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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

ROBERT MARC STAMPER; and
GRETCHEN JACOBS dba AZ DESIGN
GROUP, a sole proprietorship,

Plaintiffs,

vs.

CITY OF SCOTTSDALE; MAYOR LISA
BOROWSKY; VICE MAYOR JAN
DUBAUSKAS; COUNCILMEMBER
BARRY GRAHAM; COUNCILMEMBER
ADAM KWASMAN; COUNCILMEMBER
MARYANN McALLEN;
COUNCILMEMBER SOLANGE
WHITEHEAD; and COUNCILMEMBER
KATHY LITTLEFIELD, each in their
official capacities; SONIA ANDREWS, in
her official capacity as Scottsdale City
Treasurer; GREG CATON, in his official
capacity as Scottsdale City Manager;
ARIZONA DEPARTMENT OF REVENUE;
and ROBERT WOODS, in his capacity as
Director of the Arizona Department of
Revenue,

Defendants.

Case No. **CV2025-018956**

**MOTION FOR PRELIMINARY
AND PERMANENT INJUNCTION**

Pursuant to Rule 65 of the Arizona Rules of Civil Procedure, Plaintiffs seek a preliminary injunction to stop Defendants from (a) implementing a new 0.15% sales and use tax set to take effect on July 1, 2025; (b) collecting and enforcing the tax; and (c) spending any proceeds from it.

1 Because this matter turns solely on legal issues, with no material facts reasonably
2 disputable, the Court should consolidate the preliminary injunction hearing with a
3 decision on the merits and issue a permanent injunction. Ariz. R. Civ. Proc. 65(a)(2).

4 INTRODUCTION

5 Arizona’s Constitution requires a 60% supermajority to approve a tax measure by
6 initiative or referendum. This safeguard ensures a broad consensus supports a new tax
7 before it is imposed, promoting fiscal discipline, protecting property rights, and defending
8 individual liberty. It also adds stability and predictability to tax laws, and reflects the
9 seriousness of the taxing decision. Most importantly, it’s the law.

10 Last year, the City of Scottsdale (the “City” or “Scottsdale”), through its City
11 Council, approved a resolution—contingent on voter approval—that would increase the
12 City’s transaction privilege tax (“TPT”) and use tax rates by 0.15% on July 1, 2025, (the
13 “Tax” or the “Scottsdale TPT and Use Tax”). The Council-initiated referendum resulted
14 in 58.25% approval—less than the required 60%.

15 Yet despite the fact that the Tax came up short under the Arizona Constitution, the
16 City intends to implement it anyway.

17 Plaintiffs pay, and are subject to, the City’s TPT and use taxes. If the City enforces
18 the Tax, Scottsdale residents and businesses—including Plaintiffs—will face real harm,
19 because they will be forced to pay an illegal tax or penalized for refusing. Worse, the City
20 has already determined how the revenue will be spent, compounding the harm to
21 taxpayers by spending money unlawfully obtained. An injunction is therefore necessary.

22 FACTUAL BACKGROUND

23 On April 2, 2024, the Scottsdale City Council adopted Resolution 13092, Option B
24 (the “Resolution”). The Resolution initiated a referendum to approve a new 0.15% sales
25 and use tax rate effective July 1, 2025—the Tax. Verified Complaint ¶ 18. If approved by
26 voters, the Tax would be added to the City’s overall transaction privilege and use tax rates
27 for 30 years. *Id.*

1 Also on April 2, 2024, the City Council passed Ordinance No. 4633. *Id.* ¶ 19. The
2 Ordinance “predetermines” how the City must spend the Tax revenue, “if the voters
3 approve [it].” *Id.*¹

4 The City quickly ran into legal problems with the Tax because it drafted misleading
5 ballot language for it. *See Lane v. City of Scottsdale*, No. 1 CA-CV 24-0545 EL, 2024
6 WL 4540407 (Ariz. App., Oct. 22, 2024) (published opinion elaborating on the order filed
7 August 19, 2024, granting relief). After the Court of Appeals held that the ballot language
8 was misleading, the City changed the language and sent the measure to the voters as
9 Proposition 490.²

10 In the November 2024 general election in Scottsdale, Proposition 490—the Tax—
11 garnered 82,032 (58.25%) votes approving it and 58,788 (41.75%) votes rejecting it. *See*
12 Election results attached as Exhibit 3 and also available at
13 <https://www.scottsdaleaz.gov/elections/election-results>.³ Plaintiffs here do not allege any
14 election misconduct or irregularity. Verified Complaint ¶ 21.

15 Defendants are responsible for implementing and enforcing the Tax and intend to
16 do so. *Id.* ¶¶ 36–41.

17 Plaintiffs are City residents and taxpayers that will pay the Tax when purchasing or
18 selling goods in Scottsdale after July 1, 2025. *Id.* ¶¶ 24–35.⁴

19 AZ Design Group (“AZDG”), which is a sole proprietorship of a Plaintiff, is a
20 retail seller of home furnishings to Scottsdale customers. *Id.* ¶¶ 30–35. AZDG has had,
21 and currently has, a transaction privilege tax license issued by Defendant Arizona
22

23 ¹ Ordinance No. 4633 is attached as Exhibit 1 and can also be found here:
24 https://www.scottsdaleaz.gov/docs/default-source/scottsdaleaz/elections/ordinance-4633.pdf?sfvrsn=f4599c8e_1.

25 ² Amended Resolution No. 13092 is attached as Exhibit 2 and can also be found here
26 beginning at page 11: https://www.scottsdaleaz.gov/docs/default-source/scottsdaleaz/elections/voting-history/2024-publicity-pamphlet-and-candidate-information-pamphlet.pdf?sfvrsn=14db860c_1.

27 ³ The Court can take judicial notice of facts generally known or readily determined from
28 trustworthy sources. Ariz. R. Evi. 201. Here, Plaintiffs cite to official government forms
and websites.

⁴ Plaintiffs will also be legally responsible for paying the use tax component of the Tax.
See id. ¶¶ 27, 30.

1 Department of Revenue (“ADOR”), license number 21370635. *Id.* ¶ 31. Pursuant to its
2 licenses, AZDG has paid transaction privilege taxes on past sales of retail goods to
3 customers, including those in Scottsdale, and will pay the Tax on sales after July 1, 2025.
4 *Id.* ¶¶ 30–35.

5 The Tax harms Plaintiffs by increasing the costs of sales of goods in Scottsdale. *Id.*
6 ¶¶ 28–29, 33–35. They are also harmed because the City will spend the Tax revenue per
7 Ordinance No. 4633. *Id.* This will damage the City, and ultimately taxpayers too,
8 because the revenue source for these expenditures would be illegal, exposing the City to
9 legal challenges that could result in the City having to refund the spent Tax revenue from
10 other sources, and that translates to reduced city services. *See id.*; *see also Dail v. City of*
11 *Phoenix*, 128 Ariz. 199, 202 (1980) (“We conclude that, absent fraud or other compelling
12 circumstances, to have standing a taxpayer must be able to demonstrate a direct
13 expenditure of funds that were generated through taxation, an increased levy of tax, or a
14 pecuniary loss attributable to the challenged transaction of a municipality.”); *Ethington v.*
15 *Wright*, 66 Ariz. 382, 387 (1948) (taxpayer standing to challenge unlawful expenditure
16 exacted from illegal tax); *Rodgers v. Huckelberry*, 247 Ariz. 426, 429 ¶ 11(App. 2019)
17 (taxpayer standing sufficient to question illegal expenditures made or threatened); *Secrist*
18 *v. Diedrich*, 6 Ariz. App. 102, 104 (1967) (taxpayer standing where school district failed
19 to place project for competitive bid).

20 LEGAL ARGUMENT

21 I. Legal standard for preliminary and permanent injunctions.

22 A party seeking a preliminary injunction must show the following:

- 23 1) a likelihood of success on the merits;
- 24 2) the possibility of irreparable harm if relief is not granted;
- 25 3) balance of hardships favoring the moving party; and
- 26 4) public policy weighs in favor of injunctive relief.

27 *Fann v. State*, 251 Ariz. 425, 432 ¶ 16 (2021).

1 Courts apply a sliding scale in determining whether to issue a preliminary
2 injunction rather than a strict balancing of the four factors. *Smith v. Arizona Citizens*
3 *Clean Elections Comm’n*, 212 Ariz. 407, 410–11 ¶ 10 (2006). To warrant a preliminary
4 injunction, the plaintiff must “establish either 1) probable success on the merits and the
5 possibility of irreparable injury; or 2) the presence of serious questions and that the
6 balance of hardships tips sharply in favor of the moving party.” *Id.* (citation and internal
7 marks omitted).

8 The standard for issuing a *permanent injunction* is essentially the same as that
9 applied to a request for preliminary injunctive relief, except that the plaintiff must prove
10 actual success on the merits rather than the likelihood of success on the merits. *See* Ariz.
11 R. Civ. Proc. 65(a)(2)(A); *see also* *Brown v. City of Phoenix*, 557 P.3d 321, 327 ¶ 17 (Ariz.
12 App. 2024).

13 Plaintiffs’ claims raise only a legal question, and no facts are reasonably in dispute.
14 Plaintiffs will be subject to the Tax. Verified Complaint ¶¶ 24–35. Defendants will
15 implement and enforce the Tax as of July 1, 2025. *Id.* ¶¶ 36–41. The Tax, however, was
16 not approved by at least 60% of voters. *Id.* ¶ 21. Under the Arizona Constitution,
17 therefore, the Tax is illegal and cannot be enforced. Nor can the City legally spend the
18 money collected from the Tax, because that spending authority is contingent upon the Tax
19 receiving the requisite approval, which it did not. *See* Ex. 1.

20 Applying the law to these facts results in Plaintiffs prevailing on the merits, thereby
21 collapsing the standard for entry of a preliminary injunction into the standard for entry of
22 a permanent injunction. Accordingly, the Court need not take the intermediate step of first
23 granting a preliminary injunction before entering a permanent one.

