

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: February 10, 2011**

**SUBJECT:** ADOT Motor Vehicle Division Electronic Data Access Agreement Amendment

**SUBMITTING DEPARTMENT:** Town Clerk/Risk Management

**PREPARED BY:** Diane Russell, Town Clerk/Risk Manager

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** Electronic Data Access Agreement Amendment

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**SUMMARY/BACKGROUND:** The Town Clerk is tasked with checking the driving records of all Town of Prescott Valley employees annually. Because the Arizona Department of Transportation (ADOT) Motor Vehicle Division has gone strictly to electronic access of those records, each municipality must file an application for access to state records AND sign an agreement with ADOT MVD to do so. Staff requested and received approval to enter an agreement with ADOT for such access at its May 14, 2009 regular meeting.

On January 14, 2010, an amendment was made to the agreement under the Data Privacy section to delete paragraph five (5) in its entirety from the agreement requiring departments to contact MVD for their intervention “in the event that a request for the disclosure of confidential and/or personal information” is made as it relates to Arizona Public Records Law ARS §39-101 through 39-161.

ADOT has now requested that the Town consider amending the agreement to add a Scrutinized Business Operations section pursuant to A.R.S. §35-391.06 and §35-393.06 certifying that the Department does not have a scrutinized business operation in Sudan or Iran. For purposes of this Agreement, the term “scrutinized business operations” shall have the meaning as set forth in A.R.S. §35-391 and/or §35-393, as applicable. If ADOT/MVD determines that the Department (or private contractor) submitted a false certification, ADOT may impose remedies as provided by law, including the cancellation or termination of this Agreement.

Because this signed Amendment to the Agreement was due back to ADOT by February 10, the Mayor was asked and agreed to sign the Amendment to the Agreement so that it could be submitted by the deadline.

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**OPTIONS ANALYSIS:** Mayor and Council may adopt the Amendment to the Agreement and ratify the Mayor’s signature on the ADOT MVD Amendment to the Agreement or deny either or both actions.

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**ACTION OPTION:** MOTION to ratify the Mayor’s signature on the recently signed Amendment to the ADOT MVD Electronic Data Access Agreement

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**RECOMMENDATION:** Staff recommends adopting the amended agreement with ADOT MVD and authorizing the Mayor to sign the amended agreement allowing electronic data access to driving records.

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**FISCAL ANALYSIS:** None

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved  Denied  Tabled/Deferred  Assigned to \_\_\_\_\_