

Jerry Van Gasse  
Phoenix, Arizona 85028

August 11, 2025

Office of the Arizona Attorney General  
Attn: Public Advocacy Division  
2005 N Central Ave  
Phoenix, AZ 85004

**Re: Request for Review – Integrity of City of Phoenix 3PI Fund and Piastewa Preserve Project**

To Whom It May Concern,

I am submitting the attached materials and Ethics Complaint as a representative of our citizens' coalition, which is deeply concerned with the City of Phoenix's oversight of the Phoenix Parks and Preserves Initiative (3PI) Fund and a recent violation of preserve protections involving the destruction of the Piastewa Family Nature Trail and unapproved construction within the Phoenix Mountains Preserve. After months trying to obtain transparency through proper channels, our concerns have gone unaddressed by the City, we seek the Attorney General's support in addressing these concerning unresolved issues.

**Our coalition has identified several critical areas of concern:**

**Ignored Public Records Requests**

Despite repeated submissions, the City has failed to fulfill multiple Public Records Requests, many of which remain unanswered after more than 60 days. Due to this prolonged inaction, legal counsel from the Center for Law in the Public Interest has begun issuing formal demand letters to compel compliance with Arizona public records law.

**Depletion of the 3PI Fund (Fund 1022)**

The Phoenix Parks and Preserves Initiative (3PI) Fund—created to protect and improve our parks and preserves—has experienced a sharp decline over the past 18 months. Fund 1022, which supports most capital improvements citywide, is now at risk. We are seriously concerned about its long-term viability.

**Lack of Oversight and Required Audits**

The proposition approved by voters clearly called for annual audits of the 3PI Fund. However, in its 25th year, only a limited "attestation" was conducted in place of a full audit. To our knowledge, no City Council member, Parks and Recreation Board member, or city department has formally requested an investigation or review of expenditures, despite growing uncertainty.

**Piastewa Peak/Phoenix Mountains Preserve Project:  
Unlawful Footbridge Construction**

The most immediate concern relates to unauthorized construction activities within the Phoenix Mountains Preserve. Specifically, we are seeking clarity on who authorized the footbridge currently being installed at Piastewa Peak. This structure appears to violate existing land protection ordinances, yet there has been no transparency or justification provided by the City.

Given the lack of internal accountability and the potential long-term harm to both public trust and a vital voter-approved fund, we ask for your office's assistance in reviewing this matter. The residents of Phoenix deserve clarity, transparency, and confidence that their tax dollars are being used lawfully and responsibly to protect the parks and preserves they cherish.

Sincerely,  
Jerry Van Gasse  
Stephen Brittle  
Tim Sierakowski  
Jes Dobbs et al

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# ETHICS COMPLAINT

Submitted by: Stephen Brittle

Date: June 5, 2025

Stephen Brittle  
Phoenix, Arizona 85028

June 5, 2025

Phoenix Human Resources – Report HR Concern  
251 W. Washington Street  
Phoenix, AZ 85003

**Re: Ethics Complaint under Phoenix City Code § 2-52(B)**

**Subject: Lack of Transparency on Piestewa Peak Projects, including Contracted Roadway Improvements, Ocotillo Ramada Footbridge, and other 3PI-funded Add-Ons**

To Whom It May Concern,

**This formal ethics complaint is lodged against:**

1. **Cynthia Aguilar**, Director of the Phoenix Parks & Recreation Department
2. **Jarod Rogers**, Deputy Director of Natural Resources Division

This complaint is submitted pursuant to the **City of Phoenix Ethics Policy**, as outlined in **Phoenix City Code § 2-52(B)**, which states:

"It is the policy of the City of Phoenix to uphold, promote, and demand the highest standards of ethics from all of its elected officials, employees, board members, and volunteers. Accordingly, all City elected officials, employees, board members, and volunteers must maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or power for improper personal gain."

**Statement of Complaint:**

We allege that **3PI (Phoenix Parks and Preserves Initiative) funds have been improperly and potentially illegally utilized**. The following actions have occurred without public notification, without involvement or awareness of Parks personnel or the Phoenix City Council, and with no formal Council vote:

- The Ocotillo Ramada Footbridge and additional add-ons were not included in the original approved roadway improvement plan.
- There appear to be no separate or properly approved addendum contracts for the footbridge or additional enhancements.
- Multiple Public Records Requests related to these projects have gone unanswered. We have been met with misleading or conflicting responses.

Most notably, **Parks Director Cynthia Aguilar's May 13, 2025 email to Ernest Martinez** explicitly confirms that the footbridge was not part of the initial approved project and was added later to address "access" concerns. This rationale contradicts a subsequent PDF packet provided to the public, which instead cited "erosion" as the justification — a concern that logically should have been addressed during the Ocotillo Pavilion construction five years prior.

This lack of transparency, absence of due process, and conflicting justifications suggest serious ethical and procedural violations that warrant further investigation under the City's Ethics Policy.

**Included with this Complaint:**

- This signed complaint letter
- "Mystery Project" flyer presented to the Mayor and City Council (May 2025)
- Cease & Desist Letter (May 28, 2025)
- Cynthia Aguilar's email to Ernest Martinez (May 13, 2025)
- Arizona Republic article by Shawn Raymundo, 3 pages (May 24, 2025)
- Copy of Phoenix City Code § 2-52(B)
- PDF Packet provided by John Chan, 4 pages (May 28, 2025)

I am available for further clarification or supporting evidence as needed.

