

Minutes of the regular meeting of September 21, 1998 held at 7:30 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Thomas F. Morales and Council Members Henry Beltran  
Albert Carroll, Jr.  
Peggy Jones  
Raymond Shuey  
Marie Lopez-Rogers  
Mike C. Federico

**ALSO PRESENT**

City Manager Carlos V. Palma  
City Attorney Frank L. Ross

**CONSENT AGENDA**

The following items were considered for action on the consent agenda:

- 3) **MINUTES** - September 9, 1998 Special Meeting
- 4) **CLAIMS** - September, 1998

Vice Mayor Beltran moved to approve the above items on consent. Councilman Carroll seconded the motion. Motion carried unanimously.

- 5) **RESOLUTION #1890-98 - TRAILERS - CASHION**  
Resolution authorizing the acceptance of title from Maricopa County of two 1981 Valle trailers and the immediate transfer of said titles as per agreement.
- 7) **RESOLUTION #1892-98 - CHANGE ORDER 5 - APMI, INC.**  
Resolution authorizing changer order 5 to the APMI contract for design and engineering services for the new EMD Maintenance Facility.

Mr. Ross read the above resolutions by title. Councilman Carroll moved to adopt the resolutions. Vice Mayor Beltran seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Councilmember Federico	aye
Councilmember Jones	aye
Councilmember Shuey	aye
Vice Mayor Beltran	aye
Councilman Carroll	aye
Councilmember Rogers	aye
Mayor Morales	aye

- 6) **RESOLUTION #1891-98 - CHANGE ORDER 1 - SOUTHWEST SLURRY SEAL INC.**

Resolution authorizing change order 1 to the Southwest Slurry Seal contract which adds various streets for micro-surfacing in Cashion area.

Jim Mitchell addressed the council. Hee stated that last month the council awarded a contract to Southwest Slurry Seal for seal coating various streets within the city. Mr. Mitchell stated that the contractor has done quite well this year and expedited the work in less than two weeks. He explained that this change order is to slurry seal six additional streets in Cashion area. These streets are Flanigan, Pima, Cocopah, Mohave and 2<sup>nd</sup> Street and 3<sup>rd</sup> Street. Mr. Mitchell stated that the cost to slurry seal these additional streets is \$25,622.40. He stated that staff recommends that council approve this change order.

Councilman Carroll stated that he thinks this is a better job being done on the streets and a thicker coat than in previous years. He asked if this was the case.

Mr. Mitchell explained that the work done last year was a fog seal which is a thinner application. This year it is a slurry seal application.

Council member Rogers asked how the streets were determined for this program.

Mr. Mitchell stated that in conjunction with the water valve replacement project certain streets were not included at this time. He stated that the valve replacement will take place this fall. He further explained that other streets will be done at a later date.

Mayor Morales stated that he also was going to ask about 111<sup>th</sup> Ave. Mr. Mitchell stated that most of the valves are located along 111<sup>th</sup> Ave. Mayor asked if the plan was to do these other streets. Mr. Mitchell stated yes.

Vice Mayor Beltran asked if residents were notified. Mr. Mitchell stated staff is notifying residents. Flyers are to be delivered to residents. Vice Mayor Beltran asked that residents be notified why certain streets were left out of the project.

Mr. Mitchell agreed to notify residents. Mayor asked that flyers be used to notify residents regarding streets that didn't get included in this projects at this time.

Council member Federico asked if this is the same firm which did the work in Garden Lakes last year. Mr. Mitchell stated same company different application. He explained that the application in Garden Lakes was fog seal not slurry seal.

Mr. Ross read the resolution by title. Vice Mayor Beltran moved to

adopt the resolution. Councilman Carroll seconded the motion.  
ROLL CALL VOTE AS FOLLOWS:

Councilmember Federico	aye
Councilmember Jones	aye
Councilmember Shuey	aye
Vice Mayor Beltran	aye
Councilman Carroll	aye
Councilmember Rogers	aye
Mayor Morales	aye

- 8) **ORDINANCE #673-98 - AMENDING - AVONDALE CITY CODE**  
Ordinance amending portions of Chapters 12 and 15 of the Avondale City Code regarding the Library and Recreation Department.

Mr. Vince Micallef addressed the council. He explained that these amendments are needed due to the restructuring of the Library and Recreation into one department. He further explained that some changes are to move items from chapter 15 to chapter 12.

