

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 17R  
Amend No. \_\_\_\_\_

Date Prepared: May 27, 2008

Council Meeting Date: June 3, 2008

**TO: Honorable Mayor and Council**

**FROM: Stephen M. Kemp, City Attorney**



**SUBJECT: Resolution placing three bond propositions on the November 4, 2008, City Special Bond, Regular State Election ballot.**

**RECOMMENDATION: That the Mayor and Council adopt the Resolution placing three bond propositions on the November 4, 2008, City Special Bond, Regular State Election ballot.**

**SUMMARY: The attached resolution includes the ballot language of three propositions that will be submitted to the qualified electors of the City in the 2008 Special Bond Election on November 4, 2008. As with prior resolutions, additional provisions are added to reflect requirements of state law. After council's action, City staff will commence developing the information pamphlet which must by law be sent to each household with a registered voter. As with prior years the pamphlet will contain specific project information.**

**Attached as an exhibit is the final version of the resolution. Pursuant to the provisions of Title 35 the Mayor and Council of the City must adopt an Order and Call by Resolution for a Special Bond Election that may only be held in November of each year. The Resolution before you is designed to meet the statutory requirements for a Bond Election.**

**As council discussed, three bond questions will be submitted to the qualified electors. These questions contain the amounts finally adopted by Council for each portion of the Capital Plan evaluated by the Citizens Bond Committee and the Council. The Finance Director and other appropriate City staff can provide specific information at the council meeting on these projects.**

**The adoption of this Resolution is the formal document calling for the Bond Election and directs the City Clerk and City Attorney to take a number of actions**

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business

ORD. # \_\_\_\_\_ RES. # 08-91  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

**upon its adoption.**

**Therefore, it is my recommendation that the Mayor and Council adopt the Resolution ordering and calling for a Special Bond Election.**

ATTACHMENT: Resolution

RESOLUTION NO. 08-91

RESOLUTION ORDERING AND PROVIDING NOTICE OF A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 4, 2008, IN AND FOR THE CITY OF PEORIA, ARIZONA, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF THE QUESTIONS OF ISSUING AND SELLING VARIOUS PURPOSE BONDS OF THE CITY OF PEORIA, ARIZONA AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona (hereinafter referred to as the "City") have found and determined that the capital needs of the City relating to street improvements, drainage, public facilities and technology, parks and recreation facilities, can be best financed through the issuance and sale of bonds of the City; and

WHEREAS, the issuance and sale of such bonds must first be authorized by a majority of the qualified electors of the City at an election called for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA:

Section 1. That a Special Bond Election, in and for the City, be and the same is hereby ordered and called to be held on November 4, 2008, in accordance with A.R.S. §16-204.B.1.(d) (hereinafter referred to as the "Election"), at which there shall be submitted to the qualified electors of the City the questions of authorizing the issuance and sale of various purpose bonds of the City in the aggregate principal amounts and for the purposes set forth in the official form of ballot for the Election.

Section 2. That the official ballot for the Election (hereinafter referred to as the "Official Ballot") shall be in substantially the form hereto attached and marked Exhibit "A."

Section 3. That notice of the Election shall be given by mailing an informational pamphlet (hereinafter referred to as the "Informational Pamphlet") and a sample of the Official Ballot to every household in the City that contains a registered voter within the City not less than thirty-five (35) days before the date of the Election. The Informational Pamphlet, as required by Title 35, Chapter 3, Article 3, Section 35-454, Arizona Revised Statutes, as amended, shall set forth:

- (i) The amount of the bonds to be authorized;
- (ii) The maximum interest rate of the bonds;

