



Recommended Ballot Proposition for Fall 2020 Election

The 2020 Expenditure Limit Task Force recommends a Local Alternative Spending Limit (also known as a Home Rule Option) be presented to voters on the Nov. 3, 2020 ballot.

Summary

Our recommended Home Rule Option would ask Phoenix voters to continue setting the annual spending limit equal to the annual budget. This alternative has been in place since 1999. This would allow Phoenix residents to continue to control local expenditures through the annual budget process, rather than default to a state-imposed formula.

Members of the 2020 Expenditure Limit Task Force included: Chairperson Monica Villalobos, President and CEO Arizona Hispanic Chamber of Commerce; Rachel Aja, Government and Regulatory Affairs Manager Cox Communications; Bert Coleman, President Coleman Dahm Layeux, Inc.; Todd Sanders, CEO Greater Phoenix Chamber of Commerce; and Kelli Williams, Senior Litigation Counsel with CNA Insurance Companies. Our recommended ballot language options are provided in this report and additional information is also attached. This report provides brief information on our process and deliberations resulting in this recommendation.

THE ISSUE

The City of Phoenix, like most Arizona cities and towns, has had an alternative expenditure limit in place for many years. This limit, most recently approved by voters in 2015, allows the City to locally control expenditures by deciding what programs, services and facilities will be provided in our community through the annual budget process. Without this alternative expenditure limit, our services would be controlled by a formula that limits annual spending to 1979-80 levels, adjusted only for population and national inflation.

Phoenix residents have approved nine Home Rule Options since 1981. Our current

Home Rule Option provides for the Mayor and Council to set the limit at the adopted budget following community input on the proposed spending plan. This Home Rule expires on June 30, 2021. On Nov. 20, 2019, the Mayor and Council appointed the 2020 Expenditure Limit Task Force to study the provisions of the constitutional spending limit and to make a recommendation on our future approach to an alternative expenditure limit.

The consequence of not establishing some form of an alternative expenditure limit would require the City to drastically cut services and potentially incur the cost of issuing new debt.

Additional background information on the State Expenditure Limit is included on page 14 of this report.

TASK FORCE PROCESS

During a series of four meetings, the Task Force reviewed and discussed the history of the Arizona Expenditure Limitation, previous spending limits for the City of Phoenix and expenditure and service demand forecasts for all major City funds. The Task Force considered other forms of modifying the limit, reviewed information on factors affecting expenditures since 1979-80 (page 16), and a comparison of the Phoenix limit per capita to other Arizona cities and towns with populations greater than 100,000 (page 18).

The forecasts assume moderate economic growth over the next several years, with no further period of recession. Our analysis indicates that in 2020-21 the city's financial forecast for services to city residents will exceed the spending limit formula by over \$1.4 billion. Conservatively, that gap will be approximately \$1.6 billion by 2024-25. These amounts are based on existing revenue sources and do not assume any new revenue sources, or the addition of new City services.

Our review of the factors impacting expenditures since 1979-80 identifies voter-approved enhancements for programs such as police, fire, transit and parks and preserves that are clearly desired by the community but that are not incorporated via the formula. Also evident is the impact of environmental and other mandates and regional services such as airports that are fully funded from airline and passenger fees having grown disproportionately faster than the state formula supports. Finally, Phoenix's limit per capita is one of the lowest of all Arizona cities and towns with populations of more than 100,000 yet the City provides many essential programs and services that benefit other communities in the region and state.

A permanent base adjustment was reviewed as an option to the Home Rule. Though there was some consideration and discussion, there are concerns with the permanent base adjustment. One reason is the permanent change would not be truly permanent because, similar to the original limit, it would grow by inflation and population and not other factors. Another reason is that the periodic review and reconsideration by the community and tie to the annual, public budget process is lost with such an approach. Also, as demonstrated by the Great Recession, the City's revenue is less predictable, making it more difficult to estimate the base amount.

After reviewing the issues related to the state-mandated spending limit and its potential impact on the City of Phoenix, the 2020 Expenditure Limit Task Force supported an Alternative Expenditure Limit (Home Rule Option), which sets the annual limit equal to the annual balanced budget and requires the Mayor and Council to continue to obtain community input on the budget before adoption. The budget, and therefore the expenditure limit, would be constrained to the resources available and approved through the annual process. The Task Force agreed this is the most appropriate form of a local alternative expenditure limitation for the City of Phoenix today.

