

ORDINANCE NO. 2017-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-1 PERTAINING TO NUMBERING ORDINANCES AND RESOLUTIONS; BY REPEALING SECTION 2-3 IN ITS ENTIRETY PERTAINING TO TRAVEL AND EXPENSE REIMBURSEMENT; BY REPEALING SECTION 2-16 IN ITS ENTIRETY PERTAINING TO CITY COUNCIL; MEETING SCHEDULE; BY AMENDING SECTION 2-17 PERTAINING TO MAYOR PRO TEM; BY REPEALING SECTION 2-18 IN ITS ENTIRETY PERTAINING TO COUNCIL NOT FOR PROFIT AND HOUSING SUB COMMITTEE; ESTABLISHMENT; POWERS AND DUTIES; BY AMENDING SECTION 2-19 PERTAINING TO CITY COUNCIL; INTERNAL AUDITOR; BY AMENDING SECTION 2-20 PERTAINING TO CITY COUNCIL; ADMINISTRATIVE HEARING OFFICERS; BY REPEALING SECTION 2-21 IN ITS ENTIRETY PERTAINING TO CITY COUNCIL; EX OFFICIO YOUTH MEMBERS; BY REPEALING SECTION 2-36 IN ITS ENTIRETY PERTAINING TO FINANCIAL DISCLOSURE; DEFINITIONS; BY REPEALING SECTION 2-37 IN ITS ENTIRETY PERTAINING TO DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT; CONTENT; BY REPEALING SECTION 2-38 IN ITS ENTIRETY PERTAINING TO FINANCIAL DISCLOSURE; CANDIDATES FOR LOCAL PUBLIC OFFICE; BY AMENDING SECTION 2-39 PERTAINING TO LOBBYING; DEFINITIONS; BY AMENDING SECTION 2-40 PERTAINING TO LOBBYISTS, REGISTRATION; REPORTS; FILING; BY AMENDING SECTION 2-41 PERTAINING TO LOBBYISTS; EXCEPTIONS TO REGISTRATION; BY AMENDING SECTION 2-42 PERTAINING TO LOBBYISTS; PROHIBITED PRACTICES; VIOLATIONS; BY AMENDING SECTION 2-44 PERTAINING TO LOBBYING; OPINIONS OF THE CITY ATTORNEY; IMMUNITY; BY AMENDING SECTION 2-49 PERTAINING TO CLAIMS MANAGEMENT; RISK; DEFENSE AND INDEMNIFICATIONS; BY AMENDING SECTION 2-50 PERTAINING TO CLAIMS MANAGEMENT; DEFINITIONS; BY AMENDING SECTION 2-51 PERTAINING TO CLAIMS MANAGEMENT; DEMAND, TIME LIMIT FOR PRESENTATION OF CLAIM; DIMINUTION IN VALUE CLAIMS; BY AMENDING SECTION 2-52 PERTAINING TO

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THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-1 pertaining to Numbering ordinances and resolutions and which shall read as follows:

Sec. 2-1. Numbering ordinances and resolutions.

All resolutions and ordinances shall be numbered so that the first number to appear shall be the four ~~last two~~ (24) digits of the current calendar year followed by a space or dash, followed by consecutive numbering of ~~passage of~~ ordinances or resolutions beginning with the number "01" and again beginning each calendar year with the number "01".

Charter reference(s)--Ordinances, art. VII.

SECTION 2. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-3 in its entirety pertaining to Travel and expense reimbursement and which shall read as follows:

~~Sec. 2-3. Travel and expense reimbursement. Reserved.~~

~~(a) — The City Manager shall promulgate a schedule for the payment of an allowance to reimburse officers of the City for incidental expenses incurred in the performance of their duties, including but not limited to travel, subsistence, communications, and related expenses. The schedule shall be filed in the Department of the City Clerk and shall be reviewed annually as part of the budget process.~~

~~(b) — The City Manager may promulgate a schedule for the payment of an allowance to cover the cost of communications equipment and related expenses for designated employees of the City.~~

SECTION 3. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-16 in its entirety pertaining to City Council; meeting schedule and which shall read as follows:

~~Sec. 2-16. City Council; meeting schedule. Reserved.~~

~~(a) — The Council shall hold regular meetings not less than once each month. At the first meeting of the Council in each calendar year, the Council shall adopt by resolution a schedule of the regular meetings for the year. Following adoption of the Resolution containing a schedule of regular meetings, the Resolution shall be posted in the same public locations as Council agendas. The regular meeting shall be held at 7:00 p.m. Regular meetings of the Council shall be held at the Municipal Complex or in such other locations as Council may determine.~~

~~(b) — The Council shall, by resolution, establish a date and time for study sessions to be held on such items as deemed appropriate and in conformance with the Arizona Open Meetings Act, A.R.S. §38-431, et.seq.~~

SECTION 4. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-17 pertaining to Mayor pro tem and which shall read as follows:

Sec. 2-17. Mayor pro tem.

In the absence or disability of both the mayor, ~~and~~ vice-mayor, and mayor pro tem, the clerk, or any member of the council shall call the council to order ~~and after which thereupon an alternate~~ mayor pro tem shall be chosen who shall have for the time necessary, the same powers and duties as the mayor.

SECTION 5. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-18 in its entirety pertaining to Council Not for Profit and Housing Sub-Committee; establishment; powers and duties and which shall read as follows:

~~Sec. 2-18. Council Not For Profit and Housing Sub-Committee; establishment; powers and duties. Reserved.~~

~~(a) — A Council Not-For-Profit and Housing Sub-Committee is established to consist of five members selected and appointed by the Mayor with the approval of the City Council. The Council Not-For-Profit and Housing Sub-Committee members shall consist of:~~

~~(1) — Three members of the City Council;~~

~~(2) — One member of the public who is a City resident; and~~

~~(3) — One member of the public who may be a Housing Program participant~~

~~(b) — The Council Not-For-Profit and Housing Sub-Committee shall have two purposes and goals:~~

~~(1) — To consider grant and funding requests from not-for-profit agencies; and~~

~~(2) — To act as a Housing Advisory Board for the City.~~

~~(c) — The Council Not-For-Profit and Housing Sub-Committee shall consider and make written recommendations to the City Council of all requests for grants and City funding submitted by community not-for-profit agencies.~~

~~(d) — The Council Not-For-Profit and Housing Sub-Committee shall act as the Housing Advisory Board as follows:~~

~~(1) — As part of its duties the Housing Advisory Board shall:~~

~~(i) — Recommend to the City Council an annual capital fund budget for the Peoria Housing Authority.~~

~~(ii) — Establish rules, regulations, and procedures that shall govern the affairs of the Peoria Housing Authority.~~

~~(iii) — Review and approve submissions of required reports and information to the U.S. Department of Housing and Urban Development, including but not limited to the following:~~

~~(A) — Annual Action Plan.~~

~~(B) — 5-Year Consolidated Plan.~~

~~(C) — Admissions and Continued Occupancy Policy.~~

~~(D) — Annual Maintenance Plan.~~

~~(E) — Administrative Plan.~~

~~(F) — Annual Capital Fund Budget.~~

~~(G) — Management Operation Certification.~~

~~(H) — Management Assessment Subsystem.~~

~~(I) — Financial Assessment Subsystem.~~

- ~~(J) — Resident Assessment Subsystem.~~
- ~~(K) — Annual Contributions Contract.~~
- ~~(L) — Section 8 Management Assessment Program and Real Estate Assessment Center.~~
- ~~(M) — Enterprise Income Verification.~~
- ~~(N) — Public Housing Assessment System.~~
- ~~(O) — Office of Public Indian Housing Information Center Submittal Process 50058's~~
- ~~(P) — E-Loocs Reporting.~~
- ~~(Q) — Utility Rate Adjustments.~~
- ~~(R) — Audit Reports and Responses.~~

~~(iv) — Designate qualified individuals to serve on any advisory boards required by the U.S. Department of Housing and Urban Development.~~

~~(v) — In addition, the Housing Advisory Board shall have such other powers and duties as directed by the City Council.~~

~~(2) — The Housing Advisory Board shall not:~~

~~(i) — Purchase or sell any real property.~~

~~(ii) — Engage in any personnel matters involving City employees or contractors.~~

~~(3) — In the event of any question concerning the scope of the Housing Advisory Board's duties, the Board shall seek the opinion of City staff and its legal counsel.~~

~~(e) — The City Manager may designate a department or staff member of the City to furnish support to the Council Not For Profit Sub-Committee, as requested or required.~~

SECTION 6. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-19 pertaining to City Council; internal auditor and which shall read as follows:

Sec. 2-19. City Manager ~~Council~~; internal auditor.

(a) The city manager shall designate the function and ~~The Internal auditor shall be responsible responsibility for conducting the~~ internal audits. ~~function of the city.~~ The designated internal auditor may ~~shall~~ be responsible for conducting compliance, program, information systems and operational audits of city departments, offices and programs and reporting findings and recommendations based thereon to the ~~appointed officials or~~ directors of the affected departments, and the city manager, ~~and the city council.~~ ~~The internal auditor shall also conduct, review and assist with rate and fee studies of the city.~~ ~~The internal auditor shall be ultimately responsible to the city council but shall~~ and receive direction from the city

~~manager as to their duties. The city manager shall prepare an annual evaluation of the internal auditor's performance and submit the evaluation to the council and the internal auditor.~~

(b) The ~~internal~~ auditor shall cooperate with positions under the city manager and with charter officers to assure the efficient administration of the city's financial affairs.

SECTION 7. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-20 pertaining to City Council; Administrative Hearing Officers and which shall read as follows:

Sec. 2-20 City Council; Administrative Hearing Officers.

(a) The ~~City Council~~ by Resolution may designate one or more administrative hearing officers to hear administrative appeals arising under Chapters 2, 12, 19, 20, 23, and 25 of this code and the Zoning Ordinance of the City.

(b) The administrative hearing officers are deemed to be a judicial officer and shall be appointed for a defined term of not less than two years.

(c) Administrative hearing officers may be removed for any reason that a municipal judge may be removed pursuant to Section 15-2 of this code or for any conduct that would constitute a violation of the Arizona Code of Judicial Conduct or for cause in the determination of the ~~City Council~~.

SECTION 8. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-21 in its entirety pertaining to City Council; Ex officio Youth Members and which shall read as follows:

Sec. 2-21. ~~City Council; Ex officio Youth Members.~~ Reserved.

~~(a) The Mayor in accordance with policies adopted by the Council governing appointments to Boards and Commissions of the City shall appoint a Youth Member as an Ex-Officio member of the City Council.~~

~~(b) Each year prior to June 30, the City Council Subcommittee on Policy and Appointments shall submit to the Mayor recommendations for appointment of an Ex officio Youth Member of the City Council and two alternates. The appointments shall be for a term of One Year commencing upon approval of the appointment by the Mayor and Council.~~

~~(c) A Youth Member nominated for a full term may not serve until confirmed by the Council. A Youth Member must be a person who is legally domiciled in this City and attends an educational institution established under the laws of the State of Arizona on a full-time basis. The Youth Member may exercise all rights and privileges of a council member, except the right to vote. The City~~

~~Manager or his designees shall provide such staff support as the City Manager determines to be necessary and appropriate.~~

~~(d) — The term of each student member is one year, beginning on July 1. The Council by a majority vote may remove the Youth Member. A Youth Member who graduates with six months or less remaining in their term may serve the remainder of the term.~~

~~(e) — A vacancy in the office of youth member shall be filled as follows:~~

~~1. — If a vacancy occurs, the office shall be filled for the unexpired term. The Mayor may nominate either of the Alternate Members designated for this position and who may serve the balance of the term upon confirmation by the Council.~~

SECTION 9. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-36 in its entirety pertaining to Financial Disclosure; definitions and which shall read as follows:

Sec. 2-36. Financial Disclosure; definitions. Reserved.

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Business* includes any enterprise, organization, trade, occupation or profession, whether or not operated as a legal entity or for profit, including any business trust, corporation, partnership, joint venture or sole proprietorship.~~

~~*Compensation* means anything of value or advantage, present or prospective, including the forgiveness of debt.~~

~~*Controlled business* means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty (50) percent interest.~~

~~*Dependent business* means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a ten (10) percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars (\$10,000.00) and more than fifty (50) percent of its gross income.~~

~~*Gift* includes any gratuity, special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without equivalent consideration and not provided to members of the public at large.~~

~~*Local public officer* means a person holding an elective office of the city.~~

~~*Member of household* means a local public officer's spouse and any minor child of whom the local public officer has legal custody.~~

SECTION 10. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-37 in its entirety pertaining to Duty to file financial disclosure statement; contents and which shall read as follows:

Sec. 2-37. ~~Duty to file financial disclosure statement; contents.~~ Reserved.

~~(a) In addition to other statements and reports required by law, every local public officer, as a matter of public record, shall file with the city clerk on a form prescribed by the city clerk a verified financial disclosure statement covering the preceding calendar year ending December 31. The statement shall disclose:~~

~~(1) The name and address of the local public officer and each member of his household and all names and addresses under which each does business.~~

~~(2) The name and address of each employer and of each other source of compensation other than gifts amounting to more than one thousand dollars (\$1,000.00) received during the preceding calendar year by the local public officer and members of his household in their own names, or by any other person for the use or benefit of the local public officer or members of his household, a description of the services for which the compensation was received and the nature of the employer's business. This paragraph shall not be construed to require the disclosure of individual items of compensation that constituted a portion of the gross income of the business from which the local public officer or members of his household derived compensation.~~

~~(3) For a controlled business, a description of the goods or services provided by the business, and if any single source of compensation to the business during the preceding calendar year amounts to more than ten thousand dollars (\$10,000.00) and is more than twenty-five (25) percent of the gross income of the business, the disclosure shall also include a description of the goods or services provided to the source of compensation. For a dependent business the statement shall disclose a description of the goods or services provided by the business and a description of the goods or services provided to the source of compensation from which the dependent business derived the amount of gross income described in the definition of dependent business in section 2-36. If the source of compensation for a controlled or dependent business is a business, the statement shall disclose a description of the business activities engaged in by the source of compensation.~~

~~(4) The names and addresses of all businesses and trusts in which the local public officer or members of his household, or any other person for the use or benefit of the local public officer or members of his household, had an ownership or beneficial interest of over one thousand dollars (\$1,000.00) at any time during the preceding calendar year, and the names and addresses of all businesses and trusts in which the local public officer or any member of his household held any office or had a fiduciary relationship at any time during the preceding calendar year,~~

together with the amount or value of the interest and a description of the interest, office or relationship.