24 **A. Plaintiffs prevail on the merits.**

25 Plaintiffs seek injunctive and declaratory relief on two interrelated claims:
26 1) unlawful tax; and 2) violation of due process. Verified Complaint ¶¶ 47-57. Simply
27 put, Plaintiffs’ constitutional rights are violated here because Defendants will impose and
28

1 enforce a tax that failed to garner the broad support the law requires. Plaintiffs, therefore,
2 will prevail on the merits.

3 **1. Arizona’s supermajority requirements regarding tax measures.**

4 In 1992, Arizona joined other states that require state legislatures to approve new
5 tax measures by a supermajority vote. *See Bureau Brief: A Summary of Legislative*
6 *Supermajority Requirements*, Arkansas Bureau of Legislative Research (Nov. 1, 2005)
7 (summarizing legislative supermajority requirements by state as of November 1, 2005).⁵
8 That year, Arizonans added a provision to their state constitution requiring a two-thirds
9 vote of each house of the legislature to pass a new tax measure, and a three-quarters vote to
10 override any veto of a tax measure. *See* Ariz. Const., art. IX, § 22 (added by initiative
11 measure approved by voters and effective November 23, 1992).

12 In Arizona, the people share certain legislative authority with the state legislature
13 through direct approval of proposed measures by initiative or referendum. *See* Ariz.
14 Const., art. IV, pt. 1, § 1. In 2022, Arizonans amended their constitution to require a
15 broader consensus before taxes can be imposed through an initiative or referendum. *See*
16 Ariz. Const., art. IV, pt. 1, § 1(5) (amendment by legislature-initiated referendum). That
17 constitutional provision states in relevant part as follows:

18 Any measure ... proposed under the initiative, and any
19 measure to which the referendum is applied, shall be referred
20 to a vote of the qualified electors, and for an initiative or
21 referendum to approve a tax, shall become law when approved
by sixty percent of the votes cast thereon and upon
proclamation of the governor, and not otherwise”

22 *Id.* Accordingly, before a tax can be imposed through the initiative or referendum powers,
23 a broader consensus—at least 60%--must approve it.

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27 ^t The Report is attached as Exhibit 4 and can also be found here:
28 <https://arkleg.state.ar.us/Home/FTPDocument?path=%2FBLR+Publications%2FResearch+Service+Division%5CTax+Publications%2FA+Summary+of+Legislative+Supermajority+Requirements.pdf>.

1 **2. The initiative and referendum powers apply to local governance.**

2 The reserved powers of initiative and referendum apply to local legislative actions
3 as well as state legislation. *See id.* § 1(8) (“The powers of the initiative and the referendum
4 are hereby further reserved to the qualified electors of every incorporated city, town and
5 county as to all local, city, town or county matters on which such incorporated cities, towns
6 and counties are or shall be empowered by general laws to legislate.”)

7 And state law provides that “[t]he procedure with respect to municipal...legislation
8 shall be as nearly as practicable the same as the procedure relating to...referendum
9 provided for the state at large,” A.R.S. § 19-141(D), with the “duties required of the
10 governor ... performed by the mayor,” etc., *id.* § 19-141(A); *see also Sedona Private Prop.*
11 *Owners Ass’n v. City of Sedona*, 192 Ariz. 126, 127 ¶ 8 (App. 1998) (stating that local
12 governments may decide the manner of exercising the initiative and referendum powers
13 but only “*within the restrictions of general laws*” (citation omitted, emphasis in original).

14 Accordingly, the people have the power to approve legislation at the local level
15 pursuant to their initiative and referendum powers, and those powers are to be exercised
16 and limited in the same manner as when exercising them as to state legislation. The 60%
17 requirement of Ariz. Const., art. IV, pt. 1, § 1(5) therefore applies here.

18 **3. Scottsdale’s Charter acknowledges the people’s initiative and**
19 **referendum powers.**

20 Arizona’s Constitution allows cities of more than 3,500 residents to adopt a charter
21 and exercise the municipal powers set forth therein “provided that such exercise is not
22 inconsistent with either the constitution or general laws of the state.” *Jett v. City of*
23 *Tucson*, 180 Ariz. 115, 118 (1994); *see also Union Transportes de Nogales v. City of*
24 *Nogales*, 195 Ariz. 166, 169 ¶ 9 (1999) (local governments have only the powers
25 delegated to them by state law.)
26
27
28

1 Scottsdale adopted a city charter in 1961 and last amended it in 2019.⁶ Scottsdale's
2 Charter acknowledges that the initiative and referendum powers set forth in Arizona's
3 Constitution are reserved to its voters. *See* Scottsdale City Charter, art. 10, § 1 ("There is
4 hereby reserved to the electors of the city the powers of the initiative and
5 referendum ...").

6 Article 10 also states that the City Council may initiate a referendum, stating as
7 follows:

8 All city matters on which the council is or shall be empowered
9 to legislate may be submitted by the council, of its own
10 motion, to the electors for adoption or rejection at a general or
11 special election ***in the same manner and with the same force
and effect as matters submitted on petition.***

12 *Id.* (emphasis added). Scottsdale's Charter, therefore, provides that the City Council may
13 initiate a referendum in the same manner and with the same force and effect as a
14 referendum initiated by a citizen petition. *See* Ariz. Const., art. IV, pt. 1, § 1(3) (providing
15 that the legislature or citizen petition may invoke the people's referendum power); *see also*
16 *Cave Creek Unified Sch. Dist. v. Ducey*, 231 Ariz. 342, 345 ¶ 10 (App. 2013) ("***Through***
17 ***the referendum power***, the legislature may submit to the people for approval 'any
18 measure, or item, section, or part of any measure.'" (emphasis added) *aff'd*, 233 Ariz. 1, 7
19 ¶ 22 (2013) (legislative-initiated referendum subject to the Voter Protection Act);
20 *Wennerstrom v. City of Mesa*, 169 Ariz. 485, 488 (1991) ("The constitutional referendum
21 power has two forms. The first form permits the legislature to refer a legislative enactment
22 to a popular vote.").

23 The "same manner and with the same force and effect" means subject to the Arizona
24 Constitution and the state's general laws. Indeed, Scottsdale's Charter says that precisely:
25 "***The provisions of the constitution and general laws of the state, as the same now exist***
26

27 _____
28 ⁶ Scottsdale's Charter is attached as Exhibit 5 and can also be found here:
[https://www.scottsdaleaz.gov/docs/default-source/scottsdaleaz/clerk/2019-
charter.pdf?sfvrsn=3e11783e_1](https://www.scottsdaleaz.gov/docs/default-source/scottsdaleaz/clerk/2019-charter.pdf?sfvrsn=3e11783e_1).

1 *or hereafter may be amended, governing the initiative and referendum and recall of*
2 *elected officers shall apply in the city.”* Ex. 1, art. 10, § 1 (emphasis added).

3 Scottsdale’s Charter, therefore, (a) acknowledges the people’s referendum power,
4 (b) permits the Council to initiate a referendum, (c) treats a Council-initiated referendum
5 the same as matters submitted to the people for approval on petition, and (d) incorporates
6 all the provisions of Arizona’s Constitution and general laws related to the initiative and
7 referendum powers. Accordingly, the Arizona Constitution, the general laws of the state,
8 and Scottsdale’s Charter treat a “legislative-initiated” referendum—or here a “council-
9 initiated” referendum—the same as a citizen-initiated referendum, i.e., both are forms of
10 the referendum power whereby the people approve or reject a legislative measure at the
11 polls.

12 **4. The Tax is illegal and unenforceable.**

13 Any tax measure voted on by Scottsdale voters, whether by initiative, citizen-
14 initiated referendum, or council-initiated referendum, must comply with Scottsdale’s
15 Charter, state law, and, ultimately, with the Constitution. And the Constitution guarantees
16 that when a tax measure is submitted to the people for approval pursuant to their
17 referendum power, the tax is not lawful unless it garners a broader consensus—at least
18 60% approval. Ariz. Const. art. 4 § 1(5). Because the Tax failed to garner the necessary
19 support, Plaintiffs must prevail on the merits of their claims: they cannot be subject to an
20 illegal tax.

21 **B. Plaintiffs will suffer irreparable injury without an injunction.**

22 Irreparable injury occurs when the harm is “not remediable by damages” and there
23 is no other adequate legal remedy. *See IB Prop. Holdings, LLC v. Rancho Del Mar*
24 *Apartments, Ltd.*, 228 Ariz. 61, 65 ¶ 10 (App. 2011). “To determine whether damages
25 would be an adequate remedy at law, the court should consider the difficulty of proving
26 damages with reasonable certainty.” *Id.* (internal quotation omitted). “Ordinarily,
27 *ongoing* constitutional violations cannot be remedied through monetary damages,
28

1 rendering the harm caused by such a violation irreparable.” *Toma v. Fontes*, 553 P.3d 881,
2 899 ¶ 88 (Ariz. App. 2024).

3 Here, Plaintiffs’ injury is irreparable.

4 *First*, if Defendants are not enjoined, Defendants will proceed with implementing
5 and enforcing the Tax. Plaintiffs and all similarly situated citizens and businesses are
6 harmed because Defendants are ignoring the policy choices the people made when
7 amending their state Constitution in 2022, directly flouting democratic and republican
8 norms and Plaintiffs’ rights. *See, e.g.*, Introduction, *supra*. As a result, the City’s sales
9 and use tax rates will increase by 0.15%, thereby adding to the cost of every transaction
10 involving the sale or use of goods in the City, a harm Plaintiffs share with all others
11 similarly situated. That means the cost of doing business generally in the City will be
12 more, a harm that cannot be easily calculated or undone through an award of monetary
13 damages to Plaintiffs.⁷

14 *Second*, pursuant to Ordinance No. 4633, the City will spend the illegally collected
15 money on designated projects despite the lack of the required broad consensus approving
16 the collection of those funds. These expenditures will be illegal, drawing into question
17 every use of those funds. When it spends the illegally collected money, the City would be
18 subject to legal claims requiring that those funds be refunded, a result that would cost the
19 City more than the amount of the funds it is required to refund taxpayers. Here again, the
20 harm to Plaintiffs is irreparable because money damages awarded to Plaintiffs cannot
21 undo the harm done by Defendants’ failure to follow the law.

