

****SECOND AMENDMENT (6/3/14, 2:00 PM)
*AMENDED (5/30/14, 2:00 PM)
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
June 4, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

The Mayor and Council may consider and/or take action on the items listed below:

ORDER OF BUSINESS: MAYOR WILL REVIEW THE ORDER OF THE MEETING

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

PRESENTATIONS

1. *Presentation of Oro Valley Space Patch from Mark Kelly's Flight by Congressman Ron Barber's Tucson District Director, Maricela Solis

**CONSENT AGENDA
(Consideration and/or possible action)**

- A. Minutes - May 21, 2014
- B. Fiscal Year 2013/14 Financial Update through April 2014
- C. Resolution No. (R)14-33, authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce

- D. Resolution No. (R)14-34, to consider in whole or in part this item, repealing and replacing Personnel Policy 21, Non-Discrimination

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE DIRECTION REGARDING PROCTER/LEIBER HOUSE RESTORATION AND POSSIBLE FINANCING OPTIONS
2. **DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COUNCIL LIAISON TO THE HISTORIC PRESERVATION COMMISSION

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda***. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “Call to Audience.” In order to speak during “Call to Audience” please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 5/28/14 at 5:00 p.m. by mrs

AMENDED AGENDA POSTED: 5/30/14 at 5:00 p.m. by ms

SECOND AMENDED AGENDA POSTED: 6/3/14 at 5:00 p.m. by mrs

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the office of the Town Clerk between the hours of 8:00 a.m. – 5:00p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Chair.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during “Call to Audience”, please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During "Call to Audience" you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.



Town Council Regular Session

Item # 1.

Meeting Date: 06/04/2014
Presentation of Oro Valley Space Patch from Mark Kelly's Flight

Information

Subject

*Presentation of Oro Valley Space Patch from Mark Kelly's Flight by Congressman Ron Barber's Tucson District Director, Maricela Solis

Summary



Town Council Regular Session

Item # A.

Meeting Date: 06/04/2014

Requested by: Julie Bower **Submitted By:** Michelle Stine, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - May 21, 2014

RECOMMENDATION:

Staff recommends approval

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the May 21, 2014 minutes.

Attachments

5/21/14 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
May 21, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

PLEDGE OF ALLEGIANCE

Onita Davis, Oro Valley American Legion Auxiliary, led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming Town meetings and events.

COUNCIL REPORTS

Councilmember Snider recognized the team work of Kaitlyn Southwick and Camden Soloway, students at Copper Creek Elementary School, for their demonstration of leadership and the power of citizen engagement.

Vice Mayor Waters read a Youth Advisory Committee application letter from Matthew St. Louis, a freshman at Basis School.

Councilmember Zinkin reported that Ironwood Ridge High School won the Division II State Softball Title and Canyon Del Oro High School placed second in the same tournament.

DEPARTMENT REPORTS

No reports were received.

ORDER OF BUSINESS

Mayor Hiremath reviewed the order of business and stated that the order would stand as posted.

INFORMATIONAL ITEMS

1. 104th Arizona Town Hall - Vice Mayor Waters Trip Report
2. Letters of Appreciation for Oro Valley Police Department

CALL TO AUDIENCE

Oro Valley resident Johsua Erwin spoke in support of the Oro Valley Police Department's Explorer program.

Oro Valley resident Bob Hughes spoke in support of the Oro Valley Police Department's Explorer program.

Oro Valley resident and Incoming President of the Oro Valley Rotary Club, Saad Allawi, spoke about the Aqua Youth Showcase event that took place on March 22, 2014.

Oro Valley resident Jay Donovan spoke in support of the Oro Valley Police Department.

Oro Valley resident Bob Hefner spoke in support of the Oro Valley Police Department.

Oro Valley resident Stan Winetrobe spoke in support of the Oro Valley Police Department regarding published statements made by a Councilmember.

Oro Valley resident Mary Avneri spoke in support of the Oro Valley Police Department's Explorer program.

Mr. Parish urged the Council to debate the issues and avoid personal attacks.

Oro Valley resident and President of the Greater Oro Valley Chamber of Commerce, Dave Perry, spoke in support of the Oro Valley Police Department.

Oro Valley resident Mike Webb spoke in support of the Oro Valley Police Department.

PRESENTATIONS

1. Proclamation - Oro Valley American Legion Auxiliary Poppy Days

Mayor Hiremath proclaimed May 23-25, 2014 as Oro Valley American Legion Auxiliary Poppy Days.

Onita Davis, Oro Valley American Legion Auxiliary, gave a presentation of the Honor and Remember Flag. Ms. Davis encouraged citizens to support the American Legion by donating during their Poppy Days fundraiser, of which all proceeds would go to local veteran services.

2. Presentation - Painting by artist Neil Myers for the Council Chambers

Oro Valley resident Neil Myers presented his painting titled "Spring in Oro Valley" for the Council Chambers.

3. Presentation - Golder Ranch Fire District Ambulance Service

Golder Ranch Fire Chief Randy Karrer gave an overview of their new Ambulance Service Membership Plan.

Discussion ensued amongst Council and Chief Karrer regarding the Emergency Medical Services Ambulance Transport Membership Plan.

4. Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the Town of Oro Valley FY 2012/13 Comprehensive Annual Financial Report (CAFR)

Mayor Hiremath presented Mary Rallis, CPA, Accounting Supervisor, with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Award.

5. Presentation of Distinguished Budget Presentation Award from the Government Finance Officers Association for the Town of Oro Valley FY 2013/14 Adopted Budget

Mayor Hiremath presented Wendy Gomez, Management and Budget Analyst, with the Distinguished Budget Presentation Award from the Government Finance Officers Association.

6. Presentation of National Procurement Institute (NPI) Achievement of Excellence in Procurement Award to the Town of Oro Valley

Mayor Hiremath presented Brian Garrity, Procurement Administrator, with the National Procurement Institute Achievement of Excellence in Procurement Award.

CONSENT AGENDA

Councilmember Zinkin requested that item (B) be removed from the Consent Agenda for discussion.

A. Minutes - May 7, 2014

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve Consent Agenda item (A).

MOTION carried, 7-0.

B. Fiscal Year 2013/14 Financial Update through March 2014

Councilmember Zinkin asked for clarification regarding the Aquatic Facility payback.

Finance Director Stacey Lemos gave clarification regarding the Aquatic Facility payback.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to accept the Fiscal Year 2013/2014 Financial Update through March 2014.

MOTION carried, 7-0.

REGULAR AGENDA

1. REVIEW AND APPROVAL TO RE-DESIGNATE A PORTION OF LAND FROM PRIVATE NATURAL AREA TO BUILDABLE AREA IN ACCORDANCE WITH THE LA RESERVE PLANNED AREA DEVELOPMENT IN THE PUSCH RIDGE SUBDIVISION LOCATED ON DELLA ROCCIA COURT IN LA RESERVE

Interim Planning Director Bayer Vella gave an overview of the La Reserve Planned Area Development that included the following:

- Pusch Ridge Subdivision
- La Reserve Plan (PAD) requirements
- Proposed lot line change

The following individuals spoke in opposition to item #1.

Oro Valley resident Bill Adler
Oro Valley resident Frank Rosenbaum
Oro Valley resident Patti McBride
Oro Valley resident Jean Moore
Oro Valley resident Jill Rosenbaum

Mayor Hiremath asked for legal clarification from Town Attorney Kelly Schwab regarding the La Reserve Planned Area Development.

Town Attorney Kelly Schwab gave an overview of the La Reserve Planned Area Development, and said that the re-designation request was allowed under the current PAD.

Discussion ensued amongst Council and staff regarding the re-designation of a portion of land from private natural area to buildable area in accordance with the La Reserve Planned Area Development in the Pusch Ridge Subdivision.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to approve case OV1214-12, a request to re-designate the Private Natural Area to buildable space in the Pusch Ridge subdivision in accordance with the La Reserve PAD with the conditions listed below.

Conditions of Approval:

1. Grading and/or construction disturbance shall not extend past the established property lines.
2. Walls built on the property line beyond the existing retaining walls must aesthetically match the existing boulder walls.

MOTION carried, 7-0.

2. PUBLIC HEARING: RESOLUTION NO. (R)14-32, APPROVING THE ADOPTION OF THE FINAL BUDGET OF THE TOWN OF ORO VALLEY FOR THE FISCAL YEAR 2014/15, INCLUDING APPROVAL OF THE 15-YEAR CAPITAL IMPROVEMENT PLAN (CIP) FROM FY 2014/15 THROUGH FY 2028/29

Town Manager Greg Caton introduced the Fiscal Year 2014/15 Budget Timeline.

Finance Director Stacey Lemos gave an overview of the FY 2014/15 Final Budget that included the following:

- FY 2014/15 Final Budget Timeline
- Budget vs. Actual Comparison
- Capital Improvement Program (CIP)

Mayor Hiremath opened the public hearing.

The following individuals spoke in support of item #2.

Oro Valley resident Bill Adler
Oro Valley resident and Historic Preservation Commission Member Eric Thomae

Mayor Hiremath closed the public hearing.

Discussion ensued amongst Council and staff regarding the proposed adoption of the Fiscal Year 2014/15 Final Budget.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat to approve Resolution No. (R)14-32 , approving the adoption of the final budget of the Town of Oro Valley for the Fiscal Year 2014/15 and further MOVE to approve the Town of Oro Valley 15-Year Capital Improvement Plan for FY 2014/15 through FY 2028/29.

Discussion ensued amongst Council and staff regarding the FY 2014/15 budget.

Councilmember Burns requested to show a PowerPoint presentation.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Garner to allow Councilmember Burns to show a PowerPoint presentation.

MOTION carried, 6-1 with Mayor Hiremath opposed.

Councilmember Burns presented a PowerPoint presentation that included the following.

- Current Town Assets
- Acquired or Built with the County Bond Fund Revenues
- Assets Funded Solely by Oro Valley
- Comparison
- 2013 Strategic Plan

Discussion ensued amongst Council and staff regarding Councilmember Burns' PowerPoint presentation.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Zinkin to amend the main motion by stipulating that within sixty (60) days the Historic Preservation Commission shall give a recommendation for the most effective use of the \$125,000 currently budgeted for the Steam Pump cover for Fiscal Year 2014/15.

MOTION to amend carried, 6-1 with Mayor Hiremath opposed.

MOTION as amended carried, 4-3 with Councilmember Burns, Councilmember Garner, and Councilmember Zinkin opposed.

FUTURE AGENDA ITEMS

Councilmember Zinkin requested a Future Agenda Item for the June 4, 2014 meeting to discuss the restoration process of the Proctor-Lieber House and possible financing options.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to adjourn the meeting at 9:18 p.m.

MOTION carried, 7-0.

Prepared by:

Michelle Stine
Senior Office Specialist

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 21st day of May 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2014.

Julie K. Bower, MMC
Town Clerk



Town Council Regular Session

Item # **B.**

Meeting Date: 06/04/2014

Requested by: Stacey Lemos

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2013/14 Financial Update through April 2014

RECOMMENDATION:

This item is for information only.

EXECUTIVE SUMMARY:

In the General Fund (see attachment A), revenues collected through April totaled \$24.6 million or 86.5% of the budget amount of \$28.4 million. Year-to-date expenditures through April totaled \$23.2 million or 77.4% of the budget amount of \$30.0 million.

In the Highway Fund (see attachment B), revenues collected through April totaled \$3.4 million or 89.4% of the budget amount of \$3.8 million. Year-to-date expenditures through April totaled \$2.3 million or 61.4% of the budget amount of \$3.7 million.

In the Bed Tax Fund (see attachment C), revenues collected through April totaled \$823,100 or 103.8% of the budget amount of \$793,000. Year-to-date expenditures through April totaled \$923,745 or 71.5% of the budget amount of \$1,292,000.

BACKGROUND OR DETAILED INFORMATION:

GENERAL FUND

Attachment A shows General Fund revenues and expenditures through April, as well as year-end estimates for each category. The estimated year-end projections in the General Fund are as follows:

Revenues	\$29,387,882
<u>Less:</u>	
Expenditures	(\$29,310,983) (A)
<u>Less:</u>	
Approved Use of Contingency Reserves	(\$ 970,000) **
Est. Decrease in Fund Balance	(\$ 893,101)

(A) Includes Council-approved Naranja Park improvements of \$1.6 million from the General Fund

** Council-approved payment to Tucson Electric Power for undergrounding of utility lines (one of two payments; second payment in FY 14/15)

General Fund Revenues

- Local sales tax collections in the General Fund total \$11.5 million or 87.6% of the budget amount of \$13.1 million. Sales tax collections in the General Fund are estimated to come in over budget by approximately \$571,000 or 4.4%, due to higher than anticipated construction activity and retail collections across several business activities and industry groups.
- License and Permit revenues are estimated to come in over budget by approximately \$478,000 or 32.0%, due primarily to higher than anticipated residential and commercial building permit fees, as well as grading permit fees.
- Charges for Services revenues are estimated to come in over budget by approximately \$172,000 or 11.9%, due primarily to zoning & subdivision fees, Aquatic Center revenue, and grading review fees.
- Interest Income revenue is estimated to come in over budget by \$27,725 or 44.5%, based on observed actuals through April.

Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.

General Fund Expenditures

- Expenditures are estimated to come in under budget by approximately \$667,000 or 2.2%. This is due primarily to department operations & maintenance savings, as well as budgeted grant capacity that will not be utilized. Note that these figures are estimates and are subject to change.
- The General Fund expenditures reflect the Council-approved authorization to use \$1,403,000 in General Fund contingency reserves and \$197,000 in Council-designated reserves to fund the Naranja Park improvements. This total amount of \$1.6 million is included as a transfer out to the Naranja Park Fund in the Expenditures section of Attachment A.

HIGHWAY FUND

Highway Fund Revenues

- Construction tax revenues in the Highway Fund total \$1,074,109 or 99.7% of the budget amount of \$1.1 million. Construction tax revenues in the Highway Fund are estimated to come in over budget by \$141,623 or 13.1%, due to higher than anticipated construction activity.
- State shared highway user funds total \$2,139,240 or 85.6% of the budget amount of \$2.5 million and are expected to come in over budget by \$68,116 or 2.7%, based on observed actuals through April.

Highway Fund Expenditures

- Expenditures are estimated to come in under budget by \$140,672 or 3.8%, due primarily to division operations and maintenance savings and projected vacancy savings. Note that these savings are estimates and are subject to change.

BED TAX FUND

Bed Tax Revenues

- Bed tax revenues total \$817,281 or 103.6% of the budget amount of \$789,000 and are expected to come in over budget by \$186,454 or 23.6%, based on observed collections through April.

Bed Tax Fund Expenditures

- Expenditures are estimated to come in under budget by \$7,356 or 0.6%, due to projected vacancy

savings. Note that these savings are estimates and are subject to change.

- The Bed Tax Fund expenditures reflect the Council-authorized use of Bed Tax Fund contingency reserves of \$400,000 to fund the Naranja Park improvements. This amount is included as a transfer out to the Naranja Park Fund in the Expenditures section of Attachment C.

Please see Attachments A, B, and C for additional details on the General Fund, Highway Fund and Bed Tax Fund. See Attachment D for a fiscal year-to-date consolidated summary of all Town Funds.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

This item is for information only.

Attachments

Attachment A - Gen Fund

Attachment B - HW Fund

Attachment C - Bed Tax Fund

Attachment D - Summary All Funds



General Fund

% Budget Completion through April --- 83.3%

	Actuals thru 4/2014	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
REVENUES:					
LOCAL SALES TAX	11,492,343	13,123,382	87.6%	13,694,864	4.4%
LICENSES & PERMITS	1,852,407	1,493,455	124.0%	1,971,000	32.0%
FEDERAL GRANTS	501,653	576,490	87.0%	605,702	5.1%
STATE GRANTS	946,644	1,509,700	62.7%	1,226,590	-18.8%
STATE/COUNTY SHARED	8,034,922	9,659,167	83.2%	9,659,167	0.0%
OTHER INTERGOVERNMENTAL	17,492	30,000	58.3%	25,000	-16.7%
CHARGES FOR SERVICES	1,389,857	1,443,437	96.3%	1,615,618	11.9%
FINES	146,485	190,000	77.1%	175,000	-7.9%
INTEREST INCOME	84,850	62,275	136.3%	90,000	44.5%
MISCELLANEOUS	86,070	114,000	75.5%	139,940	22.8%
TRANSFERS IN	-	185,000	0.0%	185,000	0.0%
TOTAL REVENUES	24,552,723	28,386,906	86.5%	29,387,882	3.5%

	Actuals thru 4/2014	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
EXPENDITURES:					
COUNCIL	177,975	225,853	78.8%	206,299	-8.7%
CLERK	260,156	345,118	75.4%	335,619	-2.8%
MANAGER	523,681	700,989	74.7%	682,283	-2.7%
HUMAN RESOURCES	374,678	523,821	71.5%	463,292	-11.6%
FINANCE	510,254	709,242	71.9%	671,164	-5.4%
INFORMATION TECHNOLOGY	1,051,156	1,542,173	68.2%	1,517,173	-1.6%
GENERAL ADMINISTRATION	1,400,242	1,810,729	77.3%	1,770,729	-2.2%
LEGAL	513,751	804,344	63.9%	709,344	-11.8%
COURT	576,209	761,430	75.7%	726,888	-4.5%
DEV & INFRASTRUCTURE SVCS	3,056,090	4,031,562	75.8%	3,941,062	-2.2%
PARKS & RECREATION	1,996,411	2,536,955	78.7%	2,471,137	-2.6%
POLICE	11,005,513	14,223,297	77.4%	14,053,265	-1.2%
TRANSFERS OUT (A)	1,760,729	1,762,729	99.9%	1,762,729	0.0%
TOTAL EXPENDITURES	23,206,845	29,978,242	77.4%	29,310,983	-2.2%

SURPLUS / (DEFICIT) 1,345,879 (1,591,336) 76,899

BEGINNING FUND BALANCE 13,137,105

Plus: Surplus / (Deficit) 76,899

**Less: Approved Use of Contingency Reserves during FY 13/14
TEP undergrounding (970,000)**

ENDING FUND BALANCE ** 12,244,004

(A) Includes Council-approved Naranja Park improvements of \$1.6 million from the General Fund

* Year-end estimates are subject to further revision

** Ending fund balance amounts are estimates and are subject to further revision



April YTD Financial Status

ATTACHMENT C

FY 2013/2014

Bed Tax Fund

% Budget Completion through April --- 83.3%

	Actuals thru 4/2014	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
REVENUES:					
BED TAXES	817,281	789,000	103.6%	975,454	23.6%
INTEREST INCOME	5,819	3,975	146.4%	7,000	76.1%
TOTAL REVENUES	823,100	792,975	103.8%	982,454	23.9%

	Actuals thru 4/2014	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
EXPENDITURES:					
ECONOMIC DEVELOPMENT	318,076	501,762	63.4%	494,406	-1.5%
TRANSFERS OUT (A)	605,669	790,669	76.6%	790,669	0.0%
TOTAL EXPENDITURES	923,745	1,292,431	71.5%	1,285,075	-0.6%

SURPLUS / (DEFICIT) (100,646) (499,456) (302,621)

BEGINNING FUND BALANCE 649,053

Plus: Surplus / (Deficit) (302,621)

ENDING FUND BALANCE ** 346,432

(A) Includes Council-approved Naranja Park improvements of \$400,000 from the Bed Tax Fund

* Year-end estimates are subject to further revision

** Ending fund balance amounts are estimates and are subject to further revision

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH APRIL, 2014

ATTACHMENT D

Fund	FY 13/14 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru Apr 2014
General Fund - Unassigned	11,529,070	24,552,723	-	24,552,723	1,763,567	15,877,461	5,095,338	470,479	-	-	23,206,845	12,874,948
General Fund - Assigned	1,608,035											1,608,035
Highway Fund - Restricted	3,517,765	3,404,346	-	3,404,346	-	1,338,226	624,090	321,517	-	-	2,283,833	4,638,277
Seizure & Forfeiture - State	494,837	58,780	-	58,780	-	-	26,954	30,543	-	-	57,497	496,119
Seizure & Forfeiture - Justice	519,653	334,679	-	334,679	-	42,843	6,720	321,686	-	-	371,249	483,082
Bed Tax Fund - Committed	649,053	823,100	-	823,100	605,669	155,433	162,643	-	-	-	923,745	548,407
Impound Fee Fund	-	25,050	-	25,050	-	19,632	-	-	-	-	19,632	5,418
Municipal Debt Service Fund	774,914	125,726	369,576	495,302	-	-	3,900	-	-	826,641	830,541	439,675
Oracle Road Debt Service Fund	149	1,489,517	-	1,489,517	-	-	1,820	-	-	1,435,664	1,437,484	52,183
Alternative Water Resources Dev Impact Fee Fund	3,402,954	2,090,070	-	2,090,070	400,000	-	177,143	210,674	-	224,404	1,012,222	4,480,803
Potable Water System Dev Impact Fee Fund	3,544,937	1,221,489	-	1,221,489	-	-	-	-	-	50,522	50,522	4,715,904
Townwide Roadway Development Impact Fee Fund	1,461,437	1,618,064	-	1,618,064	-	-	10,433	1,269,594	-	-	1,280,027	1,799,473
Parks & Recreation Impact Fee Fund	182,110	105,078	-	105,078	-	-	10,433	-	-	-	10,433	276,755
Library Impact Fee Fund	114,798	-	-	-	-	-	-	-	-	-	-	114,798
Police Impact Fee Fund	99,478	59,809	-	59,809	-	-	10,559	-	-	-	10,559	148,727
General Government Impact Fee Fund	1,288	2,214	-	2,214	-	-	-	-	-	-	-	3,502
Naranja Park Fund	8,821	175	2,000,000	2,000,175	-	-	-	401,012	-	-	401,012	1,607,984
Aquatic Center Project Fund	66,638	-	-	-	-	-	-	6,063	-	-	6,063	60,575
Water Utility	9,783,839	11,775,469	400,000	12,175,469	3,178	2,115,152	3,861,090	1,606,189	-	530,746	8,116,354	13,842,954
Stormwater Utility	490,794	570,573	-	570,573	3,799	244,984	258,676	22,130	-	-	529,589	531,778
Fleet Fund	-	1,129,701	-	1,129,701	-	61,147	506,132	454,980	-	-	1,022,259	107,441
Benefit Self Insurance Fund	567,402	1,769,656	-	1,769,656	-	-	1,681,405	-	-	-	1,681,405	655,653
Recreation In-Lieu Fee Fund	6,190	-	-	-	-	-	-	-	-	-	-	6,190
Total	38,824,161	51,156,218	2,769,576	53,925,794	2,776,213	19,854,879	12,437,338	5,114,866	-	3,067,976	43,251,273	49,498,682



Town Council Regular Session

Item # **C.**

Meeting Date: 06/04/2014

Requested by: Amanda Jacobs **Submitted By:** Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Resolution No. (R)14-33, authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Economic Development division worked with the Legal Department to draft a Financial Participation Agreement (FPA) between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce (Chamber) that identifies specific performance measures for the agency, including evaluation criteria and reporting requirements.

BACKGROUND OR DETAILED INFORMATION:

The Economic Development division and the Chamber developed the following performance measures, which are outlined in Section 2 of the FPA:

Business Recruitment, Retention and Outreach

- a. The Chamber will continue to participate in the Town's Business Retention and Expansion (BR&E) Program.
- b. The Chamber enhanced the Town's existing Shop Oro Valley campaign by creating a Shop Oro Valley Coupon Book in FY 2012/13. The Shop Oro Valley Coupon will be created annually by the Chamber. The final draft of the Shop Oro Valley Coupon Book will be coordinated between the Chamber President/CEO and the Economic Development Manager.
- c. To expand upon the Shop Oro Valley campaign and the OV Dollars program, the Chamber will coordinate at least two "Shop Oro Valley" special events with Oro Valley businesses.
- d. The Chamber will serve as a second distribution point for OV Dollars and will provide a minimum total sales of \$10,000 during the period of this contract.
- e. The Chamber shall work to assist the Town in emphasizing the importance of supporting local retailers/businesses through educational and promotional efforts and will display the following materials at the Chamber offices: Oro Valley Business Navigator, Shop Oro Valley Campaign and OV Dollars, as well as other economic development related materials as deemed appropriate by the Chamber President/CEO and Economic Development Manager.

Special Events

- a. The Chamber will coordinate ribbon cuttings for new Oro Valley businesses.

- b. The Chamber will host four Oro Valley educational forums that will be open to members and non-members.
- c. The Chamber will collect marketing material from Oro Valley area businesses that will be given to attendees and athletes during special events. The material will be provided to the Economic Development division one week prior to the day of the event.
- d. The Chamber will provide \$10 in OV Dollars to 500 athletes of the 2015 Arizona Distance Classic. The total cost will be split between the Town of Oro Valley, M3S Sports and Visit Tucson.
- e. During this Agreement, Town officials will attend Chamber breakfasts, luncheons and mixers free of charge as long as each official pre-registers for the event.
- f. The Town will receive one complimentary table of 10 for the Annual Chamber meeting.
- g. The Town will receive eight complimentary tables of 10 at the State of the Town of Oro Valley Address and Luncheon.
- h. Annual Chamber membership dues to be paid by the Town shall be included as part of the monetary consideration of this Agreement.
- i. During the term of this Agreement, the Agency will refrain from endorsing any candidate for Mayor or Councilmember of the Town of Oro Valley.

FISCAL IMPACT:

The FY 2014/15 Town Manager's Recommended Budget includes funding for the Chamber in the amount of \$30,000 in the Bed Tax Fund.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)14-33, authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce.

Attachments

R14-33 - FPA OV Chamber of Commerce
Chamber FPA

RESOLUTION NO. (R)14-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE GREATER ORO VALLEY CHAMBER OF COMMERCE

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce; and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. The Mayor and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 4th day of June, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date: _____

EXHIBIT “A”

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2014, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Greater Oro Valley Chamber of Commerce**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1: Statement of Purpose

Agency will provide tourism and visitor's services and information to Town residents and seasonal tourists and anyone indicating an interest in locating a business or residence in the Town.

Section 2: Services to be Performed by Agency

Agency performance measures for Fiscal Year 2014/15 are as follows:

1. Business Recruitment, Retention and Outreach
 - a. The Chamber will continue to participate in the Town's Business Retention and Expansion (BR&E) Program.
 - b. The Chamber enhanced the Town's existing Shop Oro Valley campaign by creating a Shop Oro Valley Coupon Book in FY2012/13. The Shop Oro Valley Coupon will be created annually by the Chamber. The final draft of the Shop Oro Valley Coupon Book will be coordinated between the Chamber President/CEO and the Economic Development Manager.
 - c. To expand upon the Shop Oro Valley campaign and the OV Dollars program, the Chamber will coordinate at least two "Shop Oro Valley" special events with Oro Valley businesses.
 - d. The Chamber will serve as a second distribution point for OV Dollars and will provide minimum total sales of \$10,000 during the period of this contract.
 - e. The Chamber shall work to assist the Town in emphasizing the importance of supporting local retailers/businesses through educational and promotional efforts and will display the following materials at the Chamber offices: Oro Valley Business Navigator, Shop Oro Valley Campaign and OV Dollars and other

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

economic development related materials as deemed appropriate by the Chamber President/CEO and Economic Development Manager.

2. Special Events

- a. The Chamber will coordinate ribbon cuttings for new Oro Valley businesses.
- b. The Chamber will host four Oro Valley educational forums that will be open to members and non-members.
- c. The Chamber will collect marketing material from Oro Valley area businesses that will be given to attendees and athletes, during special events. The material will be provided to the Economic Development Division one week prior to the day of the event.
- d. The Chamber will provide \$10 in OV Dollars to 500 athletes of the 2015 Arizona Distance Classic. The total cost will be split between the Town of Oro Valley, M3S Sports and Visit Tucson.
- e. During this Agreement, Town officials will attend Chamber breakfasts, luncheons and mixers free of charge as long as each official pre-registers for each event.
- f. The Town will receive one complimentary table of 10 for the Annual Chamber meeting.
- g. The Town will receive eight complimentary tables of 10 to the State of the Town of Oro Valley Address and Luncheon.
- h. Annual Chamber membership dues to be paid by the Town shall be included as part of the monetary consideration of this Agreement.
- i. During the term of this Agreement, the Agency will refrain from endorsing any candidate for Mayor or Council member of the Town of Oro Valley.

Section 3: Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Thirty Thousand Dollars (\$30,000) shall be allocated to Agency.

Section 4: Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
- B. Agency agrees to give explanations for any variance in the expected performance for each measure.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

- C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).
- D. Agency agrees to review and present such reports to the Town Council in open meetings on an “as requested” basis.

Section 6: Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency’s accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

Agency shall provide the Finance Department of the Town, within four (4) months after the close of Agency’s fiscal year, a copy of the financial audit of Agency’s operations by an independent certified public accountant, along with any management letter and, if applicable, Agency’s plan for corrective action.

If Agency does not have an audit, it shall submit within three (3) months after the close of its fiscal year, a complete accounting of Town funds received. This accounting must be approved by the Finance Department of the Town as sufficiently descriptive and complete.

If for good reason Agency cannot meet the times established for submission of financial reporting, Agency shall notify the Finance Department in writing the reason for the delay, provide an expected completion date and request a waiver of the due date.

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency’s overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 7: Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2014 through June 30, 2015. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

- A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
- B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.

Any extension of this Agreement shall be memorialized in writing and signed by the Parties.

Section 11: Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
- F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2015.

Section 12: Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Section 13: Method of Payment

The parties have agreed that Agency will receive up to \$30,000. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2014. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Section 16: Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.

B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

C. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	\$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	\$1,000,000 - Bodily Injury and Combined Single Limit \$100,000 Property Damage

D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Section 17. Use of the Town Logo

The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18: Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal corporation

 Dr. Satish I. Hiremath, as Mayor
 and not personally

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, as Town Clerk
and not personally

Tobin Sidles, as Legal Services Director
and not personally

Date: _____

Date: _____

GREATER ORO VALLEY CHAMBER OF COMMERCE., a non-profit Corporation

Agency Representative
and not personally

Title _____

State of Arizona)
) ss.
County of)

On this ___ day of _____, 2014, _____, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on _____, 2014.

Notary

My Commission Expires: _____



Town Council Regular Session

Item # D.

Meeting Date: 06/04/2014

Requested by: Ron Corbin **Submitted By:** Ron Corbin, Human Resources

Department: Human Resources

Information

SUBJECT:

Resolution No. (R)14-34, to consider in whole or in part this item, repealing and replacing Personnel Policy 21, Non-Discrimination

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

These policy changes consolidate and clarify the Town's anti-harassment and discrimination policies which are currently addressed by personnel policies, administrative directives and department policies. The recommended policy creates one governing document for all employees and managers.

BACKGROUND OR DETAILED INFORMATION:

The attached policy is a complete rewrite with the recommended policy in regular type followed by the current policy in strikethrough type.

The recommended policy contains key elements of a sound anti-harassment and anti-discrimination policy:

1. Management has a duty to protect employees from harassment caused by anyone, including customers, elected or appointed officials, other employees, managers, etc.
2. Employees who violate the policy will be held accountable.
3. Protected classes are described as the person's race, color, national origin, age, religion, disability status, gender, veteran status, political affiliation, sexual orientation, genetic information or marital status.
4. Harassing behavior:
 - a. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - b. Has the purpose or effect of unreasonably interfering with an employee's ability to perform their job duties; or,
 - c. Otherwise adversely affects an individual's employment opportunities.
5. Harassment is clarified with examples.
6. Prohibits retaliation.
7. Employees have more than one option in reporting complaints of harassment or discrimination.
8. Resolution of complaints occur at the lowest appropriate level.
9. The results of any investigation are shared with both the accused and accuser (if they are both employees).

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)14-34, repealing and replacing Personnel Policy 21.

Attachments

R14-34 Policy 21

Personnel Policy 21

RESOLUTION NO. (R)14-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING CHANGES TO THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, pursuant to Section 3-3-1 of the Oro Valley Town Code, the Town Council is empowered to create a personnel system which applies to all Town employees except elected officials; and

WHEREAS, Section 3-3-2 of the Oro Valley Town Code provides that the Town Council may adopt, by resolution, rules and regulations pertaining to employment with the Town; and

WHEREAS, on May 16, 2007, the Town Council adopted Resolution (R) 07-60, "The Town of Oro Valley Personnel Policies and Procedures Manual"; and

WHEREAS, it has become necessary to update the following policy: Policy 21 "Workplace Harassment & Non-Discrimination Policy" (attached as Exhibit A).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, to adopt the changes to the Town of Oro Valley Personnel Policies and Procedures Manual attached hereto as Exhibit "A" with deletions in ~~striketrough text~~ and additions in ALL CAPS.

BE IT FURTHER RESOLVED that if any portion of the manual is found to not be enforceable by a court of competent jurisdiction, that portion shall be declared severable, and the remainder of the manual will remain in full force and effect.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 4th day of June, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

Date: _____

Exhibit A



PERSONNEL POLICY 21

Page 1 of 8

WORKPLACE HARASSMENT & NON- DISCRIMINATION POLICY

Effective Date:

~~SECTION 1. It shall be the Policy of the Town of Oro Valley not to unlawfully discriminate (or allow unlawful discrimination) in employment on the basis of race, color, religion, sex, national origin, sexual orientation, veteran's status, or disability as defined under the Americans with Disabilities Act (ADA). Further, it shall be the policy of the Town to maintain established procedures for handling complaints relating to alleged discrimination.~~

~~SECTION 2. It is the policy of the Town of Oro Valley to provide equal employment opportunity to all employees and applicants for employment. This guideline applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, benefits, and training.~~

~~SECTION 3. In support of this policy, the Town will not fail or refuse to hire, or discriminate against any individual because of such individual's race, color, religion, sex, national origin, sexual orientation, veteran's status or disability as defined by the ADA.~~

~~Nor will the Town of Oro Valley limit, segregate, or classify applicants for employment, in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his or her status as an employee, because of such individual's race, color, religion, sex, national origin, sexual orientation, veteran's status, or disability as defined by the ADA.~~

~~SECTION 4. If an employee or applicant for employment feels that they have been unlawfully discriminated against, the individual should promptly report the matter to the Town's Human Resources Office. Upon receipt of such complaint, the Human Resources Office will undertake appropriate investigation, taking reasonable steps to ensure confidentiality to the maximum extent possible.~~

~~SECTION 5. Should the investigation reveal that an employee of the Town has engaged in discriminatory acts as defined in the Policy, the Human Resources Office shall make investigatory findings available to the employee's Department Head or Supervisor. Jointly, the Supervisor and the Human Resources Office shall develop appropriate disciplinary action as may be warranted under the circumstances up to, and including termination of employment.~~

~~SECTION 6. The Town expressly prohibits any form of retaliatory action against an employee for filing a bona fide complaint under this policy, or for assisting in a complaint investigation.~~

~~However, if after investigating the complaint, it is found that an employee has knowingly or intentionally registered a false complaint, or provided false information about the~~



**WORKPLACE
HARASSMENT & NON-
DISCRIMINATION POLICY**

Effective Date:

~~complaint, the Human Resources Office shall make the investigatory findings available to the Supervisor or Department Head. Jointly, the Supervisor and the Human Resources Office shall recommend appropriate disciplinary action as may be warranted under the circumstances, up to and including termination of employment.~~

I PURPOSE

- A. THE TOWN OF ORO VALLEY STRIVES TO CREATE AND MAINTAIN A WORK ENVIRONMENT IN WHICH PEOPLE ARE TREATED WITH DIGNITY, DECENCY AND RESPECT. THE WORK ENVIRONMENT SHOULD BE CHARACTERIZED BY MUTUAL TRUST AND THE ABSENCE OF INTIMIDATION, OPPRESSION AND EXPLOITATION. EMPLOYEES SHOULD BE ABLE TO WORK AND LEARN IN A SAFE, YET STIMULATING ATMOSPHERE. THE ACCOMPLISHMENT OF THIS GOAL IS ESSENTIAL TO OUR MISSION. FOR THAT REASON, THE TOWN WILL NOT TOLERATE UNLAWFUL DISCRIMINATION OR HARASSMENT OF ANY KIND BY ANYONE, INCLUDING MANAGERS, EMPLOYEES, APPLICANTS, CUSTOMERS, VENDORS, APPOINTED TOWN REPRESENTATIVES, VOLUNTEERS, CONTRACTORS OR ELECTED OFFICIALS. THROUGH ENFORCEMENT OF THIS POLICY AND BY EDUCATION OF EMPLOYEES, THE TOWN SEEKS TO PREVENT, CORRECT AND DISCIPLINE BEHAVIOR THAT VIOLATES THIS POLICY.
- B. ALL EMPLOYEES, REGARDLESS OF POSITION, ARE COVERED BY AND ARE EXPECTED TO COMPLY WITH THIS POLICY AND TO TAKE APPROPRIATE MEASURES TO ENSURE THAT PROHIBITED CONDUCT DOES NOT OCCUR. APPROPRIATE DISCIPLINARY ACTION WILL BE TAKEN AGAINST ANY EMPLOYEE WHO VIOLATES THIS POLICY. BASED UPON THE SERIOUSNESS OF THE OFFENSE, DISCIPLINARY ACTION MAY INCLUDE BUT IS NOT LIMITED TO VERBAL OR WRITTEN REPRIMAND, SUSPENSION OR TERMINATION OF EMPLOYMENT. APPROPRIATE ACTION WILL ALSO BE TAKEN AGAINST ANY NON-EMPLOYEE AND POSSIBLE MEASURES INCLUDE RESTRICTING ACCESS TO TOWN EMPLOYEES, REPORTING THE INCIDENT TO THE STATE ATTORNEY GENERAL, OR ANY OTHER NECESSARY ACTION TO PROTECT TOWN EMPLOYEES.

II PROHIBITED CONDUCT UNDER THIS POLICY

A. DISCRIMINATION

1. IT IS A VIOLATION OF THIS POLICY TO DISCRIMINATE IN THE PROVISION OF EMPLOYMENT OPPORTUNITIES, BENEFITS OR PRIVILEGES; TO CREATE DISCRIMINATORY WORK CONDITIONS; OR TO USE DISCRIMINATORY EVALUATIVE STANDARDS IN EMPLOYMENT IF



**WORKPLACE
HARASSMENT & NON-
DISCRIMINATION POLICY**

Effective Date:

THE BASIS OF THAT DISCRIMINATORY TREATMENT IS, IN WHOLE OR IN PART, THE PERSON'S RACE, COLOR, NATIONAL ORIGIN, AGE, RELIGION, DISABILITY STATUS, GENDER, VETERAN STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, GENETIC INFORMATION OR MARITAL STATUS.

B. HARASSMENT

HARASSMENT, INCLUDING SEXUAL HARASSMENT, IS PROHIBITED BY FEDERAL AND STATE LAWS. THIS POLICY PROHIBITS HARASSMENT OF ANY KIND, AND THE TOWN WILL TAKE APPROPRIATE ACTION TO ADDRESS ANY VIOLATIONS OF THIS POLICY.

1. WORKPLACE HARASSMENT

A. WORKPLACE HARASSMENT IS ANY UNWELCOME VERBAL, WRITTEN OR PHYSICAL CONDUCT THAT EITHER DENIGRATES OR SHOWS HOSTILITY OR AVERSION TOWARDS A PERSON ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AGE, RELIGION, DISABILITY STATUS, GENDER, VETERAN STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, GENETIC INFORMATION OR MARITAL STATUS OR ANY OTHER CHARACTERISTIC PROTECTED BY LAW OR THAT OF HIS/HER RELATIVES, FRIENDS OR ASSOCIATES THAT:

- I. HAS THE PURPOSE OR EFFECT OF CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORK ENVIRONMENT;
- II. HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH AN EMPLOYEE'S ABILITY TO PERFORM THEIR JOB DUTIES; OR,
- III. OTHERWISE ADVERSELY AFFECTS AN INDIVIDUAL'S EMPLOYMENT OPPORTUNITIES.

B. EXAMPLES OF HARASSMENT INCLUDE BUT ARE NOT LIMITED TO:

- I. UNFLATTERING, INAPPROPRIATE OR UNWELCOME COMMENTS REGARDING A PERSON'S NATIONALITY, ORIGIN, RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, AGE, BODY, DISABILITY, OR APPEARANCE.
- II. EPITHETS, SLURS OR NEGATIVE STEREOTYPING.
- III. DISTRIBUTION, DISPLAY OR DISCUSSION OF WRITTEN OR GRAPHIC MATERIAL THAT RIDICULES, DENIGRATES, INSULTS, BELITTLES, OR SHOWS HOSTILITY OR AVERSION TOWARD AN INDIVIDUAL OR GROUP BECAUSE OF NATIONAL ORIGIN, RACE COLOR, RELIGION, AGE, GENDER, SEXUAL ORIENTATION,



**WORKPLACE
HARASSMENT & NON-
DISCRIMINATION POLICY**

Effective Date:

PREGNANCY, APPEARANCE, DISABILITY, GENDER IDENTITY,
MARITAL OR OTHER PROTECTED STATUS.

2. SEXUAL HARASSMENT

A. SEXUAL HARASSMENT CONSTITUTES DISCRIMINATION AND IS ILLEGAL UNDER FEDERAL, STATE AND LOCAL LAWS. SEXUAL HARASSMENT IS DEFINED AS ANY UNWELCOME SEXUAL ADVANCE, REQUEST FOR SEXUAL FAVORS OR VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN:

- I. SUBMISSION TO OR REJECTION OF SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
- II. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; AND/OR
- III. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORKING ENVIRONMENT.

B. EXAMPLES OF SEXUAL HARASSMENT INCLUDE BUT ARE NOT LIMITED TO:

- I. SEXUAL INNUENDOS, SUGGESTIVE COMMENTS, JOKES OF A SEXUAL NATURE, SEXUAL PROPOSITIONS, LEWD REMARKS, AND THREATS.
- II. REQUESTS FOR ANY TYPE OF SEXUAL FAVOR (THIS INCLUDES REPEATED, UNWELCOME REQUESTS FOR DATES).
- III. VERBAL ABUSE OR "KIDDING" THAT IS ORIENTED TOWARD A PROHIBITIVE FORM OF HARASSMENT, INCLUDING THAT WHICH IS SEXUALLY ORIENTED AND CONSIDERED UNWELCOME.
- IV. THE DISTRIBUTION, DISPLAY OR DISCUSSION OF ANY WRITTEN OR GRAPHIC MATERIAL, INCLUDING CALENDARS, POSTERS AND CARTOONS THAT ARE SEXUALLY SUGGESTIVE OR SHOW HOSTILITY TOWARD AN INDIVIDUAL OR GROUP BECAUSE OF SEX.
- V. SEXUALLY SUGGESTIVE OR INSULTING SOUNDS.
- VI. LEERING; STARING; WHISTLING; OR OBSCENE GESTURES.
- VII. CONTENT IN LETTERS AND NOTES, FACSIMILES, EMAIL, PHOTOS, TEXT MESSAGES, AND INTERNET POSTINGS, ETC., THAT IS



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SEXUAL IN NATURE.

VIII. UNWELCOME, UNWANTED PHYSICAL CONTACT, INCLUDING BUT NOT LIMITED TO TOUCHING, TICKLING, PINCHING, PATTING, BRUSHING UP AGAINST, HUGGING, CORNERING, KISSING, FONDLING, FORCED SEXUAL INTERCOURSE OR ASSAULT.

C. SEXUAL HARASSMENT DOES NOT REFER TO BEHAVIOR OR OCCASIONAL COMPLIMENTS OF A SOCIALLY ACCEPTABLE NATURE. IT REFERS TO BEHAVIOR THAT IS UNWELCOME, THAT IS PERSONALLY OFFENSIVE, AND THAT LOWERS MORALE AND THEREFORE INTERFERES WITH WORK EFFECTIVENESS. SEXUAL HARASSMENT MAY TAKE DIFFERENT FORMS.

D. NORMAL, COURTEOUS, MUTUALLY RESPECTFUL, PLEASANT, NON-COERCIVE INTERACTIONS BETWEEN EMPLOYEES, INCLUDING MEN AND WOMEN, THAT ARE ACCEPTABLE TO AND WELCOMED BY BOTH PARTIES, ARE NOT CONSIDERED WORKPLACE OR SEXUAL HARASSMENT.

E. THERE ARE BASICALLY TWO TYPES OF SEXUAL HARASSMENT:

I. "QUID PRO QUO" HARASSMENT, WHERE SUBMISSION TO HARASSMENT IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS. EMPLOYEE BENEFITS SUCH AS RAISES, PROMOTIONS, BETTER WORKING HOURS, ETC., ARE DIRECTLY LINKED TO COMPLIANCE WITH SEXUAL ADVANCES. THEREFORE, ONLY SOMEONE IN A SUPERVISORY CAPACITY (WITH THE AUTHORITY TO GRANT SUCH BENEFITS) CAN ENGAGE IN QUID PRO QUO HARASSMENT. EXAMPLE: A SUPERVISOR PROMISING AN EMPLOYEE A RAISE IF SHE GOES ON A DATE WITH HIM; A MANAGER TELLING AN EMPLOYEE SHE WILL FIRE HIM IF HE DOES NOT HAVE SEX WITH HER.

II. "A HOSTILE WORK ENVIRONMENT" IS WHERE THE HARASSMENT CREATES AN OFFENSIVE AND UNPLEASANT WORKING ENVIRONMENT. HOSTILE WORK ENVIRONMENT CAN BE CREATED BY ANYONE IN THE WORK ENVIRONMENT, WHETHER SUPERVISORS, OTHER EMPLOYEES OR CUSTOMERS. HOSTILE ENVIRONMENT HARASSMENT CONSISTS OF VERBIAGE OF A SEXUAL NATURE, UNWELCOME SEXUAL MATERIALS OR UNWELCOME PHYSICAL CONTACT AS A REGULAR PART OF THE WORK ENVIRONMENT. TEXTS, EMAILS, CARTOONS OR POSTERS



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OF A SEXUAL NATURE, VULGAR OR LEWD COMMENTS OR JOKES, OR UNWANTED TOUCHING OR FONDLING ALL FALL INTO THIS CATEGORY.

3. RETALIATION IS PROHIBITED

A. NO HARDSHIP, NO LOSS OF BENEFIT, AND NO PENALTY MAY BE IMPOSED ON AN EMPLOYEE AS PUNISHMENT FOR:

- I. FILING OR RESPONDING TO A BONA FIDE COMPLAINT OF DISCRIMINATION OR HARASSMENT.
- II. APPEARING AS A WITNESS IN THE INVESTIGATION OF A COMPLAINT.
- III. SERVING AS AN INVESTIGATOR.

B. RETALIATION OR ATTEMPTED RETALIATION IS A VIOLATION OF THIS POLICY AND ANYONE WHO DOES SO WILL BE SUBJECT TO SEVERE SANCTIONS UP TO AND INCLUDING TERMINATION.

III REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

A. GENERAL

1. THE TOWN ENCOURAGES REPORTING OF ALL PERCEIVED INCIDENTS OF DISCRIMINATION, HARASSMENT OR RETALIATION, REGARDLESS OF THE OFFENDER'S IDENTITY OR POSITION. INDIVIDUALS WHO BELIEVE THAT THEY HAVE BEEN THE VICTIM OF SUCH CONDUCT SHOULD DISCUSS THEIR CONCERNS WITH THEIR IMMEDIATE SUPERVISOR, THEIR DEPARTMENT DIRECTOR, OR ANY MEMBER OF HUMAN RESOURCES. SEE THE COMPLAINT PROCEDURE DESCRIBED BELOW.
2. IN ADDITION, THE TOWN ENCOURAGES INDIVIDUALS WHO BELIEVE THEY ARE BEING SUBJECTED TO SUCH CONDUCT TO PROMPTLY ADVISE THE OFFENDER THAT HIS OR HER BEHAVIOR IS UNWELCOME AND REQUEST THAT IT BE DISCONTINUED. THE TOWN RECOGNIZES, HOWEVER, THAT AN INDIVIDUAL MAY PREFER TO PURSUE THE MATTER THROUGH COMPLAINT PROCEDURES.
3. REASONABLE EFFORTS WILL BE MADE TO MAINTAIN THE CONFIDENTIALITY OF INVESTIGATIVE ACTIONS. HOWEVER,



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CONFIDENTIALITY IS NOT ASSURED FOR ANY PARTY TO A COMPLAINT OR INVESTIGATION.

B. COMPLAINT PROCEDURE:

1. ANY EMPLOYEE WHO FEELS HARASSED, DISCRIMINATED OR RETALIATED AGAINST MAY INITIATE THE COMPLAINT PROCESS BY INFORMING THEIR IMMEDIATE SUPERVISOR, THEIR DEPARTMENT DIRECTOR, OR ANY MEMBER OF HUMAN RESOURCES. IF THE ACCUSED IS A DEPARTMENT DIRECTOR OR THE TOWN MANAGER, THEN THE EMPLOYEE SHOULD CONTACT THE HR DIRECTOR. IF THE ACCUSED IS THE HR DIRECTOR THEN THE EMPLOYEE SHOULD CONTACT THE TOWN MANAGER.
2. ANY DIRECTOR OR TOWN MANAGER MAY SERVE IN AN ADVISORY CAPACITY TO THE PERSON REPORTING HARASSMENT AND MAY COUNSEL WITH THE SUBJECT OF THE REPORT TO RESOLVE THE PROBLEM.
 - A. IF UPON INFORMAL CONSULTATION THE MATTER IS RESOLVED TO THE SATISFACTION OF THE PERSON WHO REPORTED HARASSMENT, PERSONS ARE NO LONGER OBLIGATED TO REPORT FURTHER UNLESS IT IS DETERMINED THAT ALLEGATIONS OF HARASSMENT ARE SERIOUS ENOUGH TO WARRANT A FORMAL INVESTIGATION.
 - B. IF THE MATTER IS NOT RESOLVED TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY INITIATE A FORMAL COMPLAINT WITH THE HUMAN RESOURCES DEPARTMENT OR THE TOWN MANAGER IF THE COMPLAINT INVOLVES THE HUMAN RESOURCES DIRECTOR.
3. ANY EMPLOYEE (OTHER THAN A DEPARTMENT DIRECTOR) WHO RECEIVES INFORMATION REGARDING POSSIBLE HARASSMENT MUST REPORT THE INCIDENT TO THEIR DIRECTOR OR TO THE HR DIRECTOR.
4. ANY MEMBER OF MANAGEMENT WHO BECOMES AWARE OF POSSIBLE HARASSMENT MUST TAKE APPROPRIATE ACTION TO PROTECT THE EMPLOYEE AND STOP THE HARASSMENT.
5. EVERY EFFORT WILL BE MADE TO RESOLVE THE COMPLAINT AT THE LOWEST LEVEL PRACTICABLE AND THE COMPLAINT WILL BE KEPT CONFIDENTIAL TO THE MAXIMUM EXTENT PRACTICABLE.



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6. IF THE SITUATION CANNOT BE RESOLVED THROUGH THE INFORMAL CONSULTATION PROCESS, THEN A FORMAL COMPLAINT MAY BE ADDRESSED WITH THE HR DIRECTOR OR TOWN MANAGER IF THE HR DIRECTOR IS A PARTY TO THE COMPLAINT.
7. THE FORMAL COMPLAINT SHALL BE IN WRITING. IF THE PERSON MAKING THE COMPLAINT DOES NOT WISH TO WRITE THE COMPLAINT, THE HR DIRECTOR OR DESIGNEE SHALL WRITE THE COMPLAINT WHICH IS VALIDATED AND SIGNED BY SAID EMPLOYEE.
8. UPON RECEIVING THE FORMAL COMPLAINT, A MEMBER OF HUMAN RESOURCES, OR AN APPROPRIATE INDIVIDUAL, WILL CONDUCT AN INVESTIGATION AS APPROPRIATE. THE INVESTIGATOR WILL REPORT FINDINGS OF FACT, INFRACTIONS OF TOWN POLICY, AND RECOMMEND CORRECTIVE ACTIONS.
9. THE RESULTS OF THE INVESTIGATION WILL BE SHARED WITH BOTH THE ACCUSED AND ACCUSER.
10. IF THE ACCUSED IS AN EMPLOYEE, THE REPORT WILL BE PROVIDED TO THE APPROPRIATE DEPARTMENT DIRECTOR WHO WILL INITIATE DISCIPLINARY ACTIONS AS APPROPRIATE.



Town Council Regular Session

Item # 1.

Meeting Date: 06/04/2014
Requested by: Councilmember Zinkin & Councilmember Garner
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING PROCTER/LEIBER HOUSE RESTORATION AND POSSIBLE FINANCING OPTIONS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Garner requested that this item be placed on the agenda for discussion.

BACKGROUND OR DETAILED INFORMATION:

FISCAL IMPACT:

SUGGESTED MOTION:

I MOVE TO _____



Town Council Regular Session

Item # 2.

Meeting Date: 06/04/2014

Requested by: Mayor Hiremath **Submitted By:** Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

**DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COUNCIL LIAISON TO THE HISTORIC PRESERVATION COMMISSION

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Town Council Policy #8 defines the position of Council Liaison to boards and commissions. The position of Council Liaison was created in order to allow Councilmembers the opportunity to bring Council adopted policies to a particular board or commission, and keep the Town Council informed as to the actions and issues of that advisory group.

BACKGROUND OR DETAILED INFORMATION:

Councilmember Burns is the current Council liaison to the Historic Preservation Commission but is no longer able to serve as liaison.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE that _____ be appointed as Council liaison to the Historic Preservation Commission.