~~(5) — All real property interests and real property improvements, including specific location and approximate size, located in the city, in which the local public officer, any member of his household or a controlled or dependent business held legal title or a beneficial interest at any time during the preceding calendar year, and the value of any such interest, except that this paragraph does not apply to a real property interest and improvements thereon used as the primary personal residence or for the personal recreational use of the local public officer. If a local public officer, any member of his household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, he shall also disclose that the transaction was made and the date it occurred. If the controlled or dependent business is in the business of dealing in real property interests or improvements, disclosure need not include individual parcels or transactions as long as the aggregate value of all parcels of such property is reported.~~

~~(6) — The names and addresses of all creditors to whom the local public officer or members of his household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars (\$1,000.00) or to whom a controlled business or dependent business owed a debt of more than ten thousand dollars (\$10,000.00) which was also more than thirty (30) percent of the total business indebtedness at any time during the preceding calendar year, listing each such creditor. This paragraph shall not be construed to require the disclosure of debts owed by the local public officer or any member of his household resulting from the ordinary conduct of a business other than a controlled or dependent business. Disclosure is not required of credit card transactions, retail installment contracts, debts on residences or recreational property exempt from disclosure under paragraph (5) of this subsection, debts on motor vehicles not used for commercial purposes, debts secured by cash values on life insurance or debts owed to relatives. It is sufficient disclosure of a creditor if the name and address of a person to whom payments are made is disclosed. If the local public officer, any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding calendar year, the report shall disclose that the transaction was made and the date it occurred.~~

~~(7) — The identification and amount of each debt exceeding one thousand dollars (\$1,000.00) owed at any time during the preceding calendar year to the local public officer and members of his household in their own names, or to any other person for the use or benefit of the local public officer or any member of his household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars (\$10,000.00) to a controlled business or dependent business which was also more than thirty (30) percent of the total indebtedness to the business at any time during the preceding calendar year. This paragraph shall not be construed to require the disclosure of debts from the ordinary conduct of a business other than a controlled or dependent business. If the local public officer,~~

~~any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding year, the report shall disclose that the transaction was made and the date it occurred.~~

~~(8) — The name of each source of any gift, or accumulated gifts from a single source, of more than five hundred dollars (\$500.00) received by the local public officer and members of his household in their own names during the preceding calendar year, or by any other person for the use or benefit of the local public officer or any member of his household except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from any other member of the household or relatives to the second degree of consanguinity. Political campaign contributions shall not be construed as gifts if otherwise publicly reported as political campaign contributions as required by law.~~

~~(9) — A list of all business licenses issued by the city or by any other governmental agency which requires for its issuance the consideration of the application for such license by the council to, held by or in which the local public officer or any member of his household had an interest at any time during the preceding calendar year, including the name in which the license was issued, the type of business and its location.~~

~~(10) — A list of all bonds, together with their value, issued by the city, any industrial development authority of the city or town or any nonprofit corporation organized or authorized by the city or town held at any time during the preceding calendar year by the local public officer or any member of his household, which bonds issued by a single entity had a value in excess of one thousand dollars (\$1,000.00). If the local public officer or any member of his household acquired or divested any bonds during the preceding calendar year which are reportable under this paragraph, the fact that the transaction occurred and the date shall also be shown.~~

~~(b) — If an amount or value is required to be reported pursuant to this section, it is sufficient to report whether the amount or value of the equity interest falls within:~~

~~(1) — Category 1, one thousand dollars (\$1,000.00) to twenty-five thousand dollars (\$25,000.00).~~

~~(2) — Category 2, more than twenty-five thousand dollars (\$25,000.00) to one hundred thousand dollars (\$100,000.00).~~

~~(3) — Category 3, more than one hundred thousand dollars (\$100,000.00).~~

~~(c) — This section does not require the disclosure of any information that is privileged by law.~~

~~(d) — The statement required to be filed pursuant to subsection (a) of this section shall be filed by all persons who qualified as local public officers at any time during the preceding calendar year on or before January 31 of each year, with the exception that a local public officer appointed to fill a vacancy shall, within sixty (60) days following his taking of such office, file a financial disclosure statement covering as his annual period the twelve-month period ending with the last full month prior to the date of his taking office.~~

~~(e) — The city clerk shall prepare written guidelines, forms and samples for completing the financial disclosures statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each local public officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to section 2-38.~~

SECTION 11. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-38 in its entirety pertaining to Financial Disclosure; candidates for local public office and which shall read as follows:

~~Sec. 2-38. Financial Disclosure; candidates for local public office. Reserved.~~

~~A candidate for local public office shall file a financial disclosure statement covering the preceding twelve-month period and containing the information described in section 2-37 on a form prescribed by the city clerk at the time of filing nomination papers.~~

~~State law reference(s) -- Similar provisions, A.R.S. § 38-543.~~

SECTION 12. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-39 pertaining to Lobbying; definitions and which shall read as follows:

Sec. 2-39. Lobbying; definitions.

(a) "Elected City Official": ~~means~~ the Mayor and members of the City Council, whether serving by election or appointment.

(b) "Expenditure": ~~means~~ a payment, distribution, loan, advance, deposit or gift, and includes a promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an elected City official that is incurred by or on behalf of a lobbyist.

(c) "Family Gift" ~~means~~ a gift to an elected City official or a member of his household from a lobbyist who is a relative of the elected City official or a member of his household if the donor is not acting for someone not covered by this paragraph.

(d) "Gift": ~~means~~ Money, real property or tangible personal property. For purposes of this section, gift does not include:

- (1) A gift or inheritance from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother or sister-in-law, nephew, niece, aunt, uncle, first cousin, any such persons spouse, or as devisee in a will, if the donor is not acting for someone not covered by this paragraph and gifts of a personal nature were customarily received from such persons before becoming an elected City official.
 - (2) The value of meals, entertainment or lodging that is reported or exempt from reporting under this chapter.
 - (3) Salary, compensation or employer reimbursed expenses lawfully paid to an elected City official.
 - (4) The value of professional or consulting services not rendered to obtain a benefit for any lobbyist or lobbyist's client.
 - (5) Expenses relating to an event sponsored by a regional, statewide or national association of elected City officials.
 - (6) Expenses relating to an event to which all members of the City Council or any council committee are invited.
 - (7) A monetary award given to an elected City official in recognition of service or notable accomplishment.
 - (8) Informational material such as books, reports, pamphlets, tapes, calendars, periodicals or computer software.
 - (9) A campaign contribution that is properly received and reported as required by law.
 - (10) An item given to an elected City official if an item of similar value is given by the elected City official at the same time or on a similar occasion under similar circumstances.
- (e) "Lobby": ~~means a~~ Any communication with any elected City official for the purpose of influencing official action.
- (f) "Lobbyist": ~~means a~~ Any person who is compensated to lobby for a person other than himself.
- (g) "Official Action": ~~means t~~ The action of the City Council.
- (h) "Person": ~~means a~~ An individual, partnership, committee, association, limited liability company or corporation or any other organization of persons.
- (i) "Personal Hospitality": ~~means m~~ Meals, beverages, transportation or

lodging furnished non-commercially by a person on his or his family's property or facilities.

SECTION 13. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-40 pertaining to Lobbyists, registration; reports; filing and which shall read as follows:

Sec. 2-40. Lobbyists, registration; reports; filing.

(a) Lobbyists shall register prior to lobbying or within ten (10) calendar days after first lobbying, by filing a statement with the City Clerk, containing the following:

(1) The name and business address of the lobbyist and any employee of the lobbyist who acts as a lobbyist, provided that an individual who is included as a lobbyist on the registration of the entity under subparagraph (2) of this section need not register separately.

(2) If the lobbyist is an organization, the legal name and business address of the entity, its chief executive officer and all its officers and employees who are designated to act as lobbyists in the City.

(3) The name and business address of all persons by whom the lobbyist is compensated to lobby and all persons on whose behalf lobbying is performed.

~~(b) A copy of a registration filing by a lobbyist in another municipality having an ordinance substantially similar as determined by the City Attorney to this chapter shall constitute a valid registration under this chapter. The lobbyist may file a copy of the registration filed in the other municipality with the City Clerk. The City Attorney shall file a list with the City Clerk of cities that have been deemed to have similar lobbyist ordinances.~~

~~(b)~~ Any change in the information required by subsection (a) shall be reported to the City Clerk within thirty days.

~~(c)~~ The registration shall be good for a period of one year, except that the first registration shall be valid until one year after January 1 of the year following initial registration.

~~(d)~~ All statements required by this chapter shall be under oath and on forms prescribed by the City Clerk.

~~(e)~~ At the time of registration or any time thereafter a lobbyist may file a statement certifying that the lobbyist intends to make no expenditures reportable under this chapter. Upon filing this statement, the lobbyist shall be exempt from the reporting requirements of this section, so long as no expenditures are made. If a lobbyist makes a reportable expenditure, the lobbyist shall file a report of such

expenditure in the manner required by this Chapter and shall thereafter be subject to expenditure reporting requirements for one year, at which time a new statement of no expenditures may be filed. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(fg) Lobbyists shall report expenditures annually. The report shall be filed on each January 31, following the reportable year ending the prior December 31. Expenditures over twenty-five dollars shall be itemized separately, listing the date, amount and nature of the expenditure, the name of the elected Ccity official receiving or benefitting from the expenditure and the person on whose behalf the expenditure was made. If no expenditures were made during the reporting period, a lobbyist may file a sworn written statement certifying that no reportable expenditures were made. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(gh) All expenditures for events to which more than one elected official is invited shall be allocated on a pro-rata basis based on the total number of and/or elected officials invited.

(hi) Expenditures for the lobbyist's personal sustenance, family gifts, personal hospitality, preparation or distribution of informational materials, campaign contributions, professional or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an elected Ccity official, office expenses, filing fees, legal fees, employees, compensation and travel are not required to be reported.

SECTION 14. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-41 pertaining to Lobbyists; exceptions to registration and which shall read as follows:

Sec. 2-41. Lobbyists; exceptions to registration.

This chapter does not apply to:

(a) A person who is not compensated for lobbying activity other than reimbursement for actual expenses.

(b) A person, acting in his own behalf, who appears before an elected Ccity official or contacts an elected Ccity official to support or oppose official action.

(c) A public official, public employee or member of a state, county or local board, commission or council or an organization of governmental entities of which the Ccity is a member acting in his official capacity on matters pertaining to his office, employment, board, commission or council.

(d) An expert introduced or identified by a registered lobbyist, or elected

City official, who provides technical information or answers technical questions, and makes no expenditure required to be reported by this chapter.

(e) A person who performs professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation.

(f) An attorney who represents clients at any quasi-judicial hearing held by a City official or in any litigation matter in which the City is an opposing party and the elected City official is contacted pursuant to a duly filed notice, subpoena or request filed with counsel or the appropriate court.

(g) A person, including but not limited to a Lobbyist, who contacts an elected City official solely for the purpose of obtaining information.

(h) A person who contacts an elected City official concerning any procurement awarded through a competitive procurement process.

SECTION 15. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-42 pertaining to Lobbyists; prohibited practices; violations and which shall read as follows:

Sec. 2-42. Lobbyists; prohibited practices; violations.

(a) No person shall make a gift to, or expenditure on behalf of an elected City official through another person to conceal the identity of the person making the gift or expenditure.

(b) No person shall give a gift to an elected City official for the performance of official duties or if it may reasonably be interpreted to be offered in order to influence an action or decision of an elected City official. A gift of less than Fifty Dollars in value shall raise a rebuttable presumption that the purpose of the Gift is not to influence an action or decision of a City official.

(c) A person who is convicted of a violation of any provision of sections 2-39 through 2-41 shall be guilty of a class one misdemeanor.

SECTION 16. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-44 pertaining to Lobbying; opinions of the City Attorney; immunity and which shall read as follows:

Sec. 2-44. Lobbying; opinions of the City Attorney; immunity.

(a) Any elected ~~public city~~-official may request an opinion from the City Attorney as to their duties under sections 2-39 through 2-41. The final opinion of the City Attorney shall be a public record and shall be placed on file with the City Clerk.

(b) Notwithstanding any provision of this chapter or Article VIII.1 of the Peoria City Charter, no elected public city official or employee is personally liable for acts done in their official capacity in good faith reliance upon a written opinion of the City Attorney.

SECTION 17. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-49 pertaining to Claims Management; risk; defense and indemnifications and which shall read as follows:

Sec. 2-49. Claims Management; risk; defense and indemnifications.

(a) All of the protections and benefits conferred by this section shall be enjoyed by any present or former mMayor, vVice-Mayor and each and all of the present or former members of the city council, city officers, municipal judges, city employees, including the city attorneys, any prosecuting attorneys, whether or not such attorneys are full-time employees or serving on a contract basis, and every one of the members of all city boards and commissions and subcommittees, which protected parties are referred to in this section individually as a "city officer" and collectively or jointly as "city officials."

(b) Any City officer and all city officials shall be entitled to be exonerated, indemnified and held harmless by the City from and against any liability or loss in any manner arising out of, or occasioned by, his or their service as a City officer or officials and based upon any claim by any third party that the City or such City officer or officials, by any action or failure to act, damaged the property or infringed the rights of the third party, or of any other persons on whose behalf the third party brings a claim or legal action. The coverage afforded by this subsection shall not apply in any case where indemnification is not permissible pursuant to any state statute or any determination that such indemnification would be contrary to public policy.

~~(c) Subject to the above-stated limitations, the right to indemnification provided for in subsection (a) of this section shall extend as well to any claim brought by, or on behalf of, the city to recover damages alleged to have been occasioned to it or any of its property by any act or failure to act of any City officer or officials.~~

~~(d)~~ In any case where indemnification is required under the provisions of this section the City shall pay, on behalf of any City officer and all City officials, any money judgments, and shall perform the onerous provisions of any court order, which may be entered against him or them, when such judgments or orders have become final and are no longer appealable.

~~(e)~~ In any case where any City officer or officials are, entitled to be exonerated, indemnified and held harmless pursuant to the provisions of this section the City shall protect and defend any City officer and all city officials from and against any litigation commenced against him or them, by engaging and compensating competent legal counsel to conduct his or their defense, and by

paying all court costs, and any fees of opposing legal counsel, taxed or imposed by the court having jurisdiction.

(~~f~~e) The City shall at all times procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all cCity officials and any cCity officer entitled to indemnification and protection under this section. Acceptance of coverage and undertaking of protection by any such insurance carrier shall be deemed to satisfy the requirements of this section on the part of the City. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any City officer or officials, or where the insurance policy limits are insufficient to cover any judgment entered against any City officer or officials or such insurance is not effective for any reason for such coverage, the City shall be bound by the provisions of this section to protect and indemnify pursuant to the provisions of this section.

(~~f~~g) It shall be a precondition to the assertion of any claim for protection and indemnity under this section that any City officer or officials, after having been served with process commencing litigation against him or them, or after having received written notice of a possible claim alleged to be covered under the provisions of this section, shall promptly give notice of the pendency of such action, or the presentation of any such claim, to the City Clerk, ~~who shall in turn present~~ Such actual or potential claim shall be submitted to the city council, city attorney, together with such city officer's or officials' request for indemnity and protection hereunder. It shall further be a precondition to coverage hereunder that a city officer or officials claiming the protection and benefits conferred by this section shall at all times, and in every way, cooperate fully with legal counsel appointed by the city to defend against any threatened or pending litigation under the provisions of ~~subsection (e) of the~~ this section.

SECTION 18. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-50 pertaining to Claims Management; definitions and which shall read as follows:

Sec. 2-50. Claims Management; definitions.

(a) City - The City of Peoria and all its Council mMembers, ~~M~~ayor, appointed officers and department heads, employees, agents (when acting within the scope of their authority), boards, commissions or other City created entities.

(b) City Manager- ~~means~~ tThe cCity Manager of the City, or his or her designee.

(c) Claim - Any demand made for the payment of money damages from the City by any person or entity, in the nature of a tort or contract claim; excluding any demand based solely on the assertion of a claim within the jurisdiction of the personnel board, a demand relating solely to payment of wages earned and employment benefits (including workers compensation) granted to all employees; a

demand arising solely out of any right or claim of superior title to property, its use or transfer, a demand based on taxes, or any solely non-monetary demand.

(d) Claim Costs- Any internal or external costs or expense incurred by the City, in response to any claim against the City, including insurance or bond policy costs, contractual services costs, legal defense costs and related consultant costs.

(e) Claims Management Program - ~~the~~ program administered by the Office of the City Attorney to procure insurance against claims and to pay claim costs arising out of claims based on the amounts appropriated by the ~~City~~ City Council through the budget process.

(f) Diminution in Value Claim ~~means a~~ means a claim for just compensation, as defined in A.R.S. § 12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a land use law that is not exempt under A.R.S. § 12-1134 (B), as amended, by the City that reduces existing rights to use, divide, sell, or possess private real property as of the date of the enactment. Such claims are permitted by A.R.S. § 12-1134, as amended.

(g) Employee Benefit Claim: ~~means a~~ means a claim by an employee of the City, enrolled in an insurance benefit program provided by the City making a claim under such program for coverage of a service under the program provided by the City and for which the service is covered.

