

City of Glendale

Council Workshop Agenda

August 20, 2013 – 9:00 a.m.

Welcome!

We are glad you have chosen to attend this meeting. We welcome your interest and encourage you to attend again.

Form of Government

The City of Glendale has a Council-Manager form of government. Policy is set by the elected Council and administered by the Council-appointed City Manager. The Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of six electoral districts and are elected by the voters of their respective districts (see map on back).

Voting Meetings and Workshop Sessions

Voting meetings are held for Council to take official action. These meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Council Chambers of the Glendale Municipal Office Complex, 5850 West Glendale Avenue. **Workshop sessions** provide Council with an opportunity to hear presentations by staff on topics that may come before Council for official action. These meetings are generally held on the first and third Tuesday of each month at 1:30 p.m. in Room B3 of the Glendale Municipal Office complex.

Special voting meetings and workshop sessions are called for and held as needed.

Executive Sessions

Council may convene to an executive session to receive legal advice, discuss land acquisitions, personnel issues, and appointments to boards and commissions. Executive sessions will be held in Room B3 of the Council Chambers. As provided by state statute, executive sessions are closed to the public.

Regular City Council meetings are telecast live. Repeat broadcasts are telecast the second and fourth week of the month – Wednesday at 2:30 p.m., Thursday at 8:00 a.m., Friday at 8:00 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 1:30 p.m. on Glendale Channel 11.

If you have any questions about the agenda, please call the City Manager's Office at (623)930-2870. If you have a concern you would like to discuss with your District Councilmember, please call the City Council Office at (623)930-2249



For special accommodations or interpreter assistance, please contact the City Manager's Office at (623)930-2870 at least one business day prior to this meeting. TDD (623)930-2197.

Para acomodacion especial o traductor de español, por favor llame a la oficina del administrador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.

Councilmembers

Cactus District – Ian Hugh
Cholla District – Manuel D. Martinez
Ocotillo District – Norma S. Alvarez
Sahuaro District – Gary D. Sherwood
Yucca District – Samuel U. Chavira



MAYOR JERRY P. WEIERS

Vice Mayor Yvonne J. Knaack – Barrel District

Appointed City Staff

Brenda S. Fischer – City Manager
Nicholas DiPiazza – Acting City Attorney
Pamela Hanna – City Clerk
Elizabeth Finn – City Judge

Meeting Agendas

Generally, paper copies of Council agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting from the City Clerk Department inside Glendale City Hall. Additionally, the agenda and all supporting documents are posted to the city's website, www.glendaleaz.com

Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. It is inappropriate to utilize the public hearing or other agenda item for purposes of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for ending a speaker's time at the podium or for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

How to Participate

Voting Meeting - The Glendale City Council values citizen comments and input. If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a blue Citizen Comments Card. Public hearings are also held on certain agenda items. If you wish to speak on a particular item listed on the agenda, please fill out a gold Public Hearing Speakers Card. Your name will be called when the Public Hearing on the item has been opened or Citizen Comments portion of the agenda is reached. **Workshop Sessions** - There is no Citizen Comments portion on the workshop agenda.

When speaking at the Podium, please state your name and the city in which you reside. If you reside in the City of Glendale, please state the Council District you live in and present your comments in five minutes or less.

Regular Workshop meetings are telecast live. Repeat broadcasts are telecast the first and third week of the month – Wednesday at 3:00 p.m., Thursday at 1:00 p.m., Friday at 8:30 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 2:00 p.m. on Glendale Channel 11.



Council District Boundaries





GLENDALE CITY COUNCIL WORKSHOP SESSION
Council Chambers – Room B-3
5850 West Glendale Avenue
August 20, 2013
9:00 a.m.

One or more members of the City Council may be unable to attend the Workshop or Executive Session Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

CALL TO ORDER

WORKSHOP SESSION

1. CALL TO ENTER INTO EXECUTIVE SESSION

EXECUTIVE SESSION

1. PERSONNEL MATTERS

A. The City Council will meet to interview candidates and discuss the selection process for the position of City Attorney and to provide direction to the Human Resources Director, Jim Brown. (A.R.S. § 38-431.03)(A)(1))

RECESS

WORKSHOP SESSION CONTINUED

1. CALL MEETING BACK TO ORDER IN PUBLIC SESSION
2. 2014 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS
PRESENTED BY: Brent Stoddard, Intergovernmental Programs Director
3. COUNCIL ITEM OF SPECIAL INTEREST - PLACEMENT OF RESIDENTIAL REFUSE AND RECYCLING CONTAINERS
PRESENTED BY: Stuart Kent, Executive Director, Public Works, and Erik Strunk, Executive Director, Parks, Recreation and Library Services
4. COUNCIL ITEM OF SPECIAL INTEREST - DRAFT PRAYER GUIDELINES
PRESENTED BY: Kristen Krey, Council Services Administrator

CITY MANAGER'S REPORT

This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.

COUNCIL ITEMS OF SPECIAL INTEREST

Councilmembers may indicate topic(s) they would like to have discussed by the Council at a future Workshop and the reason for their interest. The Council does not discuss the new topics at the Workshop where they are introduced.

EXECUTIVE SESSION

1. LEGAL MATTERS

- A. The City Council will meet with Jose De Jesus Rivera, of Haralson, Miller, Pitt, Feldman & McAnally, P.L.C. for legal advice, discussion and consultation regarding the external audit. (A.R.S. § 38-431.03(A)(2)(3))
- B. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))

2. LEGAL MATTERS – PROPERTY & CONTRACTS

- A. Discussion and consultation with the City Attorney and City Manager to receive an update, consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with agreements associated with arena management, the Arena and the Hockey Team, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in

- settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or
 - (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

Items Respectfully Submitted,



Brenda S. Fischer
City Manager



WORKSHOP COUNCIL REPORT

Meeting Date: **8/20/2013**
Meeting Type: **Workshop**
Title: **2014 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS**
Staff Contact: **Brent Stoddard, Intergovernmental Programs Director**

Purpose and Policy Guidance

This is a request for the City Council to review and provide guidance on the proposed resolutions which will be voted on at the August 27, 2013 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

Background

Each year, the League of Arizona Cities and Towns solicits resolutions from municipalities to be considered by the League Resolutions Committee. At the Committee meeting each of the 91 cities and towns will have an opportunity to state their position and vote as appropriate on each resolution. The Mayor of each city represents their municipality on the Committee.

The resolutions were initially reviewed by a League Resolutions Subcommittee which is made up of various Mayors on the Executive Committee on July 15, 2013. That Subcommittee made initial recommendations about which resolutions should be adopted by the full Resolutions Committee, which should be amended or combined, and which should not move forward in the process.

The final adopted resolutions will become part of the LACT's Municipal Policy Statement, and incorporated into the League's 2014 Legislative Agenda.

Previous Related Council Action

The City Council provided direction on last year's League resolutions at the August 21, 2012 Council workshop.

The City Council approved the State Legislative agenda on February 5, 2013 which serves as the city's priorities during the legislative session.

Community Benefit/Public Involvement

The Council's adopted guiding legislative principles are to ensure that the Legislature will: Preserve and enhance the city's ability to deliver quality and cost-effective services to Glendale citizens and visitors.



WORKSHOP COUNCIL REPORT

Preserve and enhance the City Council's ability to serve Glendale residents by retaining local decision-making authority and maintaining state legislative and voter commitments for revenue sources.

Attachments

Department Memorandum

2014 Proposed Resolutions



Memorandum

DATE: August 20, 2013

TO: Mayor and Council

THROUGH: Brenda S. Fischer, City Manager

FROM: Brent Stoddard, Intergovernmental Programs Director

SUBJECT: 2014 League of Arizona Cities and Towns Resolutions

Each year the League of Arizona Cities & Towns facilitates a resolutions process in which it develops a Legislative Agenda for the coming year that reflects the common legislative goals for all Arizona cities and towns. Through this process each community has the opportunity to express their position on each of the proposed resolutions.

On July 15, 2013 the League of Arizona Cities and Towns convened a Resolutions Subcommittee, chaired by Mayor Greg Stanton of Phoenix, to review the proposed resolutions and make recommendations to the full Resolutions Committee. The subcommittee categorized the resolutions into the following areas: recommend adoption, recommend for adoption with amendments, not recommended, and significant municipal issue. The significant municipal issue category is intended to recognize issues that are important to cities but where it is not appropriate for the League as a whole to seek legislation. The subcommittee also considered and recommended adopting 2 League staff proposed resolutions. The full Resolutions Committee, composed of representatives from each of Arizona's 91 cities and towns, is scheduled to meet on August 27th at the League's Annual Conference to consider the recommendations made by the subcommittee.

At the August 20th workshop meeting, Council will be asked to provide guidance on all of this year's proposed resolutions. Mayor Weiers will represent Glendale's Council recommended positions at the meeting of the full Resolutions Committee on August 27th.

The tables below show a summary of the proposed resolutions, and are organized by the Resolutions Subcommittee recommended actions and contain Glendale city staff recommended positions. The 2014 Proposed Resolutions packet immediately following this memo includes the full text of each resolution as well as more detailed information and staff comments to support the staff recommended position.

In all but one instance, Glendale staff recommends concurring with the recommendation made by the subcommittee. Please see the information on Resolution #7 for information on the staff recommended position on that resolution.

Recommend Adoption

The subcommittee recommended that these resolutions be adopted and incorporated into the League's 2014 Legislative Agenda.

Number	Summary	Staff Recommended Position
1	Authorize street light improvement districts (SLIDs) to levy and expend money to repair, maintain and replace lighting facilities.	Support
2	Stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns and restore HURF funding to FY2008 levels.	Support
3	Pass legislation or engage in other activities that support and advocate for resources to improve Arizona's ports of entry with Mexico and related infrastructure.	Support
4	Support the long-term retention of Arizona's military installations.	Support

Recommend with Amendments

The subcommittee identified these resolutions as impacting municipalities, but will have amendments offered at the Resolutions Committee meeting. The resolutions on this list will be discussed, debated, and voted on individually. The subcommittee recommended adopting each of these resolutions after incorporating the recommended amendments.

#	Summary	Staff Recommended Position
5	DEVELOP AND PASS LEGISLATION TO MAKE THE REQUIREMENTS FOR ANNEXATION A MORE SIMPLE AND FLEXIBLE PROCESS.	Support w/Amendment
6	Prohibit fire districts from annexing areas inside a municipal planning area in counties of more than 500,000 persons without the consent of the municipality, unless the municipality does not operate a municipal fire department.	Support w/Amendment
7	Promote state legislation that grants legislative authority to cities and towns to freeze property tax levels on commercial and industrial zoned parcels that support speculative development at pre-improvement levels until such time as the developed property is in use FULLY LEASED.	Not Support
8	Amend A.R.S. Title 13 (Criminal Code) to include criminal damage by graffiti and ensure that restitution for graffiti includes all costs of a victim associated with graffiti abatement.	Support w/Amendment
9	DEVELOP AND PASS LEGISLATION TO ENSURE THE VIABILITY OF ARIZONA STATE PARKS, INCLUDING BUT NOT LIMITED TO ALLOWING MUNICIPALITIES TO ENTER INTO LONG-TERM LEASES OF STATE PARKS AND THE RESTORATION OF THE ARIZONA STATE PARK HERITAGE FUND.	Support w/Amendment
10	Include one representative from a large city along with one representative from a small non-metropolitan city on the Public Safety Personnel Retirement System Board of Trustees as well as the Arizona State Retirement Board.	Support w/Amendment

Not Recommended

The subcommittee recommended that these resolutions not be adopted for various reasons including that they may be too confined to one community, be contrary to core principles, or be out of line with agreements with other stakeholders.

#	Summary	Staff Recommended Position
11	Establish a mechanism enabling local governments to create renewable energy and conservation financing districts.	Not Support
12	Place reasonable limits on the frequency of requests for public records and on requests that are overbroad or abusive.	Not Support
13	Support implementing a pilot program to restrict trucks to the two right-most lanes when traveling on Arizona highways in urban areas with three or more lanes in each direction.	Not Support
14	Equalize the maximum tax credit and the timeframe allowed for collection of funds for qualified charitable organizations, private schools and public schools to qualify as a tax credit in any given year.	Not Support

Significant Municipal Issue (SMI)

The subcommittee recommended categorizing these resolutions as significant municipal issues. This category recognizes important issues to an individual city or group of cities, but does not require the League to seek legislation. Instead, the League may study the issues or work through state agencies to look for administrative solutions.

#	Summary	Staff Recommended Position
15	Change A.R.S. 34-603, which deals with alternative project delivery methods (APDM), to allow the use of “the final list in the procurement” until a contract for construction is entered into.	Support as SMI
16	Pass legislation that supports efforts to reduce the shortage of health care professionals in the state of Arizona.	Support as SMI
17	Grant municipalities the option of providing workers’ compensation benefits to employees of another agency when working under the municipality’s control or in its jurisdiction through an intergovernmental agreement or contract, especially as it relates to public safety personnel.	Support as SMI
18	Request that the Public Safety Personnel Retirement System review their actuarial assumptions with regard to salary increases and base assumptions on current historical actual.	Support as SMI

League Staff Recommendations

The following resolutions were recommended by League staff in an effort to enhance the 2014 Legislative Agenda. The Resolutions Subcommittee reviewed and recommended adopting both of the League staff recommended resolutions.

League #	Summary	Staff Recommended Position
1	Preserve the tax exempt status of municipal bonds	Support
2	Pass the Marketplace Fairness Act	Support



2014 *Proposed* Resolutions

**To be reviewed
by the Resolutions Committee
on August 27, 2013**

2014 Proposed Resolutions

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Subcommittee Recommends Adoption

Resolution #1

Amends statute to authorize street light improvement districts (SLIDs) to levy and expend money to repair, maintain and replace lighting facilities. Changes in statute should also allow a municipality the option to accept the infrastructure and maintenance responsibilities of county-operated SLIDs that are located within the municipality's corporate boundaries and authorize the municipality to assume jurisdiction over fully annexed county street light improvement districts.

Submitted by: City of Scottsdale, City of Apache Junction, City of Casa Grande

A. Purpose and Effect of Resolution

A street light improvement district (SLID) is a special taxing district created by the legislature in 1971 as a mechanism for residents to integrate street lights and pay the energy costs of street lights in their neighborhoods (§48-960).

Operation and Maintenance – Under current state law, SLIDs are only authorized to levy for payment of street light energy costs — *operation and maintenance* costs are not included. As a result, SLID operation and maintenance costs are paid by all municipal taxpayers — rather than by those who directly benefit from the street light infrastructure in their districts. Legislation should seek changes to current law to allow operation and maintenance costs to be included in the levy in addition to energy costs. In addition, municipalities should be allowed to create master repair and replacement funds for SLIDs.

Consolidation – The current process for a municipality to absorb a non-municipal SLID is a piecemeal process that is costly and time consuming. Changes to statute will facilitate a simple one-time process that will allow a municipality to consolidate all of the SLIDs that exist within its corporate boundaries. These provisions would apply statewide — allowing other cities and towns to facilitate consolidation if they so choose.

B. Relevance to Municipal Policy

SLIDs are prevalent across the state. A uniform process that allows cities and towns to recoup maintenance costs for maintaining these districts and allow for the consolidation of the districts will provide long-term financial benefits and better cost forecasting to municipalities.

C. Fiscal Impact to Cities and Towns

Cities and towns that currently provide maintenance of SLID streetlight infrastructure (rather than the utility) would realize general fund savings as reimbursement of those maintenance costs become available.

D. Fiscal Impact to the State

There would be no fiscal impact to the state.

E. Contact Information

<u>Name: Brad Lundahl</u>	<u>Title: Government Relations Director</u>
<u>Phone: 480-312-2683</u>	<u>Email: blundahl@scottsdaleaz.</u>

Reviewed by: Finance, Transportation, IGP

Staff Recommendation: Support

Comments: Staff supports expanding a SLID's authority to include levying taxes for operations and maintenance costs and allowing municipalities to assume jurisdiction of a pre-existing SLID following any annexations.

Resolution #2

Urges the Arizona State Legislature to stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns and to restore HURF funding to FY2008 levels.

Submitted by: City of Yuma, Town of Wickenburg, City of Sedona, City of Kingman, City of Lake Havasu City, City of Apache Junction, Town of Fountain Hills, City of Flagstaff, City of Sierra Vista

A. Purpose and Effect of Resolution

HURF funds come from a number of sources, including use fuel taxes, motor carrier fees, vehicle license taxes and motor vehicle registration fees. Statutes provide a method of distributing these funds among the state, counties and municipalities for the purpose of construction, improvements and maintenance of streets and roadways within their jurisdictions. The state has swept portions of these revenues each year since FY2008, mainly to support the Arizona Department of Public Safety (DPS). These sweeps affect every municipality and county in the state. As a result of these sweeps, more than 38 percent of Yuma’s major roadways are in poor or below average condition. Delayed maintenance on streets has caused many streets to now need total replacement, at a much greater cost. The poor condition of transportation infrastructure is a detriment to attracting new commerce and industry.

In addition to the direct impact on cities and towns’ streets and roadways, this slowdown and halt of street construction and maintenance has cost jobs. The Arizona chapter of the Associated General Contractors estimated in 2011 that an estimated 42,000 jobs have been lost due to the lack of highway construction. This loss has had a negative impact on the economic viability of the state.

B. Relevance to Municipal Policy

The longer the attention to street maintenance is neglected, the more costly it becomes to bring streets up to even average condition. Many Arizona counties, cities and towns experience a significant rise in population during the winter months. The declining street infrastructure negatively affects the state’s tourism industry and makes other warm states more attractive to these visitors.

C. Fiscal Impact to Cities and Towns

The sweeps have touched every county, city and town in Arizona. There are no replacement revenues for cities to tap. As maintenance is delayed, the cost rises. Restoring full HURF funding to local jurisdictions will allow much needed street replacement, repair and maintenance.

D. Fiscal Impact to the State

Reinstating the statutory distribution of HURF monies, including the funds to be allocated to DPS pursuant to statute, may require the state find other sources of revenue for DPS.

E. Contact Information

Name: Connie S. Scoggins Title: Assistant City Attorney
Phone: (928) 373-5055 Email: Connie.Scoggins@yumaaz.go

Reviewed by: Financial Services, IGP

Staff Recommendation: Support

Comments: Preserving all funding sources should continue to be a priority. Allowing Highway User Revenue Funds (HURF) to be distributed at the intended levels without being swept into the state’s General Fund is necessary to maintaining, enhancing and expanding the critical transportation infrastructure in Glendale.

Resolution #3

Urges the Governor and the Arizona State Legislature to develop and pass legislation or engage in other activities that support and advocate for resources to improve Arizona’s ports of entry with Mexico and related infrastructure in order to enhance international trade and improve the global competitiveness for Arizona with Mexico.

Submitted by: City of Sierra Vista, City of Yuma, City of Bisbee

A. Purpose and Effect of Resolution

Mexico is Arizona’s top trading partner. Our shared border is the gateway for \$26 billion worth of imports and exports and 44 million people (crossings) each year. Mexican visitors spend approximately \$7.3 million each day in Arizona, providing an annual impact of \$2.3 billion. Trade with Mexico supports six million jobs in the U.S. and tens of thousands jobs in Arizona. In addition, Mexico is now the third-ranked commercial partner of the U.S. and the second largest market for U.S. exports.