Council member Shuey asked about the change of title from Library Advisory Board to Library and Recreation Advisory Board. He asked if the two existing separate boards would be merged as one. Mr. Micallef answered that currently there are two boards one is a Library Advisory Board and the other is a Parks and Recreation Advisory Board. He stated that the parks board is currently under the Community Development Department and the Recreation department has no representation. He stated that since the new department is Library and Recreation then the suggestion is to include Recreation in that board as well. This board would assist or advise regarding special events. Mr. Micallef stated he had not considered that there be one or two boards only that his department now includes recreation and so he wanted the board to also include recreation.

Council man Carroll asked about the membership of the board. Mr. Micallef stated there are five members. Councilman Carroll asked if staff would be submitting names sometime in the future. Mr. Micallef stated yes. Councilman Carroll also asked if it would be better to use one board. Mr. Micallef stated that at this time the boards do not meet on a regular basis. He stated that he would like to spice it up a little bit and add some new individuals. He went on to say that there are some new programs at the library such as aerobics. He stated there are other programs that staff wants to do.

Mayor also talked about the boards and the need for them to be active. He expressed his opinion that the Parks Board should be meeting and dealing with issues now. He stressed that this new board should be active.

Mayor asked Chapter 12

Section 12 regarding user fees. Mr. Ross explained that the change in Section 12-2 is only the director's title.

Mayor asked about booth fees. He expressed concerns regarding community oriented celebrations be affordable to community organizations and agencies.

Vince explained the staff would like to purchase booths instead of renting. Booth rental is being proposed at \$35.00 to recoup maintenance and replacement costs of booths. Fees will just be charged to vendors wanting to use the booths. \$15 license fee will remain the same.

Councilman Carroll stated he feels the fee is small in comparison to other booth rental. He also suggested that the booth rental be mandatory. Mr. Micallef explained that some vendors own elaborate booths with advertising and he would not want to discourage vendors.

Mayor Morales asked that staff review this suggestion.

Council member Rogers asked about the size of the booth. Mr. Micallef explained there are different sizes but the size he is proposing to purchase is 8 X 8.

Mr. Ross read the ordinance by title. Councilman Carroll moved to adopt the ordinance. Vice Mayor Beltran seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Councilmember Federico	aye
Councilmember Jones	aye
Councilmember Shuey	aye
Vice Mayor Beltran	aye
Councilman Carroll	aye
Councilmember Rogers	aye
Mayor Morales	aye

**A1) RESOLUTION #1893-98 - CANVASS OF VOTES - SEPTEMBER 8, 1998  
SPECIAL- BOND ELECTION**

In accordance with Arizona Revised Statutes, the Council canvassed the results of the special-bond election held September 8, 1998.

City Clerk Linda Tyler read the results aloud as follows:

Total ballots cast                      1,508

Yes                      No

Question 1

Water and Sewer Bonds \$15,000,000	781	612
Question 2		
Street and Highway Bonds \$10,000,000	771	616
Question 3		
Parks and Recreation Bonds \$4,500,000	672	705
Question 4		
Public Safety Bonds \$3,200,000	869	513
Question 5		
Library Facilities Bonds \$2,500,000	706	673
Proposition 400		
To amend Article II, Section 3, Charter	723	706
Proposition 401		
To amend Article II, Section 4	797	622
Proposition 402		
To amend Article II, Section 7	676	752
Proposition 403		
To amend Article II, Section 13	858	554
Proposition 404		
To amend Article IV, Section 3	546	835
Proposition 405		
To amend Article VI, Section 7	319	1075
Proposition 406		
To amend Article VI, Section 7	357	1034
Proposition 407		
To amend Article VI, Section 7	374	1018
Proposition 408		
To amend Article VI, Section 7	400	986
Proposition 409		
To amend Article VI, Section 7	388	1004
Proposition 410		
To amend Article VI, Section 7	353	1043
Proposition 411		
To amend Article VI, Section 12	439	906

Proposition 412 To amend Article VI, Section 16	529	797
Proposition 413 To amend Article VIII, Section 2	489	861
Proposition 414 To amend Article VIII, Section 3	692	642
Proposition 415 To amend Article VIII, Section 5	714	657

Mayor Morales expressed his concern regarding the precincts not exactly matching the city boundaries. He asked if only Avondale residents were allowed to vote for city issues. Ms. Tyler explained the election board and ballot process which is used to make sure only Avondale residents are allowed to vote on Avondale issues. Mayor Morales again expressed his concern that only Avondale residents should vote on Avondale issues.