(h) Exempt land use law means a land use law that:

- (1) Limit or prohibit a use or division of real property for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution control;
- (2) Limit or prohibit the use or division of real property commonly and historically recognized as a public nuisance under common law, including and land use law that prohibits unreasonable interference with the exercise of a right common to the general public;
- (3) Are required by Maricopa County, Yavapai County, the State of Arizona, other political subdivisions thereof other than the City and over which the City has no legal control, or federal law;
- (4) Limit or prohibit the use or division of a property for the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult oriented businesses if the land use laws are consistent with the constitution

- (5) of Arizona and the United States;
Establish locations for utility facilities;
- (6) Do not directly regulate an owner's land;
- (7) Were enacted before December 5, 2006; or
- (8) Any regulation affecting real property that is not a land use law.

(i) Insurance Reserve Fund- Any fund or account established by the City for the purposes of paying claims and claim costs.

(j) Land use law ~~means a~~ Any statute, rule, ordinance, resolution or law enacted by the City that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices. Land use law specifically excludes (without limitation): administrative rules of the City not adopted by the ~~City Council~~; development fees levied under the authority granted by A.R.S. § 9-463.05; approval of a preliminary and/or final plat; conditions and issuance of building, utility, fire, grading, drainage and engineering permits and site plans and minor amendments of planned zoning districts under the zoning ordinance of the city.

(k) Owner ~~means~~ The holder of fee title to the real property that is the subject of the claim on the date at the time that the diminution in value is alleged to have occurred. Owner does not mean persons having less than fee title ownership.

(l) SIR - Self-Insurance Retention.

(m) Worker's Compensation ~~means a~~ program of self insurance to cover injuries incurred by an employee of volunteer of the City while performing in the scope of their duties and as covered under the Arizona Worker's Compensation laws.

SECTION 19. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-51 pertaining to Claims Management; demand, time limit for presentation of claim; diminution in value claims and which shall read as follows:

Sec. 2-51. Claims Management; demand, time limit for presentation of claim; diminution in value claims.

(a) A person having a claim against the City of Peoria for any cause of action ~~not specifically covered under Title 12, Chapter 7, Article 2, Arizona Revised Statutes, or a Diminution in Value Claim as defined in this Chapter, shall within six (6) months after the last item of the account accrues, present to the City Clerk and the Claims Management Program in the City Attorney's Office a written itemized claim, stating specifically what the claim is for, specifying each item, the date and amount thereof and each City employee or officer that the claim is against~~ shall

meet all of the requirements of Arizona Revised Statutes Ssection 12-821.01(a), arizona revised statutes, as amended.

(b) A person seeking to file a Diminution in Value Claim under this Chapter must be an owner or a property owner who specifically alleges that the action that is the subject matter of the claim directly regulates their property. The claim shall be filed with the ~~Ccity Clerk, and the Claims Management Program in the City Attorney's Office.~~

(c) All claims shall be executed under penalty of perjury or acknowledged as being true to the best of knowledge, information and belief.

(d) A Diminution in Value Claim shall meet all the requirements of Section 12-821.01.(A), Arizona Revised Statutes, as amended, and also shall include:

(1) The name(s), address(es) and telephone number(s) of all owners, and persons having any interest in the property, including but not limited to lien holders, trustees, renters, lessees, and a description of the ownership interest of each;

(2) The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued not more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting ownership of the entire property by the claimant(s), and the date the property was acquired;

(3) The current land use law(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

(4) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser who is licensed or certified by the Arizona Board of Appraisal; and

(5) Copies of any leases or Covenants, Conditions and Restrictions ("CCR's") applicable to the real property.

(~~ee~~) The Claims Management Program shall reject a claim unless presented within time limits specified in subsection (a) and, if applicable the requirements of subsection (b).

(~~df~~) Claims not presented within the time period provided by this section or Title 12, Chapter 7, Article 2, Arizona Revised Statutes shall be deemed waived and barred to the extent provided by law.

State Law Reference, A.R.S. §12-820, et.seq.)

SECTION 20. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-52 pertaining to Claims, Diminution in value of real property; administrative review process; referral to administrative hearing officer and which shall read as follows:

Sec. 2-52. Claims, Diminution in value of real property; administrative review process; referral to administrative hearing officer.

(a) The owner shall file the claim for diminution in value pursuant to Section 2-51 of this Code with the ~~City Clerk and the City Attorney's Office~~ within 180 days of the date that the owner knew or should have known that the claim accrued,

(b) Within 60 days of receipt of a claim, the Claims Management Program shall refer the claim to the City's administrative hearing officer for Land Use matters and exactions and issue the notice required by Section 20-22(a) or the claim shall be deemed denied by the City.

(c) The right to file an action for just compensation for diminution in value shall be tolled while the process required by this chapter and Chapter 20 of the Peoria City Code is undertaken.

SECTION 21. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-54 pertaining to Claims, diminution in value; effect of claim; estoppels; limitation and which shall read as follows:

Sec. 2-54. Claims, diminution in value; effect of claim; estoppel; limitation.

(a) Payment by the City of a claim for diminution in value of real property forever bars, with respect to the property for which the claim is made, any diminution in value claim resulting from application of the land use law for which the claim was made.

(b) A lawsuit seeking just compensation based on diminution in value shall be forever barred unless filed before expiration of the later of the following:

(1) Within three years of the effective date of a non-exempt land use law that may be applied to all properties within the City, such as a major general plan amendment or a text amendment to the Zoning Ordinance, regardless of whether the land use law has been specifically applied to a claimant's property; or

(2) Within three years of the date that a non-exempt land use law specifically reduces the claimant's existing rights to use, divide, sell or possess property, and is not a land use law that may be applied to all properties within the City.

(c) The City may charge an application fee for filing and processing

diminution in value claims under this Chapter in the amounts provided in Chapter 27, Fee Table 27-12-199 of this code.

SECTION 22. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-55 pertaining to City Attorney; Claims Management, duties and responsibilities and which shall read as follows:

Sec. 2-55. City Attorney; Claims Management, duties and responsibilities.

(a)—The City Attorney's Office Claims Management Program shall be responsible for the fiscal and administrative management of all claims as defined in Section 2-50, including SIR claims against the City; ~~responsibility for the~~ management and budgeting of the Insurance reserve fund; the payment for insurance; and the payment of claim costs and related costs.

SECTION 23. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-56 pertaining to City Attorney; claims management; claims payment; payment of claim costs and which shall read as follows:

Sec. 2-56. City Attorney; claims management; claims payment; payment of claim costs.

(a) The Claims Management Program, acting within the parameters set by the City Attorney for determining that the City has exposure to legal liability and upon determination that the proposed expenditure of funds is reasonable, may approve and pay any claim, in an amount not to exceed the sum of \$5,000.00 in the aggregate for any single claim.

(b) The City Attorney may authorize the payment of claims in accordance with Section 2-77 of this code.

(c) Except as provided above, no claim or demand against the City shall be paid except upon authorization by the City Council, unless such claim or demand has been reduced to a legal judgment against the City.

(d) Upon approval by the City Attorney, the Claims Management Program shall have the authority to pay all claims costs for which the City is legally liable, subject to the charter, ordinances and other provisions of law.

SECTION 24. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-57 pertaining to Claims; insurance; liability; worker's compensation; employee benefits and which shall read as follows:

Sec. 2-57. Claims; insurance; liability; worker's compensation; employee benefits.

The City Manager is authorized to enter into on behalf of the City ~~any, either or~~ both of the following:

(a) ~~Appropriate~~ insurance and surety bonding contracts to provide insurance against claims and risks as he/she determines to be in the best interest of the City and upon the approval of the ~~C~~City ~~A~~Attorney.

(b) ~~Appropriate~~ insurance and surety bonding contracts to provide insurance for worker's compensation and employee benefit claims.

~~The approval of the City Council shall be required if such contract is in excess of fifty thousand dollars (\$50,000) to execute all such contracts.~~

SECTION 25. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-58 pertaining to Claims; Self-Insurance; Scope; Fund and which shall read as follows:

Sec. 2-58. Claims; Self-Insurance; Scope; Fund.

(a) There shall be established an Insurance Reserve Fund. This fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts as to provide sufficient monies to pay all reasonably anticipated lawful SIR claims and claim costs against the City for the ensuing fiscal year.

(b) The Finance and Budget Departments shall with the approval of the ~~C~~Chief ~~F~~Financial ~~O~~Officer allocate insurance and Insurance Reserve Fund costs consistent with appropriate risk underwriting methodology.

(c) There shall be established a Worker's Compensation Trust Fund. This fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts to pay all reasonably anticipated lawful Worker's Compensation claims and claims cost against the City for the ensuing fiscal year.

(d) The Finance, Budget and Human Resources Departments with the approval of the ~~C~~Chief ~~F~~Financial ~~O~~Officer allocate Worker's Compensation and Worker's Compensation Trust costs consistent with appropriate risk underwriting methodology.

(e) There shall be established an Employee Benefits Trust Fund. In the event, the City elects to self insure for ~~e~~employee ~~B~~Benefits, the fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts to pay all reasonably anticipated lawful ~~e~~employee ~~B~~Benefit claims and costs against the City for the ensuing fiscal year.

(f) The Finance, Budget and Human Resources Departments with the approval of the ~~C~~Chief ~~F~~Financial ~~O~~Officer allocate Employee Benefits Costs and Employee Benefits Trust costs consistent with appropriate risk underwriting methodology.

SECTION 26. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-59 pertaining to City manager; appointment; eligibility and term and which shall read as follows:

Sec. 2-59. City manager; appointment; eligibility and term.

(a) The city manager shall be appointed by a majority vote of the entire council on the basis of his/her education, experience, and administrative and executive ability.

(b) No member of the council shall be eligible for appointment as city manager until ~~two~~one (21) years have elapsed after such council member shall have ceased to be a member of the council.

(c) The city manager shall serve at the pleasure and will of the council. The position of city manager shall be deemed unclassified and not covered under the city merit system.

SECTION 27. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-60 pertaining to City manager; acting city manager and which shall read as follows:

Sec. 2-60. City manager; acting city manager.

(a) ~~The city manager may designate by letter filed with the city clerk, a qualified administrative officer of the city to perform his/her duties during a temporary absence or disability by filing a letter with the city clerk.~~The city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

(b) In the event of the resignation, termination, suspension without pay, demotion or placement of the city manager on administrative leave, or the failure of the city manager to designate an acting city manager during an absence, the city council may designate by resolution a qualified administrative officer of the city as acting city manager.

SECTION 28. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-61 pertaining to City manager; termination; suspension; and administrative leave and which shall read as follows:

Sec. 2-61. City Manager; termination; suspension; and administrative leave.

(a) The termination of the city manager shall be by a majority vote of the whole council.

(b) ~~In conformance with the city manager's employment agreement, the~~ city manager may be suspended without pay or placed on administrative leave by a majority vote of the whole council.

SECTION 29. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-62 pertaining to City manager; evaluation; criteria; amendment and which shall read as follows:

Sec. 2-62. City manager; evaluation; criteria; amendment

(a) Commencing not less than one hundred twenty days prior to the first anniversary of the service of the ~~C~~city ~~M~~anager and then annually each year thereafter, the ~~C~~council shall retain a professional executive consultant to assist with the evaluation of the ~~C~~city ~~M~~anager. Such executive consultant services may be procured in the manner provided for other professional services under this code. In the event the council fails to retain such services within one hundred twenty days prior to the first anniversary of the service of the ~~C~~city ~~M~~anager and then annually, the ~~M~~aterials ~~M~~anager of the City shall without further action by the ~~C~~council, issue a request for qualifications and statements of interest for such executive consultant services and a selection shall be made in the best interest of the City.

(b) The executive consultant shall meet with the ~~C~~city ~~M~~anager and all council members to discuss the evaluation of the ~~C~~city ~~M~~anager and shall prepare a written report containing such input. As part of the written report prepared by the executive consultant retained by the City shall be a self evaluation prepared by the ~~C~~city ~~M~~anager and submitted to the executive consultant. The written report prepared pursuant to this subsection shall be deemed exempt from public disclosure in order to ensure a complete evaluation.

(c) The ~~C~~city ~~M~~anager shall be evaluated on criteria mutually agreed upon by the City Manager and Council ~~the following items.~~

~~1. Relationship with the City Council~~

~~Staff support to City Council~~

~~Relationships with City Employees~~

~~Leadership to the Organization~~

~~Productivity/Accomplishments of the Organization~~

~~Strategic Issue and Crisis Management~~

~~Customer Service and Communication with the Public~~

~~Innovation and Creativity~~

~~Financial Management of the City~~

~~Intergovernmental Relations~~

~~Personal Characteristics~~

~~At the time of each evaluation, the Council by majority vote of the entire council may add additional items upon which the City Manager shall be evaluated upon, however such items shall not become effective until the evaluation in the year following their inclusion by the Council.~~

(d) Upon completion of the report provided for in subsection (b) of this section, a meeting of the council shall be held with the City Manager to discuss the results of the evaluation. Such meeting shall be held in compliance with the Arizona Open Meetings Act. Should the Mayor fail to schedule such a meeting within sixty (60) days following receipt of the results of the evaluation, the City Clerk shall schedule such a meeting and provide not less than 15 days notice to the City Council and City Manager. Such meeting shall comply with the Arizona Open Meetings Act.

(e) Amendment of Section 2-62 shall require a two-thirds vote of the entire council.

SECTION 30. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-63 pertaining to City Manager-City Council relations and which shall read as follows:

Sec. 2-63. City Manager-City Council relations.

The council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry. Neither the council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his/her directions ~~orders~~ and instructions from the council only when sitting in a duly convened meeting of the council and no individual councilmember shall give any orders or instructions to the city manager.

Charter reference(s)--Interference in administrative service, art. II, § 20.

SECTION 31. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-64 pertaining to City Manager; attendance at meetings of boards, commissions, etc. and which shall read as follows:

Sec. 2-64. City Manager; attendance at meetings of boards, commissions, etc.

The city manager may attend any and all meetings of commissions, boards

or committees created by the council, as the ~~C~~city ~~M~~anager deems appropriate or upon direction of the council. At meetings that the city manager attends, the city manager shall be heard by the commission, board or committee as to all matters upon which the city manager wishes to address the members thereof. The city manager shall inform the members thereof of the status of any matter being considered by the council. The city manager shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the council.

SECTION 32. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-65 pertaining to City Manager; powers and duties and which shall read as follows:

Sec. 2-65. City Manager; powers and duties.

(a) The city manager is the administrative head of city government under the direction and control of the Council, except as otherwise provided in this Chapter. The city manager shall be responsible for the efficient administration of all the affairs of the City which are under his/her control. In addition to his/her general powers an administrative head, and not as a limitation thereon, the city manager shall exercise the following powers and duties:

(1) Law Enforcement. To see that all franchises, contracts, permits and privileges granted by the ~~C~~council are faithfully observed.

(2) Authority over Employees. To direct and supervise the deputy city manager, department directors and employees of the city ~~under his/her jurisdiction through the deputy city managers and/or department directors.~~

(3) Power of Appointment and Removal.

(a) ~~To appoint deputy city managers, department directors and division managers, subject to the approval of the City Council of the deputy city managers and department directors. The city manager may delegate the appointment and promotions of employees in departments under his/her supervision to the deputy city managers and/or department director.~~Appoint, promote, remove and demote for cause, subject to rights of appeal, and in compliance with applicable personnel rules and regulations, all officers and employees of the city except the city attorney, and presiding municipal judge, and as to these named officers, they shall recommend appointment and removal; provided, however, that appointments of fire chief and police chief shall be subject confirmation by the city council.

(b) To remove and discipline department directors at his will and division managers, subject to the right of division managers to appeal. The city manager may delegate the removal and discipline of employees

in departments under his supervision to the deputy city manager and/or department director, except the final approval of removal and discipline after a pre-disciplinary hearing.