Despite this wealth of opportunity, recent studies show that competing border states such as Texas are far outpacing Arizona when it comes to developing trade relations with Mexico. While Arizona exports to Mexico totaled about \$5.7 billion in 2011, in Texas the total was \$87 billion. Mexico is the 13th largest economy in the world, and in 2010, Mexico invested an unprecedented five percent of its Gross Domestic Product (GDP) in infrastructure.

Arizona’s ports of entry face significant challenges, including aging infrastructure and an often inadequate number of customs and border protection agents needed to staff them. A heavy focus on security has impacted the tourism industry by diverting investments from needed improvements and leaving a multibillion dollar deficit in border infrastructure. For example, while investments of \$200 million into the expansion to the Nogales port of entry are progressing, no funding is allocated at this time (pending completion of appropriate studies and reviews) toward improving Arizona State Route 189, which connects the Mariposa Land Port of Entry to I-19. The U.S. General Services Administration (GSA) describes the Mariposa Land Port of Entry as “... one of the United States’ busiest land ports ... serving as the main entry point for fresh produce entering from Mexico ...”

With 23 million northbound visitor border crossings and 373,000 northbound truck crossings, long waits at the border and congestion north of our ports of entry suppress economic development. In addition, greater emphasis is needed to upgrading southbound passenger vehicle and pedestrian crossings. And with significant public safety concerns arising from the 602 train crossings annually, there is clearly a need to develop an alternative to Arizona’s sole rail port of entry in Nogales in order to respond to increasing manufacturing and sea port expansions in Mexico. According to the Arizona State University North American Center for Transborder Studies, needed enhancements include staffing, technology, infrastructure and communications.

Through the League of Arizona Cities and Towns, Arizona's cities and towns should unite in support of legislation or other policies that will enhance international trade and improve the global competitiveness for Arizona with Mexico, which is the 13th largest economy in the world and the state's number one trading partner.

B. Relevance to Municipal Policy

The vast majority of the economic benefit generated by trade passing through Arizona's ports of entry is realized within the state's cities and towns. For example, nearly half (43%) of all of the winter produce consumed in the United States comes through the Nogales port of entry. Along with produce, which makes up 28 percent of Arizona imports from Mexico, other major commodities include electrical machinery and equipment (18%); machinery and mechanisms (12%); edible fruits and nuts (11%); vehicles (6%); and optical, photographic and cinemagraphic equipment (4%).

The logistics centers, warehousing and distribution facilities, and value-added manufacturing facilities for these commodities are located primarily within the state's cities and towns, along with the associated sustainable wage jobs that are created as a result of this economic activity. The economic multiplier effect that these jobs create adds to the prosperity in these communities and enhances tax revenue at a time when every dollar of local revenue is even more precious to cities and towns. Enhancing trade opportunities with Mexico will only further stimulate the economies in Arizona's cities and towns.

C. Fiscal Impact to Cities and Towns

As described above, enhancing international trade and improving the global competitiveness for Arizona with Mexico will have a positive fiscal impact to cities and towns.

D. Fiscal Impact to the State

Similarly, supporting the requested legislation and policies will have a positive fiscal impact to the state and will further diversify our economic base. Failure to do so will sustain the advantage that other border states currently enjoy over Arizona.

E. Contact Information

<u>Name: Mary Jacobs</u>	<u>Title: Assistant City Manager</u>
<u>Phone: 520-458-3315</u>	<u>Email: Mary.Jacobs@SierraVistaAZ.gov</u>

Reviewed by: Economic Development, IGP

Staff Recommendation: Support

Comments: Mexico is an important trading partner to Arizona and the rest of the United States. Improving the ports of entry along the Arizona-Mexico border can further economic development opportunities throughout the state.

Resolution #4

Urges the Governor and the Arizona State Legislature to develop and pass legislation that supports the long-term retention of Arizona’s military installations and provides opportunities to use the synergies connected to the military operations in the attraction of new or expanded governmental and non-governmental missions or businesses.

Submitted by: City of Sierra Vista, City of Yuma, City of Bisbee

A. Purpose and Effect of Resolution

Arizona’s military sector is an essential component of the state economy and most local economies within the state. There are five major military installations in Arizona, plus four principal National Guard operations. According to a 2008 report by the Maguire Group, commissioned by the Arizona Department of Commerce at the time, it is conservatively estimated that this sector produces over 96,000 direct, indirect and induced jobs in the state, with over \$9.1 billion in economic impact.

The Maguire report further quantified the amount of revenue Arizona’s military installations contribute directly to state and local governments at just over \$400 million annually, split nearly evenly between the two. In general, jobs connected to the military are especially valuable to the Arizona economy because they are largely unaffected by routine economic cycles, which means revenues associated with their presence are more stable.

The Maguire report noted “Arizona would do well to guard this economic asset and preserve its viability.” It further stated, “Maintaining these operations and the jobs and economic output they support should be a priority of state and local government.”

Support from Arizona’s local governments, through the League of Arizona Cities and Towns, for legislation that could enhance military effectiveness or protect against efforts to erode military missions is critical in the state’s long term success retaining Luke AFB, Davis-Monthan AFB, Fort Huachuca, Marine Corp Air Station Yuma and the Yuma Army Proving Ground.

Arizona’s cities and towns must be unified in their support for the military, working together to identify opportunities to demonstrate that support through such things as encouraging officials from state and local government to elevate needs identified by military installations for legislative action; supporting the continued activity and existence of the Governor’s Military Affairs Commission; supporting funding for economic development efforts at the state level to attract new/expanded military and military-connected missions and businesses; encouraging the use and continued funding of the Military Installation Funds (MIF) to help mitigate encroachment; and supporting legislative proposals regarding state land transfers to reduce potential encroachment around military installations.

B. Relevance to Municipal Policy

At a time in which every dollar of local revenue is even more precious to cities and towns, municipalities must guard against inadvertent or blatant measures that could jeopardize existing military installations and the over \$200 million it directly contributes to local government. Encroachment is a major issue across the state, and is not only associated with new subdivisions. Water use, electromagnetic interference, lighting, airspace and other issues can ultimately affect military missions, or could result in the state's five major bases not being considered for realigned missions in the future.

The Maguire study excluded military-related businesses such as Raytheon, Boeing and those associated with the redeveloped Williams Center in Gilbert, which take advantage of synergies with the state's military community but separately add hundreds of millions more in economic impact to the state and local economies. But if the military missions are not retained, then opportunities to grow or expand these types of businesses, and the resulting impact on the state and local economy, could be missed.

C. Fiscal Impact to Cities and Towns

Failure to protect such a valuable asset to the state will have a direct and potentially devastating effect on local government. The military industry directly contributes approximately \$200 million in tax revenues annually to local government alone.

D. Fiscal Impact to the State

Similarly, Arizona's military installations contribute about \$200 million in revenue annually to the state government. Any loss of missions could erode that revenue, as well as impact future expansion opportunities for both military and non-military missions.

E. Contact Information

Name: Mary Jacobs

Title: Assistant City Manager

Phone: 520-458-3315

Email: Mary.Jacobs@SierraVistaAZ.gov

Reviewed by: Economic Development, Planning, IGP

Staff Recommendation: Support

Comments: Luke Air Force Base is an asset to Glendale and the rest of Arizona. This resolution promotes municipal support of all military installations throughout the state and their respective missions.

Subcommittee Recommends Adoption with Amendments

Resolution #5

(Represents 2 resolutions that were merged together)

DEVELOP AND PASS LEGISLATION TO MAKE THE REQUIREMENTS FOR ANNEXATION A MORE SIMPLE AND FLEXIBLE PROCESS.

Submitted by: Town of Oro Valley, City of Bullhead City, Town of Marana, City of Yuma, Town of Wickenburg

A. Purpose and Effect of Resolution

The annexation process is cumbersome and needs examination. This resolution proposes to advocate for reasonable solutions to the annexation dilemma.

Certain problems arise in the process of annexation. Excessive signature requirements are a deterrent. Cities and towns are required to obtain signatures from utility companies, and other entities, that do not own real property in the proposed annexation area. Cities and towns are also required to meet an assessed valuation threshold; but when they do not levy a property tax, the value of the property is irrelevant.

In addition, over time cities created county islands by annexing around the areas that did not meet the minimum signature requirements to become part of a city. The result is that there are pockets of non-incorporated areas dotted throughout cities. The unintended consequence of this action is that these county islands do not receive the same level of public services as property as close as next door. Property owners should receive services for taxes paid, and unincorporated area residents buy goods and services in cities and towns but do not receive police protection and other basic urban services. County services address the needs of largely rural areas and do not generally meet the needs of these urban areas.

The League, interested members and other stakeholders should convene to discuss these problematic areas and design legislation that will enhance the annexation process without undue burden to any one party.

B. Relevance to Municipal Policy

Statutes regarding municipal annexation have become more complicated over time. Simplifying the annexation process is good policy, allowing cities and towns to provide important urban services within their boundaries. Annexation also fosters civic engagement in the democratic process and a sense of shared responsibility for our communities. Residents living in unincorporated areas are affected by decisions made by cities and towns, yet they have no voice in the governing process.

C. Fiscal Impact to Cities and Towns

Reducing the unincorporated population is a key strategy for cities and counties to maintain fiscal stability. Annexation allows cities and towns a way to expand their retail sales tax base, providing greater fiscal stability. This increased governance capacity ensures that cities and towns are able to provide adequate services to all Arizona citizens.

If legislation moves forward that allows greater flexibility in annexing county islands, it would be up to cities and towns themselves to determine when and if they annex these areas. Those communities that choose to move forward will need to extend their services to newly annexed areas. Those costs would be different for each community. But nothing in the legislation should require a city or town to annex county islands if they feel they cannot provide services.

D. Fiscal Impact to the State

There is no fiscal impact to the state when it comes to which local government provides local services. Minor adjustments in state-shared revenues would be made based on population changes, but it would be a reshuffling of the total allocation, not an increase in state revenues to local government. Eliminating barriers to annexation would also encourage economic development, which would ultimately result in increased revenue to the state.

E. Contact Information

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<u>Name: Connie S. Scoggins</u>	<u>Title: Assistant City Attorney</u>
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Reviewed by: Planning, IGP

Staff Recommendation: Support w/amendments

Comments: This resolution attempts to remove some of the barriers to annexation which in turn will improve the ability of cities to deliver services. Since 2002, the City of Glendale has substantially decreased the size of county islands in the city's municipal planning area. The proposed changes would allow for the existing county islands to be further reduced at the appropriate time.

Resolution #6

Resolves that the Arizona State Legislature should amend Title 48 to prohibit fire districts from annexing areas inside a municipal planning area ~~in counties of more than 500,000 persons~~ without the consent of the municipality unless the municipality does not operate a municipal fire department.

Submitted by: City of Peoria, City of Surprise

A. Purpose and Effect of Resolution

Fire district annexations in municipal planning areas that occur without the consent of the municipality result in duplicity of services and facilities. Cities and towns engage in long-term capital planning to serve their entire planning area and are required to do so by state law. Fire districts may seek to annex such areas without regard for the city or town’s plan, solely to obtain revenue. Taxpayers are left paying for facilities they may not need.

B. Relevance to Municipal Policy

This is a problem in rapidly growing cities, primarily in those located in the urban areas of the state. When fire districts annex without regard to municipal plans, a city or town and its residents incur additional costs. The proposed legislation treats these annexations as other intergovernmental annexations, which require that governments consult and agree.

C. Fiscal Impact to Cities and Towns

This change would reduce wasteful spending caused by duplicative facilities.

D. Fiscal Impact to the State

None is anticipated.

E. Contact Information

<u>Name: John Schell</u>	<u>Title: Director, Intergovernmental & Council Affairs</u>
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Reviewed by: Finance, Fire, IGP

Staff Recommendation: Support w/amendments

Comments: This resolution would require a fire district to seek the consent of a city prior to annexing any areas within the municipal planning boundary. Staff feels this consultation requirement is appropriate, will help to avoid unnecessary investments, and will lead to more efficient service planning for those residents both inside and outside of city limits.

Resolution #7

Promotes state legislation that grants legislative authority to cities and towns to freeze property tax levels on commercial and industrial zoned parcels that support speculative development at pre-improvement levels until such time as the developed property is ~~in use~~ FULLY LEASED.

Submitted by: City of Lake Havasu City, City of Bullhead City, City of Kingman

A. Purpose and Effect of Resolution

Many Arizona communities lack standing inventory of ready-to-occupy commercial buildings that businesses looking to relocate to the state are seeking. This legislation would incentivize speculative commercial building by removing the property-tax-related financial pressure of investing in a commercial parcel that may stand vacant for an unpredictable period of time.

B. Relevance to Municipal Policy

Having the ability to freeze all ad-valorem taxes on commercial and industrial properties that support speculative construction allows municipalities to increase the inventory of ready-to-occupy structures that many businesses looking to locate to Arizona are asking for. By relieving a portion of the tax-related financial stress associated with speculative building, communities will increase the offering of available structures for immediate commercial use, and the communities, builders and the state will enjoy the economic benefits of the added construction and related jobs, as well as the long-term economic benefits related to the business enterprises it will attract.

C. Fiscal Impact to Cities and Towns

There is no fiscal impact to cities and towns that do not choose to exercise this provision. Those that are successful in inducing speculative commercial construction by offering this provision will experience positive fiscal results from the construction. Those communities will also be better positioned to attract a business that is looking to relocate but not ready or willing to build. Freezing the ad-valorem property taxes on the developed property until such time as it goes into use does not reduce tax collections by cities, towns, schools and special taxing districts. The provision simply defers the higher taxes that would otherwise be based on the increased value of the property until such time as the property is placed into productive use.

D. Fiscal Impact to the State

The state will benefit from the construction-related tax revenues and the subsequent commercial or industrial enterprise that is later generated by the availability of real inventory. There are no fiscal impacts to the state related to the deferral of ad-valorem property taxes because such taxes are only assessed at the local level.

E. Contact Information

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Title: City Manager, Lake Havasu City

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Reviewed by: Economic Development, Finance, IGP

Staff Recommendation: Not support

Comments: There is nearly a 20% vacancy rate in the Valley for office space currently. Those buildings are currently paying property taxes. A property tax incentive to encourage new office/industrial construction will disadvantage the existing office space and make that space more difficult to lease/sell. There is no doubt a need for new construction in the more rural parts of Arizona and this approach might be beneficial to those areas. However, it does not make sense to incentivize new construction in the urban areas when there is a fairly high existing vacancy rate and competitively disadvantaging those buildings in favor of incentivizing new construction.

Resolution #8

Amends A.R.S. Title 13 (Criminal Code) to ~~include eriminal damage by graffiti~~ and ensure that restitution for graffiti includes all costs of a victim associated with graffiti abatement.

Submitted by: City of Yuma, Town of Wickenburg, City of Apache Junction, City of Flagstaff

A. Purpose and Effect of Resolution

Graffiti is a continuing and fast-growing problem for cities and towns. The level of punishment for individuals committing illegal acts of graffiti is a difficult and complex issue. Abatement of graffiti and apprehension and prosecution of the perpetrator is costly to cities and towns, and these costs are seldom, if ever, recovered. Arizona statutes allow prosecution of graffiti under the criminal code as criminal damage. Because graffiti is such an immediate and growing problem on both public and private property, it needs to be addressed in statutes setting forth stricter penalties for graffiti.

Restitution ordered by the court for graffiti offenses should include the full amount of damages to the victim. This means a victim, as a matter of law, would be entitled to the full, reasonable reimbursement for the amount paid to a third-party contractor to abate graffiti damage to his or her property, or, alternatively, if the victim abates the graffiti damage without retaining a third-party contractor, the victim should be entitled to full, reasonable compensation for his or her time spent abating the graffiti, for reimbursement of the costs of all materials used to abate the graffiti and for vehicle mileage or vehicle rental fee for vehicles the victim used to abate the graffiti.

As it stands now, some courts have been reluctant to award the full amount of damages as restitution when the victim is a private company, a municipality or other government agency that uses its own employees and equipment to abate graffiti damage. Additionally, a community service component could be added to the penalty, as done in New Mexico and California, which would provide even greater disincentives, especially if the community service involved cleaning up graffiti.

B. Relevance to Municipal Policy

The physical appearance of communities is a source of pride for Arizona cities and towns. It is one of the factors that attract people to visit or relocate to an area. While graffiti was once limited to older and deteriorating communities or facilities, it has become prevalent in all areas of cities, regardless of age, appearance, use or value. Despite the penalties for selling instruments of graffiti to minors enacted in the last few years, the number of incidents and the extent of damages have continued to increase. Stiffer penalties are needed to deter the rising tide of this vandalism.

C. Fiscal Impact to Cities and Towns

Graffiti abatement in fiscal year 2012-2013 has so far cost the city of Yuma \$117,645, despite a policy to aggressively pursue restitution from the courts. The costs to Yuma are high. Therefore, it would follow that statewide costs may be in the millions of dollars. Increasing the penalties for criminal damage may deter graffiti vandals and reduce the number of incidents and the extent of damages, thereby reducing costs of abatement. Any additional revenue generated from the stronger penalties could be directed to reduce the costs to cities and towns for abatement. Also, if violators are required to perform community service, they would be able to witness the consequences their actions have on the community.

D. Fiscal Impact to the State

Because graffiti may also occur on state-owned properties, abatement costs to the state could be reduced.

E. Contact Information

Name: Connie Scoggins	Title: Assistant City Attorney
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Reviewed by: Attorney, Field Ops, Police, IGP

Staff Recommendation: Support w/amendment

Comments: This resolution seeks to allow a city to recover all the costs associated with graffiti abatement including staff time, materials, and travel mileage. Staff supports this effort to recoup costs and create an increased deterrent to graffiti.

Resolution #9

(Represents 2 resolutions that were merged together)

DEVELOP AND PASS LEGISLATION TO ENSURE THE VIABILITY OF ARIZONA STATE PARKS, INCLUDING BUT NOT LIMITED TO ALLOWING MUNICIPALITIES TO ENTER INTO LONG-TERM LEASES OF STATE PARKS AND THE RESTORATION OF THE ARIZONA STATE PARK HERITAGE FUND.

Submitted by: City of Yuma, City of Kingman, City of Lake Havasu City, City of Sierra Vista, City of Sedona, Town of Camp Verde, Town of Jerome, City of Somerton, Town of Oro Valley, City of Cottonwood, City of Flagstaff, Town of Clarkdale

A. Purpose and Effect of Resolution

When the state became unable to fully support of its parks, local governments and non-profit groups in Arizona stepped up to the plate and entered into short-term agreements to operate and maintain the parks in or near their jurisdictions so Arizona residents and visitors could continue to enjoy the rich recreational experiences that state parks provide. These agreements have proven to be successful. Part of this resolution asks the state to continue and expand this partnership with local jurisdictions on a long-term basis and to provide a dedicated funding mechanism to support the parks.

Making the current partnerships sustainable in the long-term and increasing the number of partnerships will make the entire park system more viable over time. Further utilization of partnerships (non-profit, public and private) will necessitate assured financial support from the state, local governments and non-profits.

Another essential component of this resolution is the restoration of The Arizona State Parks (ASP) Board Heritage Fund, established in November 1990 by voter initiative. This fund provided up to \$10 million annually to Arizona State Parks from Arizona Lottery proceeds (A.R.S. § 41-503).

Since 2009, sweeps of the Heritage Fund resulted in the discontinuation of the Heritage Fund Grant Programs due to lack of funding. The Heritage Fund Grant Programs were an important source of funding to cities and towns for their ability to enhance and expand local park sites.

