



# City of Glendale

5850 West Glendale Avenue  
Glendale, AZ 85301

## City Council Workshop Agenda

*Mayor Jerry Weiers*  
*Vice Mayor Ian Hugh*  
*Councilmember Jamie Aldama*  
*Councilmember Samuel Chavira*  
*Councilmember Gary Sherwood*  
*Councilmember Lauren Tolmachoff*  
*Councilmember Bart Turner*

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Tuesday, October 6, 2015

1:30 PM

Council Chambers - Room B3

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### Workshop

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

- [15-679](#) COUNCIL ITEM OF SPECIAL INTEREST: UPDATE ON THE COMMUNITY CONVERSATIONS FINAL REPORT RELATED TO A POSSIBLE ANTI-DISCRIMINATION ORDINANCE  
Staff Contact: Jennifer Campbell, Assistant City Manager  
Guest Presenter: Ms. Karen Kurtz, Facilitator  
**Attachments:** [Community Conversations Final Report](#)
- [15-660](#) REPORT ON COMPREHENSIVE PROCUREMENT POLICY  
Staff Contact and Presenter: Vicki Rios, Interim Director, Finance and Technology  
Staff Presenter: Tim Burkeen, Purchasing and Materials Manager  
**Attachments:** [FAP1 - Procurement](#)
- [15-662](#) EMERGENCY VEHICLE PREEMPTION FEDERAL FUNDING APPLICATION  
Staff Contact: Jack Friedline, Director, Public Works  
Staff Presenter: Debbie Albert, Transportation Engineer

#### 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.**

**CITY ATTORNEY'S REPORT**

**This report allows the City Attorney 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 Attorney 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.**

**MOTION TO GO INTO EXECUTIVE SESSION****1. CALL TO ENTER INTO EXECUTIVE SESSION****EXECUTIVE SESSION****1. LEGAL MATTERS**

A. 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))

B. Council will meet to discuss and consider records exempt by law from public inspection and are specifically required to be maintained as confidential by state or federal law. (A.R.S. § 38-431.03(A)(4))

**2. LEGAL MATTERS - PROPERTY & CONTRACTS**

A. The City Council will meet the City Attorney for legal advice, discussion and consultation, and to provide instruction and directions to the City Attorney and City Manager on the city's position regarding negotiations for the sale of real property along the Grand Canal between 81st and 93rd Avenues. (A.R.S. § 38-431.03(A)(3)(6))

B. Discussion and consultation with the City Attorney to receive an update, consider its position and provide instruction and direction to the City Attorney regarding Glendale's position in connection with agreements associated with the Gila River Arena (A.R.S. § 38-431.03(A)(3)(4)(7)).

C. Discussion and consultation with the City Attorney and City Manager to receive an update, to consider its position, and to provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with contracts, agreements and/or development agreements of the area in, near or surrounding 91st Avenue and Bethany Home Road that are the subject of negotiations (A.R.S. §§ 38-431.03 (A)(3)(4)(7)).

### **3. PERSONNEL MATTERS**

A. Various terms have expired on boards, commissions and other bodies. The City Council will be discussing appointments involving the following boards, commissions and other bodies. (A.R.S. § 38-431.03(A)(3)(4))

1. Arts Commission
2. Aviation Advisory Commission
3. Board of Adjustment
4. Citizens Bicycle Advisory Committee
5. Citizens Transportation Oversight Commission
6. Commission on Neighborhoods
7. Commission on Persons with Disabilities
8. Community Development Advisory Committee
9. Glendale Municipal Property Corporation
10. Historic Preservation Commission
11. Industrial Development Authority
12. Judicial Selection Advisory Board
13. Library Advisory Board
14. Parks and Recreation Advisory Commission
15. Personnel Board
16. Planning Commission

17. Public Safety Personnel Retirement Board/Fire
18. Public Safety Personnel Retirement Board/Police
19. Risk Management/Workers Compensation Trust Fund Board
20. Water Services Advisory Commission

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).



## Legislation Description

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**File #: 15-679, Version: 1**

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**COUNCIL ITEM OF SPECIAL INTEREST: UPDATE ON THE COMMUNITY CONVERSATIONS FINAL REPORT RELATED TO A POSSIBLE ANTI-DISCRIMINATION ORDINANCE**

Staff Contact: Jennifer Campbell, Assistant City Manager

Guest Presenter: Ms. Karen Kurtz, Facilitator

### **Purpose and Policy Guidance**

The purpose of this report is to update City Council on the community conversations related to a possible anti-discrimination ordinance held by the city and facilitated by Ms. Karen Kurtz. Staff is seeking guidance from the Council on the next step in the process.

### **Background**

The topic of an Anti-Discrimination ordinance was first brought forward as a Council Item of Special Interest on October 21, 2014. Staff presented information on this topic at the City Council Workshop on December 2, 2014. After discussion of the issue, Council provided direction to move forward with signing the UNITY Pledge from One Community, an interactive web and events community for LGBT (Lesbian, Gay, Bisexual and Transgender) and allied individuals and businesses. Council subsequently approved the UNITY Pledge at the December 18, 2014 Council voting meeting.