~~(c) The city manager shall submit requests for re-title of positions, re-range of positions, reclassification of employees and salary adjustments to the personnel review committee in accordance with this chapter.~~

(4) ~~Administrative Reo~~Organization of Offices. To organize the city in a manner that is consistent with the budget approved by the city council ~~conduct studies and recommend to the Council such administrative reorganization of officers, positions or units under his direction as may be indicated~~ and in the interest of efficient, effective and economical conduct of the City's business.

(5) Ordinances. To recommend to the c~~C~~ouncil for adoption such measures and ordinances as he deems necessary.

(6) Attendance at Council Meetings. To attend all meetings of the C~~C~~ouncil unless they are excused from attending by the Mayor individually or the C~~C~~ouncil.

(7) Expenditure Control. To see that no expenditures shall be made by the City unless such expenditures are in accordance with the provisions of this code, administrative regulations and adopted policies.

(8) Investigations and Complaints. To make investigations into the affairs of the City and any department or division thereof; to investigate all complaints in relation to matters concerning the administration of the City government ~~and in regard to the service maintained by public utilities in the City.~~

(9) Public Buildings. To exercise general authority over all public buildings, parks and other public property under the control and jurisdiction of the C~~C~~ouncil.

~~(10) Work Hours. To adjust the work hours and duty assignments of any and up to all employees each year beginning October 1, and ending April 1, in order to reduce the level of carbon monoxide, ozone and particulate matter concentrations caused by vehicular travel. The City Manager shall use his best efforts to consult with employee organizations on such adjustments, but the final determination shall be solely that of the City Manager.~~

~~(11) Overtime Pay. To authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries~~

~~enacted by the Council.~~

(120) Additional Duties. To perform such other duties and exercise such other powers not inconsistent with the laws of the State of Arizona and as may be delegated to the city manager from time to time by ordinance or resolution or other official action of the council and in conformance with the city manager's employment agreement.

(b) The city manager is authorized and empowered to delegate any of the powers granted under this section or under the city charter to a deputy city manager or department director. ~~Such delegation shall be in writing and filed with the city clerk.~~ Upon the change of a city manager or a delegated employee, the authority granted shall cease until it has been re-delegated by the city manager.

SECTION 33. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-66 in its entirety pertaining to City Manager; Deputy city manager duties; appointment, term and which shall read as follows:

Sec. 2-66. ~~City manager; Deputy city manager; duties; appointment, term.~~ Reserved.

~~(a) There shall be within the City government the position of deputy city manager. There shall be two deputy city managers, who shall be designated the deputy city manager for operations and community building.~~

~~(b) Each deputy city manager shall have all powers, duties and authority established under this code, or regulations adopted pursuant to the code granted to department directors. Each department director under a deputy city manager shall report to the deputy city manager and the deputy city manager shall have direct supervision and oversight over the department directors as outlined in this section. Each deputy city manager shall report to the city manager and shall be responsible for the administration of services provided by departments or divisions under them. In addition, the deputy city manager shall be responsible for such other duties and assignments as the City Manager shall assign.~~

~~(c) The deputy city manager for operations shall have direct supervision and oversight over the following city departments and divisions:~~

~~Fire-Medical Department.~~

~~Information Technology Department.~~

~~Police Department.~~

~~City Clerk.~~

~~Finance.~~

Public Works.

~~The deputy city manager for operations shall provide staff support to those city boards and commissions that are assigned to departments that are assigned to operations and such other boards and commissions as may be assigned by the city manager~~

~~(d) The deputy city manager for building community shall have direct supervision and oversight over the following city departments and divisions:~~

~~(i) Planning and Community Development Department.~~

~~(ii) Community Services Department.~~

~~(iii) City Engineering Department.~~

~~(iv) Economic Development Services.~~

~~(v) Office of Communications~~

~~(vi) The deputy city manager for building community shall provide staff support to those city boards and commissions that are assigned to departments and divisions that are assigned to development and community services and such other boards and commissions as may be assigned by the city manager.~~

~~(e) Each deputy city manager shall be appointed by the city manager and confirmed by the city council, and shall serve at the pleasure and will of the city manager. The position of deputy city manager shall be deemed unclassified and not covered under the city merit system.~~

SECTION 34. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-67 in its entirety pertaining to City Manager; special offices; appointments and assignments; divisions and which shall read as follows:

Sec. 2-67. City manager; special offices; appointments and assignments; divisions; Reserved.

~~(a) The city manager may appoint staff and assign staff in the office of the city manager to assist the city manager in the administration of departments supervised by the city manager.~~

~~(b) The office of the city manager shall have direct supervision and oversight over the following management positions:~~

~~(1) Assistant to the City Manager.~~

~~(2) Intergovernmental Affairs Director.~~

~~(3) — Director of Human Resources Department.~~

~~(4) — Director of the Department of Management and Budget.~~

~~(c) — Any positions identified in Subsections (a) or (b) of this Section shall be unclassified and shall serve at the pleasure and the will of the city manager and not subject to the city merit system.~~

SECTION 35. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-68 in its entirety pertaining to City Manager; position classification plan and which shall read as follows:

Sec. 2-68. City manager; position classification plan. Reserved.

~~The city manager shall promulgate a position classification plan for the office of the city manager. The plan shall establish specific positions assigned to ranges and steps within the city's pay plan. The promulgation of a position classification plan shall not create any obligation upon the city council to appropriate funds for any position within the plan.~~

SECTION 36. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-69 in its entirety pertaining to City Manager; city attorney; cooperation and which shall read as follows:

Sec. 2-69. City manager; city attorney; cooperation Reserved.

~~The city attorney shall cooperate with the city manager to provide for the efficient, economic and harmonious administration of the City.~~

SECTION 37. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-71 in its entirety pertaining to Photo/Traffic speed monitoring devices; termination of contracts and which shall read as follows:

Sec. 2-71. Photo/Traffic speed monitoring devices; termination of contracts. Reserved.

~~(a) — Upon action by the mayor and council or in accordance with the terms of this chapter the city manager shall be authorized to enter into negotiations for and to take actions necessary and required to terminate all contracts involving the purchase of and or use by the city of photo/traffic speed monitoring devices consisting of camera(s) and a traffic radar (or other device) capable of measuring the speed of motor vehicles and which records such speed on a photograph of such vehicle and its operator.~~

~~(b) — Upon a determination by the city manager that the continuation of a contract involving the purchase of or use of photo/traffic speed monitoring devices is no longer in the best interest of the city, the city manager shall be authorized to issue all notices required under the terms and provisions of the contract to~~

~~terminate the agreement and to take any and all acts necessary and required to effectuate the termination under the terms of any contract between the city and any other party for the purchase of or use of photo/traffic speed monitoring devices.~~

~~(c) — The city manager shall consult with the city attorney on the termination of any contracts pursuant to the provisions of this section.~~

SECTION 38. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-72 in its entirety pertaining to Photo/Traffic speed monitoring device; notice to; action by mayor and council and which shall read as follows:

~~Sec. 2-72. Photo/Traffic speed monitoring device; notice to; action by mayor and council.~~Reserved.

~~Prior to exercising the powers granted under Section 2-71, the city manager shall notify the mayor and council of his determination that the continuation of a contract involving the purchase of and or use by the city of photo/traffic speed monitoring devices consisting of camera(s) and a traffic radar (or other device) capable of measuring the speed of motor vehicles and which records such speed on a photograph of such vehicle and its operator is no longer in the best interest of the city. The mayor and council shall approve or disapprove of the action. In the event the mayor and council fail to consider the action at the next regular or special meeting, the action of the city manager shall be deemed to be approved.~~

SECTION 39. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-73 in its entirety pertaining to Photo/Traffic speed monitoring device; expenditures and which shall read as follows:

~~Sec. 2-73. Photo/Traffic speed monitoring device; expenditures.~~Reserved.

~~(a) — Notwithstanding any other provisions of the Peoria City Code, in exercising the powers under Sections 2-71 through 2-73, the city manager may terminate any contract involving the purchase of or use of photo/traffic speed monitoring devices on such terms as he believes is in the best interest of the city.~~

~~(b) — Notwithstanding any other provisions of the Peoria city code, in exercising the powers under Sections 2-71 through 2-73, the city manager may incur charges, fees, penalties, costs, reimbursements as provided by the terms of the contract required to terminate the agreement, provided that the total amount of such charges, fees, penalties, costs, reimbursements do not exceed the sum of fifty thousand(\$50,000.00) Dollars.~~

~~(c) — The city manager shall notify the mayor and council of the costs necessary and required for the termination of any contract for purchase of or use of photo/traffic speed monitoring devices. The city manager shall submit all such costs to the mayor and council for their review and approval.~~

SECTION 40. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-74 as a reserved section and which shall read as follows:

Sec. 2-74. Reserved.

SECTION 41. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-75 as a reserved section and which shall read as follows:

Sec. 2-75. Reserved.

SECTION 42. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-76 pertaining to City Attorney; powers and duties and which shall read as follows:

Sec. 2-76. City Attorney; powers and duties.

The office of the City Attorney is established. ~~The office of the City Attorney shall consist of two divisions, civil and criminal.~~ The City Attorney shall perform the following duties:

(a) Act as the legal counselor and advisor of the council and other city officials, as designated by the council, on all matters relating to their official powers, duties and functions.

(b) Prepare, review and approve all contracts, deeds, documents, and instruments prior to the execution thereof by or on behalf of the City, its departments and agencies. The City Attorney shall indicate in writing his/her disapproval as to form upon any document reviewed and disapproved.

(c) Render legal opinions upon any question of law submitted by the Mayor, City Council, City manager or his/her deputies and assistants or the heads of all departments, agencies, boards and commissions. Keep a complete record of all written opinions issued by the City Attorney.

(d) Prepare all ordinances and resolutions as requested by the Council. The city Attorney shall advise the Council as to the form and sufficiency of all ordinances or resolutions having the effect of an ordinance prior to their adoption. Prior to action on an ordinance or a resolution having the effect of an ordinance, the City Attorney shall indicate in writing any ordinance that they have disapproved and the reasons therefor.

(e) There ~~may be~~ shall be within the office of the city attorney, a chief Assistant City Attorney and such other attorneys and staff appointed by the City Attorney and as contained in the position classification plan promulgated by the City manager.

(f) Operate a deferred prosecution program for adult and juvenile

offenders, providing that the city attorney may defer, prior to a guilty plea or a trial, the prosecution of a person committing a crime and provide in the deferred prosecution agreement certain terms required to be satisfied by the defendant prior to the dismissal of the action.

- (1) The city attorney shall adopt written guidelines for the operation of the program.
- (2) The program may include as an element the performance of community service on behalf of the city.
- (3) The program may include as an element referral to appropriate community organizations to provide services to the individual, with costs for such referral to be paid by the individual.
- (4) The city may charge a reasonable fee as approved by council for those individuals participating in the program.
- (5) The city attorney may extend a pre-filing diversion program to the parents and legal guardians of juvenile offenders under the jurisdiction of the municipal court. The program shall provide that the commencement of prosecution shall be suspended upon the completion of terms set forth in the pre-diversion agreement. The pre-diversion program may condition the suspension of prosecution upon satisfactory completion of counseling, education and any other requirements deemed appropriate and necessary by the city attorney.
- (g) Prosecute in the name of the City of Peoria, Arizona or the State of Arizona, all violations of the City Charter, City Codes and statutes of the State of Arizona which are within the original or concurrent jurisdiction of the Municipal Court or have been referred to the Office of the City Attorney and any appeals from decisions therefrom.
- (h) Cooperate with the Municipal Court to enforce the conditions of sentences and requirements of probation.
- (i) Administer and operate a victim assistance program to protect the rights of persons defined as crime victims pursuant to Article 2.1 of the Arizona Constitution and Title 13, Chapter 40, Arizona Revised Statutes.

SECTION 43. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-77 pertaining to City Attorney; claims management; litigation; special counsel and which shall read as follows:

Sec. 2-77. City Attorney; claims management; litigation; special counsel.

The City Attorney shall:

(a) Be responsible for the administration and operation of the City's Claims Management and Self Insured Retention Programs and to recommend to the City Manager and City Council the purchase of insurance to cover claims against the City.

(b) Have the power to adjust, settle, compromise or submit to arbitration or alternative dispute resolution any action, causes or action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as a debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed Twenty Five Thousand Dollars (\$25,000.00) and with the approval of the City Manager may do likewise in matters not involving or requiring payment to exceed Fifty Thousand (\$50,000.00) Dollars, provided that the Council has appropriated money to settle such claims and the Chief Financial Officer of the City determines such funds are available.

(c) Have the power to use and implement binding or non-binding alternative dispute resolution methods involving any claims; the payment for insurance and the payment of claim costs and related costs, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit programs.

(d) Have the responsibility for management of all legal actions against the City and shall further have the responsibility for the determination of the legal liability of the City with respect to any claim, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit program.

(e) Prosecute, defend and provide legal representation in all civil suits, causes, actions and proceedings where the City or any officer or employee acting in his official capacity and within the scope of their employment is a party or may become interested. The City Attorney may with the consent of the City Manager and providing that the Council has appropriated sufficient funds employ outside counsel when in the City attorney's discretion, the best interest of the City so require. Such outside council shall operate under the supervision of the City Attorney.

(f) Periodically report to the Council any decision or outcome of any litigation or proceeding in which the City has an interest. Such reports are deemed a public record exempt from public disclosure to preserve attorney-client privileges unless the Council has formally waived such privilege.

(g) Conduct and prosecute appeals from orders, decisions or judgments of the municipal and justice courts affecting any interest of the City as the City Attorney may, in the exercise of discretion determine to be necessary or desirable and/or upon direction by the Council, conduct, participate in and prosecute appeals from orders, decisions or judgments of any Court of Record in this State or any Court of the United States.

SECTION 44. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-78 pertaining to City Attorney; Presiding Municipal Judge; Evaluation and which shall read as follows:

Sec. 2-78. City Attorney; Presiding Municipal Judge; Evaluation

(a) The Mayor shall appoint not less than three (3) members of the Council to a subcommittee for the evaluation of the City Attorney and Presiding Municipal Judge.

(b) Prior to June 1, of each year, the City Attorney and Presiding Municipal Judge shall submit an outline of their goals and objectives, together with an evaluation covering such items as directed by the subcommittee. The written evaluation prepared pursuant to this subsection shall be deemed exempt from public disclosure in order to ensure a complete evaluation.

(c) At the time of each evaluation, the City Council ~~Subcommittee~~ by majority vote may add additional items upon which the City Attorney and/or Presiding Municipal Judge shall be evaluated, however such items shall not become effective until the evaluation in the year following their inclusion by the city council ~~Subcommittee~~.

(d) Within thirty (30) days following the submission of the goals and objectives and written evaluation by the City Attorney and/or Presiding Municipal Judge, a meeting of the city council ~~subcommittee~~ shall be held with the City Attorney and/or Presiding Municipal Judge to discuss the results of the evaluation. Such meeting shall be held in compliance with the Arizona Open Meetings Act.

(e) Amendment of Section 2-78 shall require a two-thirds vote of the entire council.

SECTION 45. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-79 pertaining to Department of the City Clerk; establishment; functions; position classification plan and which shall read as follows:

Sec. 2-79. Department of the City Clerk; establishment; functions; position classification plan.

(a) There shall be a Department of the City Clerk. The Director of the Department of the City Clerk shall be appointed by the City Manager and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and the will of the City Manager and not subject to the City merit system.

(b) The city Clerk shall serve as Clerk to the City Council, keep the corporate seal, attest signatures, file and record Council actions and official documents of the City, - serve as the Chief Elections Officer of the City, serve as

the Chief Records Management Officer of the City and direct and supervise the Records Management program of the City and perform such other duties as may be assigned by the city Manager.

