



Thursday, March 25, 2021

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Establishment of Ad Hoc Committee on Ethics Commission Appointments

This item transmits a memo (**Attachment A**) from Mayor Kate Gallego regarding the Ad Hoc Committee on Ethics Commission Appointments, established pursuant to Rule 6 of the Rules of Council Proceedings.

Responsible Department

This item is submitted by the City Manager's Office.

Attachment A



City of Phoenix
Office of Mayor Kate Gallego

To: City Council **Date:** March 18, 2021

From: Mayor Kate Gallego

Subject: **ESTABLISHMENT OF AD HOC COMMITTEE ON ETHICS COMMISSION APPOINTMENTS**

On Feb. 15, 2017, the City Council approved creation of a City of Phoenix Ethics Commission to investigate allegations of ethical violations and enforce the City's ethics policies. The charge of the Ethics Commission is to initiate proceedings, conduct an initial evaluation, and if necessary, investigate, proceed with a formal hearing, and recommend action to the Mayor and City Council related to alleged ethics or gift policy violations by a Council member or a City of Phoenix board, commission, committee, or task force member.

I am establishing an Ad Hoc Committee to interview and select candidates for appointment by the City Council as members to the City of Phoenix Ethics Commission. All candidates have been reviewed and recommended for consideration by the Phoenix Judicial Selection Advisory Board. Per ordinance, the Ethics Commission shall consist of five members: two who are registered members of the Democratic party, two who are registered members of the Republican party, and one who is registered with no party affiliation. Each will serve no more than one five-year term, except one Democratic member and one Republican member who will serve an initial term of three years. The five candidates selected by the Ad Hoc Committee will be brought before the City Council for appointment by the affirmative vote of seven Council members.

The Ad Hoc Committee shall consist of no more than two members of the City Council and shall include the following members:

Councilman Jim Waring
Councilwoman Debra Stark

The Ad Hoc Committee will sunset on April 30, 2021.

I also request general staff support of the Ad Hoc Committee as well as those with specific expertise from our Law Department.

CC: Ed Zuercher
Jeff Barton
Karen Peters
Matt Heil



Emergency Rental Assistance Program Weekly Update

This report provides information on the current status of the Emergency Rental Assistance Program.

Summary

The attached memo (**Attachment A**) provides current updates of the Emergency Rental Assistance Program.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Human Services Department.

Attachment A



City of Phoenix

To: Ed Zuercher
City Manager

Date: March 25, 2021

Through: Inger Erickson
Deputy City Manager

From: Marchelle Franklin
Human Services Director

Subject: **WEEKLY EMERGENCY RENTAL ASSISTANCE PROGRAM REPORT**

This memo outlines current updates of the Emergency Rental Assistance (ERA) Program.

ERA Program Updates

Since the City's launch on March 8, there have been nearly 800 appointments scheduled for the ERA Program. Additional program data is detailed below. Households served are the number of households that have received financial services.

ERA Program Data		
Time Period	Households Served	Total Expenditures
March 8 – 12	1	\$2,957
March 15 – 19	29	\$210,425*
TOTAL	30	\$213,382

*This number is larger than the previous report as it includes updated data for the entire week.

Wildfire's ERA portal launched on Monday, March 22 and partnering agencies have since received over 600 applications. Residents can visit <https://wildfireaz.org/phxera> to complete the online application in English or Spanish. After entering their Phoenix zip code, residents will answer questions to ensure eligibility of assistance and then proceed to complete the program application.

There are seven agencies processing applications, with the number increasing up to 12 for the program. Wildfire program data will be included in future reports.

Current agencies include:

- Arizona Immigrant and Refugee Services

Attachment A

- Lutheran Social Services of the Southwest
- Pilgrim Rest
- Refugee and Immigrant Community Empowerment
- St. Vincent de Paul
- Tanner Community Development Corporation
- Trellis

Communications and Marketing Plan

Attached and linked are the updated ERA flyers in [English](#) and [Spanish](#), which include the Wildfire portal information. Both can be found at www.phoenix.gov/renthelp.

Attachments

ERA Flyer, EN

ERA Flyer, SP



WE CAN HELP

THE CITY OF PHOENIX HAS

\$51 MILLION

TO HELP RESIDENTS IMPACTED BY COVID-19

LANDLORDS MAY APPLY ON BEHALF OF RENTERS WITH THEIR PERMISSION

ELIGIBILITY CRITERIA

- Must be a Phoenix resident
- Able to show financial impact due to the COVID-19 pandemic
- Income at or below 80% of Area Median Income or \$62,250 for a family of 4
- Unemployed and/or receiving unemployment benefits
- Assistance for rent and utility obligations incurred after March 13, 2020

CAN PAY FOR

- Rent (including late fees)
- Utility bills (electric and gas)
- City Services Bill (water and trash)

PAYMENT AMOUNTS

- Rental Arrears - Up to 12 months of assistance (*residents in subsidized housing must have a rental obligation to qualify for rental assistance*)
- Forward Rent - Residents may qualify for 3 months forward rent once past due or arrears are paid in full, and if the household is unstable
- Utility Bills (electric and gas) arrears and credits
- City Services Bill (water and trash) arrears and credits

LEARN MORE AT

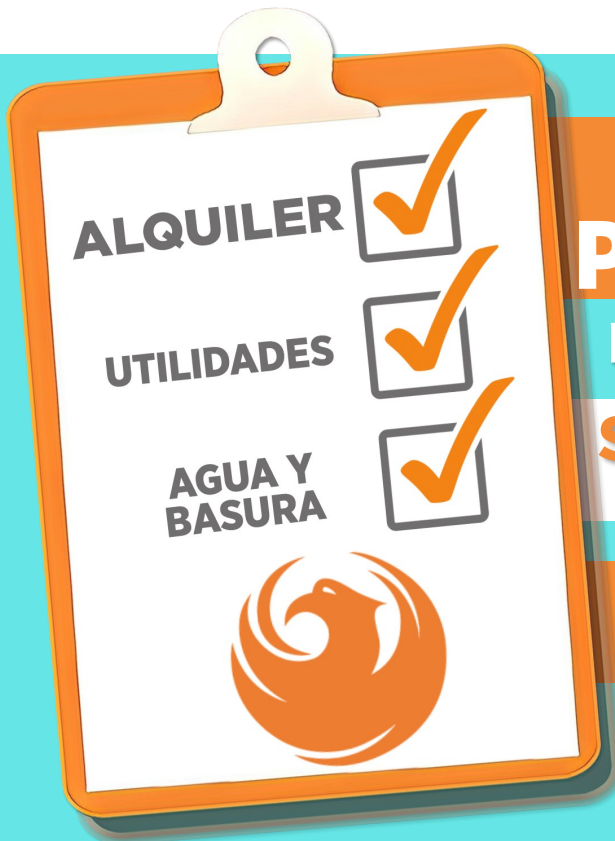
PHOENIX.GOV/RENTHELP

TO APPLY BY PHONE

(602) 534-AIDE (2433)

TO APPLY ONLINE

WILDFIREAZ.ORG/PHXERA



NOSOTROS PODEMOS AYUDAR

LA CIUDAD DE PHOENIX TIENE

\$51 MILLIONES

PARA AYUDAR A RESIDENTES IMPACTADOS POR COVID-19

LOS PROPIETARIOS PUEDEN APLICAR EN NOMBRE
DE LOS ARRENDATARIOS CON SU PERMISO

CRITERIO DE ELEGIBILIDAD

- Debe de ser residente de Phoenix
- Debe demostrar impacto financiero debido a la pandemia
- Ingresos de 80% o menos del Ingreso Medio del Area o \$62,250 para una familia de 4
- Desempleado y/o recibiendo beneficios de desempleo
- Asistencia para obligaciones de alquiler y servicios publicos incurridas despues del 13 de Marzo de 2020

SE PUEDE PAGAR

- Alquiler (incluyendo cargos de atraso)
- Facturas de servicios publicos (electricidad y gas)
- Factura de servicios de la Ciudad (agua y basura)

CANTIDADES DE PAGO

- Atrasos en el alquiler- Hasta 12 meses de ayuda (Los residents en viviendas subsidiadas deben tener una obligacion de alquiler para calificar para asistencia de alquiler)
- Alquiler adelantado- los residents pueden calificar por 3 meses de alquiler adelantado una vez que el alquiler atrasado o cargos de atraso esten pagados, y si el hogar es inestable
- Facturas de servicios publicos (electricidad y gas) atrasos y credito
- Factura de servicios de la Ciudad (agua y basura) atrasos y creditos

INFORMESE MAS EN

PHOENIX.GOV/RENTHELP

PARA APLICAR POR TELEFONO

(602) 534-AIDE (2433)

PARA SOLICITAR EN LÍNEA

WILDFIREAZ.ORG/PHXERA



Weekly Community Spread Benchmark Report

This report provides City Council with an update regarding the status of the current community spread benchmark indicators tracked by the City of Phoenix related to COVID-19 as requested at the Dec. 2, 2020 Formal Meeting. This information represents the latest data released by the Arizona Department of Health Services on March 25, 2021.

Summary

On March 3, 2021 the Arizona Department of Health Services (ADHS) revised the Community Transmission indicators and Community Risk Levels based on CDC guidance, establishing a new Current Overall Risk level to their reporting charts. ADHS and Maricopa County are now only reporting on two benchmarks to reflect community spread, past reports included three benchmarks.

The attached memo (**Attachment A**) provides an indicator dashboard as well as a comparison between the two benchmark statistics tracked by the ADHS, Maricopa County and the City: percent positivity rate of COVID-19 cases each week and new cases per 100,000 individuals. The current overall risk level is at substantial spread. The trend line in both ADHS tracked categories continues trending downward.

At the March 16, 2021 City Council Policy Session, staff presented recommendations to open outdoor recreation facilities as well as resume scheduling field reservations with restrictions. During the meeting, City Council unanimously approved opening outdoor facilities including:

Opened March 17

- Sports complexes
- Ramadas and picnic tables
- Basketball and volleyball courts
- Outdoor fitness equipment

Opened March 22

- Athletic field reservations for practices

- Games and local tournaments with restrictions

Seasonal

- Pool and splash pads (scheduled to open May 29)

Staff will continue to monitor the benchmark statistics to evaluate the continued downward trend in community spread.