Sincerely,  
Stephen Brittle

# MYSTERY PROJECT

May 2025

## PIESTEWA PEAK/PHX MNT PRESERVE




**FROM DEDICATION TO DESTRUCTION**  
The Ocotillo Ramada was dedicated on Nov. 8, 2021. It is now inaccessible and under excavation—*without public notice.*



**SACRED LAND DESERVES MORE THAN LIP SERVICE**  
The City's pledge of respect for Indigenous heritage rings hollow as sacred land is fenced off and excavated.

**Parks and Recreation Department Land Acknowledgment Statement**  
The Parks and Recreation Department acknowledges the City of Phoenix is located within the homeland of the O'odham and Piipaash peoples and their ancestors, who have inhabited this landscape from time immemorial to present day. The landscape is sacred and reflects cultural values central to the O'odham and Piipaash way of life and their self-definition.  
This acknowledgment demonstrates our commitment to work in partnership with the Ancestral Indigenous Communities to foster understanding, appreciation, and respect for this heritage.

Chapter XXVI City of Phoenix Mountain Preserves | Phoenix City Charter  
**Sec. 3. Use of Mountain Preserve property.**  
a. The City Council shall, upon the recommendation of the Parks and Recreation Board, establish by ordinance such permitted uses of the Mountain Preserves as are consistent with the following objectives:  
1. Maintain the Mountain Preserves, including native plant and animal communities, in their natural state to the maximum extent practicable  
b. The Mountain Preserves shall not be used except for a permitted use established by the City Council pursuant to this Section.

 **City of Phoenix**

Dear Ms. Chanele Reyes:

Thank you for your interest in public records of the City of Phoenix. Your request has been received and is being processed in accordance with ARS §39-121. Your request was received on April 10, 2025 and given the reference number **R021583-041025** for tracking purposes.

Records Requested: Please provide a copy of any construction contract between the City of Phoenix and Valley Rain Construction for proposed work at the Ocotillo Ramada Trailhead at Piestewa Peak/Phoenix Mountains Preserve.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

City of Phoenix

**(5) PUBLIC RECORDS REQUESTS**  
Submitted April 10, 2025.  
No response to date.

- R021584-041025**  
Records Requested: Copy of any "Environmental Assessments (EA): for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.
- R021585-041025**  
Records Requested: Copy of any Clean Water Act – Sec. 404 Permits (or comparable state permits) for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.
- R021586-041025**  
Records Requested: Copy of a "Building Permit" for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.
- R021587-041025**  
Records Requested: Copy of a Maricopa County "Dust Abatement Permit" for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.

**EMPTY STATEMENTS**  
No receipts or visible authorization for this mystery project.


**From:** Tricia Balluff <tricia.balluff@phoenix.gov>  
**Sent:** Monday, April 14, 2025 3:43:52 PM  
**To:** Jerry Van Gasse [REDACTED]  
**Subject:** RE: Piestewa Peak-Ocotillo Trailhead

Mr. Van Gasse,

Thank you for reaching out regarding the project at Piestewa Peak. After looking into the status and history of this project, I'm pleased to let you know that the Office of Environmental Programs was provided a review of this project while it was in design and measures for environmental compliance were provided based on project impacts and area.

After discussions with Parks and construction management staff over the last week, we were able to confirm that the environmental measures requested by OEP for this project are being followed. I can also confirm the project is in compliance with Section 404 of the Clean Water Act.

Thank you for your interest and concern for our natural resources.

 **Tricia Balluff**  
Environmental Program Manager  
Water, Wildlife, and NEPA  
Office of Environmental Programs  
City of Phoenix  
Phone: 602-534-1775

**STOP THE EXCAVATION. START THE ACCOUNTABILITY.**

Jerry Van Gasse and Stephen Brittle  
Phoenix, Arizona 85028

██████████  
████████████████████  
May 28, 2025

The Phoenix City Council and Mayor Kate Gallego  
200 W. Washington Street  
Phoenix, AZ 85003

Sent via email to: council.districts@phoenix.gov; mayor.gallego@phoenix.gov

**Re: Cease and Desist Demand Regarding Footbridge at Piestewa Peak Park**

To the Mayor and Members of the Phoenix City Council,

Don't Waste Arizona (DWAZ) is a state-wide, non-profit environmental membership organization with a particular interest in protecting and preserving natural and cultural resources in places like the Phoenix Parks Preserves. Members of DWAZ have expressed outrage at the latest illegal activities of the Phoenix Parks Department: the construction work for the proposed **footbridge** at the Ocotillo Ramada Trailhead at Piestewa Peak/Phoenix Mountains Preserve. This project appears to be the latest project by the Phoenix Parks Department using Phoenix Parks and Preserves Initiative funds without the proper permits and process of approval that is required.

Construction of a *footbridge* at Piestewa Peak's Ocotillo Ramada began on April 1, 2025. Phoenix Parks Director Cynthia Aguilar has since implied that this structure was included in the 2016 Renovation Master Plan for Piestewa Peak Park. However, no specific mention of a *footbridge* has been clearly documented in the publicly available plans. Director Cynthia Aguilar's May 13, 2025, email to Ernest Martinez directly contradicts her earlier statements concerning the *footbridge*. According to the Phoenix City Charter, any alterations to the Preserves require City Council approval. That approval was never granted.

**DWAZ demands that this project cease and desist until the proper process has been followed and the proper environmental review has been undertaken.** Please see the attached documentation supporting our position.

