

Vail residents divided on push to become a town

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When Patti Woodbury moved to Vail in 1984, the area had no traffic lights, one school and an abundance of open fields dotted with saguaros and native desert vegetation. Now, the area once known as 'the town between the tracks' has several housing developments, a Safeway and an award-winning school district. Thousands of people have moved to Vail since Woodbury settled there nearly 40 years ago, and now, some residents are trying to make the historically unincorporated area its own town.

A group called Incorporate Vail Arizona, or IVA, has been exploring what it would take to incorporate Vail and began holding meetings to gauge interest with the area's businesses and residents since last fall. The group is in the process of following the statutory guidelines to make Vail its own municipality, including submitting a notice to the Pima County Board of Supervisors of its intention to do so on Oct. 27. But while the landscape and population of Vail have changed dramatically over time, Woodbury doesn't want to see her home become part of a town.

She works as a volunteer with an opposing group, Inform Vail Arizona, that's warning residents of the potential dangers of incorporation, including the added bureaucracy of an extra layer of government, more taxes and the potential loss of the rural nature Vail's known for.

'(Incorporation is) gonna benefit businesses, it's going to benefit developers. (IVA) has yet to show any concrete benefit to the homeowners of the area. They've only shown potential expense,' Woodbury said.

If Vail incorporates, it would be responsible for its own municipal services like law enforcement, transportation, and public works that the county currently provides. Dissenters say incorporation would put residents on the hook for millions in new expenses.

But the IVA group says incorporation gives local control of the area instead of relying on the county to provide adequate services and divvy out its portion of state-shared funding to benefit Vail. As its own town, Vail would instead receive millions in state-shared funding for its own use.

'At the end of the day, we want to control our future. We want to have a seat at the table. When other municipalities are making regional decisions, we want to make sure that Vail is included,' said IVA Vice President MaRico Tippett.

IVA published the maps of the boundaries of the potential town and received consent to incorporate from the nearest urbanized area, Tucson, after City Council approved a resolution of support for the group's incorporation effort on May 9 — a statutorily required step in the incorporation process. However, both Tucson City Council and the Board of Supervisors' roles in the process are primarily ministerial — it'll be up to the voters of Vail to decide if they want to become a town.

IVA is set to submit a petition for Vail's incorporation to the Board of Supervisors for approval at its July 11 meeting, which would allow the group to begin collecting signatures. If at least 10% of registered voters sign the petition in support of incorporation by Aug. 8, the final determination will come from a Nov. 7 election. If two-thirds of residents in the proposed incorporation boundaries sign the petition, Vail can be incorporated without an election.

Retaining 'rural nature'

It's not the first time Vail has entertained the idea of incorporating. While pushes for incorporation have occurred dating back to 1995, the choice went to an official vote in 2013 when 56% of voters turned down the measure.

Ten years later, Tippet said he believes incorporation is achievable because 'we have been highly engaged with the community from the onset.'

'Ultimately, if nothing else, our role is to make sure all the residents of Vail have the opportunity to voice their opinions. And the way that you do that is by putting it on the ballot,' he said.

IVA conducted a survey in the fall of 2022 and reported 46% of respondents would vote for incorporation in an election, 20% would vote no and 30% needed more information. But volunteers with Inform Vail, the opposition group, say rural areas haven't had enough of a say in the process, and the survey's 737 responses aren't representative of the estimated 21,000 Vail residents.

The two opposing groups for and against incorporation have engaged in social media disputes and conflicting opinion pieces in the Vail Voice, the area's monthly newspaper, on key topics like development, governance and water.

Todd Ogiba, a three-year Vail resident and member of Inform Vail, said part of the area's draw is 'the rural nature of it.'

'It's a quiet, residential community,' he said, and fears incorporation would attract more development.

That concern is compounded by the fact that Vail's Chamber of Commerce was first to kick around the idea of a renewed incorporation effort. The chamber's mission is 'Influencing Vail's future to enhance growth opportunities and advance economic development,' according to its website. The Chamber of Commerce also sponsors IVA and is listed as contributing more than \$5,000 to the group on its sponsors page. Tippet said the main concern he hears is 'people don't want more growth,' however, 'growth is here, and it's not going away,' and incorporation is the best way to control development by setting up a town council to make planning and zoning decisions on Vail's behalf, he said.

After incorporation, the county's supervisors would appoint the first town council of Vail. Residents would then elect their own local representatives, which IVA said would be volunteer positions supported by six staff members.

'That is the minimum necessary to effectively and efficiently run a town,' Tippet said. 'No one's getting rich off of this. All the people on the (IVA) board are residents that are committing their time, energy and effort because they love Vail.'

Pima County Supervisor Steve Christy oversees District 4, which encompasses Vail. He said, 'I feel it's not appropriate for a supervisor of that area to engage one way or the other in the process ... I don't want to be putting my thumb on any scale.' However, Christy said, 'There's a lot of issues that people should be completely familiar with before jumping into incorporation. There's a whole host of services that then become the responsibility of the incorporated area to provide its inhabitants, and those cost money.'

Financial feasibility

IVA published a feasibility analysis in December that shows what a potential town budget would look like. If voters approve incorporation in November, the county would continue to provide services through June 30, the end of the fiscal year.

