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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

LEWIS E. SINGER,  
Plaintiff,  
v.

NO. C 301232  
A N S W E R

MELVIN HUBER, Superintendent,  
Peoria Elementary School District. #11,  
RHEA WOODALL, Clerk, the Board of  
Supervisors of Maricopa County,  
State of Arizona: TOM FREESTONE,  
County Recorder,  
Defendants

COME NOW the Defendants in the above-entitled cause,  
by and through their attorneys undersigned, and answer the  
Summons and Complaint as follows:

I

That, in answer to the allegations contained in para-  
graphs II, III, IV, V, VII and VIII of the Complaint, Defendants  
admit the same.

II

That Defendants are without knowledge or information  
sufficient to form a belief as to the allegations contained in  
paragraphs I, VI, IX, X, XI and XII of the Complaint.

III

That, in answer to the allegations contained in para-  
graph XIII of the Complaint, Defendants deny the same.

IV

Allege that Plaintiff has failed to state a claim upon  
which relief can be granted.

WHEREFORE, Defendants pray that Plaintiff take nothing.  
DATED this 22<sup>nd</sup> day of October, 1974.

MOISE BERGER  
Maricopa County Attorney

By Albert Firestein  
Albert Firestein  
Chief Civil Deputy

1                   IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
2   IN AND FOR THE COUNTY OF MARICOPA

3  
4       LEWIS E. SINGER,  
5   Plaintiff,

6                   v.

7       MELVIN HUBER, Superintendent,  
8       Peoria Elementary School District. #11,  
9       RHEA WOODALL, Clerk, the Board of  
10      Supervisors of Maricopa County,  
11      State of Arizona: TOM FREESTONE,  
12      County Recorder,

13   Defendants

NO. C 301232

A N S W E R

14                   COME NOW the Defendants in the above-entitled cause,  
15       by and through their attorneys undersigned, and answer the  
16       Summons and Complaint as follows:

17   I

18                   That, in answer to the allegations contained in para-  
19       graphs II, III, IV, V, VII and VIII of the Complaint, Defendants  
20       admit the same.

21   II

22                   That Defendants are without knowledge or information  
23       sufficient to form a belief as to the allegations contained in  
24       paragraphs I, VI, IX, X, XI and XII of the Complaint.

25   III

26                   That, in answer to the allegations contained in para-  
27       graph XIII of the Complaint, Defendants deny the same.

28   IV

29                   Allege that Plaintiff has failed to state a claim upon  
30       which relief can be granted.

31   V

32                   Allege that Plaintiff has failed to join indispensable  
33       parties.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

LEWIS E. SINGER, )  
Plaintiff )

NO. C-301232

-vs-

MELVIN HUBER, Superintendent, Peoria )  
Elementary School District #11; RHEA )  
WOODALL, Clerk, The Board of Supervisors )  
of Maricopa County, State of Arizona; TCM )  
FREESTONE, County Recorder, )  
Defendants )

AFFIDAVIT OF SERVICE OF )  
PROCESS BY REGISTERED )  
OFFICER OF SUPERIOR COURT )  
ATTORNEYS FILE COPY )

STATE OF ARIZONA )  
County of Maricopa ) SS.

~~Laurence E. Nelson~~, being first duly sworn, deposes and states: That he is an Officer of the Superior Court; that he is fully qualified to serve process in this cause having been so appointed by the Court;

that on the 21st day of October, 1974, he received from

~~Lewis E. Singer~~, attorney for ~~xxx~~ in pro per, the following, to-wit:

SUMMONS AND COMPLAINT

and that he personally served the same within the State of Arizona, in this manner, by leaving a true and correct copy thereof with the following named person, at the following time and place:

UPON: RHEA WOODALL, Clerk, The Board of Supervisors of Maricopa County in her office at 111 S. 3rd Ave, Phoenix, Arizona, on the 21st of October, 1974, at 8:25AM.

UPON: TOM FREESTONE, County Recorder, at his office, 111 S. 3rd Ave Phoenix, Arizona, on the 21st of October, 1974, at 9:00AM.

UPON: MELVIN HUBER, Superintendent, Peoria Elementary School District #11, at 111 S. 3rd Ave, Phoenix, Arizona, on the 21st of October, 1974, at 9:55AM.

~~Laurence E. Nelson~~

services at \$3.50 per Service, as authorized by ARS 11-445, 12-303 and RCP 45(d).	\$	10.50
<del>min</del> miles of travel at 55 cents per mile, actually traveled....	\$	1.50
notary fee.....	\$	.50
other costs authorized by law as indicated below.....	\$	
TOTAL COSTS AND FEES.....	\$	12.50

A.P.I.P.  
P.O.Box 11466  
Phoenix, Arizona 85061  
Phone: 266-3855 or 944-4482  
Night Day

SUBSCRIBED AND SWORN to me this  
date: 2-22 Oct, 1974  
Notary Expiration Date \_\_\_\_\_  
Notary Public \_\_\_\_\_

LEWIS E. SINGER, Plaintiff  
 vs  
 MELVIN HUBER, Superintendent,  
 Peoria Elementary School Dist. #11;  
 RHEA WOODALL, Clerk, the Board of  
 Supervisors of Maricopa County,  
 State of Arizona; TOM FREESTONE,  
 County Recorder  
 Defendants

NO. 301232  
 SPECIAL ACTION  
 ELECTION CONTEST  
 NON-CLASSIFIED CIVIL  
VERIFIED PETITION

COMES NOW the plaintiff, and for cause of action against Defendants,  
 alleges:

1  
 THAT petitioner is a duly qualified voter in Maricopa County, State  
 of Arizona

2  
 THAT a Over 4% Special Bond Election in the amount of \$6,750,000  
 (Peoria Elementary) School District was held on October 8, 1974

3  
 THAT on October 21, 1974 ballots, Ball Lists and Tally Sheets were  
 filed with the Maricopa County Board of Supervisors by the Peoria School Board  
 of Trustees, District 11, and such Board claimed to have made a canvass of the  
 votes cast at that election

4  
 THAT such canvass purported to show that 17,732 Ballots were cast of  
 which 8,817 were marked "yes", 8,429 were marked "no" and 486 were rejected

5  
 THAT petitioner is informed and believes, and therefore alleges, that  
 such canvass of votes is in fact inaccurate and does not show the true number  
 of votes cast for "yes" and "no"

6  
 THAT petitioner is informed and believes, and therefore alleges, that of  
 such alleged rejected ballots, the majority thereof were in fact valid and should  
 have been counted by the inspectors of election.

7  
 THAT rejection of the ballots was not made in accordance with Par. 16-947  
 of the Arizona Revised Statutes and therefore the "no" vote was credited with  
 less votes than legally entitled, sufficient to change the results of the election

8  
 that petitioner is informed and believes, and therefore alleges, that such  
 canvass of votes is in fact inaccurate and does not show the true number of votes  
 cast for the 'yes' and 'no' votes

9  
 THAT no previous application has been made for the order sought herein;  
 WHEREFORE, petitioner prays that this court direct a recanvass of the  
 protested or rejected ballots shown on the statement of canvass in the aforesaid election

STATE OF ARIZONA SS  
 COUNTY OF MARICOPA

Lewis E. Singer  
 LEWIS E. SINGER

LEWIS E. SINGER, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:  
 THAT HE IS THE PLAINTIFF IN THE FOREGOING ACTION; THAT HE HAS READ  
 THE COMPLAINT HEREIN; AND THAT ALL FACTS, MATTERS AND THINGS SET FORTH HEREIN ARE TRUE  
 AND CORRECT, EXCEPT AS TO THOSE SET FORTH UPON INFORMATION AND BELIEF, WHICH HE BELIEVES TO  
 BE TRUE.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF OCT. 1974 LEWIS E SINGER

Notary Public  
 NOTARY PUBLIC

CHRONOLOGY OF SUN CITY SCHOOL REMOVAL

- 10/16/74 MADE ATTEMPTED TO EXAMINE BOND ELECTION BALLOTS AND AFFIDAVITS. WAS ADVISED THEY WERE UNDER SEAL AND CAN ONLY BE OPENED BY COURT ORDER. BOARD OF SUPERVISORS.
- 10/28/74 FILED SPECIAL ACTION IN SUPERIOR COURT AGAINST MELVIN HUBER, SUPERINTENDENT, PEORIA SCHOOL DIST.; RHEA WOODALL, CLERK, BOARD OF SUPERVISORS AND TOM FREESTONE, COUNTY RECORDER ASKING COURT TO RESTRAIN DEFENDANTS FROM TAKING ANY ACTION ON THE BOND ELECTION UNTIL I CAN EXAMINE BALLOTS AND AFFIDAVITS.
- 10/23/74 FILED A VERIFIED PETITION IN SUPERIOR COURT REQUESTING COURT TO DIRECT A RECANVASS OF THE PROTESTED BALLOTS.
- 10/24/74 ANSWER FILED BY MOISE BERGER, MARICOPA COUNTY ATTORNEY REQUESTING THAT SUIT BE DISMISSED.
- 10/29/74 SUPERIOR COURT ASSIGNED SUIT # AS C-301232.
- 10/29/74 TRIAL MEMORANDUM FILED BY JANE REX GREER, SPECIAL COUNSEL FOR PEORIA ELEMENTARY SCHOOL DIST #11
- 10/30/74 JUDGE ROBERT L. MYERS OF SUPERIOR COURT AGREES WITH PLAINTIFF (SINGER) AND ORDERS THE SCHOOL DISTRICT TO ALLOW PLAINTIFF TO INSPECT THE BALLOTS. BOND IS POSTED BY SINGER.
- 10/30/74 PRELIMINARY EXAMINATION OF BALLOTS EXPOSED 382 DISCREPANCIES AND ORDER TO SHOW CAUSE WAS FILED WITH SUPERIOR COURT TO ORDER DEFENDANTS TO VOID THE BOARD OF SUPERVISOR'S CERTIFICATION OF BOND ELECTION OF 10/8/74
- 11/1/74 JUDGE ROBERT L. MYERS APPROVES ORDER TO SHOW CAUSE AND ORDERS BOARD OF SUPERVISORS TO RESTRAIN FROM TAKING ANY FURTHER ACTION ON BOND ISSUE.
- 11/7/86 JUDGE ROBERT L. MYERS ISSUES STIPULATION AND ORDER EXTENDS TIME OF ACTION TO 12/6/74 TO PERMIT PLAINTIFF TO EXAMINE ALL 17,372 BALLOTS.
- 11/20/74 BOARD OF SUPERVISORS MEET TO CONSIDER REMOVING SUN CITY FROM SCHOOL DISTRICT. REDISTRICTING PETITION IS UP FOR CONSIDERATION. SINGER IS PRESENT AND IS ASKED BY BOARD OF SUPERVISORS WHETHER HE WILL WITHDRAW HIS SUIT IF SUN CITY IS REMOVED FROM SCHOOL DISTRICT. SINGER REPLIES IN THE AFFIRMATIVE. SUN CITY REMOVED.
- 11/26/74 JUDGE ROBERT L. MYERS ISSUES THE FOLLOWING "PURSUANT TO STIPULATION, IT IS ORDER THAT THIS ACTION IS DISMISSED WITH PREJUDICE".
- 3/25/75 BOND RETURNED TO SINGER

IN AND FOR THE COUNTY OF MARICOPA

LEWIS E. SINGER, Plaintiff,

vs.

MELVIN HUBER, Superintendent, Peoria Elementary School Dist. #11, RHEA WOODALL, Clerk, the Board of Supervisors of Maricopa County, State of Arizona; TOM FREESTONE, County Recorder. Defendants

NO. 301232

SPECIAL ACTION ELECTION CONTEST NON-CLASSIFIED CIVIL

COMES NOW the Plaintiff, and for cause of action against Defendants, alleges:

I

That plaintiff is a resident of Maricopa County, Arizona, and is a duly qualified elector pursuant to Constitution and laws of the State of Arizona, and is a resident of Peoria Elementary School District #11, all of said legislative district being within the boundaries of Maricopa County, Arizona.

II

THAT defendant, Melvin Huber, is Superintendent of Peoria Elementary School District #1, which conducted an Over 4% Special Bond Election in the amount of \$6,750,000 (Peoria Elementary) under authority of #15-1302, A.R.S. on October 8, 1974.

III

THAT defendant RHEA WOODALL is Clerk of the Board of Supervisors of Maricopa County, State of Arizona, which body is authorized by #35-454 to canvass the votes cast and certify the result on the first Monday succeeding the twelfth day after the election, and subsequently would be authorized to issue and sell negotiable, coupon, general obligation bonds of School District No. 11 (Peoria Elementary) of Maricopa County, Arizona in the sum stated in Paragraph II.

IV

THAT TOM FREESTONE is the County Recorder in whose office the Board of Supervisors shall file and record a certificate disclosing the purpose of the election, the total number of votes cast, and the total number of votes for and against creating the indebtedness, and stating that the indebtedness is ordered, after which time the Board of Supervisors would be able to carry out the purpose of the election.

V

THAT the aforesaid special bond election was held on October 8, 1974 utilizing the "official ballot" presented in Exhibit 1.

VI

THAT the results of the election were submitted to the Board of Supervisors on October 9, 1974 by H. F. LONG, Clerk, Board of Trustees, School District No. 11 which stated that 17,732 ballots were cast, of which 8,817 were marked "yes", 8,429 were marked "no", and 486 ballots were rejected.

VII

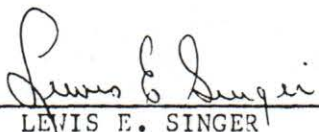
THAT in accordance with #15-473, any person desiring to vote submitted an Affidavit (as prepared by the State Superintendent of Public Instruction) swearing that he or she was a qualified elector of the State of Arizona and had resided in the Elementary School District #11 for 30 days immediately preceding the election.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA ]  
COUNTY OF MARICOPA [ ] ss

LEWIS E. SINGER, being duly sworn, upon his oath deposes  
and says;

That he is the plaintiff in the foregoing action; that  
he has read the complaint herein; and that all facts, matters and things set  
forth therein are true and correct, except as to those set forth upon  
information and belief, which he believes to be true.

  
LEWIS E. SINGER

Subscribed and sworn to before me this \_\_\_\_ day of  
October 1974.

\_\_\_\_\_  
Notary Public

My Commission Expires:

THAT there were fourteen different locations used as polling places with different Inspectors, Judges, Clerks and Marshals at each location, hired by and paid by the Board of Trustees of the aforesaid School District #11, in accordance with #15-476, A.R.S.

IX

THAT the difference between the "yes" and "no" vote was 387 votes, and the possibility exists that sufficient ballots were improperly rejected to reverse the announced results of the election.

X

THAT many of the 486 rejected ballots were for reasons that are not in accordance with #16-947 through #16-949, A.R.S. for elections such as bond elections.

XI

THAT rejected ballots were not disposed of or marked according to #16-947 A.R.S. which reads as follows:

"The ballots, as soon as read, or rejected for illegality, shall be strung, those allowed on one string and those rejected on another, and shall not thereafter be examined by any person. Each ballot rejected shall be marked "rejected" and the cause of the rejection endorsed on the back thereof and signed by a majority of the election board or tally board.

X

THAT no opportunity was afforded plaintiff to examine the rejected ballots nor the AFFIDAVITS used in the election in conformance with ARS 15-473 although these affidavits are not to be placed in ballot box and sealed. Paragraph C of 15-473 states that these affidavits are to be returned to the county school superintendent and be kept by him for not less than five years. They thus should have been available for inspection upon request although inspection of the ballots are subject to court order. The affidavits are necessary for checking against voter lists to determine whether elector was a "qualified voter".


XI

THAT if the aforesaid bond election is certified, although the election was not in accordance with the Arizona Revised Statutes, plaintiff would be unjustly liable for an increased tax rate, and be caused violation of his civil rights which entitles him to a bond election according to rules laid down by the Arizona State legislature embodied in Titles 15 and 16 of the A.R.S.

WHEREFORE, plaintiff prays that

1. THIS COURT take jurisdiction of this complaint and proceed with hearing and determination of the cause of action alleged herein.
2. DEFENDANTS be restrained and enjoined from taking any action of any kind under or by which said defendants may proceed to certify results of the aforesaid bond election, or from carrying out the purposes of the election.
3. THE COURT grant to plaintiff such other and further relief as may be proper.

DATED THIS 28 DAY OF OCTOBER 1974.

  
LEWIS E. SINGER, pro per



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF MARICOPA

LEWIS E. SINGER  
 Plaintiff

vs

MELVIN HUBER, Superintendent,  
 Peoria Elementary School Dist. #11;  
 RHEA WOODALL, Clerk, the Board of  
 Supervisors of Maricopa County,  
 State of Arizona; TOM FREESTONE,  
 County Recorder  
 Defendants

NO. 301232

ORDER TO SHOW CAUSE

COMES NOW the plaintiff, and for cause of action  
 against defendants, alleges:

I

THAT the Board of Supervisors on October 8, 1974  
 certified a special bond election held in School District #11 (Peoria Eleme-  
 ntary) on September 3, 1974.

II

THAT the aforesaid Board of Supervisors certified  
 a total of 17,463 cast of which 8,717 were marked "Bond, Yes"; 8,225 were  
 marked "Bonds, No", and 521 were rejected.

III

THAT plaintiff has conducted an independent audit  
 of the Polling Lists of each polling place and has arrived at a result which  
 shows that the total ballots cast were 17,845 of which an indeterminate number  
 were marked "Bonds, Yes" "Bonds, No" and Rejected, and showing a difference  
 compared with the Board of Supervisors figure of 382 ballots, as follows:

POLLING PLACE	TOTAL VOTE PER POLLING LIST	PER BOARD OF SUPERVISORS			TOTAL	DIFFERENCE
		YES	NO	REJECTED		
BEORIA H.S. LIBRARY	1049	872	30	38	940	- 109
VALLEY NATIONAL BANK	993	474	284	35	793	- 200
PORTA SCHOOL	1020	1001	18	1	1020	
FIRST N.B. SUN CITY	1562	559	966	37	1562	
UNITED BANK	1541	564	917	60	1541	
DEL WEBB	1154	455	676	23	1154	
BRAEMER ESTATES	497	460	16	21	497	
FIRST UNITED PRESBYT.	1332	540	736		1276	- 56
SUNDIAL RECREATION CTR	2240	732	1411	91	2234	- 6
IRA MURPHY	719	685	8	26	719	
FAIRWAY	1410	599	756	45	1400	- 10
FIRST UNITED METHODIST	1049	431	593	25	1049	
SUN BOWL	1360	572	735	53	1360	
LAKEVIEW CENTER	1767	677	1024	66	1767	
ABSENTEE	152	96	55		151	- 1
	<u>17845</u>	<u>8717</u>	<u>8225</u>	<u>521</u>	<u>17463</u>	<u>382</u>

IV) 9 ✓

WHEREFORE plaintiff prays that recanvass be made by  
 the Board of Supervisors on the first available Monday at its regular place of  
 meeting in the City of Phoenix, Arizona, and Court order that the certification  
 authorized for the October 8, 1974 canvass be voided.

*Lewis E. Singer*

~~LEWIS E. SINGER, PRO PER~~

# Suit filed to void bond vote

Sun Citian Lewis Singer filed suit yesterday to block the Peoria School District's successful elementary bond election, claiming the invalid ballots were not properly marked and the voter affidavits are not available for inspection.

Singer also appeared at the County Board of Supervisors meeting yesterday asking them to delay canvassing the vote because of his suit.

The canvass was delayed when the board, opening the official election envelopes, found the tally sheets listing the results of several precincts were not there.

THE CANVASS was then delayed until the board's afternoon meeting, with school district and election officials from two polling sites summoned to explain what happened.

The results of the board's

questioning were not available at press time.

Singer said the board and the suit's defendants, clerk Rhea Woodall and district superintendent Melvin Huber, have five days to reply to his suit. He said he wants to check all ballots now, not just the invalid ones.

Realizing he will be "open to extreme criticism," Singer said he hopes the matter can be settled quickly because the district students are "in dire need of schools."

THE SUN Citian earlier indicated he will sponsor another petition drive to separate the Sun City-Youngtown areas from the district, perhaps setting up petition tables near the polling places for the Nov. 5 general election.

His complaint states with the elementary bonds passing by 387 votes and 486

ballots being rejected as invalid, the possibility exists that sufficient ballots were improperly rejected to reverse the announced results of the election.

Singer also claims he should have been allowed to examine the voter affidavits, which he said are supposed to be filed with the county school superintendent's office.

AS A property owner in the district, Singer said in his suit, he would be unjustly liable for an increased tax rate if the election is certified.

Singer has been working for nearly a week, trying to examine the ballots and affidavits which were sealed and waiting for examination yesterday by the supervisors.

In his statement to the board, Singer charged there was no effort made to determine if voters in the

Oct. 8 election were qualified voters or if they had cast ballots in any of the other polling places that day.

SAYING his request to look at the ballots was rejected, Singer said "it is thus unfortunately necessary to take legal action."

James Bond, the supervisors' legal counsel, said it is against the law for anyone to examine the ballots before the board canvasses them.

"He was asking us to break the law," Bond said, "and we just couldn't do that."

SINGER said he hopes the matter is resolved quickly and indicated he'd received assurance from the district's bonding agent that preliminary work can still be done on selling the \$6.75 million in bonds and no delay will be experienced if the suit is settled within a couple of months.

Still smarting from his unsuccessful bid for the Arizona House of Representatives earlier this year, Singer said the bond election is "another example of the loosely written election laws which makes a farce of our elections and has already kept me from nomination to the state legislature."

## Singer sues to have vote certification set aside

Sun Citian Lewis Singer filed suit yesterday to have the certification of the Oct. 8 bond election set aside, and announced he will challenge the election on the basis of the signed affidavits used by voters.

Singer's suit charges the board certified 17,463 votes

were cast, whereas he has found 17,845 were actually cast.

The difference shows up, Singer said, when the votes from each polling place are added and total 17,845.

He is also making copies of the affidavits and checking the names and addresses against the list of registered voters, a process he expects will take up to two months.

## Suit delays bond sale in Sun City

Superior Court Judge Robert L. Myers Friday ordered the Maricopa County Board of Supervisors to stay action in selling bonds for the Peoria Elementary School District until a vote recount is made next week.

The order was made in connection with a suit filed by Louis Singer, a Sun City resident, who sued the school district and the board of supervisors challenging the outcome of the Oct. 8 bond election.