~~(c) The City Manager shall promulgate a position classification plan for the Department of the City Clerk. The plan shall establish specific positions assigned to the ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position within the plan.~~

SECTION 46. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-80 pertaining to City Clerk; Elections and which shall read as follows:

Sec. 2-80. City Clerk; Elections

For purposes of this Code, in City primary, general, special and special purpose elections, the duties devolving upon the Arizona secretary of state in state elections shall devolve upon the City Clerk and the duties prescribed in this Chapter and Titles 16 and 19, Arizona Revised Statutes, shall devolve upon the City Clerk.

State Law Reference: A.R.S. § 16-400, et. seq. §16-403, §19-101, et. seq.

SECTION 47. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-81 pertaining to City Clerk; Records and Information Management and which shall read as follows:

Sec. 2-81. City Clerk; Records and Information Management.

(a) The Director of the Department of the City Clerk or designee shall administer the Records Management Program for the City. The program shall encompass such areas of records management to preserve and keep in order all books, papers, documents, records and files of the City council, charter officers and departments to achieve the following goals:

- (1) Release space and reduce the need for storage and filing equipment.
- (2) Establish an efficient records and information retrieval operation for both active and inactive municipal records.
- (3) Establish procedures for the purchase and acquisition of records and information equipment used for the keeping of data and records to ensure conformity with the requirements of the state.
- (4) Maintain security over municipal records.
- (5) Development of a retention and disposition schedule for municipal

records.

(6) Operate a municipal records center to store and preserve active and inactive records prior to disposition.

(b) The dDirector of the Department of the City Clerk, or designee shall exercise all powers and duties granted to the head of a local agency by the Arizona Department of Library, Archives and Public Records.

(c) All public records created by the City are the exclusive property of the City. No City official or employee may obtain a proprietary right to such records.

(d) It shall be unlawful to destroy, remove or dispose of any public record except in the manner provided by law and approved by the City Clerk or their designee.

(e) The City Clerk in the manner provided for in this code may implement regulations to govern the keeping and disposition of public records of the City.

State Law Reference A.R.S. § 41-1346.

SECTION 48. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-82 in its entirety pertaining to Finance Department; establishment and which shall read as follows:

Sec. 2-82. ~~Finance Department; establishment.~~Reserved.

~~(a) There shall be a Finance Department. The Director of the Finance Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall~~

~~be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.~~

~~(b) The Finance Department shall consist of four (4) divisions: Financial Services; Materials Management; Revenue Management; and Treasury.~~

~~(c) The Finance Director shall be the Chief Financial Officer for the City.~~

SECTION 49. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-83 in its entirety pertaining to Finance Department; deputy director; division managers and which shall read as follows:

Sec. 2-83. ~~Finance Department; deputy director; division managers.~~Reserved.

~~(a) The Chief Financial Officer with the concurrence of the City Manager~~

~~may appoint a Deputy Director for the Finance Department.~~

~~(b) — Each division within the Finance Department may be headed by a Division Manager. Each division manager shall be a classified position subject to the City merit system.~~

SECTION 50. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-84 in its entirety pertaining to Finance Department; position classification plan and which shall read as follows:

Sec. 2-84. ~~Finance Department; position classification plan.~~Reserved.

~~The City Manager shall promulgate a position classification plan for the Finance Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.~~

SECTION 51. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-85 as a reserved section and which shall read as follows:

Sec. 2-85. Reserved.

SECTION 52. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-86 in its entirety pertaining to Information Technology Department; establishment and which shall read as follows:

Sec. 2-86. ~~Information Technology Department; establishment~~Reserved.

~~(a) — There shall be a Department of Information Technology. The Director of the Department of Information Technology shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.~~

~~(b) — The Director of Information Technology shall serve as the Chief Technology Officer for the City.~~

SECTION 53. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-88 in its entirety pertaining to Information Technology Department; position classification plan and which shall read as follows:

Sec. 2-88. ~~Information Technology Department; position classification plan.~~Reserved.

~~The City Manager shall promulgate a position classification plan for the Department of Information Technology. The plan shall establish specific positions~~

~~assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.~~

SECTION 54. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-101 as a reserved section and which shall read as follows:

Sec. 2-101. Reserved.

SECTION 55. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-102 in its entirety pertaining to Economic Development Services Department; establishment and which shall read as follows:

Sec. 2-102. ~~Economic Development Services Department; establishment.~~
Reserved.

~~(a) There shall be an Economic Development Services Department. The Director of the Economic Development Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.~~

~~(b) The Department of Economic Development Services shall consist of three divisions, Economic Development, Building Safety, and Engineering.~~

SECTION 56. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-103 in its entirety pertaining to Economic Development Services Department; division designation and which shall read as follows:

Sec. 2-103. ~~Economic Development Services Department; division designation.~~
Reserved.

~~Each division within the Economic Development Services Department shall be headed by a position designated by the Director of the Economic Services Development Department.~~

SECTION 57. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-104 in its entirety pertaining to Economic Development Services Department; position classification plan and which shall read as follows:

Sec. 2-104. ~~Economic Development Services Department; position classification plan.~~ Reserved.

~~The City Manager shall promulgate a position classification plan for the Economic Development Services Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.~~

SECTION 58. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-105 in its entirety pertaining to Public Works Department; establishment; divisions and which shall read as follows:

Sec. 2-105. ~~Public Works Department; establishment; divisions.~~ Reserved.

~~(a) — There shall be a Department of Public Works. The Director of the Department of Public Works shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system. —~~

~~(b) — The Department of Public Works shall consist of nine divisions, Operations, Solid Waste, Facilities, Transit, Fleet Management, Environmental, Water Resources, Utility Field Operations, and Utility Plant Operations.~~

SECTION 59. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-106 in its entirety pertaining to Public Works Department; division designation and which shall read as follows:

Sec. 2-106. ~~Public Works Department; division designation.~~ Reserved.

~~Each division within the Public Works Department shall be headed by a position designated by the Director of the Public Works Department.~~

SECTION 60. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-107 in its entirety pertaining to Public Works Department; position classification and which shall read as follows:

Sec. 2-107. ~~Public Works Department; position classification plan.~~ Reserved.

~~The City Manager shall promulgate a position classification plan for the Public Works Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.~~

SECTION 61. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-121 as a reserved section and which shall read as follows:

Sec. 2-121 Reserved.

SECTION 62. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-122 as a reserved section and which shall read as follows:

Sec. 2-122 Reserved.

SECTION 63. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-123 as a reserved section and which shall read as follows:

Sec. 2-123 Reserved.

SECTION 64. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-124 as a reserved section and which shall read as follows:

Sec. 2-124 Reserved.

SECTION 65. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-125 in its entirety pertaining to City Historian and which shall read as follows:

Sec. 2-125. ~~City Historian.~~Reserved.

~~The position of City Historian is established. The City Manager may designate one or more City employees to perform the duties of this position without additional compensation. It shall be the duty of the City Historian to accumulate, preserve and exhibit the antiquities of the City.~~

SECTION 66. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-126 as a reserved section and which shall read as follows:

Sec. 2-126. Reserved.

SECTION 67. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-127 as a reserved section and which shall read as follows:

Sec. 2-127. Reserved.

SECTION 68. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-128 as a reserved section and which shall read as follows:

Sec. 2-128. Reserved.

SECTION 69. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-129 as a reserved section and which shall read as follows:

Sec. 2-129. Reserved.

SECTION 70. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-130 as a reserved section and which shall read as follows:

Sec. 2-130. Reserved.

SECTION 71. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-131 as a reserved section and which shall read as follows:

Sec. 2-131. Reserved.

SECTION 72. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-132 in its entirety pertaining to Sister Cities Board; qualifications and which shall read as follows:

Sec. 2-132. ~~Sister Cities Board; qualifications~~Reserved.

~~Notwithstanding Section 2-132 of this Code, members of the Sister Cities Board are not required to be residents of the City.~~

SECTION 73. Chapter 2 of the Peoria City Code (1992) is amended by amending reserved Section 2-134 and which shall read as follows:

Secs. 2-133 through 2-134. Reserved.

SECTION 74. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-135 as a reserved section and which shall read as follows:

Sec. 2-135. Reserved.

SECTION 75. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-136 as a reserved section and which shall read as follows:

Sec. 2-136. Reserved.

SECTION 76. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-150 as a reserved section and which shall read as follows:

Sec. 2-150. Reserved.

SECTION 77. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-151 as a reserved section and which shall read as follows:

Sec. 2-151. Reserved.

SECTION 78. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-152 as a reserved section and which shall read as follows:

Sec. 2-152. Reserved.

SECTION 79. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-153 as a reserved section and which shall read as follows:

Sec. 2-153. Reserved.

SECTION 80. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-154 as a reserved section and which shall read as follows:

Sec. 2-154. Reserved.

SECTION 81. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-155 as a reserved section and which shall read as follows:

Sec. 2-155. Reserved.

SECTION 82. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-156 as a reserved section and which shall read as follows:

Sec. 2-156. Reserved.

SECTION 83. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-157 as a reserved section and which shall read as follows:

Sec. 2-157. Reserved.

SECTION 84. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-158 as a reserved section and which shall read as follows:

Sec. 2-158. Reserved.

SECTION 85. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-160 pertaining to Policy and Administration; definitions and which shall read as follows:

Sec. 2-160. Policy and Administration; definitions.

The following terms shall have the following meanings for Sections 2-160 through 2-164 of this Chapter:

(a) *City Council Policies*:- A City Council policy is a written statement of policy adopted by the City Council that outlines and defines city matters within the powers and duties granted to the City Council under state law, the charter and code. A City Council Policy shall be in writing and may be adopted by motion. A City Council policy may be modified within the exclusive determination of the City Council.

(b) *Administrative Procedures*:- Administrative procedures are designed to be applied Citywide and to be a written definition of those powers and duties granted to the City Manager under the charter and code.

(c) *Department Procedures*:- These are specific written procedures implemented by a City department or office that is designed to implement the powers and duties granted that department or delegated in accordance with this

code by the City Manager. Departmental Procedures are not designed for city-wide implementation but to address issues applicable to a particular department.

SECTION 86. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-161 pertaining to Policy and Administration; city council policies and which shall read as follows:

2-161. Policy and Administration; city council policies.

(a) City Council Policies shall be in writing and may be placed on the agenda and acted on in the same manner as other matters before the City Council. City Council Policies shall be in conformance with state law, the charter and the codes and ordinances of the city. The city attorney shall approve as to form City Council Policies.

(b) The City Manager or his designee shall maintain a ~~codification of~~ all policies adopted by the City Council, with copies available for public inspection at the Department of the City Clerk.

SECTION 87. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-163 pertaining to Policy and Administration; administrative procedures; approval and implementation and which shall read as follows:

Sec. 2-163. Policy and Administration; administrative procedures; approval and implementation.

(a) Administrative Procedures shall be developed by the City Manager or his designee to provide written statements on those powers and duties granted to the City Manager under the charter and code.

(b) Prior to implementation, the procedure shall be reviewed by the City Attorney as being within the powers and duties of the City Manager or his designee.

(c) Personnel Administrative Regulations Sections 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 only shall be changed pursuant to an ordinance adopted by the city council in the manner provided by the Charter. The Council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.

(d) Upon approval by the City Manager, copies of administrative procedures, except for those referenced in Section 2-163 (c), shall be available for public inspection at the department of the city clerk.

(e) Upon approval of the City Council copies of administrative procedures referenced in Section 2-163 (c), shall be available for public inspection at the department of the city clerk.

The ~~C~~city Manager shall maintain a codification of all administrative procedures promulgated by the ~~C~~city Manager or ~~C~~city Council.

SECTION 88. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-164 and which shall read as follows:

Sec 2-164. ~~Repealed.~~Reserved.

~~All existing administrative regulations of the city shall be deemed Administrative Procedures for purposes of this Chapter. Notwithstanding this provision, Administrative Regulation 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 shall only be changed pursuant to an ordinance adopted by the city council in the manner provided by the charter. The council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.~~

SECTION 89. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-165 and which shall read as follows:

Sec. 2-165. ~~Repealed.~~Reserved.

SECTION 90. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-166 and which shall read as follows:

Sec. 2-166. ~~Repealed.~~Reserved.

SECTION 91. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-167 and which shall read as follows:

Sec. 2-167. ~~Repealed.~~Reserved.

SECTION 92. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-168 and which shall read as follows:

Sec. 2-168. ~~Repealed.~~Reserved.

SECTION 93. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-169 and which shall read as follows:

Sec. 2-169. ~~Repealed.~~Reserved.

SECTION 94. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-170 in its entirety pertaining to Management and Budget Department; establishment and which shall read as follows:

Sec. 2-170. ~~Management and Budget Department; establishment.~~Reserved.

~~There shall be a Management and Budget Department. The Director of the Management and Budget Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.~~

SECTION 95. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-171 in its entirety pertaining to Management and Budget Department; function designation and which shall read as follows:

~~Sec. 2-171. Management and Budget Department; function designation.~~

Reserved.

~~Each function within the Management and Budget Department shall be headed by a position designated by the Director of the Budget Department.~~

SECTION 96. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-172 in its entirety pertaining to Management and Budget Department; position classification and which shall read as follows:

~~Sec. 2-172. Management and Budget Department; position classification plan.~~Reserved.

~~The City Manager shall promulgate a position classification plan for the Management and Budget Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.~~

SECTION 97. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-180 pertaining to Annual budget estimates and which shall read as follows:

Sec. 2-180. Annual budget estimates.

~~Each department director and appointed officer of the city shall submit, through t~~The city manager shall submit to the city council a recommended annual budget estimates showing proposed expenditures and revenues for the ensuing fiscal year. ~~The estimates shall be detailed by budget units, character and object of expenditure, and character and source of revenue. The annual budget estimates shall be submitted to the Budget Director in accordance with the schedule adopted each year by the city manager.~~

SECTION 98. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-181 in its entirety pertaining to Transfer of funds and which shall read as follows:

~~Sec. 2-181. Transfer of funds.~~Reserved.

~~(a) Upon adoption of the final budget by the city council, any department may transfer funds from line items within the contractual services and commodities sections of the department's adopted final budgets to other line items within the contractual services and commodities sections of the department's adopted final budgets. The transfer shall be initiated by the department director.~~

~~(b) Transfers under subsection a of this section shall be made on forms promulgated by the budget department for this purpose and shall require the approval of the budget director.~~

~~(c) No transfer of funds from line items within the personal services section of the department's adopted final budget shall be made which results in a re-title, new classification, re-range or salary range adjustment without a recommendation from the city manager and the approval of the personnel request by the city council.~~

~~(d) No transfer of funds from reserve funds, replacement funds, development or expansion fee funds or bond funds shall be made into the general fund, unless contained in the approved final budget or requested by the finance director through the city manager, with the approval of the city council.~~

SECTION 99. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-182 pertaining to Expenditure control and which shall read as follows:

Sec. 2-182. Expenditure control.

(a) Upon adoption of the final budget by the city council, the city manager may institute expenditure limitations to defer or suspend individual expenditures by departments. The purpose of these limitations is to assure that revenues received by the city are sufficient to cover budgeted expenditures. These expenditure limitations may include:

(1) ~~Delaying capital items approved in the budget, until the second or subsequent quarter of the budget year.~~

(2) ~~Delaying the recruitment for existing or new positions, until the second or subsequent quarter of the budget year.~~

(3) ~~Delaying other purchases by the city, until the second or subsequent quarter of the budget year.~~

(b) The city manager shall notify the city council of the institution of expenditure limitations.

SECTION 100. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-183 pertaining to Budget; capital expenditures; definitions and which shall read as follows:

Sec. 2-183. Budget; capital expenditures; definitions

(a) For purposes of preparing the City's Capital Improvements Plan and to implement the provisions of Article VI, Section 8 of the Peoria City Charter, the terms below shall have the following definitions:

(1) *Arena* shall ~~mean a~~ mean a fully enclosed structure meeting the following requirement:

b. —The City has entered into an exclusive contract with a team from a recognized national or international professional sporting league or association giving it exclusive rights to control use of the facility during its season.