Not only were the remaining Heritage Funds eliminated — funds that were used for capital improvements to Arizona State Parks — but the legislature fully repealed the funding mechanism for Heritage Funds through the repeal of authorizing statutes A.R.S. § 41-501, 503 and 504 effective on July 1, 2011. The FY12 state budget swept the remaining \$2,090,000 of the Enhancement Fund, which eliminated the amount available for capital programs and left ASP with no capital funds available to repair structural emergencies. Without reauthorization of the related statutes, there is no vehicle to appropriate funds, and the future of not only local funding but the entirety of Arizona State Parks hangs in the balance. The inability

to fund needed capital improvements, or even emergency repairs, puts ASP in a dangerous financial position.

This resolution will assure that state parks remain open to the public as a recreational, environmental and cultural benefit that supports and generates tourism and provides important revenue not only to local but also to regional and statewide economies. In addition, the availability of the state parks system will continue to provide a high quality of life for Arizona residents and serve as an attraction to new residents.

B. Relevance to Municipal Policy

State parks are essential to the rural economies and people of Arizona, and the continued threat to their operation leaves a continued threat to the still weak local economies in rural Arizona. In addition, Arizona's natural environment, including access to the environment through state parks across the state, draws millions of tourists to Arizona, benefiting every entity that relies on tourism as part of its economy.

Approval of this resolution and resulting policy changes would provide vehicles for funding to continue the ability of municipalities and the state to provide and enhance the conservation of our state's natural, cultural and historic resources.

C. Fiscal Impact to Cities and Towns

Visitors' expenditures combined with their direct and induced impacts resulted in \$21,171,627 in federal government taxes and \$22,762,326 in state and local government taxes. The total tax impact of Arizona State Park visitors in 2007 was \$43,933,953.

Reenactment of Arizona Heritage Fund appropriations would have a significant positive impact on recreational opportunities, environmental education for the K-12 curriculum and enrichment for educators, grants and research, and response to and help with ameliorating human-wildlife conflicts in urban areas. It also positively impacts the viability of state parks as the sweep of funds has left ASP without funds for capital improvements or for any structural emergency. The loss of Heritage Funds has a direct impact on cities and towns due to the economic impact of state parks.

D. Fiscal Impact to the State

The economic benefit of the state park system is statewide. Calculated at the state level for FY07, the total economic impact of Arizona State Parks (direct, indirect and induced) on the state was \$266,436,582. This total state income resulted in 2,397 direct jobs and 950 indirect jobs for a total of 3,347 jobs statewide. The jobs provided were generated directly, through state park employment, but also indirectly, through the tourism industry that is supported and enhanced by the existence of state parks.

(Economic figures cited are from “The Economic Impact of Arizona State Parks 2007” study prepared by The Arizona Hospitality Research & Resource Center, Center for Business Outreach and The W. A. Franke College of Business, Northern Arizona University, in February 2009.)

Reenactment of Arizona Heritage Fund appropriations would have a fiscal impact to the state of up to \$10 million annually.

E. Contact Information

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Reviewed by: Finance, Parks, IGP

Staff Recommendation: Support

Comments: State Parks are a vital part of some local economies and municipalities should be allowed to participate in the operations and maintenance of those parks if they believe it beneficial to do so. Additionally, Glendale Parks have benefited from Heritage Funds in past years and preserving all funding sources should continue to be a priority.

Resolution #10

Requests that A.R.S § 38-848.3 and A.R.S § 38-713, subsection A, paragraph 1, subdivision (b) be amended so that the Public Safety Personnel Retirement System Board of Trustees ~~as well as the Arizona State Retirement Board~~ include one representative from a large city along with one representative from a small non-metropolitan city.

Submitted by: City of Sierra Vista, Town of Wickenburg, City of Bisbee

A. Purpose and Effect of Resolution

This resolution seeks to ensure that both large and small cities have a representative on the Public Safety Personnel Retirement System (PSPRS) Board of Trustees as well as the Arizona State Retirement System (ASRS) Board. Small municipalities in the state are being impacted by the decisions being made to reform PSRS and ASRS. Including members from a large and a small city on the boards will allow a boarder perspective on discussions as they relate to proposed changes to the systems.

B. Relevance to Municipal Policy

This resolution’s impact to cities and towns is that it would improve the discussion and ensure representation on the PSPRS Board of Trustees as well as the ASRS Board.

C. Fiscal Impact to Cities and Towns

This resolution has no fiscal impact to cities and towns.

D. Fiscal Impact to the State

This resolution has no fiscal impact to the state.

E. Contact Information

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Reviewed by: Fire, HR, Police, IGP

Staff Recommendation: Support w/amendment

Comments: Staff supports the inclusion of cities of varying sizes to ensure that policy decisions are made with a holistic discussion and understanding of the impact on different types of municipalities.

Subcommittee Not Recommended For Passage

Resolution #11

Requests and encourages the Arizona State Legislature to establish a mechanism enabling local government to establish renewable energy and conservation financing districts. In addition, encourages the Arizona State Legislature to identify and define energy efficiency, renewable energy and water conservation as a public benefit that enhances the public good and promotes the health, safety, prosperity, security and general welfare of the community.

Submitted by: City of Flagstaff, City of Tucson, Town of Payson

A. Purpose and Effect of Resolution

Renewable energy and conservation financing district authority would enable local government to create a financing mechanism to provide upfront funds to commercial property owners for energy efficiency, renewable energy and water conservation improvements. Property owners can opt in to finance energy efficiency improvements, renewable energy installation and water conservation improvements on their property and repay financing through a property assessment. Energy efficiency, renewable energy and water conservation create an opportunity to utilize our nation's resources wisely and secure reliable, clean and safe energy. In the current economic climate, the upfront financial commitment necessary to implement energy efficiency, renewable energy and water conservation improvements is often a barrier for property owners. A voluntary renewable energy and conservation financing district can remove these barriers.

In Arizona, energy efficiency, water conservation and renewable energy financing programs have significant potential to stimulate the state's economy, create jobs and transition residents to sustainable energy use and production. Such programs can deliver benefits beyond energy independence, including new sources of workforce stabilization and development, increased value and comfort of buildings, protection from increasing energy costs, and enhanced community awareness.

Energy efficiency, water conservation and renewable energy financing programs have been developed in numerous communities across the nation. At least 30 states have passed enabling legislation that allows local government to establish property assessed energy efficiency, water conservation and renewable energy financing districts; defines energy efficiency, water conservation and renewable energy as a public benefit; and grants the authority to issue bonds. The federal government currently encourages the installation and use of renewable energy through a series of federal tax incentives and credits. Arizona also has several tax incentive-based programs to encourage the production of renewable energy. These incentives collectively make renewable energy projects more affordable after installation but do little to address the upfront financial commitment.

Improving the energy efficiency of existing structures and deploying renewable energy installations supports adopted Arizona House Bill 2638 (2007), which requires towns, cities and counties with a population greater than 150,000 to adopt an energy element in their planning

policies that will encourage and provide incentives for the efficient use of energy and requires that community general plans contain an assessment identifying policies and practices that will provide for greater use of renewable energy sources.

This resolution also supports the efforts of Arizona regulated utilities to meet the Arizona Corporation Commission’s Renewable Energy Standard, which requires that 15 percent of their energy generation come from renewable resources by 2025.

B. Relevance to Municipal Policy

This resolution would support municipalities that choose to promote energy efficiency, renewable energy and water conservation practices within their communities. Many Arizona communities are working to improve the efficiency of existing building stock in the residential and commercial sectors to promote sustainability and help protect community members from rising energy costs.

C. Fiscal Impact to Cities and Towns

Renewable energy and conservation financing district authority would allow local governments to proactively provide a mechanism for property owners to decrease their fossil fuel use and increase energy cost savings. Energy efficiency, renewable energy and water conservation financing programs can remove upfront financial barriers for property owners who would like to develop energy efficiency, renewable energy and water conservation projects. With enabling legislation, local governments could voluntarily elect to establish an energy efficiency, renewable energy and water conservation financing program, and participation in the program would be completely voluntary for interested property owners. There would be no fiscal impact on the city or town.

D. Fiscal Impact to the State

There are no fiscal impacts to the state. Energy district authority would allow for opt-in energy efficiency and renewable energy financing programs at the fiscal responsibility of the property owner.

E. Contact Information

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Reviewed by: Environmental Services, Finance, IGP

Staff Recommendation: Not support

Comments: In recent years cities' current ability to create and participate in special financing authorities has been threatened by the Legislature and the restriction of these economic development tools is likely to be a topic of legislation next session. For these reasons, staff agrees with the subcommittee's recommendation not to move forward with seeking an expansion of authority at this time.

Resolution #12

Urges the Arizona State Legislature to amend A.R.S. § 39-121.01 to place reasonable limits on the frequency of requests for public records and on requests that are overbroad or abusive. Such limitations mainly include limiting the numbers of requests from individuals or groups that tie up personnel and resources at a significant cost and which also result in citizens who need information having to wait extended periods of time behind these abusive requestors.

Submitted by: City of Yuma, City of Apache Junction

A. Purpose and Effect of Resolution

This resolution seeks amendments to public records access laws to discourage frequent or abusive requests while facilitating and maintaining timely and complete access to requests from media and non-abusive citizens.¹

Municipalities receive and process thousands of requests for public records each year. Most of these requests are reasonable, coming from the media and persons who may or may not make other requests but who seek specific and limited information. These requests in many cases are taking a back burner to other “machine gun” requests that stack up, needlessly tying up staff and resources and causing a delay in responding to other public records requests from media and citizens. “Machine gun” requests and request “stacking” by individuals require significant and disproportionate amounts of staff time to locate, review, redact and prepare voluminous amounts of documents or materials from multiple departments for review and/or copying. In many cases the public records are not even reviewed or picked up or are barely given a look through. These requests basically create unnecessary work for local employees.

Some of these requests are overbroad, such as requests for “all documents, email, memoranda, etc., pertaining to the city action ...” These documents can cover many years, require production of hundreds or thousands of documents, and involve research and review by several city departments. Again, some of these are never looked at. As an example, Yuma has received 46 requests in 44 business days from a single individual, including 9 filed in one day, while 25 previously filled requests waited to be reviewed from the same individual.

Municipalities also receive and process numerous requests for public records from only a few individuals. For example, in Yuma, one individual is responsible for the following statistics:

<u>Year</u>	<u>Number of requests</u>
2008	114
2009	120
2010	85
2011	155
2012	81
2013 (through May 20)	56 ²

¹ Nothing in this resolution is intended to limit media access to public records.

We are requesting amendment of Title 39 to give municipalities authorization, in certain instances, to place reasonable restrictions to the number or frequency of requests made by a single individual and to limit certain requests such as those with a broad scope or that cover an extensive time period to allow cities to both comply with the spirit and intent of public records laws while discouraging “machine gun,” overbroad or abusive requests. This will maintain access for all and maintain a proper access for those non-abusive requests. We believe a reasonable restriction would be 5 requests per month and 20 per year. “Machine gun” requests would be handled one or two at a time with a municipality not being required to fill additional public records request from the same person until all previous requests from that individual have been viewed or pick up. Additional requests beyond these numbers would still be filled; however, the taxpayer would not have to continue bear costs of over-burdensome requests. If requests from an individual exceed 5 per month or 20 per year, a municipality would be allowed to recover full manpower time, costs and materials from the individual requestor.

B. Relevance to Municipal Policy

Transparency is an essential component of a responsive representative government. Cities and towns endeavor at all times to be open, accessible and responsive to their citizens. Making records available for inspection by the public and the media is important to maintaining transparency and trust in government. Most citizens and the media are conscientious and purposeful in their requests. However, requests by a few individuals which are overbroad or abusive and require disproportionate amounts of city-wide staff time do not further the goal of transparency and will hurt citizen access to and availability of public records.

C. Fiscal Impact to Cities and Towns

Cities will still respond to public records requests in the spirit of transparency and openness in government. Allowing cities some relief from abusive public records requests or to identify potentially abusive practices will free staff to perform other governmental functions.

D. Fiscal Impact to the State

There will be no fiscal impact to the state. However, an amendment could include public records requests of the state, which will result in savings.

E. Contact Information

Name: Connie Scoggins Title: Assistant City Attorney
Phone: (928) 373-5055 Email: Connie.Scoggins@YumaAz.gov

Reviewed by: Attorney, Clerk, Marketing, IGP

Staff Recommendation: Not support

Comments: Staff believes that this could be viewed as an attempt to reduce transparency for the public. The City works directly with entities that submit broad requests in order to achieve further clarity and to provide the information in a timely manner.

² This number represents total requests received year to date, 46 percent of the way through the current year.

Resolution #13

Urges the Arizona State Legislature to support implementing a pilot program to restrict trucks to the two right-most lanes when traveling on Arizona highways in urban areas with three or more lanes in each direction.

Submitted by: City of Apache Junction, City of Douglas, City of Bullhead City, City of Sedona, City of Sierra Vista

A. Purpose and Effect of Resolution

The purpose of this resolution is to improve traffic mobility, improve safety and facilitate the flow of goods on freeways in Arizona’s busy urban areas. An initial step is to implement a pilot program to determine and compare the feasibility, impacts and effectiveness of restricting trucks to operating only in certain lanes on highways in urban areas that have three or more lanes in each direction, that have a moderate or high level of truck traffic, and that do not have left-hand exits. The lane restrictions would apply to “trucks” as defined by Arizona state law. Trucks would be restricted to the two right-most lanes, leaving one lane for truck-free operation; however, the resolution would assure that trucks will always have access to at least two lanes.

Demand for trucking services continues to increase. According to statistics available from the Bureau of Transportation Statistics (BTS), trucking accounts for an estimated 70 percent of the total value, 60 percent of the weight, and 34 percent of the ton-miles of freight moved in the U.S (BTS, 2006). In addition, between 1980 and 2020, truck travel is predicted to increase by over 90 percent while lane-miles of public roads will increase by only 5 percent (FHWA, 2006). This increase will have significant negative influences on traffic congestion and safety. A truck lane restriction strategy is used in many states nationwide as a way to address some of these impacts.

With regard to improving safety and mobility, here are several safety benefits of truck lane restriction:

- Positions largest vehicles out of the highest speed lanes.
- Reduces the frequency of passenger vehicles being “boxed-in” by large trucks.
- Reduces evasive truck maneuvers to the right, or into the trucker’s “blind” side.
- Provides additional spacing from life-saving median barrier systems.
- Provides additional truck clearance from opposing direction traffic.
- Improves visibility and clearance for disabled vehicles in or along median shoulders.

By improving traffic mobility, this change would also improve the flow of transporting goods through the state and positively impact economic development. The freight industry has welcomed lane restrictions in other states because passenger vehicles are able to stay in the fast lanes, which gives more mobility for the trucks in the slower lanes. Trucks then reach their destinations in a timelier manner.

B. Relevance to Municipal Policy

Arizona residents directly benefit from improved traffic operations and improved safety on freeways in Arizona's busy urban areas. In addition, by improving the flow of transporting goods and services in Arizona, economic development of the state, cities and towns could also increase.

C. Fiscal Impact to Cities and Towns

As the state of Arizona is able to reap the positive economic effects of improved traffic flow, which in turn improves the efficient movement of goods through the state, cities and towns will be positively impacted as well.

D. Fiscal Impact to the State

Positive fiscal impact to the state: Whereas large metropolitan areas that are in direct competition with the Sun Corridor (e.g., North Texas) have successfully implemented "goods movement" oriented traffic restrictions to facilitate enhanced traffic flow have experienced positive economic development effects, the city of Apache Junction and the city of Douglas urge implementation within Arizona so that we also experience positive economic effects.

Negative fiscal impact to the state include: Costs associated with developing and implementing a pilot program, which would include conducting a study before and after restrictions are implemented. If the new restrictions were put in place permanently, there are costs associated with selecting, designing, implementing, advertising, enforcing and monitoring the truck lane restrictions.

E. Contact Information

Name: George Hoffman	Title: City Manager
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Reviewed by: Fire, Transportation, IGP

Staff Recommendation: Not support

Comments: This resolution has been brought forward many years in a row without achieving any meaningful progress on the issue. Staff believes it would be unwise to continue to pursue legislation on this topic at this time.

Resolution #14

Urges the Governor and the State Legislature to develop and pass legislation that (1) equalizes the maximum tax credit allowed per person and per married couple for donations to qualified charitable organizations, private schools and public schools, and (2) equalizes the timeframe allowed for collection of funds for qualified charitable organizations, private schools and public schools to qualify as a tax credit in any given year.

Submitted by: Town of Eagar, Town of Springerville

A. Purpose and Effect of Resolution

Currently the maximum donation allowed as a tax credit for public schools and qualified charitable organizations is \$200 per person or \$400 per married couple filing a joint return; meanwhile, a private school donation is capped at \$500 per person or \$1,000 per married couple filing a joint return.

Currently public schools and qualified charitable organizations must collect funds for a tax credit by the end of the calendar year for a credit in that calendar year while private schools can collect funds up to April 15 of the following year for a credit in either the current or the previous year.

These provisions are codified in A.R.S. § 43-1088, § 43-1089 and § 43-1089 (1)-(3).

The primary rationale behind these proposed changes is that they would be “fair,” equalizing the amount and timing of donations to public education and charitable programs serving the working poor. While private schools are certainly a worthy cause, it would seem appropriate that our public schools and charitable organizations receive at least equal treatment.

B. Relevance to Municipal Policy

Cities and towns are finding themselves in ever more challenging financial circumstances. As a result, available tax dollars for municipal contributions toward these important educational and social services are shrinking, forcing them to rely more heavily on charitable donations. The proposed legislation would place these education and public service programs on an equal footing with private schools in soliciting these contributions.

C. Fiscal Impact to Cities and Towns

There are no known fiscal impacts.

D. Fiscal Impact to the State

The fiscal impact to the state is unknown.

E. Contact Information

Name: Bryce Hamblin Title: Mayor
Phone: 928-333-3333 Email: brycehamblin@hotmail.com

Reviewed by: Finance, IGP

Staff Recommendation: Not support

Comments: Staff believes that this issue is not central to municipal policy and, while important to some communities, does not rise to the level of being included in the League’s Legislative Agenda.

Significant Municipal Issues

Resolution #15

Requests that A.R.S. 34-603 which deals with alternative project delivery methods (APDM), allow the use of “the final list in the procurement” until a contract for construction is entered into. Requests that the agent be allowed to pursue negotiations for pre-construction services with other persons on the list, provided that the agent does not recommence negotiations or enter into a contract for the construction or professional services covered by the final list with any person or firm on the final list with whom the agent has terminated negotiations.

Submitted by: City of Sedona, City of Cottonwood, City of Flagstaff, City of Kingman, Town of Camp Verde, Town of Jerome

A. Purpose and Effect of Resolution

In 2010, section 34-603, subsection C, paragraph 1, subdivision (e), was added to A.R.S. regarding procurement of construction services using non-bid methods, or alternative project delivery methods (APDM). This addition required agents to either restart the alternative procurement process or bid construction projects in the event that a construction price could not be negotiated. This resolution’s proposed change would allow the agent to utilize another person or firm on the list in the event that a construction price could not be negotiated with the initially selected party. The resolution prohibits reopening negotiations with a party if they have been terminated. Only one party may be negotiated with at a time.