The bond measure was approved by a margin of 387 votes, but Singer questioned the rejection of 486 ballots and claimed that the ballots could make a difference in the outcome.

Earlier this week, a three-person panel appointed by Myers determined that the official canvass of the votes approved by the board of supervisors contained errors.

Myers said that election personnel would begin recounting the ballots Monday and that he would review contested votes later in the week.

# School issue tops '74 news

By DON ROSEBROCK  
Staff Writer

The continuing saga of the beleaguered Peoria School District which had more chapters of suspense and intrigue than an old movie serial, probably dominated the news in Sun City-Youngtown more than any other story in 1974.

And, to borrow a phrase from T. S. Eliot, the 10-year power struggle between the parental and retirement communities ended not with a bang, but a whimper.

The record of defeated bond issues, aborted petition drives, and endless letters to the editor came to a rather quiet end when, in late November, a petition bearing only 10 names of district parents succeeded in ousting the two retirement communities from the school district.

A WEEK before the election, the SCTA board voted to ask that the election be canceled, calling the amounts requested "excessive." The school board already had considered the move and rejected it, vowing not to bow to pressure from the two retirement communities.

Voters then went to the polls and passed the elementary bonds by a bare 387 vote majority, but rejected the high school bonds by more than a thousand votes.

The board's elation was undercut abruptly a week later when Sun Citian Lewis Singer filed suit to block the election, charging improper voting practices and demanding a recount.

## Sun Citizens Look At Bond Issue

BY BOB JANZ

Sun Citizen News Editor

Twenty-five per cent of the children attending Peoria schools live in homes without tubs or showers.

This is a sample of the facts given last week by Ira Murphy, Peoria school superintendent, in an impressive presentation of his reasons why a proposed bond issue that will be voted upon next October should be passed.

In fact, Murphy's explanation of the situation was so masterly that the few people from Sun City and Youngtown who inspected the schools and heard him talk could not think of a single question to ask when he invited queries.

Nevertheless, there are new questions that keep popping up from time to time, and the discussion that follows is an attempt to discuss some of the issues without too much partiality, in the hope that the residents of Sun City, who are vitally involved from the financial and social standpoint,

will have a better idea of what they are being called to vote upon.

In a nutshell: Sun City is included in the Peoria school district; the five-man school board, which has one member from Sun City, believes that it needs to raise about a half-million dollars for new facilities and purchase of school sites; and the 5,000 voters of Sun City, who collectively can probably dominate any election in the district, will vote on the bond issue proposal next October.

It would be difficult to believe that anyone who inspected the school system would argue that some new building and modernization is not needed.

**One building which houses six classrooms is a war-surplus structure that should obviously be replaced.**

The shower area's for both boys and girls are unquestionably inadequate, considering the fact the showers not only serve the needs of school athletes but also serve the health of the community by offering the only

means through which a large portion of the town's youth can take a bath.

The enlarging or rebuilding of the band room is one project that has aroused some opposition. No one has argued that the present band room is adequate. The opposition presumably stems from a dislike for educational "frills." The obvious answer is that unlike such frills as driver education or cooking, playing in a band does tend to give the student some esthetic sense and does keep him off the streets. What with the constant practice of the Peoria varsity band, and its appearance this year in 43 public performances, the members have little time to become juvenile delinquents.

**As for the instruments the band and other musical groups use, little needs to be said to anyone who has seen them. As one wit remarked: "Now I know what happened to the piano the Pilgrims brought over on the Mayflower. Peoria high school**

(Continued on page 5)

## SCHOOL BOND

Continued from page 1

is using it."

Incidentally, five graduates of Peoria high school are now teaching music in schools around the state.

The Peoria schools advance social conditions (and thus ease the taxpayer's burden) in other ways. The eyes of students, for example, can be examined by the school nurse. Through the cooperation of the Sun City Lions and the Peoria Kiwanis clubs, 18 pairs of glasses have been given to needy children this year.

Some of the questions raised by the bond issue are not so easy to defend. It's proposed that more land be purchased for possible future expansion.

Growth of population and commerce in the school district has been so rapid in recent years that it takes no expert to predict a greatly increased need for schools, buses facilities and playgrounds.

**But there is no immediate need for additional land, and there has been some suspicion expressed that the urge to haste is not so much to provide for future needs as for the present enrichment of some landowners.**

A more leisurely approach to the land problem has been suggested. New types of school structures are coming into use requiring smaller land areas. Instead of purchasing expensive land near present school sites, it might be better to make scattered purchases in more distant areas where land is cheaper, and thus provide for any communities that may become suddenly populated. There is also the possibility that with the increasing awareness of industry of its duty towards education, the school district may be able to obtain donations of land from some of the large corporations that are now or will in the future be operating here.

In this connection, an example can be cited in the case of the American Institute for Foreign Trade, which is

located in the Peoria school district, and which receives a large amount of its support from businesses, most of which are not now doing business here.

**The greatest surprise is why there is any need for funds at all. Why does the district, which is already paying off one bond issue, want to saddle itself with another one, when it is now the wealthiest district per student in this area if not in the state?**

The present tax rate of \$2.46 is the lowest in the area, less than half that of some other districts in this area.

This was not always the case. In the past few years the tax rate has been repeatedly lowered, while at the same time the assessed valuation of the district has risen sharply.

Why lower the rate if money is needed? It is as though an employee continually asks to have his pay reduced and then suddenly says, "Hey boss. Lend me \$50,000."

Assessed valuations from 1953 to 1956 were around three million dollars. Now the figure is more than eleven million.

If the tax rate had not been lowered the schools would now have money which they need, without the necessity of going into debt.

**Even now, at this late date, considering the rapid growth of Sun City and Youngtown, if the rate were set at a more realistic rate, somewhat on a par with other districts nearby, the additional funds obtained might be sufficient to take care of Peoria's needs out of income.**

To sum up: the bond issue is a matter of real importance. It will receive continuous treatment in these columns, so that by October all sides of the problem should have been aired, and all viewpoints should have had the opportunity to be heard.

As one cowboy philosopher (not of the classical school) has put it: "Whether I have the right to have my argument heard is not as important as my right to hear your side. Otherwise, being as ignorant, uneducated and prejudiced as I am, how can I

# Reduced School Bond Proposal

## Goes To Voters January 8

### \$298,000 Asked For Classrooms, Music Facilities, Auditorium Renovation

Endorsed unanimously by the incoming and outgoing boards of the Sun City Civic Ass'n, a reduced school-bond proposal goes before the voters Tuesday, Jan. 8.

Meeting together last week, the two boards approved the recommendation made by a fact-finding committee that the residents of Sun City vote in favor of the bond issue.

A similar proposal was defeated in October, with Sun City and Youngtown voting about 3 to 2 against it.

Only Peoria voted favorably, and although the Peoria margin was overwhelming, the vote of the balance of the district was large enough to defeat the bonds.

The October proposal totaled \$517,000.

The new proposal is for \$298,000, consisting of \$218,000 for elementary classrooms and facilities, and \$80,000 for music facilities and renovation of the auditorium.

The two proposals will appear separately on the ballot.

The committee which recommended the bond issue to the Civic Ass'n was composed of F.R. Lutz, chairman; Jens J. Jensen, architect; and Wm. J. Ahrens, analyst.

They spent many hours in meetings, inspecting the school property, and figuring the costs of needed improvements before endorsing the \$298,000 figure.

Only persons who are tax-paying property owners, who have

Cast your ballot in the Peoria School bond election Tuesday, Jan. 8, at the Community Center on Oakmont Dr. Polls will be open from 6 a.m. to 6 p.m.

resided in the district six months, and who are registered voters may vote in the bond election. Residents who are not registered but who are otherwise eligible may still register.

Sun City voting will be done at the Community Center on Oakmont Dr.

The polls will be open from 6 a.m. to 6 p.m.

ARIZONA Republic  
9-23-73

# Sun City unit urges defeat of school bond

By THELMA HEATWOLE

GLENDALÉ — The Sun City Taxpayers Association Thursday urged defeat of the Peoria School District's \$9.9 million bond issue in a vote set for Oct. 16.

A taxpayers association spokesman said the group will propose a plan immediately following the anticipated defeat of the bond proposal that "will cost less and do more."

Phil Tapley, SCTA education committee chairman, said his group's plan will be built around an analysis of the actual needs of the school district.

George Rodocker, SCTA president, said that it would be confusing to release the plan now. The SCTA has 2,800 members.

The school district proposes to use the bond money, if approved by voters, to buy sites and build three elementary schools and a high school to alleviate crowded conditions in the schools.

The SCTA emphasized it is not opposed to proper educational facilities for children in the Peoria School District.

Tapley revealed part of the association's plan, when he said pupils not attending high school should not be located on the present high school campus.

"Moving these grades off the high school campus into existing and proposed new facilities would make it possible to accommodate more than double the present high school population," he said.

The organization contends that since Sun City pays a major portion of the educational costs and contributes only a minuscule part of the school population, that Sun City residents should have a strong voice in the operation and cost of the schools.

The SCTA also objects to the cost of busing, claiming the costs are beyond reasonable and expected limits.

"With proper exemptions for hardship cases, the SCTA advocates consideration of a plan to charge fares to students who use the buses," Tapley said.

The group favors a requirement that land developers and home builders in the district contribute to the cost of the required additional school facilities.

"In most cases the new home buyers would pay for this contribution in the price they pay for a house. Thus, the parents of school children would shoulder a small share of the increasing cost of educating children," he said.

School Superintendent Melvin Huber said he thought the SCTA idea for the high school is short-sighted. He said building costs are less now than they will be later.

"I don't understand the opposition," Huber said. "The children are here and projections are that more will be coming and costs are going up."

## Retirees vote down bonds

2-24-69

# Peoria schools victim of Sun City

By VASHTI MCKENZIE

PEORIA — The retirement communities of Sun City and Youngtown since 1962 have repeatedly voted down bond proposals aimed at improving the fast deteriorating elementary and high schools in the combined Peoria School District.

"I don't care if I said we could build a facility for 10 cents on this campus, we still would get a thousand votes against us," said Ira A. Murphy, superintendent of the district.

"Some of the people in Sun City who voted against the bond proposals have never been down here to see why we need improvements."

Murphy said in an interview with The Arizona Republic that efforts to involve civic minded residents have been futile in Sun City and Youngtown.

He said the main problem is in Sun City, which was opened by the Del Webb Corp. in January 1960.

"When these homes were sold, some of the Del Webb salesmen told them (prospective home owners) there was no school tax and when a bond issue comes along, they don't understand and are against the school," said Murphy.

Murphy said he brought this to the attention of the Del Webb firm and the company now uses as a sales pitch that the area has the lowest tax rate in Maricopa County.

The combined tax rate, including state, county, junior college, flood and elementary and high school assessments, is \$5.76 per \$100 of as-

sessed valuation. In addition, some residents pay an additional 30 to 56 cents per \$100 for street lighting assessments.

In a survey conducted in Sun City for the school district after the defeat of a 1962 bond proposal, 34 per cent of the residents thought there was no

school tax (it currently is \$1.09 per \$100 of assessed valuation and includes both elementary and high schools).

The survey also uncovered these facts:

—97 per cent of the residents are

from states other than Arizona.

—41 per cent never had children.

—96 per cent did not know the amount of the school tax rate.

—95 per cent had never visited either of the two schools in the district.

Continued On Page 12



Lack of space hampers biology and chemistry programs in Peoria's aging high school

Republic Photo by Earl McCartney

OVER

2-24-69



# More about Peoria schools' financial problems

Continued From Page 1

—52 per cent believe retired persons should not have to pay property taxes for support of public schools.

In addition, the survey showed that 58 per cent of the residents believe that the bulk of school support should come from the state, while 55 per cent believe support should come from the federal government.

Murphy insists that Sun City, an affluent area with four golf courses, could somehow afford to help build classrooms and buildings.

Passage in 1962 of the \$517,000 bond proposal would have supplied necessary buildings and land sites for the school district. However, opposition in Youngtown and Sun City overwhelmed the support received in less populated Peoria.

In 1963, a group of Sun City residents formed a committee known as The Civic Association. They contacted the superintendent's office and told him he could have \$298,000 for improvements, Murphy said.

"They told me: 'This is the money we will give, not what you want,'" he said.

The 1963 bond issue passed narrowly with the majority support coming from Peoria, where most of the children live. On that occasion, Sun City and Youngtown residents almost split on the issue.

Property taxpayers in Peoria have supported every bond proposal.

Two years later, the board of education in 1965 embarked on a new study of district needs. The board authorized six committees to study all phases of the community's educational needs. Members of leading civic groups in Sun City and Youngtown were invited to participate and many of them served on the committees.

The Bureau of Educational Research and Service of the University of Arizona also conducted a survey of the Peoria School District in 1966.

The findings of the committees and the university agreed with recommendations made by the North Central Association Re-Evaluation Committee. This committee gave the Peoria district excellent grades in academic program but virtually flunked its physical facilities.

Recommendations included: new physical education building, new science building, additional classroom for home economics and industrial arts, acquisition of land for expansion and plans for other buildings.

Out of these recommendations, the board of education in April 1968, put additional high school buildings and acquisition of land sites into a \$950,000 bond proposal.

It suffered a 2½ to 1 defeat, 2,394 to 1,051, with Sun City and Youngtown residents overwhelmingly against the proposal. Peoria voters supported the proposal.

Following this defeat, the board of education decided to ask all persons who opposed the bond issue to form a committee to evaluate the situation. Three of the board's five members are from Sun City.

"We asked those who wrote opposing letters to the newspaper and those who contacted us," Murphy said.

The committee learned that the district has five classes of first and second graders attending classes in rented church buildings in downtown Peoria; the gymnasium, built by the Works Progress Administration (WPA) around 1933, lacks proper ventilation and adequate dressing room space; inadequate space is available for chemistry and biology classes, which also are bothered by poor ventilation.

The committee recommended new buildings to house science, home economics and health classrooms and a new gymnasium.

The committee noted, "The old gym, which this building will replace (Physical Education building), has been condemned due to lack of adequate facilities by every

surveying authority for the past 10 years."

On the basis of the committee's recommendations, a bond proposal again was put before the district voters. Last Tuesday, the voters turned it down, 1,369 to 1,082, with Sun City responsible for the defeat. The vote in the three voting areas was: Sun City, 1,142 no, 598 yes; Youngtown, 213 no, 220 yes; Peoria, 14 no, 264 yes.

Murphy is uncertain where the district goes from here.

"We may have to get more rented classrooms," said Murphy.

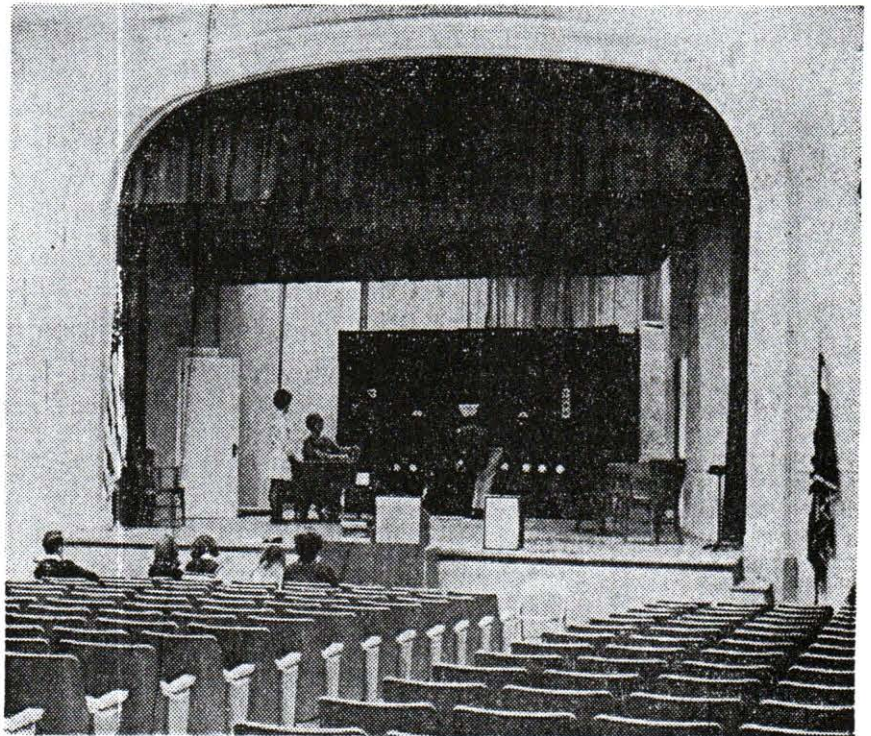
But he does not want to do that.

"A split session would be difficult for our district," he said. "Fifty-five to 60 per cent of our students are transported here by school bus. Buses would be coming and going all day long.

The rooms in the high school building cannot be made larger because the walls are bearing walls, Murphy commented. This means they support the weight of the roof.

"We have some teachers complaining about the lack of work space," he said. "Education is not just a classroom and teacher anymore. You can't put an English teacher into a chemistry room. The techniques are different and so are teaching aids."

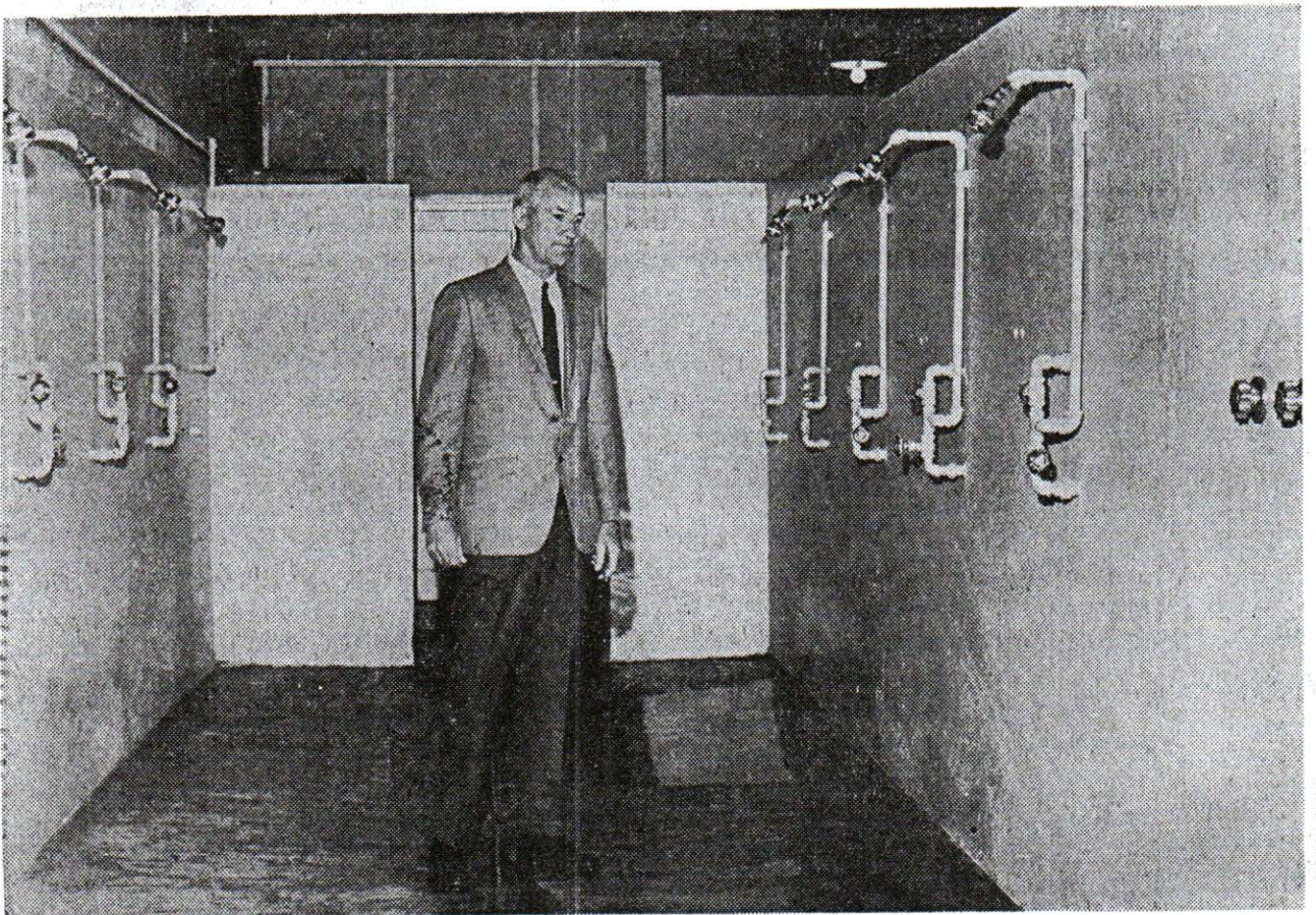
Murphy said, "The only thing that ever may help us is possibly to get the people to realize they may be out of step."



Refurbished auditorium was closed for three years

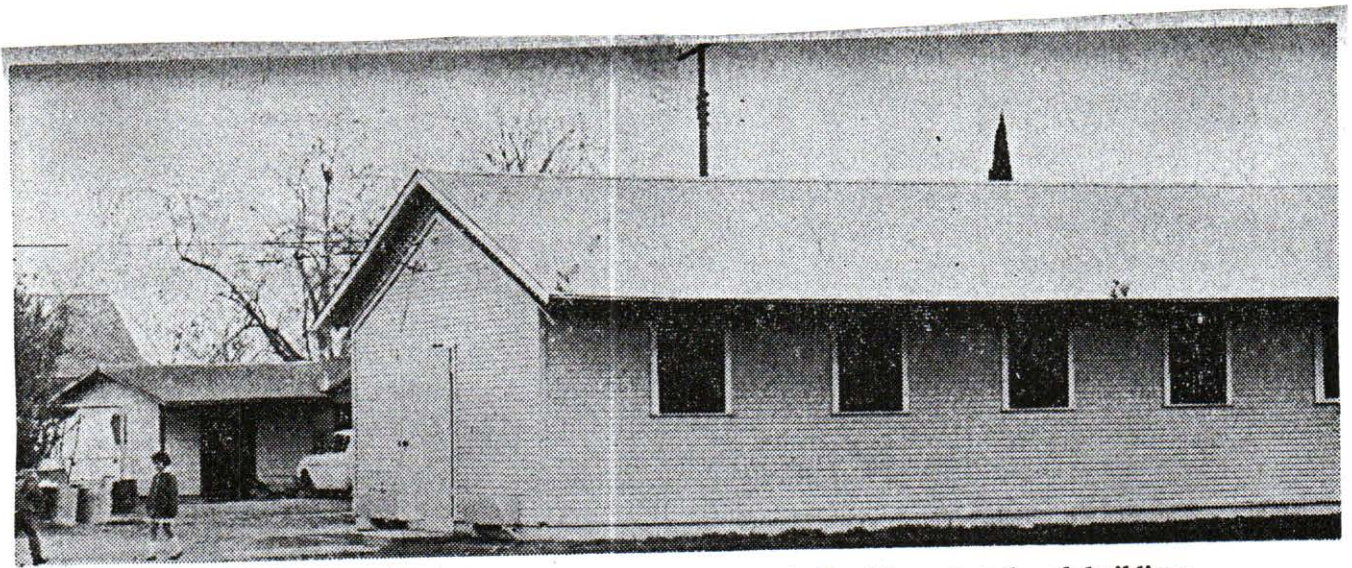


Mass showers, cramped wash facilities, lack of space pathetic in girls locker room



Supt. Ira A. Murphy points out gymnasium's meager shower facilities

OVER



**Five classes of first and second graders must attend school in rented church buildings**



**Because walls support roof, classrooms cannot be enlarged in Peoria's 1921 high school building**

## Peoria schools face crucial vote on bonds

By THELMA HEATWOLE

SUN CITY — Peoria schools, officials here claim, are between a rock and a hard place.