In all, 78 of 91 cities and towns throughout the state were reported by the League of Arizona Cities and Towns to have some type of relief from the state-imposed expenditure limits to meet community needs. Home Rule Options are utilized by 44 of those cities.

Continuing the current Home Rule Option recognizes the City's long-standing practice of seeking and providing opportunities for resident comment on an annual basis through hearings and/or other means of City input. This also allows our residents and their locally elected representatives to decide what services will be provided. This commitment to transparency and involvement of the community in decision making by the City of Phoenix is further demonstrated by the formation of this Citizens' Task Force. State law does not require such an approach to develop and place an alternative expenditure limit before the voters.

RECOMMENDATION

The 2020 Expenditure Limit Task Force recommends referral to the Nov. 3, 2020 ballot of a local alternative expenditure limitation that sets the limit equal to the annually adopted balanced budget after the Mayor and Council have publicly reviewed the budget. This limit will be in effect for four fiscal years beginning in 2021-22 through 2024-25. This limit recognizes:

- The Mayor and City Council, after receiving input from residents, will have the ability
-

to spend already available funds for services such as police, fire, parks and recreation, libraries, neighborhood services, solid waste collection, transit services, a safe and adequate water supply, and a modern, convenient airport that are deemed important by the local community.

- A locally established expenditure limit allows the City to implement previous voter-approved mandates for enhanced services such as improved public safety, improved transit services and the expansion of parks and desert preserves.
- The City of Phoenix has a proven track record of making needed reductions to balance its annual budget relying upon its long-established open budget process with many opportunities for residents to communicate their budget priorities to the Mayor, City Council and City Management.
- Unlike seeking a permanent adjustment to the base limit, this local alternative limit will continue the process of review and voter approval on a four year cycle.

This recommended alternative limit will allow Phoenix residents and their locally elected representatives to continue to locally control expenditures to achieve the community's priorities.

With the Mayor and Council's approval, staff will prepare the necessary items to place this local alternative expenditure limitation on the Nov. 3, 2020 ballot.

Additionally, request to authorize the City Manager to set the dates of two public hearings required prior to placing a Local Alternative Expenditure Limitation on the Nov. 3, 2020 ballot. The two hearings would be set at the following dates and times:

1. Wednesday, May 6, 2020 at 2:30 p.m.
2. Wednesday, May 20, 2020 at 2:30 p.m.

Immediately following the second public hearing on May 20, 2020, the Council will convene in a special session to consider adoption of the proposition for the ballot.

Attached to this report are copies of the ballot and publicity pamphlet language recommended by the Task Force. This item will be placed on the Maricopa County ballot on Nov. 3, 2020. Two options of the ballot language are provided for consideration. The first option provides more information on the Expenditure Limit item and the second option is condensed in the event the City is notified by the County of space limitations on the ballot. Final City Council adoption of the ballot language options recommended by the Task Force is scheduled for June 17, 2020

after the two legally required public hearings and publication of the vote to refer the proposition to voters.

Concurrence/Previous Council Action

The 2020 Expenditure Limit Task Force approved recommending to City Council a Local Alternative Spending Limit also known as a Home Rule Option on Feb. 20, 2020.

Responsible Department

This item is submitted by Jeff Barton, Budget & Research Director and Ed Zuercher, City Manager.

Ballot Language Option #1

2020

BALLOT PROPOSITION

PROPOSITION NUMBER XXX

LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION

OFFICIAL TITLE: Resolution No. XXX

A RESOLUTION OF THE COUNCIL OF THE CITY OF PHOENIX PROPOSING THE CONTINUANCE OF A LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION. THIS ALTERNATIVE EXPENDITURE LIMITATION WOULD SET THE LIMIT EQUAL TO THE BUDGET ADOPTED BY THE CITY COUNCIL.

Descriptive Title

Continue the existing locally controlled alternative expenditure limitation allowed by Article IX, Section 20 (9) of the Arizona Constitution. If approved, it would keep the annual expenditure limitation equal to the City Council adopted budget for the next four years. Constitutional and previously authorized voter exclusions shall continue to apply.