Staff again presented information on the topic of an Anti-Discrimination ordinance at the City Council Workshop on January 6, 2015 to seek guidance on options for enacting an inclusive non-discrimination Human Rights ordinance and whether there is a need for the City to establish a Human Relations Commission. After discussion on the topic, Council provided direction to administratively implement anti-discrimination language into the City's contract and purchasing process immediately. Council also provided direction to seek public input on this topic by having district meetings and to hire a professional facilitator to coordinate the public participation process and report on the findings.

It is the custom and practice of the City of Glendale not to discriminate in hiring, firing, benefit eligibility and other conditions of employment based on sexual orientation, genetic characteristics, gender identity, marital status or veteran status. The City offers benefits and leave to all married couples. The City does not, however, currently have any written policy or statement affirmatively prohibiting discrimination against these employees based on sexual orientation, genetic characteristics, gender identity, marital status or veteran status. Staff, at the direction of City management, continues to move forward in adopting internal anti-discrimination, fair housing, and public accommodation policies that demonstrate the City's commitment to diversity and inclusion. These policy changes state that the City of Glendale will not discriminate against any of its employees and they do not require any action by Council to become effective. These policies were reviewed by the Personnel Board at the January 21, 2015 meeting and were approved by the City Manager on January 26, 2015.

On May 19, 2015 staff along with Facilitator Karen Kurtz presented the plan for public participation on the topic of an anti-discrimination ordinance. Karen suggested having four community conversations throughout the city, one just for businesses and three for citizens. Karen also presented the seven questions that she intended to ask the participants to gauge how they felt about an anti-discrimination ordinance and whether Glendale was seen as inclusive. Council agreed with the number of meetings and the questions being asked. In June, one meeting for businesses and one meeting for citizens was held. In July, two meetings were held for citizens.

A total of 131 (unduplicated) individuals participated in the meetings. Only 129 individuals completed the demographic survey which helped to identify their connection to Glendale. Seventy-three percent (94 participants) were Glendale residents, Glendale business owners or both. Twenty-seven percent (35 participants) were identified as an interested party. Interested parties included people employed or attending church in Glendale, former Glendale residents or business owners, participants with family or friends living in Glendale, participants who shop or attend events in Glendale, participants observing Glendale's process to take back to their communities, and participants from advocacy organizations. The city also set up an email and voice mail to receive comments from the public on the topic of a possible anti-discrimination ordinance.

### **Analysis**

The facilitator has put together a report with the responses from the participants to the questions that were asked at the community conversations. Also included in the report are the comments from the additional meeting comments sheets, emails and voice mails.

The report identifies three main perceived benefits of an anti-discrimination ordinance: 1) inclusion, protection, and recourse for unequal treatment, 2) business attraction, and 3) a positive image for and pride in the city. In terms of perceived adverse impacts, participants listed: 1) infringement on religious freedom, 2) cost of enforcement, 3) concern about potential lawsuits, and 4) other concerns such as sharing restrooms with transgender men or women or unknown impacts on small business.

Of the 297 "dot" votes from residents and business owners, 21.2% chose adopt an ordinance, 1.7% chose adopt the ordinance with exclusions, 15.2% said no ordinance, 13.1% said there is no discrimination problem, and 12.5% said education (on culture, diversity and anti-discrimination). All of the remaining ideas received less than 5% of the dot votes.

For the 114 "dot" votes from interested parties, 54% chose adopt the ordinance, 2.6% chose adopt the ordinance with exclusions, 4.4% said no ordinance, 0.9% said there is no discrimination problem, and 13.2% said education (on culture, diversity and anti-discrimination), and 5.3% said promote diversity more. All of the remaining ideas received less than 5% of the dot votes.

In summary, there was no consensus among participants on whether Glendale needs an anti-discrimination ordinance. Participant comments from the community conversations, additional comment sheets, email, and voice mail expressed feelings on both sides of the issue and for a variety of reasons.

### **Previous Related Council Action**

On May 19, 2015 City Council gave direction to hold four community conversations throughout the city to gauge how the public felt about an anti-discrimination ordinance and whether Glendale was seen as inclusive.

On January 6, 2015 City Council gave direction to administratively implement anti-discrimination language into the City's contract and purchasing process immediately. Council also provided direction to seek public input on this topic by holding district meetings and to hire a professional facilitator to coordinate the public participation process and report on the findings.

On December 18, 2014 City Council approved a resolution to sign the UNITY Pledge from ONE Community. The item was originally brought forth for discussion as a Council Item of Special Interest at the December 2, 2014 City Council Workshop.

### **Community Benefit and Public Involvement**

Because any legislative action City Council could take has the potential for City-wide cultural and economic impacts, it was important to gather feedback from residents on how they felt about a possible anti-discrimination ordinance.

### **Budget and Financial Impacts**

Any fiscal impact to the City will depend on the direction City Council chooses to take after the facilitator presents the findings from the meetings. Drafting, implementing and enforcing a new City ordinance and Code provisions will cause an increase in staff time and have resource implications. Enforcement of an ordinance may require a new commission or additional staff. Drafting and preparing for a vote on a new City Charter provision is an option that is expected to have associated fiscal costs, mostly related to voter education activities and materials.