Additionally, staff is evaluating the recently received Governor's Executive Order 2021-06, issued March 25, 2021 for any potential impact to the City.

Responsible Department

This item is submitted by Assistant City Manager Jeffrey Barton.



City of Phoenix

To: Ed Zuercher
City Manager

Date: March 25, 2021

From: Jeffrey Barton
Assistant City Manager

Subject: WEEKLY COMMUNITY SPREAD BENCHMARK REPORT

This memo communicates the community spread benchmarks within the City of Phoenix.

Indicator	Low Transmission	Moderate Transmission	Substantial Transmission	High Transmission
	Blue	Yellow	Orange	Red
Total new cases per 100,000 persons in the past 7 days	0-9	10-49	50-99	≥100
Percentage of NAATs (PCR) that are positive during the past 7 days	<5.0%	5.0%-7.9%	8.0%-9.9%	≥10.0%

City staff has evaluated key metrics comparing the current weekly benchmarks to that of the previous week, as well as the benchmark status as reported on Sept. 6, 2020. The chart below provides metrics as reported by Arizona Department of Health Services and Maricopa County:

Current Overall Risk Level:		Substantial Spread
Week of	Positivity Rate	New Cases/ 100,000
6-Sept	4.81%	29.27
28-Feb	6.17%	63.30
7-March	6.03%	53.24

The City is currently in the Moderate Transmission category for Positivity Rate. While the City remains in the Substantial Transmission for Number of New Cases per 100,000, The current overall risk level is at substantial spread. The trend line in both Arizona Department of Health Services tracked categories continues trending downward.

At the March 16, 2021 Council Policy Session staff presented recommendations to open outdoor recreation facilities as well as resume scheduling field reservations on with restrictions. During the meeting Council approved opening the outdoor facilities including:

Opened March 17

- Sports complexes
- Ramadas and picnic tables
- Basketball and volleyball courts
- Outdoor fitness equipment

Opened March 22

- Athletic field reservations for practices
- Games and local tournaments with restrictions

Seasonal

- Pool and splash pads (scheduled to open May 29)

Staff will continue to monitor the benchmark statistics to evaluate the continued downward trend in community spread.

Additionally, staff is evaluating the recently received Governor's Executive Order 2021-06, issued March 25, for any potential impact to the City.



2021 State Legislative Report

This report provides information regarding the status of current state legislative issues.

Summary

March 24, 2021 is the 74th day of the First Regular Session of the 55th legislature. **Attachment A** provides current status of legislation as of March 23, 2021. To date, 1,708 bills have been introduced and staff continues to review these measures to identify potential impacts.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Office of Government Relations.

Attachment A
City Council Information
March 24, 2021



The Office of Government Relations is guided by the principles endorsed by the Mayor and Council. Our highest priorities are maintaining and preserving **shared revenues**, opposing **unfunded mandates**, protecting **local authority**, and involvement in **water resource** matters.

This Legislative Report provides information about bills that could impact the City. March 24, 2021 is the 74th day of the First Regular Session of the 55th Legislature. The information provided in this report regarding status of legislation is current as of March 23, 2021. To date, 1,708 bills have been introduced and staff continues to review these measures to identify potential impacts.

Please note the highlighted sections represent bills newly added to this report.

Bills that staff has identified as negatively impacting the City's core principles:

- **HB 2025: Delinquent Property Tax; Interest; Waiver (Rep. Kavanaugh; Fountain Hills)** This bill authorizes the county treasurer to waive the interest that accrues on delinquent property taxes, and any other penalties, for a delinquency that occurs during the one-year period after a mortgage or deed of trust is satisfied or otherwise released on the property. A taxpayer may receive this waiver only once per property.

Staff is expressing opposition to this bill because it would result in a reduction in revenue and waive the City's ability to impose penalties.

HB 2025 passed the Senate Rules Committee on March 9, 2021.

- **HB 2108: Telecommunications; Public Highways; Use Fees (Rep. Weninger; Chandler)** The bill requires that for any underground facility that is used for a "small wireless facility," a political subdivision is prohibited from requiring an annual telecommunications fee based on the number of linear feet of trench in the public highways in which the telecommunications corporation has placed facilities.

Staff is expressing opposition as it would reduce city revenue by eliminating the City's ability to charge these fees.

HB 2108 was retained on House COW calendar on March 3, 2021.

- **HB 2211: TPT; Prime Contracting; Exemptions; Certificates (Rep. Cobb; Kingman)** The bill makes various changes to statutes relating to transaction privilege taxes (TPT) for prime contracting. The definitions of "modification" and "alteration" for the purpose of computing the tax base for the prime contracting classification of TPT are modified. A certificate that a contractor provides to a person stating that the contractor is liable for any amount of transaction privilege taxes due is valid for a period of up to one year. After the certificate expires, the contractor is allowed to execute and provide to the person a new certificate. The Department of Revenue (DOR) is required to prescribe a form for a certificate to be used by a prime contractor that is subject to TPT for purchasing tangible personal property, the purchase price of which was excluded from the tax base under the retail classification of TPT. The prime contractor is required to obtain the certificate from DOR, and the certificate is valid for up to one year. Applies to contracts entered into beginning January 1, 2022.

Staff is expressing opposition to this bill as it reduces City revenues.

HB 2211 was held in the House Ways and Means Committee on February 17, 2021.

- **HB 2310: Municipalities; Counties; Law Enforcement Budgets (Rep. Roberts; Maricopa)** The bill requires that, on the request of any member of the Legislature, the Attorney General (AG) must investigate any reduction of a "law enforcement agency's" budget by at least ten percent below the previous year's budget. If they determine such a cut was made, the AG will provide 30 days to restore the budget reduction. If the county or municipality fails to restore the budget reduction, the AG is required to notify the State Treasurer, who must withhold and redistribute state shared monies in an amount equal to the reduction of the law enforcement agency's budget. This bill does not apply if a county or municipality has reduced their overall budget by at least ten percent below the previous year's budget.

Staff is expressing opposition to this bill as it is a preemption of city power and will adversely affect city revenue.

HB 2310 passed the Senate Government Committee on March 9, 2021 and is ready for Senate.

- **HB 2420: Law Enforcement Budget; Reduction; Certification (Rep. Carroll; Sun City West)** The bill requires counties and cities to certify each year that there has been no disproportionate funding reduction to the county's or municipality's law enforcement agency. The certification must include a statement that any reduction in funding or proposed funding to the law enforcement agency is a result of reduced revenue collection and the reduction in law enforcement agency funding is proportionate to the reduction in revenue. A county or municipality that has

disproportionately reduced its law enforcement agency funding is not eligible to receive state shared monies.

Staff is expressing opposition to this bill as it is a preemption of city power.

HB 2420 failed to pass the House on March 3, 2021.

- **HB 2462: Civilian Review Board Members; Training (Rep. Payne; Peoria)** This bill requires that before a person becomes a member of a "civilian review board" (defined) that reviews the actions of peace officers in Arizona, the person is required to satisfactorily complete a community college police academy and at least 20 hours of virtual law enforcement training.

Staff is expressing opposition because this bill is overbroad in that it applies to citizen boards that do not pertain to policing and it is not clear that the requirements would improve service on a board.

HB 2462 was referred to the Senate Judiciary Committee on March 2, 2021.

- **HB 2570: Licenses; Pandemics; Revocation; Prohibition (Rep. Hoffman; Queen Creek)** The bill requires that state agencies, counties, and municipalities are prohibited from revoking any license that is required to operate a business for not complying with an order issued by the Governor due to a state of emergency proclaimed by the Governor for an epidemic or pandemic disease, unless the agency, county or municipality can demonstrate by clear and convincing evidence that the business was the actual cause of transmission of the disease that is the subject of the order.

Staff is expressing opposition to this bill as it reduces local control.

HB 2570 was referred to the Senate Government Committee on March 16, 2021.

- **HB 2691: Striker: ADEQ; Water Quality Programs; WOTUSADEQ; Water Quality Programs; WOTUS (Rep. Griffin; Hereford)** The bill proposes a regulatory scheme for surface waters in Arizona, in the wake of the Federal Government rolling back its protections.

Staff is expressing opposition to this bill as it weakens water quality standards, limits regulatory oversight, and excludes important surface waters.

HB 2691 was retained on the Senate COW Calendar on March 18, 2021.

- **HB 2702: Federal Government; Land Acquisition; Consent (Rep. Griffin; Hereford)** The bill states that the consent of the state of Arizona to the acquisition, sale, gift or grant or any other transfer of an ownership interest in any privately owned real property within Arizona that is not in possession of any federal agency as of the effective date of this legislation, and that would remove the real property from state, county and municipal property tax rolls is prohibited from being given without

the express, affirmative consent of the Legislature and the Governor through the signing of a joint resolution. On the opening of escrow for the sale of private real property to the federal government or a federal agency, the escrow agent or property owner is required to notify the Legislature and request approval of the sale. The state has the right of first refusal to purchase private real property that the federal government is contracting to acquire.

Staff is expressing opposition to this bill because it preempts City authority.

HB 2702 was approved by House COW on February 24, 2021.

- **HB 2716: Licensing; Building Permits; Temporary Permits (Rep. Griffin; Hereford)** The bill states that in determining the order in which the municipality will review an application for a license, the municipality is prohibited from prioritizing applications for a license that is subject to licensing timeframe requirements over applications for a license that is not. If a municipality requires a building permit for the construction of any single-family dwelling, the municipality is required to issue the building permit within seven calendar days after the applicant submits an administratively complete application if the applicant has satisfied specified requirements. If the municipality fails to issue the building permit within seven calendar days, the applicant must be granted a temporary building permit and is authorized to commence with construction.

Staff is expressing opposition to this bill because it will create an administrative burden on the city, and “temporary permits” could create dangerous situations if issues without proper plot plan review.

HB 2716 passed the House and was referred to the Senate Commerce Committee on March 18, 2021.

- **HB 2804: Public Meetings; Executive Sessions (Rep. Pingerelli; Peoria)** The bill says that public body is authorized to hold an executive session for legal advice solely for advice in the other areas for which an executive session may be held. Discussion of the objectives on which an officer or employee of a public body will be evaluated must be conducted in a public meeting.

Staff is expressing opposition to this bill as it limits the City’s ability to control its public meetings and limit the ability of city attorneys to provide advice to Council.

HB 2804 passed the House on March 4, 2021 and was referred to the Senate Government Committee on March 8, 2021.

- **HB 2882 (Strike Everything Amendment): Mobile Food Vendors; Mobile Food Units; Operation (Rep. Parker; Mesa)** The bill eliminates the distance requirement for mobile food vendors for residential areas, prohibits the City from fingerprinting a mobile food vendor, and disallows licenses and fees for City operation of mobile food vendors.

Staff is expressing opposition to this bill as it preempts city authority.

HB 2882 was retained on House COW calendar on February 24, 2021.

SB 1116: State Permitting Dashboard (Sen. Gowan; Sierra Vista) This bill requires the Governor to appoint a State Permitting Director to establish and maintain an online database called the Permitting Dashboard that displays the progress to completion for state authorizations for participating projects. The Director is required to coordinate with a list of specified state agencies and any other agency that requires authorization for a participating project. A project sponsor of an “eligible project” (defined as an activity in Arizona that requires authorization by an agency, that is subject to applicable state environmental laws, that is likely to require a total construction investment of more than \$25 million, and that meet other specified requirements) is authorized to submit to the Director a notice that the project sponsor is initiating a proposed project, and information that must be included in the notice is established. No later than 30 days after receipt of the notice, the Director is required to determine whether the proposed project qualifies as an eligible project and whether to include it as a participating project in the Permitting Dashboard.

Staff is expressing opposition to this bill as these additional regulations preempt some municipal authority and will cause delays to projects that meet the bill's requirements.

SB 1116 was referred to the House Appropriations Committee on February 24, 2021.

- **SB 1333: Law Enforcement; Budget Reduction; Prohibition (Sen. Gowan; Sierra Vista)** This bill prohibits municipalities from reducing the annual operating budget for a law enforcement agency by any amount below the previous year's budget. If a municipality reduces the annual operating budget for a law enforcement agency, the municipality is required to notify the State Treasurer of the reduction, and the State Treasurer is required to withhold any state shared monies from the municipality in an amount equal to the amount of the reduction of the annual operating budget for the law enforcement agency. The State Treasurer is required to deposit any amounts withheld in the newly established Law Enforcement Support Fund. If a municipality reduces the annual operating budget for a law enforcement agency by more than 25 percent, the State Treasurer is required to withhold state shared monies in an amount equal to the law enforcement agency's entire budget for the previous year. If a municipality reduces a law enforcement agency's budget by more than 25 percent, the municipality is required to notify the county sheriff, that sheriff is authorized to assume law enforcement functions for that municipality, and the State Treasurer is required to provide all state shared monies withheld from the municipality to the county sheriff's department. The State Treasurer is required to continue to withhold state shared monies until notification from the municipality that the reduction in the law enforcement agency's budget has been restored.

Staff is expressing opposition to this bill as it preempts municipal authority.

SB 1333 passed the Senate Rules Committee on February 16, 2021.

- **SB 1406: Aircraft Registration Fees; Taxation; Repeal (Sen. Petersen; Gilbert)**

This bill repeals aircraft registration fees and license taxes.

Staff is expressing opposition to this bill as it reduces revenue for airport improvements and capital projects.

SB 1406 passed Senate Committee of the Whole on March 10, 2021.

- **SB 1409: Zoning Ordinances; Property Rights; Costs (Sen. Petersen; Gilbert)**

This bill requires that before adopting any zoning ordinance or zoning ordinance text amendment of general applicability, the legislative body of a municipality is required to consider and adopt an individual property rights cost of housing impact statement regarding the impact of the zoning ordinance, which must include a list of specified information. Municipalities are prohibited from adopting or enforcing a land use regulation that unreasonably increases the cost to construct housing for sale or rent.

Staff is expressing opposition to this bill as it preempts municipal authority.

SB passed the House Government and Elections Committee on March 18, 2021.

- **SB 1487: Private Attorney Retention; Municipalities; Counties (Sen. Leach; Tucson)**

This bill states that counties and municipalities are prohibited from entering into a contingency fee contract with a private attorney unless the county or municipal attorney makes a written determination before entering into the contract that contingency fee representation is both cost effective and in the public interest. The written determination is required to include specific findings for a list of specified factors. Counties and municipalities are prohibited from entering into a contingency fee contract that provides for the county's or municipality's private attorney to receive a contingency fee from the county's or municipality's portion of the recovery in excess of an aggregate of a list of specified percentages based on the recovery amount. The contingency fee received by the county's or municipality's private attorney cannot exceed \$50 million. Establishes additional requirements for county or municipal contracts for contingency fee attorney services. Does not apply to any contingency fee contract in which a county or municipality hires a private attorney to pursue debt collection cases. By February 1 of each year, the county attorney or municipal attorney is required to submit a report on the use of contingency fee contracts with private attorneys to the Governor and the Legislature. Information that must be included in the report is specified.

Staff is expressing opposition to this bill as it preempts municipal authority.

SB 1487 passed the Senate Rules Committee on March 2, 2021.

- **SB 1496: E-Liquids; Tobacco Products; Vapor Products (Sen. Leach; Tucson)**

This bill expands the powers and duties of the Department of Liquor Licenses and Control (DLLC) to include enforcing statute regulating tobacco sales, investigating the sales of "alternative nicotine products," "e-liquids," "tobacco products" or "vapor products" to persons under the "legal tobacco and vapor use age" (defined as 21

years of age or older), causing to be removed from the marketplace alternative nicotine products, e-liquids, tobacco products or vapor products that may be contaminated, illegal or adulterated, and taking other regulatory actions related to these products. A person is prohibited from selling alternative nicotine products, e-liquids, tobacco products or vapor products in Arizona or from outside Arizona without a license issued by DLLC. Establishes requirements for licensees to obtain identification from a person ordering or purchasing these products in order to determine that the person is not under the legal use age. Sales of these products cannot be made using a drive-through or other feature allowing the purchase without leaving a vehicle. A person under the legal drinking age or legal tobacco and vapor use age who misrepresents the person's age, solicits another person to purchase or furnish, or uses a fraudulent identification to obtain these products is guilty of a petty offense. A person who knowingly sells or furnishes these products or any instrument or paraphernalia used to smoke or ingest these products to a person under 21 years of age is guilty of a petty offense. Establishes civil penalties for violations and conditions under which a license may be suspended or revoked. Establishes appeal rights and procedures. Various regulations of tobacco products are expanded to include e-liquids, vapor products and alternative nicotine products.

Staff is expressing opposition to this bill as it preempts significant City authority for regulation.

SB 1496 was held in the Senate Commerce Committee on February 18, 2021.

- **SB 1687: Governmental Entities; Social Media; Prohibition (Sen. Ugenti-Rita; Scottsdale)** This bill says that a "governmental entity" (defined), at any level, is prohibited from using a social media platform for any official or governmental purpose. A governmental entity is prohibited from giving or controlling a social media account to or for an elected official. Does not apply to a personal social media account operated by an elected official.

SB 1687 passed the Senate Transportation and Technology Committee on February 16, 2021.

Bills that staff has identified as beneficial to the City:

- **HB 2027: Leaving Accident Scene; Private Property (Rep. Kavanaugh; Fountain Hills)** The bill designates that the requirements for the driver of a vehicle involved in an accident to stop, remain at the scene of the accident, give specified information to others, and give reasonable assistance to an injured person are applicable to accidents on public or private property. The criminal classification for violating these requirements and for violating the requirement to take reasonable steps to locate and notify the owner of an unattended vehicle or fixtures or other property adjacent to a highway that the driver struck are increased to a class 1 misdemeanor, from a class 3 misdemeanor.

HB 2027 was referred to the Senate Transportation Technology Committee on February 18, 2021.

- **HB 2034: Noxious Weeds; Government Projects (Rep. Griffin; Hereford)** This bill authorizes state, state agencies, political subdivisions, and any other governmental entity to remove "noxious weeds," including Russian olive and salt cedar trees, as part of routine maintenance operations and capital projects. The state, state agencies, political subdivisions, and any other governmental entity are prohibited from using noxious weeds, including Russian olive and salt cedar trees, in landscaping.

HB 2034 was substituted in Senate for identical bill 1223 which was signed by the Governor on February 12, 2021.

- **HB 2035: Appropriation; AZ Water Protection Fund (Rep. Griffin; Hereford)** This bill appropriates \$1 million from the general fund in FY2021-22 to the Arizona Water Protection Fund.

HB 2035 passed the Senate Appropriations Committee on March 3, 2021.

- **HB 2040: Dam Safety Study Committee (Rep. Griffin; Hereford)** This bill establishes a 7-member Dam Safety Study Committee to collect information on the status of dams in Arizona with respect to their safety, age and need for maintenance.

HB 2040 was referred to the Senate Natural Resources Energy and Water Committee on February 18, 2021.

- **HB 2066: Arrest Procedures; Magistrates (Rep. Roberts; Maricopa)** The bill requires that if the offense a person is arrested for was committed in another county, the arrested person may be taken before either the nearest or most accessible magistrate in the county in which the arrest occurs or the county where the offense was committed.

HB 2066 passed the Senate on March 16, 2021 and is ready for the Governor.

- **HB 2074: Water Banking; Storage Credits; Subcontractors (Rep. Pratt; Casa Grande)** This bill asserts that the Arizona Water Banking Authority is authorized to distribute long-term water storage credits to Central Arizona Water Conservation District's (CAWCD) municipal and industrial subcontractors. Long-term water storage credits that are distributed to a CAWCD municipal and industrial subcontractor cannot be sold, and the subcontractor is responsible for all fees assessed by the Authority or the Department of Water Resources for the distribution of the long-term storage credits and all costs of recovery of the long-term storage credits.

HB 2074 was referred to the House Natural Resources, Energy and Water Committee on January 14, 2021.

- **HB 2075: Sentencing; Judgment of Guilt; Fingerprints (Rep. Pratt; Casa Grande)** This bill articulates that the court must require either that a defendant's

fingerprint be permanently affixed to a court document or order, or that the defendant's two fingerprint biometric-based identifier be obtained and recorded, and is no longer required to affix or obtain and record a defendant's fingerprint "at the time of sentencing and in open court."

HB 2075 passed the Senate on March 16, 2021 and is ready for the Governor.

- **HB 2078: Groundwater; Waterlogged Area Exempt (Rep. Dunn; Yuma)** This bill extends the exemption from irrigation water duties for persons entitled to use groundwater under an irrigation grandfathered right by ten years, to December 31, 2034. The exemption from any applicable conservation requirements for the distribution of groundwater for the Arlington Canal Company, the Buckeye Water Conservation and Drainage District and the St. John's Irrigation District is extended ten years, to December 31, 2034.

HB 2078 was signed by the Governor on February 5, 2021.

- **HB 2127: Appropriation; State Parks; Heritage Fund (Rep. Osborne; Goodyear)** This bill appropriates \$10 million from the general fund in FY2021-22 to the Arizona State Parks Heritage Fund.

HB 2127 was referred to the Senate Appropriations Committee on February 18, 2021.

- **HB 2205: Appropriation; WQARF (Rep. Cano; Tucson)** This bill appropriates \$15 million from the general fund in FY2021-22 to the Water Quality Assurance Revolving Fund.

HB 2205 was referred to the House Natural Resources, Energy and Water Committee on January 20, 2021.

- **HB 2285: Online Home Sharing; Repeal (Rep. Lieberman; Phoenix)** This bill repeals statutes prohibiting municipalities and counties from prohibiting vacation rentals or short-term rentals and limiting the restrictions that municipalities and counties may place on those rentals to a list of specified purposes. Repeals the online lodging marketplace transaction privilege tax classification, and the requirement for online lodging marketplaces to register with the Department of Revenue for payment of transaction privilege taxes on online lodging transactions. Repeals the requirement for online lodging operators to have a current transaction privilege tax license and related civil penalties for noncompliance. Repeals the Joint Legislative Study Committee on Transient Lodging.

HB 2285 was referred to the House Commerce Committee on January 26, 2021.

- **HB 2321: Qualified Facility Income Tax Credits; Qualification; Definitions (Rep. ; Phoenix)** The Department of Revenue (DOR) is authorized to issue draft rulings, procedures and other administrative announcements that apply to tax laws and

regulations either generally or for a specific set of facts. DOR is required to establish and maintain a publicly accessible record of all draft and final rulings, procedures and administrative announcements on the DOR website and is required to prominently announce additions, modifications and other changes to this record on the website's home page. Establishes requirements for draft rulings, procedures and other administrative announcements to become final, including a required period for public comment. Does not apply to private taxpayer rulings, tax forms and instructions, routine notices that remind taxpayers of normal filing obligations and other routine DOR communications that do not substantively apply to and interpret tax laws and regulations. The court is required to decide all questions of law without deference to any determination that is made by DOR.

HB 2321 passed the House and Senate on March 23, 2021 and is ready for the Governor.

- **HB 2407: Tax Credit; Affordable Housing (Rep. Toma; Surprise)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project.

HB 2407 passed the Senate Appropriations Committee on March 3, 2021.

- **HB 2489: Appropriation; Affordable Housing (Rep. Chavez; Phoenix)** This bill appropriates \$25 million from the general fund in FY2021-22 to the Housing Trust Fund.

HB 2489 passed the House Rules Committee on February 23, 2021.

- **HB 2562: Tax Credit; Affordable Housing (Rep. A. Hernandez; Tucson)** This bill appropriates \$2.5 million from the general fund in FY2021-22 to the Department of Economic Security to distribute to area agencies on aging for home and community-based services. The Legislature intends that this appropriation be considered ongoing funding in future years.

HB 2562 was approved by the House COW on February 18, 2021.

- **HB 2565: Area Agencies on Aging; Appropriation (Rep. Cobb; Kingman)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project.

HB 2565 was referred to the Senate on March 2, 2021.

- **HB 2623: Fireworks; Use; Overnight Hours Prohibition (Rep. Shah; Phoenix)** The bill states that counties and municipalities are authorized to prohibit the use of permissible consumer fireworks between the hours of 10PM and 8AM.

HB 2623 passed the Senate Commerce Committee and was further referred to the Senate Appropriations Committee on March 11, 2021.

- **HB 2671: Underground Storage Tanks; Revisions (Rep. John; Yuma)** The city proposed an amendment to this bill, which was adopted. The bill makes numerous changes to the underground storage tank (UST) program, and with the City's amendment included provides possible additional funding to WQARF.

HB 2671 passed the Senate Appropriations Committee on March 10, 2021.

- **HB 2835: Theme Park Districts; Extension (Rep. Cobb; Kingman)** The bill states that the authority of the board of directors of a theme park district to issue bonds expires if the board fails to issue any bonds on or before December 31, 2031, extended 11 years from December 31, 2020. The chapter of statute establishing and regulating theme park districts is repealed on January 1, 2032, instead of January 1, 2021, if the board fails to issue bonds by that date.

HB 2835 was referred to the Senate Finance Committee on March 2, 2021.

- **SB 1056: Energy; Water; Savings Account (Sen. Gray; Sun City)** This bill extends the maximum length of a contract between a county or municipality and an energy or water services company to pay for the incremental cost of energy or water savings measures in facilities owned by the county or municipality to 25 years, from 15 years. Other costs and revenue are included in the estimated impact to be achieved by a county or municipality through energy or water savings measures or services. Reports on school district contracts for guaranteed energy cost savings must be filed with the Department of Administration, instead of the Governor's Office of Energy Policy.

SB 1056 was signed by the Governor February 26, 2021.

- **SB 1327: Tax Credit; Affordable Housing (Sen. Gowan; Sierra Vista)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project. To claim the credit, a taxpayer is required to apply to the Arizona Department of Housing and receive an eligibility statement. If the amount of the credit exceeds taxes due, the taxpayer may carry the unused amount forward for up to five consecutive taxable years. The Department of Revenue is required to allocate a total of \$8 million of affordable housing tax credits in any calendar year. Establishes a 9-member Affordable Housing Tax Credit Review Committee to review the tax credits on the fifth year after the effective date of the credit and every five years thereafter and submit a report to the Governor and the Legislature.

SB 1327 was referred to the House Ways and Means Committee on March 1, 2021.

- **SB 1451: Workers' Compensation; Rates; Firefighters; Cancer (Sen. Boyer; Phoenix)** This bill adds Fire investigators to the presumption that specified types of cancer and related diseases that result in disability or death are an occupational disease and are deemed to arise out of employment if specified conditions are met. All insurance carriers, self-insuring employers and workers' compensation pools that secure workers' compensation for firefighters and fire investigators are required to compile and report to the Industrial Commission claim and claim reserve information for all cancer-related claims filed by or on behalf of firefighters and fire investigators. The Commission is required to compile and make available to insurance carriers, rating organizations, employers, public safety workers and workers' compensation pools the claim-related information collected to assist with the setting of workers' compensation insurance rates. In addition to the six uniform percentage deviations already authorized by statute, insurers covering firefighters and fire investigators are permitted to file one uniform percentage deviation that increases the statewide rates under the rating organization's rate filing for the class codes associated with firefighters and fire investigators to address the anticipated increase in losses and expenses for claims that are compensable due to the workers' compensation presumption. The deviation filing must be accompanied by analysis from an actuary that substantively illustrates the basis for the rate increase. Contains a legislative intent section.

SB 1451 was referred to the House Military and Public Safety Committee on March 2, 2021.

- **SB 1514: Appropriation; Emergency Shelter Beds; Seniors (Sen. Boyer; Phoenix)** This bill appropriates \$5 million from the general fund in FY2021-22 to the Department of Economic Security (DES) for emergency shelter beds in western Maricopa County to shelter and serve homeless seniors who are at least 55 years of age. DES is required to distribute the monies to a single Arizona nonprofit provider that meets a list of specified requirements.

SB 1514 passed the House Appropriations Committee on March 18, 2021

- **SB 1720: Peer-to-Peer Car Sharing (Sen. Fann; Prescott)** This bill establishes a new chapter in Title 28 (Transportation) regulating "peer-to-peer car sharing," defined as the authorized use of a shared vehicle by an individual other than the shared vehicle owner through a "peer-to-peer car sharing program." A peer-to-peer car sharing program is required to assume the liability of a shared vehicle owner for bodily injury or property damage that occurs to a third party during the car sharing period in an amount that is stated in the car sharing program agreement and that is at least the minimum amount of motor vehicle liability coverage required by statute. Some exceptions. A peer-to-peer car sharing program is required to ensure that during each car sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that recognizes that the vehicle insured under the policy is made available and used through a peer-to-peer car sharing program, and that does not exclude the use of a shared vehicle by a shared vehicle driver. A peer-to-peer car sharing program is required to register with the Department of Revenue (DOR) for a license for the payment of transaction privilege taxes levied by the state and one or more counties, municipalities, or

special taxing districts for the taxes due from a shared vehicle owner for any vehicle sharing transaction facilitated by the peer-to-peer car sharing program.

SB 1720 passed the House Commerce Committee on March 16, 2021.

- **SB 1721: TPT; Prime Contracting Classification (Sen. Fann; Prescott)** This bill states that the gross proceeds of sales or gross income derived from a construction contract with an owner of real property or the improvements to real property that does not exceed \$100,000 per unit for a "residential project" (defined) or \$1 million for a nonresidential project is not subject to tax under the prime contracting classification of transaction privilege taxes, and is required to be exempt from municipal transaction privilege and use taxes. Only the contract price is used to determine whether a contract exceeds the threshold amount described in this paragraph with no subtractions for amounts paid to subcontractors or any deductions or exemptions allowed. Project elements cannot be artificially separated from a contract to cause a project to qualify for this exemption. The Department of Revenue has the burden of proving that project elements have been artificially separated from a contract.

SB 1721 passed the Senate Rules Committee on March 2, 2021.

