



Board of Supervisors Memorandum

September 22, 1998

**Amendments to Ordinance No. 1997-35
(Bond Improvement Plan, May 20, 1997 Special Election)
and
Ordinance No. 1997-80
(Bond Improvement Plan, November 4, 1997 Special Election)**

Report

On April 15, 1998, the Board of Supervisors added Chapter 3.06 (Bonding Disclosure, Accountability, and Implementation) to the Pima County Code. Pursuant to the requirements of Chapter 3.06, the Board adopted "bond improvement plan" ordinances for the May 20, 1997 Special Election (Ordinance No. 1997-35) and the November 4, 1997 Special Election (Ordinance No. 1997-80). These ordinances set forth the improvements the County will construct with bond proceeds from the sales approved by the voters at the two special elections.

Section 3.06.050 of the Code contemplates the need for the Board to make "substantial modifications" to approved Bond Improvement Plans and establishes procedures for the Board to make such changes. Section 3.06.050 defines a "substantial modification" as one of the following events:

1. An increase or decrease in estimated bond costs by twenty-five percent or more.
2. A delay in a project construction or implementation schedule of twelve months or more.
3. A delay in the scheduled sale of bonds of twenty-four months or more.
4. Any project that is not constructed.
5. Any project that is added to those to be constructed.
6. Any increase or decrease in project scope by twenty percent or more.
7. All changes to a Bond Improvement Plan necessitated by only a portion of the proposed bond questions being approved at the special election.

Section 3.06.050 states that:

"Any substantial modification in the implementation of an adopted Bond Improvement Plan shall require a specific amendment to the ordinance that adopted the plan that is enacted by the Board at a public hearing at least fifteen days notice of which shall be given in a newspaper of general circulation in the County."

In compliance with the requirements of Section 3.05.060, amendments to both Ordinance Number 1997-35 (Bond Improvement Plan, May 20, 1997 Special Election) and Number 1997-80 (Bond Improvement Plan, November 4, 1997 Special Election) are proposed. The following section identifies and justifies the proposed substantial modifications. Table 1 summarizes the proposed substantial modifications and provides a brief explanation of the cause for each.

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Ordinance No. 1997-35 Bond Improvement Plan, May 20, 1997 Special Election

1. Sheriff's Department

At the Sheriff's request, the Capital Improvement Budget and Capital Improvement Program combine four projects related to the Corrections Department: S-1, Adult Remanded Juvenile Detention; S-2, Maximum Security Detention; S-4, Criminal Convictions; and S-6, Jail Security. Master planning of these facilities is scheduled to begin in fiscal year 1998/99, with design scheduled over the next two fiscal years. Construction of the juvenile and maximum security facilities would occur as scheduled. The Criminal Convictions, S-4 and Jail Security, S-6 facilities, however, would be rescheduled for implementation after the facilities are constructed and are, therefore, delayed from Implementation Period 1 to Implementation Period 5.

2. Projects Affected by the Pygmy Owl Issue

Four projects either associated with construction of the new Amphitheater High School or located in close proximity to the Pygmy Owl habitat identified on the northwest side of the metropolitan area have been placed on hold.

Project numbers P-38, Northwest Educational Park (Amphitheater) and L-1, Northwest Library (Amphitheater) are associated with the proposed new Amphitheater High School at Shannon and Naranja, which is in question because of its potential impact on known Pygmy Owl habitat. Project numbers P-59, Tortolita Shooting Range and SD-11, Tortolita Shooting Range relate to acquisition and construction of a shooting range in a proposed area of acquisition that is near the sixteen square mile known Pygmy Owl habitat. Staff recommends that the ordinance be amended to place P-38, P-59, and SD-11 into an "On-Hold" category pending further resolution of the high school and the Pygmy Owl issues. Staff further recommends that L-1, Northwest Library, be relocated to Oro Valley, on a site adjacent to the Town Hall. This site would not be affected by the Pygmy Owl issue and will provide a facility that will serve the rapidly growing northwest metropolitan region.

3. P-29 Southeast Park Land Acquisition/Rita Ranch District Park (Purple Heart Park)

Bond funds (\$350,000) originally allocated to park land acquisition in the southeast area will be reallocated to immediately provide much needed improvements to an existing park that is inadequately funded for park improvements by the City of Tucson. These improvements will deliver enhanced park and recreation services to residents of the southeast section of town more quickly than acquisition and future development would have provided.

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4. Town of Oro Valley

The Town of Oro Valley requests that project P-39, Canyon del Oro Riverfront Park, scheduled for Implementation Periods 2 and 3, be accelerated, to begin design in fiscal year 1998/99. The recommended Capital Improvement Budget accommodates this request, assuming that the Town's contribution of \$400,000 is used to fund design in fiscal year 1998/99 and part of construction in fiscal year 1999/2000, when expenditure of the County's bonds would begin. To accommodate the Town's request, staff recommends that Dennis Weaver Park (P-9) be delayed from Implementation Period 1 to Implementation Period 3.