- (iii) The estimated debt retirement schedules for the current amount of bonds outstanding, showing both principal and interest payments; the current secondary assessed valuation as reported by the County Assessors of Maricopa and Yavapai Counties and the current adopted and estimated tax rates;
- (iv) The estimated debt retirement schedules for the proposed bonds to be authorized, showing both principal and interest payments and the estimated average annual tax rate for the proposed bond authorization in the manner required by A.R.S. §34-454.A.1.(d);
- (iv) The source of repayment of the bonds;
- (vi) The estimated issuance costs of the bonds;
- (vi) The estimated tax impact of debt service for the bonds on an owner occupied residence classified as class three pursuant to A.R.S. §42-12003 and on commercial property classified as class one pursuant to A.R.S. §42-12001, paragraph 12 in the manner required by A.R.S. §35-454.
- (viii) In bold faced type, estimated total cost of the proposed bond authorization, including principal and interest;
- (viix) The current outstanding general obligation debt of the City and the constitutional debt limitation of the City;
- (viii) The purpose for which the bonds are to be issued;
- (ixi) Polling address for the addressee and the polling location and address for each precinct or voting district in the City and;
- (xii) The hours during the day when the polls will be open.
- (xiii) Arguments for and against the authorization of one or more of the bond propositions.

The Informational Pamphlet shall be prepared by the Clerk of the City and the Clerk of the City is hereby authorized and directed to cause the Informational Pamphlet to be provided as and under the circumstances described herein. The Clerk of the City is hereby authorized and directed to submit, within thirty (30) days after the date of the Election, a copy of the Informational Pamphlet to the Arizona Department of Revenue.

Section 4. That this Resolution shall be published in full at least once, not less than fifteen nor more than thirty days prior to the date of the election in a newspaper of general

circulation in the City.

Section 5. That absentee/early voting with respect to the Election shall be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

Section 6. That the Clerk of the City is hereby authorized and directed to have printed and delivered to the election officials for the Election at the polling places for the Election, to be by them furnished to the qualified electors of the City offering to vote at the Election, the Official Ballot.

Section 7. That in order to comply with the Voting Rights Act of 1965, as amended, the following materials pertaining to the Election shall be translated into Spanish and mailed or distributed in each instance where mailing or distributing of such materials is required, to-wit: "Order and Call for Special Bond Election"; "Informational Pamphlet"; "Official Ballot"; "Absentee/Early Voting Materials"; "Instructions at the Polling Places" and "Notice of Logic and Accuracy Test".

Section 8. That the Election shall be held, conducted and canvassed in conformity with the provisions of the regular election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are qualified electors of the City.

Section 9. That the returns from the Election shall be made to the Mayor and Council of the City within twenty (20) days after the date of the Election and shall be canvassed and the results thereof certified by the Mayor and Council of the City at a meeting to be held within twenty days (20) after the date of the Election, as provided by law.

Section 10. That the City Clerk on behalf of the Mayor and Council of the City shall file and record in the office of the Maricopa County and Yavapai County Recorders a certificate disclosing the purpose of the Election, the total number of votes cast and the total number of votes for and against creating the indebtedness, and stating whether or not the indebtedness is ordered. Upon filing and recording the certificate, the Mayor and Council of the City shall carry out the purpose of the Election.

Section 11. That, by reason of the urgent need for certain of the improvements to be made from the proceeds of the bonds herein sought to be authorized and the necessity of preserving to the qualified electors of the City the right to approve or reject the authorization of such bonds, the immediate operation of this Resolution is necessary for the preservation of the public peace, health and welfare, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

**PASSED, ADOPTED AND APPROVED** by the Mayor and Council of the City of Peoria,  
Arizona on June 3, 2008.

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**Bob Barrett,**  
Mayor, City of Peoria, Arizona

**ATTEST:**

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Clerk, City of Peoria, Arizona

**APPROVED AS TO FORM:**

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**Stephen M. Kemp, City Attorney**