*Signed in defense of transparency and public trust,*

*Jerry Van Gasse*

*Stephen Brittle*

**Email from Phoenix Parks and Recreation Department Director, Cynthia Aguilar, to Ernest Martinez on May 13, 2025**

From: **Cynthia Aguilar** <[cynthia.aguilar@phoenix.gov](mailto:cynthia.aguilar@phoenix.gov)>

Date: Tue, May 13, 2025 at 3:27 PM

Subject: Parks and Recreation Follow-Up

To: [REDACTED]

Hi Ernest,

It was nice to see you last week at the City Council meeting. I want to be sure that we can talk or meet to discuss any of your concerns with the projects taking place at Piestewa Peak. My team shared that Mike Faustich was able to share some information with you about the projects prior to the Fallen Heroes Event as we waited to begin the project until after the event so that it would not interfere with the event. We also wanted to wait until it got closer to the warmer months to have less of an impact.

All of the improvements that have taken place, with the exception of the pedestrian walkway/bridge, were part of the approved Master Plan for Piestewa from about 2016. I would love to talk with you more about the pedestrian walkway and how that project came about. It is really intended to be a positive project that allows more accessibility into the preserve. Would a phone call be ok, or would you like to meet out at the site with our team?

Thank you, Ernest. I look forward to speaking with you.

Cynthia Aguilar

Director

Phoenix Parks and Recreation Department

602-262-4986

Email: [cynthia.aguilar@phoenix.gov](mailto:cynthia.aguilar@phoenix.gov)



Many Hands, Many Minds, One Team

# Phoenix residents grumble about trail closure at Piestewa Peak



**Shawn Raymundo** Arizona Republic

A nearly \$5 million improvement project at Phoenix's [Piestewa Peak](#) is stirring consternation among some local parks advocates who question the plan's approval and why the public wasn't notified.

According to the city, the Ocotillo Ramada and trailhead along Piestewa Peak Drive will be closed until the fall as construction crews pave an entry roadway, add new parking and relocate an entry gate.

Additionally, a new pedestrian bridge to accommodate those with disabilities is being built over a wash to connect the ramada to the trail. The project will also address a small portion of the 1.4-mile loop trail that is eroding.

"Any time you're going into parks, we're looking at ways to make them more accessible," said Cynthia Aguilar, director of Phoenix's Parks and Recreation Department.

But Phoenix residents like Tim Sierakowski, Ernest Martinez and Jerry Van Gasse have called the endeavor a "mystery project" as there was no public notice ahead of construction. They're questioning how much the project costs, who authorized the work and where the public's opportunity for input was.

"It has to go to City Council because it's on a preserve," Sierakowski said, adding that the parks department has "taken all the different steps out of this ... without getting formal authorization or even informing the public of what's going on."



After raising their concerns to the city in emails and at public meetings and requesting information through public records requests, the group has grown frustrated by what they believe to be a lack of responses.

“We’re not getting anything from the city,” Sierakowski opined. “They’re not being transparent in any manner about anything that’s taking place in the parks department.”



Parks officials, however, are pointing to a 2016 management plan for the Phoenix Mountains Preserve. The [148-page document](#) provided the city with an evaluation of the existing conditions within the preserve.

It also had “significant community engagement,” Aguilar stressed.

Outlined in the management plan was a series of improvements to ramadas and roadways at Piestewa Peak. Since 2019, the department has completed the phased improvements to the Mesquite, Brittlebush, Cholla and Saguaro areas.

The Piestewa Roadway and Pedestrian Bridge project at the Ocotillo Ramada is the final one.

“They say things like this is a ‘mystery project’ or a secret,” Aguilar said, contending the group’s claims. “In no way did we try to hide this.”

Aguilar noted that in mid-March, the city presented an update on the project to the Phoenix Sonoran Preserve and Mountain Parks/Preserve Committee, the [seven-member group](#) tasked with making recommendations to the Parks and Recreation Board.

The project, she added, is being funded with money from the [Phoenix Parks and Preserve Initiative Program](#), oftentimes referred to as 3PI.

That’s the voter-approved sales tax where one cent for every \$10 spent is earmarked for park renovations and improvements, and the expansion of the desert preserve system. It was passed in 1999 and renewed for 30 more years in 2008.



According to Aguilar, the project’s construction cost is \$3.9 million, just below the \$4 million threshold the department is allowed to spend on job orders and contracts before needing city leaders' approval.



That process, Aguilar said, is “meant to be a more efficient way to deliver our projects.”

Including design costs, the project’s total price tag is just north of \$4.5 million, according to Aguilar.

Addressing the group’s concern over the lack of public notice for the closure, Aguilar said signage was placed on a fence at the site once construction began.

“The sign is posted on the construction gate, where you cannot go any further on the road where the Ocotillo Ramada is,” she said.

When The Arizona Republic visited the area May 12, a “Park Closed” sign was posted on the fence, but no other details about the project were included.

City Code → Chapter 2, Administration → Chapter 2 Art. II, City Council → Chapter 2 Art. II Div. 1, Generally →

## Sec. 2-52. City of Phoenix ethics and gift policies.

A. *Definitions.* The following definitions apply to this section. The plural of the word or phrase includes the singular, and the singular includes the plural:

6. *Employee* means a person, or the person's relative or partner, who is not an elected official, board member, volunteer, or City of Phoenix Municipal Court Judge, and who is employed full-time or part-time by the City of Phoenix.

B. *Ethics policy.* It is the policy of the City of Phoenix to uphold, promote and demand the highest standards of ethics from all of its elected officials, employees, board members, and volunteers. Accordingly, all City elected officials, employees, board members, and volunteers must maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or power for improper personal gain.