22 Plaintiffs’ lawsuit seeks only equitable relief. No monetary damages are sought,
23 nor could monetary damages remedy the problem. There is no other appropriate remedy
24 at law to resolve these concerns. The harm here is irreparable.

25
26
27 ⁷ Plaintiffs are also subject to civil and criminal penalties for nonpayment, *see, e.g.*,
28 Scottsdale City Code, ch. 16, art. III, § 16-51, Appx. C, § 540, a harm not easily
redressable with monetary damages.

1 **C. The balance of hardships tips sharply in Plaintiffs' favor.**

2 Plaintiffs will succeed on the merits and irreparable harm will result absent
3 injunctive relief. These two factors are sufficient to establish that the balance of hardships
4 favor Plaintiffs. *See The Power P.E.O., Inc. v. Emps. Ins. of Wausau*, 201 Ariz. 559, 562
5 ¶ 16 (App. 2002).

6 In contrast to the extensive harms Plaintiffs would face absent an injunction,
7 Defendants cannot reasonably argue that they would suffer any harm if an injunction
8 prevents them from implementing an illegal tax. Defendants are not harmed by following
9 the law, and Plaintiffs seek no retrospective relief if the Tax goes into effect during the
10 pendency of their action.

11 **D. Public policy favors the injunction.**

12 Finally, Plaintiffs are entitled to an injunction because it is in the public interest.
13 The Constitution establishes the public interest, which is to require tax measures approved
14 by voters to be supported by a broader consensus. *G & V Lounge, Inc. v. Michigan Liquor*
15 *Control Comm'n*, 23 F.3d 1071, 1079 (6th Cir. 1994) ("it is always in the public interest to
16 prevent the violation of a party's constitutional rights."). Scottsdale citizens and
17 businesses, therefore, have a plain interest in not being subject to taxes lacking the
18 required level of support.

19 **II. No bond should be required.**

20 No bond should be required because Plaintiffs' request for a preliminary injunction
21 should be consolidated with their request for permanent injunctive relief. But even if the
22 Court should take an interim step of granting a preliminary injunction before granting
23 permanent relief, no bond should be required. *See In re Wilcox Revocable Trust*, 192 Ariz.
24 337, 341 ¶ 19 (App. 1998) (finding that a preliminary injunction can be enforced without
25 a bond). In that instance, the Court will have determined that Plaintiffs demonstrated a
26 high likelihood of success on their constitutional claims.

CONCLUSION

The facts and law are straightforward:

- Plaintiffs are Scottsdale residents and businesses that pay City taxes.
- The Tax was subject to the referendum power of Scottsdale voters.
- The Arizona Constitution, the general laws of the state, and City Charter govern and require that the Tax be approved by at least 60% of voters.
- Even though the Tax did not garner the constitutionally required level of support, Defendants intend to implement it in contravention of Plaintiffs' constitutional rights.

For the reasons stated herein and as supported by Plaintiffs' Verified Complaint, Plaintiffs respectfully request that the Court stop Defendants from implementing and enforcing the Tax because it is illegal. The Court should grant Plaintiffs' Motion for Preliminary and Permanent Injunction and prohibit Defendants from taking the following actions:

A. Implementing the Tax, including actions that would codify the Tax in the Scottsdale City Code;

B. Collecting and enforcing the Tax through City officials or ADOR;

and

C. Enforcing City Ordinance No. 4633.

RESPECTFULLY SUBMITTED this 30th day of May 2025.

GOLDWATER INSTITUTE

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ORDINANCE NO. 4633

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING A NEW SECTION 16-52 TO CHAPTER 16, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE III, PRIVILEGE AND USE TAXES, OF THE SCOTTSDALE REVISED CODE (CODE) TO DETERMINE THE SPECIFIC DISTRIBUTION OF REVENUES FROM THE 2025 0.15% TAX IF SUCH TAX IS APPROVED BY THE VOTERS ON NOVEMBER 5, 2024; AMENDING SECTION 20-1 OF THE CODE TO UPDATE THE PURPOSE, POWERS, AND DUTIES OF THE PARKS AND RECREATION COMMISSION TO INCLUDE OVERSIGHT OF THE 2025 0.15% TAX RELATED TO PARKS; AMENDING SECTION 21-7 OF THE CODE TO UPDATE THE PURPOSE, POWERS, AND DUTIES OF THE MCDOWELL SONORAN PRESERVE COMMISSION TO INCLUDE OVERSIGHT OF THE 2025 0.15% TAX RELATED TO THE PRESERVE; AND ESTABLISHING A CONDITIONAL EFFECTIVE DATE.

WHEREAS, on November 5, 2024, voters will consider whether to authorize the City to impose a 0.15% transaction privilege and use tax (the "2025 0.15% Tax") for 30 years, effective July 1, 2025, to fund the (1) improvements and maintenance for Citywide Parks and Recreational Facilities, (2) maintenance and protection for the McDowell Sonoran Preserve, and (3) increased Police and Fire resources related to Citywide Parks and the McDowell Sonoran Preserve, with all being more specifically determined by City ordinance;

WHEREAS, if the voters approve the 2025 0.15% Tax, the City Council will adopt a subsequent ordinance codifying the new tax rate, to be effective July 1, 2025;

WHEREAS, as contemplated by the 2025 0.15% Tax ballot question, in this Ordinance, the City Council desires to predetermine and codify the specific distribution of revenues from the 2025 0.15% Tax, if approved by the voters; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. A new Section 16-52 is hereby added to Scottsdale Revised Code, Chapter 16 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Privilege and Use Taxes) as follows:

Section 16-52. Use of 2025 0.15% Tax. All revenues generated from the 0.15% transaction privilege and use tax approved by City voters on November 5, 2024 (the "2025 0.15% Tax") shall be used to improve and maintain the City's Parks and Recreational Facilities (which includes limited WestWorld capital improvements), to maintain and protect the McDowell Sonoran Preserve, and to increase Police and Fire resources related to Citywide Parks and the McDowell Sonoran Preserve, for the benefit of all geographic areas within the City, with an emphasis on restoring and updating the Indian Bend Wash

Greenbelt and other aged Parks. Revenues from the 2025 0.15% Tax shall be distributed as determined by the City Council with the following specific ordinance restrictions:

- A. After Section (C) is satisfied, all other remaining 2025 0.15% Tax revenues shall be distributed as set forth below:
- 51% for City Parks improvement needs.
 - 18% for McDowell Sonoran Preserve maintenance and protection.
 - 14% for City Parks and Recreational Facilities maintenance (excluding WestWorld).
 - 10% to the Scottsdale Fire Department for Citywide related needs within the purposes of the 2025 0.15% Tax, which specifically includes, but is not limited to, technical rescue team(s) for the McDowell Sonoran Preserve and City Parks and for fire fuel mitigation around the McDowell Sonoran Preserve and in and around the City Parks for the protection and maintenance of the McDowell Sonoran Preserve and City Parks.
 - 7% for increased McDowell Sonoran Preserve and City Park Police ranger unit(s) and Park and McDowell Sonoran Preserve security.
- B. At the end of each year, any unused 2025 0.15% Tax revenues in each category listed in Section (A) will be carried forward for use in future years within the same category.
- C. Debt may be used to fund capital improvements in accordance with the City's adopted financial policies (for instance, debt will be issued for WestWorld capital improvements). Notwithstanding Section (A) above, on an annual basis, the 2025 0.15% Tax revenues will be used to satisfy any debt requirements as required by bond covenants. Debt requirements will be limited to no more than \$4,500,000 of the 2025 0.15% Tax revenues on an annual basis.
- D. Beginning with the 2025/26 fiscal year end audited financial results, and continuing for the term of the 2025 0.15% Tax, the City Treasurer will prepare an annual accounting of the 2025 0.15% Tax for the City Council.

Section 2. A new Subsection (c)(4) is hereby added to Scottsdale Revised Code, Chapter 20 (Parks, Recreation and Cultural Affairs), Article I (General), Section 20-1 (Parks and Recreation Commission), as follows:

(c) The Parks and Recreation Commission shall:

.....

(4) For the term of the 2025 0.15% Tax described in Section 16-52 of the Scottsdale Revised Code, serve as the citizens' oversight committee for the implementation of the 2025 0.15% Tax as it relates to the use of the 2025 0.15% Tax revenues for all park improvements, capital projects, and master plans relating to the use of the 2025 0.15% Tax with an emphasis on restoring and updating the Indian Bend Wash Greenbelt and other aged parks.

Section 3. A new Section (1) is hereby added to Scottsdale Revised Code, Chapter 21 (McDowell Sonoran Preserve), Article II (McDowell Sonoran Preserve Commission), Section 21-7 (Purpose; powers and duties), as follows, with the existing Sections (1) through (8) being renumbered as Sections (2) through (9), respectively:

Sec. 21-7. - Purpose; powers and duties.

The McDowell Sonoran Preserve Commission, with the assistance of City staff, shall be responsible for making recommendations to the City Council on the following matters:

(1) For the term of the 2025 0.15% Tax described in Section 16-52 of the Scottsdale Revised Code, serving as the citizens' oversight committee for the implementation of the 2025 0.15% Tax as it relates to the use of the 2025 0.15% Tax revenues for maintenance and protection of the Preserve. Specifically, the McDowell Sonoran Preserve Commission shall review and recommend to City Council an annual budget proposal for use of the 2025 0.15% Tax revenues in accordance with master plans and strategies related to:

(a) Wildlife habitat protection:

(i) Invasive Plant removal and management in the Preserve,

(ii) Wildland fire fuel reduction and management in the Preserve,
and

(iii) Restoration of disturbed lands in the Preserve,

(b) Ecological resource plan and natural resource studies, projects, and awareness in support of the Preserve; and/or

(c) Cultural resource protection and management in the Preserve.