**EXHIBIT A**

**OFFICIAL BALLOT**

**FOR SPECIAL BOND ELECTION TO BE HELD  
IN THE CITY OF PEORIA, ARIZONA ON  
NOVEMBER 4, 2008.**

**QUESTION 1  
STREETS, BRIDGES, TRAFFIC CONTROL AND  
TRANSPORTATION AND DRAINAGE BONDS**

Shall the City of Peoria, Arizona be authorized to sell and issue bonds of the City in the principal amount of \$276,743,120 to provide funds to improve, construct, reconstruct and widen streets and bridges; construct intermodal transportation facilities; install signage and traffic control devices and signals and improve, construct, reconstruct and expand drainage/storm water and related facilities; to acquire land, rights of ways, or interests in land for such purposes by purchase, condemnation or any other method, and to pay all legal, financial, engineering, architectural and all other necessary costs in connection therewith, such bonds to be issued at the option of the Council of the City, such bonds or any series thereof to be issued at the option of the Council, as general obligation bonds payable from *ad valorem* property taxes, unlimited as to rate and amount, or as highway user fund revenue bonds payable solely from revenues derived from taxes, fees, charges and other moneys collected by the State and returned to the City for street and highway purposes pursuant to law or to the extent permitted by law as utility revenue bonds payable from the revenues of the utility system of the City, for drainage purposes; the bonds to be issued in one or more series, maturing not more than 30 years following the date of the issuance of each series and bearing interest at a rate or rates not higher than 12% per annum?

The issuance of these bonds will result in an annual levy of property taxes sufficient to pay the debt on the bonds, unless the governing body provides for payment from other sources in full or in part.

**QUESTION NO. 1**

**FOR THE BONDS**

**AGAINST THE BONDS**

**QUESTION 2**

**PUBLIC SAFETY, TECHNOLOGY AND MUNICIPAL OPERATIONS BONDS**

Shall the City of Peoria, Arizona be authorized to sell and issue bonds payable from *ad valorem* property taxes, unlimited as to rate and amount, of the City in the principal amount of \$60,317,685 to provide funds to construct, improve and equip police, fire and emergency services, maintenance and operation and other municipal facilities including, but not limited to, operational communications and information systems for municipal services and dispatch and records management systems; to acquire land or interests in land or rights of way for such purposes by purchase, condemnation or any other method, and to pay all legal, financial, engineering, architectural and other necessary costs in connection therewith, such bonds to be issued in one or more series, maturing not more than 30 years following the date of issuance of each series and bearing interest at a rate or rates not higher than 12% per annum?

The issuance of these bonds will result in an annual levy of property taxes sufficient to pay the debt on the bonds.

**QUESTION NO. 2**

**FOR THE BONDS**

**AGAINST THE BONDS**

**FULL TEXT OF QUESTION 3**

**QUESTION 3  
PARKS, RECREATION, AND TRAILS BONDS**

Shall the City of Peoria, Arizona be authorized to sell and issue bonds payable from *ad valorem* property taxes, unlimited as to rate and amount, of the City in a principal amount of \$40,939, 195 to provide funds to acquire, construct, improve and equip parks, recreation and ancillary facilities, trails and bicycle routes; to acquire fee or lesser interests in land separately or pursuant to an intergovernmental agreement with the United States, State of Arizona and/or a political subdivision of this State for the purpose of preserving open space and recreational trail corridors to include joint facilities to be utilized with others, by condemnation or by any other method and to pay all legal, financial, engineering, architectural and all other necessary costs in connection therewith, such bonds to be issued in one or more series, maturing not more than 30 years following the date of issuance of each series and bearing interest at a rate or rates not higher than 12% per annum?

The issuance of these bonds will result in an annual levy of property taxes sufficient to pay the debt on the bonds.

**QUESTION NO. 3**

**FOR THE BONDS**

**AGAINST THE BONDS**

**NOTICE TO VOTERS:**

The voter shall indicate his vote by inserting the mark "X" in the square opposite the phrase, which expresses his choice. All qualified electors of the City of Peoria, Arizona regardless of political party affiliation are eligible to vote at this special bond election.