Effect

A "Yes" vote shall have the effect of continuing local control by allowing the Mayor and City Council, by a majority vote, and after obtaining community input on the proposed spending plan to establish a local expenditure limitation.

A "No" vote shall have the effect of the city operating under the state-imposed expenditure limitation formula based on 1979-80 expenditures adjusted for inflation and population. This will result in an estimated \$1.3 billion reduction in the fiscal year 2021-22 budgeted expenditures and reductions in or eliminations across all City services.

Question

Shall the Alternative Expenditure Limitation set forth in Phoenix City Council Resolution No. XXXXX be adopted as part of the local expenditure control program of the City of Phoenix?

YES

NO

Ballot Language Option # 2

2020

BALLOT PROPOSITION

PROPOSITION NUMBER XXX

LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION

Question

Shall the Alternative Expenditure Limitation set forth in Phoenix City Council Resolution No. XXXXX be adopted as part of the local expenditure control program of the City of Phoenix?

A “Yes” vote shall have the effect of continuing local control by allowing the Mayor and City Council, by majority vote, and after obtaining community input on the proposed spending plan to establish a local expenditure limitation. Constitutional and previously authorized voter exclusions shall continue to apply.

A “No” vote shall have the effect of the city operating under the state-imposed expenditure limitation formula based on 1979-80 expenditures adjusted for inflation and population. This will result in an estimated \$1.3 billion reduction in the fiscal year 2021-22 budgeted expenditures and reductions in or eliminations across all City services.

YES

NO

Option #1

2020

PUBLICITY PAMPHLET

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YES

NO

SUMMARY ANALYSIS

City of Phoenix, Arizona Locally Controlled Alternative Expenditure Limitation

The voters of Phoenix have previously approved locally controlled alternative expenditure limitations in 1981, 1985, 1991, 1995, 1999, 2003, 2007, 2011 and 2015. The purpose of this election is for the continued use of a locally controlled alternative expenditure limitation.

Pursuant to the Arizona Constitution, the City of Phoenix will seek voter approval to continue a Locally Controlled Alternative Expenditure Limitation for the next four fiscal years, beginning in 2021-22. Any and all dollar figures presented in the following summary are estimates only and are based on the best information available at the time of the analysis.

Under a locally controlled alternative expenditure limitation, if approved by the voters, the City estimates it will be allowed to expend the following approximate amounts (in thousands): \$5,515,059 in 2021-22, \$5,338,638 in 2022-23, \$5,424,842 in 2023-24, and \$5,429,540 in 2024-25.

The amount of revenue estimated to be available to fund the operation of your City government (in thousands) is \$5,515,059 in 2021-22, \$5,338,638 in 2022-23, \$5,424,842 in 2023-24, and \$5,429,540 in 2024-25. Revenue received from federal, state, and local sources will continue to fund the increased expenditure authority associated with the Locally Controlled Alternative Expenditure Limitation Plan. Expenditures will not exceed revenue. The revenue estimates are the same under the locally controlled alternative expenditure limitation and the State limitation. The City property tax levy shall remain limited to the amount prescribed by the Arizona State Constitution.

With voter approval, the City of Phoenix will utilize additional expenditure authority under this plan for all local budgetary purposes, including criminal justice, public safety, transportation, community development, community enrichment, environmental services, capital improvements, debt service, and general government. This additional expenditure authority shall be in effect only for fiscal years 2021-22, 2022-23, 2023-24, and 2024-25.

Under the State-imposed limitation, after considering the constitutionally allowed exclusions, the City estimates it will be allowed to expend the following approximate amounts (in thousands): \$4,171,385 in 2021-22, \$3,961,188 in 2022-23, \$3,981,646 in 2023-24, and \$3,871,403 in 2024-25 for the operation of your local government. If no alternative expenditure limitation is approved, the state-imposed expenditure limitation will apply to the City of Phoenix. This would result in a combination of service cuts and new debt estimated at (in thousands): \$1,343,674 in 2021-22, \$1,377,450 in 2022-23, \$1,443,196 in 2023-24 and \$1,558,137 in 2024-25.

All dollar figures presented in this summary are estimates only and are based on the best information available at the time of the analysis. The budget and actual expenditures in any of the four years may be more or less than the expenditures noted above depending on available revenue.