The current legislation prohibits an option that had been previously allowed due to silence of prior legislation. The restriction imposed by the current legislation places the agent at the mercy of a contractor late into the project development process when the construction price is being negotiated. The contractor may insist on an unreasonably high negotiated price. In this case the agent is forced to bid the project, restart the procurement process or accept the high price. Bidding the project may not be desirable when project familiarity is important to an agent in pursuing project construction (for instance business area improvement projects), and it may result in loss of the ability to contain construction claims. Restarting the procurement procedure may unreasonably delay the project. Accepting the high price is a disservice to the public.

In 2009, the city of Sedona was able to construct a project by using the second-ranked proposer when it could not obtain a satisfactory price from the first ranked proposer. This allowed the project to successfully continue to construction, using the benefits of the construction-manager-at-risk approach. The first-ranked proposer’s price was well above the engineer’s estimated price while the second was much more in line. The project was successfully completed with return of some unneeded funds.

B. Relevance to Municipal Policy

APDM has benefits beyond costs; however, when the process allows a contractor to set unreasonable prices that push an agent to reject the proposal, along with the benefits of alternative procurement, the public is placed at an unfair disadvantage. Modifying the process to give the agent the option to continue with the alternative project delivery method without excessive loss of time or other disadvantages seems to keep in line with the allowance of APDM in the first place. As a matter of public policy, it does not seem that qualification-based selection processes should reduce incentives for fair pricing. The concern regarding bid-shopping is dealt with by only allowing negotiations with one proposer at a time and by prohibiting reopening closed negotiations.

C. Fiscal Impact to Cities and Towns

Cities would be more assured of securing realistic pricing from the initially selected proposer while maintaining the benefits of using APDM on appropriate projects.

D. Fiscal Impact to the State

None is anticipated.

E. Contact Information

<u>Name: Nicholas Gioello</u>	<u>Title: Assistant to the City Manager</u>
<u>Phone: 928-203-5100</u>	<u>Email: ngioello@sedonaaz.gov</u>

Reviewed by: Finance, IGP

Staff Recommendation: Support as SMI

Comments: Staff believes that this issue can be addressed without seeking legislation.

Resolution #16

Urges the Governor and the Arizona State Legislature to develop and pass legislation that supports efforts to reduce the shortage of health care professionals in the state of Arizona. The League encourages the legislature to consider the following: expanding the level of Graduate Medical Education (GME) funding; expanding medical school capacity within the state universities; addressing issues affecting the attraction and retention of physicians and other health care professionals from out of state; reducing obstacles to medical practice in Arizona; and addressing any other major issues that affect a physician's, and other health care professionals', decision to locate or remain in Arizona to practice.

Submitted by: City of Sierra Vista, Town of Wickenburg, City of Bisbee, City of Yuma

A. Purpose and Effect of Resolution

Part II of the 2005 Arizona Physician Workforce Study, conducted by specialists from the University of Arizona and Arizona State University, identified that from 1992 to 2004, Arizona's physician supply had not kept up with its population growth. The situation has not gotten any better. Arizona has 219 physicians per 100,000 population, well below the national average of 293 per 100,000. Rural communities in the state are affected by the shortage even more, with one county at under 60 physicians per 100,000. Specialty physicians are particularly difficult to recruit and retain. By way of example, the city of Sierra Vista's regional hospital is now the only location in all of Cochise County in which a woman can deliver a baby outside of a setting where emergency services are available. In addition, as the baby boomer population ages, more of the older doctors in rural communities will retire, potentially exacerbating the situation.

Since approximately 60 percent of physicians who complete their training in Arizona teaching hospitals remain to practice within the state, enhancing the Graduate Medical Education (GME) program is a critical component to addressing this shortfall and has been identified by previous gubernatorial task forces. Also recommended were efforts to reduce obstacles to medical practice in Arizona. Recruitment and retention of physicians is hampered throughout the state by higher professional liability premiums as compared to other states, and this is certainly an obstacle needing attention. Recent actions to reduce funding to the state's Medicaid program will only exacerbate the issue statewide. Now, more than ever, action is needed to retain existing physicians and to ensure that Arizona is a desirable place to practice for others.

B. Relevance to Municipal Policy

Health care is a key component of the overall quality of life for any community. It is an attraction and retention component for both business and military activities, both of which are the backbone of the state's economy. An adequate supply of physicians is the foundation of quality healthcare, and although most barriers to physician recruitment and retention are beyond the direct control of local government, the health of our citizens should be a strong consideration

for local legislative input and advocacy. The National League of Cities has incorporated citizen health in its overall federal legislative platform by developing and advocating for health programs for children and youth.

C. Fiscal Impact to Cities and Towns

There should be no negative fiscal impact on cities and towns. To the contrary, not only will there be an intrinsic gain to cities and towns in the overall quality of life of their residents if accessibility to health care is improved, but all communities in the state can use improved health care as an economic development tool in the future.

D. Fiscal Impact to the State

There are some solutions, such as investing in the graduate medical program, that will require additional investment by the state in medical education. However, some recommendations can be implemented with little to no effect on state finances. But just as it does for the cities and towns, improvement in access to health care results in an improvement in the ability of the state to attract corporations who value health care access as a major factor in relocation to Arizona. In addition, more physicians in the rural areas of the state will reduce the number of trips on already overcrowded roadways that residents from those areas make to the Phoenix or Tucson metropolitan areas to seek treatment.

E. Contact Information

Name: Mary Jacobs	Title: Assistant City Manager
Phone: 520-458-3315	Email: Mary.Jacobs@SierraVistaAZ.gov

Reviewed by: Economic Development, Fire, IGP

Staff Recommendation: Support as SMI

Comments: Staff believes that this issue can be addressed without seeking legislation.

Resolution #17

Urges the Arizona State Legislature to amend A.R.S. § 23-1022, subsection D, to provide municipalities the option of providing workers' compensation benefits to employees of another agency when working under the municipality's control or in its jurisdiction through an intergovernmental agreement or contract, especially as it relates to public safety personnel.

Submitted by: Town of Wickenburg, City of Sierra Vista, Town of Paradise Valley

A. Purpose and Effect of Resolution

Many small municipalities throughout Arizona recognize the challenge of providing excellent public safety services at all times, especially in the area of recruiting and retaining police officers. Occasionally, staffing levels for AZPOST-certified personnel can dip dangerously low, putting the public's safety in jeopardy. In these situations, it can be useful to partner with other nearby agencies, allowing officers to obtain extra hours at the requesting agency's expense. Municipalities also form similar partnerships for special events, "loaning" and "borrowing" officers under terms of an intergovernmental agreement to assist with a temporary need to increase police protection.

Unfortunately, A.R.S. § 23-1022, subsection D, contains a disincentive for municipalities to enter into these types of partnerships because the statute's workers' compensation provisions are not in alignment with its other sections. The statute dictates that when engaging in these "shared services" partnerships, both participating agencies are deemed to be the "employer" of the shared employee(s). However, workers' compensation benefits remain the sole responsibility of the "home" agency, rather than the requesting agency directing that employee's work.

For example, if a police officer from City A is staffing a special event for City B under terms of a contract and is injured while performing a task directed by a supervisor from City B, workers' compensation benefits remain the responsibility of City A. Effectively, the workers' compensation benefits follow the badge.

This obscure statute provides an unintentional disincentive for municipalities to openly share resources in time of need and an "opt out" clause should be added. The resolution would have the effect of urging legislators to amend the statute to give the requesting municipality the option of covering workers' compensation benefits through an intergovernmental agreement or contract, thus freeing the employee's primary employer from any risk.

B. Relevance to Municipal Policy

This resolution positively impacts both rural and urban municipalities throughout Arizona. It serves to clarify an unclear and inconsistent aspect of state law and eliminates a disincentive for public safety agencies to cooperate for fear of workers' compensation claims outside of their control.

C. Fiscal Impact to Cities and Towns

This resolution has the effect not of increasing or decreasing the overall fiscal burden for workers' compensation claims across Arizona's municipalities, but rather of distributing it more appropriately. Instead of assigning a claim to an agency that had no knowledge of or control over an employee's actions at the time of the injury, the fiscal responsibility could lie with the agency actually directing the employee's work, so long as both agencies agree to structure their agreement in this way.

D. Fiscal Impact to the State

This resolution has no anticipated fiscal impact on the state of Arizona.

E. Contact Information

<u>Name: Josh Wright</u>	<u>Title: Town Manager</u>
<u>Phone: (928) 668-0524</u>	<u>Email: jwright@wickenburgaz.org</u>

Reviewed by: Fire, HR, Police, IGP

Staff Recommendation: Support as SMI

Comments: Staff is supportive of allowing municipalities to provide workers' compensation benefits to employees of another agency. This ability might be helpful in providing public safety staffing at public events where we utilize law enforcement officers from other agencies such as those at University of Phoenix Stadium. However staff believes that this issue can be addressed without seeking legislation.

Resolution #18

Requests that the Public Safety Personnel Retirement System review their actuarial assumptions with regard to salary increases and base assumptions on current historical actual.

Submitted by: City of Sierra Vista, Town of Wickenburg, City of Bisbee

A. Purpose and Effect of Resolution

The contributions a city or town and an employee make to Public Safety Personnel Retirement System (PSPRS) during time of employment should cover the payments the employee expects to receive during retirement. Part of the process of determining the annual contribution required by the city or town is what is called an “actuarial valuation” of the plan. This valuation estimates the value of the future benefit payments that will be paid to the city or town’s members (both current employees and retirees) and compares that to the value of the assets the city or town already has in the system.

The liability is not a firm, definite liability, like a note or bond payable. Rather it is an estimate of the expected future retirement payments to current and future city or town retirees. The reason it is not a firm liability is that the factors in the calculation are different for each participant and are not definitely known until the participant passes away. Here are four major factors in the calculation of the liability:

1. Number of current employees that will retire from the city or town. As not all current employees will retire from the municipality, an estimate of the number of current employees that will retire must be made. If a person does not retire, no retirement liability exists.
2. How many years of service each retiree will have. Employees may retire any time after earning 20 years of service but may continue working as long as they want. The retirement pay can be from 50 to 80 percent of the retiree’s salary and is based on the retiree’s years of service. The actuarial must estimate how many years of service each current employee will have when he or she retires in order to estimate the percentage of salary each employee will receive as retirement pay.
3. The employee’s salary at retirement. Given it can be many years until an employee retires, the actuarial must estimate the raises and salary adjustments each employee will receive between now and when he or she retires.
4. How long the retiree will live. The retiree will receive retirement checks for as long as he or she is alive. Therefore, the actuarial must estimate how long the retiree will draw retirement checks.

The actuarial study uses statistical modeling for each of these factors to determine the estimated liability. While it calculates each entity’s liability separately, it does use the same factor estimates for all entities; i.e., the same life expectancy, salary growth rate, etc.

One factor in the estimated liability is the annual salary increases the actuarial study uses in its calculations. It uses an eight percent annual increase each year for the first five years of a participant's employment. This annual growth rate decreases each year for the next 35 years until it reaches a five percent annual increase. These raise estimates are based on a nationwide study the actuarial did five years ago. The city of Sierra Vista has not given an eight percent raise in over 25 years. If the actuarial would base the salary increase on the actual (lower) historical salary increases, PSPRS liability, and therefore the unfunded liability, would be lower, thus reducing the contribution rates.

B. Relevance to Municipal Policy

This resolution would require a new actuarial study to be conducted on actual data and thus could reduce the contribution rates of all cities across the state.

C. Fiscal Impact to Cities and Towns

If the new actuarial study showed a decreased un-funded liability, cities across the state would benefit from lower contribution rates for PSPRS employees. The actual fiscal impact is unknown since it would take an actuarial study to gather that information.

D. Fiscal Impact to the State

If the new actuarial study showed a decreased un-funded liability, the state would benefit from lower contribution rates for PSPRS employees. The actual fiscal impact is unknown since it would take an actuarial study to gather that information.

E. Contact Information

Name: Mark C. Welch	Title: Assistant to the City Manger
Phone: 520-439-2154	Email: Mark.Welch@SierraVistaAZ.gov

Reviewed by: Fire, HR, Police, IGP

Staff Recommendation: Support as SMI

Comments: Staff is supportive of any efforts to more accurately forecast pension costs, however staff believes that this issue can be addressed administratively with the agency without seeking legislation.

League Staff Proposed Resolutions

League Staff Resolution #1

Urges the United States Congress to reject any proposal limiting the value of the tax-exemption for municipal bonds.

Submitted by: League Staff

A. Purpose and Effect of Resolution

This resolution seeks to preserve the tax exemption for municipal bonds. Since these bonds are the primary source of infrastructure development funding in cities and towns, the elimination of the tax exemption would imperil the development of crucial projects within Arizona’s municipalities.

B. Relevance to Municipal Policy

Municipal bonds finance infrastructure projects that directly impact the citizens and businesses of our communities – roads, water and wastewater systems, fire and police stations, etc. Fewer infrastructure projects would diminish a city’s ability to serve its citizens and to attract new businesses or retain current ones.

C. Fiscal Impact to Cities and Towns

Exempting municipal bond interest from federal taxation reduces the cost of infrastructure financing by local governments. An average of 25 to 30 percent is saved on interest costs with tax-exempt municipal bonds as compared to taxable bonds. These savings arise because investors are willing to accept lower interest on tax-exempt bonds in conjunction with the tax benefit.

D. Fiscal Impact to the State

If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs and greater burdens on citizens who will have to pay higher taxes and fees.

E. Contact Information

Name: René Guillen	Title: Legislative Director
Phone: 602-258-5786	Email: rguillen@azleague.org

Reviewed by: Finance, IGP

Staff Recommendation: Support

Comments: Glendale has used tax exempt bonds to finance many municipal projects and staff strongly opposes any effort to reduce the tax exempt status of municipal bonds.

League Staff Resolution #2

Urges the United States Congress to pass the Marketplace Fairness Act.

Submitted by: League Staff

A. Purpose and Effect of Resolution

The Marketplace Fairness Act (MFA) is designed to collect sales tax regardless of the location of the seller. The League supports the MFA as a mechanism to appropriately increase revenue to support critical municipal services such as police, fire and infrastructure development. Collecting sales tax from remote sellers and online sales would level the playing field for brick and mortar local stores and would significantly increase revenues for municipalities throughout the state.

B. Relevance to Municipal Policy

By collecting taxes from sources outside the state, municipal government would be able to enhance their constituent services without burdening local businesses. This new source of revenue may also alleviate any strains on other sources of taxation.

C. Fiscal Impact to Cities and Towns

There can be a significant positive impact to cities and towns, although the precise amount will be difficult to ascertain. Estimates have been in the hundreds of millions of dollars statewide.

D. Fiscal Impact to the State

The state should also see a gain in sales tax revenue from the passage of the MFA.

E. Contact Information

<u>Name: René Guillen</u>	<u>Title: Legislative Director</u>
<u>Phone: (602) 258-5786</u>	<u>Email: rguillen@azleague.org</u>

Reviewed by: Finance, IGP

Staff Recommendation: Support

Comments: Staff supports creating a consistent, level playing field where online sellers pay the same taxes as brick and mortar stores located within the city.

League of Arizona Cities & Towns
2014 Resolution Submissions

No.	Summary	Sponsor	Co-Sponsor	Subcommittee Recommendations
1	Authorize street light improvement districts (SLIDs) to levy and expend money to repair, maintain and replace lighting facilities.	Scottsdale	Apache Junction, Casa Grande	RFA
2	Stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns and restore HURF funding to FY2008 levels.	Yuma	Wickenburg, Sedona, Kingman, Lake Havasu City, Apache Junction, Fountain Hills, Flagstaff, Sierra Vista	RFA
3	Pass legislation or engage in other activities that support and advocate for resources to improve Arizona's ports of entry with Mexico and related infrastructure.	Sierra Vista	Yuma, Bisbee	RFA
4	Support the long-term retention of Arizona's military installations.	Sierra Vista	Yuma, Bisbee	RFA
5	DEVELOP AND PASS LEGISLATION TO MAKE THE REQUIREMENTS FOR ANNEXATION A MORE SIMPLE AND FLEXIBLE PROCESS.	Oro Valley Yuma	Bullhead City, Marana, Wickenburg	RFA w/ Amend. (Merged with another resolution)
6	Prohibit fire districts from annexing areas inside a municipal planning area in counties of more than 500,000 persons without the consent of the municipality, unless the municipality does not operate a municipal fire department.	Peoria	Surprise	RFA w/Amend.
7	Promote state legislation that grants legislative authority to cities and towns to freeze property tax levels on commercial and industrial zoned parcels that support speculative development at pre-improvement levels until such time as the developed property is in use FULLY LEASED.	Bullhead City	Lake Havasu City, Kingman	RFA w/Amend.
8	Amend A.R.S. Title 13 (Criminal Code) to include criminal damage by graffiti and ensure that restitution for graffiti includes all costs of a victim associated with graffiti abatement.	Yuma	Wickenburg, Apache Junction, Flagstaff	RFA w/ Amend.
9	DEVELOP AND PASS LEGISLATION TO ENSURE THE VIABILITY OF ARIZONA STATE PARKS, INCLUDING BUT NOT LIMITED TO ALLOWING MUNICIPALITIES TO	Yuma Sedona	Kingman, Lake Havasu City, Sierra Vista, Camp Verde, Jerome, Somerton, Oro	RFA w/ Amend. (Merged with another resolution)

League of Arizona Cities & Towns
2014 Resolution Submissions

	ENTER INTO LONG-TERM LEASES OF STATE PARKS AND THE RESTORATION OF THE ARIZONA STATE PARK HERITAGE FUND.		Valley, Cottonwood, Flagstaff, Clarkdale	
10	Include one representative from a large city along with one representative from a small non-metropolitan city on the Public Safety Personnel Retirement System Board of Trustees as well as the Arizona State Retirement Board.	Sierra Vista	Wickenburg, Bisbee	RFA w/Amend.
11	Establish a mechanism enabling local governments to create renewable energy and conservation financing districts.	Flagstaff	Tucson, Payson	NRP
12	Place reasonable limits on the frequency of requests for public records and on requests that are overbroad or abusive.	Yuma	Apache Junction	NRP
13	Support implementing a pilot program to restrict trucks to the two right-most lanes when traveling on Arizona highways in urban areas with three or more lanes in each direction.	Apache Junction	Douglas, Bullhead City, Sedona, Sierra Vista	NRP
14	Equalize the maximum tax credit and the timeframe allowed for collection of funds for qualified charitable organizations, private schools and public schools to qualify as a tax credit in any given year.	Eagar	Springerville	NRP
15	Change A.R.S. 34-603, which deals with alternative project delivery methods (APDM), to allow the use of “the final list in the procurement” until a contract for construction is entered into.	Sedona	Cottonwood, Flagstaff, Kingman, Camp Verde, Jerome	SMI
16	Pass legislation that supports efforts to reduce the shortage of health care professionals in the state of Arizona.	Sierra Vista	Wickenburg, Bisbee, Yuma	SMI
17	Grant municipalities the option of providing workers’ compensation benefits to employees of another agency when working under the municipality’s control or in its jurisdiction through an intergovernmental agreement or contract, especially as it relates to public safety personnel.	Wickenburg	Sierra Vista, Paradise Valley	SMI
18	Request that the Public Safety Personnel Retirement System review their actuarial assumptions with regard to salary increases and base assumptions on current historical actual.	Sierra Vista	Wickenburg, Bisbee	SMI

League of Arizona Cities & Towns
2014 Resolution Submissions

League Staff Recommendations

No.	Summary	League Staff Recommendations
1	Preserve the tax exempt status of municipal bonds.	RFA
2	Pass the Marketplace Fairness Act.	RFA

Key to Committee Recommendations

Recommend for Adoption (RFA) – Becomes a part of the Municipal Policy Statement and helps guide legislative activity in the coming session.