5. Wastewater Management

Staff recommends two ordinance amendments for Wastewater Management:

SS-05, Tanque Verde Interceptor, Craycroft to Tucson Country Club. Wastewater Management will design this project in conjunction with SS-06, Tanque Verde Interceptor, Hidden Hills Wash to Arbor Circle. The department believes it will need two additional years to complete SS-05, because they anticipate delays in obtaining rights-of-way and easements. Staff recommends that the ordinance be amended to schedule this project in Implementation Periods 1 and 2 rather than just Implementation Period 1.

SS-10, Miscellaneous Sewer Relocations and Rehabilitations, and Odor Mitigation at Roger Road Plant. Wastewater Management recommends that the scope of work for this project be limited to odor control and mitigation in the Roger Road Treatment Plant area, including the headworks and strategic locations in the tributary trunk/interceptor sewers. The department justifies the recommended change in scope of work because odors at the Roger Road facility have been a problem for years and the tributary system faces structural damage from the gases associated with the odors.

6. Solid Waste Management

Solid Waste Management had four projects approved in the May 20, 1997 bond election. Two of the four projects appear to require modification of the bond improvement plan ordinance.

SW-1, Regional Facility Acquisition and Initial Disposal Cell and SW-2 Tangerine Closure. Over the past year, most of the solid waste historically received at the Tangerine Landfill has been diverted to other facilities. At current rates of disposal the Tangerine Landfill will have capacity for several years longer than expected. Therefore, staff recommends that both projects, scheduled for Implementation Period 3, be rescheduled for Implementation Period 5.

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Ordinance 1997-80, Transportation Bond Improvement Plan, November 4, 1997 Special Election

1. First Bond Sale of \$40,000,000

Ordinance No. 1997-80 specified a 1998 sale of HURF revenue bonds of \$60,000,000. The recommended Capital Improvement Budget, however, only requires sale of \$40,000,000.

2. DOT-1, River Road: First Avenue to Campbell Avenue

Due to the need to revise the project plans, extensive right-of-way negotiations, access to several parcels, and undergrounding overhead utilities, roadway construction would be scheduled to begin in fiscal year 2000/01. Planning, design, land acquisition, and construction of bluff protection at the Alta Mira Apartments and the slope to the east would begin in fiscal year 1998/99. The implementation schedule would change from Period 1 to Periods 1 and 2.

3. DOT-13, Ajo Way: Country Club to Alvernon Way

Planning, design, and land acquisition will begin in fiscal year 1998/99 and continue into fiscal year 1999/2000. Staff expects that drainage issues, citizen participation, and current development along the right-of-way will delay start of construction until late in fiscal year 1999/2000. The bulk of construction is scheduled for fiscal year 2000/01, but staff expects it will continue into the early part of fiscal year 2001/02. The implementation schedule would change from Period 1 to Periods 1 and 2.

4. DOT-30, Catalina Highway: Tanque Verde Road to Houghton Road

Planning and design on this project will begin in fiscal year 1998/99. The project is dependent upon \$1,500,000 in revenues from Development Impact Fees, which will not accumulate until fiscal year 2001/02. Therefore, start of construction would be scheduled for fiscal year 2000/01 with bond financing, with the remainder of construction completed in fiscal year 2001/02 when impact fees are available. The implementation schedule would change from Period 1 to Periods 1 and 2.

In adding Chapter 3.06, the Board intended to provide voters with advanced knowledge of improvements that would be constructed if bonds were approved and assurances that the improvements would be built on schedule, barring unforeseen circumstances. The intent of Section 3.06.050 is to provide for a public notice and hearing when projects are not going to be built, will be delayed in construction, or will cost more than estimated. There have been, and will be, occasions when the Board decides to accelerate a project. In these circumstances, the change is not a "substantial modification" and does not require ordinance amendments. The changes, however, will also be made in public hearing, usually during adoption of the Capital Improvement Plan or Capital Improvement Budget, and will be documented as such. A complete historical record of approved Bond Improvement Plans, therefore, will be maintained and available for inspection.

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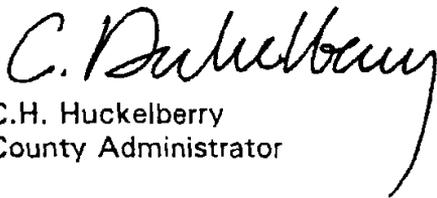
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Recommendation

I recommend that the Board adopt Ordinance Number 1998 - _____, amending Ordinance
Number 1997-35, and Ordinance Number 1998 - _____, amending Ordinance Number 1997-80.

Respectfully submitted,



C.H. Huckelberry
County Administrator

CHH/jj (September 2, 1998)

Attachments