(2) *City Office Building* shall mean a building owned by the City of Peoria and meeting all of the following requirements:

a. Must be at least 20,000 square feet in size, not including ancillary facilities such as balconies, amphitheaters and porches; and

b. Must be used as the central location in providing governmental services of the administrative departments located therein to the entire City.

(3) *Construction* ~~means~~ is the award of a contract for the actual construction of a facility defined in this section. Construction does not include separately procured and awarded pre-design, design and engineering services awarded prior to construction. Construction does not include those portions of a design-build or construction manager at risk procurement, which are designated as covering the cost of pre-design, design, engineering and construction management services. Further Construction does not include acquisition of any interest in real property by the City that may be subsequently used for a project for which meets the definitions of this sSection.

(4) *Convention Facility* ~~means a~~ is a facility owned by the City meeting all of the following requirements:

a. Must be planned for use of at least 60% of the space by events where merchandise, objects or services are provided for display; and

b. Must be designed primarily for exhibitions.

(5) ~~Incur Debt: means a~~ A pledge by the City of Peoria of ~~General~~ General ~~Obligation~~ indebtedness approved by the qualified electors of the City in accordance with Article IX, Section of the Arizona Constitution or the pledge by the City of Peoria of a specific source or revenue to repay debt incurred over a term of more than two fiscal years. Incur debt does not include the refinancing of any existing debt owed by the City prior to the effective date of this ordinance nor does incur debt include any operating expenditures, even if planned over multiple years.

(6) ~~Stadium: means a~~ A facility owned by the City and which meets all of \ the following requirements:

- a. Used more than 50% of the time for sporting events by a recognized national or international professional sporting league or association that holds an association wide television contract; and
- b. The facility contains adjacent parking facilities in which the team from a recognized national or international professional sporting league or association receives at least one half ($\frac{1}{2}$) of all revenues from fees charged for parking; and
- c. Contains concession facilities operated by one or more concessionaires under contract with the City and for which a team from a recognized national or international professional sporting league or association receives at least one half ($\frac{1}{2}$) of all revenues from the sale of concessions.
- d. The repair, replacement, reconstruction, maintenance and operation of an existing facility that would be covered as a project if constructed new, under Article VI, Section 8 of the Peoria City Charter shall not be defined as an arena, city office building, convention facility or stadium.

SECTION 101. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-184 pertaining to Budget; capital improvements; legal opinion; acts of city council and which shall read as follows:

Sec. 2-184. Budget; capital improvements; legal opinion; acts of city council.

(a) Notwithstanding any provision of law to the contrary, no public officer or employee is personally liable for acts done in his official capacity in good faith reliance on written opinions of the Office of the City Attorney issued pursuant to this section regarding the application of Sections 2-181 through 2-183 and Article VI, Section 8 of the Peoria City Charter.

(b) Upon issuing any written opinion under this section, the Office of the City Attorney shall file a copy with the City Clerk and shall post notice of availability of the opinion in all locations where public notices of the City are required to be

posted. Any person disagreeing with the opinion of the City Attorney as to the application of Sections 2-181 through 2-184 of this Code or Article VI, Section 8 of the City Charter shall file a claim with the City within Ninety (90) days of the date of the opinion and shall file any legal action against the City within one year of the date of the opinion of the City Attorney. After such date, such actions shall be deemed barred.

SECTION 102. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-185 pertaining to Budget; capital improvements; prior acts of city council and which shall read as follows:

Section 2-185. Budget; capital improvements; prior acts of city council.

(a) Any person desiring to contest any determination of City Council on any project pursuant to Sections 2-181 through 2-184 of this Chapter and Article VI, Section 8 of the Peoria City Charter that was determined by the City Council- prior to the adoption of this ordinance shall be deemed forever barred unless a claim was filed in the manner and time required by A.R.S. §12-820.01 and a legal action pursuant to A.R.S. §12-821. For purposes of calculating such time frames, the commencement date shall be the date of adoption of the City Capital Improvement Program in the year that the project was funded.

(b) Nothing in this ordinance shall be construed as setting aside any voter approval on any project previously adopted.

SECTION 103. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-186 pertaining to Finance; Transportation Tax Fund and which shall read as follows:

Sec. 2-186. Finance; Transportation Tax Fund.

(a) A Transportation Tax Fund is established in the City consisting of the revenues generated from the tax increase authorized by the qualified electors of three tenths of one percent (.003) over and above the City's current transaction privilege tax rates collected in the manner provided by the Peoria Tax Code, together with other monies, if any legally available from any other source and appropriated by the City Council through the budget process for the Transportation Tax Fund. This provision shall not be interpreted or place any legal obligation on the City Council to appropriate any other monies for the Transportation Tax Fund than the tax increase authorized by the qualified three tenths of one percent (.003) over and above the City's current transaction privilege tax rates.

(b) The City shall use all of the funds collected in the Transportation Tax Fund for any of the following:

(1) Design, engineering, construction of transportation projects identified in the City's Adopted Budget, including but not limited to acquisition of interests in real property and to advance funds to the State of Arizona or a

political subdivision thereof for the purpose of expediting a transportation project.

(2) Design, engineer, construct, acquire interests in real property, operate and maintain or to reimburse other political subdivisions for the cost of providing multi-modal forms of transportation

(3) Pay for all administrative, financial, legal costs incurred by the city arising out of the transportation tax fund and projects funded, together with all costs of financing, including but not limited to debt service reserves..

(c) The Council may pledge Transportation Tax Fund revenues and such other revenues of the city as it deems appropriate for the purpose of funding projects under this section.

(d) Monies remaining in the fund at the end of the fiscal year shall be carried over to the subsequent fiscal year, and together with new legally available revenues may be appropriated by the ~~C~~city ~~C~~council in the manner provided in this section.

SECTION 104. Chapter 2 of the Peoria City Code (1992) is amended by repealing Section 2-198 in its entirety pertaining to Animals, dog license fees and which shall read as follows:

Sec. 2-198. ~~Animals, dog license fees.~~Reserved.

~~Each owner of a dog in the City of Peoria shall obtain a license for the dog annually. The fee for a dog which is permanently rendered incapable of procreation shall be Seven Dollars (\$7.00). The fee for a dog capable of procreation shall be Fifteen Dollars (\$15.00). All fees shall be paid annually at the time of application for a dog license.~~

SECTION 105. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-199 pertaining to City Attorney; fees and which shall read as follows:

Sec. 2-199. City Attorney; fees.

(a) The office of the city attorney shall charge each person requesting the services set forth in this section the following fees:

See Chapter 27 TABLE 27-1 2-119(a)

(b) The office of the city attorney shall charge each person the fees contained in this code, ~~which shall be revised no later than March 31, 1996 and annually thereafter.~~

(c) For those fees for participation in diversion programs, the city attorney

or their his designee may provide for the time payment or waiver of such fees in order to permit participation by persons of limited financial resources.

~~(d) Except that the fee pertaining to administration of development and repayment agreements shall only become effective and be charged after this date.~~

SECTION 106. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-200 pertaining to City Attorney; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-200. City Attorney; fees to be deposited with Finance Director.

All fees collected by the office of the city attorney under this code shall be deposited with the Finance Director. The finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 107. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-201 pertaining to City clerk; agenda; council meeting materials and which shall read as follows:

Sec. 2-201. City clerk; agenda; council meeting materials.

(a) The city clerk shall charge each person requesting copies of agendas and/or meeting materials of any board, commission or council of the city the fees contained in this ~~chapter~~Code, which shall be revised as necessary.

~~(1) Notwithstanding this section, the city clerk shall provide one free copy of the current council agenda to each person requesting a copy.~~

(b) The City Clerk shall provide one free copy of the current complete council meeting packet, minus privileged information, ~~to each press representative~~ and to each candidate for council after such candidate has submitted nominating petitions to run in the biannual primary election, until such person ceases to be a candidate for city office, or the general election, whichever is earlier.

SECTION 108. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-202 pertaining to City clerk; fees, public records; miscellaneous documents and which shall read as follows:

Sec. 2-202. City clerk; fees, public records; miscellaneous documents.

(a) The city clerk shall charge each person requesting copies of agendas and/or meeting materials of any board, commission or council of the City the following fees:

See Chapter 27, Fee Table 27-2.202.

(b) The city clerk shall not charge any city agency, city contractor, department or office for any copies of records requested under this Section. Notwithstanding the foregoing, the City may elect for administrative convenience and to minimize record keeping costs not to charge for copying of a public record of 3 or less pages requested for non-commercial purposes by an individual appearing at the Department of the City Clerk.

(c) The City Clerk shall not bill copying charges of less than five dollars and may require such payments in advance.

SECTION 109. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-203 pertaining to City clerk; fees, bingo, liquor licenses and which shall read as follows:

Sec. 2-203. City clerk; fees, bingo, liquor licenses.

(a) The city clerk shall charge each person filing an application with the City for issuance, renewal or transfer of a license to sell alcoholic beverages or to operate a bingo game the following fees:

See Chapter 27, Fee Table 27-3-203.

SECTION 110. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-204 pertaining to City clerk; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-204. City clerk; fees to be deposited with Finance Director.

All fees collected by the city clerk under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 111. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-205 pertaining to Municipal Court; fees; background searches and which shall read as follows:

Sec. 2-205. Municipal court; fees; background searches.

(a) The magistrate court shall charge each person requesting the services set forth in this section the following fees:

See Chapter 27, Fee Table 27-4-205.

(b) The magistrate court shall charge each person the fees contained in this code, which shall be revised periodically thereafter. ~~shall be revised no later than March 31, 1993 and annually thereafter.~~

SECTION 112. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-206 pertaining to Municipal Court; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-206. Municipal court; fees to be deposited with Finance Director.

All fees collected by the magistrate court under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 113. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-207 pertaining to Community Services department; fees and which shall read as follows:

Sec. 2-207. Community services department; fees.

(a) The community services department shall charge each person requesting the services set forth in this section the fees in an amount not to exceed the maximum in this code.

See Chapter 27, Fee Table 27-5 207.

(b) The community services department shall file an annual schedule for public inspection on or before July 1, of each year, in the Department of the City Clerk, the Office of the City Attorney and the Community Services Department setting forth the actual fees charged for each service provided by the department.

(c) The community services department with the approval of the city manager may file a schedule in the manner provided for in subsection (b) of this section which shall contain maximum charges for new services provided by the department. The community services department with the approval of the city manager may charge non-residents of the city additional fees for services provided to non-residents who do not provide contributions from taxes, fees and other revenues paid by city residents.

(d) The community services department shall charge each person the fees contained in this ~~chapter~~Code.

SECTION 114. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-208 pertaining to Community Services department; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-208. Community services department; fees to be deposited with Finance Director.

All fees collected by the community services department under this code shall be deposited with the Finance Director. The Finance Director shall

account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 115. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-209 pertaining to Development and Engineering Department, building safety; fees required and which shall read as follows:

Sec. 2-209. Development and Engineering Department, building safety; fees required.

(a) The Development and Engineering Department shall collect from each person filing an application for a permit, or requesting services by the city. These fees are subject to a 2.25% service fee if paid with a credit card or debit card, which is intended to recoup the city's costs associated with credit card fees. The fees are as follows:

See Chapter 27, Fee Table 27-6 209.

(b) The Development and Engineering Department shall collect from each person the fees contained in this ~~chapter Code~~, which shall be revised periodically thereafter, no later than March 31, 1993 and annually thereafter.

SECTION 116. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-210 pertaining to Community Development, building safety; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-210. ~~Community Development~~ Development and Engineering Department, building safety; fees to be deposited with ~~F~~finance D~~director~~.

All fees collected by the ~~Community Development Department~~ Development and Engineering Department under this article shall be deposited with the ~~F~~finance D~~director~~. The ~~F~~finance D~~director~~ shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 117. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-211 pertaining to Engineering Department; fees required and which shall read as follows:

Sec. 2-211. Development and Engineering Department; fees required.

(a) The Engineering Department shall collect from each person filing an application for a permit, or requesting services by the city. These fees are subject to a 2.25% service fee if paid with a credit card or debit card, which is intended to recoup the city's costs associated with credit card fees. The fees are as follows:

See Chapter 27, Fee Table 27-7 211(a).

(b) The Development and Engineering Department shall collect from each person the fees contained in this ~~chapter~~Code, which shall be revised periodically ~~no later than March 31, 1993 and annually thereafter~~.

SECTION 118. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-212 pertaining to Engineering Department; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-212. Development and Engineering Department; fees to be deposited with Finance Director.

All fees collected by the Development and Engineering Department under this ~~chapter~~Code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 119. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-213 pertaining to Community Development, planning division; fees required and which shall read as follows:

Sec. 2-213. Planning and Community Development, planning and zoning division; fees required.

(a) The Planning and Community Development Department shall collect from each person filing an application or requesting services by the city. These fees are subject to a 2.25% service fee if paid with a credit card or debit card, which is intended to recoup the city's costs associated with credit card fees. The fees are as follows:

See Chapter 27, Fee Table 27-8, 213.

(b) The Planning and Community Development Department; the Planning and Zoning Commission and the city may initiate code amendments, special use permits, rezoning applications and plan amendments without payment of any of the fees required by this ~~chapter~~Code.

(c) The planning division shall reduce fees charged to non-profit community organizations to fifty percent (50%) of the fee calculated under this ~~chapter~~Code. A non-profit community organization for purposes of this ~~chapter~~Section is defined as a corporation organized under the laws of the State of Arizona as a non-profit organization and having been certified by the United States Internal Revenue Service as a charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 as amended.

SECTION 120. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-214 pertaining to Community Development, planning division; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-214. Planning and Community Development, planning and zoning division; fees to be deposited with Finance Director.

All fees collected by the Planning and Community Development Department under this ~~chapter~~Code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 121. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-215 pertaining to Fire-Medical Department; fees required and which shall read as follows:

Sec. 2-215. Fire- Medical Department; fees required.

(a) The Fire-Medical Department shall collect from each person filing an application for a permit, or requesting services by the city. These fees (excluding the ALS and Emergency Services fees) are subject to a 2.25% service fee if paid with a credit card or debit card, which is intended to recoup the city's costs associated with credit card fees. The fees are as follows:

See Chapter 27, Fee Table 27-9 215.

(b) The Fire-Medical Department shall collect from each person the fees contained in this ~~chapter~~Code, which shall be revised periodically ~~no later than March 31, 1993 and annually thereafter.~~

SECTION 122. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-216 pertaining to Fire-Medical Department; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-216. Fire-Medical Department; fees to be deposited with Finance Director.

All fees collected by the Fire-Medical department under this ~~chapter~~Code shall be deposited with the Finance Director. The Financial Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 123. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-217 pertaining to Finance Department; fees required; sales tax lists, photocopies and which shall read as follows:

Sec. 2-217. Finance department; fees required; sales tax lists, photocopies.

(a) The finance department shall collect from each person requesting the services set forth in this section the following fees:

See Chapter 27, Fee Table 27-10 217.

(b) The applicable finance department shall charge each person the fees contained in this code, which may ~~shall~~ be revised ~~no later than March 31, 1993~~ and ~~annually~~ periodically thereafter by the City Council.

SECTION 124. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-218 and which shall read as follows:

Sec. 2-218. ~~Repealed~~Reserved.

SECTION 125. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-219 pertaining to Finance Department and which shall read as follows:

Sec. 2-219. Finance department

(a) All fees collected by the finance department under this code shall be deposited with the ~~F~~Finance ~~D~~irector. The finance department shall collect from each person filing an application for a license the following fees:

See Chapter 27, Fee Table 27-11 ~~219~~.

(b) The Finance Department may issue a business license for a one-year period commencing on the date of the application, the license shall be in effect for a full year period.

(c) The Finance Department shall charge each person the fees contained in this code, which shall be revised as needed.

SECTION 126. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-220 pertaining to Police Department; fees required and which shall read as follows:

Sec. 2-220. Police department; fees required.

(a) The police department shall collect from each person filing an application for a permit, or requesting services by the city the following fees:

See Chapter 27, Fee Table 27-12 ~~220~~.