Section 4. If the voters approve the 2025 0.15% Tax, this Ordinance shall be effective as of July 1, 2025.

Section 5. This Ordinance cannot be modified except by an affirmative vote of at least 5 members of the City Council.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 2 day of April, 2024.

ATTEST:

Ben Lane
Ben Lane, City Clerk

CITY OF SCOTTSDALE, an Arizona
municipal corporation

David D. Ortega
David D. Ortega, Mayor

APPROVED AS TO FORM:

Sherry R. Scott
Sherry R. Scott, City Attorney



Publicity Pamphlet and Candidate Information Pamphlet

City of Scottsdale
General Election
November 5, 2024



This pamphlet is mailed to each City residence in which an eligible registered voter resides and is available online at [Scottsdale.Vote](https://www.scottsdale.vote).

For a braille, large print, or Spanish version of this Information Pamphlet, please call 480-312-2412.

RESOLUTION NO. 13092 – AMENDED

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, SEEKING APPROVAL OF THE QUALIFIED ELECTORS AS TO WHETHER THE CITY COUNCIL SHALL BE AUTHORIZED TO ENACT A TRANSACTION PRIVILEGE AND USE TAX RATE FOR IMPROVEMENTS, MAINTENANCE, AND PROTECTION OF CITY PARKS AND CITY RECREATIONAL FACILITIES, AND THE MAINTENANCE AND PROTECTION OF THE MCDOWELL SONORAN PRESERVE.

WHEREAS, the maintenance and improvement of City Parks and Recreational Facilities, and maintenance and protection of the McDowell Sonoran Preserve, including Police and Fire protection of City Parks and the Preserve, are of great importance to the community and its residents; and

WHEREAS, Article 6, Section 9 of the Scottsdale City Charter requires the approval of the qualified voters of the City for a tax rate change above 1%; and

WHEREAS, on May 23, 1995, the qualified electors of the City authorized the City Council to increase the transaction privilege and use tax rate of the City by 0.20%, for 30 years, for the purpose of acquiring land for the McDowell Sonoran Preserve; and

WHEREAS, it is the recommendation of the Protect and Preserve Scottsdale Task Force and the desire of the City Council to submit to the qualified electors a question as to whether the City Council shall be authorized to enact a 0.15% tax rate, for 30 years, for the improvement and replacement of Citywide Parks and Recreational Facilities including WestWorld, and for preservation, maintenance, and protection of Citywide Parks and Recreational Facilities, and the maintenance and protection of the McDowell Sonoran Preserve; and

WHEREAS, on March 5, 2024, the City Council adopted Resolution No. 13065 calling a Primary Election for Tuesday, July 30, 2024, and if necessary, a General Election for Tuesday, November 5, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The question as to whether the qualified electors of the City authorize the City Council to enact a 0.15% transaction privilege and use tax rate of the City shall be submitted to the voters of the City of Scottsdale, substantially in the form shown in Exhibit A, at the General Election to be held on Tuesday, November 5, 2024.

Section 2. The City Council hereby directs the City Clerk, City Manager, City Attorney, and City Treasurer to take such steps as may be necessary to include this measure on the General Election ballot.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona,
this 20th day of August 2024.

CITY OF SCOTTSDALE, an Arizona municipal corporation

/s/ David D. Ortega
Mayor

ATTEST:
/s/ Ben Lane
City Clerk

APPROVED AS TO FORM:
/s/ Sherry R. Scott
City Attorney

**RESOLUTION NO. 13092 – AMENDED
EXHIBIT A – PROPOSITION 490 BALLOT TEXT**

Full Text

Question 1 (Proposition 490)

Proposal Referred to the Voters by the Council of the City of Scottsdale

OFFICIAL TITLE: A CITY CODE AMENDMENT TO ENACT A TRANSACTION PRIVILEGE AND USE TAX RATE SOLELY TO FUND: 1) IMPROVEMENTS AND MAINTENANCE FOR CITYWIDE PARKS AND RECREATIONAL FACILITIES; 2) MAINTENANCE AND PROTECTION FOR THE MCDOWELL SONORAN PRESERVE; AND 3) INCREASED POLICE AND FIRE RESOURCES RELATED TO CITYWIDE PARKS AND THE PRESERVE.

DESCRIPTIVE TITLE: Enacts a 0.15% transaction privilege and use tax rate for 30 years solely to fund the improvement, maintenance, and protection of Citywide Parks and Recreational Facilities, and the maintenance and protection of the Preserve as determined by ordinance, effective immediately upon the expiration of the 0.20% tax rate in 2025.

A “**YES**” vote shall have the effect of authorizing the City to enact a transaction privilege and use tax rate of 0.15% for 30 years for the sole purpose of: 1) improvements and maintenance for Citywide Parks and Recreational Facilities; 2) maintenance and protection for the McDowell Sonoran Preserve; and 3) increased Police and Fire resources related to Citywide Parks and the Preserve, as determined by City ordinance, to take effect on July 1, 2025, immediately upon the expiration of the current 0.20% tax rate.

A “**NO**” vote shall have the effect of denying the City the authority to enact a new 0.15% transaction privilege and use tax rate, and the current 0.20% transaction privilege and use tax rate will automatically expire at the end of June 30, 2025.

**YES
NO**

**RESOLUTION NO. 13092 – AMENDED
EXHIBIT A – PROPOSITION 490 BALLOT TEXT**

Tagline Text

Question 1 (Proposition 490)

Proposal Referred to the Voters by the Council of the City of Scottsdale

SHALL SCOTTSDALE ENACT A 0.15% TRANSACTION PRIVILEGE AND USE TAX RATE FOR 30 YEARS, EFFECTIVE JULY 1, 2025 UPON EXPIRATION OF THE CURRENT 0.20% TAX RATE, SOLELY TO FUND IMPROVEMENTS, MAINTENANCE, AND INCREASED POLICE AND FIRE PROTECTION OF CITYWIDE PARKS, RECREATIONAL FACILITIES, AND THE PRESERVE AS DETERMINED BY CITY ORDINANCE?

A **“YES”** vote shall have the effect of authorizing the City to enact a transaction privilege and use tax rate of 0.15% for 30 years for the sole purpose of: 1) improvements and maintenance for Citywide Parks and Recreational Facilities; 2) maintenance and protection for the McDowell Sonoran Preserve; and 3) increased Police and Fire resources related to Citywide Parks and the Preserve, as determined by City ordinance, to take effect on July 1, 2025, immediately upon the expiration of the current 0.20% tax rate.

A **“NO”** vote shall have the effect of denying the City the authority to enact a new 0.15% transaction privilege and use tax rate, and the current 0.20% transaction privilege and use tax rate will automatically expire at the end of June 30, 2025.

**YES
NO**

[Home](#) / [Election Information](#)

In this section

Scottsdale General Election

November 5, 2024

Official Election Results

On this page:



The city of Scottsdale held a General Election on November 5, 2024 to elect a Mayor and two City Councilmembers. In the July 30, 2024 Primary Election, there were three residents running for Mayor and nine residents running for three Council seats. No mayoral candidate received a majority of the legal votes cast. The two mayoral candidates receiving the highest number of votes, Lisa Borowsky and David “Dave” Ortega, advanced to the General Election. One council candidate, Jan Dubauskas, received a majority of the legal votes cast and was elected. The next four council candidates receiving the highest number of votes, Tammy Caputi, Tom Durham, Adam Kwasman, and Maryann McAllen, advanced to the General Election.

The City Council also referred two items to the November ballot for Scottsdale voters to consider – Proposition 490, which is a city proposal to enact a 0.15% sales tax rate, and Proposition 491, which is an adjustment to the city's state-imposed expenditure limitation.

Private

With all ballots tabulated by Maricopa County in Scottsdale’s November 5, 2024 General Election, Mayoral candidate Lisa Borowsky and Council candidates Adam Kwasman and Maryann McAllen have been elected and will take office in January 2025, along with previously elected Council candidate Jan Dubauskas. Additionally, Propositions 490 and 491 were approved.

Candidates

Mayor	Votes
Borowsky, Lisa	71,089 (54.14%)
Ortega, David "Dave"	59,900 (45.62%)

Council	Votes
Caputi, Tammy	50,617 (27.22%)
Durham, Tom	25,713 (13.83%)
Kwasman, Adam	55,452 (29.82%)
McAllen, Maryann	53,596 (28.82%)

Ballot Measures	Yes	No
Prop 490 - 2025 Scottsdale 0.15% Sales Tax Rate	82,032 (58.25%)	58,788 (41.75%)
Prop 491 - 2024 Scottsdale Permanent Base Adjustment	91,814 (66.15%)	46,974 (33.85%)

Scottsdale Elección General

5 Noviembre de 2024

Resultados de elecciones oficiales

La ciudad de Scottsdale llevó a cabo una Elección General el 5 de noviembre de 2024 para elegir un Alcalde y dos Miembros del Concejo Municipal. En la Elección Primaria del 30 de julio de 2024, hubo tres residentes que se postularon para Alcalde y nueve residentes que se postularon para tres escaños del Concejo. Ningún candidato a la alcaldía recibió la mayoría de los votos legales emitidos. Los dos candidatos a la alcaldía que recibieron el mayor número de votos, Lisa Borowsky y David "Dave" Ortega, avanzaron a la Elección General. Una candidata al concejo, Jan Dubauskas, recibió la mayoría de los votos legales emitidos y fue elegida. Los siguientes cuatro candidatos al concejo que recibieron el mayor número de votos, Tammy Caputi, Tom Durham, Adam Kwasman y Maryann McAllen, avanzaron a la Elección General.

El Concejo Municipal también remitió dos asuntos a la boleta electoral de noviembre para que los votantes de Scottsdale los consideren -- la Proposición 490, que es una propuesta de la ciudad para promulgar una tasa de impuesto sobre las ventas del 0.15%, y la Proposición 491, que es un ajuste al límite de gastos impuesto por el estado de la ciudad.