Mr. Ross read the resolution by title. Council member Shuey moved to adopt the resolution. Councilman Carroll seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Councilmember Federico	aye
Councilmember Jones	aye
Councilmember Shuey	aye
Vice Mayor Beltran	aye
Councilman Carroll	aye
Councilmember Rogers	aye
Mayor Morales	aye

**ADJOURNMENT**

There being no further business to come before the Council, Council member Shuey moved to adjourn. Council member Federico seconded the motion. Motion carried unanimously.

Meeting adjourned at 8:14 p.m.

  
 Linda M. Tyler, CMC

  
 MAYOR MORALES

City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City council of the City of Avondale held on the 21st day of September, 1998. I further certify that the meeting was duly called and held and that a quorum was present.

  
\_\_\_\_\_  
City Clerk

RESOLUTION NO. 1893-98

A RESOLUTION OF THE CITY OF AVONDALE,  
MARICOPA COUNTY, ARIZONA, DECLARING AND  
ADOPTING THE RESULTS OF THE SPECIAL ELECTION  
HELD ON SEPTEMBER 8, 1998.

WHEREAS, the City of Avondale, Maricopa County, Arizona did hold a special election the 8<sup>th</sup> day of September for the purpose of proposing charter amendments and bond authorization questions; and

WHEREAS, the election returns have been presented to and have been canvassed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by t-he Mayor and Council of the City of Avondale, Maricopa County, Arizona, as follows:

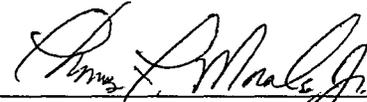
- SECTION 1. That the total number of ballots cast at said special election was 1508.
- SECTION 2. That the number of ballots to be verified was 45, and that the voters found to be ineligible were 22.
- SECTION 3. That it is hereby found, determined and declared that bond authorization questions 1, 2, 4 and 5 authorizing the issuance and sale of \$31,000,000 principal amount of the City's bonds were approved by a majority vote of the qualified electors of the City of Avondale, Arizona and that the Mayor and Council of the City so order the indebtedness.
- SECTION 4. That the Mayor and Council of the City are hereby authorized and directed to execute the Certificate of Results of Special Bond Election Held in the City of Avondale, Arizona on September 8, 1998, in the form attached hereto, and after such Certificate has been executed, the Clerk of the City is hereby directed to file and record such Certificate in the office of the County Recorder of Maricopa County, Arizona.

SECTION 5. That Propositions 400, 401, 403, 414, and 415 were approved by a majority vote of the qualified electors of the City of Avondale.

SECTION 6. That Propositions 402, 404, 405, 406, 407, 408, 409, 410, 411, 412, and 413 were not approved by the voters.

SECTION 7. This resolution shall be in full force and effect upon its adoption.

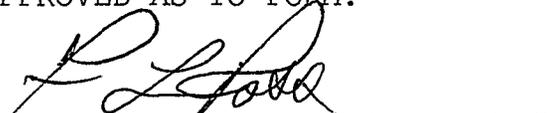
PASSED AND ADOPTED BY the Mayor and Council of the City of Avondale this 21<sup>st</sup> day of September, 1998.

  
\_\_\_\_\_  
Mayor Morales

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATE OF RESULTS OF SPECIAL BOND ELECTION HELD  
IN THE CITY OF AVONDALE, ARIZONA ON SEPTEMBER 8, 1998.

It is hereby certified by the Mayor and Council of the City of Avondale, Arizona, as follows:

I. That a special bond election was duly called and held in and for the City of Avondale, Arizona (hereinafter referred to as the "City"), on September 8, 1998, under the provisions of Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, when there was submitted to the qualified electors of the City the questions as shown on the attached form of ballots;

II. That the poll and tally lists and the official returns of the election boards that conducted the special bond election were filed with the Mayor and Council of the City and on September 21, 1998 and that this Mayor and Council met and canvassed the returns of the special bond election as prescribed by law;

III. That the undersigned Mayor and Council further certify that the object of the special bond election was to obtain authority from the qualified electors of the City to issue and sell the bonds described in the attached form of ballot;

IV. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 1 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 1 submitted at the election for the issuance and sale of not to exceed \$15,000,000 principal amount of bonds of the City of Avondale, Arizona, such bonds to be issued as general obligation bonds of the City pursuant to Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, or as water and sewer revenue bonds pursuant to Title 9, Chapter 5, Article 3, Arizona Revised Statutes, as amended, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
781	612	1,393

election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
869	513	1,382

VIII. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 5 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 5 submitted at the election for the issuance and sale of not to exceed \$2,500,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
706	673	1,379

IX. That it is therefore ordered by this Mayor and Council that the indebtedness be incurred by the issuance and sale of negotiable bonds of the City as described in Questions Nos. 1, 2, 4 and 5 in the amounts, bearing the rate of interest and maturing at the times specified in Questions Nos. 1, 2, 4 and 5.

V. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 2 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 2 submitted at the election for the issuance and sale of not to exceed \$10,300,00 principal amount of bonds of the City of Avondale, Arizona, such bonds to be issued as general obligation bonds of the City pursuant to Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, or as highway user revenue bonds of the City pursuant to Title 48, Chapter 4, Article 5, Arizona Revised Statutes, as amended, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
771	616	1,387

VI. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 3 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 3 submitted at the election for the issuance and sale of not to exceed \$4,500,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
672	705	1,377

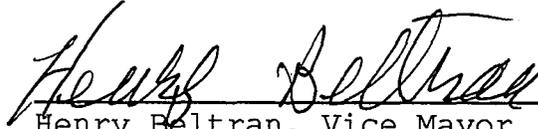
VII. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 4 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 4 submitted at the election for the issuance and sale of not to exceed \$3,200,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the

IN WITNESS WHEREOF, we have hereunto set our hands on this, the 21st day of September, 1998.

MAYOR AND COUNCIL OF THE CITY OF  
AVONDALE, ARIZONA



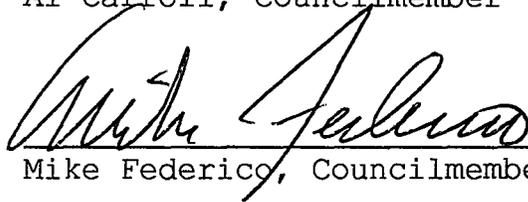
Thomas F. Morales, Sr., Mayor



Henry Beltran, Vice Mayor



Al Carroll, Councilmember



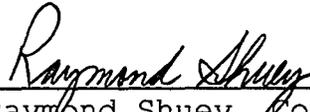
Mike Federico, Councilmember



Peggy Jones, Councilmember



Marie Lopez-Rogers, Councilmember



Raymond Shuey, Councilmember

# O'CONNOR CAVANAGH

*The Law Offices of*  
O'Connor, Cavanagh, Anderson, Killingsworth & Beshears  
A Professional Association

Richard E. Mitchell  
602-263-2644

File No. 14595-21

November 30, 1998

Ms. Linda Tyler  
City Clerk  
CITY OF AVONDALE, ARIZONA  
525 North Central  
Avondale, Arizona 85323

**Re: Certificate of Results of Special Bond Election**

Dear Linda:

Enclosed herewith for your files please find the original executed recorded copy of the Certificate of Results of Special Bond Election Held in and for the City of Avondale, Arizona on November 8, 1998.

If you have any questions, please do not hesitate to call me.

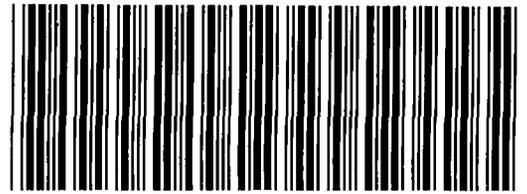
Best personal regards,



RICHARD E. MITCHELL

REM:je  
Enclosure

cc: Mr. Ron Brown, Finance Director  
CITY OF AVONDALE, ARIZONA (w/encl.)



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

98-0941841 10/21/98 01:45

HATTIE 6 OF 22

When recorded mail to:

Richard E. Mitchell, Esq.  
O'Connor, Cavanagh, Anderson,  
Killingsworth & Beshears, P.A.  
One East Camelback Road, Suite 1100  
Phoenix, Arizona 85018

---

---

CERTIFICATE OF RESULTS OF SPECIAL BOND ELECTION

HELD IN AND FOR

THE CITY OF AVONDALE, ARIZONA

ON SEPTEMBER 8, 1998

/

---

---

CERTIFICATE OF RESULTS OF SPECIAL BOND ELECTION HELD  
IN THE CITY OF AVONDALE, ARIZONA ON SEPTEMBER 8, 1998.