# **PIESTEWA/PHOENIX MOUNTAINS PRESERVES**

## OCOTILLO RAMADA-BRIDGE PROJECT HANDOUTS

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Provided by: Deputy City Manager, John Chan

Date: May 29, 2025



Nature Trail Loop

Ongoing erosion of the soil embankment above and below trail. This condition is caused by water runoff, foot traffic and gravity resulting in unstable trail condition.

**This image shows the Ocotillo Ramada - Piestewa Peak/Phoenix Mountains Preserve**

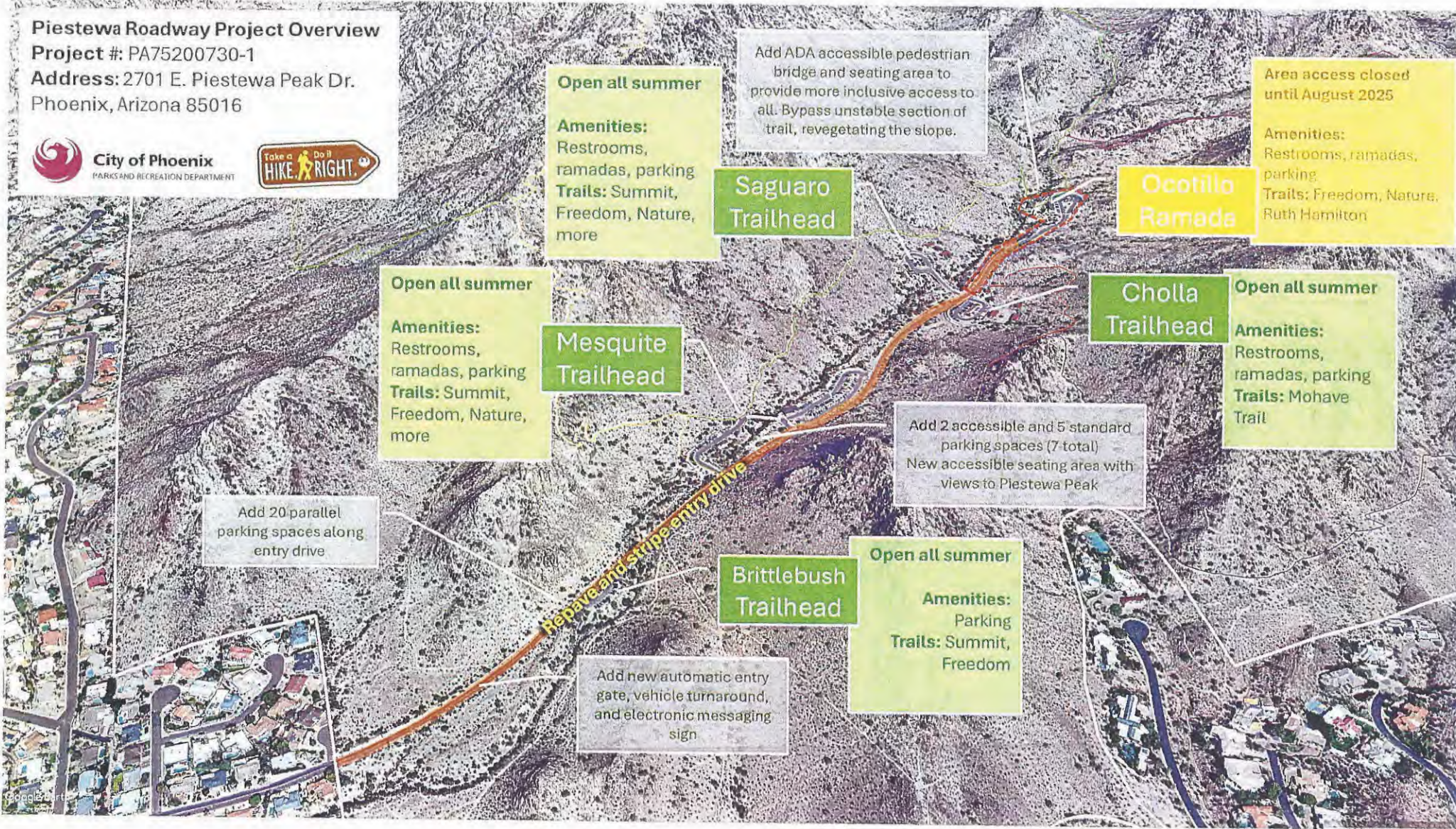


# Piestewa Roadway Project Overview

Project #: PA75200730-1

Address: 2701 E. Piestewa Peak Dr.

Phoenix, Arizona 85016



Open all summer

**Amenities:**  
Restrooms, ramadas, parking  
**Trails:** Summit, Freedom, Nature, more

Add ADA accessible pedestrian bridge and seating area to provide more inclusive access to all. Bypass unstable section of trail, revegetating the slope.

**Saguaro Trailhead**

Area access closed until August 2025

**Amenities:**  
Restrooms, ramadas, parking  
**Trails:** Freedom, Nature, Ruth Hamilton

**Ocotillo Ramada**

Open all summer

**Amenities:**  
Restrooms, ramadas, parking  
**Trails:** Summit, Freedom, Nature, more

**Mesquite Trailhead**

**Cholla Trailhead**

Open all summer

**Amenities:**  
Restrooms, ramadas, parking  
**Trails:** Mohave Trail

Add 2 accessible and 5 standard parking spaces (7 total)  
New accessible seating area with views to Piastewa Peak

Add 20 parallel parking spaces along entry drive

**Repair and stripe entry drive**

**Brittlebush Trailhead**

Open all summer

**Amenities:**  
Parking  
**Trails:** Summit, Freedom

Add new automatic entry gate, vehicle turnaround, and electronic messaging sign



# SUPPORTING DOCUMENTS

Submitted by: Jerry Van Gasse, Stephen Brittle, Tim Sierakowski, Jes Dobbs et al

Date: August 2025

# PHOENIX PARKS AND PRESERVE INITIATIVE 3PI OVERVIEW

**The Phoenix Parks and Preserve Initiative (3PI)** was originally approved by voters in 1999 and overwhelmingly renewed in 2008, with 83% voting to extend the program for 30 more years.