A building boom in the school district has created mounting pressures on already over-crowded school facilities. Efforts to obtain new buildings have been beaten down repeatedly in bond elections.

Peoria school officials, however, are trying once again to provide facilities for ever-increasing enrollments in the district that includes retirement communities as well as areas with many school-age children.

Tuesday, voters will trek to the polls to say "yes" or "no" to a \$9.9 million bond sale proposal.

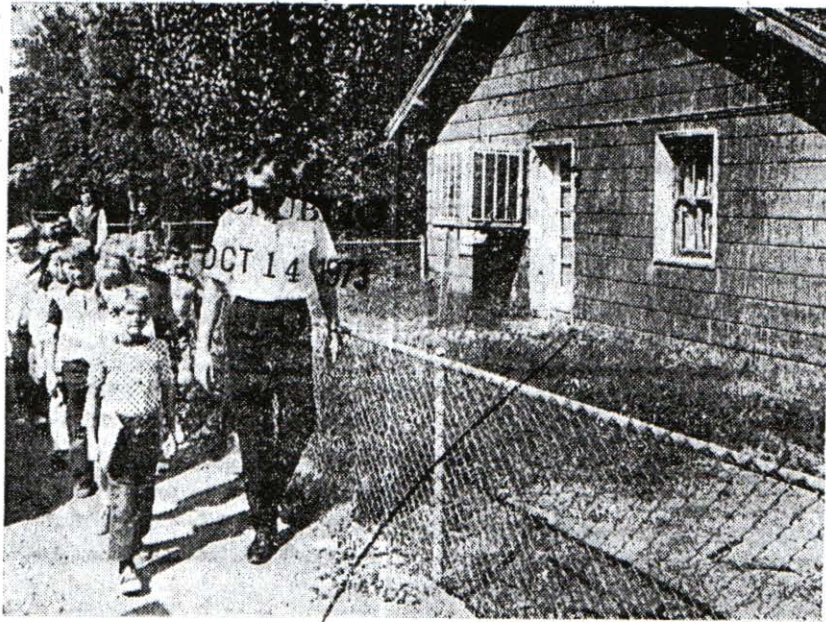
They will determine if the district can acquire sites and build three elementary schools and a new high school. The elementary and high school proposals will be submitted in two ballots.

The Sun City Taxpayers Association has urged a "no" vote on the bond proposals. That group advocates building the elementary schools, but would skip building a high school now. Instead, it would expand the present high school campus by taking over adjacent elementary school buildings. The group says more facts are needed.

Some Sun City residents oppose the bonds because of the cost, pointing out that they are on fixed incomes. Some say they have met their obligations as far as schools are concerned. Still others would wait to see what the state legislature does in its special session on school financing.

The Sun City Homeowners Association

Continued on Page B-6



Republic photo

Teacher Harold Gerry and his pupils leave house the Peoria School District rents from a church for use as classrooms.

## More about Peoria school bond vote

Continued from Page B-1

has taken a neutral stand on the school issue.

Some residents however, favor the bond proposal.

Earl Clore, a member of the homeowner association board of directors, but speaking on his own, said facts show that the Peoria School District needs buildings now.

"If we are to take care of all the students next September, two elementary schools must be started by January and be ready for classes by September," he said. "If there is a question about the high school, then we should vote 'no' on the high school and 'yes' on the elementary bonds."

"When we moved to Sun City," Clore pointed out, "we did not secede from the Union, nor resign from our responsibility to educate the youth of America, who, in our case, are the children of this district."

Clore said it was inevitable that needed schools will be built in the district.

"Costs of building are going up at the rate of 1.3 per cent per month. The proposed new buildings would have cost \$150,000 less had we approved the bonds a year ago," he said.

School officials said some 2,700 elementary pupils, kindergarten through sixth grade, are on double sessions. Some meet in churches, some in a former business building and others in an old house.

At the Murphy School, even with double sessions, there are only four vacant classrooms and those will be filled before the end of the school year, a spokesman said. Portable classrooms house 527 students at the Porta School that serves children in Glendale's Hallcraft sector.

School Superintendent Mel Huber said that, unless the district has new facilities next fall, the elementary schools will be beyond capacity, even on double sessions. Officials said they do not know where they will put the projected 5,000 new elementary students next fall.

The high school, with a planned capacity of 1,047 students, already has 1,190 students. That school will be on double sessions next year.

It will take about two years to build a new high school, officials said.

The district's 28 buses now make 117 runs a day, Huber said.

"This isn't the most efficient way to run a school," he stated. "Buses are a tremendous expense, but we must bring the children to school."

This year the district budgeted \$325,000 for busing, including operation, maintenance, salaries for drivers, and the purchase of nine new buses.

"Busing costs could be reduced substantially," Huber said, "if school buildings were where the children could walk to school, particularly in the concentrated student population areas."

The bond proposal would add an estimated 75 cents tax per \$100 assessed valuation, based on present valuations, officials said. The combined elementary and high school district tax rate presently is \$2.70 per \$100 assessed valuation.

In the past, Sun City residents have turned down 13 of the 14 school questions in elections held between October 1962 and last Nov. 14. A school official reported there were 23,700 registered voters in Sun City and Youngtown and estimated there are 4,000 registered voters in the balance of the district.

"If history is any indication," Principal Dick Craig said, "22 per cent of the people in the retirement towns will vote. Of that number, 72 per cent will vote 'no'."

# Drive readied to split Peoria school district

By THELMA HEATWOLE

**SUN CITY**—A drive by which the retirement communities of Sun City and Youngtown would break away from the Peoria school system and form their own school district will get under way this week.

The proposal and petitions will be presented at the quarterly meeting of the Sun City Home Owners Association at 1:30 p.m. Tuesday in the Mountain View Auditorium.

Sun City has repeatedly defeated bond programs designed to permit the Peoria School District to expand its facilities.

Probably no big selling job will be needed with the home owners association. Sun Citians with a \$30,000 valued home, it was predicted, will save \$136 in taxes annually under the proposed Sun City-Youngtown Unified School District, according to figures of the HOA.

The advisory committee to the Peoria School Board has recommended redistricting so that needed schools for Peoria district can be built without having to overcome Sun City voter opposition.

The HOA will present figures and statistics compiled largely by the advisory committee and Melvin Huber, school superintendent.

It was estimated that the Peoria School District tax rate with the retirement communities for 1974-75 will be \$4.11 per \$100 assessed valuation. Without them the rate was estimated at \$4.28.

The 1973-74 tax rate for the district is \$2.70.

The new unified Sun City-Youngtown tax rate would be \$1.07 per \$100 assessed valuation. Total assessed valuation in the unified district was placed at \$78.5 million.

June 7 is the deadline for filing petitions to establish the district by the start of the fiscal year July 1.

The Peoria School now has 3,627 elementary students, with grades one through six on double sessions. Projections place school enrollment at 4,800 by Sept. 1, 1975. With a school capacity for 2,350 students, that leaves a deficiency for 2,450 students. Three new elementary schools will be needed by September 1975 to accommodate the deficiency.

Projects place deficiencies for the high school at 537 students by Sept. 1, 1975, or the need for one new high school by that date. Deficiency needs until that schools and one high school was placed at about \$10 million.

Cost of the needed three elementary grade schools and one high school was placed at about \$10 million.

The Sun City-Youngtown district would

Continued on Page B-2

More about

## Drive to split Peoria district

Continued from Page B-1

have 60 elementary and 37 high school students. If the new district were formed, it must have a new school building within six months, according to state requirements.

Earl Clore, HOA president, said the building could be provided through 30-cent levy funds. High school students would be sent to other high schools in the area.

The formal operating budget for the SC-Y district, as compiled by the state board of education as of April 1, 1974, Clore said, was \$107,000 for the first year.

If the Peoria District is reorganized and a bond program passed for new construction as soon as possible in 1974, the cost would add about 87 cents to the Peoria District 1974 tax rate and \$1.75 to the 1975 rate. Huber said it would be possible to sell bonds up to \$7 million if a bond proposal passed.

Previously, the advisory committee headed by Gilbert Lopez of Peoria, who is also a member of the Peoria School Board, had announced the committee favored redistricting because it would give Peoria freedom to re-

gain control of the local school board, allow the board and administration freedom to implement and maintain desired educational programs and help to keep and attract qualified educators.

Petitions for the redistricting are available now at the HOA office.

A3 Republic  
MAY 6, 1974

# Sun City dissidents challenge validity of school petitions

By JIM CULLISON  
Staff Writer

Four Arizona organizations joined forces in Sun City Saturday to form a statewide coalition of groups representing areas comprised of adult residents and property owners who are retired or nearing retirement.

In addition the Sun City group in the coalition filed an action in Maricopa County Superior Court Friday challenging the validity of petitions submitted to form a new school district encompassing just Sun City-Youngtown.

The new district took effect yesterday.

ATTORNEY Gary Peter Klahr of Phoenix, representing the Retirement Community Association of Sun City, said a hearing on the challenge has been set for 9:30 a.m. July 12 in Judge David Lurie's court.

He added that the judge set a \$4,500 bond to have the county verify the petitions, and said the group is uncertain whether it can raise the money.

David Stackhouse, 11079 Pleasant Valley Rd., head of the Sun City group, also was named cochairman of the coalition, called the Adult Retirement Communities Association of Arizona.

THE OTHER cochairman is Melvin Wolf of Adult Action in Mesa, and Mrs. Rose Jackowitz of Sun City was elected secretary.

Other spokesmen at the Saturday meeting were Mrs. Marian Irvine of the Retired Citizens Association of Youngtown and Fred Miller of Northtown in Phoenix.

Adult Action is a corporation representing 17 adult subdivisions throughout Arizona. The Youngtown and Sun City

groups were formed recently to oppose local construction of schools.

PURPOSE of the new association is to obtain local, state, and federal legislation permitting establishment of residential areas in which schools and school children are not allowed, Stackhouse said.

He said plans are underway to establish the legal concept of exclusive adult communities incontestable on the national as well as the state level. Communications have been established with similar groups in other states and with a number of legislators, he added.

He said ARCAA is extending its support to existing similar communities in the state, all of which are eligible for membership. Interested persons can contact Stackhouse at his home

address or Wolf at 5535 W. Aspen Ave., Mesa.

THE RCA of Sun City outlined its objectives during a 90 minute public meeting Thursday which was attended by about 160 residents.

Stackhouse said he believes legislation is the most satisfactory method for achieving the group's goals, but added, "The first and most vital step is to stop the building of schools in Sun City."

He said the best way to block the school is to invalidate the petitions.

"I CAME here to have a little peace and quiet, and I want to keep it that way," he said. "No one is going to take it away."

RCA leaders asked for donations to defray expenses, particularly legal costs, and many in attendance indicated they would contribute. One man pledged \$200 and another \$100.

Mrs. Lucile Schaefer outlined some of the costs members have had to pay out of their own pockets, including advertising expenses, \$99 to make copies of the petitions submitted by supporters of the new district, and \$183 to obtain the voter lists to compare with the petition signatures.

SHE SAID a nucleus of members has been working daily to check signatures against the voter lists and

(Continued on 2A)

## Petitions challenged...

(Continued from Page 1) added that many signatures appear invalid.

The group has had difficulty finding a permanent meeting place in which to check the petitions, she said, and the work has been delayed by frequent moves. She added that Recreation Centers of Sun City did not provide space. Friday's meeting was held in the Youngtown Clubhouse.

Mrs. Schaefer said three real estate agents have told her that as soon as a school is built in Sun City property values will drop.

SHE HAD harsh words for Doug Morris and Earl Clore, respective presidents of the Sun City Taxpayers and Homeowners associations, who were leaders of the

drive to establish a Sun City-Youngtown school district. She accused Morris of working to be mayor of Sun City and said both men "want top jobs, money-making jobs."

"I'm not trying to run Sun City," she said. "I'm just trying to stop the petitions and set Morris right on his duff where he belongs."

"We are going to win," she continued. "We are not defeatists. We think positive."

MISS PAT Grant termed a recent Taxpayers Association public meeting on the school district "a psychological attempt to control us." She said the petition was misleading and added, "I want those who run Sun City to respect my intelligence and

citizenship with openness and honesty."

A Northtown spokesman at the meeting said residents there began seven months ago to investigate the status of their adult community.

The RCA leaders urged those attending to write to state and national legislators, the national president of the American Association of Retired Persons, and the Del E. Webb Development Co. to seek assistance and action on the matter.

Stackhouse said interested residents can join the Sun City group by paying a \$2 membership fee and added he hopes it will grow to 4,000 or 5,000 members.

7-2-74

## Bigelow, Kerr, Komar named to school board

Three Sun City residents were sworn in yesterday as trustees for the newly formed school district in Sun City-Youngtown.

Michael Komar, 9901 Raintree Dr.; Mrs. Frances Kerr, 11007 Cameo Dr., and Ed Bigelow, 10309 Prairie Hills Cir., took office after being inducted by county school superintendent Richard Harris.

The new district, which takes the retirement communities out of the Peoria School District, became official yesterday.

HARRIS said in the morning before the

swearing in ceremony that the new board will have to begin its work immediately and that it will have budget problems right away.

He said the county has been working on budget figures for the district tentatively, but that the trustees have to take all the official action.

July 15 is the deadline for submitting the budget to the county, he said.

The three have only temporary appointments, and all board seats will be up for election in November, Harris added. Interim trustees can run to

retain their seats at that time, if they wish, he said.

THE DISTRICT was formed after supporters obtained more than 18,000 petition signatures and presented them to the Peoria school board, which approved the partition.

The new board also must take steps to provide a school facility in the district, which the law states must be available in six months.

There are approximately 100 school students living in the retirement communities.

The Combined YOUNGTOWN NEWS and SUN CITY SUN

—Sun City, Arizona—977-8351—Tuesday, July 2, 1974

# Sun City dissidents challenge validity of school petitions

By JIM CULLISON  
Staff Writer

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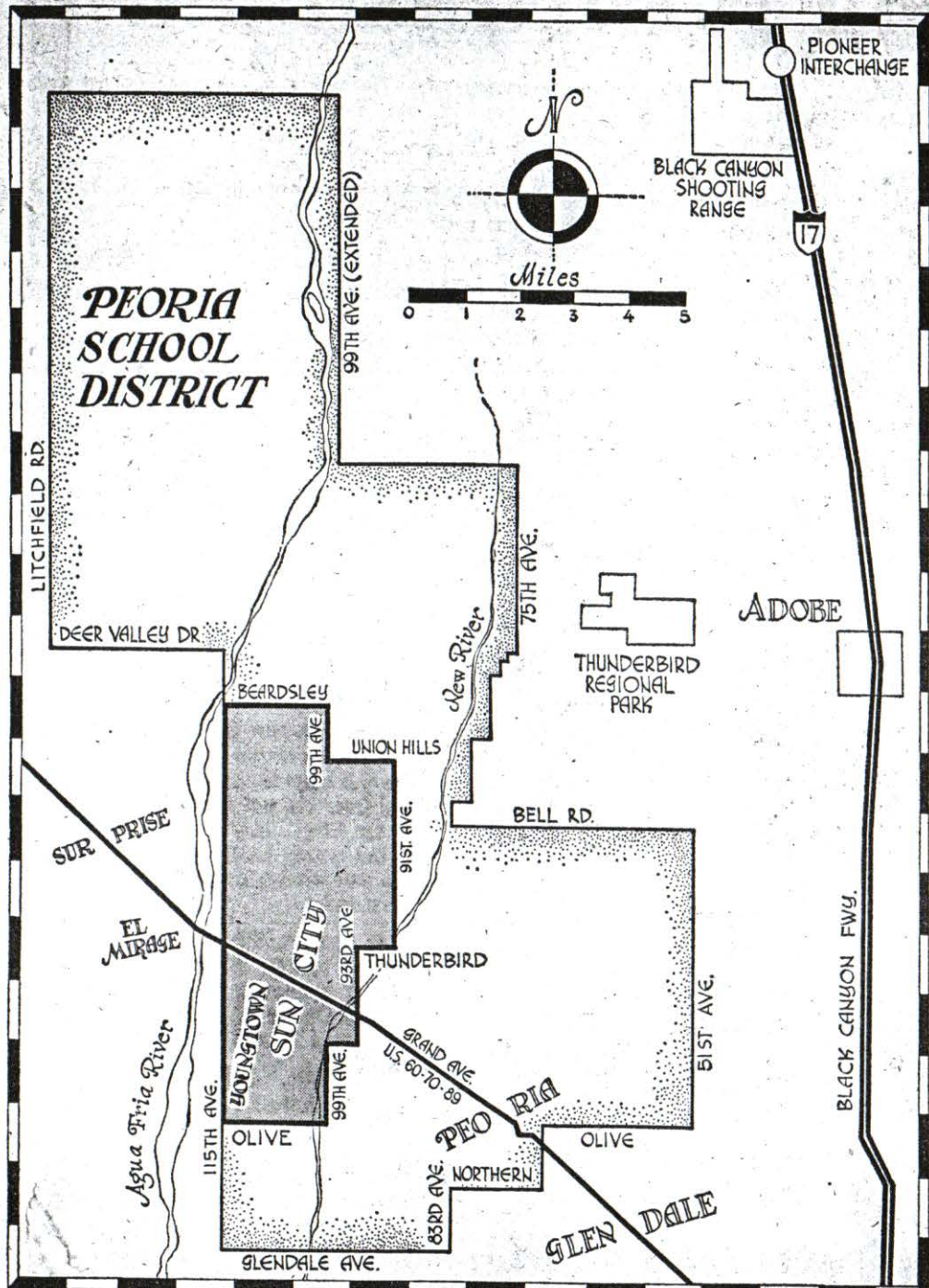
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(Continued on 2A)



ARIZONA REPUBLIC July 2, 1974

VF - TAXES School



# Initial board sworn in for schools at Sun City

SUN CITY — Board members of the new Sun City-Youngtown Elementary School District No. 15 were sworn into office Monday by Richard Harris, county school superintendent.



Bigelow

However, court action was filed Friday that would require checking the validity of signatures on petitions to establish the new district.

The action was filed by representatives of the Retirement Community Association of Sun City. David Stackhouse, a representative of the group, said the aim of the organization is to prevent the construction of a school and the presence of schoolchildren in Sun City.

Earl Clore, president of the Sun City Home Owners Association, said he is "fairly sure" the district will be permanent since there were more than the required number of signatures on the petitions.

The new board members were chosen by a joint committee from the home owners group and the Sun City Taxpayers Association. The members are:

— Mrs. Frances Kerr, who served 34 years with the public schools in New York



Mrs. Kerr



Komar

as teacher and assistant principal. She also worked with the New York City Board of Education as a senior coordinator for reading improvement teachers.

— Michael P. Komar, who was 30 years in management with the U.S. Steel Co. and the Inland Steel Co., of Chicago. He also served on school, park and village boards in Madison, Ill.

— Ed Bigelow, a school administrator and teacher in Dearborn, Mich., for 38 years, who helped plan for \$35 million in school buildings.

Bigelow said it is a challenge to provide the "people of Sun City and the children who live here with an education that is basic, fundamental and still exciting. We hope to provide a real educational experience."

Clore said the board has six months to get the new school in operation. Members will pick a site for the school that is as isolated as possible from the residential area of the community, he added.

The Combined YOUNGTOWN NEWS and SUN CITY SUN

Vol. XVII No. 101—Sun City, Arizona 977-8351—Friday, July 5, 1974

# Hearing set Friday on school challenge

By **DON ROSEBROCK**  
Staff Writer

Official action on Sun City-Youngtown school redistricting petitions is apparently awaiting the Friday hearing in Maricopa County Superior Court.

David Stackhouse, heading the group opposed to putting schools in Sun City, said members of his group are checking the petitions themselves and "working like mad."

If the county had checked the signatures, he said, his group would have had to post a \$4,500 bond. Not having that kind of money, Stackhouse said, his group decided to do the checking on its own.

**STACKHOUSE** is head of the newly formed Retirement Community

Association of Sun City.

He is angry that the groups circulating petitions to separate Sun City from the Peoria district "didn't have to pay anything, but it would have cost us to have the county check the signatures.

"That's damned unfair," Stackhouse said.

**HE ADDED** that he is getting numerous telephone calls from persons who signed the petitions and who are sorry now they did so.

"They regret they did it because they find out now it will mean putting schools into Sun City," Stackhouse said.

Stackhouse himself is angry at the move to put schools in the area, saying residents of Sun City are "old, sick people who are tired of being harassed with schools and kids."

**JOANN Leiby**, head of the Peoria area parents group that also worked for redistricting, said she dropped off a copy of the RCASC suit at the group's attorney's office but hasn't heard anything on it yet.

"I doubt there is anything our attorney can actually do until the case comes up on Friday," she said.