It is hereby certified by the Mayor and Council of the City of Avondale, Arizona, as follows:

I. That a special bond election was duly called and held in and for the City of Avondale, Arizona (hereinafter referred to as the "City"), on September 8, 1998, under the provisions of Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, when there was submitted to the qualified electors of the City the questions as shown on the attached form of ballots;

II. That the poll and tally lists and the official returns of the election boards that conducted the special bond election were filed with the Mayor and Council of the City and on September 21, 1998 and that this Mayor and Council met and canvassed the returns of the special bond election as prescribed by law;

III. That the undersigned Mayor and Council further certify that the object of the special bond election was to obtain authority from the qualified electors of the City to issue and sell the bonds described in the attached form of ballot;

IV. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 1 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 1 submitted at the election for the issuance and sale of not to exceed \$15,000,000 principal amount of bonds of the City of Avondale, Arizona, such bonds to be issued as general obligation bonds of the City pursuant to Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, or as water and sewer revenue bonds pursuant to Title 9, Chapter 5, Article 3, Arizona Revised Statutes, as amended, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
781	612	1,393

V. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 2 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 2 submitted at the election for the issuance and sale of not to exceed \$10,300,00 principal amount of bonds of the City of Avondale, Arizona, such bonds to be issued as general obligation bonds of the City pursuant to Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended, or as highway user revenue bonds of the City pursuant to Title 48, Chapter 4, Article 5, Arizona Revised Statutes, as amended, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
771	616	1,387

VI. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 3 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 3 submitted at the election for the issuance and sale of not to exceed \$4,500,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For</u> <u>The Bonds</u>	<u>Against</u> <u>The Bonds</u>	<u>Total</u>
672	705	1,377

VII. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 4 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 4 submitted at the election for the issuance and sale of not to exceed \$3,200,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the

election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

<u>For The Bonds</u>	<u>Against The Bonds</u>	<u>Total</u>
869	513	1,382

VIII. That we do further find and certify, after careful and complete canvass of the official election returns, that in answer to Question No. 5 submitted to the qualified electors of the City at the special bond election, the majority of the votes cast were cast in favor of the creation of the indebtedness described in Question No. 5 submitted at the election for the issuance and sale of not to exceed \$2,500,000 principal amount of general obligation bonds of the City of Avondale, Arizona, as determined by the election boards at the polling places in the City, and that the election had been conducted and the returns thereof made as required by law and that the result of the election is set forth in the following tabulation of the official election returns, to-wit:

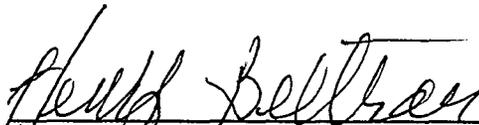
<u>For The Bonds</u>	<u>Against The Bonds</u>	<u>Total</u>
706	673	1,379

IX. That it is therefore ordered by this Mayor and Council that the indebtedness be incurred by the issuance and sale of negotiable bonds of the City as described in Questions Nos. 1, 2, 4 and 5 in the amounts, bearing the rate of interest and maturing at the times specified in Questions Nos. 1, 2, 4 and 5.

IN WITNESS WHEREOF, we have hereunto set our hands on this, the 21st day of September, 1998.

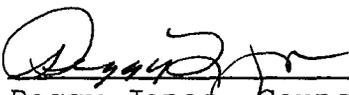
MAYOR AND COUNCIL OF THE CITY OF AVONDALE, ARIZONA

  
\_\_\_\_\_  
Thomas F. Morales, Jr., Mayor

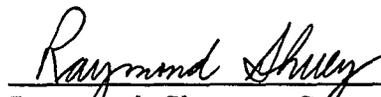
  
\_\_\_\_\_  
Henry Beltran, Vice Mayor

  
\_\_\_\_\_  
Al Carroll, Councilmember

  
\_\_\_\_\_  
Mike Federico, Councilmember

  
\_\_\_\_\_  
Peggy Jones, Councilmember

  
\_\_\_\_\_  
Marie Lopez-Rogers, Councilmember

  
\_\_\_\_\_  
Raymond Shuey, Councilmember

## EXHIBIT A

## OFFICIAL BALLOT

FOR SPECIAL BOND ELECTION TO BE HELD IN AND  
FOR THE CITY OF AVONDALE, ARIZONA ON SEPTEMBER  
8, 1998.