Con todas las boletas tabuladas por el condado de Maricopa en la Elección General del 5 de noviembre de 2024 en Scottsdale, la candidata a la alcaldía Lisa Borowsky y los candidatos al Concejo Adam Kwasman y Maryann McAllen han sido elegidos y asumirán el cargo en enero de 2025, junto con el candidata al Concejo previamente elegido, Jan Dubauskas. Además, se aprobaron las Proposiciones 490 y 491.

Candidatos

Alcalde	Votos
Borowsky, Lisa	71,089 (54.14%)
Ortega, David "Dave"	59,900 (45.62%)



Concejo	Votos
Caputi, Tammy	50,617 (27.22%)
Durham, Tom	25,713 (13.83%)
Kwasman, Adam	55,452 (29.82%)
McAllen, Maryann	53,596 (28.82%)

Medida Electoral	Sí	No
Prop 490 – Tasa del impuesto sobre las ventas del 0.15% de Scottsdale 2025	82,032 (58.25%)	58,788 (41.75%)
Prop 491 – Ajuste base permanente a la base de Scottsdale 2024	91,814 (66.15%)	46,974 (33.85%)

City Clerk

3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

480-312-2412
 480-312-7797

Hours

Monday	8 a.m. - 5 p.m.
Tuesday	8 a.m. - 5 p.m.
Wednesday	8 a.m. - 5 p.m.
Thursday	8 a.m. - 5 p.m.
Friday	8 a.m. - 5 p.m.



Saturday
Sunday

Closed
Closed

City Holiday Schedule 

Ben Lane

City Clerk

 480-312-2412

 Email Ben



Bureau Brief

Report # 05 - 101

November 1, 2005

A SUMMARY OF LEGISLATIVE SUPERMAJORITY REQUIREMENTS

Amendment 19 to the Arkansas Constitution mandated a 3/4 supermajority vote of the legislature to increase any tax. Of course, the newly-approved requirement, which was voted upon at the general election on November 6, 1934, was to be applied only to the taxes existing at that time. The specific language associated with this amendment was phrased as follows:

None of the rates for property, excise, privilege or personal taxes, now levied shall be increased by the General Assembly except after the approval of the qualified electors voting thereon at an election, or in case of emergency, by the votes of three-fourths of the members elected to each House of the General Assembly.

The phrase "property, excise, privilege or personal taxes" at the time was to include the property tax, the beer tax, the cigarette tax, severance taxes, corporate and individual income taxes and the motor fuel tax. Property taxes administered by the state were prohibited by a subsequent amendment to the Arkansas Constitution (Amendment 47 was approved in the general election on November 4, 1958).

Any taxes enacted into law after the approval of Amendment 19 do not require the supermajority vote of each House of the General Assembly and therefore may be approved by a simple majority. This explains why the sales tax, permanently enacted in 1941, and the use tax, enacted in 1949, have been relatively popular vehicles for revenue generation in recent history. For example, Act 221 of 1971 raised the individual income tax rates for the first time since the original Income Tax Act was enacted in 1929. During the life of the sales tax however, rates have been increased six times from the original rate of 2% to the current 6% in various increments for general revenue and other purposes.

Arkansas has the distinction of being the state with the earliest date known for a required supermajority to increase specific taxes. In addition, only two states require an affirmative vote as high as 3/4. Currently, 15 other states require supermajority votes for tax increases but, only five of those were required before 1990 (see Table 1). Another pronounced difference is that almost all states reflected in Table 1 apply the supermajority requirement equally to all taxes.

BUREAU OF LEGISLATIVE RESEARCH

Table 1

Legislative Supermajority Requirements

<u>State</u>	<u>Year of Adoption</u>	<u>Required Vote</u>	<u>Application</u>
Arizona	1992	2/3	All taxes
California	1979	2/3	All taxes
Colorado	1992	2/3	All taxes (1)
Delaware	1980	3/5	All taxes
Florida	1971	3/5	Corporate income tax (2)
Kentucky	2000	3/5	All taxes (3)
Louisiana	1966	2/3	All taxes
Michigan	1994	3/4	State property tax
Mississippi	1970	3/5	All taxes
Missouri	1996	2/3	All taxes (4)
Nevada	1996	2/3	All taxes
Oklahoma	1992	3/4	All taxes
Oregon	1996	3/5	All taxes
South Dakota	1996	2/3	All taxes
Washington	1993	2/3*	All taxes (5)

-
- (1) Tax increases automatically sunset unless approved by the voters at the next election.
- (2) The Florida Constitution limits the corporate income tax rate to 5%. A 3/5 vote of the legislature is needed to surpass the 5% limit, which could also be surpassed by a 3/5 affirmative vote of the people.
- (3) Tax and fee increases voted on by the legislature in odd-numbered years only.
- (4) If the Governor declares an emergency, the legislature can raise taxes by a 2/3 vote; otherwise, tax increases over approximately \$70 million must be approved by a vote of the people.
- (5) Tax increases producing revenue that do not exceed the spending limit must be approved by a 2/3 legislative vote; tax increases that produce revenue over the spending limit must receive a 2/3 vote of the legislature and a 2/3 affirmative vote of the people.

* The Washington State Legislature has temporarily suspended their supermajority obligation and the requirement to a simple majority through June 30, 2007. reduced

Source: NCSL, 2005

Exhibit 5



CHARTER

01-08-2019

Scottsdale City Council

W.J. “Jim” Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

Solange Whitehead



SCOTTSDALE CITY CHARTER

TABLE OF CONTENTS

Art. 1. Incorporation, Form of Government, Powers and Boundaries	2
Art. 2. The Council.....	8
Art. 3. Officers of the City	15
Art. 4. Administrative Department Offices and Employees	19
Art. 5. Appointive Boards and Commissions	20
Art. 6. Finance and Taxation	21
Art. 7. Ordinances and Resolutions	26
Art. 8. Contracts.....	31
Art. 9. Elections	36
Art. 10. Initiative, Referendum and Recall.....	40
Art. 11. City Court	40
Art. 12. Franchise and Public Utilities	41
Art. 13. General Provisions	44
Art. 14. Succession in Government.....	45
Art. 15. Gender	48
Art. 16. Amendments	49

ARTICLE 1. INCORPORATION, FORM OF GOVERNMENT, POWERS AND BOUNDARIES

Sec. 1. Incorporation.

The inhabitants of the City of Scottsdale, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Scottsdale".

Sec. 2. Form of government.

The municipal government provided by this charter shall be known as the council manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the city, as prescribed by the constitution and applicable laws, and ordinances hereafter adopted by the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 3. Powers of city.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted, and these further rights and powers, to wit:

- A. The city may acquire property within or without its corporate limits for any city purpose, consistent with state law, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. Condemnation may be exercised only if it is authorized by this state, if it is for a public use, if the city has exhausted all reasonable options to avoid the use of condemnation, including the negotiation of just compensation, and if its use is narrowly tailored to advance the public use the city contemplates for the property to be acquired. Land use laws that reduce private property rights shall further comply with all Arizona laws relating to diminution in value and just compensation thereof.
- B. To designate and establish as floodways or flood plains, areas of land within the boundaries of the city reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together

with surface and flood waters so as to limit the loss of or injury to lives and damage to property and limit encroachments and obstructions within the floodway and flood plain areas so designated and established by the city together with criminal and civil penalty for violations thereof.

- C. To adopt and amend a comprehensive general plan as provided by Arizona law, regarding the future physical development of the city to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements. The council may by ordinance implement said general plan by adopting land use and development regulations including but not limited to an official zoning map and zoning and subdivision regulations.
- D. To levy and collect assessments and file liens on real property to collect amounts owed to the city for collection of solid waste and recyclable materials, water service and other utilities, city services rendered for special events, and sewer rental charges, service charges or fees for police or fire department responses to false or invalid alarms, and restoration of natural area open space or for other amounts owed to the city as provided by law, and reasonable amounts expended by the city in the abatement of any nuisance, flooding hazard, demolition and removal of any legally condemned building or structure and the cleaning and renovating of vacant lots which are offensive to the

sight or smell or hazardous to the public health.

- E. To prescribe the place and manner a notice is to be published.
- F. The city has the exclusive control and regulation of the use and enjoyment of its streets, alleys, public grounds or ways.
- G. To require all persons, firms, or corporations responsible for new physical development within the city to the extent allowed by Arizona and/or federal law, to provide for or furnish, or where allowed by city ordinance, to pay a fee in lieu of providing for or furnishing, the following: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, transmission, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; (10) parking; and (11) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.
- H. To require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building or structure other than a detached single-family dwelling.

- I. To adopt plans for land use areas within the city for the purpose of refining the general plan.
- J. To provide for solid waste management and the collection, source separation, storage, transportation, transfer, processing, treatment, sale, disposal, regulation of garbage, all other solid waste, and recyclable materials, and to acquire, construct, operate and maintain solid waste management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, acquire or dispose of recyclable materials, and to impose criminal penalties for the unlawful interference with all such activities. Further, the city may by mutual agreement with other private or governmental entities provide for the management and disposal of garbage and all other solid waste and recyclable materials.
- K. To provide for the preservation and enhancement of the environment of the City of Scottsdale.
- L. To provide for the protection, development, enhancement, storage, transportation and replenishment of the water supply, including but not limited to groundwater recharge, for the benefit of the City of Scottsdale, both within and without its boundaries.
- M. To provide for the collection, transportation, disposition and regulation of wastewater and effluent, and to acquire, construct,

operate and maintain wastewater and effluent treatment and management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, purchase and sell recovered resources, and to impose criminal penalties for the unlawful disposal of wastewater and effluent. Further, the city may by mutual agreement with other private or governmental entities provide for the disposal of wastewater and effluent.

