

AGENDA ITEM #: _____

DATE: September 28, 2020

CAR #: 2020-7077



CITY COUNCIL ACTION REPORT

SUBJECT: Delegation of Authority to the City Manager or designee to exercise city vehicle designation

STAFF PRESENTER(S): Santiago Rodriguez, Chief of Police

OTHER PRESENTER(S): Lisa Maxie-Mullins, Assistant City Attorney

Summary: Adoption of the proposed Resolution will authorize the delegation of authority to the City Manager or her designee to exercise the city-vehicle exemption pursuant to state law.

Recommendation:

ADOPT RESOLUTION NO. 2020-2109 DELEGATING TO THE CITY MANAGER OR HER DESIGNEE THE AUTHORITY TO EXERCISE THE CITY VEHICLE DESIGNATION EXEMPTION PURSUANT TO ARIZONA REVISED STATUTES 38-538.03.

Fiscal Impact: There are no additional costs or other financial considerations arising out of this delegation of authority.

Background and Previous Actions

Pursuant to Arizona Revised Statutes §§ 38-538 et al, government-owned vehicles should generally be marked and identified as vehicles belonging to the government and bear the words "for official use only." However, the provisions also include an exemption. Arizona Revised Statute Section 38-538.03 provides that some vehicles do not require official designations. The exemption includes vehicles used by government entities to conduct "felony investigations or activities of a confidential nature." An example, would be undercover police vehicles needed for police operations.

The law authorizes the duty to identify the exempted vehicles to the City Council.

Staff Analysis

State law specifically exempts certain government owned vehicles from the designation set forth in A.R.S. §§ 38-538 et al. The exempted vehicles includes those vehicles used for undercover police operations. The proposed Resolution delegates this exemption authority, which is limited by state law, to the City Manager or her designee.

The designation of exempted vehicles pursuant to A.R.S. 38-538.03 is a primarily administrative task which the City Council may delegate to the City Manager. This delegation of authority is an efficient means in which to identify vehicles which qualify for the exemption without jeopardizing the confidential nature of certain public safety operations in public meetings. The delegation of this authority to the City Manager or her designee ensures compliance with both the designation exemption requirement and Arizona open meeting law.

The City Manager or her designee shall provide an annual written notification to the City Council indicating the exemption designation process has been completed.

Attachments

Resolution 2020-2109