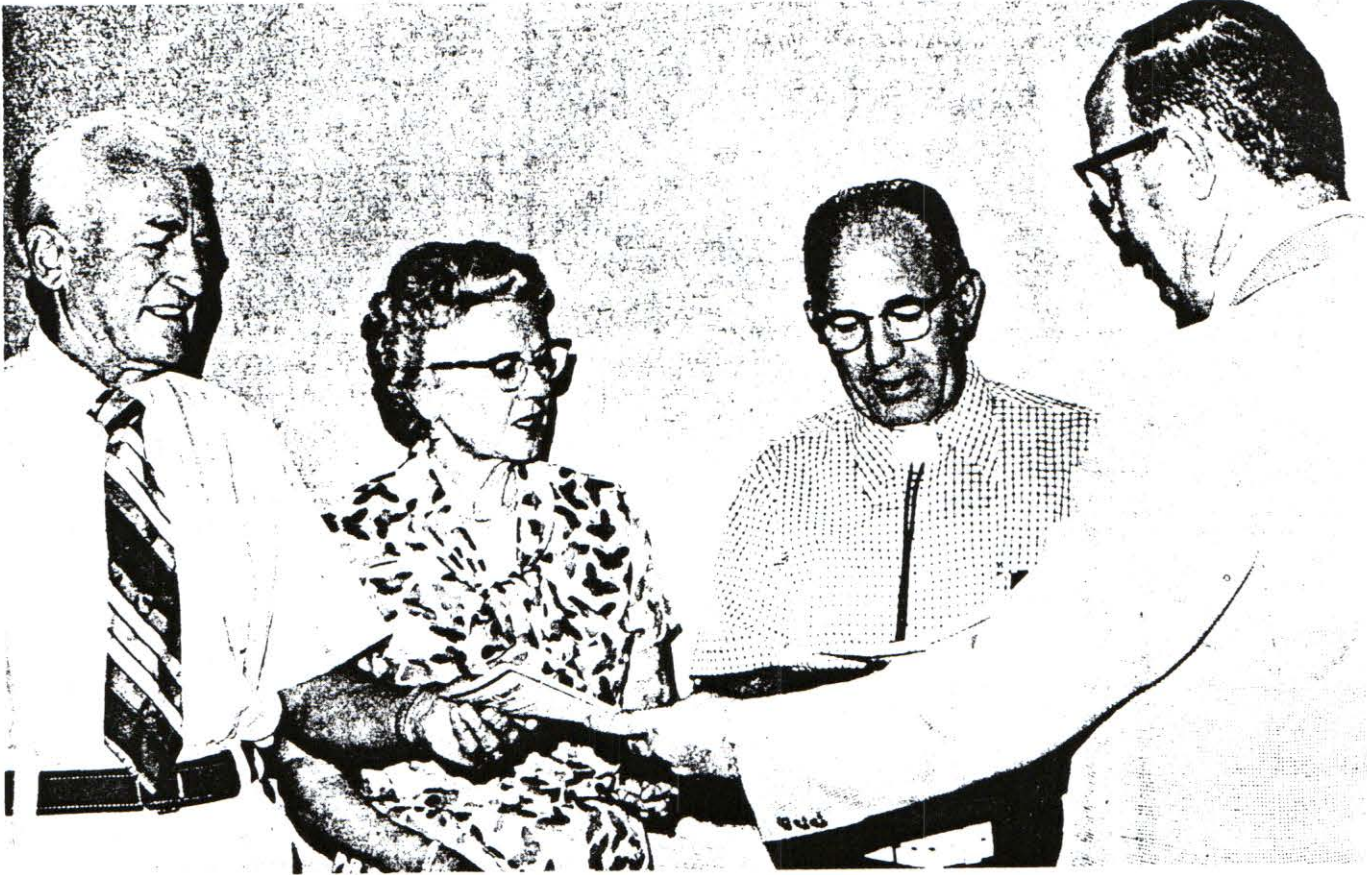
The case will be heard by Judge David Lurie at 9:30 a.m. Friday.

## WEATHER

U.S. Weather Service  
Youngtown Station

	High	Low	Precip.
Mon.	105	78	—
Tues.	102	71	—
Wed.	106	74	—

7-5-74



New Marinette School District board members, from left, Michael Komar, Mrs. Frances Kerr, and Ed Bigelow received certificates of office from county school superintendent Richard Harris after being sworn in by him Monday. (News-Sun Photo)

## Komar to head new school board

By JIM CULLISON  
Staff Writer

Michael Komar, 9901 Raintree Dr., was chosen president Monday of Marinette School District, the name selected for the newly formed district comprising Sun City-Youngtown.

Komar, Mrs. Frances Kerr of 11007 Cameo Dr., and Ed Bigelow of 10309 Prairie Hills Cir. were appointed to the board by Richard Harris, county school superintendent, and took office Monday.

Mrs. Kerr was chosen to be board clerk.

THE THREE will serve until permanent members are elected in November, and will be eligible to run for election if they wish.

After taking office the board traveled to Harris' office to begin work on its most immediate task, formulating a budget for the upcoming year's operations. The budget must be completed this month, and Komar said a public hearing date will be announced soon.

Harris assured the board members that state and county education offices will provide assistance when required and added they have wide latitude as to the kind of education they can provide for the district's children.

HE SAID that the board is bound to receive criticism at times, saying that everyone in public life receives it.

All the board members have backgrounds in education and public service.

Komar spent his professional career in the steel industry, beginning with U.S. Steel Corp., later moving to Inland Steel in Chicago. He retired from Inland as general manager of sales.

WHILE working with Inland and living in Matteson, Ill., he was active in local public affairs, serving as a member of the school board four years, as a village trustee four years, and on the parks board eight years. All were elective, non-pay positions.

After his retirement in 1969 he was appointed by the governor of Wisconsin as a member of that state's public service commission, a group whose functions resemble those of the Arizona Corporation Commission, and served four years prior to moving to Sun City.

Mrs. Kerr received a bachelor of arts degree from Adelphi University and a master's degree in education from City College of New York. She worked in the New York City education system from 1929 until 1966 as an elementary and junior high teacher, acting principal and assistant principal.

DURING her career she also worked as a coordinator in the city's school curriculum division, which was responsible for im-

plementing new courses; worked at the board of education headquarters in a reading improvement program, and worked in the Bank Saint College of Education publications division, where she helped develop a series of readers for grades one through three that was published by the McMillan Co.

She also recently did freelance work revising the readers, and the resultant second editions are to be published soon.

Mrs. Kerr is a member of Delta Kappa Gamma, a women's honorary education society, and her other activities include working for passage of school bond issues in Huntington, N.Y., church work, and solicitation for the Boswell Hospital Foundation fund.

BIGELOW received a bachelor of arts degree from Western Michigan University, a master of education degree from Wayne State University, and has done additional post graduate work.

He served as a Navy communications and education officer during World War II. He has been a teacher, administrator in educational research, assistant director of school plant planning, and was a school principal from 1952 until retiring in 1969. Bigelow was employed 38 years in the Dearborn, Mich., school system.

He has held positions and

offices in various civic and professional organizations, including Birmingham, Mich., recreation superintendent; Dearborn, Mich., Health Council treasurer; president of the Michigan Education Association and two principals associations, and organizer and first president of the Lake Le Ann, Mich., Property

Owners Association.

SINCE coming to Sun City he has been vice president and publicity chairman of the Homeowners Association, and currently is a director of Friends of the Library and the Male Chorus, a member of the Sheriff's Posse, and works on the Bell Road Recreation Center planning board.

**SCTA BOARD TOLD**

Sun City Citizen &amp; Youngtown Record

# New School District Has 'Clear Sailing'

**By Gail Washchuck**

G. Douglas Morris told the board members of the Sun City Taxpayers Association at their meeting July 5, that he predicted "clear sailing" in the continued formation of the new Marinette School District although he said the "divisiveness" growing in Sun City may mean "us winning the battle but losing the war."

He predicted the court case to challenge the petitions, scheduled for Friday, July 12 at 9:30 a.m. before Judge David Lurie, will be thrown out of court for lack of evidence. "If they bring it to court and charge malfeasance, the judge will ask for comment from the County Recorder who will have no report and therefore it will be thrown out," he told the board, based on advice he has received that the Retirement Communities Association of Sun City, RCASC, has not been able to raise the \$4,500 needed for the petitions to be reviewed.

Unsure as to whether the court would accept the findings of RCASC, which claims an average of 43 per cent of the signatures are unacceptable, the board voted unanimously to have Morris meet with Earl Clore of the Sun City Home Owners Association about seeking legal council to represent them at the hearing.

board agreed with the idea of an "adequate but unattractive" portable structure for the school building. He also said that according to an unnamed legal counsel, Youngtown's movement to block schools in their town was not legal.

On the subject of special legislation for the retired, Morris informed the board of the result of recent correspondence with John Martin, counsel for AARP and head of the Federal Committee on the Aging. Martin, a friend of Morris', said it was possible to physically and legally define a retirement community

but that securing tax exemptions specifically in the area of school taxes would be very difficult especially in Arizona which has a law stating that all property must be in a school district. He further stated that retirement groups should seek these changes on a state and not national level for best results. The board agreed to pursue such legislation.

Ed Prouty reported that interest in the new Condominium Club "has been staggering." Prouty said about 175 persons have been present at prior meetings and that a final, informal meeting

Continued on Page 4

If the court accepts RCASC's cross-checking of signatures, Dewey DeBoer suggested that those who worked for redistricting should have the right to oversee the process. "It's ridiculous to let the foxes count the chickens," he said.

Speaking about the newly chosen school board members, education chairwoman for SCTA, Jane Freeman, said they were "outstanding people" who were "all familiar with what we're going to be up against."

Morris added that the

**MORE  
ABOUT:**

# New School District

Continued from Page 1

will be held on Thursday, July 11 with the intent of reaching those who haven't attended previous meetings.

Prouty told the board about a June 17 letter written by Morris to Senator Paul Fannin concerning the IRS ruling subjecting condominiums to a federal income tax at the corporate level on its reserve funds. Morris said, "The whole matter borders on the ridiculous, and appears to be a bureaucratic ruling insupportable in law or in equity." He further asked Fannin to review the ruling and all other pertinent laws and regulations of the code "with a view to promulgating adequate legislation determining that condominiums are not subject to a federal

corporate income tax."

In reply, Fannin said a bill, H.R. 15367, had been introduced in the House of Representatives which would provide that a condominium homeowners' association would qualify as a tax exempt organization.

Fannin said that the subject will also be discussed by the House Ways and Means Committee during its consideration of possible areas of tax reform.

Finally the senator said he was looking forward to early consideration of the tax reform bill and would support efforts to qualify condominiums as tax exempt organizations.

In other matters, DeBoer told the board the court case concerning the original rate increase for the Sun City Water Company has been completed with final arguments made and briefs filed. He said a decision could be expected around the middle of the month.

Continuing his report on utilities, DeBoer said Arizona Public Service did file for a fuel cost adjustment with the Arizona Corporation Commission. In a letter to APS, the commission granted the adjustment which provided for an increase from \$1.97 per thousand kilowatt hours to \$4.28 per thousand. The adjustment became effective June 27.

sponsoring a non-partisan political symposium in place of the meeting. Final arrangements for the date and location have not been decided.

Morris said he had been approached by KPHO television for assistance in finding a Sun City couple to interview for a documentary they are preparing on inflation. Morris said they are looking for someone to testify on the effects of inflation on them.

Finally, the board voted to send a representative to the conference on taxation sponsored by the Arizona Tax Commission next week in Flagstaff.

The Board is looking into the possibility of conducting the election of fire chief and secretary-treasurer which should be held every two years according to Arizona law. George Rodocker said a neutral organization such as the SCTA should conduct the election and not the fire board which he said was "incompetent".

The board will also study the necessity of building a new firehouse at 99th Avenue and Sun City Boulevard as was provided for in the new budget Fire Chief George Meade submitted to the Maricopa County Board to Supervisors. Rodocker said if another firehouse was needed, perhaps a more central location could be considered.

Because the September quarterly meeting is scheduled for a week before the Arizona primary elections, the board is looking into

# Marinette District Proposes School Budget

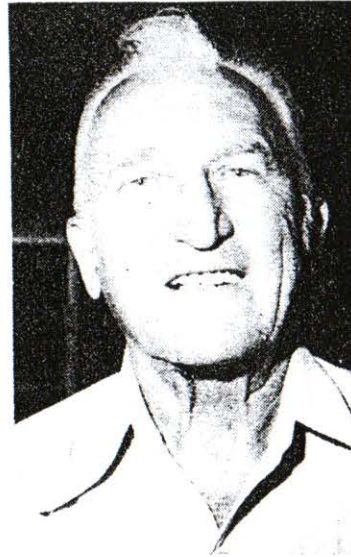
A proposed budget of \$703,658.45 for the new Marinette School District No. 15 (Sun City - Youngtown) will be reviewed Monday, July 15 by the Board of Trustees at a 2 p.m. meeting in the Mountain View auditorium.

The budget is based on Marinette's assessed valuation of \$80 to \$85 million. The board is projecting that the tax rate for the new school district will be 88 cents per \$100 assessed valuation.

The proposed expenditures include \$200,680.20 for Maintenance and Operation, \$8,000 for Pupil Transportation, and \$494,978.25 for Capital Outlay, Special Levies, and Debt Service.

Officers for the board have also been selected.

The board president worked with Carnegie Illinois Steel Co. as production supervisor, the Inland Steel Co. as assistant manager order Michael P. Komar, 9901 Raintree Drive, was chosen president. From



MICHAEL P. KOMAR

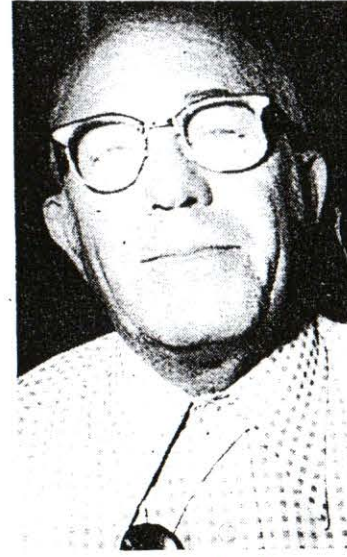
Brookfield, Wisconsin, he moved to Sun City in 1973.

Komar received his post high school training at Blackburn College Illinois; DePaul University, Chicago; and Lake Forrest College, Illinois.



FRANCES KERR

He served as a trustee on the Matteson Public School Board from 1941 to 1945, and later served on the boards of Matteson Village and Matteson Park. From 1945 to 1971 he worked with the Matteson PTA.



ED BIGELOW

division and sales representative, the Inland - Ryerson Construction Products as general manager of sales, and as commissioner with the Wisconsin Public Service Commission.

Frances M. Kerr (Mrs. Kenneth) 11007 Cameo Drive, will serve as clerk on the board. From Huntington, Long Island, New York, she attended Adelphi University, Garden City, N.Y., and the College of the City of New York where she received an M.S. in Education.

After teaching from 1929 to 1944, she served as head teacher or acting principal until 1954. In that year she became Curriculum Coordinator for District 50 in Queens County, N.Y. and a year

Continued on Page 4

## MORE ABOUT

# Marinette District Proposes

Continued from Page 1

later accepted the position of assistant principal for the same county.

In Sun City, Mrs. Kerr worked with the Delta Kappa Gamma Society and at the Boswell Hospital Foundation Fund Solicitation.

Selected as trustee on the Sun City Board is James Edgar (Ed) Bigelow, 10309 Prairie Hills Circle.

He came to Sun City in 1970 from Dearborn, Michigan where he was employed with Michigan schools for 38 years. He first taught academic subjects grades four thru eight until Naval Service in 1946. He then became a school administrator in Educational Research, assistant director of School Plant Planning, and school principal in

1952. He was principal of three elementary schools between 1952 and 1969 when he retired.

Prior to coming to Sun City, he was a playground director and pools superintendent for the City of Dearborn Recreation Dept. He was also Superintendent of Recreation for Birmingham, Michigan 1943-44, treasurer of Dearborn Health Council, officer for the Dearborn City Parent Teacher Association, President of Michigan Education Association, and president of Wayne County and Dearborn Principals Association.

He received his B.A. from Albion College, Western Michigan University and received a Masters in Education at Wayne State.

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Continued on Page 4  
not available



# Education funding OK'd in Sun City

By THELMA HEATWOLE

SUN CITY — The new Marinette School District board Monday adopted its first year budget of \$686,658 after 90 minutes of tough grilling from the audience.

The meeting, attended by about 150 persons in Mountain View Auditorium, be-

came rowdy and ended soon after two men threatened to fight outside.

Earl Clore, Sun City Home Owners Association president, said afterward that it was a small group of residents who harassed the board. "Yet," said Clore, "we never saw them at the Peoria School Board hearing for a \$7 million budget."

Spectators questioned why the district could not pay tuition for students to attend another school rather than erect a school in Sun City.

The new district was established July 1 after the area was severed from the Peoria School District. In several elections, Sun City and Youngtown residents defeated bond sales for school construction proposed by the Peoria district.

Board members explained Monday that the district has been established and the board appointed. Legally, the board must provide facilities in Sun City by Jan. 1.

Validity of signatures on a re-districting petition has been challenged in Maricopa County Superior Court. A ruling is expected July 24.

Some at the meeting said they felt the district was fortunate to have a tax rate of 88 cents for each \$100 of assessed valuation.

John Lanni, a former member of the Peoria School Board, told the new board, "You are going to have a hell of a mess from now on in establishing a school district in Sun City."

Some spectators contended

there were signers of the redistricting petition who were unaware that a school would be built here.

Doug Morris, Sun City Taxpayer Association president, said published accounts made it clear school facilities would be established. He said 18,105 persons signed the petition.

The budget allocates \$101,431 for tuition for 60 kindergarten through eighth-grade students to attend another school until Jan. 1, and for 45 students to attend a high school outside the district for a full school year. It is expected that the Peoria School District will accept Marinette students.

Other budget allocations are:

— \$255,000 in 30-cent levy funds lease-purchase portable school buildings and to acquire a school site.

— \$32,000 to pay for four teachers, one a head teacher.

The board explained that it must budget money for a full year. Unused funds will be carried over into the next year.

Board members also said they would approach developers in Sun City and Youngtown to ask for the donation of a school site.

Spectators objected to the budgeting of \$8,000 for transportation, and the board reduced that to \$1,000. The board said it did not intend to provide bus transportation, but had budgeted the \$8,000 as a contingency for emergencies.

Az Republic

July 16, 1974

## Peoria school election

# 50% oppose bonds in Sun City survey

By THELMA HEATWOLE

SUN CITY — Fifty per cent of the Sun City Taxpayers Association would vote against the Peoria school bond election if the election were held today, an association poll has revealed.

In interviews with 548 members of the 4,400-member SCTA, 24 per cent favor the issue and 26 per cent are undecided. The bond election will be held Oct. 8.

Doug Morris, president of the SCTA, said the survey was accurate within 2 per cent. The survey was done by phone within the past two weeks.

"If we allocate the don't-know votes proportionately, 33 per cent of the don't-knows would be for and 67 per cent against," Morris said.

Of those surveyed, 49 per cent said they voted in the 1973 school bond issue. Twenty-six per cent said they voted for the bond issue and 74 per cent voted against it.

Of those who voted for the last issue, 69 per cent said they would vote for the current \$13.2 million school bond proposal. Of those who voted against the 1973 bond proposal, 71 per cent said they would do so again.

Twelve per cent who voted for the former issue, said they would now vote "no" and 9 per cent who voted against the issue would vote for the new bond proposal.

In still another facet, 18 per cent who voted for the previous issue are now undecided and 20 per cent who voted against the former issue also are undecided.

No attempt was made in the survey to

separate the elementary and high school bond issues. But there are two issues and in the last vote, the community responded differently to each. The variance is not believed to be a significant factor, Morris said.

"On so emotional an issue," said Morris, "it would be fatuous to draw a firm conclusion but there is evidence there that if the bond issue were to be voted on today it would be a very close vote."

"To whatever extent the membership of the SCTA is representative of the population of Sun City and there's no reason to believe it isn't, the results of this survey are projectible to the entire community," he said.

In another factor, examination of Sun City's vote by polling places in the 1973 bond election indicates that those of shorter residence were more opposed to the bond issue.

"This could have a material bearing on the 1974 vote depending on the number of new arrivals who are registered and eligible to vote," Morris said.

Phil Tapley, SCTA board member, anticipated that the effort to redistrict and establish a school here could bring out a greater percentage of Sun City voters in the election.

Morris said the SCTA board will meet at 1:30 p.m. Thursday in the First Federal Savings building in Youngtown to decide whether the SCTA will make a recommendation for or against the election or take no position.

"Give this adult thinking," he told board members. "Weigh both sides and come up with a firm answer."

# School-bond supporter quits Sun City group

By THELMA HEATWOLE

SUN CITY — Doug Morris, president of the Sun City Taxpayers Association (SCTA), confirmed Sunday that he has resigned his office because of his decision to support the Peoria School District's bond election.

"I am more concerned about the education of the children than I am about my pocketbook," Morris said.

The SCTA board Saturday accepted Morris' resignation and took a stand against the \$13.2 million bond election being held by the school district on

Oct. 8. The board also reaffirmed its intention to continue working to separate Sun City from the Peoria School District.

Morris said the SCTA had taken the only stand it could, because its purpose is to be a "watchdog of Sun City's pocketbook."

The substantial tax savings resulting from the separation of Sun City from the school district dictates the SCTA policy and action, he said.

"I am more concerned about what's happening to the character of Sun City

than I am about what's happening to our taxes," Morris said.

"If Sun City were to succeed in separating from the Peoria School District and establishing a school district within our borders, I would be deeply concerned. Not so much about the inevitable disruption of our insular and insulated way of life as about the negative impact of our unsympathetic society upon those youngsters in their formative and most impressionable years."

The SCTA in its position paper said

Continued on Page B-2

**Morris Resigns**  
 about  
 SEP 9 1974  
 Continued from Page B-1

regretted that a petition to separate the district was invalidated by Superior Court action. It said it believes Sun City wants to establish its own school district.

"We can take no other position if we are to fulfill our promise and our responsibility as the watchdog of Sun City's pocketbook," the SCTA paper declared. "We take a definite position against the bond issue."

Morris said he could not "in all conscience take my eyes off those children in order to count a few bucks. I shall work strenuously for the bond issue."

A3  
REPUBLIC

OCT. 31, 1974

**Sun City faction would create own school**

By THELMA HEATWOLE

SUN CITY — Petitions to create a Sun City - Youngtown school district and break away from the Peoria School District will be circulated Tuesday near polling places here and in Youngtown.