## QUESTION NO. 1

PURPOSE: WATER AND SEWER IMPROVEMENTS  
AMOUNT: \$15,000,000

Shall the City of Avondale, Arizona (the "City"), be authorized to incur indebtedness by the issuance of bonds of the City in the principal amount of \$15,000,000 for the purpose of providing funds to improve, better and extend the existing water and sewer systems of the City, both within and without the City limits, to acquire, construct and improve water transmission lines and facilities, to construct water storage facilities, to design, construct and equip additional water treatment facilities, to improve existing water wells, to acquire and construct additional water wells, to acquire water systems, water rights, land and rights-of-way for the City's water and sewer systems, whether within or without the limits of the City, by purchase, exercise of the power of eminent domain or any other method of acquisition, to acquire, construct and improve sewer transmission lines and facilities, to design, improve construct and equip the City's wastewater reclamation and sludge dewatering systems, to conduct studies for the City's water and sewer systems, to design, construct and equip additional wastewater treatment facilities, to acquire any other property of any kind for the City's water and sewer systems, to pay all expenses incidental to any of the foregoing and to the issuance and sale of such bonds, such bonds, or any series thereof, to be issued at the option of the Council of the City, as general obligation bonds of the City, payable from ad valorem taxes levied upon all of the taxable property in the City, or as water and sewer revenue bonds, payable solely from the revenues of the water and sewer systems of the City; such bonds, or any series thereof, to be in the denomination of \$5,000 each or whole multiples thereof, to mature not more than 20 years from their date and to bear interest at a rate or rates not to exceed 9% per annum, payable semiannually; provided that each bond may be evidenced by one instrument or a succession of instruments and the interest may be payable more frequently, and at a variable rate or rates, none of which shall exceed 9% per annum?

FOR THE BONDS AGAINST THE BONDS

## QUESTION NO. 2.

PURPOSE: STREET AND HIGHWAY IMPROVEMENTS  
AMOUNT: \$10,300,000

Shall the City of Avondale, Arizona (the "City") be authorized to incur indebtedness by the issuance of bonds of the City in the principal amount of \$10,300,000 for the purpose of providing funds to improve, construct, reconstruct and maintain streets, highways and bridges within the City, to acquire, construct and install street lights, traffic signals, traffic safety improvement devices, drainage improvements, retention basins and landscaping therefor, to acquire land and interest in land for rights-of-way therefor by purchase, exercise of the power of eminent domain or any other method of acquisition, and to pay all expenses incidental thereto and to the issuance and sale of such bonds, such bonds, or any series thereof, to be issued at the option of the Counsel of the City, as general obligation bonds of the City, payable from ad valorem taxes levied upon all of the taxable property within the City, or as street and highway user revenue bonds, payable solely from taxes, fees, charges and other moneys collected by the State of Arizona and returned to the City for street and highway purposes pursuant to law; such bonds, or any series thereof, to be in the denomination of \$5,000 each or whole multiples thereof, to mature not more than 20 years from their date and to bear interest at a rate or rates not to exceed 9% per annum, payable semiannually; provided that each bond may be evidenced by one instrument or a succession of instruments and the interest may be payable more frequently, and at a variable rate or rates, none of which shall exceed 9% per annum?

FOR THE BONDS

AGAINST THE BONDS

## QUESTION NO. 3

PURPOSE: PARKS AND RECREATIONAL FACILITIES  
AMOUNT: \$4,500,000

Shall the City of Avondale, Arizona (the "City"), be authorized to incur indebtedness by the issuance of bonds of the City in the principal amount of \$4,500,000 for the purpose of providing funds to design, construct, improve, equip and furnish existing and additional parks, recreational facilities and open spaces, to acquire land for parks, recreational facilities and open spaces by purchase, exercise of the power of eminent domain or any other method by acquisition, and to pay all expenses incidental thereto and to the issuance and sale of such bonds, such bonds, or any series thereof, to be issued as general obligation bonds of the City, payable from ad valorem taxes levied upon all taxable property in the City; such bonds, or any series thereof, to be in the denomination of \$5,000 each or whole multiples thereof, to mature not more than 20 years from their date and to bear interest at a rate or rates not to exceed 9% per annum, payable semiannually; provided that each bond may be evidenced by one instrument or a succession of instruments and the interest may be payable more frequently, and at a variable rate or rates, none of which shall exceed 9% per annum?