**The initiative sets aside one cent of sales tax for every \$10 spent, with funds dedicated to improving existing parks, acquiring new park land, and expanding the city's desert preserve system.**

60% of proceeds support park improvements and land acquisition for future parks, while the remaining 40% is allocated to preserve development—including trails, trailheads, and signage.

Fund 1022 – General Park Improvements

Fund 1437 – Land Acquisition

***The following data outlines the declining fund balances from 2023 to the most recent fiscal period. Notably, Fund 1022—which supports the majority of capital improvements in parks—has experienced a rapid decrease. The City's accounting and financial books fail to account for certain expenditures, leaving unexplained discrepancies and missing funds. In short, a significant amount of money has vanished from the fund with very little to show for it.***

### 3PI FUND BALANCE OVERVIEW

Fiscal Year	Period	Date of Report	1022 Fund Balance	1437 Fund Balance	End balance per fiscal period	Period over period reductions over \$5 million
2025	12	07/15/2025	9,199,781.14	65,000,645.25	<b>74,200,426.39</b>	
2025	11	06/09/2024	11,444,546.04	66,870,397.06	<b>78,314,943.1</b>	
2025	10	05/14/2025	15,079,898.17	65,240,620.71	<b>80,320,518.88</b>	<b>-6,223,443.63</b>
2025	9	04/14/2025	22,697,386.97	63,846,575.54	<b>86,543,962.51</b>	
2025	8	03/12/2025	22,344,084.71	62,732,023.65	<b>85,076,108.36</b>	
2025	7	02/14/2025	22,507,983.64	61,239,836.24	<b>83,747,819.88</b>	
2025	6					
2025	5					
2025	4	11/14/2024	21,508,121.39	63,882,141.53	<b>85,390,262.92</b>	
2025	3	10/15/2024	26,019,037.77	62,655,736.84	<b>88,674,774.61</b>	
2025	2	09/17/2024	28,182,479.75	60,587,730.63	<b>88,770,210.38</b>	
2025	1	08/21/2024	27,029,013.48	64,314,910.69	<b>91,343,924.17</b>	
2024	12	07/10/2024	27,205,019.6	60,751,127.55	<b>87,956,147.15</b>	<b>-14,315,283.05</b>
2024	11	06/10/2024	36,398,181.49	65,873,248.71	<b>102,271,430.2</b>	
2024	10					
2024	9	04/10/2024	42,172,687.36	63,976,518.96	<b>106,149,206.32</b>	<b>-9,708,788.51</b>
2024	8	03/12/2024	53,024,358.15	62,833,636.68	<b>115,857,994.83</b>	
2024	7					
2024	6	01/23/2024	55,459,793.11	71,540,565.58	<b>127,000,358.69</b>	
2024	5	12/08/2023	54,634,832.93	69,829,416.75	<b>124,464,249.68</b>	
2024	4	11/09/2023	55,852,576.24	68,245,519.2	<b>124,098,095.44</b>	
2024	3	10/10/2023	55,273,507.61	66,316,791.2	<b>121,590,298.81</b>	
2024	2	09/06/2023	54,084,946.49	64,986,872.11	<b>119,071,818.6</b>	
2024	1					
2023	12	07/05/2023	50,672,108.86	60,240,185.48	<b>110,912,294.34</b>	
2023	11					
2023	10	05/08/2023	58,164,875.81	58,382,683.42	<b>116,547,559.23</b>	
2023	9					
2023	8	03/09/2023	58,879,916.32	55,587,549.8	<b>114,467,466.12</b>	
2023	7	02/08/2023	56,446,905.41	53,772,431.63	<b>110,219,337.04</b>	
2023	6					
2023	5					
2023	4	11/09/2022	51,933,737.46	51,813,148.3	<b>103,746,885.76</b>	
2023	3	10/10/2022	51,729,828.11	49,972,090.71	<b>101,701,918.82</b>	
2023	2	09/09/2022	52,813,745.72	48,743,527.22	<b>101,557,272.94</b>	
2023	1					

**PROPOSITION A – 2008 3PI EXTENSION:  
AUDIT PROVISION AS APPROVED BY VOTERS**

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**SAMPLE BALLOT  
AND PUBLICITY PAMPHLET**

**DISTRICT 1**

SPECIAL ELECTION  
MAY 20, 2008

CITY OF PHOENIX,  
ARIZONA



Issued by the Office of the City Clerk of Phoenix  
Mario Paniagua, City Clerk

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**D-1**

## PROPOSITION A

AN ORDINANCE EXTENDING THE PHOENIX PARKS AND PRESERVE INITIATIVE, PROVIDING FOR 1) THE DEVELOPMENT, IMPROVEMENT, MAINTENANCE AND OPERATIONS OF REGIONAL AND NEIGHBORHOOD PARKS TO ENHANCE COMMUNITY SAFETY AND RECREATION AND 2) THE PURCHASE OF LANDS FOR PHOENIX MOUNTAIN AND DESERT PRESERVES.