- **SB 1752: Community Facilities Districts (Sen. Leach; Tucson)** This bill makes various changes to statutes relating to community facilities districts, including setting a cap for the ad valorem tax. It says that if a district sells general obligation bonds above par, the amount of "net premium" (defined) associated with a general obligation bond issue may be used only to pay costs incurred in issuing the bonds or as a deposit in a debt service fund and used only to pay interest on the issue of general obligation bonds. If used for any other purpose, and if the district has general obligation bond voter authorization and available capacity under its debt limitations, both the available aggregate indebtedness capacity of the district and the principal amount authorized at the general obligation bond election for the district must be reduced by the amount of net premium used for that purpose.

SB 1752 passed the Senate on March 9, 2021 and is ready for the House.

Bills staff are monitoring:

- **HB 2049: Eminent Domain; Existing Contracts (Rep. Weninger; Chandler)** This bill requires that if a municipality exercises the right of eminent domain to acquire a public utility business or enterprise, the municipality is required to assume all existing assets and contractual liabilities associated with providing current and future utility service in the certificate of convenience and necessity that is being condemned unless all parties to the contractual obligations agree otherwise.

HB 2049 passed the Senate Government Committee on March 9, 2021.

- **HB 2065: Medical Freedom; Parental Rights (Rep. Fillmore; Apache Junction)** This bill articulates that students are no longer prohibited from attending school without submitting documentary proof of required immunizations to the school

administrator. Schools are prohibited from requiring a student to receive the recommended immunizations and from refusing to admit or otherwise penalizing a student because that student has not received the recommended immunizations. If a parent chooses to have the student immunized, the parent is required to submit documentary proof to the school administrator to verify that the pupil has received the recommended immunizations if an outbreak occurs. A student who lacks documentary proof of immunization may be excluded from school only if the student lacks an immunization for which there is an active case of a disease that the immunization is intended to prevent in that student's school and if the Department of Health Services or a local health department has declared an outbreak of that disease for an area that includes the student's school.

HB 2065 was referred to the House Health and Human Services and House Education Committees on January 14, 2021.

- **HB 2118: Furnishing Tobacco; Minors; Enterprise Partners (Rep. Bolick; Phoenix)** This bill makes it unlawful for a person to knowingly sell, give or furnish a tobacco product, vapor product or any instrument or paraphernalia solely designed for smoking or ingesting tobacco or shisha to a person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act, instead of to minors. Establishes penalties the court must impose on an enterprise that violates this prohibition based on the number of violations. Penalties include mandatory attendance at a court-approved tobacco retailer educational course and graduated fines ranging from \$500 to \$5,000. For a second or subsequent violation, the court is required to prohibit the enterprise from selling, giving or furnishing tobacco products or vapor products for a specified time period. A violation of this restriction is a petty offense, subject to an additional fine and an extension of the prohibition.

HB 2118 was referred to the Senate Commerce Committee on February 23, 2021.

- **HB 2152: Police; Camera Recordings; Required Redactions (Rep. Kavanaugh; Fountain Hills)** This bill requires that before a law enforcement agency releases a copy of a video recording from a law enforcement officer's body-worn camera to the public, the law enforcement agency must redact any portion of the video recording that shows the face or an identifiable body part of any person who appears in the video recording if the person is not the subject of a police investigation or enforcement action and the person was located in a private location or in a public location with an expectation of privacy, the person is a victim of or witness to a crime, or the person was in a state of undress and specified areas of the person's body were not covered. Does not apply to a person who provides the law enforcement agency with a written waiver to release the video recording without any redactions.

HB 2152 passed the Senate Rules Committee on March 16, 2021.

- **HB 2161: Tourism Marketing Authorities (Rep. Kaiser; Phoenix)** This bill establishes a new chapter in Title 9 (Cities and Towns) and a new chapter in Title 11

(Counties) allowing the governing body of one or more municipalities and/or of a county with a population of less than 2 million persons (all but Maricopa County) to adopt a resolution, on presentation of a petition signed by the owners of at least 67 percent of the transient lodging rooms in the geographic area, forming a tourism marketing authority to promote and enhance tourism in that geographic area. Establishes powers and duties of a tourism marketing authority, including authorization to levy an assessment of up to \$5 per room on transient lodging rooms sold per night. A tourism marketing authority is governed by a board of directors, and budgeting, recordkeeping and reporting requirements for the board are specified. Establishes a process for termination of a tourism marketing authority. Emergency clause.

HB 2161 passed the House on March 3, 2021 and was referred to the Senate Commerce Committee on March 10, 2021.

- **HB 2293: Vehicle Impoundment; Exceptions; Storage Charges (Rep. Payne; Peoria)** This bill dictates that the list of reasons for which a peace officer is required to cause the removal and either immobilization or impoundment of a vehicle is expanded to include if the peace officer determines that the person's driving privilege is suspended for any reason except for failure to pay a civil penalty or failure to appear as directed for a scheduled court appearance. A peace officer who needs to be present at an emergency is not required to remove, immobilize or impound a vehicle. The minimum amount of time a vehicle must be immobilized or impounded is decreased to 20 days, from 30 days.

HB 2293 was approved by the Senate COW on March 18, 2021.

- **HB 2294: Yielding to Emergency Vehicles; Penalties (Rep. Payne; Peoria)** This bill requires that a person who violates the requirement to move over or slow down when approaching a stationary vehicle displaying flashing lights or warning lights is subject to a civil penalty of \$275 for a first violation, \$500 for a second violation, and \$1,000 for a third or subsequent violation.

HB 2294 passed the Senate Transportation Technology Committee on March 16, 2021.

- **HB 2295: Law Enforcement Officers; Database; Rules (Rep. Payne; Peoria)** This bill dictates that "prosecuting agency" is prohibited from placing a law enforcement officer's name in a "rule 15.1 database," or Brady List, unless the officer is given at least 10 days prior written notice by mail or email to the officer's current or last known employment address. Information that must be included in the written notice is listed, including information on the right to request reconsideration of the allegations and placement in the database. If an officer submits a request for reconsideration, and the reconsideration is approved on its merits, the officer's name must be removed from the database. A prosecuting agency that maintains a rule 15.1 database is required to adopt a policy that includes specified provisions, including the criteria used to place a law enforcement officer's name in the database and the notice requirements of this legislation. A law enforcement agency is

prohibited from using the placement of an officer's name in a rule 15.1 database as the sole reason for taking a list of employment actions against the officer.

HB 2295 passed the Senate Judiciary committee on March 18, 2021.

- **HB 2372: Agricultural Operations; Nuisance; Liability (Rep. Dunn; Yuma)** This bill repeals and replaces all statutes governing nuisance liability for agricultural operations. It articulates that a nuisance action cannot be filed against an agricultural operation conducted on farmland unless a list of specified conditions apply. Establishes a rebuttable presumption that an agricultural operation conducted on farmland is not a public or private nuisance, which may be overcome by a preponderance of the evidence that the operation is violating applicable federal, state or local laws and regulations. The circumstances under which agricultural operations conducted on farmland may be regulated or considered to be a nuisance are a matter of statewide concern and this legislation supersedes any municipal ordinance.

HB 2372 was retained on House COW calendar on February 23, 2021.

- **HB 2423: Immunizations; Exemption; Requirements (Rep. Carroll; Sun City West)** This bill mandates that a person who is required to receive an immunization for any purpose, including as a condition of employment, school attendance or obtaining any license, certification or degree, is allowed to claim an exemption from the immunization requirement if there is not a vaccine that has been approved by the U.S. Food and Drug Administration available to fulfill the requirement that also meets all of a list of specified criteria, including that the risk of permanent disability or death from the vaccine has been proven to be less than that caused by the infection it is intended to prevent. A person may claim the exemption on the person's own behalf or on behalf of the person's child or dependent.

HB 2423 was referred to the House Health and Human Services Committee on January 26, 2021.

- **HB 2481: Short-Term Rentals; Enforcement; Penalties (Rep. Kavanaugh; Fountain Hills)** This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include requiring the owner of a vacation rental or short-term rental to license or register with the county or municipality, and restricting the occupancy of a vacation rental or short-term rental to the lesser of the occupancy limit of the county or municipality or 2 adults per bedroom plus 2 additional adults. Vacation rentals and short-term rentals cannot advertise to exceed the occupancy limit of the dwelling or for any nonresidential use. Counties and municipalities are authorized to impose a civil penalty for each day a property is in violation of this advertisement prohibition. An online lodging operator that falsifies information to an online lodging marketplace is guilty of a petty offense. A county or municipality cannot prohibit the operation of a vacation rental or short-term rental based solely on its status as a vacation rental or short-term rental if the owner of the vacation rental or short-term rental, as of May 1, 2021, has a valid transaction privilege tax license, and as of June 2, 2021, has provided the owner's or the owner's designee's contact information to the county or

municipality in which the vacation rental or short-term rental is located, if required by ordinance.

HB 2481 passed the House Government and Elections Committee on February 11, 2021.

- **HB 2482: Regulation; Short-Term Rentals (Rep. Kavanaugh; Fountain Hills)**

This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include: requiring contact information for the owner of the rental to be posted on the front door or in another location on the property that is visible and accessible to the public; restricting the maximum number of adult occupants allowed on the property at one time to the lesser of the occupancy limit established by the county or municipality or no more than 2 adults per bedroom, up to 4 bedrooms, plus 2 additional adults per 1,000 square feet of livable space in excess of 3,000 square feet of livable space; requiring the installation of safety and monitoring equipment that monitors and detects noise and notifies the owner if noise is unreasonable or in violation of a noise ordinance; prohibiting smoking outside within 100 feet of a residential structure; restricting occupants from checking in without the presence of the owner or the owner's designee; and prohibiting occupants from parking on public or private streets if on-property parking is available. Vacation rentals and short-term rentals cannot advertise to exceed the occupancy limit of the dwelling or for any nonresidential use, and are required to display the transaction privilege tax license in any online advertisement for rental of the unit. Establishes penalties for violations.

HB 2482 was referred to the House Government and Elections Committee on January 27, 2021.

- **HB 2515: Electronic Smoking Devices; Tobacco Sales (Rep. Butler; Phoenix)**

This bill makes it unlawful for a person to sell, give or furnish a tobacco product to a person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act, instead of for a person to sell or furnish tobacco products to minors. For the purposes this prohibition and statutes regulating tobacco sales, the definition of "tobacco products" is expanded to include any product containing, made of or derived from tobacco or nicotine and that is intended for human consumption, and to include an "electronic smoking device" (defined) and any substance that may be aerosolized or vaporized by the device, whether or not it contains nicotine, and any component, part, or accessory that is used in the consumption of these products. Before distributing any tobacco product, a retail tobacco vendor or the vendor's representative or employee is required to verify that the purchaser is at least the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act. Establishes civil penalties for violations. The Department of Health Services (DHS) is required to conduct at least two unannounced compliance checks on a retail tobacco vendor annually. Beginning January 1, 2023, a retail tobacco vendor is prohibited from distributing tobacco products in Arizona without a valid tobacco retail sales license from DHS. DHS is required to establish fees for licenses.

HB 2515 was referred to the House Health and Human Services Committee on January 28, 2021.

- **HB 2524: Counties; Cities; Towns; COVID Expenditures (Rep. Kavanaugh; Sun City West)** This bill requires that by September 1, 2021, each county and municipality is required to submit a report to the Governor and the Legislature of all expenditures made in FY2019-20 and FY2020-21 from each "COVID-related federal or state fund source" (defined). Specific information that must be included in the report is listed.

HB 2524 was held in the House Government and Elections Committee on February 3, 2021.

- **HB 2602: Tobacco; Retail; Licensing (Rep. Blackman; Snowflake)** This bill prohibits a retail tobacco vendor from distributing "tobacco products" (defined to include "electronic smoking devices") in Arizona without a valid tobacco retail sales license issued by the Department of Liquor Licenses and Control (DLLC). DLLC is required to establish fees for a tobacco retail sales license and is prohibited from issuing a license until the vendor has obtained the required local license. It is unlawful for a retail tobacco vendor or a retail tobacco vendor's representative, agent or employee to sell, furnish, give or provide a tobacco product to a person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act, and requirements for verifying photo identification are specified. Establishes penalties for violations, including attendance at an education class and graduated fines ranging from \$500 to \$3,000. For a second or subsequent violation, the court is required to prohibit the vendor from distributing tobacco products for a specified time period. DLLC is required to adopt rules to carry out retail tobacco vendor regulations and is authorized to delegate the enforcement and compliance inspections to any county that accepts the delegation. Establishes the Tobacco Retail Sales Licensing Fund, consisting of licensing fees collected, to be administered by DLLC.

HB 2602 was referred to the House Health and Human Services Committee on February 3, 2021.

- **HB 2772/SB 1797: Fantasy Sports Betting; Event Wagering (Rep. Weninger; Chandler; Sen. Shope; Coolidge)** This bill makes numerous changes to statutes relating to gaming, including establishing a new chapter in Title 5 regulating "fantasy sports contests," conditionally enacted on each Indian Tribe with a gaming facility in Pima County and in the Phoenix metropolitan area entering into a 2021 Gaming Compact Amendment and publishing in the federal register notice of the U.S. Secretary of the Interior's approval or approval by operation of law. An individual who is licensed by the Arizona Department of Gaming (ADG) is authorized to offer one or more fantasy sports contests if specified conditions apply, including that the individual collects no more than \$10,000 in total entry fees for all fantasy sports contests offered in a calendar year, at least 95 percent of which are awarded to the fantasy sports contest players.

HB 2772 passed the House on March 4, 2021. SB 1797 was held in the Senate Appropriations Committee on February 23, 2021.

- **HB 2773: Spiritous Liquor; Delivery; Off-Sale Permits (Rep. Weninger; Chandler)** This bill states that bar liquor licensees are authorized to take orders for beer, wine or mixed cocktails by telephone, mail, catalog, or internet for delivery off the licensed premises. Restaurant liquor licensees that hold specified permits are authorized to take orders for beer or mixed cocktails by telephone, mail, catalog, or internet for delivery off the licensed premises. The liquor licensee is allowed to maintain a delivery service and to contract with one or more third-party licensed facilitators for delivery of spirituous liquor if the spirituous liquor is loaded for delivery at the premises of the restaurant or bar licensee in Arizona and delivered in Arizona. All containers of spirituous liquor that are delivered must be conspicuously labeled with the words "Contains alcohol, signature of person who is twenty-one years of age or older is required for delivery." Delivery must be made by an employee of the licensee or an employee of an authorized third-party facilitator who is at least 21 years of age and delivery must be made to a customer who is at least 21 years of age and who displays identification at the time of delivery. Establishes licensing requirements for third-party facilitators.

HB 2773 passed the House on March 3, 2021 and was referred to the Senate Commerce Committee on March 4, 2021.

- **SB 1043: Public Safety; Cancer Insurance; Eligibility (Sen. Livingston; Peoria)** This bill requires that The Board of Trustees of the Public Safety Personnel Retirement System is required to annually review the premiums required under the Public Safety Cancer Insurance Policy Program to ensure the financial security of the Program. Persons eligible for coverage under the Program remain eligible upon retirement for the statutorily specified time periods, regardless of whether the person has a cancer diagnosis.

SB 1043 passed the Senate Rules Committee on January 26, 2021.

- **SB 1062: Engineering Definitions (Sen. Mesnard; Chandler)** This bill dictates that for the purpose of Board of Technical Registration statutes, the definition of "engineering practice" is modified, including specifying that the service or work must be to the extent that the engineering education, training and experience requirements for professional registration are necessary to protect the public health, safety or welfare. Also modifies the definition of "engineer" and defines "professional engineer."

SB 1062 was signed by the Governor on March 18, 2021.

- **SB 1076: Low-Income Multifamily Housing; Valuation (Sen. Livingston; Peoria)** This bill requires that the owner of "low-income multifamily residential rental property" (defined) is authorized to elect a statutory income method for valuing the property. The calculation for this valuation method is established. Requirements for a property owner to elect this valuation method are specified, including documentation requirements. Low-income multifamily residential rental properties that are valued using this method are classified as class four property for property tax purposes.

SB 1076 passed the House Ways and Means Committee on March 3, 2021.

- **SB 1103: Strike Everything Amendment (Sen. Mesnard; Chandler)** This bill makes significant changes to the regulatory scheme for tobacco and vaping products throughout the state, including implementing licensure for sales through the Department of Liquor Licensing and Control, changing the statutory age for tobacco purchase to 21, setting penalties for violations, and establishing a tobacco retail sales licensing fund.

SB 1103 passed the Senate Appropriations and Rules Committees on February 24, 2021.

- **SB 1257: State Liquor Board; Membership (Sen. Mesnard; Chandler)** This bill requires one of the five members of the State Liquor Board with no financial interest in business licensed to deal with spirituous liquors to be a current or former elected municipal official. Session law allows current Board members to continue to serve until the expiration of their normal terms.

SB 1257 passed the House Commerce Committee on March 16, 2021.

- **SB 1334: Fireworks; Aerial Displays (Sen. Gowan; Sierra Vista)** This bill expands the definition of "permissible consumer fireworks" in a county with a population of more than 500,000 persons is expanded to include "multiple-tube aerial devices" (defined as specified mine and shell devices and multiple tube fireworks devices and pyrotechnic articles that are defined in an American Pyrotechnics Association rule, with some exclusions).

SB 1334 passed the Senate Commerce Committee on February 10, 2021.

- **SB 1377: Civil Liability; Public Health Pandemic (Sen. Leach; Tucson)** This bill states that if the Governor declares a state of emergency for a public health pandemic, a person or provider that acts in good faith to protect a person or the public from injury from the pandemic is not liable for damages in any civil action for any injury, death or loss to person or property that is based on a claim that the person or provider failed to protect the person or the public from the effects of the pandemic, unless it is proven by clear and convincing evidence that the person or provider failed to act or acted with willful misconduct or gross negligence. A person or provider is presumed to have acted in good faith if the person or provider adopted and implemented reasonable policies related to the pandemic. If the Governor declares a state of emergency for a public health pandemic, a health professional or health care institution that acts in good faith is not liable for damages in any civil action for an injury or death that is alleged to be caused by the health professional's or health care institution's action or omission while providing health care services in support of Arizona's response to the state of emergency declared by the Governor, unless it is proven by clear and convincing evidence that the professional or institution failed to act or acted with willful misconduct or gross negligence. Applies to all claims filed before or after the effective date of this legislation for an act or omission that occurred on or after March 11, 2020 relating to a pandemic that is the

subject of the state of emergency declared by the Governor. Does not apply to workers' compensation claims.

SB 1377 passed the House Judiciary Committee on March 18, 2021.

- **SB 1379: Vacation Rentals; Short-Term Rentals; Enforcement (Sen. Mesnard; Chandler)** This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include restricting the occupancy of a vacation rental or short-term rental to 2 adults per bedroom, up to 4 bedrooms, plus 2 additional adults per 1,000 square feet of livable space in excess of 3,000 square feet of livable space, and requiring the owner of a vacation rental or short-term rental to maintain liability insurance appropriate to cover the rental in the aggregate of at least \$500,000 or to advertise and offer each vacation rental or short-term rental through a hosting platform that provides equal or greater coverage. Counties and municipalities are authorized to impose civil penalties for each day a property is in violation of specified provisions. Modifies civil penalties for online lodging operators that fail to comply with applicable transaction privilege tax requirements.

SB 1379 passed the House Commerce Committee on March 16, 2021.

- **SB 1514: Appropriation; Emergency Shelter Beds; Seniors (Sen. Livingston; Peoria)** This bill appropriates \$5 million from the general fund in FY2021-22 to the Department of Economic Security (DES) for emergency shelter beds in western Maricopa County to shelter and serve homeless seniors who are at least 55 years of age. DES is required to distribute the monies to a single Arizona nonprofit provider that meets a list of specified requirements.

SB 1514 passed House Appropriations Committee on March 18, 2021.

