.**

In accordance with the rules and regulations of the Parks and Recreation Department as authorized by the City Ordinance \_\_\_\_\_, this permit is governed by the following conditions:

1. Permit is not transferable.
2. Permit is valid ONLY for the date of the event stated above.
3. Glass beverage containers are NOT permitted.
4. Area must be left clean after the event.
5. Park hours and event times must be observed.
6. Obnoxious behavior or excessive noise will NOT be permitted.
7. Only the permit holder is allowed to bring alcoholic beverages into the Facility / Park Ramada and is responsible for the conduct of all group/party members.
8. Permit holder must retain permit and make available upon the request of any City of San Luis Parks and Recreation Official or any Peace Officer.
9. Permit holder will be responsible for assuring that ALL MEMBERS of his/her party, according to the Arizona State Law, are of legal age to drink alcohol. (Legal age is 21 years)
10. Alcoholic beverages are NOT permitted in parking lots and/or children's play areas.
11. The sale of alcoholic beverages in City parks is strictly prohibited unless a special events liquor license is obtained from the State of Arizona.
12. Alcoholic beverages are NOT to be consumed by team members during athletic team competitions.

I have read or had read to me the above and Ordinance No. \_\_\_\_\_. I understand my responsibility for an Alcohol Permit. I sign to indicate, under penalty of perjury, that all the above is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**STAFF ONLY**

Granted:	By:	Date:	Amount Paid:
Denied:	By:	Date:	Reason: