

RESOLUTION NO. 18-28

A RESOLUTION OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FILE OR JOIN IN THE FILING OF AN AMICUS CURIAE BRIEF WITH THE ARIZONA COURT OF APPEALS, AND ANY OTHER COURTS, REGARDING VANGILDER V. ARIZONA DEPARTMENT OF REVENUE, SUPPORTING THE PASSAGE OF THE PINAL COUNTY REGIONAL TRANSIT PLAN AND ASSOCIATED HALF-CENT SALES TAX.

WHEREAS, on November 7, 2017, the voters of Pinal County, Arizona approved Proposition 416, with 57% of voters in favor and 43% opposed;

WHEREAS, City of Maricopa voters approved the same Proposition, with 62% of voters in favor and 38% opposed;

WHEREAS, Proposition 416 established the Pinal Regional Transit Plan, which the ballot materials specifically called a “20-Year Comprehensive Multimodal Regional Transportation Plan Elements to Be Financed with a Transaction Privilege (Sales) Tax for Regional Transportation Purposes”;

WHEREAS, Proposition 417 was a proposition regarding the establishment of a transportation excise (sales) tax “to provide funding for the transportation elements contained in the Pinal Regional Transportation Plan”;

WHEREAS, on November 7, 2017, the voters of Pinal County, Arizona approved Proposition 417, with 51% of voters in favor and 49% opposed;

WHEREAS, City of Maricopa voters approved Proposition 417, with 58% of voters in favor and 42% opposed;

WHEREAS, there is no evidence of voter confusion;

WHEREAS, the Plaintiffs, the Goldwater Institute and other interested parties had an equal opportunity to lobby public support for or against the Propositions prior to the Election on November 7, 2017;

WHEREAS, the voting public chose to impose a tax upon itself by passing Proposition 417, as it was presented;

WHEREAS, overturning the will of the voters by striking down Propositions 416 and/or 417 may be seen as a disenfranchisement of the voters;

WHEREAS, Propositions 416 and 417 fully complied with state statutes governing elections on regional transportation plans and excise taxes, as laid out in ARS § 48-5314;

WHEREAS, ARS § 42-6106 requires that if the tax enacted by a proposition is to be at a variable rate, the variable rate must be specified in the ballot proposition;

WHEREAS, Proposition 417 clearly laid out the terms under which “such rate shall become a variable or modified rate”;

WHEREAS, through post-Election Court filings, the Plaintiffs seek to now input their own definition of “variable rate,” as opposed to the definition of “variable rate” that was specified in the ballot Proposition;

WHEREAS, any challenges to ballot language could have and should have been made prior to the Election;

WHEREAS, Plaintiffs chose not to challenge the Propositions until after their public lobbying efforts proved unsuccessful and voters approved both Propositions;

THEREFORE, BE IT RESOLVED THAT the Maricopa City Council reaffirms its support for the Pinal Regional Transportation Plan;

FURTHER BE IT RESOLVED THAT that the City Manager and City Attorney are directed to file or join in the filing of amici curiae briefs in support of the Propositions, as appropriate, in whichever courts have jurisdiction of the Vangilder v. Arizona Department of Revenue case.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa on this 4th day of December, 2018.

Christian Price
Mayor

ATTEST:

APPROVED AS TO FORM:

Vanessa Bueras
City Clerk

Denis Fitzgibbons
City Attorney