FOR THE BONDS AGAINST THE BONDS

## QUESTION NO. 4

PURPOSE: PUBLIC SAFETY FACILITIES  
AMOUNT: \$3,200,000

Shall the City of Avondale, Arizona (the "City"), be authorized to incur indebtedness by the issuance of bonds of the City in the principal amount of \$3,200,000 for the purpose of providing funds to design, construct and equip additional fire substations, to acquire fire fighting and rescue equipment, to furnish and equip and the fire substations so constructed, to design, construct, expand and equip existing and additional police facilities, to furnish and equip the police facilities so constructed or expanded, to design, construct, expand and equip existing and additional court facilities, to furnish and equip the court facilities so constructed or expanded, to acquire land for fire substations, a medic station, police facilities and court facilities by purchase, exercise of the power of eminent domain and any other method of acquisition, and to improve the grounds of the facilities so constructed or expanded, and to pay all expenses incidental thereto and to the issuance and sale of such bonds, such bonds, or any series thereof, to be issued as general obligation bonds of the City, payable from ad valorem taxes levied upon all taxable property in the City; such bonds, or any series thereof, to be in the denomination of \$5,000 each or whole multiples thereof, to mature not more than 20 years from their date and to bear interest at a rate or rates not to exceed 9% per annum, payable semiannually; provided that each bond may be evidenced by one instrument or a succession of instruments and the interest may be payable more frequently, and at a variable rate or rates, none of which shall exceed 9% per annum?

FOR THE BONDS AGAINST THE BONDS

## QUESTION NO. 5

PURPOSE: LIBRARY FACILITIES  
AMOUNT: \$2,500,000

Shall the City of Avondale, Arizona (the "City"), be authorized to incur indebtedness by the issuance of bonds of the City in the principal amount of \$2,500,000 for the purpose of providing funds to design, construct, equip and furnish a library facility complete with interior furnishings, books, periodicals and other library media, to acquire land for such library facility by purchase, exercise of the power of eminent domain or any other method of acquisition, and to improve the grounds of the library facility so constructed, and to pay all expenses incidental thereto and to the issuance and sale of such bonds, such bonds, or any series thereof, to be issued as general obligation bonds of the City, payable from ad valorem taxes levied upon all taxable property in the City; such bonds, or any series thereof, to be in the denomination of \$5,000 each or whole multiples thereof, to mature not more than 20 years from their date and to bear interest at a rate or rates not to exceed 9% per annum, payable semiannually; provided that each bond may be evidenced by one instrument or a succession of instruments and the interest may be payable more frequently, and at a variable rate or rates, none of which shall exceed 9% per annum?

FOR THE BONDS AGAINST THE BONDS

# O'CONNOR CAVANAGH

*The Law Offices of*  
O'Connor, Cavanagh, Anderson, Killingsworth & Beshears  
A Professional Association

Richard E. Mitchell  
602-263-2644

File No. 14595-21

November 24, 1998

Ms. Linda Tyler  
City Clerk  
CITY OF AVONDALE, ARIZONA  
525 North Central  
Avondale, Arizona 85323

Mr. Ron Brown  
Finance Director  
CITY OF AVONDALE, ARIZONA  
225 East Western Avenue  
Avondale, Arizona 85323

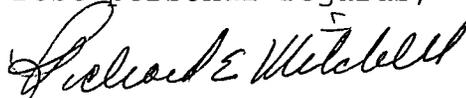
**Re: September 8, 1998 Special Election**

Dear Linda and Ron:

Enclosed herewith for your files please find the letter from the United States Department of Justice, Civil Rights Division, relating to the above-referenced election.

If you have any questions, please do not hesitate to call me.

Best personal regards,



RICHARD E. MITCHELL

REM:je  
Enclosure





U.S. Department of Justice

Civil Rights Division

EJ:DHH:NT:emr  
DJ 166-012-3  
98-3175

Voting Section  
P.O. Box 66128  
Washington, DC 20035-6128



November 10, 1998

Richard E. Mitchell, Esq.  
O'Connor, Cavanagh, Anderson,  
Killingsworth & Beshears  
One East Camelback Road, Suite 1100  
Phoenix, Arizona 85012

Dear Mr. Mitchell:

This refers to the procedures for conducting the September 8, 1998, special bond election for the City of Avondale in Maricopa County, Arizona, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 17, 1998.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Elizabeth Johnson  
Chief, Voting Section