SECTION 127. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-221 pertaining to Police Department; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-221. Police department; fees to be deposited with Finance Director.

All fees collected by the police department under this code shall be deposited with the ~~F~~finance ~~D~~irector. The ~~F~~finance ~~D~~irector shall account for all

fees deposited in accordance with accounting policies and regulations adopted by the city.

SECTION 128. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-222 pertaining to Public Works Department; fleet and facilities charges; dial a ride program and which shall read as follows:

Sec. 2-222. Public Works-Utilities Department; fleet and facilities charges; dial a ride program.

(a) The finance department shall collect the following fees from each person using the City's Dial-a-Ride program: These fees may be revised periodically by the City Council.

~~See Table 2-222.~~

~~TABLE 2-222~~

~~Section 2-222(a)
PUBLIC WORKS DEPARTMENT;
TRANSIT DIAL-A-RIDE FEES~~

| Item | Date Effective |
|--|---------------------------|
| Dial-A-Ride Fare---General Public* | 3.00 |
| Dial-A-Ride Fare---Individuals with Disability (ADA Certified)* | 1.00 |
| Dial-A-Ride Fare---Seniors, Individuals with Disability (Non-ADA Certified) and Children* | 1.50 |

~~ADA = Americans with Disabilities Act~~

~~Dial-A-Ride Fare Categories: --- General Public = over the age of 12~~

~~Seniors = age 65 and above~~

~~Children = age 12 and under~~

~~Individual with Disability ADA Certified~~

~~Individual with Disability Non-ADA Certified~~

~~*All fares for service are subject to a 24-hour advance reservation requirement unless waived for good cause by the transit supervisor.~~

SECTION 129. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-223 pertaining to Utilities Department; industrial waste charges and which shall read as follows:

Sec. 2-223. Public Works-Utilities Department; industrial waste charges.

(a) The finance department shall collect the ~~following~~ permit fees from each person owning a lot within the city that discharges wastewater into the city's wastewater disposal system and is subject to the city's industrial pre-treatment standards. These fees may be revised periodically by the City Council:

See Table 2-223.

(b) The ~~F~~finance ~~d~~Department shall charge each person the fees contained in this code, which shall may be revised periodically by the City Council annually.

TABLE 2-223

Section 2-223 (a)
 UTILITIES DEPARTMENT;
 INDUSTRIAL WASTE CHARGES

| Item | Date Effective June 13, 1991 |
|--|---------------------------------|
| Industrial Waste - Metal Finishing | 1,030.00 |
| Industrial Waste - Grocery Stores | 160.00 |
| Industrial Waste - Outpatient Medical Facilities | 270.00 |
| Industrial Waste - Restaurants or Food Service Establishments | 140.00 |
| Industrial Waste - Photography or Film Development Establishments | 200.00 |
| Industrial Waste - Motor Vehicle Repair Facilities | 290.00 |
| Industrial Waste - Testing Laboratories | 200.00 |
| Industrial Waste - Laundry Services | 240.00 |
| Industrial Waste - Printing and Copying Facilities | 200.00 |
| Industrial Waste - Beauty or Hair Styling Facilities | 175.00 |
| Industrial Waste - Veterinary Facilities | 270.00 |
| Industrial Waste - Bakeries | 160.00 |
| Industrial Waste - Mortuaries or Funeral Facilities | 200.00 |
| Industrial Waste - Educational Facilities, whether Public or Private | 290.00 |

SECTION 130. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-224 pertaining to Utilities Department; service connect and termination charges and which shall read as follows:

Sec. 2-224. Public Works-Utilities Department; service connect and termination charges.

(a) The Finance Department shall collect from each person requesting the commencement of the city services listed below the following fees prior to the commencement of service or the following charges on a monthly basis upon the City Utility Bill, whichever is applicable. Such charges for payment purposes shall be treated as if incurred by the person for the provision of utility services:

~~See Table 2-224.~~

(b) The finance department shall charge each person the fees contained in this code, which may be revised periodically by the City Council annually.

(c) Notwithstanding this section, the city council or city manager may waive the deposit requirements of this section for any customer of a private utility acquired by the City of Peoria which imposed a deposit requirement on its customers.

~~TABLE 2-224~~

~~Section 2-224 Page 1~~

~~UTILITIES DEPARTMENT;
STANDARD COST~~

| Item | Fee |
|---|----------|
| Utility Service Initiation Fee | 28.00 |
| Delinquent Bill Processing Fee | 50.00 |
| Processing Fee for Issuance of Notice of Disconnection. | 1.00 |
| Meter or Service Tampering Fee | 75.00 |
| Field Trip Service Fee | 32.00 |
| Commercial & Multi-Residential Utility Service Deposit | 225.00 |
| Non-Owner Occupied Utility Service Deposit | 200.00 |
| Commercial Solid Waste Service Deposit | 225.00 |
| Hydrant Meter Service Deposit | 1,000.00 |

| Item | Fee |
|---|--|
| Water Service-Hydrant Meter | Cost to City, plus 20% of cost to cover overhead |
| 3/4 Inch Meter--Standard Installation [per meter] | Cost to City, plus 20% of cost to cover overhead |
| All other Meters--Installation [per meter] | Cost to City, plus 20% of cost to cover overhead |
| Deposit for first meter test upon customer request in 12 month consecutive period | No Charge |
| Second and subsequent meter test upon customer request in twelve month consecutive period | 32.00 |
| | |

| Description | Total Minimum Cost |
|--|---|
| Fire Hydrant | |
| Hydrant Replacement | \$ 3,900.00 |
| Hydrant Repair Kit | \$ 500.00 |
| Fee for repair, or replacement of damage done to Fire Hydrant not listed above. | -Cost to the City, plus 20% (overhead). |
| Water Service | |
| 3/4" Service Replacement | \$ 1,900.00 |
| 1" Service Replacement | \$ 2,200.00 |
| 1 1/2" Service Replacement | \$ 2,600.00 |
| 2" Service Replacement | \$ 3,100.00 |
| Fee for repair, or replacement of damage done to Distribution System not listed above. | -Cost to the City, plus 20% (overhead). |
| Water Main | |
| 4" Water Main Repair | \$ 2,000.00 |
| 6" Water Main Repair | \$ 2,100.00 |
| 8" Water Main Repair | \$ 2,200.00 |
| Fee for repair, or replacement of damage done to Distribution System not listed above. | -Cost to the City, plus 20% (overhead). |
| Water Valve | |
| 4" Water Valve Replacement | \$ 2,400.00 |
| 6" Water Valve Replacement | \$ 2,600.00 |
| 8" Water Valve Replacement | \$ 2,700.00 |

| | |
|--|--|
| Fee for repair, or replacement of damage done to Distribution System not listed above. | -Cost to the City, plus 20% (overhead). |
| | |
| Wastewater Collections | |
| Fee for repair, or replacement of damage done to Collections System. | -Cost to the City, plus 20% (overhead). |
| | |
| Any damage done to City of Peoria water distribution system, wastewater collections system, water production system, reclamation system and any other utility not covered under this standard cost list will be subject to be charged as cost to the City, plus 20% cost to cover overhead. | |
| | |
| Reclaimed Water Volume Charge | |
| Fee per 1,000 Gallons | \$1.05 |

TABLE 2-224,
SECTION 2-224 Page 2
UTILITIES DEPARTMENT

| WATER RATE SUMMARY SCHEDULE | | Effective 4-Jan-06 | Effective 3-Jan-07 |
|------------------------------------|-------------------|-----------------------|-----------------------|
| Base Charge | Meter Size | | |
| All Customers | 5/8" — 3/4" | \$13.35 | \$13.35 |
| | 1" | \$15.87 | \$15.87 |
| | 1 1/2" | \$18.42 | \$18.42 |
| | 2" | \$25.42 | \$25.42 |
| | 3" | \$65.41 | \$65.41 |
| | 4" | \$92.42 | \$92.42 |
| | 6" | \$144.48 | \$144.48 |
| Volume Charge: | | | |
| Residential | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.54 | \$2.54 |
| | 11,000 — 25,000 | \$3.05 | \$3.05 |
| | 26,000+ | \$3.63 | \$3.63 |
| Multi-Residential | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.04 | \$2.04 |
| | 11,000 — 25,000 | \$2.48 | \$2.48 |
| | 26,000+ | \$2.97 | \$2.97 |
| Residential-Care | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.04 | \$2.04 |
| | 11,000 — 25,000 | \$2.48 | \$2.48 |
| | 26,000+ | \$2.97 | \$2.97 |
| Commercial/Industrial | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.04 | \$2.04 |
| | 11,000 — 25,000 | \$2.48 | \$2.48 |
| | 26,000 — 50,000 | \$2.97 | \$2.97 |
| | 51,000+ | \$3.02 | \$3.02 |
| Agricultural | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.04 | \$2.04 |
| | 11,000 — 25,000 | \$2.48 | \$2.48 |
| | 26,000 — 50,000 | \$2.97 | \$2.97 |
| | 51,000+ | \$3.02 | \$3.02 |
| Landscape | 2,000 — 5,000 | \$1.41 | \$1.41 |
| | 6,000 — 10,000 | \$2.04 | \$2.04 |
| | 11,000 — 25,000 | \$2.48 | \$2.48 |
| | 26,000 — 50,000 | \$2.97 | \$2.97 |
| | 51,000+ | \$3.02 | \$3.02 |

Effective January 2008 and January 2009

| WATER RATE SUMMARY SCHEDULE | | | |
|------------------------------------|-------------------------|-----------------------|-----------------------|
| | | Effective 2-Jan-08 | Effective 2-Jan-09 |
| Base Charge | Meter Size | | |
| All Customers | 5/8" — 3/4" | \$13.75 | \$14.16 |
| | 1" | \$16.35 | \$16.84 |
| | 1 1/2" | \$18.97 | \$19.54 |
| | 2" | \$26.18 | \$26.97 |
| | 3" | \$67.37 | \$69.39 |
| | 4" | \$95.19 | \$98.04 |
| | 6" | \$148.81 | \$153.27 |
| | 8" | \$206.40 | \$212.70 |
| Volume Charge: | Usage in gallons | | |
| Residential | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.61 | \$2.69 |
| | 11,000 — 25,000 | \$3.14 | \$3.24 |
| | 26,000+ | \$3.74 | \$3.85 |
| Multi-Residential | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.10 | \$2.17 |
| | 11,000 — 25,000 | \$2.55 | \$2.63 |
| | 26,000+ | \$3.06 | \$3.15 |
| Residential Care | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.10 | \$2.17 |
| | 11,000 — 25,000 | \$2.55 | \$2.63 |
| | 26,000+ | \$3.06 | \$3.15 |
| Commercial/Industrial | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.10 | \$2.17 |
| | 11,000 — 25,000 | \$2.55 | \$2.63 |
| | 26,000 — 50,000 | \$3.06 | \$3.15 |
| | 51,000+ | \$3.11 | \$3.20 |
| Agricultural | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.10 | \$2.17 |
| | 11,000 — 25,000 | \$2.55 | \$2.63 |
| | 26,000 — 50,000 | \$3.06 | \$3.15 |
| | 51,000+ | \$3.11 | \$3.20 |
| Landscape | 2,000 — 5,000 | \$1.45 | \$1.49 |
| | 6,000 — 10,000 | \$2.10 | \$2.17 |
| | 11,000 — 25,000 | \$2.55 | \$2.63 |
| | 26,000 — 50,000 | \$3.06 | \$3.15 |
| | 51,000+ | \$3.11 | \$3.20 |

TABLE 2-224

SECTION 2-224 Page 3

UTILITIES DEPARTMENT

| WASTEWATER RATE SUMMARY SCHEDULE | | |
|--|-------------------------------|-------------------------------|
| | Effective 4-Jan-06 | Effective 3-Jan-07 |
| Base Charge All Customers | \$2.84 | \$2.93 |
| Volume Charge — per 1000 gallons All Customers | \$2.15 | \$2.22 |

~~Effective January 2008 and January 2009~~

| WASTEWATER RATE SUMMARY SCHEDULE | | |
|--|-------------------------------|-------------------------------|
| | Effective 2-Jan-08 | Effective 2-Jan-09 |
| Base Charge All Customers | \$3.02 | \$3.11 |
| Volume Charge — per 1000 gallons All Customers | \$2.28 | \$2.35 |

TABLE 2-224

SECTION 2-224 Page 4

UTILITIES DEPARTMENT

Environmental Mandate Fee

| Class | Fee |
|---|---------------------|
| Class 1 – Any Non-Residential User designated as a Significant Industrial User under this Chapter | \$131.70 |
| Class 2 – Any Non-Residential User defined as an Industrial User under this Chapter who is discharging a substance subject to a pre-treatment requirement. | \$76.00 |
| Class 3 – Any Non-Residential User defined as an Industrial User under this Chapter | \$4.40 |
| Class 4 – Any Non-Residential User of the Sewer System | \$2.20 |
| Class 5 – All Residential Users of the Sewer System | \$0.70 |

~~Effective January 2008 and January 2009~~

ENVIRONMENTAL (EPA) FEE SUMMARY SCHEDULE

| Customer Class | Effective 2-Jan-08 | Effective 2-Jan-09 |
|--|--------------------|--------------------|
| Residential Dwelling Unit | \$0.80 | \$0.90 |
| Commercial Class 4 (w/o grease traps) | \$5.00 | \$7.50 |
| Commercial Class 3 (w/grease traps) | \$10.00 | \$15.00 |
| Commercial Class 2 (Medium Industrial Users) | \$80.00 | \$85.00 |
| Commercial Class 1 (Large Industrial Users) | \$140.00 | \$145.00 |
| Fixed fee assessed per unit per month. Residential class includes single family accounts and multi-family dwelling units. | | |

SECTION 131. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-225 pertaining to Utilities Department; fees to be deposited with Finance Director and which shall read as follows:

Sec. 2-225. Public Works-Utilities Department; fees to be deposited with Finance Director.

All fees collected by the Finance or Utilities Department under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city

SECTION 132. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-227 pertaining to Office of Communications; fees, filming permit application and which shall read as follows:

Sec. 2-227. Office of Communications; fees, filming permit application.

(a) The Office of Communications shall charge each person filing an application with the City for issuance or renewal of a filming permit the following fees:

See Chapter 27, Fee Table 27-13.227.

SECTION 133. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-235 pertaining to Authority of Finance Director and which shall read as follows:

Sec. 2-235. ~~Authority of Finance Director~~ Credit Reporting Agencies.

(a) The Finance Director with the approval of the city manager shall be empowered to enter into contracts with credit reporting agencies doing business in this state for the purpose of reporting non-payment of fees and assessments imposed under this chapter.

(b) All contracts entered into under this section shall comply with the requirements of title 15, United States Code, and Title 44, Arizona Revised Statutes pertaining to the responsibilities of credit reporting subscribers and credit reporting agencies.

SECTION 134. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-236 pertaining to Reporting of unpaid assessments; charges; fees; and interest and which shall read as follows:

Sec. 2-236. Reporting of unpaid assessments; charges; fees; and interest.

~~(a) Any department of the city required to collect fees under this chapter shall file a monthly report to the Finance Director of all fees which are delinquent.~~

~~The Finance Director may prescribe forms and administrative regulations for this purpose.~~

(b) — All assessments, charges, and fees imposed under this chapter which are delinquent more than thirty (30) days from the date which such assessments, charges and fees were imposed shall be subject to a finance charge not to exceed one and three quarters percent (1.75%) per month on the unpaid balance as determined by the Finance Director based on prevailing rates charged in the private sector and, unless otherwise specified in this code.

~~(c)~~ Upon receipt of the monthly report provided by this section, departments assessing charges the Finance Director may send a written statement to each person owing an assessment, charge or fee to the city imposed under this chapter. The statement ~~shall~~ should include relevant information, such as:

- (1) A description of the service provided by the city.
- (2) The date the service was provided.
- (3) The amount of the assessment, charge, or fee unpaid.
- (4) The amount of the finance charge assessed and the total balance.
- (5) The due date for payment on the statement which shall be twenty (20) days after the date of the statement.
- (6) A notice that if the statement remains unpaid, all delinquent amounts due and owing will be added as a surcharge on the utilities account which the individual maintains with the city.