Jack Driver, of Sun City, said Wednesday the petitions are being printed and that 60 to 70 "concerned citizens" will man petition tables at least 51 feet from general election poll areas.

Driver said the plan is to divide the school district and send the 89 elementary and

high school students in the retirement communities to other school districts on a tuition basis.

An earlier plan to divide the district, dispatch the high school students elsewhere on a tuition basis, and build a school here for elementary students was ruled out due to lack of valid signatures on petitions.

"I can see no reason why all students here cannot be tuitioned out," Driver said.

"It doesn't seem logical to build an elementary school for about 43 elementary students."

Ballots in the recently approved \$6.25 million bond proposal to build three elementary schools are now

being checked in Superior Court.

Referring to that bond issue, Driver said it was his understanding that if court action does not overturn the election results the new district, if formed, would help pay for those bonds.

Driver pointed out that the retirement communities with

**district, farm out pupils**The Arizona Republic  
Phoenix, Thurs., Oct. 31, 1974

the 89 students and the family-oriented Peoria district with 5,000 students are two different worlds. But because of the preponderance of voters here, the retirement districts in elections tell the Peoria area what they can do. For this reason, he said, the two districts should be separated.

"We don't like to be depict-

ed as ogres," he said. "We are very concerned, but on the other hand many people here are on limited incomes and cannot afford the burden of rising taxes.

"My conclusion is to allow Sun City and Youngtown to maintain their own district and the Peoria area to maintain theirs. As it is, there is a continual battle over what

we are going to do," he said.

Driver said he believes the majority of people in Sun City and Youngtown want to separate both school districts but they do not want a school built here. He said he also believed that Peoria people want Sun City and Youngtown out of the district.

The Sun City Taxpayers Association and the Sun City Homeowners Association officials have not endorsed the petition effort, Driver said.

"Officers in the organization feel they must poll their membership before they can officially endorse the project," he explained.

# Reactions to school district split run gamut

By DON ROSEBROCK  
Staff Writer

Reactions to Monday's separation of Sun City-Youngtown from the Peoria School District range from elation to suspicion it will increase taxes and result in schools being built within the retirement communities.

The decision made by the county board of supervisors under state law ARS 15-403A defines SC-Y as an unorganized territory, with the 89 students living here to be the educational responsibility of the county school superintendent.

Under state law, the area will have to pay a general education tax of \$1.30 per \$100 of assessed valuation and the consensus of school officials is that residents will also be responsible for present bonded indebtedness, estimated to be 50 cents per \$100 assessed valuation.

**THE PRESENT** school tax rate is \$3.39 per \$100. The tax money will be put into the general fund, to be distributed to schools as state aid.

Richard Harris, county school superintendent, said residents will not be responsible for the tuition costs of the students here, with the funds coming from the county or state.

The district boundaries will, under law, be redrawn on July 1, 1975 and the students here will then be tuitioned into a nearby district, probably the Peoria schools they already attend.

**REDISTRICTING** backers are understandably jubilant over their seemingly effortless victory but others, notably the Retirement Community Association of Sun City (RCASC) president Mrs. Lucile Schaefer, are angry.

Mrs. Schaefer called the petitions "one of the dirtiest tricks pulled on anybody" and said it "stinks worse than three-day old fish."

She indicated her group is looking into possible legal action to block the move but said no definite stand has been taken.

**IRONICALLY**, one of the petition signers from Sun City is attorney William Maxant, an RCASC legal adviser. When informed he'd signed the sheet, Mrs. Schaefer said she is

"shocked to see his name on there."

One of her main complaints is that the move was done quickly and with little publicity. The petitions were filed by the parental community Thursday and by the Sun City-Youngtown group Friday; the supervisors approved it three days later.

Mrs. Schaefer said the move should have been delayed to allow the public more time to react and said the meeting should have been more widely advertised.

**THE MOVES**, she said, were made in a "dirty, underhanded way" and charged the supervisors, afraid of being hit with more lawsuits, "bargained with Lew Singer on his suit against the bond issue."

Singer promised to withdraw his suit blocking the Oct. 8 bond issue if the redistricting was approved. He was out of town last week and didn't sign the petitions.

Mrs. Schaefer also said she doesn't feel the move will stand, and will be knocked down by the courts or the state legislature, with the possibility arising of higher taxes and perhaps schools being forced into the two retirement communities.

**THE RCASC** learned of the impending vote Saturday, she said, and mounted a telephone and telegram campaign urging Harris to veto the measure.

He did take a stand against the petitions at Monday's hearing, a move that brought derision and

catcalls from the partisan audience.

Harris defended his stand, calling it an "objective analysis." Harris was criticized by petition signers, who claim he helped initiate the petitions, helped push them through, then publicly turned against them at the meeting.

"I did their work for them; then, when I expressed a personal opinion as I'm also required to do by law, they called me a traitor," Harris said.

Harris said his anti-redistricting stand is based on a fear a precedent has been established that will allow other retirement communities to pull themselves out of a district.

(Continued on Page 2A)

(Continued from Page 1A)

HE ALSO said the move may have undesirable consequences for Sun City if young families are attracted to the community by its low tax rate.

"We now have an oasis of unorganized territory right in the middle of the county," Harris said, "whereas before all we had were a few unorganized territories on the fringes.

"There could be fights over this as surrounding districts battle for a territory like that for its high assessed valuation," he said.

HARRIS said he also is concerned that only 10 signatures can have such a massive effect, saying it gives the Del E. Webb Development Co. a competitive edge over other developers.

Harris denied he was not considering the students' welfare, saying, "I had given thought to the con-

ditions in the schools, pitted this against the effect this may have in other districts, and made my decision. It's easy for those people out there to look only to themselves. They have one district but I have 55 to take care of," he said.

He said he'd be "surprised" if other retirement areas don't try the same thing and if it goes to court "my bets are they'll win because of the unfair tax rates that give one developer an edge over another.

"I'M NOT sure it's in the best interest of the people in Sun City either," Harris said. "It may have repercussions out there they don't know about, like having a lot of families move in there for the tax break, and the retirement aspect of the community may be lost."

Reactions from persons in the rest of the county are "overwhelmingly opposed"

and "very antagonistic," the superintendent said.

Peoria superintendent Melvin Huber is taking a "wait and see" attitude.

"I'M JUST waiting for something to happen. I'll just run the schools here on a day-to-day basis until July 1 and wait to see if any suits are filed or if we are asked to accept the kids," he said.

With SC-Y out of the district, Huber estimated the Peoria tax rate may climb about 20 cents per \$100, but said it won't make much of a difference with the new state refinancing law.

The rate may be higher, he added, if a bond issue is voted through by the remaining district residents.

HUBER said he'd received some criticism from Sun Citians accusing him of "sneaking it through behind their backs" but said the move was done

without telling him and he had nothing to do with it.

Robert Stark, the county superintendent representing the Sun City and Peoria area, said he is happy it passed and added he'd advised the law be used several years ago to solve the district's "unique" problem.

"The dilemma demanded a remedy. The law provides this method shall be used. The petitions were in order, so the law was complied with," Stark said simply.

"THE NEED was presented by the district residents and the people of Sun City. It was a unique situation where both parties wanted the same things and the best interests of both sides were served by the solution," he said.

Stark said he's "not worried" about setting a precedent for allowing other areas to pull themselves out of school districts.

"I think all retirement communities are probably considering it but I don't know what their petitions would show," he said, indicating because most other retirement areas don't have the ability to vote down bond issues single handedly, the districts they are in wish to keep them for their high assessed valuation.

IN THOSE cases, Stark said, petitions would likely be opposed by the other residents and the board would probably deny them.

"The key is if both sides want the redistricting. I don't think this condition exists in other areas, at

least there are none I know of, where an entire school district has been repeatedly frustrated by a retirement community," Stark said.

Stark said he did not feel the threat of lawsuits or the pointed references made at the meeting to the high rate of taxes Sun Citians pay to the county is an example of arm twisting.

"ANY promises of law suits did not influence my decision, there was no criticism of Sun City or Youngtown not paying their fair share of taxes," he said.

The lone dissenting vote was cast by Elden Rudd, who said he is "not convinced in my own mind that particular law applies in this case."

Calling it an archaic statute, Rudd said he tried to research the law but couldn't find out anything about its history.

RUDD SAID he thinks it is intended to be a geographic rather than financial tool, allowing areas cut off from their district's school facilities by difficult terrain to remove themselves from the district and send their students to closer schools.

Rudd said he feels the "desperate situation" in the local district should have been solved by the more conventional petition method, a drive that had become stalled with only

about 10,000 out of the needed 18,000 signatures gathered.

He feels a precedent has been set that will allow other communities or even neighborhoods to remove themselves from school districts.

"IT'S NOT the right way to go. The legislature should do something, and I think they are planning to come up with something that would have helped," Rudd said.

Asked if he felt he'd been pressured or threatened into voting in favor, Rudd declined to answer.

Mrs. Jo Leiby, a Peoria resident who has been fighting for bond issues and local control of the schools for several years, said she was "thrilled" when the petitions were accepted.

SHE, with board member Michael Killion, initiated the petitions in that area and said the method was "simple, cut and dried, with no possibility of a challenge for unregistered voters.

"I'm relieved and grateful our schools will be governed by those involved with the children," she said,

Also expressing approval were J. George Bender, president of the Sun City Taxpayers Association, and Sun City Homeowners

Association president Earl Clore.

CLORE SAID he is surprised the petitions were accepted but said it's a "very good solution to a long standing problem."

Bender said he thinks the move should satisfy all groups here because it provides for a lessening of taxes without having to build schools in Sun City.

# Increase Announced In School District Tax Rate

By Hank Essbach

Whatever the legal reasoning behind the move, it appears an increase of about 70 percent in this year's tax rate for the Peoria Unorganized School District, which includes Sun City and Youngtown, will have some impact on residents' pocketbooks.

That increase, from 27 cents per \$100 of assessed valuation last year, to 46 cents per \$100 this year, will help increase the overall tax rates paid by local residents. The Maricopa County Board of Supervisors August 15 decided Sun Citians will pay a rate of \$7.39 per \$100 of valuation, which does not include costs of operating street lights.

Youngtown residents, they decreed, will pay \$7.15 per \$100 of valuation, an increase of 20 cents from last year. The town's rate, meanwhile, declined from 14 to 13 cents.

The school district increase will be accompanied by a 22 percent increase in the Volunteer Fire District tax rate, which will go from 29 cents per \$100 last year, to 37 cents per \$100, this year. Higher firefighter salaries, averaging eight percent, and a capital improvement program launched by the fire board are part of the reason for that jump.

A five percent increase in the rate for the Junior College District to 76 cents will affect locals, and these rates will remain the same: State, \$1.60; Flood Control District, 20 cents; Central Arizona Project, three cents; and unorgan-

Fire board treasurer Ed Buenté said the board had expected the figure to rise to 39 cents per \$100, but because assessed valuation in Sun City climbed from about \$118 million last year to more than \$122 million this year (a jump of 3.5 percent), the rate was set at 37 cents.

Mike Peacock, financial advisor to the Peoria School District,

explained yesterday, August 23, why the school district rate will jump 19 cents. He said when voters approved a \$7.5 million bond issue several years ago for the construction of school facilities in Peoria, the idle funds were invested, and earnings from the investments were used to offset the interest on the debt service for the bond.

But since that time the construction firms completed their work, and were paid what was owed them, so there have been fewer and fewer monies available for investment purposes, Peacock revealed.

He pointed out the money approved by the voters is going to pay for what it was intended to pay for, so the gap created by the absence of monies which could be invested has to be made up through the establishment of a higher tax rate.

"You don't let the idle money  
(Continued on page 4)

# Property Taxes .....

(Continued from page 1)

sit around—the funds are placed in a trust account at a bank, where they earn interest,” he explained. It is possible that last year, the Peoria Unorganized School District “could have been credited more than it was due,” because officials wanted to make sure local residents were not unfairly taxed as the construction program got into full swing.

Between \$4.5 million and \$4.75 million remains outstanding on the bonded indebtedness, said Peacock, who added when principal and interest is included, some \$7 million will have to be paid during the next 10 years. The amount required last year was \$588,000, he said, but without the credits made, Sun Citians would have been paying a tax rate of 47 cents, which is one cent higher than that set for this year.

The amount to be paid off would rise to \$720,918 in 1979, if local assessed valuation climbed to \$136 million, from the present \$122 million, he added. Another factor which helped create a low tax last year, Peacock said, was the refund program, which involved rebates to homeowners. Sun Citians are not eligible for rebates, ever since the community split from the Peoria district.

“From now on, the liability will fluctuate up and down, but remain in the same ballpark area,” he added. He said it is expected to be \$600,000 in 1978, \$720,918 in 1979, and drop back to \$691,288 in 1980. The trend will continue until

1987, when local residents should see a dramatic drop in these rates, he predicted.

Phil Tapley, of the Sun City Taxpayers Association, and Mike Komar, president of the Home Owners Association, had earlier said they would demand a complete explanation of why the school district taxes jumped so high.

Komar said the HOA had been getting numerous calls about the issue, and Tapley said the SCTA would require that a suitable explanation be offered for the increase.

The figures are not yet in, Tapley declared, on just what the tax rates will be for those living in street lighting districts, which number more than 75 in Sun City. He said it is the SCTA's intention to look at the pros and cons of working towards merging all Sun City street lighting districts, to possibly save money.

While it is likely Phase I homeowners will feel less of a tax bite than those living in Phase II, said Tapley, he stressed figures are not yet available on this. “But I know my assessed valuation jumped about 20 percent,” he added. Concerning the recent Superior Court judge's decision to overturn the water and sewer rates approved by the Arizona Corporation Commission, Tapley said the matter may go to the state Supreme Court. “My guess would be there would be a kind of compromise,” he noted.



Excerpt - Az Republic 4-9-86 Peoria special supplement P. 8, 9

## School

Continued from PC8

In July 1975, Sun City finally was granted permission by the Maricopa County Board of Supervisors to secede from the district, to the great relief of Peoria residents.

Soon afterward, the district again asked voters to approve bond issues to build two elementary schools and another high school, and the issues passed with more than 90 percent in favor, said Bill French, district business administrator.

Murphy, who was superintendent from 1958 to 1973, said Sun City's separation was "probably good for both of us because by the time we left, there was a critical need."

"We were on double sessions and looking at triple sessions," he said.

Murphy said the attitude among Sun City residents was that "we've reached our golden years, and no one is going to tell us what to do.

"They wouldn't accept any part of it," said Murphy, who also lived in Sun City during that time and spoke with many residents.

Mel Huber, who was principal of Peoria High School before being superintendent from 1973 to 1978, agreed that before Sun City's withdrawal from the district, times were tough and

education suffered.

Huber, Murphy and other administrators studied Sun City to learn more about why the residents were against bond issues and improved education.

Murphy said the district found that more than 50 percent of the Sun City residents never had children.

French said most of the residents "didn't feel they had an obligation to educate other people's children because other people didn't educate their children."

Despite the majority of Sun City residents that opposed increasing school taxes, Huber said there were many retirees who served on the governing board and "were really helpful and sympathetic to the school cause."

Today, Sun City is not paying taxes in the district, but many residents volunteer their time through the district's volunteer program, French said. The district has an equivalent of 20 full-time employees who volunteer to work as aides in the classroom and help children and faculty, he said.

After Sun City's withdrawal from the district, schools were built in 1975, including the district's second high school, Cactus High.

And bond issues have been passed every other year from 1975 to 1983, French said.

• • •  
After the war, Peoria's economy became healthier, and the school district was drawing more pupils until buildings were virtually bursting at the seams.

However, in the 1960s, Peoria had a new neighbor that was not perceived as friendly to the school district.

Sun City, the haven for retirees, was founded by developer Del Webb in 1960 and caused problems from the beginning because of the retirees' tremendous voting power and strong dislike for paying taxes in a school district where they had no children.

The board, which oversaw two separate budgets — one for the elementary schools and one for the high school — went to the voters nine times from 1962 to 1974 asking for authorization to sell bonds to build badly needed elementary schools and another high school and to improve equipment and supplies. In those nine elections, 16 of 21 bond requests were defeated by Sun City residents, who outnumbered Peoria residents.

— School, PC9

Wednesday, April 9, 1986

Wednesday, April 9, 1986

# Tax bill rate surprises some

First of two parts  
By JACQUE PAPPAS  
News-Sun staff

SUN CITY — Sun Citian Al Bradley said he was in shock when he opened his property tax bill last week.

As expected, his home was taxed 50 cents for each \$100 of assessed valuation for a new state property tax on education — a tax imposed on the Sun Cities, Youngtown and about 20 unorganized districts.

But what Bradley didn't expect was a drastic increase on his tax bill for a rental unit he owns in Sun City.

"I about had a heart attack when I opened up my tax bill and saw that I got the full \$4.72 (per \$100 assessed valuation) on my rental property. My tax bill went up from about \$300 to \$900 on the rental," Bradley said. "You talk about singling out

'I about had a heart attack when I opened up my tax bill... My tax bill went up from about \$300 to \$900 on the rental.'

Local taxpayer

people for punishment, that certainly to me is something that is harsh. This was part of our income. I was absolutely horrified when I got my bill."

Bradley was one of several area residents at a Retirement Community Association meeting Monday who expressed his alarm about the new property tax.

"We're going to try and get rid of our property right away because we can't afford that ex-

pense," Bradley said. "If you are living in a condominium or own a condominium and renting it to someone else, you're going to get socked."

The tax, part of a multi-million-dollar budget-balancing measure, was passed by the Arizona Legislature and signed into law by Gov. Rose Mofford in July.

The law sets the tax rate at 50 cents for each \$100 of assessed valuation on residential property in 1988 and increases it each year until 1992 when it is capped at \$4.72.

But the rate for other property, such as commercial land, is \$4.72 — the qualifying tax rate.

Don McDonald, cost analyst for Maricopa County, said the "other" category includes rental units because they are not

See School, A5

# School tax hits businesses hard

—From A1 owner-occupied.

"The way the law reads is that the rate levied is equal to the state qualifying tax rate except in the case of owner-occupied residences. I've gotten a fair number of calls today from people who are concerned about this. We've had several calls from people who were upset."

McDonald said this year's new qualifying tax rate for the Sun Cities and Youngtown has increased by about 250 percent. The rate increase does not include some special district taxes such as street lighting and fire districts.

"The state education tax rate is new and is basically what's attributed to the increase," McDonald said. "For some it has tripled. That's not common."

Ken Larkin, a member of the Retirement Community Association, said many residents who have just been assessed the 50 percent increase are still surprised when they receive their taxes in the mail.

"When the bill was passed, it was a shock to the people. But believe it or not, some people never knew their taxes were going to go up," Larkin said. "People don't seem to keep in touch with what is happening in the community. The only way you really hit them is in their pocketbooks. And now the people who are really waking up are the businesses."

Larkin, also president of the Sun City Taxpayers Association, said he hopes the Arizona Supreme Court will rule that the tax is unconstitutional.

A hearing is scheduled for 9:30 a.m. Oct. 18 for oral arguments on the matter.

He said the taxpayers association office received more than 85 calls Monday morning from area residents asking why their taxes had increased.

"Maybe our representatives in Sun City like us, but I don't believe that most of them outside of Sun City really care. They feel that Sun City, Sun City West, Youngtown and other

LIMITED (PRIMARY) VALUES				PRIMARY	COMPARATIVE		1988 DISTRIBUTION	
TYPE	LIMITED	%	ASSESSED		1987 AMT	RATE / 100	1988 AMT	
LAND & BLDGS.	40131	10.0	4015	STATE	16.38	4700	18.87	
PERSONAL EXEMPTION				COUNTY	62.02	14370	57.70	
PRIMARY TOTAL	40131		4015	CITY				
				SCHOOL CD. EDUC ***			20.08	
				JR. COL	26.28	6473	25.99	
				SUBTOTAL	104.68	25543	122.64	

**BILL** — This part of a 1988 Maricopa County Tax Statement is typical of what area homeowners will receive. The three asterisks denote a new county education district tax

unorganized school districts deserve what we got and that we're not paying our fair share," Larkin said. "Well, this is not true."

Larkin said Sun Citizens pay taxes for junior colleges and gasoline tax — part of which goes to schools.

"This is a firm case of taxation without representation," Larkin said. "If we do get this overturned in court then the only thing we'll have to watch are our elected representatives

because they will be looking for other ways to get back at us or attack us."

Businesses, including non-profit organizations and corporations, also have been hard hit by the tax.

Ted Hoyt, president of the Sun City Home Owners Association, said the group's property tax increased by about 93 percent with the evolution of the county education tax.

Hoyt said the association was charged about \$2,115 for the

imposed on all unorganized districts. The tax starts at 50 cents per \$100 of assessed valuation on residential property, as above, and is \$4.72 for other property.

county education tax alone.

"I think it's a very unfair situation. We don't mind if it's fair, but this is definitely not. It's a very shocking thing. What we thought was an error on our bill was actually passed as law," Hoyt said. "It's a puzzling situation right now. We were very surprised when we got the bill. We were shocked. And the community is shocked, too. I talked to a businessman whose tax went from \$2,000 to \$8,000."

Hoyt said the HOA and some

other local groups are encouraging residents to mail in their bills under protest.

"This could be a real serious problem for the business community. People who own rentals in the stores won't be able to compete," Hoyt said. "It's a real scary thing because it puts both the residents and business community in jeopardy."

**Next: Businesses see some whopping increases in their property tax bills.**

# Webb hires lobbyist to fight tax

By CHRISTINE SELIGA  
News-Sun staff

SUN CITY — Del Webb Corp. has hired a lobbyist to help in the local effort to revise the so-called Sun Cities school tax.

Kevin Moran, from Landry & Associates in Phoenix, will be working with local groups and legislators who want to revise the tax.

"We were thinking about doing it ourselves but then we contacted them . . . it saves us quite a bit of money," said Ken Larkin of the Sun City Taxpayers Association (SCTA).

Larkin said Friday afternoon

he didn't know how much the services of the lobbyist will cost Webb but that he's been told hiring one lobbyist for one year would cost between \$40,000 and \$50,000.

Properties that Webb owns in the Sun Cities are affected by the tax, which was enacted last year as an emergency measure.

"I guess it's twofold," Larkin said. "This is a community effort and it probably affects them in their sales and real estate."

He said Moran will help put together presentations if the taxpayers group goes before the Legislature. Moran also will talk

to legislators to explain revisions of the tax and find out legislators' opinions on the issue.

Local legislators from Districts 15, 17 and 19 are all working on getting the tax revised.

"What we're going to be talking about is tax equity," lobbyist Moran said Friday.

The tax, to benefit education, is levied on property owners outside of school districts. It affects Sun City, Sun City West and Youngtown.

For homeowners, the tax started last year at 50 cents for each \$100 dollars of assessed

value of their property. It increases by 50 cents every year except in 1997, when it will be capped at \$4.72.

For commercial and rental property the tax is not phased in and started at the full \$4.72 for each \$100 of assessed value last year.

Moran, who also is an attorney, said the tax is really more than a Sun Cities issue. It affects areas all over the state such as the Mount Lemmon area near Tucson and the Pinnacle Peak area.

"We're going to make an effort to reach out to those people

and work together to show it's a statewide issue," he said.

Moran said Larry Landry, president of Landry & Associates, was involved in an effort to stop the tax before it was signed into law.

The Sun City Home Owners Association, the Sun City West Property Owners and Residents Association and the town of Youngtown have joined with the Sun City Taxpayers Association to work with local legislators on revisions to the tax. Representatives from those groups met with Moran Friday morning.

Larkin said there will be a

meeting next Friday for leaders from other groups such as the Union Club, the local chapters of the American Association of Retired Persons and both Republican and Democratic clubs. They will be trying to form a coalition with those groups.

In addition to trying to get the law revised through the Legislature, the SCTA will still be pursuing a lawsuit on the constitutionality of the tax, Larkin said.

"This is a parallel path that will not affect the lawsuit," he said of the lobbying effort.

By JACQUE PAPPAS  
News-Sun staff

SUN CITY — It was standing room only Wednesday as more than 300 area residents reviewed a menu of possible revisions for the so-called Sun City school tax.

The Sun City Taxpayers Association sponsored a public meeting to see how local residents feel on issues relating to the property tax for education passed into law last year.

Six legislative proposals were reviewed at the meeting, where state representatives and senators from the Northwest Valley answered questions and told residents what they see as inequities in the tax.

Area residents voiced their concerns without hesitation, especially when area legislators said the possibility of repealing the tax is less than slim.

Sen.-elect Bob Denny, R-Litchfield Park, said it would be wise to introduce a bill that asks for several modifications rather than trying to get the tax repealed.

"We would like to repeal it but I don't think that will happen," Denny said. "I am only being realistic. The only thing worse than saying we can't do (repeal) it, is to say we can and to end up with nothing."

"We have to keep working on a bill because if the courts find that it's constitutional, then you all will be left out in the cold like you are now," he said.

Denny's words were matched with grumbles from area residents as they chanted "why, why, why?" can't the tax be repealed.

Sen. Pat Wright, R-Glendale, said repealing the tax is nearly impossible because that move

does not have majority support in the House or Senate.

"You will not find 16 votes in the Senate and 31 votes in the House for a proposal that repeals this tax," Wright said. "The perception of those people who do not represent unorganized districts is that you do not pay your fair share. The problem is that you've got to have the public sentiment. Fair is not going to cut it in the legislative process and it's too bad. I hate to discourage you, too, but it won't even get to the governor with the intention of repeal."

The tax affects the Sun Cities, Youngtown and about 22 other unorganized districts, or areas not in a school district, in the state.

Wright said she hopes businesses in unorganized districts, which began paying the full \$4.72 per \$100 of assessed valu-

ation in 1988, would get their taxes phased in as homeowners do.

The tax in 1988 levied 50 cents for each \$100 of assessed valuation on residential property. The tax will increase 50 cents each year, except in 1997, when it will be capped at \$4.72 — the qualifying tax rate.

Other legislators at the meeting agreed that the tax would be difficult to repeal and some suggested that Sun Citians contact people in other districts to generate support for a change.

But Republican Don Kenney, representative-elect for District 19, told residents that it's better to have tried and failed than to have never tried at all.

"What I'm suggesting to you is that we all get out there and go for broke and try to do the best we can and get this darn  
**See Lawmakers, A5**

28 PAGES

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SUN CITY, ARIZ.



News-Sun photo by Stephen Chernelk

**TAX MEETING DRAWS DOZENS** — A member of the standing-room-only crowd asks state legislators a question at a special meeting on the so-called Sun City school tax

Wednesday in Oakmont Auditorium, 10725 Oakmont Ave. More than 300 area residents attended the two-hour meeting sponsored by the Sun City Taxpayers Association.

# School tax repeal is doubtful

OVER

WEDNESDAY, MAY 3, 1989

# Tax bite

## Amount levied shocks businesses

By JACQUE PAPPAS  
News-Sun staff

SUN CITY — Business owners in the area said they were prepared for drastic increases in their property taxes after the so-called Sun City school tax was passed into law last year.

What they didn't expect was a double whammy.

Earlier this year, the state added a levy of \$4.72 per \$100 of assessed valuation on the real property tax bills of all businesses in areas outside of school districts.

Now businesses are receiving their unsecured personal property tax bills in the mail and finding that they are again being taxed for the new state property tax to fund education.

The personal property tax is levied on non-permanent items a business may own such as computers, tables, electrical equipment and photocopy machines.

The tax is not assessed on residential property, which was taxed 50 cents per \$100 of assessed valuation in 1988 under the law and will increase 50 cents each year until capped at \$4.72.

But businesses in unorganized school districts such as the Sun Cities and Youngtown are feeling the pinch.

Bob Smith, controller for Union Hills Country Club, said the non-profit establishment's real and personal property taxes increased by more than \$20,000 this year.

"We were amazed," Smith said. "We thought the tax only pertained to real property and not personal. I guess the word just didn't get out. Let me tell you it was the best-kept secret."

"It's harmful to small businesses in the area," Smith said. "If they had known this was coming, they could have gradually passed on the expense. We understand we have to pay taxes, but a surprise is not excusable."

Marian Hack, manager of the Sun City Professional Building, said the "surprise" taxation of personal property may force small businesses out of the Sun Cities and into neighboring towns located in school districts.

"We expected an increase, but not this much," Hack said.

"They're going to run the small businessman out of town," Hack said. "They are discouraging people to come and establish enterprise in Sun City. We are so close to the Peoria border that I think this could be the reason why our leasing has slacked off."

News-Sun controller Rich Ching said the newspaper's personal property tax increased by 163 percent because of the education tax. He said the News-Sun's real property tax increased by 93 percent.

"This is going to be a killer to a lot of businesses. This is pure increase," Ching said. "With all of our press equipment and computers, our personal property bill alone went up by about \$21,000."

While businessmen may have been surprised, tax officials say the law clearly spells out that the levy is to be on both real and personal property.

Paul Corrington, chief deputy of the Maricopa County treasurer's office, said it is not unusual for education taxes to be levied on unsecured personal property.

"The only unique aspect is that the state is levying a tax  
See Businesses, A3 OVER

# Businesses feel tax pinch; express shock at bill rate

—From A1

that in the past only organized school districts have levied," Corrington said. "We got a lot of calls from people when (real) property taxes went out earlier this year, but we haven't gotten too many about the unsecured property tax. We do this as a legislative mandate."

The county treasurer collects all real and personal property taxes for the state, county, school and special districts and incorporated cities and towns.

Ed Leyba, administrator of the Property Valuation and Equalization Division of the Arizona Department of Revenue, said since the education tax is a primary tax, it applies to all

property.

But even though the statute is clear to state authorities, some area legislators said they did not know the measure would tax businesses twice.

Rep. Nancy Wessel, R-Phoenix, said, "When this bill was before us and passed last session, we didn't even realize the \$4.72 would be on personal property for the businesses.

"It sounds to me that it's not fair," Wessel said. "It seems like a double whammy to me. It's not only taxation without representation, but twice the taxation."

Although not all businesses have received their personal property tax bills in the mail,

some anticipate a significant increase.

Bill Collier, controller for the Recreation Centers of Sun City, said the additional tax is not included in the corporation's budget.

"It's unbudgeted for sure. I'm not sure what the size of the increase will be, but it definitely will have an impact," Collier said. "We will file our taxes under protest, just as we have in the past."

The centers' real property tax bill increased by more than \$200,000 this year.



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# SC school tax trimmed in budget deal

By JACQUE PAPPAS  
News-Sun staff

PHOENIX — A long-awaited dream came true for homeowners and businesses in the Sun Cities Tuesday evening.

House and Senate Republicans passed a \$170 million revenue package reducing a school tax imposed on the retirement communities last year.

If approved by Gov. Rose Moford, the revenue package will give a \$3.4 million tax break to areas that lie outside organized school districts, like the Sun Cities and Youngtown.

The tax break would cut in half the qualifying tax rate of \$4.72 imposed on businesses in the area and would cap the tax for homeowners at \$1.04 with a 56 percent rebate.

It amends legislation passed

last year imposing a property tax on unorganized school districts to benefit education.

The tax had Sun City area businesses crying for relief, prompted legal action that's pending in Arizona Superior Court and triggered a series of public meetings with Northwest Valley legislators.

The revenue proposal will fund a \$3.2 billion budget also passed in both chambers Tuesday — the 156th day of the third longest session in the legislature's history.

While the revenue plan cuts taxes for residents of unorganized school districts, it will use \$45 million in state retirement contributions to help balance the budget.

The tax increase would also  
See GOP, A5

*over*

# GOP reduces SC school tax

— From A1

generate more than \$26 million by taxing four school districts, one of which contains the Palo Verde Nuclear Generating Station.

Maintaining their commitment to an anti-tax platform, Sen. Bob Denny and Reps. Don Aldridge and Jim Skelly were the only Republicans to break ranks and oppose the tax and spending measures.

The budget measures cleared the 30-member Senate 16-13 and the 60-member House 32-26.

Denny, who has worked with eight other area legislators to reform the so-called Sun City school tax, said he voted against the budget because he opposes using state retirement funds and raiding \$16 million in windfall profits that both houses earlier this year voted to give back to the taxpayers.

Denny, a senator from Litchfield Park, said he would have voted for the budget and revenue bills if the Senate couldn't get the minimum 16 votes needed to

pass the measures.

"It was very difficult for me to separate the school tax and the retirement fund issues. I would have voted for the bills if it was necessary to amend the school tax," Denny said. "I feel very deeply that this state is heading for fiscal chaos if we don't learn to control our big spending habits . . . I realize my no vote will be a lone cry in the jungle; however, someone has to cry out for the poor taxpayer."

Denny said he has received numerous calls from area residents speaking out against the use of the retirement fund and imploring him to hold the line on spending.

Denny said he fears the state will face a \$400 million to \$600 million shortfall next year.

"Having raided every piggy bank in the state this year, the taxpayers of Arizona will face a massive tax increase next year of such magnitude that many businesses and retirees will no longer move to Arizona," Denny said.

Denny was the only Republican to vote against the pension bill in the Senate while three Republicans broke ranks in the House, making the final vote 31-27.

Mofford, who vetoed a similar \$3.2 billion budget last week, has not said if she will veto the new budget now that there is a funding package for it.

But area legislators are optimistic that Mofford will sign the revenue and budget proposals into law.

Rep. Nancy Wessel, R-Phoenix, said Mofford's veto would be "the worst and very unwise political move."

"We are just so thrilled that this passed. You have to credit the Republican caucuses and the leadership for sticking together because if they didn't, Sun City would have never gotten the reduction and the revenue package would have been even higher," Wessel said.

"I think it's a dream come true. We had a lot of opposition to the school tax amendment early on. But we just wanted Sun City and other unorganized districts to be treated like everyone else in the state."

Rep. Bob Williams, R-Sun City West, the only legislator who lives in an unorganized district, said he has mixed emotions about the bills sent to the governor for her signature.

"I'm very happy about the so-called Sun City tax being reduced. It took a lot of doing. The Democrats even tried to kill the reduction on the floor but failed," Williams said. "But I am unhappy with the mess our tax structure is in. I think we

are in the midst of a probable recession. The revenues are down and the demand is up."

Sun City area homeowners associations and residents groups helped area residents develop the school tax amendment earlier this year.

Lobbyists from Del Webb Corp. have also been working at the capitol, generating support for the amendment.

Sen. Jan Brewer, R-Peoria, said the spending bill and revenue plan "are not perfect but will not devastate anyone."

"We worked hard on it and I believe we delivered something that is fair and equitable for the people of Arizona," Brewer said. "I am very estatic for the justice that is being given to the Sun City residents after the railroad job they got last year."

*Final Independent June 14-20, 1989*

# County exec assesses fairness of property tax

By PEG KEITH  
Sun Cities Independent

The Maricopa County Assessor is a man who dislikes taxes, even though it's his job to collect them.

Ira Friedman hates taxes in general, and property taxes more than others. Property taxes, he says, are not related to one's ability to pay.

Speaking to the Sun City Taxpayers Association's board of directors recently, Mr. Friedman described his official responsibilities and shared one of his goals: To value property fairly and equitably, so that everybody pays a fair share.

In Arizona, property taxes are set in different classifications, and are assessed at different values, says Mr. Friedman:

- Vacant land is currently assessed at 16 percent of fair market value;
- Residential rental property at 15 percent of fair market value;
- Residential owner-occupied property at 10 percent;
- Commercial real property (such as industrial buildings) at 25 percent of fair market value.
- Business personal property is assessed at 25 percent of fair market value.

As a result of this, the county assessor finds Arizona ranks 26th in the nation in per capita property tax rates, and 46th in the nation on owner-occupied real property taxes.

"This throws it toward commercial and away from residential. And, basically, in my opinion, that is the way it should be ... I don't believe a home is an investment. I believe a home is a shelter."

The number of classifications of property is unusual, in comparison with other states, he says.

"Title 42, the property tax code, has a lot of special interest legislation written into it."

Speaking generally, Mr. Friedman says, a house goes up in value while taxes go up in cost.

Basically, the taxes rise. Mr. Friedman says he's not advocating -- but is interested in and wishes to examine further -- a system that would lock in residential property values. This would ensure that valuations would not go up until the property changed hands in a non-familial sale.

In a situation of that kind, he says, people would know what they would be paying for taxes each year.

Looking at the assessments across the board, Mr. Friedman sees a chance to pick up additional tax revenue through an audit of business personal property. This would involve such items as fixtures and machinery.

The system currently works with a self-declaration based on costs of equipment, with a form sent out to businesses and mailed back to the assessor's office.

"We accept the forms at face value," Mr. Friedman says, noting a likelihood that these reports are not always accurate.

"We do audit some of the returns, but on a very irregular basis because of the size of the staff. The audits indicate there could be additional revenue gained from adopting such a system."

See ASSESSOR, Page six

(over)

## • ASSESSOR *From Page 1*

Los Angeles County started this system of auditing in 1963, and it was mandated by the state of California for all counties several years later.

Many out-of-state companies have locations in Arizona as well as California, says Mr. Friedman, noting that he has contacted California data keepers who could assist in record-keeping "for what would be the same folks," in two different locations.

It's only in recent years that Maricopa County has had a sizeable business and commercial base.

A consultant currently is looking at possibilities and is preparing a report on personnel requirements to expand a fully-staffed office for Maricopa County's personal business tax division.

"I would like to see a mandatory audit program based on a stratification of market values currently on the roll," he says.

"This would remove the implications of favoritism."

On business personal appraisals, he says, the assessment is based on percent of "good," rather than on depreciation. The premise is that certain types of

equipment retain -- or even increase -- in worth as they're being depreciated.

"The county's goal is not to recover a cost, but to reflect current market value."

However much Mr. Friedman may dislike property taxes, they remain a fact of life, and the citizenry gets up in arms when residential property taxes are increased.

These people may fail to realize, he says, that property is not valued independently, every year. An \$80,000 house may have been on the tax rolls for years as a \$60,000 house. While the value may not have increased over the last year, it might well have gone up substantially from the last time it was valued.

Many Maricopa County property owners have received small tax increases from assessments raised less than \$1,000. Such raises are the result of computer assessments: The computer "looks" at three years' values and makes adjustments on that basis.

"We are currently working on changing the process," says Mr. Friedman. "I don't care to see fine-tuning designed by a computer."

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Serving Arizona's SUN CITIES and NORTHWEST VALLEY

35¢

THURSDAY, JULY 27, 1989

## School tax ruled unconstitutional

By JACQUE PAPPAS  
News-Sun staff

SUN CITY — A Maricopa County Superior Court judge ruled Wednesday that the so-called Sun City school tax is unconstitutional.

Judge William T. Moroney ruled the tax void because it violates the Arizona Constitution by collecting four times more money than needed for its stated objective.

The tax, levied on the Sun

Cities, Youngtown and about 22 areas in the state that are not in school districts, was part of a multi-million-dollar tax bill signed into law last year.

In a 23-page ruling dated July 10, Moroney enjoined the state from levying or collecting the tax.

Attorneys representing the Arizona Department of Revenue said they have not decided if they will appeal the ruling.

Moroney said the amount lev-

ied by the tax in 1988 alone surpasses its stated objective to defray the cost of educating children residing in unorganized school districts.

He said in future years, the discrepancy will even be greater, so only "a small percentage of the funds collected pursuant to the tax imposed will be used for the purpose enumerated in the statute."

"The court holds that a tax imposed by a statute graduated

to increase sharply over a span of years, which collects four times as much revenue in its first year as is necessary to accomplish the object of the tax, is not reasonably related to the object of the tax," Moroney said.

Sun Citians Kenneth Larkin and Murray Karsten filed a lawsuit with the court in November 1988, challenging the constitutionality of the tax.

The Sun Citians first took the case to the Arizona Supreme

Court in September, but justices refused to rule on the legality of the tax.

The measure, known as the Sun City school tax, in 1988 imposed a levy of 50 cents per \$100 of assessed valuation on residential property not located in an organized school district.

The assessment on residential property was to increase gradually until it was capped at \$4.72. This year's levy is \$1.

Businesses and rental proper-

ties were assessed the full \$4.72 beginning in 1988.

Larkin, president of the Sun City Taxpayers Association, said area residents and organizations have contributed \$14,300 to help cover what is now nearly \$50,000 in legal fees.

"I'm overjoyed and dumbfounded. This is a victory for the people. They had confidence in us and they contributed money to help us challenge this tax in See Judge, A4

# Judge voids Sun City school tax

—From A1  
court," said Larkin, who found out about the ruling on his birthday Wednesday. "This news is the best present ever. It only justifies what we have contended all along."

In a motion for summary judgment, Art Pederson, a Phoenix attorney for the plaintiff, argued that the tax is unconstitutional because it collected about \$10 million in 1988

when the cost of educating children in unorganized districts was about \$2.5 million.

The court ruled that raising additional money from the tax violates Article 9, Section 3 of the state constitution.

"We are pleased with the ruling," Pederson said. "We always like to win."

Although the tax became effective July 1, 1988, the Legislature directed that it be retro-

active to Jan. 1, 1988.

But whether taxes collected in 1988 will be refunded has yet to be decided.

Moroney said attorneys have until Aug. 21 to file recommendations to the court on whether taxpayers should receive a refund.

Pederson said he plans to ask for a refund.

He said since the purpose of

the statute is to defray the cost of educating children who belong in unorganized districts and attend public schools in organized districts, excess monies should be refunded to the taxpayers.

Bill Hostetler, an attorney representing the state, said he will decide whether to appeal the case after the final ruling on the refund is rendered.

"Any such plan at this time

would be premature. We still have briefing deadlines and will have to do more research," Hostetler said. "I was pretty happy through most of the opinion, but it only takes one thing for a judge to decide a statute is unconstitutional."

Hostetler will have 30 days after final determination to file an appeal.

While the ruling was pending

in Superior Court, Northwest Valley legislators worked to pass a revenue package in June giving a \$3.4 million tax break to areas in unorganized school districts.

The tax break cut in half the qualifying tax rate of \$4.72 imposed on businesses in affected areas and capped the tax for homeowners at \$1.04 after a 56 percent rebate.

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Serving Arizona's SUN CITIES and NORTHWEST VALLEY

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FRIDAY, JULY 28, 1989

## Court ruling won't halt school tax

By JACQUE PAPPAS  
News-Sun staff

**SUN CITY** — Although a controversial property tax for education was ruled unconstitutional Wednesday, residents in affected areas such as Sun City may still have to pay some school taxes.

A Maricopa County Superior Court judge who reviewed the case said his ruling does not affect revised school taxes that were recently signed into law.

Judge William T. Moroney said Thursday that his ruling voided the school tax passed at the end of the 1988 legislative session, but does not affect an amendment to the tax approved June 13.

"I did not consider the amendment to the statute at the time I made the decision in the order. The matter that was before me was the statute in 1988," Moroney said. "It was not brought to my attention by the at-

torneys and not discussed in their arguments."

The tax, levied on the Sun Cities, Youngtown and about other 22 areas in the state that are not in school districts, was part of a multi-million-dollar tax bill signed into law last year.

Sun Citians Kenneth Larkin and Murray Karsten filed a lawsuit with the court in November 1988, challenging the constitutionality of the tax.

Effective with taxes assessed in 1989, Moroney said the state is enjoined from levying or collecting the tax because it generated four times more revenue than needed for educating children in unorganized districts.

But since Moroney said his ruling does not apply to the amendment, residents in affected areas will still pay the new tax unless it is also declared unconstitutional in final judgment.

Moroney said attorneys have until Aug. 21 to file recommendations to the

court on whether taxes collected in 1988 will be refunded.

Also at that time, Moroney said attorneys could submit arguments as to whether the amended tax bill should also be declared unconstitutional.

"Whether it (the amendment) will have an effect remains to be seen," Moroney said.

The tax, known as the Sun City school tax, in 1988 imposed a levy of 50 cents per \$100 of assessed valuation on residential property not located in an organized school district.

The assessment on residential property was to increase gradually until it was capped at \$4.72. This year's levy is \$1.

Businesses and rental properties were assessed the full \$4.72 beginning in 1988.

The amendment now in place cuts in half the qualifying tax rate of \$4.72 imposed on businesses in affected areas and capped the tax for homeowners at

\$1.04 after a 56 percent rebate.

Larkin, president of the Sun City Taxpayers Association, said he anticipates his attorney will ask that the amended version of the bill also be declared unconstitutional.

"Unless the amendment is declared unconstitutional, the ruling really has no bearing because residents will still end up paying unfair taxes," Larkin said. "It's not that we don't want to pay any taxes, but the amendment still is too much money needed to fund the cost of educating children not in organized school districts."

In the ruling, the original tax was declared unconstitutional because it collected about \$10 million in 1988 when the cost of educating children in unorganized districts was about \$2.5 million.