- **SB 1533 : Obstruction Highways; Racing; Assessment; Impoundment (Sen. Boyer; Glendale)** This bill levies a penalty assessment of \$1,000 on every fine, penalty and forfeiture imposed and collected by the courts for a violation of racing on highways. The assessments are deposited in the newly established Drag Racing Prevention Enforcement Fund, to be used to prevent racing on streets and highways in Arizona. Increases the criminal classification of obstructing a highway to a class 2 (mid-level) misdemeanor, from a class 3 (lowest) misdemeanor, except that a second or subsequent violation within 24 months is a class 1 (highest) misdemeanor. A person who knowingly aids and abets another person in the commission of a violation of reckless driving or racing on highways is guilty of a class 2 (mid-level) misdemeanor, except that a second or subsequent violation within 24 months is a class 1 (highest) misdemeanor. Also, a peace officer is required to cause the removal and either immobilization or impoundment of a vehicle if the peace officer determines that a person is driving a vehicle in violation of reckless driving or racing on highways.

SB 1533 passed the House Transportation Committee on March 18, 2021.



Report

Date: 3/25/2021, Item No. 5

For Transmittal, Minutes of the Policy Session Meeting on March 16, 2021

Summary

This item transmits the Minutes of the Policy Session on March 16, 2021.

The Minutes are attached for review as **Attachment A**.

Responsible Department

This item is submitted by the City Manager's Office.

ATTACHMENT A



City of Phoenix

Minutes

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

City Council Policy Session

Tuesday, March 16, 2021

2:30 PM

phoenix.gov

CALL TO ORDER

The Phoenix City Council convened in Policy Session on Tuesday, March 16, 2021 at 2:31 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Thelda Williams and Mayor Kate Gallego

Councilwoman Guardado joined the meeting at 2:33 p.m.

Councilman Nowakowski joined the meeting at 2:34 p.m.

Councilman DiCiccio joined the meeting at 2:35 p.m., and left at 5:01 p.m.

COUNCIL INFORMATION AND FOLLOW-UP REQUESTS

Councilwoman Pastor congratulated Ide Mania Salon and all small businesses in Phoenix. She reminded residents of the Maryvale Community Center COVID-19 testing site open three days per week, Monday and Friday from 7 a.m to 1 p.m and Wednesdays 1 p.m. to 7 p.m. She announced the upcoming food box distribution event taking place on March 29. Councilwoman Pastor recognized all City employees for adapting to the challenges presented by the pandemic and highlighted the Fire Department for their seamless emergency service delivery.

Councilmember Garcia announced an upcoming vaccine event at Harmon Park from March 17-23. He invited residents to join the upcoming Facebook live event on March 23 and thanked the Parks and Recreation Department for opening two new parks in south Phoenix.

Councilwoman Guardado reminded residents to get COVID-19 tested at the Maryvale Community Center and noted the recent time change on Wednesdays

from 1 p.m. to 7 p.m to accommodate residents outside their working hours. She announced an upcoming COVID-19 drive-through event at St. Augustine Catholic Church on March 20 from 7 a.m. to noon. Councilwoman Guardado announced an upcoming public meeting for the Grand Canal Street Phase Three on March 24 and thanked everyone involved.

Vice Mayor Williams congratulated the Parks and Recreation Department for their work at Deem Hills Park.

Mayor Gallego congratulated the City Clerk Department on the successful elections and Councilwomen Guardado and Stark on their re-election. She acknowledged the hard work by City staff and community partners to distribute vaccines. She thanked the Fire Department, Walgreens, and Quality Health for their work to vaccinate hundreds of residents at Cortez Park. She noted the upcoming vaccine event at Harmon Park for residents in specific zip codes and encouraged everyone to continue wearing masks and social distancing. Mayor Gallego noted upcoming projects related to the active transportation plan and invited residents to participate.

CONSENT ACTION

This item is scheduled to allow the City Council to act on the Mayor's recommendations on the Consent Agenda. There was no Consent Agenda for this meeting.

CALL FOR AN EXECUTIVE SESSION

A vote may be held to call an Executive Session for a future date.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER

This item is scheduled to allow the City Manager to provide brief informational reports on topics of interest to the City Council. The City Council may discuss these reports but no action will be taken.

INFORMATION AND DISCUSSION (ITEMS 1-2)

1 FY 2021-26 Preliminary Five-Year Capital Improvement Program

Discussion

Assistant City Manager Jeff Barton announced the two-part presentation

and introduced Budget and Research Director Amber Williamson and Budget and Research Deputy Director Christopher Fazio.

Ms. Williamson gave an overview of the Capital Improvement Program for Fiscal Years 2021-26.

Mr. Fazio gave an overview of the infrastructure investments and capital funding projects. He provided a breakdown of notable investments and stated all projects are available at phoenix.gov/budget. He finished by providing a timeline of next steps for Capital Improvement Programs and budget.

This item was discussed.

2 2021-22 City Manager's Trial Budget

Discussion

Assistant City Manager Jeff Barton gave an overview of the hardships and accomplishments the city, state, and country have endured through the past decade. He noted substantial investments in the fiscal year 2021-22 budget and gave a brief overview of the planned presentation.

Mr. Barton gave an agenda and timeline of the fiscal year 2021-22 General Fund Trial Budget.

Ms. Williamson gave a recap of the General Fund budget surplus totaling \$153 million and provided a breakdown of the General Fund proposed additions including employee compensation, public safety reform and responsiveness, COVID response and resiliency, climate change and heat readiness, affordable housing and homelessness, building community and responding to growth, and administrative accountability. Ms. Williamson noted the upcoming virtual budget hearings from April 2-20, 2021 and gave a timeline of the next steps.

Mayor Gallego thanked staff and noted the item was listed for information and discussion.

Councilman DiCiccio asked how much of \$153 million in the General Fund was funded by the Coronavirus Aid, Relief, and Economic Security (CARES) funds.

Ms. Williamson stated \$121 million was transferred to the General Fund from the CARES funds as permitted by the federal guidelines to offset public safety salaries.

Councilman DiCiccio asked if the \$30 million surplus was the City's General Fund budget.

Ms. Williamson affirmed.

Councilman DiCiccio asked if the proposed trial budget included additional monies for Police.

Ms. Williamson stated the proposed trial budget added civilian positions to the Police Department as well as \$500,000 for the Police Reform Set-Aside.

Councilman DiCiccio asked if the trial budget includes more funds for the Police Department or public safety.

Mr. Barton stated the trial budget includes an investment in the Police Department of approximately \$3.7 million in new supplemental costs.

Councilman DiCiccio asked how much of the funds were labor related.

Mr. Barton stated the labor costs have not been allocated to individual departments as the labor negotiation process is still ongoing. He noted the \$118 million funds will be allocated to departments based on the allocation of individual labor groups and employees that make up the labor groups distributed across the entirety of the organization once the City comes to a final agreement with all labor groups.

Councilman DiCiccio asked if the Police Department employees would get their merit and longevity pay in the proposed trial budget.

Mr. Barton affirmed.

Councilman DiCiccio expressed support that the Police Department and

officers would get more money through the proposed trial budget. He asked how much money will be given to the City through the new American Rescue plan.

Mr. Barton stated the City of Phoenix was slated to receive about \$416 million in the next few weeks. He noted the money would arrive in two payments.

Councilman DiCiccio asked if it would be possible to pay pensions with the American Rescue funds and expressed support of using the one-time money to pay pensions for public safety for long-term savings.

Mr. Barton stated the federal government had not provided all guidelines for the American Rescue funds, but there was clear guidance that the funds cannot be used to pay pensions.

Councilman DiCiccio expressed support of paying down pensions with surplus funds.

Councilwoman Guardado expressed support of the trial budget and funds allocated to the community.

Councilwoman Stark expressed support of the trial budget and asked about cleanups for the Human Services campus and if funds could be used for St. Vincent De Paul.

Ms. Williamson stated funds were allocated for St. Vincent de Paul in Sunnyslope.

Councilmember Garcia expressed support of many budget items including public health, the Office of Diversity, Equity and Inclusion, climate change and heat readiness, crisis intervention and mental health, and supporting City employees. He encouraged community input on the budget.

Vice Mayor Williams congratulated staff and expressed support for additional positions to provide better services to the community.

Mayor Gallego expressed support and noted the sacrifices made during the pandemic. She noted the trial budget includes the largest new program expansion during her time on City Council and expressed support of the investments and encouraged community input on the trial budget.

City Attorney Cris Meyer stated that during public comment, residents are expected to be civil and respectful. Any resident using profane language or expressing personal attacks or threats could lose their opportunity to speak.

Mayor Gallego then opened the floor for public comment.

Wendy Philpot expressed support of the expansion of the Fire Department and Community Advocacy program.

Mary Jo Whitfield expressed support of expanding crisis intervention units and services.

David Oberfell expressed support of expanding crisis intervention and behavioral health services.

Jaime Pothast expressed support of expanding behavioral health services through the trial budget.

Ginger Torres expressed support for climate change and heat readiness in the trial budget.

Salvador Bretts expressed support for the cool corridors program and tree planting programs in the trial budget.

Alyssa Peralta expressed support of the trial budget and expressed concern about defunding the Police.

Anne Ender expressed support of the trial budget, specifically for the added civilian staff to improve accountability and transparency in the Police Department and needed capital improvement projects.

Councilman DiCiccio thanked Ms. Ender for speaking.

Luke Black expressed opposition to the trial budget due to the funds allocated to the Police Department.

Lee Christian spoke in opposition of the trial budget due to the funds allocated to the Police Department and asked funds be directed to proactive programs.

Rebecca Denis spoke in opposition of the trial budget due to the funds allocated to the Police Department.

Vanessa DiCarlo expressed concern about the Police Department and opposed the trial budget.

Miros Domenzain spoke in opposition of the trial budget due to the funds allocated to the Police Department.

Noemi Garcia expressed support for community programs and spoke in opposition of funding the Police Department.

Councilmember Garcia asked why the Spanish speakers were not heard in the Council Chambers.

Deputy City Manager Toni Maccarone stated Information Technology Services and the Spanish interpreter found residents were calling a different phone number, not the number publicly posted on the Agenda.

Councilmember Garcia asked what phone number residents should call for Spanish translation.

Ms. Maccarone explained residents could call the English or Spanish phone number posted on the Agenda.

Councilwoman Guardado asked if the residents would be able to call into the English phone line so they could be heard in the Council Chambers.

Ms. Maccarone stated she would check with the Spanish interpreter.

Viridiana Hernandez expressed concern about the Spanish speakers being able to call into the Council meeting and expressed opposition to the trial budget due to funding the Police Department.