~~(d)~~ In the event that the statement prepared by the Finance Director, applicable department is not paid in full by the due date, the city Finance Director ~~shall~~ may add all amounts unpaid, together with the monthly finance charge, to the next and each succeeding month thereafter as a surcharge until all amounts are paid in full.

~~(e)~~ An individual may file an appeal of the surcharge in the manner provided by this code. Failure to file an appeal shall constitute a waiver of any right to contest the validity of the surcharge.

~~(f)~~ The Finance Director may terminate utility service for unpaid surcharges after their validity is determined or a waiver has occurred in the same manner as termination of utility service for unpaid utility billings.

SECTION 135. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-237 pertaining to Appeal of Surcharges and which shall read as follows:

Sec. 2-237. Appeal of Surcharges.

(a) Any individual who has received a utility billing from the city indicating the addition of a surcharge for unpaid assessments, charges or fees may appeal the surcharge to the Finance Director as provided in this section.

(b) An individual shall appeal the addition of a surcharge in writing. The appeal shall be submitted to the Finance Director or their designee within twenty (20) days of the date of mailing of the utility billing. The appeal shall contain:

(1) Specific reasons, if any why the surcharge is not due and owing to the city.

(2) The appeal required in paragraph (1) shall be received by the Finance Director or their designee within the time specified. If the report is not timely submitted, any notified party shall be deemed to have waived his right to any further review or hearing as provided herein and shall be assessed, pursuant to paragraph (4) of this subsection.

(3) If the appeal required by paragraph (1) is submitted, the Finance Director or their designee shall review the appeal and the specific defenses, if any, set forth in the appeal to the initial imposition of a surcharge. If it is determined that a valid defense to the initial surcharge has been set forth, a notice will be sent to all notified parties that no surcharge will be made at that time. The notice shall specifically set forth the findings and conclusions of the finance director or their designee with respect to the review of the report submitted.

(4) If the Finance Director or their designee determines that a defense to the initial imposition of a surcharge for assessments, charges, and fees owed to the city has not been set forth, — notice shall be sent by mail to the individual that they will continue to be subject to a surcharge on their utility bills. The notice shall contain specific findings and conclusions of the finance director with respect to the review of the appeal submitted.

SECTION 136. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-301 as a reserved section and which shall read as follows:

Sec. 2-301. Reserved.

SECTION 137. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-302 as a reserved section and which shall read as follows:

Sec. 2-302. Reserved.

SECTION 138. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-303 as a reserved section and which shall read as follows:

Sec. 2-303. Reserved.

SECTION 139. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-304 as a reserved section and which shall read as follows:

Sec. 2-304. Reserved.

SECTION 140. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-305 as a reserved section and which shall read as follows:

Sec. 2-305. Reserved.

SECTION 141. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-306 as a reserved section and which shall read as follows:

Sec. 2-306. Reserved.

SECTION 142. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-307 as a reserved section and which shall read as follows:

Sec. 2-307. Reserved.

SECTION 143. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-308 as a reserved section and which shall read as follows:

Sec. 2-308. Reserved.

SECTION 144. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-309 as a reserved section and which shall read as follows:

Sec. 2-309. Reserved.

SECTION 145. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-311 as a reserved section and which shall read as follows:

Sec. 2-311. Reserved.

SECTION 146. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-313 as a reserved section and which shall read as follows:

Sec. 2-313. Reserved.

SECTION 147. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-314 as a reserved section and which shall read as follows:

Sec. 2-314. Reserved.

SECTION 148. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-315 as a reserved section and which shall read as follows:

Sec. 2-315. Reserved.

SECTION 149. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-316 as a reserved section and which shall read as follows:

Sec. 2-316. Reserved.

SECTION 150. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-317 as a reserved section and which shall read as follows:

Sec. 2-317. Reserved.

SECTION 151. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-318 as a reserved section and which shall read as follows:

Sec. 2-318. Reserved.

SECTION 152. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-319 as a reserved section and which shall read as follows:

Sec. 2-319. Reserved.

SECTION 153. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-320 as a reserved section and which shall read as follows:

Sec. 2-320. Reserved.

SECTION 154. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-321 as a reserved section and which shall read as follows:

Sec. 2-321. Reserved.

SECTION 155. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-322 as a reserved section and which shall read as follows:

Sec. 2-322. Reserved.

SECTION 156. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-325 as a reserved section and which shall read as follows:

Sec. 2-325. Reserved.

SECTION 157. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-326 as a reserved section and which shall read as follows:

Sec. 2-326. Reserved.

SECTION 158. Chapter 2 of the Peoria City Code (1992) is amended by designating Section 2-327 as a reserved section and which shall read as follows:

Sec. 2-327. Reserved.

SECTION 159. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-404 pertaining to Utility Services; applications and which shall read as follows:

Sec. 2-404. Utility Services; applications.

(a) ~~Application~~ A request for utility services shall be made ~~in person at locations designated by the City Manager,~~ by the owner or agent of the property for which utility services are being requested. The Director of Finance or their designee may establish procedures applicable to a tenant requesting service, except that the owners of a single family dwelling unit to which utility services are being sought may make application by phone call to the Peoria City Hall.

(b) The city may reject any ~~application-~~ request for utility services for any of the following:

- (1) Service is not available under a standard rate.
- (2) The service involves excessive service expense.
- (3) The service may affect service to other consumers.
- (4) The ~~applicant~~ person requesting service is delinquent in payment of bills incurred for service previously supplied at any location.
- (5) Any other reasons that in the judgment of the ~~City M~~anager or designee makes it impractical for the City to provide utility services.

(c) For violation of any of the provisions relating to ~~application~~ request for service, the city may, seven (7) days after mailing written notice to the last known address of the consumer, discontinue utility services. Where the utility service is restarted; the consumer shall first pay to the city the required reinstallation charge.

SECTION 160. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-405 pertaining to Utility Services; minimum rates and which shall read as follows:

Sec. 2-405. Utility services; minimum rates.

(a) Non-commercial and commercial premises solid waste services collected by the city shall be subject to payment at not less than the minimum rates

set by the Council pursuant to this Code regardless of occupancy.

(b) If water service has been discontinued at the request of the owner or occupant, the minimum fee for solid waste collection services shall not be charged unless and until garbage or refuse accumulates thereon or service is requested by the owner or person having a lawful interest in the property.

SECTION 161. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-406 pertaining to Utility Services; deposits and which shall read as follows:

Sec. 2-406. Utility services; deposits; solid waste.

(a) All persons applying for commercial solid waste service from the City for property for which the application request is made shall make a deposit equal to the amount established in Table 27-224 for each property for which service is requested. The deposit shall be non-interest bearing and shall be applied first to outstanding charges owed to the City for solid waste services and Civil Penalties and any remaining amount refunded to the applicant customer upon discontinuance of such service.

(b) Payment in full of all charges and surcharges for solid waste and utility services to the premises for which the application- request for service is made, whether commercial or residential, is a requirement for return of any utility service deposit, unless otherwise provided in this code.

(c) The deposit required by this section shall be applicable to all applications persons requesting ~~for~~ solid waste service made to the city on or after July 1, 1990.

(d) The account holder ~~person in whose name the deposit is made~~ shall be responsible for payment of all bills incurred in connection with the solid waste service furnished to the premises for which the application- request for service is made under this section.

State Law Reference--Utility user fees; lien enforcement; procedures; definition, A.R.S. §9-511.02

SECTION 162. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-407 pertaining to Utility Services; billing procedures and which shall read as follows:

Sec. 2-407. Utility services; billing procedures.

(a) The city shall bill for utility services on a monthly basis consisting of approximately twelve billing periods during a year. The bill shall be in such a format as established by the City.

(b) All utility accounts shall be carried on the books of the city by the house and street number. All notices sent out by the city regarding utility accounts and any other matter pertaining to city utility service to the property shall be sent to the house and street number of such property or through an approved electronic method to the account holder. Should the owner of the property desire notice from the city at another address, he shall notify the city of such address.

(c) The city may include on each bill for utility services an opportunity for a utility services user to donate funds to be placed in an account for use by the city in assisting persons with medical and financial hardships in the payment of utility services. The city manager may prescribe administrative regulations for the management of such an account.

SECTION 163. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-408 pertaining to Utility Services; due date; collection procedures and remedies and which shall read as follows:

Sec 2-408. Utility services; due date; collection procedures and remedies.

(a) All city utility charges are due and payable when rendered. Payment must be received by the due date printed on the bill. If full payment on the account is not received by the due date, the account will be deemed delinquent and utility services may be subject to disconnection. Any account where payment is not received by the due date is deemed delinquent. Delinquent accounts will be assessed a late fee of 1.5% with a minimum of two dollars (\$2.00). The monthly billing will reflect the current month's bill and any delinquent past due amount including late fees. If the past due amount remains unpaid a Past Due/Disconnect notice will be ~~mailed~~ provided to the customer indicating the date after which service will be disconnected and the customer will be charged a notification fee. If the past due amount is not paid by the date indicated, no further notice will be provided and a delinquent processing fee will be charged to the customer's account. On or after the disconnection date, the total amount due including the current charges and all fees must be paid unless otherwise approved by the city, to avoid interruption or reinstate services.

(b) an account may also become delinquent and subject to turnoff for any of the following:

- (1) nonpayment of returned check amounts and service charges.
- (2) Stop payments imposed on checks after their tender to the city.
- (3) Refusal of a bank card or credit card company to honor a charge on a user's account.
- (4) Termination of automatic payment by a user and failure to make payment in some other fashion.

(5) Failure to comply with the terms of a Notice of Violation or Compliance Order issued by the Director of public works and Utilities or their designee.

(c) A user's utility service may be disconnected for nonpayment of a bill for utility service rendered at a previous location served by the city, for services rendered and/or labor or materials provided by the city, provided such bill is not paid by the due date after the unpaid bill has been presented to the user at his new location.

(d) When a user of the utility system has been notified of the amount of refuse solid waste collection charges remaining due after the deduction of his ~~trust~~ deposit, and payment for same has not been received, the city may take all actions permitted by law to collect on the account.

(e) Before utility service will be turned on to any premises all charges against the premises then due and payable to the city as required by this code due to the assessment of any fine or penalty, compliance with any payment agreement or civil penalty pursuant to a Notice of Violation or Compliance Order issued by the Director of Public Works and Utilities department or their designee, or for repair or replacement of damaged, stolen or misused city-owned containers shall be paid or acceptable payment arrangements shall be made.

SECTION 164. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-409 pertaining to Utility Services; discontinuance of service and which shall read as follows:

Sec. 2-409. Utility services; discontinuance of service.

(a) Any person who desires to discontinue the use of any utility service shall ~~file written~~ provide notice with the city at least ~~three (3)~~ one (1) days in advance of the intended termination of service unless other notice periods are required under state statute. ~~Responsibility for water consumed extends to the time of departure or to the time specified for departure, whichever occurs last.~~

(b) All requests for termination of utility service must be made by the ~~named applicant~~ account holder(s) on a utility service account or their authorized agent. When the utility service is ordered terminated, a final bill will be prepared for all charges for services provided to the premises. The user requesting termination of service shall provide the city with a change of address.

(c) Until such notice and payments are made, the user shall be responsible for the bill.

(d) In the event that such user shall have made a deposit to the city, and such deposit is still being retained by the city, the deposit amount will be applied to the balance owing on the account and any utility penalties and charges. Any remaining credit will be refunded or transferred to an open account.

~~(e) Before discontinuing utility service for nonpayment of charge for utility services or other assessment provided for in this code, the city shall give written notice to the account holder of the discontinuance and an opportunity to appear before a hearing officer designated by the city manager on any disputed matter relative to the discontinuance of utility service. All such appeals must be received by the city at the same address as utility payments within seven calendar days after the date of the notice of disconnection or the user will be deemed to have forfeited the right to a review.~~

(ef) Notwithstanding any other provision of this section, the City may discontinue Utility Services without any further notice to the customer for failure to comply with a Notice of Violation or Compliance Order issued by the Director of Utilities.

SECTION 165. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-410 pertaining to Unpaid utility service charges; liens, assessments, collection and which shall read as follows:

Sec. 2-410 Unpaid utility service charges; liens, assessments, collection.

(a) Unpaid charges for utility services, which shall include all penalties, interest, recording fees; other fees associated with collection of the account and amounts assessed for Notices of Violation and Compliance Orders issued by the ~~D~~director of Public Works and Utilities Department shall be a lien upon the premises as provided by the city charter. Whenever a bill for utility service remains unpaid for sixty (60) days after the due date, the city may file with the county recorder of Maricopa County, a statement of lien claim. This statement shall contain the legal and common description of the premises service, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges for utility services provided subsequent to the period covered by the statement.

(b) The city shall mail a copy of the claim provided for in subsection (a) to the owner of the premises at the property address and at the address contained on the records of the Maricopa county assessor, if different.

(c) Property subject to a lien for unpaid utility service charges may be sold for nonpayment of same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as in the case of foreclosure of statutory liens.

(d) The office of the city attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against the owners of any property for which utility service charges remain unpaid thirty (30) days after the due date.

SECTION 166. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-411 pertaining to Utility Services; appeals; penalties and which shall read as follows:

Sec. 2-411. Utility Services; appeals; penalties.

(a) Any person may present a claim to the city if he believes that he may have received an incorrect utility services bill. Such claim shall be presented in person at Finance Department before prior to such bill becoming delinquent, provided that the consumer may make a claim following payment of his bill and his payment shall not prejudice his claim. A claim does not exempt the consumer from delinquency penalties or termination of utility services if he fails to pay his bill on time.

(b) A person may present a claim to the City if he believes that the City has failed to bill their account for more than three consecutive months or if they are a new account holder without prior knowledge of the delinquency on the account.

(c) The Finance Director or their designee may make a determination that the amounts are uncollectable or that collection would not be in the best interest of the city, waive all amounts delinquent in excess of three months.

(d) An appeal of the Finance Director's or their designee's decision may be made to a hearing officer appointed by the city manager. The decision of the hearing officer shall be final.

SECTION 167. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-412 pertaining to Utility Services; termination by city and which shall read as follows:

Sec. 2-412. Utility Services; termination by city.

(a) The city may discontinue utility services under any of the following conditions:

(1) To prevent fraud, abuse, waste of water or damage to city or adjacent property. Waste of ~~W~~water is defined as the leakage or flowing of water from plumbing on the property or the property itself, not being used for domestic or irrigation purposes on the property.

(2) Disregard of city codes, rules and regulations pertaining to utility services

(3) Emergency or scheduled repairs.

(4) Insufficient supply caused by factors outside the control of the city.

(5) Legal process.

- (6) Direction of public authorities.
- (7) Local emergency requiring emergency measures.
- (8) Tampering with meter or other utility services property of the City by the consumer.
- (9) Failure by the consumer to maintain their property in such a manner to provide authorized representatives of the city with access to city property used in providing utility service to the consumer.
- (10) Supplying water to other persons for use on other property.
- (11) Failure to pay a civil sanction imposed by the Director of Public Works and Utilities pursuant to a Notice of Violation or a compliance order.
- (12) As otherwise authorized by ordinance.

(b) For those customers having wastewater service only, the City may terminate service by disconnecting the property from the publicly operated wastewater treatment system. At the time the notice of disconnection is provided to the customer, a copy shall also be provided to the Maricopa County Department of Health Services and the water service provider serving the property.

(c) For those customers having solid waste collection service only, the City may terminate service by removing the city owned container from the property.

SECTION 168. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 169. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 13th day of June, 2017.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen Burg,

Published in Peoria Times
Publication Dates: June 23, 2017
Effective Date: _____