To implement this initiative, Chapter 14 of the Phoenix City Code shall be amended where applicable to extend the one tenth of one penny per dollar privilege license tax rate (known as sales tax) approved by voters on September 7, 1999. Funds raised from this initiative shall only be used for Phoenix parks and preserves and shall not be supplanted or used for any other purpose. The extension and revised provisions will be effective July 1, 2008 and will expire 30 years thereafter. **To assure accountability, all expenditures will be reviewed by a citizens' oversight committee established by ordinance to review expenditures and will be subject to an annual public audit.** The new revenue raised shall be spent specifically in the following manner:

60% of the funds raised will be used to finance any of the following uses: to complete the regional parks started with current Phoenix Parks and Preserve Initiative funding, purchase land and create new regional, community and neighborhood parks, upgrade existing parks with better shade, green space, and recreational features, add more park rangers, lighting, security, and maintenance for parks and recreational facilities, add shaded pedestrian and bike paths throughout the city, and add recreation programs for youth to fight drugs, gangs, and crime.

40% of the funds raised will be used to finance any of the following uses: to purchase land for mountain and desert preserves, create new/better trailheads, trail, parking and interpretive centers for preserves, more park rangers, security and maintenance of the

CONTINUED ON NEXT PAGE

## PROPOSITION A CONTINUED FROM PREVIOUS PAGE

preserves and continuation of the Sonoran Preserve Master Plan.

If you support the above Proposition, Vote Yes; if opposed, Vote No.

**Shall the proposed extension of the Phoenix Parks and Preserve Initiative providing for the amendment of Chapter 14 of the Code of the City of Phoenix, 1969, be adopted?**

YES ←

NO ←

### SUMMARY

This proposition, if adopted, would direct the City of Phoenix Council to amend Chapter 14 of the Code of the City of Phoenix to extend for thirty years the Phoenix Parks and Preserve Initiative approved by the qualified electors of the City of Phoenix on September 7, 1999. The program is funded by a privilege license tax (known as the sales tax) of one tenth of one penny per dollar of sales. The funds would be spent for the development, improvement, maintenance and operations of regional and neighborhood parks to enhance community safety and recreation and for the purchase of lands for the Phoenix Mountain and Desert Preserves.

## DEMAND LETTERS – OUTSTANDING PUBLIC RECORDS REQUESTS

This section includes **formal demand letters issued by the Arizona Center for Law in the Public Interest** on behalf of concerned residents regarding multiple unfulfilled Public Records Requests **submitted to the City of Phoenix**. These letters reflect our ongoing efforts to obtain transparency and compliance with Arizona's public records law after extended delays and repeated inaction by the City.



ARIZONA CENTER FOR LAW  
— IN THE PUBLIC INTEREST —

352 E. Camelback Rd.  
Suite 200  
Phoenix, AZ 85012  
(602) 258-8850  
(602) 926-0214 - Fax  
www.aclpi.org

July 1, 2025

City of Phoenix  
City Clerk's Office  
251 West Washington Street  
Phoenix, Arizona 85003

BOARD OF  
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Lindsay Fiore,  
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Bruce Samuels  
Nicole Stanton  
Lee Stein  
Geoffrey Sturr  
Karen Treon

Re: Demand Letter Pursuant to A.R.S. § 39-121 *et seq.*

To Whom It May Concern,

The Arizona Center for Law in the Public Interest submitted a series of public records requests to your office pursuant to Arizona's public records law that remain significantly outstanding as of July 1, 2025. The following represents the requests that are greater than 60 days outstanding:

- R019329-012925, submitted January 29, 2025
- R019472-020325, submitted February 3, 2025
- R019473-020325, submitted February 3, 2025
- R019474-020325, submitted February 3, 2025
- R021584-041025, submitted April 10, 2025
- R021585-041025, submitted April 10, 2025
- R021586-041025, submitted April 10, 2025
- R021587-041025, submitted April 10, 2025

Under Arizona's public records law, A.R.S. § 39-121 *et seq.*, requested records must be promptly produced. These records are months overdue and constitute a denial of access to records to which my organization and clients are legally entitled to receive. *See Phoenix New Times, L.L.C. v. Arpaio*, 217 Ariz. 533, 538, ¶ 12 (Ct. App. 2008). Because of this denial, we may pursue action in Maricopa Superior Court to produce responsive documents to our request if these documents are not imminently produced. *See A.R.S. § 39-121.02(A)*.

If you desire to avoid legal proceedings, we demand that you furnish responsive documents to the requests listed above no later than **July 18, 2025**.

Take notice that time is of the essence. I thank you for your prompt attention in this matter.

Regards,

Chanele N. Reyes, Esq.



ARIZONA CENTER FOR LAW  
— IN THE PUBLIC INTEREST —

352 E. Camelback Rd.  
Suite 200  
Phoenix, AZ 85012  
(602) 258-8850  
(602) 926-0214 - Fax  
www.aclpi.org

July 31, 2025

City of Phoenix  
City Clerk’s Office  
251 West Washington Street  
Phoenix, Arizona 85003

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Re: Demand Letter Pursuant to A.R.S. § 39-121 *et seq.*

To Whom It May Concern,

The Arizona Center for Law in the Public Interest (ACLPI) submitted a series of public records requests to your office pursuant to Arizona’s public records law that remain significantly outstanding as of July 31, 2025.