Option #2

2020

PUBLICITY PAMPHLET

LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION

OFFICIAL TITLE: Resolution No. XXX

A RESOLUTION OF THE COUNCIL OF THE CITY OF PHOENIX PROPOSING THE CONTINUANCE OF A LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION. THIS ALTERNATIVE EXPENDITURE LIMITATION WOULD SET THE LIMIT EQUAL TO THE BUDGET ADOPTED BY THE CITY COUNCIL.

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State Expenditure Limit

1. What is the State expenditure limit?

It is a State Constitutional limit approved by voters in 1980 which restricts annual spending limits of cities and towns. The limit applies to all local revenues.

- Limits spending to 1979-80 levels adjusted for:
 - Population; including annexations
 - Inflation; gross domestic product and inflation price deflator
 - Population and inflation factors are provided by the State
- Exempts certain expenditures:
 - Federal funds
 - Bond proceeds
 - Debt service
 - Arizona Highway User Revenue (AHUR)
 - Local Transportation Assistance (LTA)
 - Other jurisdictions' contributions (e.g. the Sub-Regional Operating Group for the 91st Avenue wastewater treatment plant)

2. What happens if we exceed the spending limitation?

The State will withhold state-shared income tax revenues in a formula-based amount set by statute. For Phoenix, this would result in the General Fund losing about \$72 million per year which would be redistributed to all other cities and towns in Arizona.

3. What options do cities have to change the limits?

There are four methods for obtaining approval to change the limits.

Alternative Expenditure Limitation (Home Rule Option)

- Only in effect for four years, then must be reapproved by voters.
- Any and all expenditures can be exempted from the limit.
- Must be voted on in the year preceding the first fiscal year to which the alternative expenditure limit will apply.
- Can only be voted on at a regularly scheduled election of the local governing board (city council).
- If the voters do not approve the alternative expenditure limitation, the city must wait two years before putting it on the ballot again.

Permanent Base Adjustment

- Permanently increases the base from which future spending limits are calculated.
- Does not provide for any increase in exemptions other than those constitutionally allowed.
- Can only be voted on at a regularly scheduled election of the local governing board (city council).

One-Time Override

- Applies in the following circumstances:
 - In the event of a natural or man-made disaster and approval by council – may exceed limit for expenditures directly necessitated by the disaster.
 - Upon affirmative vote of two-thirds of the council and approval by a majority of voters – may exceed limit by the specific amount approved.
- Can be voted on at either a regular or special election.
- Only good for the following fiscal year.

Capital Accumulation Exclusion

- Authorizes a permanent exclusion of a fixed level of operating funds for pay-as-you-go capital. Limited exclusions for Aviation, Water, Wastewater and Streets were authorized in 1981.

4. Can Phoenix go to another approach besides the Home Rule Option?

Phoenix could go to a permanent base adjustment. Concerns identified through prior citizen discussions include:

- This approach does not require periodic review by a citizens' group.
- A permanent base adjustment may not be truly permanent. Each year the expenditure limit will be calculated based on inflation and local population. At some point, it is possible that expenditures would again exceed the limit. All spending is subject to pressures not addressed by population and inflation factors such as environmental mandates and regional issues. This is especially true of Enterprise Departments, particularly the airport. Additionally, the ability to improve services in accordance with regional economic conditions and residents' wishes would be limited.
- Phoenix' previous attempts at permanent base adjustments have all failed. Permanent base adjustments for replacement of Federal Transit Assistance and Federal Revenue Sharing funds were defeated in 1985. A permanent base adjustment for transit expenditures was defeated in 1997.

Factors Impacting City Expenditures

The list below identifies several examples of changes experienced by the City of Phoenix since 1979-80. These changes are the result of many factors that are not accounted for in the state-imposed formulaic spending limit. The factors generally include growth in regional services provided to residents outside Phoenix boundaries, environmental mandates, additional security requirements, and additional services adopted by Phoenix voters and City Council including public safety, parks and preserves, transit, and improved infrastructure.