Official estimates from the Arizona Department of Revenue show that the amended tax will generate \$6.3 million in 1989.

Bill Hostetler, an attorney representing the state, said he will decide whether to appeal the case after the final ruling on the refund is rendered.

"To the extent that the new bill repeals the old tax, at this point and time, the ruling that it is unconstitutional is almost insignificant," Hostetler said. "It is the refund we are concerned with. We didn't pay attention to the amendment. If someone wants to challenge the amendment that may be another day and another case."

State Sen. Bob Denny, R-Litchfield Park, said he was happy with the ruling but realizes that controversy may still surround the constitutionality of the school tax amendment.

"It was delightful news. The ruling proves what we said all along — the tax was unconstitutional," Denny said. "But it is going to be very interesting to see what the fall-out is. We still have to await the final ruling."

*Sun Cities Independent*

# State House revises school tax

## Bill would give Sun Citians 56 percent rebate; cut qualifying tax rate in half

The Arizona House of Representatives has passed a bill that, if approved by the Senate, would reduce the amount of the school tax paid by Sun Citians by almost three-fourths.

Late last week, the House approved a bill that modifies the so-called Sun City school tax. The bill is designed to cut the qualifying tax rate in half and allow homeowners living outside organized school districts to take advantage of a 56 percent rebate.

The bill must now be approved by the Senate before it becomes law. As of press time, the Senate had not addressed the issue.

The school tax came up for discussion last Thursday as the House began fine-tuning the state budget. According to one local representative, Republicans were responsible for making the tax revision part of this year's budget package.

Describing the legislative process, Rep. Nancy Wessel (R-Dist. 19) says, "They

(Democrats) did not like the fact that we were trying to undo what was done last year. But, we knew we had the votes. We put the Sun City tax in our revenue package."

The issue was the Sun City School Tax Bill, passed in last legislative session, which raised school taxes in unorganized school districts in Arizona. The tax hit both homeowners and businesses alike in the Sun Cities.

Presently, Sun Citians are paying school taxes based on

a qualifying tax rate of \$4.72 per \$100 of assessed valuation). Neither homeowners or businesses in unorganized school districts are given a 56 percent rebate that homeowners in organized school districts are allowed.

"(The new bill) leaves you (the unorganized districts) with \$2.36 (per \$100 of assessed valuation)" she says, "And gives you the 56 percent rebate, which brings it down to \$1.04."

The newly-revised bill,

however, does not allow businesses in the Sun Cities to take advantage of the rebate.

"I feel it will take care of the situation," says Ms. Wessel. "It was unfair and unequal. Everyone else (in organized school districts throughout the state) gets a 56 percent rebate."

"Finally, something will happen -- we hope -- unless something happens in the Senate, and they can't get it out."

DOER



News-Sun Aug 17/89

# Property tax may increase in Sun Cities

By JACQUE PAPPAS  
Daily News-Sun staff

PHOENIX — Maricopa County residents of unorganized school districts such as the Sun Cities may see an increase in this year's property tax bills.

Property tax rates in the county overall have been declining the past 14 years and will do so again this year, said John Nelson, assistant director of finance for the county.

But not all property owners will enjoy decreased property tax levies this year, Nelson said.

The county education district levy, which applies to areas not in organized school districts, has increased from 50 cents to \$1.04 for residences.

Although the levy was cut in half by Arizona lawmakers last session, residents in the Sun Cities and Youngtown affected by the tax will still see an increase, Nelson said.

"The amount of money the average taxpayer pays to the county this year will decrease," Nelson said. "But Sun City residents definitely will see an increase in their tax rates. All unorganized school districts have basically had their taxes doubled."

The county education district levy, however, decreased from \$4.72 in 1988 to \$2.36 this year for commercial property.

The Maricopa County Board of Supervisors officially set the 1989 tax rates this week.

In addition, the supervisors set rates for all taxing authorities in the county, including cities, towns and school districts.

The board set the county property tax at \$1.57 for each \$100 of assessed valuation — that's about \$157 a year for a house valued at \$100,000. A property owner with a house of the same value would have paid

about \$164.71 last year.

The county tax rate, paid by residents in both municipalities and unincorporated areas, includes property tax bills for nine rates, including flood-control projects, libraries, fire districts and the community college district.

The majority of the assessment district taxes for this fiscal year remained the same or decreased from 1988 rates, Nelson said.

The 1989 fiscal year began July 1.

Even though the tax rate is going up for some areas, homeowners may not see an increase in their property taxes. The value of the house may go up or down for 1989. If the value declines, it could offset the rate increase so that taxes could be about the same or less.

Homeowners should refer to the valuation notices mailed to them in January by the county assessor's office for the value of their property.

In addition to the rates that all county residents pay, cities, towns and special districts have separate tax rates set by the county.

Of the 23 incorporated cities and towns in the county, five increased their tax rates and six others lowered their rate. Twelve city tax rates remained the same.

Peoria and Surprise lowered their rates, while Glendale remained the same. El Mirage and Youngtown do not have tax rates.

"Sun City residents aren't the only property owners who will see increases. Cities and town have their own rates and some school districts have taxes that went up significantly," Nelson

See Tax, A4

## Tax bills may rise

—From A1

said. "For example, if you were to compare identical houses in Sun City and Peoria, you would pay a lot more property tax in Peoria."

In 1988, a person with a \$100,000 home living in the Dysart Unified School District, covering El Mirage and Surprise, paid \$696 in taxes for the year. This year, taxes for the same house will pay \$790.

Although property tax bills for the Peoria Unified School District will be lower this year, a resident in a \$100,000 home will still pay \$740.

Larry Mortensen, business manager at Dysart Unified, said the increased levy is due to school construction.

"Growth is definitely a factor when you talk about school taxes. We have a new school (Kingswood Parke Elementary) next week," Mortensen said. "It's strictly an economics picture. We (the district) are just on the edge of the last growth spurt in the West Valley. We're the next to grow even more."

# Denny: Don't challenge school tax

By JACQUE PAPPAS  
Daily News-Sun staff

SUN CITY — Sen. Bob Denny urged members of the Sun City Taxpayers Association (SCTA) Tuesday not to challenge the new Sun City school tax in court.

Two SCTA members who filed a lawsuit challenging the original tax, said last month that they may consider taking the new school tax now in place to court as well.

But Denny, R-Litchfield Park, said challenging the new tax, which more than cut in half the property tax on education first levied on unorganized school districts, would put Northwest Valley legislators in a bind.

"I and the others who represent you were really amazed that we got what we got. It was especially important from the business end, since several stores in Sun City have filed for Chapter 11," Denny said. "I would caution you, for a number of reasons, to let

a sleeping dog lie."

The original tax was ruled unconstitutional in July by a Maricopa County Superior Court Judge.

While the court ruling was pending, Arizona lawmakers passed a new revenue package giving areas like the Sun Cities and Youngtown not in organized school districts a tax break.

The new tax cut in half the qualifying tax rate of \$4.72 imposed on businesses and capped the tax for homeowners at \$1.04 after a 56 percent rebate.

The original bill levied the full \$4.72 on businesses and would have taxed homeowners the same amount by 1997.

Denny said challenging the new tax could pave the way for legislators to tax areas like Sun City an even higher amount without violating Arizona's constitution.

"There is nothing in taxation that is fair, but challenging the new tax would put us nine legislators in a very deep pocket. Don't

put your legislators in a bind," Denny said. "It would be much easier for us (Northwest Valley legislators) to fight if we stay on the level playing field that we now have. Let's face it, Democrats don't like you (Sun Citizens) and getting rid of the tax altogether will just allow them to pass a new one."

Plaintiffs Ken Larkin and Murray Karsten said they will not decide whether to file a new lawsuit until a final ruling is given on a case now in progress in Maricopa County Superior Court.

Denny said repealing the school tax now in place is also risky because the state's financial stability is on rocky ground.

"I anticipate a \$500 to \$700 million deficit next year. So if you're asking if taxes will be raised next year, they will be," Denny said. "If you raise \$500 million worth of taxes that just takes care of one year. It doesn't take care of new programs or future expenditures."

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VGTOWN, ARIZONA • PHONE 972-6101 •

• Aug. 2-8, 1989 •

Sun Cities Independent

## School tax ruled unconstitutional

### Judge to decide if local residents entitled to refund

A school tax imposed last year on unincorporated communities outside organized school districts has been declared unconstitutional by an Arizona Tax Court judge.

William T. Moroney, a Superior Court judge who presides over the Arizona Tax Court, ruled the tax illegal because, in one year alone, it raised nearly \$8 million more than was necessary to accomplish its educational purpose.

"The court holds that a tax

imposed by a statute graduated to increase sharply over a span of years, which collects four times as much revenue in its first year as is necessary to accomplish the object of the tax, is not reasonably related to the object of the tax," said Judge Moroney in an 18-page ruling handed down July 24.

The judge noted that in the first year of the tax, close to \$10 million was collected.

The cost of educating children living outside organized school districts was \$2.5 million.

The judge is expected to decide later this month if Sun Citizens will be entitled to a refund.

A lawsuit questioning the legality of the tax was instigated last fall by the Sun City Taxpayers Association.

Ken Larkin, president of SCTA, called the ruling a "victory" for Sun Citizens.

The tax was passed by the state Legislature last summer and was made retroactive to Jan. 1, 1988.

Residents of the Sun Cities were required to pay school taxes of 50 cents per \$100 of assessed valuation the first year. The tax was to increase 50 cents each year through 1996, when it would have been capped at \$4.72.

Area businesses, however,

*See TAX, page 3*

## • TAX *From page one*

were hit with the full \$4.72 per \$100 of assessed valuation in 1988.

Instead of going directly to education, the collected tax was distributed into the state's general fund.

Earlier this year, the Legislature revised the school tax, commonly referred to as the Sun City school tax.

The maximum rate was cut

from \$4.72 to \$2.36. In addition, local homeowners are eligible for a state rebate that would drop their tax rate to \$1.04.

Mr. Larkin says the lawsuit cost SCTA \$48,500 in attorney and court fees. More than \$14,000 of that, he says, was donated by individual residents.

"We're very appreciative of

the support we received from Sun City, Sun City West and the Property Owners and Residents Association," says Mr. Larkin.

As of press time, no word had come from the attorney general's office as to whether the state plans to appeal the ruling.

over

## Judge orders state to return SC school tax

How or when yet to be decided; state expected to appeal court decision

By PEG KEITH  
Sun Cities Independent

After two years of paying what some residents feel is an unfair school tax, Sun Citians may be finally in for a tax refund.

A Superior Court judge has ordered a tax refund for those residents who paid a special "Sun City School Tax" in 1988.

The tax, imposed by the state Legislature on all residents living outside organized school districts, was ruled unconstitutional last year.

And, although a newly-revised tax has since been imposed, the fate of taxes paid toward the original levy had been undecided until last week.

According to Ken Larking of the Sun City Taxpayers Association, there has been no decision on how or when the money that was collected will be returned.

It is expected, though, that the refund will come in the form of a tax credit.

Mr. Larkin adds that the state might appeal the recent court decision, which was made by Judge William T. Moroney.

To date, the Sun City Taxpay-

See TAX, Page 2

## TAX

ers Association has spent \$83,000 to contest the state Legislature's imposition of the "Sun City School Tax."

In Sun City West, the Property Owners Residents Association collected nearly \$7,000 to help defray the costs of litigation, and nearly \$8,000 has been donated from other sources, according to Ken Larkin, outgoing SCTA president.

Attorneys fees and court costs are among the issues still to be resolved, says Mr. Larkin.

Arthur W. Pederson, attorney representing SCTA, gave a progress report on matters related to the lawsuit this week, as a preface to the SCTA annual meeting at Oakmont auditorium.

"Where we stand in the litigation .. at this point, we are ahead," says Mr. Pederson.

"We're not sure that the state is planning to appeal. We may be looking at two years in the Court of Appeals."

As a result of the tax, he says, the state collected a levy in the first year that amounted to more than \$10 million.

The stated cause of the tax (as required by the Arizona Constitution) was a need for \$2.5 million to educate the children living outside organized school districts, who were attending public schools.

Essentially, we accepted the state's figures, says Mr. Pederson. In studying the issue, he found that in Navajo County the annualized cost for transporting one child from an unorganized school district to a public school carried a price tag of \$42,000.

"We did not get into the specifics," says Mr. Pederson. But, he continues, it raised a question. Was that amount the purchase cost of a new BMW, or a Mercedes, annualized to transport one child to school?"

Seven counties were impacted by the tax, Mr. Pederson says. In Santa Cruz County there were

apparently no children living in unorganized school districts who were attending public schools.

The Superior Court ruling that the tax was unconstitutional did not resolve the issue of what to do with the money that was collected for 1988.

The state Legislature repealed the 1988 statute, and, in 1989, substituted a new law.

There is no litigation pending regarding the new tax, the lawyer says. While he didn't have the

exact words at hand, he says, the stated purpose of the new law, essentially, is to aid in school educational assistance.

Mr. Pederson says that the attempt by the Legislature was, generally, to help balance the budget by assessing the tax.

"There well may be attempts to take the law and broaden it for people who don't live in organized districts," he says. "They will continue to collect the (new) tax due in 1990, until the Court

decides."

He concludes, "The new law changed the purpose and the amount."

*Shelley - Jan 24 - 3 01 90*

# State told to refund school tax

By JACQUE PAPPAS  
Daily News-Sun staff

SUN CITY — The state will have to refund more than \$10 million in property taxes collected illegally in 1988, a Superior Court judge said at an informal hearing Monday.

Nearly 70,000 property owners in areas outside of organized school districts should get the refund next year — unless, of

course, the state has an appeal in the works.

Judge William T. Moroney, who heads the Arizona Tax Court, said Monday he will soon issue a final judgment on the so-called Sun City school tax case.

"I have made some decisions," Moroney said at a fourth informal hearing called to discuss the details of the case. "Hopefully, this will be the last of

these meetings."

The issue during the hearings was whether the state or the county should bear the financial burden of refunding the illegal property tax on education.

"The major stumbling block in this (case) is who is going to carry the financial load," Moroney said. "I think that there was no way not to make this an administrative burden for

somebody."

But Moroney said the state, through the Department of Revenue or treasurer's office, must provide the necessary funds to the Maricopa County Assessor's Office to process the refunds.

Although the final ruling could be altered, Moroney said taxes collected in 1988 would be credited to property owners and

applied to real property taxes due Oct. 1, 1990.

A cash refund will be available from July 2, 1990 to June 30, 1991 for those who owned affected property in 1988 but have since sold it.

In addition, Moroney said, a 10 percent interest rate will be charged from Jan. 1, 1989, to Oct. 1, 1990. But details of what the interest rate would be if

there is an appeal may change in the final ruling.

Arthur Pederson, an attorney for the two Sun Citians who challenged the tax, said the interest amounts to about \$85,000 a month.

Pederson said Moroney's ruling most likely will resemble settlements the lawyer filed in See Refund, A5

ity, Ariz. Tuesday, Feb. 27, 1990 For the record A5

## Refund will come from state purse

—From A1

proposals with the court Friday.

At the informal hearing, Moroney said the state would have to provide the principle and interest or arrange for the county treasurer to draft a special account from which the funds will be drawn.

Moroney said the county would bill the state for administrative costs as well.

Maricopa County Treasurer Glenn Stapley said he was not exactly sure how the refund would be issued, but did say taxpayers would most likely be given a one-time credit option.

Rachelle Z. Leibsohn, an attorney representing the county, said the judge's decisions are a

"... a victory for Maricopa County because we are going to get money up front to process the refund. The state was trying to force them to pay the money themselves," Leibsohn said. "The only burden is that the county will have initial administrative fees and will have to make time and plan for the refund."

The tax was taken to Superior Court in November 1988 by Sun Citians Ken Larkin and Murray Karsten.

The tax levied on the Sun Cities, Youngtown and about 22 other unorganized school districts in the state, was part of a multi-million-dollar tax bill signed into law in 1988.

# State cancels appeal plans for school tax

By JACQUE PAPPAS  
Daily News-Sun staff

SUN CITY — The state will not appeal a judge's ruling to refund more than \$10 million in property taxes collected illegally in 1988.

Superior Court Judge William T. Moroney issued a final ruling on the so-called Sun City school tax case in April, ordering a full refund to nearly 70,000 property owners in areas outside of school districts.

The only roadblock to the refund was the possibility of an appeal by the state, which some said could have delayed the case by two years.

But the deadline to file an appeal passed last Thursday as state officials said the chances of overturning the ruling were slim.

"After consulting with the attorney general's office, we felt we would not have success in the appeal," said Susan Carson, public information officer for the Arizona Department of Revenue. "The legal issues are not in our favor."

In addition to the refund, the state has to pay \$85,000 in interest each month. So far, the interest has accumulated to nearly \$2 million.

William Hostetler, an attorney representing the state, said the interest factor was most likely one reason department officials decided not to appeal the case.

"I think the interest had to figure into the equation," Hostetler said. "An appeal could have lasted two years and with interest piling up at about \$3,000 a day it's a costly chance to take an appeal."

The Maricopa County Treasurer's Office is responsible for the initial administrative effort to get the refund out to the taxpayers. More than half of the property affected is in the Sun Cities and Youngtown.

Treasurer Glenn Stapley said the office has established a special account for the refund, which is expected to be supplied with monies from the state general fund.

Stapley said taxes collected in 1988 will be credited to property owners and applied to real property taxes due Oct. 1, 1990. Property owners will be mailed a voucher they can use for the tax payment.

A cash refund will be available from July 2, 1990, to June 30, 1991, for those who owned affected property in 1988 but have since sold it, Stapley said. The former property owners will have to fill out a type of affidavit for payment.

"It's a very complex problem for us but we hope to make it simple for the people," Stapley said. "There's been a big ownership change."

An estimated 39 percent of the property owners who paid illegal taxes on education have since sold the property, Stapley said.

Records show that about 9,000 of the 47,000 parcels of property assessed the illegal tax in 1988 changed hands by 1989.

The tax was challenged in Superior Court in November 1988 by Sun Citizens Ken Larkin and Murray Karsten.

In July 1989, Moroney ruled the property tax on education unconstitutional, saying that it

**See Refunds, A5**

## Refunds will be given

—From A1

did not collect monies for its intended purpose.

The tax, levied on the Sun Cities, Youngtown and about 22 other unorganized school districts in the state, was part of a multi-million dollar tax bill signed into law in 1988.

The bill imposed a levy of 50 cents for each \$100 of assessed valuation on residential property and \$4.72 per \$100 of assessed valuation on business and residential property.

The owner of a \$100,000 home paid \$50 and will get the total amount, plus interest, as a refund.

About \$131,000 in legal fees have been ordered to be reimbursed to the plaintiff. The amount includes fees for a special action application that was denied by the Arizona Supreme Court.

The Sun City Taxpayers Association and a number of local organizations and residents donated to the legal defense fund.

Larkin, a member of the Taxpayers Association board, said he is surprised that the state did not appeal the case.

"I am very happy but astonished they didn't appeal. I thought they would want to stall this as long as they could because the state is short of money," Larkin said. "At one point, the state asked if we would be willing to accept payment over a three-year period. I guess they are going to try and pay for this by raising other taxes or doing away with our 56 percent property tax rebate."

A plan to balance the state's budget by increasing property taxes by \$95.6 million was proposed by House and Senate leaders last week.

# Dysart de-annexation drive starts

## Reduction in taxes sought by retirees

By Angela Rabago-Mussi  
The Arizona Republic

A group of retirees trying to get out of the Dysart Unified School District has scheduled six days to gather signatures to force a vote on the issue.

Citizens for Tax Equity, made up of residents of the Sun City West expansion area, is organizing the petition drive.

Members of the group will have de-annexation petitions available from 8 a.m.

to noon Tuesday through Thursday and Aug. 26-28 at the Palm Ridge Recreation Center, 13800 W. Deer Valley Drive, Sun City West.

De-annexation petitions have been drawn for four areas:

- Sun Village, a retirement community of about 1,400 residences in Surprise.

- Youngtown.

- The Sun City West expansion area, which has been divided into two parts for the purpose of the de-annexation.

As a result, four petitions will be available. Eleanor Nelson, vice president of Citizens for Tax Equity, said district residents who want all these areas out of the district should sign all four petitions.

To get on the ballot, each petition needs enough signatures to equal 10 percent of the district's registered voters. There are about 12,000 registered voters in the district, so about 1,200 signatures are needed.

The group also will have petitions calling for the recall of board member Pamela Justice.

About 200 signatures are needed to force a recall election.

If enough signatures are gathered, both measures likely would go to a vote in March, said T. Rae Zapata of the Maricopa County School Superintendent's Office.

Residents of the Sun City West expansion area say they want out of the district in order to have the same tax rate that their

neighbors in the older section of Sun City West and Sun City pay.

Residents in those two areas pay a school tax rate of \$2.20 per \$100 of assessed property value because they de-annexed from the Dysart and Peoria school districts more than 15 years ago. Expansion-area residents pay nearly three times that — \$6.33 per \$100.

Dysart officials oppose the de-annexation. Tax rates for other district residents will rise if the retirement community gets out of the district, they say.

Board member Rachel Villanueva said the district would lose too much of its tax

— Please see **DYSART**, Page 2

## Dysart de-annexation begins

— **DYSART**, from Page 1

base with de-annexation. The Sun City West area represents about one-quarter of the district's property value.

She said she believes the retirement communities will get enough signatures to force a vote.

Project KIDS (Keep Improving Dysart Schools), a group of district supporters who campaigned for overrides and bonds, will work against de-annexation, she said.

"We're getting ready to meet again," Villanueva said. "We are going to have to get together and find out what we can do."

In order for the areas to be de-annexed, "yes" votes are needed

from a majority of those voting both inside and outside the areas that want to be de-annexed.

The Sun City West group has split the community in two to try to get a majority vote.

That way, each side (about 1,500 residences each) can vote for the other's de-annexation, Nelson said.

Since many retirees travel during the summer, Nelson said, the group is relying on the people still in town to collect enough petition signatures.

Angela Rabago-Mussi can be reached at 780-7127 or at [angela.rabago@phl.com](mailto:angela.rabago@phl.com) via e-mail.

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V.F. JAMES SCHOOL

# + Group told to keep quiet on schools

## Low profile urged for Sun Cities

By Jeff Nelson  
Special to Community

SUN CITY — Saying they don't pay as much so they shouldn't say as much, a member of the Sun City Taxpayers Association has asked the group to stay out of the discussion of education reform.