Councilmember Garcia asked about Ms. Hernandez experience on a Trauma Subcommittee.

Ms. Hernandez expressed a need to fund mental and behavioral health and expressed opposition to funding the Police Department.

Jennifer Hernandez expressed opposition of the trial budget due to the amount of funds earmarked for the Police Department.

Ben Laughlin spoke in opposition of the trial budget due to the amount of funds earmarked for the Police Department.

Councilmember Garcia stated the Spanish speakers could not hear the meeting.

Ms. Maccarone provided instructions and the phone number for Spanish speakers. The Spanish interpreter repeated the instructions in Spanish.

Marysa Leyva expressed opposition to the trial budget due to the funds earmarked for the Police Department.

Anabell Gavino spoke through the interpreter and expressed concern about the trial budget and requested the funds earmarked for Police be diverted to the Parks and Recreation budget.

Councilman DiCiccio left the meeting at 5:01 p.m.

Samuel Merten expressed concern about the Crisis Intervention budget item and requested the City provide community outreach and engagement prior to program implementation and requested more funds be allocated to the program.

Amy Meglio spoke in opposition of the proposed trial budget and asked

more funds be allocated to the crisis response program and increased community oversight, and that funds be taken from the Police Department and put into the crisis intervention program.

Cynthia Garcia spoke in opposition of the proposed trial budget but expressed support for the crisis response program.

Jacob Raiford spoke in opposition of the proposed trial budget and asked the City to allocate funds to an independent department separate from the Police Department.

Brandon Valentin expressed opposition of the proposed trial budget due to the funds allocated to the Police Department.

Gladiela Lopez Felix spoke in opposition of the proposed trial budget due to the funds earmarked to the Police Department.

Lorenza Valdez spoke through the interpreter and expressed opposition to the proposed trial budget due to the funds allocated to the Police Department.

Mayor Gallego thanked everyone for providing public comment.

This item was discussed.

DISCUSSION AND POSSIBLE ACTION (ITEM 3)

3 Re-opening Parks and Recreation Department Outdoor Amenities

This item was taken out of order and was heard as the first agenda item.

Deputy City Manager Inger Erickson introduced Parks and Recreation Director Cynthia Aguilar for the planned presentation.

Ms. Aguilar gave an overview of the COVID-19 impacts on parks citing various COVID-19 metrics and benchmarks. She highlighted current open and closed park amenities. She cited employee health and safety precautions and re-opening recommendations including athletic fields return to play guidelines and pools and splash pads. Ms. Aguilar

highlighted aquatic recruitment challenges and the noted 12 pools planned for reopening as well as the aquatics COVID-19 safety plan guidelines followed by the Center for Disease Control (CDC) recommendations and approval from public health professionals. She gave an overview of the Easter Weekend Plan. Ms. Aguilar introduced Dr. Saskia Popescu, Epidemiologist at the University of Arizona and Dr. James Phillips.

Dr. Popescu highlighted the current COVID-19 metrics and overall risk levels. She noted a downward trend but reiterated all safety protocols be followed to reduce risk and spread of COVID-19.

Ms. Aguilar provided the recommendation to resume athletic field reservations for practices, games, and local tournaments with modifications as well as re-open outdoor amenities, sports complexes, ramadas and picnic tables, basketball and volleyball courts, outdoor fitness equipment, and pools and splash pads beginning May 29 and to approve the Easter weekend plan.

Mayor Gallego opened the floor for public comment.

Blaine Atkinson expressed support for parks reopening and noted the COVID-19 safety protocols taken during tournaments.

Mayor Gallego asked City Attorney Cris Meyer to read the rules for public comment.

Mr. Meyer read the public comment rules.

Brent Kleinman expressed concerns about increased traffic in the neighborhoods from closed parking lots at Encanto Park and expressed support for the Kool Kids program.

Randy Pierce expressed support of reopening parks and athletic fields and congratulated Councilwoman Stark on her re-election.

Rick Kelsey thanked Parks and Recreation staff for their work throughout the pandemic and ensured compliance for mask requirements.

Councilwoman Guardado asked if the Parks and Recreation Department was still enforcing the mask mandate for spectators.

Ms. Aguilar stated the Return to Play Guidelines require all coaches, spectators, officials, and children (when not playing) wear masks.

Councilwoman Guardado thanked City staff for their work throughout the pandemic. She expressed support of the Re-opening Outdoor Amenities Plan but wanted to ensure the safety of City staff and community adherence to safety precautions when parks amenities were used. She stated any sports groups that violated the safety guidelines would be at risk of forfeiting their reservation for the remainder of the season or tournament. Councilwoman Guardado noted the importance of respecting social distancing and safety guidelines at City pools and recommended children attended the public pools be accompanied by someone 16 years or older. She reiterated the importance of re-evaluating the guidelines as COVID-19 metrics fluctuate.

Councilwoman Guardado made a motion to recommend approval of staff recommendations to re-open all parks and amenities to include ramadas and picnic tables, basketball and volleyball courts, outdoor fitness equipment, and sport complexes, filed reservations for practices, games, and local tournaments with modifications as outlined in the Parks and Recreation Return to Play Guidelines, which would include spectators wearing masks at all times, and for the 2021 pool season, to open swimming pools to include free swim lessons, reservable family swim blocks, and implement a policy requiring open swim participants be accompanied by an individual at least 16 years old.

Councilwoman Stark asked if a group of children with one person at least 16 years of age would be sufficient.

Councilwoman Guardado stated it would be.

Councilwoman Pastor asked about spectators and youth mask requirements.

Ms. Aguilar stated all spectators including parents, coaches, officials, and anyone watching the game including participants not playing were

required to wear a mask. She noted all players playing the game were encouraged to wear masks, but it was not mandatory.

Dr. Popescu noted athletes could wear masks while playing but professional sports indicate it would be difficult to maintain. She added the brief interactions between players outside reduced the overall risk and recommended to not mandate mask wearing for players while they played but when they were standing face-to-face.

Dr. James Phillips agreed with Dr. Popescu and noted sports in the plan for re-opening are on the safer side and tend to have brief interactions and minimal face to face interaction.

Councilwoman Pastor asked Dr. Popescu and Dr. Phillips recommendations on the mask requirements be included in the motion. She expressed concerns about parking at Encanto Park during Easter weekend and the overflow into the neighborhood and asked for more information on staff plan during Easter weekend.

Ms. Aguilar stated plans to deal with traffic at Encanto Park were in place prior to the pandemic and Parks Management, Streets Transportation, and Police staff would be onsite to direct traffic. She noted the outdoor park amenities including basketball, volleyball, and outdoor fitness equipment would open immediately and the sport complexes and fields would open on March 22.

Councilwoman Pastor asked why the parking lots were closed due to the high volume of traffic and the impact to surrounding neighborhoods and expressed concern about the Enchanted Island Easter Egg Hunt planned on Easter.

Ms. Aguilar stated the parking lots were closed at the parks to prevent large group gatherings. She highlighted closed parking lots helped minimize large group gatherings in 2020. Ms. Aguilar stated the Parks and Recreation Department is working with Enchanted Island to moving their event in order to alleviate impacts to Easter.

Councilmember Garcia asked if the youth leagues were re-opening.

Ms. Aguilar stated the City of Phoenix is not moving forward with the youth and adult sports leagues, but clinics that allow for social distancing outdoors are being assessed.

Councilmember Garcia thanked everyone for their patience, noting the difficulty of having some park amenities closed. He highlighted the importance of reducing the spread of COVID-19 and abiding by the COVID-19 guidelines.

Councilmember DiCicco asked if the motion would encourage or require kids to wear masks while playing.

Councilwoman Pastor clarified and stated the motion would encourage kids to wear masks while playing.

Councilman DiCicco asked about the plan to inform residents about the parking lots.

Ms. Aguilar stated Parks and Recreation along with other City staff would be stationed around the parks with barricades and gates. She noted signs, digital boards, and messaging would be posted at least one week in advance and all Parks and Recreation staff would be on site to educate residents on the restrictions.

Councilman DiCicco noted his support and thanked everyone for their patience and noted the long-term impacts on children and youth.

Councilman Nowakowski thanked staff for their outreach to the Spanish-speaking soccer teams and asked how individuals and leagues would be informed about the reopening of parks, guidelines, and enforcement.

Ms. Aguilar stated the community would be informed in English and Spanish through the City's social media and website. She noted per approval of the plan, all members who have registered to reserve the Parks and Recreation fields would be notified and given instructions on how to submit applications to reserve the fields starting March 22. Ms.

Aguilar stated English and Spanish media outlets would be used to inform residents about the Easter plans along with billboards and signage in and around the parks. She noted Parks and Recreation Rovers monitor the parks and are the first point of contact with user groups. She stated groups not in compliance with the rules would receive a verbal and written warning and if noncompliance happens a second time the groups would forfeit the remainder of their reservations and if it happened with a tournament, it would be canceled or suspended.

Councilman Waring asked for clarification on the timeline and asked if all the outdoor park amenities were opening immediately, the sport complexes were opening on March 22, and if the pools were opening on May 29.

Ms. Aguilar affirmed.

Councilwoman Pastor asked if Ms. Aguilar could reach out to Brent Kleinman.

Ms. Aguilar affirmed.

Councilwoman Pastor stated the Encanto parking lot was full during her trip to Encanto Park on March 14 and expressed concerns about Easter. She asked how staff would limit gatherings at the Easter Egg hunt.

Ms. Aguilar stated any events with more than 50 people would go through the City Manager's Special Event Committee. She noted the event submitters would receive guidance through the application process. Ms. Aguilar stated Encanto Park was being monitored and large group gatherings were being addressed.

Councilman Nowakowski asked if COVID-19 relief funds could be used to help teams pay for the lighting and fees for the fields.

Councilwoman Stark reiterated the leagues were unable to fundraise and may be financially impacted due to the pandemic.

Mayor Gallego expressed support to provide aid for youth programs and

thanked the public health and medical professionals for their advice.

Councilwoman Guardado expressed support of offering free swimming lessons to the community.

A motion was made by Councilwoman Guardado, seconded by Councilwoman Stark, that this item be Approved. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:23 p.m.

For further information, please call the Management Intern, City Manager's Office, at 602-262-4449.