- Many of our services and facilities are regional and serve more than just Phoenix residents. As an example, there were 6.5 million airport passengers in 1979-80 but 46 million are projected for 2019-20, which greatly exceeds the rate of Phoenix population increase over that period.
- The airport has experienced significant facility expansion including the opening of new Terminals 3 (1980) and 4 (1990). Terminal 4 was further expanded in 2004 and 2005 including a new 14-gate concourse, additional parking facilities and a third runway as a result of growth. The consolidated Rental Car Center opened in 2005-06 and the first segment and second segments of the PHX Sky Train opened in 2013.
- A new passenger facility charge allows more cost-effective pay-as-you-go financing rather than the use of debt for airport projects such as taxiway and runway improvements, PHX Sky Train design and implementation, voluntary land acquisition and noise mitigation efforts (first PFC program was in 1996).
- Many City facilities, including the airport and water facilities, have experienced significant increases in security costs since 9/11.
- Water and Wastewater have experienced increased capital improvement costs for aging and deteriorating infrastructure. Using pay-as-you-go financing, rather than debt, for some of these projects has kept overall costs to ratepayers down.
- Water and Wastewater's costs for electricity and chemical costs are impacted by usage, source, quality of water and regulatory demands.
- Infrastructure must expand ahead of growth to be sure services are available when needed.
- Solid Waste has added citywide recycling (1998), improvements to uncontained trash pick-up, two recycling facilities (1998 and 2007), the SR85 landfill (2006), and two transfer stations (1995 and 2006) have been added.

- Environmental mandates such as the Clean Water Act (1987), the National Pollution Discharge Elimination System (2000), the Safe Drinking Water Act (1992), the Groundwater Management Act (2006), the Clean Air Act (1998), the Federal Solid Waste Disposal Act and Wastewater Reuse Regulation have all increased costs.
- The Phoenix Convention Center was expanded in the early 1980s and again in 2009 benefiting the entire region. The Herberger and Orpheum Theatres were added in the 1990s.
- Voters approved a new Transit tax in 2000 mandating additional services including new routes, route extensions, additional hours of operation, weekend and holiday service and enhancements to dial-a-ride.
- Operating costs associated with Light Rail began in December 2008.
- Voters approved a new Parks and Preserves Initiative tax in 1999 and reauthorized the tax for a 30-year period in 2008 mandating improved and expanded parks and open space.
- The Fire Department began providing ambulance service in 1985.
- Previously exempt Federal Revenue Sharing Funds and Federal Transit Assistance Funds were replaced with an increase in the sales tax that is subject to the limit in the mid-80s.
- Voters passed the Public Safety Enhancement tax (2005) on utilities with franchise agreements and increased sales tax for Public Safety Expansion (2007) to be used to hire and support Police and Fire.
- Funding from the telecommunications industry (1998) now exists to repay residents for use of the right-of-way.
- New Sports Facilities funding (1989) pays for arena and other sports-related costs.

**Expenditure Limit Comparison by City
Cities over 100,000 in Population**

City	Population		FY 1979/80 Base Limit	Final	1979/80	2018
	2018	1978		FY 2019/20 Expenditure Limitation	Limitation per Resident	Limitation per Resident
Apache Junction	40,611	9,500	\$ 1,581,484	\$ 20,837,769	\$ 166	\$ 513
Avondale	82,605	6,900	1,525,417	56,287,527	221	681
Tolleson	7,017	4,190	966,494	4,988,879	231	711
Chandler	262,322	23,500	7,245,951	249,303,623	308	950
Phoenix	1,597,741	717,000	229,200,625	1,574,234,282	320	985
Queen Creek	49,261	2,525	818,277	49,204,905	324	999
Mesa	488,925	130,000	54,090,640	627,028,608	416	1,282
Gilbert	253,043	4,250	2,346,450	430,608,944	552	1,702
Tucson	543,505	311,400	188,097,586	1,011,892,790	604	1,862
Scottsdale	245,417	83,000	55,861,444	509,102,292	673	2,074
Glendale	241,852	84,000	67,955,628	603,062,288	809	2,494
Tempe	185,301	102,000	95,579,379	535,190,184	937	2,888
Paradise Valley	14,011	10,425	10,185,794	42,194,350	977	3,012
Buckeye	76,145	3,175	5,000,000	369,601,742	1,575	4,854
Goodyear	84,659	2,500	4,125,000	430,549,830	1,650	5,086
Peoria	176,118	10,500	18,247,857	943,393,020	1,738	5,357
Surprise	132,852	3,550	9,500,000	1,095,795,955	2,676	8,248
				Average	\$ 834	\$ 2,570