SENATE CONCURRENT MEMORIAL 1005

A CONCURRENT MEMORIAL

URGING THE CITY OF TUCSON, THE PIMA COUNTY BOARD OF SUPERVISORS AND OTHER ENTITIES TO WORK IN THE BEST INTERESTS OF ARIZONA'S TAXPAYERS IN RESOLVING THE DISPUTE REGARDING THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)
To the Mayor, City Attorney and City Manager of the City of Tucson, the
Tucson City Council, the Pima County Board of Supervisors, the Pima
County Manager, the Arizona Attorney General, the Director of the
Federal Bureau of Investigation and the Director of the United States
Department of Justice:
Your memorialist respectfully represents:
Whereas, in 1999 the Rio Nuevo Multipurpose Facilities District
(District) was established to redevelop and revitalize the downtown corridor
in Tucson, Arizona through an independent and separate financing stadium
district board and program; and
Whereas, the Arizona Legislature reconstituted, appointed and seated a
new Rio Nuevo Multipurpose Facilities District Board (new District Board)
along with Governor appointments in 2010; and
Whereas, the reconstitution of the governing board of this stadium
district was a significant reminder and reprimand to the City of Tucson
government, the Mayor and Council and the City Staff and Officials (City)
that the allocation, management and expenditure of Arizona funds by them are
a public trust that is to be faithfully administered and managed for the
taxpayers' benefit; and
Whereas, the taxpaying citizens of Arizona rely on the proper
management and use of the stadium district development funds as an economic
stimulator to harness important commercial and recreational industries to
fuel the state's economy and tax base, bringing vibrancy to a designated
area; and
Whereas, this reconstitution significantly reprimanded the City for its
administration and management of this program and its funding source since
its inception; and
Whereas, the pre-2010 management and administration of the District
inappropriately focused on general municipal obligations such as street
infrastructure properly belonging to the City, not the District, and
disproportionately exhausted and obligated the funding source for this
District; and
Whereas, the Arizona Legislature applauds the control exercised by the
new District Board, its careful financial review and ordering of the ongoing
forensic audits of the significant large projects, ceasing to fund projects
not within its actual boundaries and its continued struggle for receipt of
its funds and assets as well as independence from the City; and
Whereas, the Arizona Legislature appreciates the new District Board's
service as an agent of the State of Arizona; and
Whereas, the new District Board has diligently worked through complex
issues, including numerous inherited projects, contracts and expenditures; and
Whereas, the new District Board has endeavored to ascertain the true financial status of the District, identify its assets and secure an accounting for the taxpayers of Arizona through forensic and financial audits combined with the findings of the performance audit by the State Auditor General and the institution of legal action; and

Whereas, the District has retained competent consultants, including financial accounting institutions and legal counsel, separately and distinct from the previous management by the City of Tucson, and has examined District leases, financing instruments, intergovernmental agreements and other agreements to protect the taxpayer; and

Whereas, the new District Board has been a good steward of Arizona's funds through its diligence in facilitating this accounting and assessment of District assets and expenditures. Forensic audits and continued development of independent controls and procedural management is exactly what the reconstitution of the District was meant to facilitate; and

Whereas, the Arizona Legislature supports the new District Board in its continued efforts to ensure a solid financial and asset accounting; and

Whereas, the District remains in dispute with the City regarding the return and recovery of its assets; and

Whereas, it is important to safeguard accountability for the taxpaying citizens of Arizona.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the City act in good faith and work with the new District Board to reach a significant and meaningful accord on the cash and property assets due to the District for more than $250,000,000 of state funds expended since 1999.

2. That the City refrain from negative rhetoric and act in good faith for and during dispute resolution proceedings of whatever nature and recognize the independence and autonomy of the District.


4. That the City work with the new District Board to effectuate actual development and progress pursuant to the District's purpose and mission during the remaining duration of the District, as directed by the new District Board.

5. That the new District Board continue its successful pursuit to secure an accurate accounting, to secure the taxpayers' assets, to promote development as a governing autonomous development state entity, to harness its asset and hold responsible for the egregious actions accountable to such accounting for the taxpayers of the State of Arizona.
S.C.M. 1005

6. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Mayor, City Attorney and City Manager of the City of Tucson, each Member of the City Council of the City of Tucson, each Member of the Pima County Board of Supervisors, the Pima County Manager, the Arizona Attorney General, the Director of the Federal Bureau of Investigation, the Director of the United States Department of Justice and each Member of Congress from the State of Arizona.

PASSED BY THE HOUSE APRIL 16, 2012.

PASSED BY THE SENATE MARCH 5, 2012.