- N. To adopt ordinances relating to the external maintenance of structures and land, to levy and collect assessments and to file liens on real property to collect amounts expended by the city for such external maintenance.
- O. The city shall not give or loan its credit in aid of, nor make any donation, grant or payment of any public funds, by subsidy or otherwise, to any individual, association, or corporation, except where there is a clearly identified public purpose and the city either receives direct consideration substantially equal to its expenditure or provides direct assistance to those in need.

Except as prohibited by the United States constitution, the Arizona constitution, the laws of this state preempting the charter, or as restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

Sec. 3-1. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract, or otherwise, with any one or more states, political subdivisions, school districts, Indian tribal councils or any board, commission or agency, or combination of them, or with the United States or any department or agency thereof.

Sec. 4. Boundaries.

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

ARTICLE 2. THE COUNCIL

Sec. 1. Powers of the council.

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and

do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

Sec. 2. Number; selection.

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

Sec. 3. Terms of mayor and council members.

Unless otherwise provided by the Arizona constitution or laws of this state, the terms of the mayor and each member of the council shall commence at the first regular meeting of the council in January of the year following the date set for the general election, even if no such general election is held, and shall be for four consecutive years thereafter, or until his or her successor is duly elected and inducted into office.

Sec. 4. Qualifications.

The mayor and councilmen shall be qualified electors of the city and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided in said city, or in an area annexed to said city, for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. The council, as provided by ordinance, shall be the judge of the election and the qualifications of

its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 5. Limitations on filing for election.

Any incumbent mayor or councilman, who is not in the final year of the term being served, shall resign from office before offering himself for nomination or election to any salaried local, state or federal office. An incumbent mayor or councilman, in the final year of a term being served, may offer himself for nomination or election to any salaried local, state or federal office, without resignation from office. To be eligible to run for the office of mayor, an incumbent councilman who is not in the final year of the term being served, shall resign his office upon offering himself for nomination, or ninety (90) days prior to the primary election, whichever occurs first. "Offer for nomination or election" means either filing a nomination paper required by law to run for public office or making a formal public declaration of candidacy. Resignations required by this section shall be in writing, filed with the city clerk and shall be effective upon filing.

Sec. 6. Duties of the mayor.

- A. The mayor shall be a voting member of the council and shall attend and preside at meetings of the council; represent and appoint members of the council to represent the council in intergovernmental relationships; present an annual state of

the city message; appoint the members of council committees, provided that all such appointments shall be subject to the approval of the council; assign agenda items to committees; and perform other duties specified by the council and allowed by law.

- B. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law, but shall have no regular administrative duties.
- C. The mayor shall govern the city by proclamation during times of riot, civil insurrection, major disaster and times of great public danger.

Sec. 7. Vice Mayor.

The council shall designate one of its members as vice mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during his absence or disability.

Sec. 8. Salaries of mayor and councilmen.

The monthly salary of the mayor shall be three thousand dollars (\$3,000.00), and of the councilmen shall be one thousand five hundred dollars (\$1,500.00), until changed by ordinance, but shall not be increased during the current term of mayor and councilmen enacting such ordinance.

Sec. 9. Induction of mayor and council into office.

Unless otherwise provided by the Arizona constitution or laws of this state, each newly elected mayor and member of the council shall be inducted into office at the beginning of the first regular meeting of the council in January of the year following the date set for the general election, even if no general election is held.

Sec. 10. Vacancies in council and office of mayor.

The council, by majority vote of its remaining members, shall within thirty-one (31) days, fill the vacancy in its own membership including the office of mayor, by appointing a person to serve until the office is filled by election. If a vacancy in either the office of mayor or councilman occurs less than thirty (30) days prior to the final date for filing nomination petitions for the primary election, the council shall appoint by majority vote a person to serve the remainder of the unexpired term. If a vacancy occurs in the office of mayor more than thirty (30) days prior to the final date for filing nomination petitions for the primary election, the vacancy shall be filled for a four (4) year term at the next regular primary election and general election, if necessary, as provided in this charter. If a vacancy occurs in the office of councilman more than thirty (30) days prior to the final date for filing nomination petitions, the unexpired term shall be filled at the next regular primary election and general election, if necessary, as provided in this charter. In

any primary election or general election, if necessary, as provided in this charter, when more than three (3) vacancies exist in the office of councilman, and have to be filled at said election, the three (3) candidates receiving the greatest number of votes shall be elected for four (4) year terms as provided in article 2, section 4 of this charter and the candidate or candidates equal in number to the vacancies to be filled receiving the next greatest number of votes in descending order shall be elected for the unexpired term or terms.

Sec. 11. Council meetings; open to public.

The council shall meet regularly at such times and at such places as may be prescribed by its rules, but not less frequently than two (2) times each month. All meetings of the council to conduct official business shall be open to the public in a manner consistent with state law.

Sec. 12. Special meetings.

Special meetings may be called by the mayor or four (4) members of the council, with reasonable notice given to all members of the council.

Sec. 13. Rules of procedure; record.

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a record of its proceedings and the record shall be open to public inspection during regular office hours.

Sec. 14. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be entered in the record. At the request of any member of the council, a roll call vote shall be taken.

Sec. 15. Consideration of petitions.

Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.

Sec. 16. Appointments, removals and interactions with city employees.

- A. Neither the council, any of its members, nor any member of an appointed public body shall control or demand the appointment or removal of city employees subject to the direction and supervision of any officer of the city.
- B. The council and its members may interact with such employees for the purpose of inquiries. However, neither the council, any of its members, nor any member of an appointed public body shall give orders to any such employees, either publicly or privately.
- C. This section does not apply to city employees whose primary duties are to

directly serve the mayor or members of the council.

The council, at a public meeting, may express its views and fully and freely discuss with any officer of the city anything pertaining to city affairs or the interests of the city.

Sec. 17. Conduct of council as to powers authorized by charter when no procedure established by law.

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council may prescribe the procedure.

Sec. 18. Limitation of terms.

No mayor shall serve more than three consecutive elected terms as mayor and no councilman shall serve more than three consecutive elected terms as councilman.

ARTICLE 3. OFFICERS OF THE CITY

Sec. 1. General provisions.

The council shall appoint as officers of the city the following: city manager, city treasurer, city clerk, city attorney and city auditor. The council shall set compensation for officers of the city who collectively shall be responsible

to manage the affairs of the city, report directly to the council, serve at the pleasure of the council, and have the powers and perform the duties in this charter provided. Each officer of the city shall appoint and, when necessary, remove employees of their respective offices, as provided by city ordinances and formally adopted policies.

No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Officers of the city shall become residents of the city within six (6) months after the start of their employment.

Officers of the city shall be chosen by the council on the basis of qualifications with special reference to actual experience in, or knowledge of, the duties of the office as set forth in this charter.

It shall be the duty of each officer to perform all services required of their respective positions.

The council shall approve the appointment of acting officers in the event an officer is unable to perform the duties of the office, is suspended by the council, or if there is a vacancy in the office.

Sec. 2. The city manager.

As the chief executive of the administrative branch of the city government, the city manager shall be responsible to the council

for the proper administration of all affairs of the city, not otherwise assigned by this charter to another officer. To that end, subject to the provisions of this charter, the city manager shall have power and shall be required to:

- A. See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- B. Provide for the appointment and removal of employees of the city, except as otherwise provided by this charter. The city manager may authorize a subordinate head of a department or office to appoint and remove employees in such department or office;
- C. Prepare annual budget estimates, in accordance with the provisions of Article 6, and submit them to the council and be responsible for the administration of the budget after adoption;
- D. Keep the council advised at all times of the affairs and needs of the city and make reports as required by the council;
- E. Supervise the purchasing for all departments of the city;
- F. Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this charter.

Sec. 3. City clerk.

The city clerk shall give notice of all council meetings, keep the official record of the council's proceedings, authenticate and record in full all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances.

Sec. 4. City treasurer.

The city treasurer shall be the chief financial officer of the city, shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and shall prepare the official financial and accounting records of the city.

The city treasurer shall issue monthly public financial statements to the council within fifteen (15) business days of the month end, except for reports at fiscal year end, which shall be prepared as directed by the council. The monthly financial statements shall include, but not be limited to, the actual, budgeted, and prior year comparisons of revenue and expenditures of each office, division and department, and any additional information required by ordinance.

Sec. 5. City attorney.

The city attorney shall be the chief legal advisor to the council and all offices, departments and agencies and all officers and employees in matters relating to their official powers and duties.

Sec. 6. City auditor.

The city auditor shall have the authority to conduct financial and performance audits and investigations of all activities of the city in accordance with applicable government auditing standards, and shall be provided free and open access, except as limited by law, to all city records, personnel, facilities and information necessary to carry out these duties.

ARTICLE 4. ADMINISTRATIVE DEPARTMENT OFFICES AND EMPLOYEES

Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies.

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. Except as otherwise provided

in Article 3, Section 1, the council may by ordinance provide residency requirements for all city employees.

ARTICLE 5. APPOINTIVE BOARDS AND COMMISSIONS

Sec. 1. Appointive boards and commissions.

The council may by ordinance create, change, and abolish boards or commissions as in its judgment are required, or as are now or hereafter provided by law and may grant to them such powers and duties as are consistent with the provisions of this charter.

All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office. No member of a board or commission shall serve for more than six consecutive years on that board or commission.

Sec. 2. Civil service board.

The city council shall create a civil service board consisting of three qualified electors of the city to be appointed by the city council for six (6) year terms. The board shall prescribe, amend and enforce rules for personnel hearings as provided by city ordinance.

ARTICLE 6. FINANCE AND TAXATION

Sec. 1. Fiscal year.

The fiscal year of the city shall commence on the first day of July each year.

Sec. 2. Council to provide for tax system; use of county services.

The council may by ordinance provide a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter; provided, however, the council shall have power to avail itself of any law of this state, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city is situated and taxes collected by the tax collector of said county for and in behalf of the city.

Sec. 3. Submission of recommendations and estimates to council.