Recommend with Amendments (RFA w/Amend.) – Will become a part of the Municipal Policy Statement and help guide legislative activity in the coming session but needs amending for either content or technical reasons.

Significant Municipal Issue (SMI) – Although an important concept to cities and towns, does not quite rise to the level of legislative activity. League staff may address the issue with state agencies or other stakeholders.

Not Recommended for Passage (NRP) – The resolution may be too confined to one community, be on its face contrary to core principles, or be out of line with current agreements with other stakeholders.

Staff Recommendations – Resolutions submitted by League staff.



CITY COUNCIL REPORT

Meeting Date: **8/20/2013**
Meeting Type: **Workshop**
Title: **COUNCIL ITEM OF SPECIAL INTEREST: PLACEMENT OF RESIDENTIAL REFUSE AND RECYCLING CONTAINERS**
Staff Contact: **Stuart Kent, Executive Director, Public Works**
Erik Strunk, Executive Director, Parks, Recreation and Library Services

Purpose and Recommendation

This is a request to seek Council review and direction of a draft ordinance regarding a change to the placement of sanitation and recycling containers on city sidewalks, based on an item of special interest raised at a City Council Workshop meeting earlier this year.

Background

At the March 5, 2013 City Council Workshop meeting, staff presented a Council Item of Interest focusing on the placement of sanitation and recycling containers on city sidewalks. The presentation was in response to a request by a Glendale resident who expressed concern about the ability of the visually impaired community to navigate sidewalks on sanitation service days when the bins are placed on the sidewalk. After the item was presented and discussed by the Council, staff was directed to engage the Commission on Persons with Disabilities and to explore possible options regarding the issue.

From March – June, 2013, the Commission researched, discussed the item publicly and conducted a public meeting to seek community input. Based on the outcome of these meetings and its deliberations, the Commission voted on June 18 to recommend a change in the ordinance governing the placement of sanitation and recycling containers on city sidewalks. As such, the proposed revisions are as follows:

- In locations where there is neither an alley nor side entrance, containers would be placed in the street in front of the house to which containers are assigned with the wheels against the curb, and the lid opening facing the street. In locations where there is no curb, the container would be placed at the edge of the property within two (2) feet of the street or improved surface.
- Containers would not be allowed to be placed within ten (10) feet of a vehicle, mailbox, or other obstruction.
- Containers would not be placed on arterial streets for service; rather, they would be placed on the property at the edge of the curb with the lid opening facing the street.



CITY COUNCIL REPORT

- In cases where it is not possible to place a container on a street, the container would be placed on the driveway adjacent to the sidewalk.
- Refuse and recycling containers that are placed out for service must be at least three (3) feet apart to allow proper service. Lids for containers must be entirely closed.

If so directed by Council, the draft ordinance would be placed on an evening agenda for consideration and implemented on or about January 1, 2014.

Analysis

As a part of its review, the Commission analyzed two key areas: a) whether there are any legal requirements governing the placement of sanitation containers on City sidewalks; b) the operational impact of potentially requiring them to no longer be placed on sidewalks. After extensive research was conducted, the City Attorney's Office was unable to find any legal provision (including the Americans with Disabilities Act) that would indicate the City's current practice is in violation of any federal, state or local law or regulations. With the recommended ordinance revision, it was also determined that there will be no operational impacts on the ability of the Sanitation Division to service approximately 56,000 single-family sanitation and recycling containers in Glendale.

If approved as recommended, the proposed ordinance change will result in requiring all existing sanitation customers to no longer place their sanitation and recycling containers on city sidewalks. To implement this change, the Commission and staff recognize the need for a public education plan to inform the sanitation customers of the changes. The public education plan will include posting the information on the City's website and including an article in an upcoming Glendale Connection newsletter and the Sanitation Department's Clean and Green newsletter, which is due to be published in December. A notification will also be placed on every refuse and recycling container; the notifications will be printed in both English and Spanish. To provide sufficient time to accomplish this, staff recommends January 1, 2014 as the implementation date. Doing so will provide sufficient time to coordinate any and all marketing outreach activities to residential sanitation customers. Additionally, it will provide sufficient time to make contact with any customer who has a unique circumstance and may require the assistance of Sanitation Division staff to successfully re-locate their sanitation and/or recycling container.

Previous Related Council Action

The Sanitation Code was last amended by the City Council in February 2001.



CITY COUNCIL REPORT

Community Benefit/Public Involvement

The ability to utilize and traverse unobstructed sidewalks is critical to pedestrians throughout the Glendale community. Although it has been common practice to place sanitation and recycling containers on city sidewalks and there is no violation of the Americans with Disabilities Act, the very act of doing so in Glendale can impose a hardship on the disabled community and all other pedestrians who would otherwise have to meander onto private property and/or city streets to navigate around the containers. For the purposes of this issue, the term “pedestrian” also includes that portion of our population who require the use of mobility devices (wheelchairs, scooters, walkers, crutches, etc.) and service animals (for the visually impaired) to use city sidewalks. The unintended consequence of allowing sanitation and recycling containers on public sidewalks can result in a safety issue. This perspective was discussed at length during the public meetings of the Commission with Persons on Disabilities regarding this issue.

Budget and Financial Impacts

It is estimated that between the staff time needed to initially assist customers with unique circumstances and the cost to publicize the proposed new ordinance, it will cost approximately \$8,000.

Cost	Fund-Department-Account
\$8,000	2480-17830-518200 Sanitation Enterprise Fund

Capital Expense? Yes No

Budgeted? Yes No

Requesting Budget or Appropriation Transfer? Yes No

If yes, where will the transfer be taken from?

Attachments

Draft Ordinance

Commission Report

ORDINANCE NO. _____ NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 18, ARTICLE II, DIVISION 2, SECTION 18-53 RELATING TO CONTAINER SERVICE LOCATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 18, Article II, Division 2, Sec. 18-53 to read as follows:

Sec. 18-53. Container service location.

...

(d) ~~Where there is neither alley nor side entrance, the containers shall be placed near the curb in front of the premises, or if there is no curb, they shall be placed at or near the property line at a location approved by the administrator.~~ In locations where there is neither alley nor side entrance, containers shall be placed in the street in front of the house to which containers are assigned with the wheels against the curb, and the lid opening facing the street. In locations where there is no curb, the container should be placed at the edge of the property within two (2) feet of the street or improved surface. Containers must not be placed within fifteen (10) feet of a vehicle, mailbox, or other obstruction as may be determined by the administrator. Containers must not be placed on arterial streets for service; rather, they should be placed on the property at the edge of the curb with the lid opening facing the street or in a location selected by the administrator. Containers should not block or impede access to the sidewalk.

(e) When it is not possible to place a container on a street, the container should be placed on the driveway adjacent to the sidewalk unless otherwise directed by the administrator.

(f) Refuse and recycling containers that are placed out for service must be at least three (3) feet apart to allow proper service. Lids for containers must be entirely closed.

SECTION 2. That the provisions of this ordinance shall become effective on January 1, 2014.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2013.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

Acting City Manager

c_18-53_container service

[Additions are indicated by underline; deletions by ~~strikeout~~.]



COMMISSION REPORT

Date: June 18, 2013
To: Mayor and Council
From: Commission on Persons with Disabilities
Item Title: Placement of Residential Refuse and Recycling Containers

RECOMMENDATION

After careful consideration and review, it is the recommendation of the Commission on Persons with Disabilities that the City Council adopt an ordinance to amend Glendale City Code, Section 18-53, "Container service location" in the following manner:

(d) Where there is neither alley nor side entrance, the containers shall be placed near the curb in front of the premises, or if there is no curb, they shall be placed at or near the property line at a location approved by the administrator. In locations where there is neither alley nor side entrance, containers shall be placed in the street in front of the house to which containers are assigned with the wheels against the curb, and the lid opening facing the street. In locations where there is no curb, the container should be placed at the edge of the property within two (2) feet of the street or improved surface. Containers must not be placed within ten (10) feet of a vehicle, mailbox, or other obstruction as may be determined by the administrator. Containers must not be placed on arterial streets for service; rather, they should be placed on the property at the edge of the curb with the lid opening facing the street or in a location selected by the administrator. Containers should not block or impede access to the sidewalk.

(e) When it is not possible to place a container on a street, the container should be placed on the driveway adjacent to the sidewalk unless otherwise directed by the administrator.

(f) Refuse and recycling containers that are placed out for service must be at least three (3) feet apart to allow proper service. Lids for containers must be entirely closed.

BACKGROUND

At the March 5, 2013 City Council Workshop meeting, the Executive Director of Public Works, Mr. Stuart Kent, presented a Council Item of Interest focusing on the placement of sanitation and recycling containers on city sidewalks. The presentation was in response to a request by a Glendale resident who expressed concern about the ability of the visually impaired community to navigate sidewalks on sanitation service days – when the bins are placed on the sidewalk. After the item was presented and discussed by the Council, staff was directed to engage the Commission on Persons with Disabilities and to explore possible options regarding the issue.

The Commission first discussed this item at its March 19, 2013 meeting. The meeting consisted of

a briefing by the Public Works Executive Director, who provided a general overview of the request and played a video-clip of the March 5, 2013 Council Workshop proceedings related to the item. Mr. Kent described how current sanitation and recycling operations work and discussed possible ideas on how to address the concern about placement of the containers in the sidewalk and its impact on the visually impaired. The Commission indicated that it would like research the issue and also wanted to provide staff with sufficient time to conduct an analysis of other cities and options, before making any decisions.

The Commission discussed the item further at its May 21, 2013 meeting, and conducted a public hearing to solicit comments and suggestion about possible changes to the ordinance. The meeting consisted of a second more formal presentation and recommendation by Mr. Kent, in addition to research findings by the City Attorney's Office (See Attachment "B"). Additionally, materials that were researched by commission members (See Attachment "C") were presented for information and discussion.

After the presentations, the Commission concluded that:

1. Although there are no legal violations of the American with Disabilities Act regarding the replacement of sanitation or recycling containers on sidewalks, the practice nevertheless can be problematic to the visually impaired community and/or the physically disabled community and should be addressed.
2. Other Cities in the Valley (specifically: Phoenix, Scottsdale, Mesa and Peoria) have a more defined city code that prevent the placement of sanitation and recycling containers in/on sidewalks.
3. It would be in the best interest of the Community to adopt new ordinance that disallows the placement of sanitation and/or recycling containers on sidewalks where appropriate, but flexible enough to allow the practice to continue for unique circumstances, subject to review and approval by the Sanitation Superintendent. For example, it is neither safe nor practical to place containers in the street for those homes that front arterial streets and have no alley service.

ANALYSIS

As a part of its review, the Commission analyzed two key areas: a) whether there are any legal requirements governing the placement of sanitation containers on City sidewalks; b) the operational impact of potentially requiring them to no longer be placed on sidewalks. After extensive research was conducted, the City Attorney's Office was unable to find any legal provision (including the American with Disabilities Act) that would indicate the City's current practice is in violation of any federal, state or local law or regulations (Attachment B).

With the recommended ordinance revisions, it was also determined that there will be no operational impacts on the ability of the Sanitation Division to service approximately 56,000 single-family sanitation and recycling containers in Glendale. As drafted, the proposed ordinance

defines where the containers will be placed, but at the same time will provide flexibility based on the location of residence. The following photographs illustrate the need for this flexibility:



Current City Code



Proposed Code Revision

Because not all homes are located on residential streets, have curb or gutter, or alleyways, the Sanitation Division already works to accommodate these unique service challenges. Under the new proposed ordinance revision, it will continue to do so. For example:



Catlin Court Alley



Detached Sidewalk



No Sidewalk

If approved as recommended, the proposed ordinance change will result in asking all existing sanitation customers to change their behavior by no longer locating their sanitation and recycling on city sidewalks. To accomplish this, the Commission acknowledged that along with the ordinance change, the City Sanitation Division will need to openly communicate with all sanitation customers so that they become educated on the new policy. To provide sufficient time to accomplish this, City would move to promote a January 1, 2014 implementation date. Doing so will provide sufficient time to coordinate any and all marketing outreach activities to residential sanitation customers. Additionally, it will provide sufficient time to make contact with any customer who has a unique circumstance and may require the assistance of Sanitation Division staff to successfully re-locate their sanitation and/or recycling container.

FISCAL IMPACTS

Although there are no immediate costs regarding the placement of sanitation containers off public sidewalks, it is estimated that between the staff time needed to initially assist customers with

unique circumstances & the cost to promote the new ordinance, a change in the current ordinance will amount to approximately \$50,000. Funds for these expenses are available in the Sanitation Enterprise Fund.

Attachments: Attachment A – Draft Ordinance
Attachment B – Staff Memos
Attachment C – Commission Research Item

Attachment A – Draft Ordinance

ORDINANCE NO. _____ NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 18, ARTICLE II, DIVISION 2, SECTION 18-53 RELATING TO CONTAINER SERVICE LOCATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 18, Article II, Division 2, Sec. 18-53 to read as follows:

Sec. 18-53. Container service location.

...

(d) ~~Where there is neither alley nor side entrance, the containers shall be placed near the curb in front of the premises, or if there is no curb, they shall be placed at or near the property line at a location approved by the administrator.~~ In locations where there is neither alley nor side entrance, containers shall be placed in the street in front of the house to which containers are assigned with the wheels against the curb, and the lid opening facing the street. In locations where there is no curb, the container should be placed at the edge of the property within two (2) feet of the street or improved surface. Containers must not be placed within fifteen (10) feet of a vehicle, mailbox, or other obstruction as may be determined by the administrator. Containers must not be placed on arterial streets for service; rather, they should be placed on the property at the edge of the curb with the lid opening facing the street or in a location selected by the administrator. Containers should not block or impede access to the sidewalk.

(e) When it is not possible to place a container on a street, the container should be placed on the driveway adjacent to the sidewalk unless otherwise directed by the administrator.

(f) Refuse and recycling containers that are placed out for service must be at least three (3) feet apart to allow proper service. Lids for containers must be entirely closed.

SECTION 2. That the provisions of this ordinance shall become effective January 1, 2014.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2013.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

Acting City Manager

c_18-53_container service

[Additions are indicated by underline; deletions by ~~strikeout~~.]

Attachment B – Staff Memos



PUBLIC WORKS
Memorandum

DATE: May 21, 2013
TO: Glendale Commission on Disabilities
FROM: Stuart Kent, Executive Director, Public Works
SUBJECT: Recommendations regarding placement of residential refuse/recycling containers

Background

At the City Council workshop of March 5, 2013, city staff responded to an item of special interest from Vice Mayor Knaack by providing a report on the placement of refuse and recycling containers. Currently containers are to be placed at the curb, and this can lead to restricted or limited access to the sidewalk when the bin is placed out for service. City Council directed that staff present the issue to the Glendale Commission on Disabilities for their input and recommendations.

On March 19, 2013 the Commission on Disabilities received a presentation on the issue by myself as well as Mr. John Bolton, who is a resident of Glendale. The Commission asked that the public works staff prepare additional information and recommendations for the Commission to review. At today's meeting staff will present recommended changes to the City Code and discuss the process for moving refuse/recycling containers to the street for service.

City code provides a framework for proper placement and removal of refuse and recycling containers. Below is the current city code regarding placement of refuse and recycling containers.

Existing Code: **Sec 18-53 Container Service Location**

- a. Containers may be placed out for collection after 6:00 p.m. on the day before collection, but no later than 6:00 a.m. on the day of collection, and shall be returned to private property by 6:00 a.m. of the day after collection.
- b. When there is an alley in the rear or side of the property, privately owned containers may be placed on the property at the edge of the alley, or on the edge of the alley adjacent to the property line if there is manual collection. If placed in the alley, they shall be removed on the same day in which the refuse is collected. When there is mechanized collection in the alleys, city-owned containers shall remain at the edge of the alley at locations designated by the administrator

- c. Where there is a side entrance opening upon a public street but there is no alley, the containers shall be placed on the premises and adjacent to the property line on which the side entrance is located.
- d. Where there is neither alley nor side entrance, the containers shall be placed near the curb , in front of the premises, or if there is no curb, they shall be placed at or near the property line at a location approved by the administrator.

Proposed Changes to City Code

It is section D that most relevant here and Public Works staff is proposing the deletion of that section and replacing it with the following:

- d. Where there is neither alley nor side entrance containers shall be placed in the street in front of the house to which they are assigned with the wheels against the curb, and the lid opening toward the street. Where this is no curb, the container should be placed at the edge of the property within two feet of the street or improved surface. Containers should not be within fifteen feet of a vehicle, mailbox, or other obstruction as determined by the administrator. Containers should also not be placed on arterial streets for service, they should be placed on the property at the edge of the curb or in a location as directed by the administrator. Containers should not block or impede access to the sidewalk.
- e. Whenever it is not possible to place a container on a street, the container should be placed on the driveway adjacent to the sidewalk unless otherwise designated by the administrator.
- f. Refuse and recycling containers that are placed out for service must be a minimum of three feet apart in order to facilitate proper service. Lids for containers must be entirely closed.

Public works staff believes these changes clearly describe the behavioral change that is necessary to ensure sanitation service can be provided in an efficient and safe manner and simultaneously provide all residents full access to the sidewalk.

Communication and Implementation Plan

If City Council chooses to adopt the proposed changes, staff recommends a January 1, 2014 implementation date. This will allow staff sufficient time to notify residents of the change in placement on the City's internet site, in the Glendale Connection as well as the annual Clean and Green that is distributed to all single family households in December.

Attachment C – Commission Research

Council discusses trash bin curbside placement

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Should residential trash and recycling receptacle be left for pick-up on the sidewalks or in the street?

Total Votes: 49

- Sidewalk 29 59%
- Street 20 41%



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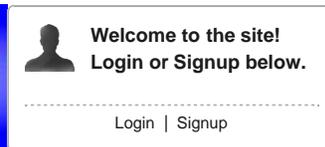


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Council discusses trash bin curbside placement

Story **Comments (1)**

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Posted: Thursday, March 21, 2013 2:30 am

By KATHRYN STAFFORD, Staff Writer | **1** comment

Every resident has gone through the woes of properly placing their trash receptacles on the curb for pickup. Even for the most able bodied, it can be a cumbersome task. Aside from the act of placing the receptacles on the street, walking, running, and navigating around them while they are out on the curb brings another set of issues. However, those with disabilities may find the task even a little more challenging.

1

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City council received a report from city staff regarding the placement of trash receptacles around the city during a workshop meeting March 5. During the meeting, council discussed the options of placing residential containers on the sidewalk, curb, or in the street.

The recent discussion stemmed from Vice Mayor Yvonne Knaack's previous request during a workshop Feb. 5 for more information regarding placement of waste and recycling receptacles around the city.

Knaack said a particular resident who lived in her district had come to her asking for assistance in the matter. The man, who is blind and relies on an assistance dog to help him navigate, said he and his dog are dealing with safety issues trying to avoid the cans.

Knaack said the man told her when he walks with his dog in the mornings and evenings, it is difficult for him because all of the trash receptacles are kept on the curbed sidewalk area. This continually forces the man and his dog to stop their walk and weave in and out of the street to avoid walking into the trash receptacles.

Executive Director of Public Works Stuart Kent made the presentation to council during the workshop.

Kent said the city issues one refuse container and one recycling container at each residential home in Glendale. Containers are placed out on the same day for collection. Each container should be spaced apart at least by three feet on the same day for collection. The city also requires each bin to be placed away from obstructions such as mailboxes, utility poles, and landscape borders.

Presently, the city requires residents to place containers at the edge of the curb on their sidewalk or the edge of their property, but not in the street.

Kent said the city conducted an analysis on the placement of residential curbside containers as well as large trash items with seven other cities in Phoenix. Six of the seven cities require residents to place containers on the street in front of the curb.



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Kent said one of the hazards of placing the curbside containers on the sidewalk is the accessibility limitations or restrictions it may create for pedestrians using the sidewalk, particularly those in wheelchairs and motorized medical devices. Kent said this temporary limitation, however, does not violate the Americans with Disabilities Act.

Kent concluded his presentation saying that he and staff recommended that the containers continue to be placed at the curb and not in the street. Kent acknowledged that while placing the containers on the curb can reduce the width of the sidewalk available for pedestrians to use, placing up to 100,000 containers in the street each week creates greater opportunity for vehicle-related accidents.

Mayor Jerry Weiers said he appreciated that this was a concern and that city staff was taking it seriously and looking into it further.

"There obviously is no right answer that will make everyone happy," he said. "This isn't a one size fits all type of problem."

Knaack maintained she would still like the problem to be thoroughly investigated and every option explored before a final decision was made.

"People in wheelchairs, children coming to and from school have to go out and into the street," she said. "It's a safety issue. As an insurance agent, I just feel this is a safety risk."

At the end of the meeting, council directed city staff to have the city's Disability Commission review the options and make a recommendation to city council.

Knaack said she would like the issue to be sent to the commission for persons with disabilities, and have them come back with a report and recommendation. Other councilmembers agreed with Knaack and approved to send it to the commission.

Discuss

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Posted in News on Thursday, March 21, 2013 2:30 am.

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Azmiike posted at 8:41 am on Thu, Mar 21, 2013.

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In reality it doesn't matter where the homeowner places them, after the pickup the drivers will drop them wherever they please; in the street, halfway down in front of the neighbors house, on their back across the sidewalk etc.

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Arrest made in Sahuaro Ranch Park stabbing

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Change	%
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Nasd ETFs	3.41 0.10%
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Commission on Persons with Disabilities - Frequently Asked Questions

▶ Are residential trash/recycle containers blocking the sidewalk on trash collection day a violation of ADA regulations?

No. The Arizona Office for Americans with Disabilities notes that the placement of mobile trash cans on the sidewalk for collection one day per week is not in violation of the ADA. A non-moveable dumpster or container permanently blocking a sidewalk would be in violation; however, portable trash cans are not.

▶ If someone in a neighborhood has a disability, can the city make people put their trash cans on the street?

No. there is no obligation (under the ADA or otherwise) on the city to require residents to put the containers on the street as the current practice is per city code section 18-53. However, if the neighbors in a specified area agree to place their cans on the street to accommodate a neighbor, they should contact Field Operations Department at (623) 930-2600 to make special arrangements.

▶ Does the ADA apply to HOAs?

The ADA ensures that individuals with disabilities may not be discriminated against and must be afforded reasonable accommodations for their disabilities. In order for an HOA to be subject to the ADA, common areas and facilities owned and used by the HOA must be designated as "commercial facilities," must be owned or operated by a "public entity" or must be a "public accommodation."

Most HOA common areas and facilities are not commercial facilities or owned and operated by a public entity, nor are they public accommodations. Most HOA common areas and facilities (for example, a clubhouse) are not open to the public for use, meaning only the members of the HOA and their families and guests may use the common areas and facilities. So long as the public is not able to use the HOA's common areas or facilities, an HOA most likely would not be considered a public entity or to have public accommodations and as such, the ADA would not apply.

▶ Can the latches on an apartment complex pool gate be lowered to afford accessibility to a person using a wheelchair?

No, the latches may not be lowered for public safety reasons.

City of Glendale Code Section 32-3 is intended to safeguard the general public from the severe hazard created by an unsecured public pool.

The height of the latch is mandated by Glendale City code to ***"be located at least fifty-four (54) inches above the underlying ground or on the pool side of the gate with a release mechanism at least five (5) inches below the top of the gate."*** Because the pool in an apartment complex is considered a public pool open to everyone who resides at these apartments, and their guests, it must comply with city code regardless whether a child resides there or not.

It is recommended that individuals explore assistive technology and compensatory strategies to provide accommodation and maximize independence. [Click here](#) for resources for assistive technology (such as AZTAP).



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Americans with Disabilities Act

ADA NOTICE

It is the Policy of the Office of the Attorney General not to discriminate on the basis of disability in admission to, access to, or operation of its programs, services and activities, or in its hiring and employment practices.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by making a request to the Office staff. Requests should be made as early as possible to allow time to arrange the accommodation.

Questions, concerns, complaints, or requests for additional information may be forwarded to the ADA Coordinator:

Name:	Debbie Jackson
Voice Number:	(602) 542-8056
Office Address:	Administrative Services Division Human Resources Section 1275 W. Washington Phoenix, AZ 85007
TTY Number:	(602) 542-5002

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The 2013 EEO Plan Non-Discrimination Policy document is available in alternative formats by contacting the ADA Coordinator at the above number or [for download here](#).

Americans with Disabilities Act Title II Regulations

Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services

(as amended by the final rule published on September 15, 2010)

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Title II Regulations Supplementary Information

DEPARTMENT OF JUSTICE

28 CFR Part 35

[CRT Docket No. 105; AG Order No. 3180– 2010]

- (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.
- (2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

§ 35.132 Smoking

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

§ 35.133 Maintenance of accessible features

- (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.
- (c) If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the 2010 Standards.

§ 35.134 Retaliation or coercion

- (a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.
- (b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or this part.

§ 35.135 Personal devices and services

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

§ 35.136 Service animals

- (a) *General.* Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- (b) *Exceptions.* A public entity may ask an individual with a disability to remove a service animal from the premises if—
 - (1) The animal is out of control and the animal's handler does not take effective action to control it; or
 - (2) The animal is not housebroken.
- (c) *If an animal is properly excluded.* If a public entity properly excludes a service animal under § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- (d) *Animal under handler's control.* A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

- (e) *Care or supervision.* A public entity is not responsible for the care or supervision of a service animal.
- (f) *Inquiries.* A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- (g) *Access to areas of a public entity.* Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
- (h) *Surcharges.* A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.
- (i) *Miniature horses.*
 - (1) *Reasonable modifications.* A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
 - (2) *Assessment factors.* In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider—
 - (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - (ii) Whether the handler has sufficient control of the miniature horse;
 - (iii) Whether the miniature horse is housebroken; and
 - (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
 - (3) *Other requirements.* Paragraphs 35.136 (c) through (h) of this section, which apply to service animals, shall also apply to miniature horses.

§ 35.137 Mobility devices.

- (a) *Use of wheelchairs and manually-powered mobility aids.* A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
- (b)
 - (1) *Use of other power-driven mobility devices.* A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).
 - (2) *Assessment factors.* In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider—
 - (i) The type, size, weight, dimensions, and speed of the device;

- (ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) The facility's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(c)

- (1) *Inquiry about disability.* A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.
- (2) *Inquiry into use of other power-driven mobility device.* A public entity may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

§ 35.138 Ticketing

(a)

- (1) For the purposes of this section, "accessible seating" is defined as wheelchair spaces and companion seats that comply with sections 221 and 802 of the 2010 Standards along with any other seats required to be offered for sale to the individual with a disability pursuant to paragraph (d) of this section.
- (2) *Ticket sales.* A public entity that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating—
 - (i) During the same hours;
 - (ii) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;
 - (iii) Through the same methods of distribution;
 - (iv) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
 - (v) Under the same terms and conditions as other tickets sold for the same event or series of events.

(b) *Identification of available accessible seating.* A public entity that sells or distributes tickets for a single event or series of events shall, upon inquiry—

- (1) Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility;
- (2) Identify and describe the features of available accessible seating in enough detail to reasonably permit



Information and Technical Assistance on the Americans with Disabilities Act

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How to File an ADA Complaint with the U.S. Department of Justice

You can file an Americans with Disabilities Act complaint alleging disability discrimination against a State or local government or a public accommodation (including, for example, a restaurant, doctor's office, retail store, hotel, etc.) by mail or email.

To file an ADA complaint by mail, you may fill out this form and mail it to:

US Department of Justice 950 Pennsylvania Avenue, NW

Civil Rights Division Disability Rights Section – 1425 NYAV

Washington, D.C. 20530

To file an ADA complaint by fax, you may fax the form to:

(202) 307-1197

You may also file a complaint by email at ADA.complaint@usdoj.gov.

If you require accommodations because of a disability in order to prepare a complaint, see question 2 below.

If you have questions about filing an ADA complaint, please call:

ADA Information Line: 800-514-0301 (voice) or 800-514-0383 (TTY).

Main Section Telephone Number: 202-307-0663 (voice and TTY)

More Information about Filing an ADA Complaint

1. How can I file an ADA complaint with the Department of Justice?
2. What accommodations may I request if I cannot prepare my own ADA complaint because of my disability?
3. What information should my ADA complaint include?
4. How do I file an ADA complaint by e-mail?
5. How do I file an ADA complaint by regular mail or some other delivery service?
6. What happens after my complaint is received?
7. How can I find out the status of my complaint?
8. What happens if my complaint is referred for possible mediation?
9. What happens if my complaint is opened for investigation?
10. What happens if my complaint is referred to another federal agency?
11. How will the information in my complaint be used?
12. Information in Spanish about filing an ADA complaint

1. How can I file an ADA complaint with the Department of Justice?

If you believe that you or another person has been discriminated against by an entity covered by the ADA, you may file a complaint with the Disability Rights Section (DRS) in the Department of Justice. A complaint may be sent by email, the quickest way to file a complaint, or by letter. (Letters and packages sent to the DRS by U.S. Mail are delayed for security screening.) While email complaints are the quickest and receive an immediate reply confirming that they have been received, there is no guarantee of privacy when you send an e-mail. See questions 4 and 5 below for instructions on filing by email or by regular mail.

2. What accommodations may I request if I cannot prepare my own ADA complaint because of my disability?

Individuals who are deaf, have hearing loss, or have speech disabilities may submit complaints using the DRS TTY line, 1-800-514-0383, or via the telephone relay system, calling 1-800-514-0301 (voice). Individuals who communicate using American Sign Language (ASL) may schedule an appointment (using either number above) to make a complaint via direct video connection to a member of our staff.

Individuals with other disabilities may have their complaints taken orally over the telephone. To schedule an appointment to dictate the text of a complaint, call the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) .

3. What information should my ADA complaint include?

Provide the following information:

- A. Your full name, address, the telephone numbers where we can reach you during the day and evening, and the name of the party discriminated against (if known);
- B. The name and address of the business, organization, institution, or person that you believe has committed the discrimination;
- C. A brief description of the acts of discrimination, the dates they occurred, and the names of individuals involved;
- D. Other information you believe necessary to support your complaint, including copies (not originals) of relevant documents; and
- E. Information about how to communicate with you effectively. Please let us know if you want written communications in a specific format (e.g., large print, Braille, electronic documents) or require communications by video phone or TTY.

To guide you in providing the requested information, you may use this [ADA complaint form](#) for any ADA complaint.

4. How do I file an ADA complaint by email?

Include all of the information listed above, either in the body of the email or in an attachment. Attach relevant documents to your email. Send your complaint to ada.complaint@usdoj.gov. You will receive an automatic reply email confirming that your complaint has been received. Please keep a copy of your complaint and the reply email for your records. If you do not receive an automatic reply email, please contact DRS at the voice or TTY number above.

5. How do I file an ADA complaint by regular mail or some other delivery service?

DRS accepts complaints sent by regular mail through the U.S. Postal Service or by any other parcel delivery service. Please be aware that the receipt of complaints sent by regular mail or some other delivery services may be delayed by 4 - 6 weeks because of necessary security screening precautions. To file a complaint using regular mail or some other delivery service, send your completed complaint with copies (not originals) to the following address:

U.S. Department of Justice
Civil Rights Division
Disability Rights Section - NYAV

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Please keep a copy of your complaint and the original documents for your own records.

6. What happens after my complaint is received?

After the complaint is received, we will inform you of our action, which may include:

- A. Contacting you for additional information or copies of relevant documents;
- B. Referring your complaint for possible resolution through the [ADA Mediation Program](#);
- C. Referring your complaint to the United States Attorney's Office in your area for investigation;
- D. Referring your complaint to another federal agency with responsibility for the types of issues you have raised.
- E. Investigating your complaint; or
- F. Considering your complaint for possible litigation by the Department of Justice.

Since we receive a high volume of ADA complaints and have limited resources, we cannot investigate or litigate every complaint. If we cannot investigate your complaint due to lack of resources or for some other reason, we will send you a letter explaining why your complaint will not be investigated.

7. How can I find out the status of my complaint?

We review each complaint carefully. Because we receive a large volume of ADA complaints from people throughout the United States, our review can take up to three months and sometimes longer. If you have not heard from us by the end of this three-month period, you can find out the status of your complaint by calling 1-800-514-0301 (voice) or 1-800-514-0383 (TTY). A member of our staff will contact you to tell you if your complaint has been received and if it is still under consideration for possible action.

8. What happens if my complaint is referred for possible mediation?

The [ADA Mediation Program](#) provides mediation services free of charge in an effort to achieve a cooperative resolution of ADA complaints against businesses and state and local governments. If we decide that your complaint may be appropriate for mediation, we will contact you and the entity that you complained about to find out if you are both willing to participate in mediation.

9. What happens if my complaint is opened for investigation?

If your complaint is opened for investigation, an investigator or attorney will be assigned and will contact you to obtain additional information. The investigator or attorney will contact you at least every three months to advise you of the status of the investigation.

During the investigation, the attorney or investigator will not necessarily make a determination about whether or not an ADA violation has occurred. If he or she believes there is a pattern or practice of discrimination, or the complaint raises an issue of general public importance, DRS may attempt to negotiate a formal settlement of the matter, or may file a lawsuit in federal court on behalf of the United States. *We do not act as an attorney for, or representative of, the complainant.*

10. What happens if my complaint is referred to another federal agency

If we decide your complaint is appropriate for referral to another federal agency, we will notify you of this decision and send you a copy of the letter sent to the other agency.

11. How will the information in my complaint be used?

The personal information will be used primarily for the Department of Justice's authorized civil rights compliance and enforcement activities. DRS will not disclose your name or other identifying information about you unless it is necessary for enforcement activities against an entity alleged to have violated federal

law, or unless such information is required to be disclosed under the Freedom of Information Act, 5 U.S.C. § 552, or disclosure is allowed through the publication of a routine use in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a. To further the Department's enforcement activities, information DRS has about you may be given to: appropriate Federal, State, or local agencies: Members of Congress or staff; volunteer student workers within the Department of Justice so that they may perform their duties; the news media when release is made consistent with the Freedom of Information Act and 28 C.F.R. § 40.2; and the National Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their legal responsibilities.

Providing DRS with the requested information is voluntary except that failure to provide such information may result in DRS being unable to process your complaint.

For other questions, call the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383. Information Specialists are available to answer questions on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. to 5:30 p.m. (Eastern Time). On Thursday, the information line is staffed from 12:30 p.m. to 5:30 p.m. (Eastern Time).

Selected Topics

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[Proposed Regulations](#)
[Project Civic Access](#)
[ADA Business Connection](#)

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Requesting Legal Assistance from the ACLU of Arizona

[en Español](#)

The ACLU is a non-governmental, non-profit public interest legal organization that principally addresses issues involving challenges to a government law, policy or practice affecting the constitutional rights - that is, the civil liberties and civil rights - of a significant number of people arising in Arizona.

Almost all of our legal work involves constitutional issues and because the United States Constitution and the Arizona Constitution protect only against unlawful **government** action, we rarely take on disputes involving individuals or private companies.

Violations of constitutional rights and civil liberties are widespread, yet the ACLU of Arizona is a small organization with limited resources. We receive hundreds of requests for assistance each month and have to turn down the overwhelming majority of those requests. Generally, the ACLU of Arizona only takes on issues that can affect a large number of people directly or involving a small number of people or an individual that could set a precedent that would impact a significant number of people. We are especially interested in issues that may break new ground in interpreting constitutional rights.

Please Note:

- **The ACLU-AZ is not a general legal service organization and we normally cannot provide immediate or emergency services.** The ACLU-AZ is able to provide legal assistance in only a small number of cases.
- **The ACLU-AZ does not review or discuss requests for legal assistance in person, over the telephone, or by e-mail.** You must complete our [online complaint form \(click here\)](#).

To Request Help:

- The best and fastest way to request help from ACLU-AZ is by completing our [online complaint form](#). If we believe we can assist you, we will contact you for more information within ten business days. If you do not hear from us within ten business days, we are unable to assist you at this time.
- The [online complaint form](#) is the preferred way for you to submit a complaint. If there is absolutely no way for you to submit your complaint online, please call (602) 650-1854 ext. 112, and leave a message with your name and complete mailing address, requesting that a complaint form be mailed to you. Please mail your complaint form to: ACLU-AZ Intake, P.O. Box 17148, Phoenix, AZ 85011. If we believe we can assist you, we will contact you for more information within four to eight weeks.
- The complaint form is designed to assist the legal department in the evaluation of your grievance. When filling out the form, please be as concise, specific and as detailed as possible. It is important that you try to answer all questions fully and completely. If we need further information, we have your address and/or telephone number and can request any additional documents. All complaint files are kept confidential and are disposed of after two years.

Please read this information carefully about the kinds of cases we accept, and how to have the ACLU-AZ consider your case. If you believe your case may be the kind

Know the Issues

- [Free Speech](#)
- [Immigrant Rights](#)
- [Voting Rights](#)
- [Religious Liberty](#)
- [LGBT Rights](#)
- [Reproductive Rights](#)
- [Prisoner Rights](#)
- [Privacy and Technology](#)
- [Student Rights](#)
- [Disability Rights](#)
- [Racial Justice](#)
- [Women's Rights](#)
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- [Safe and Free](#)
- [Search and Seizure](#)
- [Due Process](#)
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Join the ACLU

Help fight for your rights. Become a card-carrying ACLU of Arizona member.

> [Join now!](#)

Take Action

Join thousands of activists across the state in speaking out.

> [I'm ready to take action!](#)

Renew

Keep fighting for your rights.

> [Renew your membership!](#)

of case we accept, fill out the entire [online complaint form](#). If we need more information, we will contact you.

What We Do

- The ACLU-AZ is a non-governmental, not-for-profit organization that seeks to preserve and ensure constitutional rights and principles found in the Bill of Rights. In most cases, these constitutional provisions apply only to the government. Accordingly, in most cases, a legal matter raises a civil liberties issue only when a government official or government agency is responsible for violating your rights.
- The ACLU-AZ fights for these issues through court litigation on behalf of people who have been mistreated by the government.
- The ACLU-AZ works in the community by organizing town meetings, forums and workshops to educate people about their rights, and works with local advocacy groups to leverage the public knowledge of the issues.
- The ACLU-AZ works in the legislature, advocating politicians and policymakers for laws that will protect everyone and fighting measures that would limit our freedoms.

What does it cost?

The attorneys at the ACLU-AZ represent clients free of charge. Cases are handled by staff counsel or by cooperating attorneys in private practice.

How does the ACLU-AZ choose cases?

The ACLU-AZ generally files cases that affect the civil liberties of a large number of people, rather than a dispute between two parties. The basic questions we ask when reviewing a potential case are:

- Is this a significant civil liberties issue?
- What effect will this case have on people in addition to our client?
- Do we have the resources to take this case?

Unfortunately, our resources are limited; therefore, the ACLU-AZ is not able to help in every situation. We are only able to take cases that raise significant constitutional or civil liberties issues, or that affect a large number of people.

What are civil liberties?

The civil liberties we seek to protect include, but are not limited to:

- **Freedom of Speech and Press:** For example, a student is suspended for writing an article critical of the principal, a police officer is disciplined for speaking out against police brutality or a group is charged for police protection when it applies for a demonstration permit.
- **Freedom of Religion:** This involves both the right of individuals to religious belief and the separation of church and state.
- **Privacy:** The right to a guaranteed zone of personal autonomy free from government intrusion. For example, reproductive rights.
- **Equal Protection/Discrimination:** For example, this could include a sheriff's department, which refuses to accept women as deputies or a refusal to allow homeless people to vote because they have no fixed address.
- **Due Process:** For example, a community group is denied a permit by the police, and the town does not provide an appeal process to the decision.

The Constitution of the United States of America:

[Click here](#)

Bill of Rights:

[Click here](#) for the First 10 Amendments to the Constitution

[Click here](#) for the 11th and Following Amendments

Arizona State Constitution:

[Click here](#)

What cases affect other?

Lawsuits can affect a large number of people in two ways. First, we sometimes challenge a practice or policy, which directly impacts many people. Second, a lawsuit is brought on behalf of one person that can impact others, when it establishes or expands a legal protection.

Why does the ACLU-AZ prefer cases without serious factual investigation?

Although we accept cases with serious factual investigation, we prefer cases where the issue is a question of law. An example of a factual dispute is an employment discrimination case in which the employer claims he fired the employee because of poor job performance and has credible evidence to support that claim, but the employee disputes the evidence and has credible evidence of her own. The reasons we do not accept cases involving factual disputes are:

- Our limited resources;
- The court may not reach a decision on the civil liberties issues;
- The case is less likely to have a broad impact on others, if the decision rests on specific facts.

Types of cases the ACLU-AZ does not generally accept

- **Employment:** The ACLU-AZ usually cannot help when employees believe that they were fired unjustly or were otherwise treated unfairly at work. This is especially true when the employer is a private company rather than a government agency. But when workers can show that they were fired or mistreated because of their race, gender, ethnic background, religion, disability or any other basis that violates anti-discrimination statutes, there is stronger legal protection. In such cases, we ask that you contact the Arizona Attorney General's Office – Civil Rights Division before you send a letter to the ACLU of Arizona. For information about filing a complaint with the AZ AG, go to http://www.azag.gov/civil_rights/complaint.html. Or call 602-542-5263 in Phoenix or 520-628-6500 in Tucson.
- **Family law/child custody:** The ACLU of Arizona generally does not provide assistance in family law cases involving disputes about divorces, child custody, parenting time, or visitation.
- **Landlord-tenant dispute:** The ACLU-AZ does not generally get involved in disputes between tenants and their private landlords, unless the issue involves discrimination prohibited by statute or ordinance. **This includes disputes with Home Owner Associations.**
- **Denial of government benefits:** The ACLU-AZ is unlikely to challenge a specific case of the denial of government benefits such as worker's compensation, unemployment, social security or food stamps.
- **Complaints about judges:** The ACLU-AZ does not handle complaints about judges or judgements. If you feel a judge has acted unethically or improperly in your case, contact Arizona Commission on Judicial Conduct: (602) 452-3200.
- **Complaints about attorneys:** The ACLU-AZ does not handle complaints about a person's current court-appointed attorney. Complaints regarding ineffective assistance of counsel should be submitted to the Arizona State Bar Association.
- **Criminal defense:** The ACLU-AZ generally does not provide criminal defense attorneys to persons who are accused of crimes. There is an exception, however, when the alleged criminal activity clearly implicates a constitutional right such as freedom of speech. Thus, the ACLU-AZ is unlikely to provide a criminal defense to someone charged with burglary, even if the person asserts that the evidence was obtained in a search that violates the Fourth Amendment. On the other hand, the ACLU-AZ would consider assisting in the criminal defense of persons arrested for participating in a demonstration, if the arrests infringed on the right of free expression.
- **Challenges to convictions or prison sentences:** It is very unlikely that the ACLU-AZ would provide an attorney to challenge a person's criminal conviction or the length of a prison sentence. Similarly, the ACLU-AZ will not be able to help prisoners who believe that the length of their sentence has been calculated incorrectly. If a pending appeal raises an important constitutional issue, the ACLU-AZ may submit an amicus brief in the appellate courts. Requests for amicus briefs should come from your appellate attorney.
- **Cases that are too old:** There are time deadlines for initiating most legal actions. If the incident occurred too far in the past, it may be too late for a legal remedy. The ACLU of Arizona cannot provide advice about what time deadlines may apply to your particular legal matter.
- **Cases that arise outside Arizona:** The ACLU of Arizona cannot provide legal assistance if the matter did not take place in or arise in Arizona, even if the prisoner is now housed in the state. To find ACLU affiliates in other states, go to the www.aclu.org.

To find other agencies that may be better able to provide assistance in these areas, visit our [Additional Legal Resources](#) page.

Why does the ACLU-AZ turn down cases that fall within its guidelines?

There are many cases and problems of unfairness and injustice, which the ACLU-AZ is simply unable to handle. We receive hundreds of requests for help each month. Therefore, we cannot accept many of the cases that fall within our guidelines. We must select those cases that we believe will have the greatest impact on protecting civil liberties.

Can the ACLU-AZ advise me about my case?

The ACLU-AZ cannot give legal advice about your case or provide you with other kinds of assistance unless we accept your case. We will not be able to answer any legal questions, conduct legal research, or provide information about the legal deadlines that might apply to your situation.

- To ask a quick legal question for a minimal fee, contact the Lawyer Referral Service at (602) 257-4434 or (520) 623-8258.

Important information about deadlines (Statutes of Limitation)

All legal claims have time deadlines. These deadlines are different depending on the nature of the legal claim, the persons who violate your rights, and which particular rights were violated. Contacting the ACLU-AZ to describe your problem does not mean that ACLU-AZ attorneys represent you, and contacting the ACLU-AZ does not stop these time deadlines from running. **The ACLU-AZ cannot provide you with advice about which time deadlines might apply to your particular situation.** To ensure that your rights are protected, you may need to consult an attorney promptly to find out what time deadlines may apply in your case.

Visit our [Additional Legal Resources page](#) to find other agencies and organizations that may be able to assist you.



WORKSHOP COUNCIL REPORT

Meeting Date: **8/20/2013**
Meeting Type: **Workshop**
Title: **COUNCIL ITEM OF SPECIAL INTEREST – DRAFT PRAYER/INVOCATION GUIDELINES**
Staff Contact: **Kristen Krey, Council Services Administrator**

Purpose and Policy Guidance

Staff is seeking guidance from City Council to finalize guidelines for Prayer/Invocation at Council Meetings and bring forward to a future Council meeting for adoption.

Analysis

The City Clerk Department staff used the City Clerk listserv and obtained information about what cities/towns have a prayer/invocation at their Council meetings. The majority of the cities/towns that have a prayer/invocation do not have written guidelines or policies. The City Attorney's office provided guidance and a legal opinion.

The City Attorney's office provided the following guidelines for having prayer at a Council meeting.

- Not endorse one religion over another or over non-religion;
- Include all denominations and faiths;
- Make and widely distribute an invitation to give a prayer or invocation to the general public;
- Develop a neutral, random policy to select prayer givers, including a limitation on the number of times any one denomination or sect can give an invocation in a year;
- Not examine, restrict or censure the content of the invocation;
- Not allow prayer-givers to proselytize or, advance any one or disparage any other particular faith or belief; and
- The City's officials should not give the impression that they are expressing an official City religion, are speaking on the City's behalf or that City residents attending the meeting are expected to participate in the prayer.

It was additionally offered that the prayer-givers must be chosen at random, that the volunteers be informed that they are not speaking on behalf of the City, and that the City adopt a neutral, standardized policy for the prayer/invocation. To that end, Staff has taken items from the various policies available and has incorporated them into draft guidelines for Council's review, discussion and guidance and are included in this council report. The draft guidelines also provide a specific process for the invitation and selection of volunteers.



WORKSHOP COUNCIL REPORT

Previous Related Council Action

At the February 5, 2013 Workshop, Council discussed a moment of silence versus prayer.

At the February 21, 2013 Retreat, Council discussed having a prayer at Council meetings.

At the June 18, 2013 Workshop, Council discussed having a prayer at Council meetings and the need to have guidelines.

Attachments

Draft Prayer Guidelines

Spreadsheet with other city information

Policy from City of Lancaster, CA

Policy from City of Benson, AZ

Policy from Town of Florence, AZ

Policy from City of Litchfield Park, AZ

Policy and e-mail from City of Phoenix, AZ

Policy from City of Winslow, AZ

DRAFT GUIDELINES
Presented for Council Workshop 8/20/2013

Prayer at Council Voting Meetings

1. In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.
2. These guidelines allow for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message.
3. No member of the Council, employee of the City, or any other person in attendance at the meeting shall be required to participate in any prayer or invocation that is offered.
4. The prayer/invocation shall be voluntarily delivered by any person who has offered
5. The speaker shall not receive compensation for his or her service.
6. No speaker shall proselytize or otherwise openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or groups; or openly advance any faith, belief, doctrine, or dogma. No prayer/invocation shall disparage the religious faith or non-religious views of others.
7. The prayer/invocation shall not exceed 3 minutes in length.
8. These guidelines are not intended, and shall not be implemented or construed in anyway, to affiliate the City Council with, nor express the Council's preference for, any faith or religious denominations. Rather, these guidelines are intended to acknowledge and express the City Council's respect for the diversity of both organized and unorganized religious denomination, as well as other faiths represented and practiced among the citizens of the City of Glendale.
9. Anyone violating (6) of these guidelines is subject to disqualification from offering future prayers/invocations.
10. As adopted by Council, the City Council Meeting Rules and Guidelines state that the Mayor is the presiding officer of the meetings and as such:

“SECTION 2 – PRESIDING OFFICER

2.1 As provided by the City Charter, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the presiding officer of the Council and will preside at all Council meetings.

2.2 The presiding officer will preserve order and decorum at all meetings of the Council to allow the orderly conduct of the business of the meeting and to

provide persons in attendance with an interest in all agenda items to have an opportunity to have their item of interest duly considered by the Council, including a fair opportunity for interested persons to speak on public hearing items. Any decision by the Mayor on procedural matters in final, subject only to appeal to the whole Council as provided in *Robert's Rules*.

Therefore, the Mayor shall advise the any speaker that their time is up in order to keep with the orderly operation of the meeting.

11. In no event shall a speaker be scheduled to offer a prayer/invocation at consecutive meetings of the Council.
12. In no event shall a speaker offer the prayer/invocation more than 3 times. Similarly, no speaker from the same denomination, faith or sect shall speak more times than 3.
13. Neither the Council nor staff shall engage in any inquiry, examination, restriction, review of, or involvement in, the content of any prayer to be offered.
14. In the event that there is no scheduled speaker to offer the prayer/invocation, the agenda shall include a Moment of Silence.
15. The following shall be included on every agenda
“Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Mayor’s office and interested persons should contact the Mayor’s office for further information.”
16. City officials should not give the impression that they are expressing an official City religion or are speaking on the City’s behalf.

Process:

1. The Mayor’s office will maintain a list of volunteers.
2. Volunteers will be able to sign up via the website, a hard copy request form also available on the website, or submitted in person to a representative of the Mayor’s office at 5850 W. Glendale Ave.
3. As the requests are received they will be placed in that order. The speakers will be contacted in order of date and then time received and requested to speak at a future meeting of the Council.
4. The Mayor’s office will follow up with letter setting forth the date and time that the speaker should be prepared to offer the invocation/prayer. Additionally, the letter will remind the intended speaker that the prayer/invocation being offered cannot seek to proselytize in favor of one religion or sect or disparage another religion or belief.

City/Town	Prayer/Invocation	Written Procedures	Who Handles
Mesa	Invocation	No	City Managers Assistant
Eagar	Invocation	No	Mayor
Gila Bend	Invocation	Yes - Town Council Policies and Procedures	Mayor
Winslow	Invocation	Yes - policy	Mayor
Apache Junction	Invocation	Yes - City Code	Mayor
Tempe	Invocation	No	City Clerk Dept
Sahuarita	Invocation	No	Town Clerk/local minister coordinates
Bullhead City	Invocation	No	City Clerk Dept
Gilbert	Invocation	no	City Clerk Dept
Miami	Invocation	No	Council
Chandler	Invocation	No	Clerk Dept
Litchfield Park	Invocation	Yes	City Clerk Dept
Prescott	Invocation	No	Mayor's Administrative Assistant
Casa Grande	Invocation	No	Mayor
Prescott Valley	Invocation	No/Town Code	
Williams	Invocation	No	Mayor
Benson	Invocation	Yes	City Clerk Dept
Florence	Invocation	yes	City Clerk Dept
Mesa	Invocation	no	Exec Assistant to City Manager
Chino Valley	Prayer	no	Mayor
San Luis	Prayer	No	Mayor
Fountain Hills	Prayer	No	Customer Service Reps/Clerk
Goodyear	Prayer	No	Mayor
Maricopa	Prayer	No	Mayor
Wellton	Prayer	No	Mayor
Star Valley	Prayer	No	Local Minister
Pinetop-Lakeside	Prayer	No	Mayor
Yuma	Prayer	No	Mayor/Council Executive Assistant
Parker	Prayer	No	Clerk Dept

Safford	Prayer	No	Mayor
Dewey-Humboldt	Prayer	No	Mayor
Phoenix	Prayer	Yes	City Clerk Dept

**POLICY REGARDING INVOCATIONS
AT MEETINGS OF THE CITY COUNCIL OF THE CITY OF LANCASTER**

WHEREAS, the City Council is an elected legislative and deliberative public body, serving the citizens of the City of Lancaster; and

WHEREAS, legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the City Council; and

WHEREAS, since the incorporation of the City, the City Council has followed a practice of selecting a member of local clergy to provide invocations at City Council meetings; and

WHEREAS, the City Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786; and

WHEREAS, the Supreme Court further held, "To invoke divine guidance on a public body. . . is not, in these circumstances, an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id.*, at 792; and

WHEREAS, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, "Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs." *Id.*, at 693 (O'Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “We are a religious people whose institutions presuppose a Supreme Being.” *Id.*, at 313-14; and

WHEREAS, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer ...,” *Id.*, at 471; and

WHEREAS, the Supreme Court has determined, “The content of [such] prayer is not of concern to judges where ... there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that upholds an individuals “free exercise” rights under the First Amendment; and

WHEREAS, the Supreme Court has repeatedly clarified that “there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.” *Bd. of Educ. of Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 250 (1990); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the City Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lancaster, California that the City Council does hereby adopt the following written policy regarding opening invocations before meetings of the City Council, to wit:

1. In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.

2. No member of the City Council or City employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

3. The prayer shall be voluntarily delivered by an eligible member of the clergy/religious leader in the City of Lancaster. To ensure that such person (the “invocational speaker”) is selected from among a wide pool of the (jurisdiction)’s clergy/religious leaders, on a rotating basis, the invocational speaker shall be selected according to the following procedure:

a. The City Clerk shall compile and maintain a database (the “Congregations List”) of the religious congregations with an established presence in Lancaster.

b. The Congregations List shall be compiled by referencing the listing for “churches,” “congregations,” or other religious assemblies in the annual Yellow Pages phone book(s) published for the City of Lancaster, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the City of Lancaster are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Clerk.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Lancaster or any nearby military facilities.

d. The Congregations List shall be updated annually by reasonable efforts of the City Clerk.

e. Within thirty (30) days of the effective date of this policy, the City Clerk shall mail an invitation addressed to the “religious leader” of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

f. The invitation shall be dated at the top of the page, signed by the City Clerk at the bottom of the page, and read as follows:

Dear religious leader,

The City Council makes it a policy to invite members of the clergy in the City of Lancaster to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence in the local community of the City of Lancaster, or in your capacity as a chaplain for one of the fire departments or law enforcement agencies of the City of Lancaster, you are eligible to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve or other random basis. The dates of the City Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the City Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invitational speaker, nor to disparage any faith or belief different than that of the invitational speaker.

On behalf of the City Council, I thank you in advance for considering this invitation.

*Sincerely,
City Clerk*

g. Consistent with paragraph 6 hereof and, as the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve or other random basis to deliver the prayers.

h. If the selected invitational speaker does not appear at the scheduled meeting, the Mayor may ask for a volunteer from among the Council or the audience to deliver the invocation.

4. No invitational speaker shall receive compensation for his or her service.

5. The City Clerk shall make every reasonable effort to ensure that a variety of eligible invitational speakers are scheduled for the City Council meetings. In any event, no invitational speaker shall be scheduled to offer a prayer at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.

6. Neither the City Council nor the City Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invitational speaker.

7. This policy shall be intended for all Boards and Commissions for the City of Lancaster, California.

8. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Lancaster.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon approval by the City Council of the City of Lancaster, California.

ATTEST:


GERI K. BRYAN, CMC
City Clerk
City of Lancaster

APPROVED:


R. REX PARRIS
Mayor
City of Lancaster

Approved: August 25, 2009

RESOLUTION NO. 1-2009

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, ADOPTING A WRITTEN POLICY REGARDING OPENING INVOCATIONS BEFORE MEETINGS OF THE BENSON CITY COUNCIL.

WHEREAS, the Benson City Council (the "Council") is an elected legislative and deliberative public body, serving the citizens of Benson, Arizona; and

WHEREAS, the Council has long maintained a tradition of solemnizing its proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Council; and

WHEREAS, the Council wishes to maintain a tradition of solemnizing its proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Council; and

WHEREAS, the Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, our country's Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our Legislature, upon which we desire to invoke divine guidance and blessing; and

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786; and

WHEREAS, the Council desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.*, at 792. Such invocation "is not, in these circumstances, an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id.*; and

WHEREAS, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, that “governments acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs.” *Id.*, at 693 (O’Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “We are a religious people whose institutions presuppose a Supreme Being.” *Id.*, at 313-14; and

WHEREAS, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer...,” *Id.*, at 471; and

WHEREAS, the Supreme Court has determined, “The content of (such) prayer is not of concern to judges where...there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

WHEREAS, in *Bacus v. Palo Verde Unified School Dist. Bd. of Educ.*, 52 Fed. Appx. 355 (9th Cir. 2002), the United States Court of Appeals for the Ninth Circuit recognized the continued vitality of *Marsh* and its applicability to analyzing the constitutionality of legislative prayer; and

WHEREAS, the Ninth Circuit held that prayer before deliberative bodies must not “disparage other religious faiths,” “proselytize,” nor “advance any one...faith or belief.” *Id.* At 357 (quoting *Marsh*, 463 U.S. at 794-95.); and

WHEREAS, the Council intends to avoid all of the unique circumstances that rendered the practices at issue in *Bacus* unconstitutional, including the facts that:

- 1) The prayer before meetings was “almost always” offered “in the Name of Jesus,” despite objection from the community. *Id.* At 356; and
- 2) The persistent invocations “in the Name of Jesus,” “necessarily had the effect of ‘making adherence to a religion relevant’ to... ‘standing in the political community.’” *Id.* At 357; and
- 3) Such continued and “regular” Christian invocations, to the exclusion of all others, provided Christianity “with a special endorsed and privileged status...” *Id.*; and

- 4) The same individual almost always offered the invocation, and "no individuals of other religions ever gave the invocation." *Id.* At 356-57; and
- 5) The prayer practice was thus not conducted "as is traditional in Congress," where invocations are "rotated among leaders of different faiths, sects, and denominations." *Id.* At 356 (citing *Marsh*, 463 U.S. 783 n.13.); and

WHEREAS, the Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Arizona Constitutions and statutes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Benson, Arizona, that the Council hereby adopts the following written policy regarding opening invocations before meetings of the Council, to wit:

1. In order to solemnize proceedings of the Benson City Council, it is the policy of the Council to allow for an invocation or prayer to be offered before its meetings for the benefit of the Council.
2. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.
3. The prayer shall be voluntarily delivered by an eligible member of the clergy in Benson, Arizona. To ensure that such person (the "invocation speaker") is selected from among a wide pool of Benson's clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:
 - a. The Clerk to the Benson City Council (the "Clerk") shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the local community of Benson, Arizona.
 - b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual Yellow Pages phone book(s) published for Benson, Arizona, research from the internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the local community of Benson, Arizona are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Clerk.
 - c. The Congregation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of Benson, Arizona.

- d. The Congregation List shall be updated, by reasonable efforts of the Clerk in November of each calendar year.
- e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Clerk shall mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.
- f. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear religious leader,

The Benson City Council makes it a policy to invite members of the clergy in Benson to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the Council. As the leader of one of the religious congregations with an established presence in the local community, or in your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the Council.

If you are willing to assist the Council in this regard, please send a written reply at your earliest convenience to the Clerk to the Benson City Council at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meeting for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Benson City Council, I thank you in advance for considering this invitation.

Sincerely,

Clerk to the Benson City Council

- g. As the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the prayers.
- 4. No invocation speaker shall receive compensation for his or her service.
 - 5. The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council meetings. In any event, no invocation

speaker shall be scheduled to offer a prayer at consecutive meetings of the Council, or more than three (3) Council meetings in any calendar year.

6. Neither the Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocation speaker.
7. Shortly before the start of regular Council business, the Chairperson of the Council shall introduce the invocation speaker.
8. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Benson, Arizona.
9. To clarify the Council's intentions, as stated herein above, the following disclaimer shall be included in at least 10 point font at the bottom of any printed Council meeting agenda: "Any invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker."
10. In the event that an eligible member of the clergy of the City of Benson is unavailable to perform the invocation, the invocation shall be voluntarily delivered by a single Councilmember, scheduled on a rotating basis among all Councilmembers who voluntarily choose to participate in the rotational list. The designated Councilmember shall deliver the prayer, invocation or moment of silence in his or her capacity as a private citizen, and according to the dictates of his or her own conscience. The Councilmember shall otherwise comply with the policies described herein to the extent that they do not conflict with this provision.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Council.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of January, 2009.


MARK M. FENN, Mayor

ATTEST:


VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:


THOMAS A. BENAVIDEZ, City Attorney

Town of Florence



POLICY TITLE: INVOCATION AT PUBLIC MEETINGS	EFFECTIVE DATE: JANUARY 1, 2013
RESPONSIBLE DEPARTMENT: TOWN CLERK'S OFFICE	AP / RESOLUTION No.: RESOLUTION NO. 1361-12.
APPROVAL: <input type="checkbox"/> TOWN MANAGER SIGNATURE: _____ <input checked="" type="checkbox"/> TOWN COUNCIL DATE APPROVED: <u>SEPTEMBER 4, 2012</u>	REFERENCES: COUNCIL RULES OF PROCEEDURE

1.0 Purpose

To establish a policy, criteria, guidelines and procedures for allowance of an invocation at regularly scheduled Town Council Meetings.

2.0 Scope

This policy affects elected officials and the regular meeting schedule of the Florence Town Council.

3.0 Responsibilities

The Town Clerk is responsible for the implementation and update of this policy. The Town Council is responsible for the enforcement of this policy.

4.0 Policy

- 4.1 It is the policy of the Florence Town Council to allow for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message. An invocation shall be offered before the Regular Town Council meetings
- 4.2 No member of the Town Council, employee of the Town, or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.
- 4.3 The invocation shall be voluntarily delivered by an eligible member, as outlined in Section 5.2, of the clergy in the incorporated limits of the Town of Florence, Arizona. To ensure that the invocation speaker is selected from the congregation list, on a rotating basis, the invocation speaker shall be selected according to the procedure in Section 5.1.
- 4.4 No invocation speaker shall receive compensation for his or her service.

- 4.5 No invocation speaker shall proselytize or otherwise openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or groups; or openly advance any faith, belief, doctrine, or dogma. No invocation may disparage the religious faith or non-religious views of others.
- 4.6 Invocation shall not exceed 3 minutes in length.
- 4.7 This policy is not intended, and shall not be implemented or construed in anyway, to affiliate the Town Council with, nor express the Council's preference for, any faith or religious denominations. Rather, this policy is intended to acknowledge and express the Town Council's respect for the diversity of both organized and unorganized religious denomination, as well as other faiths represented and practiced among the citizens of the Town of Florence.
- 4.8 Anyone violating section 4.5 of the policy is subject to disqualification from offering future invocations and will be removed from the database of religious congregations eligible to give the invocation.

5.0 Procedures

5.1 Selection Process

- 5.11 A Congregation List is compiled and used as part of the selection process for the purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to participate in the invocation process.
- 5.12 The Town Clerk's Office compiles and maintains a database of religious congregations with an established presence in the Town of Florence. Any religious congregation that may not be established, such as home-based religious organizations or congregations of limited parishioners, but falls under authenticity guidelines outlined in Section 5.2, may contact the Town Clerk's Office to establish a position on the Congregation List.
- 5.13 The List may include the Town of Florence Police or Fire Department Chaplain.
- 5.14 The Congregation List is updated by November 1, each year.
- 5.15 An invitation to perform the invocation is distributed by November 15, each year.
- 5.16 A random drawing that is open to the public is completed by December 15, of each year to select the meeting date(s) the invocation will be offered.

5.17 A schedule of meeting dates showing religious leaders for the year will be maintained in the Clerk's Office.

5.2 Authenticity of Religious Congregation

5.21 Should a question arise as to the authenticity of a religious congregation, the staff shall refer to criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for I.R.C. §501 (c) (3) tax-exempt status.

6.0 Definitions

Congregation: An assembled body of a specific religious group who regularly worship at a church, synagogue, or dedicated structure or location.

Invocation: The act or an instance of invoking, especially an appeal to a higher power for assistance.

Moment of silence: Three minute of silence, during which participants may typically bow their heads and refrain from speaking or moving places for the duration. A person officiating or presiding over the gathering will be responsible for the declaring and timing of the period of silence.

Prayer: An address (as a petition) to God, deity, spirit, or higher power in word or thought.

7.0 Supplement

7.1 Sample Letter

SAMPLE INVITATION

Date

Name

Address

City/Town and Zip

Dear religious leader,

The Florence Town Council, as matter of policy, invites members of the clergy in Florence to voluntarily offer an invocation before the beginning of its meetings. As the leader of one of the religious congregations within an established presence in the Town, you are invited to provide this important service at an upcoming meeting of the Town Council.

If you are willing to assist the Town Council in this regard, please send a written reply at your earliest convenience to the Florence Town Clerk's Office, PO Box 2670, Florence, Arizona, 85132. Clergy who respond by November 1, 2012 will be invited to a meeting in which a drawing will be held and meeting dates issued for the 2013 calendar year.

This opportunity is voluntary and you are free to offer the invocation according to the dictates of your own conscience; however, please do not exceed five minutes in your presentation. To maintain a spirit of respect for all, the Town Council requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Florence Town Council, I thank you in advance for considering this invitation.

Sincerely,

Lisa Garcia
Deputy Town Manager/Town Clerk

Invocation Schedule

January 7, 2013	Pastor Wayne Douglas, Gila River Community Chapel
January 22, 2013	Reverend Donald Woolridge, Union Baptist Church
February 4, 2013	Rev. John Johnson, First Presbyterian Church, PC
February 19, 2013	Pastor Bob Maxey, First Southern Baptist Church of Florence
March 4, 2013	Bishop Ryan Michel, Church of Jesus Christ of Latter-Day Saints
March 18, 2013	Pastor Dale Storm, Florence Baptist Church
April 1, 2013	Reverend Dr. Edward Kavimba Lungu, Grace Bible Reformed Church
April 15, 2013	Father Jose Maria Corvero, The Assumption of the Blessed Virgin Mary Parish
May 6, 2013	Reverends Steve or LaDonna Williams, Florence First Assembly of GOD
May 20, 2013	Pastor Kevin McGinnis, Mosaic Church of the Nazarene
June 3, 2013	Reverend Dr. Edward Kavimba Lungu, Grace Bible Reformed Church
June 17, 2013	Bishop Ryan Michel, Church of Jesus Christ of Latter-Day Saints
July 1, 2013	Rev. John Johnson, First Presbyterian Church, PC
July 15, 2013	Reverend Donald Woolridge, Union Baptist Church
August 5, 2013	Reverends Steve or LaDonna Williams, Florence First Assembly of GOD
August 19, 2013	Pastor Dale Storm, Florence Baptist Church
September 3, 2013	Pastor Bob Maxey, First Southern Baptist Church of Florence
September 16, 2013	Pastor Kevin McGinnis, Mosaic Church of the Nazarene
October 7, 2013	Pastor Wayne Douglas, Gila River Community Chapel
October 21, 2013	Father Jose Maria Corvero, The Assumption of the Blessed Virgin Mary Parish

November 4, 2013	Reverend Dr. Edward Kavimba Lungu, Grace Bible Reformed Church
November 18, 2013	Bishop Ryan Michel Church of Jesus Christ of Latter-Day Saints
December 2, 2013	Pastor Kevin McGinnis, Mosaic Church of the Nazarene
Alternate 1	Reverend Donald Woolridge, Union Baptist Church
Alternate 2	Pastor Wayne Douglas, Gila River Community Chapel
Alternate 3	Pastor Bob Maxey, First Southern Baptist Church of Florence
Alternate 4	Reverend Dr. Edward Kavimba Lungu, Grace Bible Reformed Church
Alternate 5	Pastor Dale Storm, Florence Baptist Church
Alternate 6	Father Jose Maria Corvero, The Assumption of the Blessed Virgin Mary Parish
Alternate 7	Rev. John Johnson, First Presbyterian Church, PC
Alternate 8	Reverends Steve or LaDonna Williams, Florence First Assembly of GOD
Alternate 9	Pastor Dale Storm, Florence Baptist Church
Alternate 10	Father Jose Maria Corvero, The Assumption of the Blessed Virgin Mary Parish
Alternate 11	Pastor Bob Maxey, First Southern Baptist Church of Florence
Alternate 12	Bishop Ryan Michel Church of Jesus Christ of Latter-Day Saints
Alternate 13	Rev. John Johnson, First Presbyterian Church, PC
Alternate 14	Reverend Donald Woolridge, Union Baptist Church
Alternate 15	Pastor Wayne Douglas, Gila River Community Chapel
Alternate 16	Pastor Kevin McGinnis, Mosaic Church of the Nazarene
Alternate 17	Reverend Dr. Edward Kavimba Lungu, Grace Bible Reformed Church

City of Litchfield Park
Invocation at Council Meeting
Policy 10-4

1. An invocation will be offered at each regular Council Meeting following the Pledge of Allegiance.
2. The Mayor shall introduce or identify the invocation speaker.
3. The invocation shall be limited to one (1) minute.
4. No member of the Council, employee of the City, or any other person in attendance at the Council Meeting shall be required to participate in any invocation that is offered.
5. The invocation may be voluntarily offered by the Mayor, a Member of Council or a member of the clergy in the Litchfield Park area.
6. Members of Council who elect to participate will offer the invocation on a rotating basis. The individual Council Member may select a member of the clergy, on a rotating basis, to offer the invocation in the place of such Member; in which case such Member shall be responsible to contact the clergy.
7. The City Clerk's office shall compile and maintain a list of available clergy in the Litchfield Park area who have expressed interest in participating in offering an invocation at the regular Council Meetings.
8. The City Clerk's office shall make every reasonable effort to ensure that all churches, congregations or other religious assemblies in the Litchfield Park area are offered the opportunity to offer an invocation.
9. No invocation presenter shall receive compensation for his or her service.
10. Neither the Mayor, Council nor City Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by the invocation speaker; except that, in accordance with established case law, invocations that disparage others faiths or use derogatory terms are not permitted.
11. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Mayor and Council with, nor express the Mayor's or Council's preference for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Mayor's and Council's respect for the diversity of religious denominations and faiths represented and practiced in the Litchfield Park area.

McCracken, Darcie

From: joey.casto@phoenix.gov
Sent: Thursday, June 20, 2013 1:22 PM
To: McCracken, Darcie
Cc: cris.meyer@phoenix.gov
Subject: Fw: [azclerks] Prayer at Council meetings

Ms. McCracken,

I am responding to your question regarding prayer at council meetings. Before all our Formal City Council Meeting we have a member of the faith community give an invocation. Our section call members of the clergy in Phoenix and asks if they would like to give an invocation at our council meeting. We do not limit our invocations to one religion and try to bring a different faith each meeting. Invocation are chosen by their availability and if they've given an invocation lately. We do have some members of the faith community who are willing to help us in a pinch, thus have given the invocation more than once in a year. We are fortunate to have a diverse pool of invocators who fall in this category (Jewish, Salvation Army, Interfaith, Christian). When an invocator has agreed to come to a meeting, we send them a thank you letter letting them know where to park and asks if they could keep their invocation short. Additionally, we send them a copy of the brochure (link provided below) that gives guidance on how to conduct a public prayer.

Roughly six months ago, a letter was send to our Mayor asking to put an end to the invocation at our Formal Meetings. After consulting our Law Department, they gave advice that is summarized in the brochure we send out, and that we not just use one religion; which was not a problem for us.

I hope this information is helpful. Please feel free to contact me if you have any questions. Thank you.

<http://nccj.org/whatwedo/documents/PUBLICPRAYERGUIDELINES81610docx.pdf>

Joey Casto
City of Phoenix
Open Meeting Law Coordinator
Phone: 602-256-3186
joey.casto@phoenix.gov

<http://nccj.org/whatwedo/documents/PUBLICPRAYERGUIDELINES81610docx.pdf>

----- Forwarded by Joey Casto/CLK/PHX on 06/20/2013 12:57 PM -----

----- Forwarded by Cris Meyer/CLK/PHX on 06/19/2013 12:27 PM -----

From: "McCracken, Darcie" <DMcCracken@GLENDALEAZ.com>
To: Cris Meyer/CLK/PHX@PHXENT,
Date: 06/19/2013 12:22 PM
Subject: RE: [azclerks] Prayer at Council meetings

Hi Cris,

Thank you - Do you have a written procedure or guideline on how the prayer works – who decides on who presents it/how is the person chosen to deliver it, how long do they get, etc?

**WHEN YOU ARE
ASKED TO GIVE
PUBLIC PRAYER**

**IN A DIVERSE
SOCIETY**



nccj

The National Conference
for Community and Justice

Guidelines for Civic Occasions

PUBLIC PRAYER IN A DIVERSE SOCIETY

Guidelines for Civic Occasions

Faith leaders and others are sometimes called upon to present prayer at civic occasions including club meetings, legislative sessions, graduations, political rallies, testimonial dinners and community forums. Prayer in such secular settings can and should bind a group together in a common concern. However, it can become unintentionally divisive, when forms or language exclude persons from faith traditions different than that of the speaker.

Individuals who lead the general community in prayer have the responsibility to be clear about the public nature of the occasion and respectful of the composition of the audience. Prayer on behalf of the entire community should be easily shared by listeners from different faiths and traditions.

Inclusive Public Prayer is nonsectarian, general and carefully planned to avoid embarrassments and misunderstandings. On civic occasions, it is authentic prayer that also enables people to recognize the pluralism of American society.

When asking a person to offer a prayer on a civic occasion, it is important to explain clearly the need for general and inclusive prayer. Some persons are reluctant to offer Inclusive Public Prayer. This position should be respected, and the individual should be given the option of gracefully declining the invitation.

INCLUSIVE PUBLIC PRAYER

- seeks the highest common denominator without compromise of conscience
- calls upon God on behalf of the particular public gathered; avoids individual petitions
- uses forms and vocabulary that allow persons of different faiths to give assent to what is said

Sensitivity to the public's diversity and a commitment to inclusiveness should also apply to the content of meditations or addresses on civic occasions and to the selection and performance of music.

- uses universal, inclusive terms for deity rather than particular proper names for divine manifestations. Some opening invocations are "Almighty God", "Our Maker" "Source of All Being", "Creator God" or "Creator and Sustainer." Possible closing words are "Hear Our Prayer," "May Goodness Flourish," or, simply "Amen."
- uses the language most widely understood by the audience, unless one purpose of the event is to express ethnic/cultural diversity, in which case multiple languages can be effective.
- considers other creative alternatives, such as a moment of silence
- remains faithful to the purposes of acknowledging the divine presence, giving thanks and seeking blessing, and is not used as an opportunity to preach argue or testify.

*Inclusive public prayer in a
pluralistic society must be sensitive
to a diversity of faiths.*

*Leading such prayer is both
a privilege and a responsibility.*



nccj

The National Conference
for Community and Justice
of Connecticut and Western
Massachusetts, Inc.

What is NCCJ?

The National Conference for Community and Justice (NCCJ), founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry and racism in America. NCCJ promotes understanding and respect among all races, religions and cultures through advocacy, conflict resolution and education.

NCCJ promotes quality inter-group relations by empowering individuals and leaders to create institutional changes that will transform communities to provide fuller opportunity for all.

NCCJ seeks to build just and inclusive communities in which people from different religious, racial, ethnic and cultural backgrounds learn to live together with mutual respect and without compromising their faiths and identities. NCCJ opens minds and opens hearts!

THE NATIONAL CONFERENCE FOR COMMUNITY & JUSTICE
of Connecticut and Western Massachusetts, Inc.

1095 Day Hill Road, Suite 100 Windsor, CT 06095 860.683.1039

WWW.NCCJ.ORG

CITY OF WINSLOW PRAYER POLICY

The City Council of the City of Winslow firmly believes in the separation of church and state as set out in the Arizona and U.S. Constitutions.

The City Council also is desirous of allowing individuals in the community to offer a prayer at the beginning of City Council meetings soliciting divine assistance for the Council and their community.

In order to insure that prayers in City Council meetings and in other public meetings of the City are not used either to proselyte for any religion, or to criticize any religious or other organizations, the City adopts the following policy:

1. Prayers in City Council meetings will be offered at the beginning of the meeting.
2. The City staff will contact representatives of various religions/sects in the City, including but not limited to Christian, Jewish, Muslim, Native American, and other groups, and invite representatives of those groups to rotate offering the prayer at the beginning of each meeting.
3. A member of the City Council or a member of the staff may offer the prayer from time to time, but not on a regular basis unless another person is not available.
4. Those offering the prayer will be encouraged not to speak as though they are representing the City government, but rather to express individual feelings and requests during the prayers, and to abstain from language tending to proselytize for a particular religious group or sect, and to avoid criticism of any particular religious group or sect, or of those who may have no religious affiliation.