Alvin Meyers told the associa-

tion's board of directors Tuesday that getting involved in education legislation would attract negative publicity to the association.

That's because residents in the Sun Cities pay less school taxes than non-retirees in the surrounding areas, he said.

"We have a bad reputation with the rest of the state in the area of

education," he said. "The less we say about schools, the better we are out here."

Meyers said he often hears Sun Citizens called "cheapies" because of their reputation for not paying school taxes.

While Sun City and Sun City West residents live in an unincorporated area outside of a school district, they pay property taxes for education equal to \$2.36 per

\$100 of assessed valuation.

Those who live in school districts pay much more.

For instance, property owners who reside in the nearby Peoria Unified School District pay \$7.75 per \$100 of assessed valuation.

Sun City and Youngtown were part of the Peoria Unified School District but they withdrew in 1974, and Sun City West withdrew from the Dysart Unified School District

in 1981 through mutual agreement with the school districts.

District officials had complained that bond elections were voted down by residents in the retirement communities.

Not all members of the association shared Meyer's advice to stay out of the fight.

Cliff Cowles, president of the 23,000-member taxpayers group, See TAX, Page 3

## TAX

From Page 1

said the group can't sit by idly as the educational system continues to deteriorate.

"Are you happy with what has happened in education in the last 40 years?" Cowles asked Meyers. "I'm not."

"I think that we in Sun City have a damned good right to be mad," he said. "We have a right to expect better and that's why we should be involved in this issue."

The heated discussion erupted after Ruth Papsdorf, a member of the board of directors and a retired teacher, asked the directors to pass an educational policy statement.

The statement will be used by the association to judge all the education bills that come before the state Legislature this session.

The 1½-page document states that the schools should return to proven methods of teaching reading, writing and mathematics.

It states that the association should lobby against any bills that promote "present-day fads or cultural divisiveness."

"These are negative and harmful," it states.

In addition, it states that schools should work to instill values, respect and responsibility in children.

The policy statement was passed by 7-4 vote, with directors Meyers, Kenneth Larkin, Lyle Heidemann and Basil Barwell voting against it.

Those who voted for the policy said they do contribute money to the education pot and, therefore, have a right to say how those dollars are spent.

Some of the directors at Tuesday's meeting blamed the news media, in part, for their reputation as "anti-children."

They are particularly angry with *Arizona Republic* cartoonist Steve Benson, who made blood pressures rise with his drawings of Sun City residents running over children in their golf carts.

Papsdorf said the educational policy was written in hopes of giving the association and Sun City "good public relations with the public."



# Del Webb lobbies for Dysart schools

By JONATHAN DALTON  
Daily News-Sun staff

Del Webb Corp.'s interest in an upcoming school bond election is not a signal of the developer's permanent entrance into the political arena, a company official said Monday.

On March 14, the Dysart Unified School District will ask its residents to approve a \$25-million bond issue and a \$1.4-million budget override.

Webb and other developers coming to Surprise are combining forces to try and help the district pass the bond issue and override.

The bond election will be Del Webb's second foray into politics in the past year. Last year, the company was criticized for taking an active role in the Recreation Centers of Sun City West Governing Board elections.

But John Waldron, Webb's director of public relations, said the assistance his company is offering to Dysart is a case of neighbor helping neighbor.

"We have a lot of residents who are actively participating in the school district," said Waldron, who added that Webb is unconcerned about negative feedback for its involvement. "We want to actively participate in getting the information about the election out to the folks in the expansion area."

Sun City and most of Sun City West long ago voted themselves out of the school district, but sections of the latest Sun City West expansion area are part of the Dysart District. About 500 homes are located within the expansion area north of Deer Valley Drive, Waldron said.

"We want to make sure our resi-

'We want to actively participate in getting the information about the election out to the folks in the expansion area. ... We want to make sure our residents know what's going on next door.'

— John Waldron,  
director of public relations  
Del Webb Corp.

dents know what's going on next door," Waldron said. "We think our residents know what's involved and that the district has a game plan laid out for the bond."

If the bond issue is approved, the Dysart District will use the bonds to fund construction of elementary schools — and possibly a new middle school — in Surprise's western expansion area.

More than 14,500 family units will be built in Surprise over the next decade, raising the district's population far above the combined capacity of the four elementary schools, middle school and high school.

Elementary schools cost about \$7 million to build, with high schools carrying a price tag closer to \$20 million or \$30 million.

Because of the district's remaining obligation from its 1987 bond issue, only \$7 million of the \$25 million in bonds could be sold if the voters approve this bond issue, district officials said. The rest could be sold over a six-year period.

# PORA avoids conflict

By DEBBIE L. SKLAR  
Staff writer

SUN CITY WEST — A movement by residents in the expansion area to reject a proposed school bond issue and split from the Dysart school district will not get direct support from the Property Owners and Residents Association.

"In the long term, we don't want to fight something like this every six years that a bond issue comes up," said Ed Cirillo, PORA president. "But what we are working on, is trying to get the state to recognize that retirement communities are unique entities."

A handful of residents living in the 1,200-acre expansion area north of Deer Valley Drive sought PORA's support Tuesday in opposing the proposed \$25 million school bond issue that will go to voters for a second time on May 16.

The school district is seeking the money to cope with an anticipated population explosion over the next five years. On March 7, voters defeated the issue by a 435-351 margin.

"Strength in community equals wide unity. Isn't that the PORA motto?," asked Sol Padnik, a resident in the expansion area.

"PORA was formed in the beginning in 1980 to fight the Dysart bond issue and now with this new setup in the expansion area, we have the same problem happening all over again," Padnik said. "We need PORA's backing and we need PORA's help with this fight."

"We are not insensitive to the people up in that area,"

► See Residents may, A5

# Residents may split from Dysart district

## ■ From A1

said Cirillo. "We have set up a committee to work on the matter and get the state to draft legislation for next spring.

"One of the original objectives was that retirement communities should be in a general school district," Cirillo said. "I don't think it is PORA's place to tell the people who live in the Deer Valley expansion area how they should vote on the Dysart bond issue.

Expansion area resident Eleanor Nelson said the problem faced by her neighbors goes beyond just the upcoming bond vote.

"Residents in the Sun City

West expansion area, units 52 and up, are in the Dysart Unified School District," Nelson told PORA directors. "School taxes are included in their property tax bills. The rest of Sun City West is not in a school district, and pays a very minimal amount 'in lieu' of school taxes.

"Expansion area homeowners are also paying more tax money for education than most of the parents of the children who attend the schools."

Nelson said if the residents are successful in defeating the upcoming bond issue next month, the residents will work on getting de-annexed from the school district.

"Like the rest of Sun City

West, we will no longer pay school taxes," Nelson said. "That's tax equity. We will try to get signatures of 10 percent of district voters to request that a vote on de-annexation take place.

"This is how the old Sun City West got out of the school district about 15 years ago," Nelson said.

According to figures released by the school district, if the school bond is approved by voters, expansion area residents living in a home valued at \$150,000 will pay nearly \$1,000 in additional school taxes over the five year term of the bond.

School officials said residents who own a home valued at \$150,000 will pay an addi-

tional \$46.50 in taxes the first year, \$130.50 the second year, \$204 the third year, \$274 the fourth year and \$342 the fifth year.

Alex Perez, Dysart Unified School District business manager, said the rates are based on a 4 percent increase in assessed values over the five-year term.

Nelson said she was never told about the Dysart taxes when she purchased her new home from Del Webb.

Contrary to what expansion residents say about not knowing they were moving into a school district, a spokesman for Webb said that is simply not true.

"The public report we give to people doesn't disclose to folks that they are in a school district, but it does list an anticipated tax of that area," said John Waldron, Del Webb manager of public and community relations. "Residents do have an idea of what the tax in that area will be and that tax rate does represent they are in a school district.

"There is some confusion in the expansion area," he said. "Everyone in Sun City West pays school taxes; old area or new area.

"However, the original area pays an unincorporated rate and a community college tax," he said. "I am not sure what

individual residents were told. Whether they're in a school district or not doesn't matter, but a tax rate was anticipated in a public report they read when they sign off. Potential residents have a good idea of what taxes they will be paying before they move in."

"Residents of the expansion area in Sun City West should be treated in the same manner as all other Westers," said Cliff Cowles Jr. of Sun City, president of the Northwest Valley Taxpayers Association. "In all fairness, their tax status should be the same as the rest of the community. Legislation should be enacted to accomplish this with all due haste."

# Residents may split from Dysart district

■ From A1

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"We are not insensitive to the people up in that area,"

► See Residents may, A5

# Sun City West group wants out of Dysart

By PAUL DAGOSTINO  
Staff writer

SUN CITY WEST — Leaders of a group of residents in the Sun City West expansion area Monday told Dysart school district officials they want to be de-annexed from the school district.

► **Related story, A3**

But William Jones, interim superintendent, said the district is against allowing expansion-area residents to de-annex.

Jones and Jesus de la Garza, incoming superintendent, met with Sol Padnick and eight other members of Citizens for Tax Equity at Padnick's home in an effort to get them to support a \$10 million bond is-

sue.

Members of Citizens for Tax Equity at the meeting rejected the proposal with a "resounding no," Jones said.

"Unless it's solved at the legislative level, the big inequity of the tax rate, there is no solution from their point of view," Jones said.

Padnick, spokesman for Citizens for Tax Equity, said he would not support any bond issue even though in the past he indicated he might by saying "let them apply (for bond funds) as they need it," referring to the school district asking voters for less than the \$25 million originally proposed.

The expansion area and the commercial core are the only portions of Sun City West which are in an organized

school district; the rest of the community was de-annexed in a 1981 election. The expansion area is shared by the Dysart and Peoria school districts.

Voters twice rejected a \$25 million bond issue in the March primary and in the May general election. In both elections, members of Citizens for Tax Equity mobilized to vote against the issue because they claim they pay more in school taxes than many of the parents who have children in Dysart schools.

School district officials admit that expansion area residents pay more in school taxes than other district residents. But they said that doesn't negate the need for the district to prepare for

► **See Dysart rejects, A6**

## Dysart rejects de-annexation

■ **From A1**

rapid growth. In Surprise alone the population is expected increase from 7,500 to 65,000 in 10 years.

Many of those residents will be families with children, Surprise officials said. Currently Dysart schools are filled to capacity and need money to build new schools and repair and renovate existing ones, district officials have said.

But the money won't come easily because Citizens for Tax Equity have vowed to oppose future bond issues, which is why district officials have been trying to negotiate with them. Officials said those residents were in part responsible for defeat of the bond issue, officials have said.

Residents who live in the expansion area vote at Kingswood Elementary School, which is where a majority of votes in opposition to the bond issue were cast, according to election records.

Currently about 600 to 800 residents live in the expansion area, according to Ed Cirillo, president of PORA. When Del Webb Corp. is finished building homes in the area, there will be about 2,000 residents, Cirillo said.

School district officials, at least for the last two weeks, have been trying to reach an agreement with Citizens for Tax Equity.

A month ago Barney Cardenas, Maricopa County Elections coordinator, said he mailed the state statutes governing de-annexation of a school district to an expansion area resident.

Expansion area residents and the remaining residents in the Dysart Unified School District need to agree on a de-annexation proposal.

"Both parties have to say yes for it to occur," Cardenas said.

The procedure for de-annexation:

■ First, expansion area residents have to get 10 percent of the 7,754 residents in the school district to sign a petition in favor of de-annexation.

■ Then, the Maricopa County Elections Department verifies authenticity of the petition signatures.

■ If the valid signatures represent more than 10 percent of district residents, the Maricopa County Superintendent of Schools calls for a districtwide election on the de-annexation question.

# Dysart deannexation drive skids to halt

By ANGELA MULL  
Staff writer

Plans by the Sun City West Citizens for Tax Equity and the Sun Village Citizens for Tax Equity to deannex from the Dysart Unified School District are on hold.

The groups decided in October to seek deannexation, citing the fact that the rest of Sun City West has a lower total tax rate. However, progress has been slow because the organizations are trying to decide whether to move forward as a joint effort or as separate entities. The decision must be made before either group can circulate the petitions that would force a November election.

In December, Bob Koch, president of Sun City West Citizens for Tax Equity, submitted to the Maricopa County schools superintendent's

elections department two plans for working toward deannexation — one that has the groups working separately and one that has them working together. The plans were turned over to Maricopa County Attorney Rick Romley, but he has yet to examine them, said T. Rae Zapata, the superintendent's election director.

Romley has a heavy workload, she said, but added that he knows the plans are there. She also said seeking Romley's opinion is a good idea so that the groups and the elections department have a legal opinion before proceeding.

"That way, we'll know we're proceeding correctly from the beginning," she said.

Whatever plan Romley advises is best, both tax-opposition groups would need to collect a total of approximately 1,100 signatures, which is 10 percent of the district's

10,789 registered voters.

Koch said he is getting impatient waiting for Romley's opinion, although he is not required to have it before deciding how to proceed.

"We expect them to do something soon or we're going to have to decide what to do ourselves," he said. "We don't absolutely need their help."

Koch said so far he does not prefer either plan, although it would cost less money to have a joint effort.

Once both groups agree on a plan, Koch said he expects to have the required signatures to force an election within a

week. The problem, he said, is in getting voters outside of the Sun City West expansion area and Sun Village to agree to the deannexation. Both the voters trying to get out of the district and those who would remain have to approve deannexation.

If the groups do leave the the district, Sun Village and the Sun City West expansion area would see their total tax rate drop immediately from \$7.32 per \$100 of assessed valuation to \$5.60. The adjusted rate would include a secondary rate of \$3.40 to help pay off the \$22 million bond

passed in 1987.

The total rate would eventually drop to match the \$2.20 per \$100 paid by those in the unorganized school district.

Koch said that just because the Sun City West Citizens for Tax Equity is seeking deannexation does not mean that its members don't support education or have a problem with the Dysart district.

"Del Webb sold these properties as a part of Sun City West," he said. "This is one big community. There should be equal taxes in the whole area of Sun City West."

# Foes sound off over override

By JEFF OWENS  
Staff writer

Neither side wants to lose in the Dysart Unified School District's budget override election on Tuesday.

Dysart supporters don't want to lose because the 75 percent minority district, which already divides three nurses and three librarians among six schools, will face \$800,000 in budget cuts.

Dysart foes don't want to lose because they believe Sun City West expansion area property taxes should equal those in the de-annexed area of the city.

Each side villifies the other. Both sides have come up with a blizzard of statistics, each claiming vindication by the numbers.

Both sides say they don't want Dysart's children and parents to lose.

Droves of senior citizens who solidly support education funding have expressed everything from disappointment to outrage that their entire generation is being painted as an anti-education, anti-children group with a "we've already done our part" mentality. Many of them put their wallets where their mouths are by making generous contributions to the district and groups such as the Century Club, which voluntarily raise money to support the schools.

"We have a big image problem," said Eleanor Nelson, vice president of Citizens for Tax Equity in Sun City West, which opposes the override. "We are very often portrayed as anti-education and anti-kids. It's absolutely false. We just don't want to be the ones that pick up the financial responsibility that really belongs to the state Legislature and the federal government.

"We believe the Dysart district should concentrate its efforts on getting the responsible entities to finance the schools instead of repeatedly asking local taxpayers to pay more. People forget that hundreds of people in our area are involved in the district; volunteers from our area spend hours and hours in Dysart schools. I'll bet there isn't one kid graduating in this year's class who hasn't gotten a scholarship from a group or someone in Sun City West; a lot (of whom) are even in the expansion area."

The Assistance to Build Classrooms bill was passed in late February, but the Dysart district received none of the \$32.5 million set aside by the Legislature for construction and repairs.

Out of \$50 million designated for maintenance and operation budgets, the Legislature allowed \$170,000 for the Dysart district, which has an operating budget of \$15 million.

Alejandro Perez, a Dysart assistant superintendent, acknowledged the state's responsibility to the kids, but said the fact was that the state didn't

## WHERE TO VOTE

Voters can go to several sites to cast their ballots for the May 20 override, depending on what electoral precinct they live in:

■ **Surprise Elementary School**, 12907 W. Greenway Road, El Mirage, will accept residents from El Mirage and Surprise.

■ **El Mirage Elementary School**, 12308 W. Thunderbird Road, El Mirage, will accept residents from Agua Fria, Cameo, Dysart, El Mirage, Surprise, and Youngtown.

■ **Kingswood Elementary School**, 15150 W. Mondell Road, El Mirage, will accept residents from Agua Fria, Bonanza, Conquistador, Coyote Lakes, Fiesta, Happy Trails, Shadow Hills, Spanish Garden, Stardust, Surprise, Tuthill, and Waddell.

■ **Luke Elementary School**, 7300 N. Dysart Road, El Mirage, will accept residents from Country Meadows, Dysart, Litchfield 1, Litchfield 2, Olive, Tuthill, and Waddell.

■ **Happy Trails Resort's ballroom**, 17200 W. Bell Road, Surprise, will accept residents from Greystone, Happy Trails, Hillcrest, Spanish Garden, Summerstar, Wittmann and Dusty Trail.

come through, and somebody still has to help the kids, who likely won't have athletic or music programs if the override fails.

"As far as the Legislature is concerned, they fixed it (the ABC bill), and it didn't help us at all," he said.

Perez said he is well aware that many senior citizens support funding the Dysart district.

"I don't put this on senior citizens," he said. "I put it on the tax equity group. Even though they don't want to be portrayed as anti-education, they still cast 'no' votes. In the meantime, the people who are getting the royal shaft are the kids.

"The people in that area should've known they were moving into a school district," Perez said. "We didn't annex them; we didn't go out and get them. If they didn't want to pay school taxes, they shouldn't have moved into a school district. You don't move into a school district and then rip it apart."

Perez then sounded an ominous note.

"Because we are not doing for kids, these kids will do to us. When these kids are shortchanged in their education, some of them are going to wind up on the street. Without athletics, where are they going to go after school?"

Perez said there was an important distinction between the opposition group in Sun City West and the children, parents, teachers and administrators in the Dysart district.

"We're the ones who have to live with the cuts," he said.



## ELECTION RESULTS

### Dysart override

Here are the unofficial results of the Dysart Unified School District override election.

✓ No .....	2,829
Yes .....	1,898

# Dysart override fails again

By JEFF OWENS  
Staff writer

The Dysart Unified School District's budget override was defeated by a vote of 2,829 to 1,898, according to figures released by the Maricopa County Elections Department late Tuesday. It was the third unsuccessful override attempt in two years.

Voter turnout in the ward containing Sun City West foes of the override was a stunning 66 percent. Voter turnout throughout the district was a record 40 percent.

Bob Koch, president of Citizens for Tax Equity, a group of Sun City West and Surprise residents that campaigned against the override, said he was satisfied with the vote.

"We're pleased, obviously, with the result," he said. "We don't believe the quality of education will suffer as a result."

With the override's failure, residents of the district will see their property tax rate drop from \$7.32 to \$6.29 per \$100 of assessed valuation.

The property tax rate isn't the only thing that may be dropped, though.

Students can likely drop their plans for football practice and band practice.

As Dysart administrators are forced to find places to slash more than \$800,000 from the district's budget, athletics and music programs will be among the first to go, they said.

"The kids lose again," said Richard McComb, Dysart Governing Board member. "My heart goes out to the kids. I'm disappointed that people didn't put more value in our kids' education. But we'll regroup,

and we'll do the best job that we can with what we have to work with."

Outside the home of Dysart Governing Board member Rachel Villanueva and her husband, Surprise Vice Mayor Roy Villanueva, an emotional group of Dysart supporters heard of the override's defeat around 8:30 p.m.

"This is a sad night for Surprise," said Mayor Joan Shafer. "The worst part is that the children will cry tonight for what they've lost tomorrow."

► See Dysart regroups, A5

## Dysart regroups to assess future

### ■ From A1

Dysart Superintendent Jesus de la Garza spoke to the group of about 30 gathered in the Villanueva's front yard, speaking alternately in Spanish and English.

"I think we need to create a different sense of community than what we have had up until now," he said. "We have to decide how we're going to use our resources; allocate them; be practical. We have to create a new culture that is inclusive of all our residents. We have to talk; we have to come to some agreement — we can't go on like this, fighting one another.

"It hurts a lot. The decisions we have to make are not

easy ones; we don't have options. Nobody who voted 'no' will have to explain these decisions — we, the governing board, administration, faculty and staff are the ones that are left with the impact. Let's not forget the children, because they're the ones who really have to accept it, and they have no defense. But we have to work with the adults in this community, as hard as that might be.

"I ask all of you to join hands and do that. Not just us, but with the rest of the community — and that includes the Citizens for Tax Equity. We've got to somehow reach them and help them to understand their relationship with our kids."

# Donors save Dysart sports

By DAVID R. BECK  
Staff writer

While most Sun Cities residents enjoyed a leisurely summer, Gary James of Sun City West spent two months tirelessly raising money to save the Dysart High School sports program.

James' mission was accomplished after raising \$36,170 from Sun Cities residents and businesses. With a total of \$41,000 donated, Dysart's varsity football, volleyball and cross country teams began their fall seasons earlier this month.

Yet thanks to a failed override in June, Dysart has no junior varsity teams for the current school year and needs another \$20,000 in order to field winter and spring sports teams.

James, a retired lawyer, said he's through with his fund-raising efforts for Dysart.

"They have to resolve their own situation," James said. "They can't keep asking the Sun Cities for funds. I told people that (my helping out) was a one-shot deal, to give them a shot in the arm."

The most generous benefactor was Ken Meade, a Sun City West Realtor

who donated \$11,000 to Dysart sports.

It was James and Jim Smith who did most of the legwork. Smith, a Sun City West resident, served as assistant chairman of the fund drive.

Dysart still has no official school band, though the spirit squad is in place. They are cheering for a football team that was outscored by a combined 84-6 in its first two games.

"It's difficult to see the kids there without our feeder (junior varsity) program, knowing the feeder makes the win-loss record a lot better," said Dysart Principal Hector Placencia. "I think right now, we're going to take a beating."

Placencia said Dysart needs a long-term solution to solve its financial woes.

"I think we'll make it for this year (with fall and winter sports), but I don't know what will happen for next year," Placencia said.

As for a similar fund drive succeeding next year, Placencia said, "the possibilities are slim to none."

While the Demons' football efforts haven't translated into anything close to a victory, Placencia sees encouraging signs.

"The kids are improving," Placencia said.