Each year, on or before the second regular council meeting in May, or on such date as determined by the council, the city manager, after consultation with the other city officers, shall prepare and submit in writing to the council recommendations for the next fiscal year with estimates of the city's probable expenditures, including funds required to service any outstanding indebtedness, the amount of income expected from all sources, and the probable amount required to be raised by taxation.

Sec. 4. Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the next fiscal year. The budget shall be prepared in such detail as provided by law and, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published as required by state law or ordinance.

Sec. 5. Public hearing and adoption of budget.

The council shall, at the first regular meeting in June and at the time and place designated in such notice, hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. When such hearings shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the next fiscal year.

Sec. 6. Exceeding adopted budget.

Nothing in this article shall be construed to limit the power of the council to exceed the adopted budget for emergency or unanticipated municipal expenditures, as provided by state law.

Sec. 7. Adoption of ordinance fixing tax rate.

On the day set for making tax levies, but not later than the third Monday in August, the council shall meet and adopt an ordinance levying upon the assessed valuation of the property within the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars (\$100.00) of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 8. Additional taxes for special purposes.

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and an additional amount deemed to be advisable and necessary for any public or municipal purposes.

Sec. 9. Transaction privilege tax.

The council shall have the power to levy a transaction privilege tax provided that no such tax levy computed or measured on the gross receipts, gross income or gross proceeds of sales of the taxpayer without deduction for cost of goods, or property or services sold or other costs shall be levied at a rate in excess of one percent of such gross receipts, gross income or gross proceeds of any such taxpayer unless such rate is approved by a

majority of the qualified electors of the city, voting on the question whether such a rate should be approved at a general or special election wherein such question has been submitted.

Sec. 10. Tax exempt property.

All the property within the city shall be subject to taxation, except that property which is exempt from taxes under the laws of the United States and the laws of this state.

Sec. 11. Transfer of appropriations.

The city manager, subject to the approval of the council, may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the city manager, the council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Sec. 12. Claims or demands against the city.

The time and manner for making notice of a claim against the city shall be as set forth in state law. The council shall prescribe by ordinance procedures relating to the auditing and payment of a claim.

Sec. 13. Transfer of sums from any funds to principal and interest funds.

Whenever there shall not be sufficient moneys, in any of the interest or principal

reduction funds for bonded indebtedness of the city to pay the interest or any principal payment on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having moneys therein, except private contributions or endowment funds in the possession or control of the city, to such interest or principal funds the necessary amounts of money to pay the interest or principal payment due on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient moneys shall accrue in said bonded indebtedness funds.

Sec. 14. Independent annual audit.

Prior to the end of each fiscal year the council shall designate certified public accountants who shall perform an independent audit of the city's annual financial statements in accordance with generally accepted government auditing standards. The certified public accountants shall be independent of the city government, having no personal interest, direct or indirect, in the fiscal affairs of city government or any of its officers. The certified public accountants shall submit their reports to the council. All such audit reports shall be a matter of public record.

Sec. 15. Investment of funds.

The council shall have the authority to invest all funds available at the highest available interest rate, assuring that all moneys are fully secured.

Sec. 16. Capital improvements excluded from expenditure limitations.

The City of Scottsdale may accumulate and expend local revenues for the purpose of purchasing land, buildings or improvements or constructing buildings or improvements as funds excluded from expenditure limitations pursuant to article IX, section 20(3)(d)(viii) Arizona Constitution.

**ARTICLE 7. ORDINANCES
AND RESOLUTIONS**

Sec. 1. Council to act by resolution, ordinance or motion.

The council shall act by resolution, ordinance or motion.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, acts of the council shall be by ordinance if they:

- (1) adopt, amend, or repeal any city ordinance or law, or establish, alter, or abolish any city department, office, or agency;
- (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) levy taxes;
- (4) regulate the rates charged for utility services provided by the city;

- (5) authorize the borrowing of money;
- (6) change a property's zoning district(s).

Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the council.

Sec. 3. When majority or larger than majority vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance, resolution or motion except where a larger than majority vote is required by this charter, ordinance, or state or federal law.

Sec. 4. Enacting style.

The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the Council of the City of Scottsdale as follows:".

Sec. 5. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption, provided that if any amendments are proposed to a posted ordinance such amendments shall be presented and discussed during the public meeting prior to their adoption.

Measures, ordinances or any other referable actions without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

Sec. 6. Emergency measures; effective date.

An emergency measure is one necessary for the immediate preservation of the public peace, health or safety, in which the emergency is set forth and defined. Passage of an emergency measure shall require the affirmative vote of at least five (5) members of the council, or such other number of affirmative votes as may be required by law, taken by ayes and nays. An emergency measure shall take effect immediately upon its passage.

Sec. 7. Signing of ordinances and resolutions.

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

Sec. 8. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of law shall be published, as required by state law or ordinance, once within fifteen (15) days of their passage.

Sec. 9. How ordinances are to be revised; reenacted and amended.

Ordinances shall not be revised, reenacted or amended by reference to title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added

thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances.

Sec. 10. How ordinances or resolutions are to be repealed or suspended.

No ordinance or resolution, or section thereof, shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter.

Sec. 11. Ordinances and resolutions to be filed, recorded and certified; ordinances and resolutions as evidence.

All ordinances and resolutions shall be filed and safely kept by the city clerk and duly recorded and certified by him in books for that purpose marked "city ordinances" and "city resolutions" respectively; and record copies thereof certified by the city clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this state, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Sec. 12. Procedure for adoption by reference.

The council may enact the provisions of a code or public record by reference in an

ordinance, as provided by state law, without setting forth such provisions, but the adopting ordinance shall be published in full. Copy(s) of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection, as provided by state law. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Sec. 13. Codification of ordinances.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but one (1) copy shall be filed for use and examination by the public in the office of the city clerk prior to adoption.

Ordinances codified shall be repealed as of the effective date of the code amendments. Amendments to the code shall be enacted in the same manner as ordinances.

ARTICLE 8. CONTRACTS

Sec. 1. Preparation.

All contracts shall be executed in the name of the City of Scottsdale by the mayor, except as it may be otherwise provided either by this charter, by law, or by ordinance or resolution of the city council. Contracts executed by the mayor must be countersigned by the city clerk who shall number and register the same in a book kept for that purpose.

Sec. 2. Contracts for city improvements.

The city may contract for city improvements as provided by law. When required, all such contracts shall be executed in writing and shall be awarded to the lowest responsible bidder after public notice and competition unless the council rejects all bids.

Sec. 3. Purchases and bids.

The city council shall by ordinance specify the conditions and procedures that shall apply when formal bidding is required, when informal bidding is required, and when no bidding is required, for all goods and services contracted for by the city.

Sec. 4. Transfer of property.

The city manager may transfer to or between offices, departments and agencies supplies, materials and equipment, subject to such regulations as the council may prescribe.

Sec. 5. Fraud and collusion.

Any member of the council or any officer or employee of the city who shall aid or assist a bidder in securing a contract to furnish labor, material, equipment, supplies or services at a higher price than proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies, or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies, or equipment than was actually received, shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Sec. 6. Conflict of interest.

All elected and appointed officers of the city, including members of boards and commissions; whether established by charter, ordinance, resolution, state constitution or statute; and all city employees shall be subject to the conflict of interest laws of the state of Arizona.

Sec. 7. Sale or transfer of interests in city property.

The city council shall, by ordinance, specify the conditions and procedures that shall apply when formal bidding is required, when informal bidding is required, and when no bidding is required for leasing, selling, or disposing of other interests in city real or personal property in a manner provided by law.

Sec. 8. Preserve land designation.

To establish a mountain and desert preservation heritage for present and future citizens of the city, the council may designate as preserve land any land owned by the city which is suitable for mountain or desert preservation. The council shall designate preserve land by resolution. Land purchased directly with the proceeds of a tax specifically authorized by the electors for purchase of preserve land shall be deemed designated as preserve land upon the city's acquisition. Land that may be designated as preserve land is any land owned by the city in fee title and any other real property interest which gives the city possession or use of land or power to cause land to be left in its natural condition.

Sec. 9. Permanent designation.

A preserve land designation shall be perpetual unless that designation is removed as provided in this charter.

Sec. 10. Encumbrance of preserve land.

The city shall not convey ownership or grant any easement, lease, lien or other real property interest in any land designated as preserve land.

Sec. 11. Removal of preserve land designation.

The council may remove the preserve designation from any parcel of land less than one (1) acre in area. Such removal shall be limited to a maximum of six (6) parcels within any one (1) calendar year. Such removal shall not become effective until sixty (60) days after an affirmative vote of two-thirds (2/3) of all members of the council and after resolution of any referendum concerning such removal. Removal of the preserve designation from any other parcel of land shall require approval by an affirmative vote of two-thirds (2/3) of all members of the council, but shall not become effective unless submitted by the council to the electors and approved by vote of the majority of votes cast at the election.

Sec. 12. Prohibition on altering the natural state of preserve land.

A. No land designated as preserve land pursuant to Section 8 of this article shall be altered from its natural state unless specifically authorized by a majority of the votes cast thereon at a general or special municipal election.

B. This section does not apply to:

- (1) New trails approved by the McDowell Sonoran Preserve Commission;
- (2) Maintenance on existing trails and trail heads that were completed or under construction prior to the effective date of this section;
- (3) Maintenance on trails added pursuant to subsection (B)(1) of this section;
- (4) Appropriate restoration efforts within the preserve;
- (5) Expansion of trail head parking facilities as depicted in each approved trail head plan; and
- (6) Completing the construction of the Little Granite, Fraesfield, and Pima/Dynamite trail heads, and any necessary trail connections, as depicted in each trail head's approved plan prior to the effective date of this section.

Sec. 13. Limitations on the use of preserve funds.

- A. Preserve funds shall not be appropriated or spent by the city for any purpose other than the acquisition of preserve land, the building of new trails as authorized by section 12(B)(l) of this article, or the servicing of any principal, interest, or appropriate costs related to bonds issued against preserve funds, unless specifically authorized by a majority of the votes cast thereon at a general or special municipal election.