On July 1, 2025, ACLPI sent a similar demand letter to inquire about eight requests outstanding greater than 60 days. While some of these requests were completed, two have not yet been addressed. ACLPI asks for **immediate attention** to:

- R019329-012925, submitted January 29, 2025, and is currently **six months overdue**
- R021586-041025, submitted April 10, 2025

In addition to the above request, multiple requests made on May 14, 2025, more than 60 days ago, have not received a response. These include:

- R022664-051425                      R002668-051425
- R022665-051425                      R002674-051425
- R022666-051425                      R002675-051425

Under Arizona's public records law, A.R.S. § 39-121 *et seq.*, requested records must be promptly produced. All of these records are months overdue, and in one case, a request is six months past due, which has already been subject to one demand letter. Further, several records remain outstanding since placed on May 14, 2025.

The inaction regarding ACLPI's record requests constitutes a denial of access to records to which my organization and clients are legally entitled to receive. *See Phoenix New Times, L.L.C. v. Arpaio*, 217 Ariz. 533, 538, ¶ 12 (Ct. App. 2008). Because of this denial, we intend to pursue action in Maricopa Superior Court to require the City to comply with Arizona's public records law and produce the responsive documents to ACLPI's requests if these documents are not imminently produced. *See* A.R.S. § 39-121.02(A).

If you desire to avoid legal proceedings, we demand that you furnish responsive documents to the requests listed above **no later than August 29, 2025**. After that date, our office intends to institute legal action to obtain these records, which will include a request for any fees and costs authorized by law.

Take notice that time is of the essence. I thank you for your prompt attention in this matter.

Regards,



Chanele N. Reyes, Esq.

# CONTRADICTORY STATEMENTS IN RESPONSE TO PUBLIC RECORDS REQUESTS

The following example demonstrates conflicting statements made by the City of Phoenix in response to separate Public Records Requests concerning the same project.

**Public Records Request R021584-041025, submitted on April 10, 2025,** requested:

“Copy of any ‘Environmental Assessments (EA)’ for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.”

The **City’s response on July 29, 2025,** stated:

“There was no Environmental Assessment, (EA) for the proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountain Preserve)/Piestewa Peak.”

This directly conflicts with the City’s reply to our **May 14, 2025, Public Records Request R022670-051425,** which stated:

“Please provide a copy of the environmental measures reviewed by the Office of Environmental Programs for the proposed footbridge at the Ocotillo Ramada Trailhead at Piestewa Peak/Phoenix Mountains Preserve.”

On **July 25, 2025, the City responded:**

“The City has located responsive records to your request,” and provided an *undated* Environmental Measures Results Tracking PDF.

# CITY OF PHOENIX RESPONSE TO PRP R021584-041025

submitted on April 10, 2025

**From:** CityOfPhoenixAZ Support <[cityofphoenixaz@govqa.us](mailto:cityofphoenixaz@govqa.us)>  
**Date:** July 29, 2025 at 5:40:25 PM MST  
**To:** Chanele Reyes <[chanele@aclpi.org](mailto:chanele@aclpi.org)>  
**Subject:** [Records Center] Public Records Request :: R021584-041025

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of April 10, 2025, Reference # R021584-041025

Dear Ms. Chanele Reyes,

The City of Phoenix received your public records request, dated April 10, 2025, for the following information:

"Copy of any "Environmental Assessments (EA): for proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountains Preserve)/Piestewa Peak.

#R021584-041025

**Customer Name**

Chanele Reyes

**Email Address**

[chanele@aclpi.org](mailto:chanele@aclpi.org)

The City has reviewed its files and has determined there are no responsive documents to your request.

There was no Environmental Assessment, (EA) for the proposed construction at the Ocotillo Ramada Trailhead (Phoenix Mountain Preserve)/Piestewa Peak.

Thank you for your request

Sincerely,

Cheryl Prendergast, Central Records, City of Phoenix

and

James Marshall  
Environmental Program Coordinator  
Streets Transportation Department

To monitor the progress or update this request please log into the [Public Records Center](#)



# CITY OF PHOENIX RESPONSE TO PRP R022670-051425

submitted on May 14, 2025

The document provided at the link was "Piestewa Peak Roadway – PA75200730" in *Environmental\_Measures\_Results\_Tracking\_R022670-051425\_2025.pdf*

**From:** CityOfPhoenixAZ Support <cityofphoenixaz@govqa.us>

**Date:** July 25, 2025 at 5:14:08 PM MST

**To:** Chanele Reyes <chanele@acpi.org>

**Subject:** [Records Center] Public Records Request :: R022670-051425

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of May 14, 2025, Reference # R022670-051425.

Dear Ms. Chanele Reyes,

The City of Phoenix received your public records request, dated May 14, 2025, for the following information:

**"Please provide a copy of the environmental measures reviewed by the Office of Environmental Programs for the proposed footbridge at the Ocotillo Ramada Trailhead at Piestewa Peak/Phoenix Mountains Preserve.**

#R022670-051425

to Chanele Reyes (chanele@acpi.org):"

The City has located responsive records to your request. Please log in to the Public Records Center at the following link to retrieve the documents.

[Public Records Request - R022670-051425](#)

If you have any questions, or wish to discuss this further, please reply to this email.