Once the county steps away, the study estimates Vail would have a fund balance of about \$2.8 million in its second fiscal year after receiving an estimated \$9.9 million in new state-shared revenues distributed to cities and towns from vehicle license taxes, the Highway User Revenue Fund and state sales and income taxes.

Incorporation can be helpful on a regional basis, too. The state doles out more tax money to incorporated areas. Maricopa County receives more share of state revenues, as about 90% of the area is incorporated, and only about 60% of Pima County is incorporated. However, Vail's incorporated neighbors like Marana, Oro Valley, Sahuarita, Tucson and South Tucson would likely see a reduction in state-shared revenues as the money is divided across an extra municipality.

In addition to receiving revenue from the state, the feasibility analysis proposes a local sales tax rate of 1.5% to 4%. While many Vail residents drive up to Tucson for in-person retail, the tax would also apply to online orders shipped to Vail residents after the 2018 U.S. Supreme Court decision that allows states to require remote sellers to collect sales tax.

It's common for newly incorporated areas to rely on state-shared sales tax for the first couple of years as a municipality, said Tom Belshe, the executive director of the League of Arizona Cities and Towns. The group promotes local self-government and provides guidance to areas seeking incorporation. All 91 of Arizona's cities and towns have a sales tax, he said, as 'at some point, it becomes necessary for them to have that extra revenue.'

Long-term, that means Vail would have to find a way to pay for services like policing, and estimates it will cost \$3.8 million to contract with the county to provide 10 law enforcement units.

The feasibility study envisions Vail becoming a 'contract city' that depends on third-party providers for municipal services at an estimated \$11.3 million cost.

'When you look at a small town starting out, costs are important,' Tippet said. 'Instead of trying to build buildings for a police force — the startup costs alone would bankrupt us — so instead of doing that, we can contract those services out.'

Contracting out services is a way for Vail to establish itself in its preliminary years of incorporation, Tippet said. Dissenters, however, say Vail is doing fine with county services alone.

'We're going to have to pay costs plus an administrative premium for services that we already get from our current taxes,' Woodbury said. 'We're paying more to duplicate things that we already have.'

The members of Inform Vail also say incorporation could hinder one of the most important assets in the region: Vail's water supply.

While concerns exist about providing enough water for new developments, those worries escalated when the group got hold of an Oct. 24 email IVA Director Rob Samuelsen sent to Pima County officials that said he would try to get Vail to enter into rights of first refusal to acquire Vail Water and 'other private water companies in the area.'

The Inform Vail group said the region's new tax dollars could be used to buy up water companies or private water co-ops in the region. There are about 358 private well owners in Vail, according to IVA, and the suggestion prompted Inform Vail to warn on its website: 'Our team can assure you of one thing when it comes to IVA's ambitions in controlling your private property. Their aims are far more intrusive than just water.' Rights of first refusal give parties the option to enter into a business arrangement before anyone else when assets are sold. Samuelsen clarified the arrangement is voluntary, and if incorporated, the town wouldn't have the finances to take over people's water supplies.

Annexation fears

As the Inform Vail group goes door-to-door talking to neighbors about incorporation, there's one response they say they hear more than others: 'Tucson will take us if we don't incorporate.'

Tucson has annexed areas near and adjacent to Vail, but according to Lane Mandle, chief of staff for Tucson's city manager, the city has no current plans to take Vail. And as the city struggles to maintain its own internal services, it would take much more bandwidth to provide services to a larger population.

'If we were to annex a large residential area, we'd have to be able to provide those services, and quite frankly, it'd be a stretch to annex anything really big at this point with a lot of residential services,' she said.

Inform Vail volunteers say IVA using the threat of annexation as a talking point in support of incorporation is disingenuous, as state law requires more than 50% of property owners to agree to annexation, as well as more than half of the assessed valuation of an area. That means if the assessed valuation of a potential annexation

area contains 10 property owners with a total value of \$1 million, at least 6 owners representing a value of at least \$500,000 have to give the go-ahead.

Samuelsen said Tucson has a history of annexing state land around Vail with potential for commercial development, and 'there are ways to annex houses as well.' While parameters for annexation are in place, a commercial building with a higher property value has a greater say in annexation.

Tippett said IVA isn't suggesting annexation into Tucson would happen immediately, but the probability of being absorbed into the city could increase in the future. 'This whole area would be totally different, we would have a completely different population,' he said. 'So what we're saying is today, we get to make decisions that will affect tomorrow. And if we want to keep Vail, the way to do that is to incorporate now because 20, 30 years from now, who knows what it's going to look like?'

With nearly a month before IVA asks the board to approve its petition to get enough signatures to call an election, Woodbury continues to work against incorporating the area she's called home for the last 40 years.

'What I hear from the idea of local representation is more restrictions. It's like, let's just have one big homes owner's association,' she said.

But Tippett, who's lived in Vail for 21 years and raised three kids in the area, believes incorporation is a way to preserve the community for future generations.

'At the end of the day, I 'm doing this because I want to leave something for my kids' kids,' he said. 'I want them to say this is my hometown, and it is a legitimate entity. The town of Vail, not just the census-designated area.'

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A hiker heads up Camino Loma Alta towards the Loma Alta Trailhead just north of Old Spanish Trail on June 8. **KELLY PRESNELL**, ARIZONA DAILY STAR



The Mercado Del Lago center on Mary Ann Cleveland Way along the banks of the Pantano Wash on June 7. **KELLY PRESNELL, ARIZONA DAILY STAR**