- B. This section does not apply to funding improvements that existed prior to the effective date of this section or those authorized by sections 12(B)(l), 12(B)(5), and 12(B)(6) of this article.
- C. For purposes of this section, “preserve funds” means all funds generated by:
- (1) The sales tax increases authorized by the passage of proposition 400 in 1995 and ballot question 1 in 2004;
 - (2) Any future net increases in city revenue authorized or imposed for purposes of acquiring or maintaining preserve land; and
 - (3) The proceeds from any future sale of municipal or general obligation bonds for purposes of acquiring land or constructing trails and trail heads for the preserve.

ARTICLE 9. ELECTIONS

Sec. 1. Permitted types of election.

Elections to be held in the city shall be either primary, general or special elections.

- (a) Primary elections shall be held for the purpose of electing officers of the city and determining whether a general election is necessary. In the event that no more than two candidates file nominating petitions for each vacancy in office, the primary election may be dispensed with as to that office.

- (b) General elections shall be held when any elected offices remain unfilled after the primary election.
- (c) All other municipal elections that may be held by authority of this charter, or of any other law, shall be known as special elections and may, at the discretion of the city council, be conducted concurrently with a primary, general or any other election authorized by law.

Sec. 2. Qualifications of electors; registration.

The qualifications of electors shall be as required by the constitution and laws of this state for state, county and city electors. Registration of voters shall be as required by the laws of this state and the register of qualified electors shall be compiled from the general county register.

Sec. 3. Arrangement of names not to reveal source of candidacy or support of candidates.

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Sec. 4. Time of holding primary elections.

Primary elections shall be held in even numbered years on the date set for the state's primary election. General elections, if necessary, shall be held following primary

elections in even-numbered years on the date set for the state's general election.

Sec. 5. Majority to elect in primary.

Any candidate who shall receive at the primary election, the number of votes constituting a majority of all of the legal votes cast in that candidate's race, shall be declared to be elected to the office for which he is a candidate, and no further elections shall be held as to said candidate. A "legal vote" means a vote actually cast in that candidate's race and excludes ballots and other votes that were not actually cast in that race.

The majority of votes cast shall be determined by dividing the total number of legal votes cast in each candidate's race by the number of seats to be filled, dividing that number in half, and rounding to the next highest whole number.

If more candidates than there are offices to be filled receive the number of votes constituting a majority of all of the legal votes cast, then those candidates, equal in number to the number of offices to be filled, receiving the highest number of legal votes shall be declared to be elected.

Sec. 6. General election.

If at any primary election there be any office or offices to which no candidate therefor was elected, then a general election shall be held to elect candidates to fill such office or offices. The candidates not elected at the primary election, equal in number to twice

the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at the primary election, shall be the only candidates at the general election; provided, that if there be any person who under the provisions of this section would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Sec. 7. Candidates receiving most votes to be elected.

The candidates, equal in number to the persons to be elected, who shall receive the highest number of votes at a general election shall be declared elected to such office. In any cases of ties, the decision as to winner shall be determined by lot.

Sec. 8. Special elections.

Subject to the requirements of any state election laws that may apply, the council shall provide the time, manner and means of holding any special election, provided that no election shall be called less than thirty (30) days following public notice as required by state law or ordinance. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

ARTICLE 10. INITIATIVE, REFERENDUM AND RECALL

Sec. 1. Initiative, referendum and recall.

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of elective officers. The provisions of the constitution and general laws of the state, as the same now exist or hereafter may be amended, governing the initiative and referendum and recall of elected officers shall apply in the city.

No initiative measure which in any way conflicts with a provision of this charter or responsibilities conferred by it, shall, to the extent of such conflict, be operative without a corresponding amendment to this charter.

All city matters on which the council is or shall be empowered to legislate may be submitted by the council, of its own motion, to the electors for adoption or rejection at a general or special election in the same manner and with the same force and effect as matters submitted on petition.

ARTICLE 11. CITY COURT

Sec. 1. Establishment.

There shall be and is hereby established in the city a municipal court, to be known and designated "The City Court of Scottsdale, Maricopa County, State of Arizona."

Sec. 2. City judge; appointment; term; judges pro tempore.

The city judge shall be the presiding judge of the city court, shall be a duly licensed attorney in the State of Arizona and shall be selected in a manner provided by ordinance. The initial term of a presiding judge shall be for two (2) years. Subsequent reappointments of the presiding judge shall be for terms to be determined by ordinance, but in any event for not less than two years. Additional city judges and judges pro tempore may be appointed to the city court in a manner provided by ordinance. The city council shall determine the compensation to be paid to all city judges, including the presiding judge, and may remove them for cause.

Sec. 3. Ordinances to give effect.

The council shall pass all necessary ordinances to give effect to the provisions of this article, not otherwise herein provided. The presiding judge shall propose and administer the court's budget consistent with city budget and finance ordinances and policies.

ARTICLE 12. FRANCHISE AND PUBLIC UTILITIES

Sec. 1. Franchises.

A person desiring to obtain a franchise to operate a public utility from this city shall present the franchise desired to the city council of the city and it shall be filed among

its records. If the council deems the granting of the franchise beneficial to the city, it shall pass a resolution stating that fact, and shall submit the question to the qualified voters, as to whether or not the franchise shall be granted, at the following regular election held in the city or at a special election called for that purpose.

The proposed franchise shall be published prior to the election as required by state law or ordinance.

If a majority of the votes cast are in favor of granting the franchise, the council shall grant the franchise only in the form filed and published.

A franchise shall not be granted for a longer term than twenty-five (25) years.

Before calling any such election, the estimated expense of publication and election thereof (to be determined by the council) shall be first deposited by the applicant for such franchise with the city clerk.

Sec. 2. Establishment of municipally owned and operated utilities.

The city shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the municipally

owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of existing utility, and provide reasonable reserves for such purpose.

Sec. 3. Establishment of classifications and regulations of rates of public utilities.

The city shall have full power to and may prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected by all corporations rendering public utility service within the corporate limits of the City of Scottsdale as now or hereafter constituted, except public service corporations as such corporations are defined and the regulation thereof delegated to the Arizona Corporation Commission by article XV, section 2, Arizona Constitution.

The city council may establish such boards as are necessary and convenient to discharge its duties pursuant to this enactment. The powers hereby conferred shall be exercised by the city council pursuant to ordinance providing for hearings and investigations and establishing procedures to be followed in determining and fixing fair value of any such utility property and a reasonable rate of return and providing for suitable penalties, civil and

criminal, for violation of any lawful order or requirement made or imposed pursuant to any regulatory ordinance or in furtherance of any regulatory investigation.

ARTICLE 13. GENERAL PROVISIONS

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open for inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times pursuant to all applicable laws.

Sec. 2. Official bonds.

All elected and appointed officers and such other employees as the council may by ordinance or resolution require to do so, shall give bond in such amount and with such surety as may be approved by the council; the premium on such bonds to be paid by the city.

Sec. 3. Oath of office.

Every officer of the city, whether elected or appointed under the provisions of this charter, or under any ordinance of the city shall, before entering upon the duties of his office, take and subscribe an oath required by the state constitution.

Sec. 4. Short title.

This charter, adopted by the people of the City of Scottsdale, shall be known and may be cited as the Charter Form of Government of the City of Scottsdale.

Sec. 5. Plenary and implied powers of the council.

The council shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express, as well as the implied powers granted in this charter, to the end that a complete, harmonious, and effective municipal government may be initiated, installed, operated and maintained in the city, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

ARTICLE 14. SUCCESSION IN GOVERNMENT

Sec. 1. Rights of officers and employees preserved.

Nothing in the charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department, or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when the charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel,

appointment, rank, grade, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency.

Sec. 2. Continuance of present officers.

All persons holding executive and administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such duties.

Sec. 3. Continuance of present offices, departments and agencies.

Any office, department or agency provided for in this charter to be named or with powers and duties the same or substantially the same as those heretofore existing, shall be deemed a continuation of such office, department or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by the charter. Any office, department or agency not provided for in this charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the council as heretofore provided in this charter.

The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council, unless otherwise provided herein.

Sec. 4. Continuance of appointive boards and commissions.

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the council as heretofore provided in this charter.

Sec. 5. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter, or under its authority shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Sec. 6. Continuance of contracts.

All contracts entered into by the city prior to the taking effect of this charter, shall continue in full force and effect.

Sec. 7. Pending actions and proceedings.

The adoption of the charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency, or officer thereof.

Sec. 8. Ordinances to remain in force.

All ordinances, resolutions and regulations of the city in force at the time of this charter taking effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Sec. 9. Inauguration of government under this charter.

If a majority of the qualified electors of the city, voting on the question, vote to ratify this charter, the provisions of this charter shall go into effect for all purposes immediately upon the approval of the governor as provided by the constitution of this state.

ARTICLE 15. GENDER

Sec. 1. Gender.

Wherever the context of this instrument so requires, words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes

a corporation, company, partnership or association, or society, as well as a natural person.

ARTICLE 16. AMENDMENTS

Sec. 1. Method of amendment.

This charter, or any part or article or section thereof, may be amended in the manner provided by the constitution of this state.

**Original Charter Approved
by Governor Paul J. Fannin
November 16, 1961**

Amendments Approved:

**by Governor Jack Williams
January 17, 1968 and
May 17, 1973**

**by Governor Bruce Babbitt
May 26, 1982**

**by Governor Rose Mofford
May 3, 1988**

**by Governor Fife Symington
June 18, 1996**

**by Governor Jane Dee Hull
December 10, 1998,
July 12, 1999 and
May 17, 2000**

**by Governor Jan Brewer
March 31, 2010**

**by Governor Jan Brewer
December 13, 2010**

**by Governor Jan Brewer
August 21, 2012**

**By Governor Douglas A. Ducey
January 9, 2017**

**By Governor Douglas A. Ducey
December 13, 2018**

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