Sincerely,

Cheryl Prendergast

Central Records

Street Transportation Department

To monitor the progress or update this request please log into the [Public Records Center](#)



**Piestewa Peak Roadway - PA75200730**

INCRA and Follow Up Requirements	Permit Required?	Status Update (as of 6/5/2025)
<b>404/Sensitive Species</b>		
1) Only Driving will occur in main wash (no grading of a ramp into the wash or other discharge of dredge/fill material)	No Section 404 permit required for driving	Confirmed only driving is occurring in main wash. No Section 404 permit is required. Confirmed by contractor to Streets Environmental as well. USACE concurred not WOTUS.
2) Riprap in small tributary wash; wash would not be considered a Water of the U.S. under current definition	No Section 404 permit required	Riprap confirmed still planned for installation. Wash still would not be considered a WOTUS; no Section 404 permitting required. USACE concurred not WOTUS.
3) Avoid placing stormwater BMPs in the main wash; BMPs should be placed on the banks as needed to prevent material from entering the wash.	Contractor to determine need for AZPDES CGP	Contractor submitted NOI to ADEQ for AZPDES CGP coverate on 11/1/2024. Silt fence is parallel to wash to prevent material from construction activity entering wash. No stormwater BMPs in the main wash, per guidance.
4) Temporary rock berm can be used in the wash to prevent sediment from transporting downstream, if needed		Not a requirement; only if needed. No rock berm in wash observed. Confirm with contractor if needed.
5) Active Nest Survey prior to start of construction (for each phase)	Only if active nests need to be removed	First phase survey completed 3/19/2025; no active nests observed. Contractor is aware of the need for additional survey before other phases start. 5/8/2025 additional active nest survey completed prior to next phase starting. Contractor on site was informed which vegetation to avoid impacting due to active nest presence.
6) Sonoran Desert tortoise survey prior to start of construction (for each phase)	No; coordination with AGFD if present	First phase survey completed 3/19/2025; no tortoise, burrows, or sign observed. Contractor is aware of the need for additional survey before other phases start. 5/8/2025 additional tortoise survey completed for next project phase; none observed.

7) MBTA and SDT construction flyers provided to the contractor prior to start of construction	N/A	Were included in preconstruction invitation; contractor has the flyers. Streets environmental talked to contractor about general wildlife mitigation (i.e., looking under vehicles for wildlife before moving).
8) Completed surveys identified <i>Mammalaria</i> spp. Just outside survey footprint. Avoid impacts outside the survey footprint.	60-day AZ Dept of Ag notification, if removal of over 1/4 acre will occur	Contractor confirmed awareness; moved a couple on-property; no removal or destruction of this species has occurred. May move more during bridge abutment construction. Streets Environmental will confirm. As of 6/5, no impacts. STR Environmental attending most meetings.
9) Sensitive Species - general mitigation: cover trenches/holes overnight and build escape ramps	N/A	Discuss with contractor prior to deep trenches/holes being created. Jim Peterson will discuss in next construction meeting (April 2025). Update: Discussed in meeting and including ramps as needed. As of June 5, most trenches gone now.
10) Sensitive Species - general mitigation: contact Phoenix environmental if wildlife are present and not leaving the project area	N/A	No issues to date.
11) If protected native plants over more than 1/4 acre will be removed or destroyed, 60-day notification to Arizona Department of Agriculture is required.	AZ Dept of Ag notification	<i>Parkinsonia microphylla</i> ( littleleaf palo verde) and <i>Fouquieria splendens</i> (ocotllo) are protected native plants. Removal of a few individuals of these protected plants will occur in an area cumulatively less than 1/4 acre; therefore, no notification to AZ Dept of Agriculture is anticipated per A.R.S. 3-905.
<b>Archaeology</b>		
Prior archaeological work has occurred in the area; no additional archaeological work is recommended.	N/A	N/A

12) If any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 10 meters and CAO notified immediately and allowed time to assess the materials.	Depends on results of assessment	None encountered to date.
<b>Historic Resources</b>		
Roadway circa 1969. Improvements along ROW will not affect any historic properties."No Historic Properties Affected."	N/A	N/A
<b>Asbestos/Lead</b>		
Asbestos/Lead survey of structures to be impacted by project		Completed 6/26/2024; no asbestos-containing materials identified. No lead-based paint identified; one lead-containing paint sample from entry gate. Streets Environmental confirming any additional action needed for the entry gate.

# ETHOS ENGINEERING – “APACHE TRAILHEAD IMPROVEMENTS” (CITY OF PHOENIX)

On their Roadway Project page (<https://www.ethosengineers.com/roadway>), Ethos Engineering describes the Apache Trailhead Improvements project for the City of Phoenix.

The firm states many aspects of the project, yet it **omits any mention of the destruction of the Piestewa Nature Trail or the additional pedestrian bridge currently under construction in that area**—a material gap in the project summary, despite the direct relationship to the trailhead improvements.



## Apache Trailhead Improvements City of Phoenix

The project reconfigured existing parking lots in an effort to increase spaces for public parking and facilitate traffic movements, added/restored ramadas and added restrooms at various locations. The access road was reconstructed to accommodate the new parking layout. An ADA compliant ramp was designed to gain access from the parking lot to the new bathroom and existing ramada areas. Ethos provided design for all site civil, grading and drainage, and utilities.

# ROADWAY PROJECT 2024 REFERENCE TO “OBLITERATED” TRAIL

The page below was included in the file “Roadway Project 2024.pdf” provided by John Chan on April 11, 2025.

The notation “**EXISTING TRAIL TO BE OBLITERATED**” appears on the plan, referencing the **Piestewa Nature Trail within the Phoenix Mountains Preserve**—a protected desert park area. The trail is named in honor of **Lori Piestewa**, a member of the Hopi Tribe and the first Native American woman in U.S. history to be killed in combat while serving in the military. The trail’s name also honors the **Piestewa Family**, whose contributions and sacrifices hold deep cultural and historical significance in Arizona.



## New Bridge

Piestewa  
Roadway  
Project  
Update

