

Official Title

A Town Code Ordinance

Amending TITLE XV: LAND USAGE; of the Town Code of Payson, Arizona to Require Direct Election by Qualified Electors of the Town for any Long Term Lease Agreement excluding Inter-Government, Water Department and Airport Commission Leases.

Text of Proposed Ordinance

Be it enacted by the People of the Town of Payson:

Section 1. Title.

This Town Code Ordinance shall be known as the:

“Transparency in Payson Lease Term Provisions.”

Section 2. Purpose and Intent.

- A. This Ordinance is intended to secure the right of the People of Payson, Arizona to control the use and disposition of publicly owned lands.
- B. To secure this right, this Town Code Ordinance will require a direct vote for any “Lease agreement” of Town real property, originating or renewal, with a stated, or extended, period, of more than three years, excluding inter-governmental agreements, excluding Water Department agreements, excluding utility and communication providers, and excluding Airport Commission agreements, be subject to a direct vote of approval for any “Lease,” requiring a Town vote to enact and or authorize.
- C. By adopting this Town Code Ordinance, the People of Payson, Arizona affirm their desire to prevent use of Town land without direct consent.

Section 3. TITLE XV: LAND USAGE, is amended by adding Chapter 157, as follows:

Chapter 157. People’s Right to control Public Lands.

- A. Any “Lease” of Town real property, originating or renewal, excluding inter-governmental agreements, excluding “Utility and Communication Providers,” excluding Airport Commission agreements, excluding Water Department agreements, that has a stated or extended term of three years or more shall be subject to a vote of the Qualified Electors to enact.
- B. For the purpose of this Ordinance, “Lease(s)” with a “Utility and Communication Provider(s)” are specifically excluded.
- C. The term “Lease” shall include all forms of “Lease,” “License,” and “Easement.”

- D. For the purpose of this Ordinance, the following definitions shall apply and be inclusive as appropriate:
1. **LEASE:** A lease is a contract where the Town agrees to give a tenant the exclusive right to inhabit or occupy real property.
 2. **LICENSE:** A license is a contract in which the Town lets an individual or an entity use real property for a specific purpose.
 3. **EASEMENT:** An easement is a contract in which the Town lets an individual or an entity use real property for a specific purpose or prevents the use of the real property.
- E. For the purpose of this Ordinance, the following definition shall apply and be inclusive as appropriate:
1. **UTILITY AND COMMUNICATION PROVIDERS** shall include any organization which provides services to the general public, although it may be privately owned. Public utilities include electric, gas, telephone, water, sewer, waste management, broadcast systems and television cable systems.

Section 4. Severability.

The People of Payson, Arizona declare their intention that the provisions of this Town Code Ordinance are severable. If any provision of this Town Code Ordinance is held invalid for any reason, the remaining provisions of this Town Code Ordinance will be severed from the void portion and given the fullest possible force and application.

Section 5. Submission to voters.

The Town of Payson Clerk shall submit this Town Code Ordinance to the voters at the next general election as provided by the Constitution of Arizona.

Section 6. Effective date and implementation.

- A. If approved by the voters, this Town Code Ordinance shall apply, as provided herein, occurring January 1, 2019.
- B. The Town Council and Town staff shall promptly make such changes in and additions to any related Town documents to include, but not be limited to, Debt Manual, Capital Improvement Plan, and Debt Management Policy.
- C. The Town Clerk shall publicize the requirements of this provision.
- D. Nothing in this Town Code Ordinance shall have the effect of precluding The Town from adhering to requirements more stringent than those required by this Town Code Ordinance.
- E. The rights established by this Section shall be construed broadly.

Section 7. Legal Defense.

The People of Payson, Arizona desire that this Town Code Ordinance, if approved by the voters, be defended if it is challenged in court. They therefore declare that the political committee registered to circulate petitions and campaign in support of the adoption of this Town Code

Ordinance, or any one or more of its officers, have standing to defend this Town Code Ordinance on behalf of and as the agent of the People of Payson Arizona in any legal action brought to challenge the validity of this Town Code Ordinance.

**APPLICATION FOR INITIATIVE PETITION SERIAL NUMBER
TO: TOWN CLERK, TOWN OF PAYSON**

The undersigned intends to circulate and file an INITIATIVE petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE intended to be INITIATED at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed measure that will appear in that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Transparency in Payson Lease Term(s) initiative establishes Your Right to control town real property. The Town will be required that any Lease agreement of Town real property, exceeding three years in duration, excluding inter-governmental action, excluding the Airports Commission, excluding the Water Board, and excluding utility providers, be subject to a direct vote of approval for any Lease, requiring a Town vote to enact and or authorize. This will maintain long-term control of publicly owned lands with the public.

Signature of Applicant

Name of Organization

Printed Name of Applicant

Address

Address

City State Zip

City State Zip

Telephone Number

Telephone Number

Name of Officer and Title

Date of Application _____
Signatures Required _____
Deadline for Filing _____
Serial Number Issued _____

Address

City State Zip

Telephone Number

Name of Office and Title

Address

City State Zip

Telephone Number