**City of Glendale  
Community Conversations on an  
Anti-Discrimination Ordinance  
October 6, 2015**



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## **Executive Summary**

On May 19, 2015, the Glendale City Council gave staff guidance on the public participation/feedback process to gather public comment on a possible local anti-discrimination ordinance in Glendale. The City hosted four community conversations including one public dialogue each in the north, central, and south portions of the city, and one dialogue promoted by the Chamber of Commerce to encourage business participation. The City publicized the meetings through press releases, the City's website, Glendale 11, Face book and Twitter, flyers posted at public locations, a mailing to 150 community and faith groups in Glendale, and print ads in the Glendale Star, Glendale Today, and the Glendale AZ Republic. The four community conversations were held on the following dates:

June 10, 2015 – Business meeting – Glendale Adult Center – 6 pm – 8 pm

June 18, 2015 – Public Meeting – Glendale Adult Center – 6 pm – 8 pm

July 25, 2015 – Public Meeting – Foothills Branch Library – 10 am – 12 pm

July 30, 2015 – Public Meeting - Renaissance Glendale Hotel & Spa – 6 pm – 8 pm

## **The Meeting Process**

During each two-hour community meeting, participants worked in small table groups of 8-10 participants typically. A facilitator and a note taker (when available) supported each table group. Participants self-selected their table group (based on space availability) and stayed at their tables for the entire session. All tables answered the same set of seven questions (see Appendix A). Participants were encouraged to speak openly as there was no right or wrong answer to the questions, and to learn from the various perspectives at their table. At the start of each meeting, the Assistant City Attorney briefly presented the Potential Anti-Discrimination Ordinance Fact Sheet and answered participant questions about a potential ordinance. A Spanish-language interpreter and documents translated into Spanish were available at each public dialogue.

The facilitators/note takers wrote participants' comments on flip charts. Each participant received three colored dots when they signed in at the event. On question seven, participants were asked to create a list of ideas in response to the question: *Moving forward, what would be most effective in addressing issues of unequal treatment or discrimination in Glendale?* Once a table completed their list, each participant used their three dots to vote on one or more of the ideas listed.

The City provided three other ways for residents, business owners, and interested parties to participate in this community process. Participants attending the meetings could submit additional written comments at the end of the meeting. The City also created a voice mailbox to accept comments over the phone and an electronic mailbox to accept comments by email.

## **The Participants**

One hundred thirty-one residents, business owners, and interested parties (unduplicated count) attended the four community meetings. Appendix B describes the demographic characteristics of the participants based on a demographic survey completed by 129 of

the participants. Two participants did not submit their demographic surveys. Seventy-three percent (94) of the participants identified as a Glendale resident, Glendale business owner, or both. Twenty-seven percent (35) of the participants identified as an interested party. Interested parties included people employed or attending church in Glendale, former Glendale residents or business owners, participants with family or friends living in Glendale, participants who shop or attend events in Glendale, participants observing Glendale's process to take back to their communities, and participants from advocacy organizations.

Seven of the 131 participants attended more than one meeting, but are counted only once in the total participant count. The seven participants included three Glendale residents/business owners and four interested parties.

### **The Data**

In an effort to satisfy the City Council's expressed desire to hear from Glendale residents and business owners to the greatest extent possible, participants were asked to identify whether they were a Glendale resident, Glendale business owner, or interested party when they signed in at the event. Interested parties were given a different type of name tag and orange dots (instead of green used for residents/business owners). In addition, the facilitators recorded the comments of interested parties in brown marker so they could be distinguished from comments by residents and business owners. Comments from interested parties made in this report are written in italics and marked (Interested Party) before the comment.

Comments were combined across all data collection methods. No participant names or personal identifiers are reported to maintain confidentiality to the greatest extent possible. The data analysis identified common themes based on a content analysis of participant comments.

The community conversations and other data collection methods produced qualitative, anecdotal data of participants' perceptions and experiences related to the issue. These results are not intended to draw quantitative conclusions. Any Glendale resident, business owner, or other interested party was welcomed to participate in as many of the methods for commenting as they chose. Since participants were not selected based on a representative random sample, the data from this process cannot be generalized as a statistically significant representation of the community as a whole.

### **The Results**

To begin the table discussions, participants described how inclusive and welcoming Glendale is of its cultural and demographic diversity. To some, Glendale is a diverse, inclusive community where there is no problem with discrimination. To others, Glendale has improved, but has more work to do on being inclusive, welcoming, and diverse. The body of the report includes comments from meeting participants, as documented by the facilitators, which illustrate each point of view.

Next, participants were asked to describe what makes it easy to be a member of their identified group in Glendale? Identified group means race, ethnic group, gender, age, sexual orientation, gender identity, disability status, or Veteran status, etc. Participants

identified these factors that make it easier to be part of their identified group: the community's diversity, personal qualities, connection and support, time, being (or appearing to be) part of the dominant culture, laws and policies that protect and provide recourse, and other factors. Generally, participants identified the lack of legal protection and people not understanding what it is like to be different as the major issues that make it difficult to be part of their identity group.

Participants expressed different points of view on the question of whether discrimination exists in Glendale. The lack of data documenting discrimination was a factor for some participants that prevented them from determining whether discrimination is a problem in Glendale. Requests for discrimination complaint data arose at all four meetings and it was explained that the City currently has no mechanism in place to accept discrimination complaints. Other participants suggested that people's demographic differences affected peoples' level of awareness about discrimination. Some participants suggested that the idea of identity groups is divisive particularly to the idea of the community as a melting pot. Finally, some participants believed that discrimination is addressed adequately by existing law and that new laws result in granting special rights. In contrast, other participants shared their specific experiences of differential treatment.

The report identifies three main perceived benefits of an anti-discrimination ordinance: 1) inclusion, protection, and recourse for unequal treatment, 2) business attraction, and 3) a positive image for and pride in the city. In terms of perceived adverse impacts, participants listed: 1) infringement on religious freedom, 2) cost of enforcement, 3) concern about potential lawsuits, and 4) other concerns such as sharing restrooms with transgender men or women or unknown impacts on small business.

The final question asked participants at each table group to generate a list of ideas to answer the following questions: *Moving forward, what would be most effective in addressing issues of unequal treatment or discrimination in Glendale?* Each participant used three dots to indicate which items on the list he/she seemed most compelling. Glendale residents and business owners used green dots and interested parties used orange dots.

The ideas suggested by participants and the number of dots each idea received is summarized in a table in the report. The number of dot votes for a given idea does not equate to the number participants that selected that idea. A participant could use one or more of their dots for any of the ideas listed. So 63 dot votes, for example, could mean that 63 participants voted one dot each, 21 participants voted all three of their dots, or some combination of participants voting a single dot or multiple dots for that idea.

Of the 297 dot votes from residents and business owners, 21.2% chose adopt an ordinance, 1.7% chose adopt the ordinance with exclusions, 15.2% said no ordinance, 13.1% said there is no discrimination problem, and 12.5% said education (on culture, diversity and anti-discrimination). All of the remaining ideas received less than 5% of the dot votes.

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chose adopt the ordinance with exclusions, 4.4% said no ordinance, 0.9% said there is no discrimination problem, and 13.2% said education (on culture, diversity and anti-discrimination), and 5.3% said promote diversity more. All of the remaining ideas received less than 5% of the dot votes.

Comments received by email and voice mail are included with the comments from the meetings and additional comment sheets in the final sections of the report that give examples of voices supporting and opposing an anti-discrimination ordinance.

In summary, there was no consensus among participants on whether Glendale needs an anti-discrimination ordinance. Participant comments from the community conversations, additional comment sheets, email, and voice mail expressed feelings on both sides of the issue and for a variety of reasons.

### **III. Community Conversation Results**

The bulk of this report consists of participants' comments as documented by the facilitators in response to the questions presented, or as submitted through additional comment sheets, email, or voice mail.

#### **A. Is Glendale Welcoming and Inclusive?**

To begin the table discussions, participants described how inclusive and welcoming Glendale is of its cultural and demographic diversity. To some, Glendale is a diverse, inclusive community where there is no problem with discrimination. To others, Glendale has improved, but has more work to do on being inclusive, welcoming, and diverse. Participant responses representing both of these ideas are as follows:

##### **Glendale Is a Diverse, Inclusive Community**

- Very diverse, very inclusive
- Diverse customer base represented in my business.
- Very welcoming (2 others agreed)
- My neighborhood is very diverse. I used to socialize with my neighbors more. My neighbors are welcoming and open. Saguaro District community is pretty diverse.
- I sense overall that Glendale is very open. Would hate to let a few bad apples detract from the overall picture. I grew up in Glendale.
- Cultural-wise, it is welcoming. Glendale has a diverse culture.
- I have lived in Glendale for 43 years and have always felt welcomed.
- Friendly, welcoming (1 other agreed)
- Personal attitude/welcoming (i.e. your personal attitude counts).
- As an older person, I have had no issues or problems.
- The diversity creates a welcoming city.
- The One Community pledge is a positive.
- Glendale is very inclusive. Embraces diversity. As an example, there are new Arabic businesses opening in Glendale.
- I agree. It's very dynamic. At the Westgate movies, I saw a melting pot at that area. The clientele is very unique and united.
- I have lived here for 19 years. We have done pretty good.
- My kids' school is very welcoming and it feels like it would be a safe place for everybody.
- I chose to live in Glendale and have found that it is very inclusive as was my place of business.
- I agree that the decision to live in Glendale was for the inclusiveness.
- There is a good sense of community. I choose to live here even though I work outside

of Glendale.

- Very welcoming. I got to know many people through business and block parties etc.
- I have felt welcomed since I've come here (8 years).
- It's about friendliness. It's a great place to be – neighborhoods.
- Glendale is great right now. (1 other agreed)
- I love Glendale.
- No problems (3 more agreed)
- No discrimination as far as hiring.
- I've never seen anything negative.
- I've never encountered discrimination.
- I have lived in Glendale for four months. Glendale is different from where I came from. I have not felt discrimination.
- There seems to be no discrimination. (2 others agree)
- I haven't seen any horrible stuff. (4 others agree)
- I'm in a demographic that could see it, but I don't.
- Big business is bringing in a diverse community. (1 other agrees)
- I am a father of six kids, five by birth, and one adopted biracial child. He's a cadet at the Air Force Academy and has never been discriminated against in 22 years.
- *(Interested Party) I haven't had these type of discriminatory experiences. If I did, I would spread the word.*
- *(Interested Party) I haven't run into discrimination.*
- *(Interested Party) Through business is very welcoming. Help to the disadvantaged. I think Glendale is safe (the Police Department is proactive, politically active). The Council is available. There is mutual concern about success.*
- *(Interested Party) Always a great experience to come to Coyotes games. Doing these meetings is a great thing to do.*
- *(Interested Party) So far, Glendale is 90% good. Everything can be improved. It should be 100%.*
- *(Interested Party) I work for those who created the Unity pledge. I'm glad to see it signed, but it can't be enforced. Glendale has diverse neighborhoods, but not many times they come together. I would like to see them come together and celebrate diversity.*

### **Glendale Has Improved, but Has More to do on Being Inclusive, Welcoming, and Diverse**

- It depends on where in Glendale you are (whether Glendale is welcoming).
- There is no way to approach to connect segregated communities. There is no way to engage each other.

- In Glendale, the further north you go, the whiter the population gets. The south Glendale schools were forgotten such as the Isaac Imes School. In the 80's and 90's the schools became better with Federal funding.
- Residents and businesses look negatively toward residents in South Glendale. I don't know if it's racial or economic status.
- I don't go to the Southern part of Glendale. I'm white and they are not. Also, I'm a woman.
- The City is split in two – southern vs. northern. 59<sup>th</sup> Ave to 75<sup>th</sup> Ave, Glendale to Northern is underserved, mostly Hispanic. Underserved in terms of economics, healthcare, and basic living services (i.e. grocery stores).
- It's (Glendale) pretty white to me.
- Atmosphere feels like "good ole boys" style.
- Glendale is mostly inclusive. I am a white woman who has lived here for 26 years. Glendale was too white before, but in the past few years, I have seen diversity welcomed.
- Glendale is moderately welcoming.
- Not much (not welcoming or inviting). Experienced social media comments – anti-gay comments are prevalent.
- In 40 years, I have not felt exclusion, but I know those that have. Glendale has a way to go.
- Don't feel it's embracing of diversity like other cities have/do.
- Glendale could do a better job of being inclusive of people from other communities.
- I feel that there are a lot of places where I don't feel welcome or safe because of who I am.
- Just knowing that the City does not have an anti-discrimination ordinance makes me think the City is not inclusive.
- Businesses don't want to relocate because we're not seen as open-minded and inclusive.
- More could be done to be inclusive.
- Perhaps we aren't as welcoming as we should be to those of different races, ethnicities, sexual orientations, and socio-economic statuses.
- I was raised in southern California and I never experienced discrimination there. I never saw so much hatred until I moved here. (Different culture and/or race)
- *(Interested Party) Glendale is perceived to have a divide when it comes to race. It ripples into other affinity groups. Policy, cultural engagement is absent.*
- *(Interested Party) Inclusivity has been a challenge at times. I notice the geographic, demographic, cultural disparity. Tried to start a block watch. Yucca District.*
- *(Interested Party) Phoenix has a more active push to welcome groups. The City*



*(Glendale) could do a better job being proactively inclusive (from a former resident/employee).*

- *(Interested Party) I don't come to Glendale often. It doesn't have a lot to draw me in terms of restaurants and events. I have friend's experiences that keep me from coming.*
- *(Interested Party) Room for improvement (1 other agreed)*
- *(Interested Party) Welcoming City, but we need to move forward. (My grand kids are growing up here.)*
- *(Interested Party) The City is almost there becoming a community embracing diversity.*
- *(Interested Party) From a business standpoint, it is important to bring the ordinance forward. Glendale is a great community, but is not all the way there.*
- *(Interested Party) Other cities make diversity a priority, they publically promote diversity.*

## **B. What Makes It Easy Or Difficult To Be In Your Identified Group?**

Next, participants were asked to describe what makes it easy or difficult to be a member of their identified group in Glendale? Identified group means race, ethnic group, gender, age, sexual orientation, gender identity, disability status, or Veteran status, etc. Participants identified these factors that make it easier to be part of their identified group: the community's diversity, personal qualities, connection and support, time, being (or appearing to be) part of the dominant culture, laws and policies that protect and provide recourse, and other factors. Generally, participants identified the lack of legal protection and people not understanding what it is like to be different as the major issues that make it difficult to be part of their identity group.

### **The Community's Diversity**

The diversity of Glendale is part of what makes it easier to be part of an identified group for some participants based on these comments:

- The diversity of Glendale.
- We have a lot of diversity in Glendale. That's a good thing.
- Our neighbors are all diverse. I love them all. We help each other. My identity is just people. I feel very comfortable. I live in a close, helpful neighborhood.
- I have not felt discriminated against in Glendale. Some people are idiots, but not Glendale as a whole.
- I have worked for 29 years and lived for 42 years in Glendale. I am not having any issues with discrimination.
- It is easy to be a member where I work. It is unified and very diverse.
- There is no discrimination for my group.
- I belong to an exercise group, all races, diverse – no issues
- I have a really good sense of community.

## Personal Qualities

Personal qualities such as compassion and open-mindedness is what make it easier:

- Compassion for others.
- Liking people.
- Being confident in myself – be able to approach issues.
- I embrace different groups (1 other agreed)
- I appreciate the different cultures that make up Glendale. People can bring a lot to the table. You can learn a lot, enhance your life.
- *(Interested Party) Friends/being friendly*

## Connection and Support

A place to connect and feel supported is another element that makes it easier to be part of one's identified group:

- Naturally gravitate to like minded/like things.
- Having a group be there for you when you are going through an illness.
- Like minded.
- My church family helps.
- There's a lot of churches.
- I am liberal religiously and have not felt very welcomed. I'm seen as a "bad person" (i.e. the speaker's perception of how they are perceived based on their religious beliefs).
- A number of churches that identify.
- Freedom. I'm in a religious group. They have outlawed that in other countries.
- *(Interested Party) My church is in Glendale and they make it easy to be part of my identified group.*
- *(Interested Party) Easy to practice faith.*
- *(Interested Party) Being active with charities – the more active I am, the more gratifying it is.*
- *(Interested Party) Have a very supportive group of Boy Scouts.*
- *(Interested Party) 1-In-10 group LGBT youth support group. We have a gathering place for the group. As a pastor knowing your community makes it easy. Being a part of the dominant culture makes it easy.*

## Time Heals

- Time. Glendale has changed its character over time making it easier to do away with discrimination. When I was a kid, Glendale had a segregated pool. Mexicans were on Thursdays and blacks were on Fridays. Friday's they drained the pool. It was common throughout the Valley in the 30's and 40's.

- I would not say it's easier. It is moving in the right direction. (1 other agrees)

### **Being (Or Appearing to Be) Part of the Dominant Culture**

- We're in the majority.
- White = treated fairly.
- We're ordinary – white, solvent (not poor), and treated well as senior citizens. I'm polite and people are polite back.
- I have an easy time being white. I don't notice the walls. Gender has been more of an issue. As an elementary school teacher, I made a low salary as a woman. But it has mostly been easy.
- As a straight, white male, I have not experienced any bumps in the road in Glendale.
- I am white. It is traditionally easier for white heterosexuals (2 others agree).
- I am white, LDS, and middle-class. I feel accepted and welcome. That's why I feel it is important to use my imagination to understand what it might feel like to not feel those things (being included).
- There seems to be a different perception for those who are not long time residents (relative newcomers) or white, Anglo-Saxon protestants (the dominant culture).
- *(Interested Party) White privilege makes it easy.*
- *(Interested Party) My geographic area is made up of people of the same race.*
- *(Interested Party) I am Hispanic, but I look more Caucasian, which makes it easier.*
- *(Interested Party) I'm not easily identified as not straight, that makes it easy.*

### **Laws and Policies that Protect and Provide Recourse**

- Knowing your community supports/protects you (2 others agreed – 1 resident, 1 interested party)
- *(Interested Party) Westgate Commercial Development has policies in place to protect me if I am mistreated because of my identity.*
- *(Interested Party) Having a policy in place provides comfort. Makes things clear and provides recourse.*
- *(Interested Party) Business making open and accepting accommodations*
- *(Interested Party) Fear goes down when accepted.*
- *(Interested Party) Glendale signed the Unity pledge*
- *(Interested Party) Signing the pledge, new updated policies. (1 other agrees)*

### **Other Factors**

- This is not a "tall" town (i.e. a town made for tall people). So people who use a wheelchair or walkers etc. have an easier time than in other places. That is helpful for people with disabilities.

- The Americans with Disabilities Act (ADA) also helped.
- If you're old, everyone loves you.
- Age – Glendale helps make it easy. They help make life better for the elderly.
- Age – it is easy to have the Adult Center, but with the reduced hours it makes it hard to attend. Bring back the hours.
- Before I even came here, I found many options for elderly housing. Lots to choose from and those communities are very diverse.
- *(Interested Party) A lack of public transportation. Riding in a car provides a safe place.*

### **What Makes It Difficult To Be Part of Your Identity Group?**

- I need protection from discrimination. An ordinance will protect me.
- Don't take time to get to know others.
- Lack of compassion. We're not all alike, but that's okay.
- Don't offer programs to welcome those identities, to showcase diversity.
- Education is key.
- People not part of the group don't understand.
- People are afraid of what they don't know.

### **C. Is There Discrimination In Glendale?**

#### **Need Data to Decide**

- Question the need for this ordinance. Are there complaints on this issue?
- We need to understand the threat (using an example of 9/11 and new laws enacted due to terrorism). You can't get meaningful answers if we don't know the need. Don't throw government resources at a non-problem.
- I don't see that there has been any record of discrimination. Already a protected class. There is no evidence of discrimination in Glendale. (1 other agrees)

Note: The question of how many complaints has the City received came up at every meeting. Participants were informed that the City has no mechanism for accepting discrimination complaints; therefore, there is no complaint data available.

#### **Demographic Differences Means Different Awareness of Differential Treatment**

- Because of the demographics here (being relatively homogenous), people may not have experienced any issues with inclusiveness.
- What's wrong is that we haven't experienced any of that. We might be less understanding of people who experience discrimination because we haven't been discriminated against.
- None of us at this table believe that government intervention is necessary, but if we

learn that others have been discriminated against, then we will feel differently.

- *(Interested Party) As a member of the community, it is easy to see. If you are not a member of a certain community, you may not experience it.*

### **A Melting Pot, Not Identity Groups**

- I have had no problems as a Caucasian. People in the U.S. used to be looked at as a melting pot. Now we're being separated.
  - It is necessary to have protections to ensure that we become that melting pot. I have not experienced racial trauma in Glendale.
- I take issue with groups or trends that elevate special rights (vs. equal rights).
  - I agree with the above statement. Identities should be equally shielded by the Constitution. There is a difference between those that want to impose different standards for different groups versus recognize our different groups. The City doesn't need to enter into social engineering, it's not a government function. (The government shouldn't impose higher standards/rules for different groups.)
- I take the premise that there are not different groups – just people.
- I'm an American. I'm a Glendale resident.
- I only identify with the color green (as a business owner).
- I don't put people into groups, and people generally don't in neighborhoods and businesses
- I don't consider myself a specific group. I'm a Glendale resident.
- I think it is divisive to be part of an identified group. I don't think it's a good idea. The notion by itself is discriminatory. I don't like it. It tears us apart instead of bringing us together.
- I'm voicing my objection. At the first meeting, this paperwork tries to put you into an identified group. We're all people. Promote that.
- I don't think in "identified groups". We're all just neighbors.
- Glendale doesn't emphasize individual identities. Even the Council is diverse. Even with the diversity I see, it gets away with identity groups and promotes a united cause – (united people) citizens of Glendale.
  - *(Interested Party) My LGBT friends have a different experience. They have been hassled. If you are perceived as being different, you are treated differently. I'm a firm believer in a diversity ordinance in Glendale. Having recourse to protection under the law is what helps create change in the long term and promote the idea that we are all equal under the law.*
- She made a good point. I never analyzed why we changed. I just observed that we changed.
- *(Interested Party) Identifying as a gay person, I change my behavior when I come to Glendale. I'm conscious of it. I know I'm welcome in other cities, such as Phoenix.*

- Since we're talking about sexual orientation, why are we celebrating heterosexual or other orientations or preferences? Heterosexuals don't have parades. Why do we have to state our preference? Who we want to have sex with should stay in the bedroom. It's a private thing. I don't want to publish that. Don't ask, don't tell.
- *(Interested Party) Sexual orientation is much more than who you have sex with. It's who you are in the world. People get killed for it. We don't have an ordinance for this.*
- There are already laws against killing.
- Regarding LGBT, I don't think there's a cookie cutter under how you identify people. Is a hate crime motivated by the victim's identity or the perpetrator's perception?
  - *(Interested Party) When there is bullying toward those who are different, it's the law that protects those who are different.*
  - Is it the bully's fault this occurs? Because a bully could bully a straight person.
  - *(Interested Party) If harassed, I could go to someone if there's an ordinance.*

### **Already Protected By Law/A New Law Will Create Special Rights**

- (Resident): I am concerned that there will be a reverse discrimination that comes out of a city ordinance giving special protection to particular groups.
- My opinion is no. You do not set up an anti-discrimination law. I think what we have on the books already is sufficient. You're just setting the Christian people up for lawsuits. Is all your doing just like they have in Colorado and Oregon. It's just going to cause more trouble. I live in Sun City so I have no alternative but to shop in Glendale and surrounding cities. And the least I can go into Glendale at this point I don't go. I think setting up this law is a bad, bad thing to do
- I do not believe we need any additional city ordinance concerning discrimination. There are federal and state laws that handle this. We do not need overkill on this issue.
- Isn't it already against the law to discriminate against someone for their race, religion, sex or sexual orientation or anything else for that matter? Why does the city, already overwhelmed by problems like the casino, the Coyotes and so many other major issues need to add another costly ordinance to the long list of others. Especially one that seems redundant. My vote is no on this one. Thank you for your extraordinary efforts to improve this city.
- There is something in place to deal with discrimination.
- It seems that the Unity Pledge already covers anti-discrimination.
- *(Interested Party) Already have laws that address most of the areas of concern. Feds handle, not local. Need an ordinance emphasizing employment for Glendale, not businesses in Glendale.*
- *(Interested Party): At the next conversation, it should be made clear in the beginning that some classes are protected, but LGBT are not. This ordinance would simply expand to LGBT people – not create "special" rights for LGBT people. I think it's important to make that distinction.*

## D. Examples From Those Who Have Experienced Differential Treatment

Participants were asked if they have you ever felt targeted or treated differently, intentionally or unintentionally, because of their diverse identity. Some participants said they had never experienced discrimination, while others shared their experiences with discrimination or differential treatment of themselves or family and friends. Here are the examples shared by participants:

### Gay, Lesbian, Bisexual

- It is difficult as a mom, watching one daughter being treated one way and another daughter (who is lesbian) being treated a different way.
- I worked at a company at Arrowhead Mall. I was told I would have to be less gay to be promoted and it ended my career. I quit, now I work in Phoenix.
- I taught tennis classes. I was out to dinner with my partner and I was seen by a student. The parent approached the business owner and refused to let the child be taught by me. The parent's perception was that I would "like" their daughter.
- Little words – people say things where I work. Other employees talk. For example, coworkers were disputing a change that a child made. One of them made the comment: "at least he's not gay".
- I have lived in Glendale for 14 years. I went to Glendale Glitters with my boyfriend. We held hands and were called slurs, "fag" etc. My parents do it (hold hands), but I don't so I won't feel uncomfortable.
- I went to the hospital with my wife who was having surgery. I was kicked out of the hospital room because we weren't legally married. We were not allowed to be legally married at the time.
- At a different hospital, I was booked for surgery with a top surgeon, but the nurse and the hospital refused to do the surgery based on my sexual orientation. I had to locate another hospital.
- There are still many problems with LGBT rights. I supervised an LGBT employee – if one partner was in the hospital, the other partner was forbidden by the family to visit. I have gay friends who adopted children. Only one partner is considered the legal parent.
- Close friends (lesbians) left Arizona to marry legitimately. They had two kids and wanted to ensure parental legal status to protect their kids.
- It's been easy to "hide" or not be seen as gay, but I shouldn't have to act overly straight when I go into businesses. It makes it easier in society in general to hide it.
- *(Interested Party) You can't physically see the differences – That makes it easy.*
  - *(Interested Party) You can see/hear the differences when they come into businesses. Individually, you wouldn't know my son is gay. But, if he goes in with his husband, that's my concern. I'm heartbroken that my son couldn't come to Arizona to be married.*
  - *(Interested Party) My son is cautious about if they hold hands, etc. because of the*

*way society treats you.*

- *(Interested Party) It's scary to come out to people still. That fear. I ask you to take that into account. There are those of us who still face discrimination. I ask you to take that into account. If I put a picture of my wedding on my desk, I face discrimination. You don't see (gay) people hold hands much.*
- *(Interested Party) My daughter is a lesbian. She has to watch her back.*
- *(Interested Party) I work in Glendale and I do see discrimination happening. A woman lost her job because she had a picture of her partner on her desk.*
- *(Interested Party) In 2014. I came to Glitter and Glow. There was a group of 10 to 12 of us. Not all of us were in the LGBT community and we were heckled. Someone said "we don't want you here". I can pass, others can't. People assume, we get looks, stares, aggressive bumps. Being a sexual minority, we get bullied. People are just afraid to talk about my identity. I want to be able to talk about it and to participate.*
- *(Interested Party) In my age, being Italian and married to an Asian, we were getting the racial slurs. Being an employee in Vermont, total woman slurs. These are all protected. Being gay is not protected, so you don't complain.*

### **Gender Identity**

- As a transgender person, I live with fear of prejudice. I have heard the comments and attitudes in Glendale and I feel the fear of the people around me knowing that I am transgender. I transitioned as a city employee, and a co-worker did not speak to me for a year. I feel out there alone in society. In other cities like Phoenix and Tempe, I feel I would be more supported. I would have recourse in the law to get justice.
- I witnessed the struggles of my grandson, who became my granddaughter. I have seen the difference in my neighbors.
- *(Interested Party) I was at a Westgate restaurant with a straight friend – transitioning to female, The bartender said, "Have a good night, SIR. She had to go back and talk to the manager.*

### **People with Disabilities**

- There is not always good enforcement of the ADA. Lots of rest rooms have lower toilets that have bars by the toilets, but are difficult to use. They call it accessible, but it's not. The toilets are too low to the ground.
- *(Interested Party) Kids with disabilities find it difficult to use public transportation. You must transition from one city's Dial-A-Ride to another.*
- *(Interested Party) There is a lot of discrimination for kids with autism. We attended activities by the State where we were told how to care for a child with autism. Arrowhead has lots of care providers. Welcome at big malls. Accessibility for kids with disabilities.*



## Gender

- I experienced discrimination as a woman teacher with a lower salary. I experienced it more here.
- I was targeted by someone I hired to do yard work because of being female.
- Yes as a female. Men trying to put me down as female. I am targeted based on looks and appearance. Because of a stereotypical appearance, I was targeted as gay.
- As a woman, the Equal Credit Opportunity Act in 1976 helped, but women still make 70 cents on the dollar vs. men.
- Yes. In salary, the City of Glendale has come a long way. At one time, librarians, for which Master's degrees are required, were paid the same as gravediggers. Most librarians are women. In 1979, salary studies were done that helped. You should get paid for your level of education and expertise. This was discrimination against women based on gender.
  - Question to participant: If a man had that position, would he have earned more?
  - Answer: Not really, but men were more likely to become a director (of the library).
  - We formed employee groups like GEMS and pointed out problems to the administration. For example, men (directors) received a car allowance, but not the women. Everything had to be pointed out and fought for.
- I'm in a religious community, there is an issue against female pastors. When I came to Glendale, I was the only female pastor.

## Religion

- My religious belief (liberal). Glendale tends to be religious and conservative. I don't talk about it, I don't feel comfortable. I could be fired or treated differently.
- I am automatically put into a box as a religious person. I'm seen as not as flexible. In discussions, I feel like I have to defend myself to my own peer group.
- I felt targeted when I went to store that did not sell Jewish holiday items in Glendale (south side of Peoria).
- I've had a lot of hate statements made because of my religion. (1 other agrees)

## Ethnicity

- Non-natives moving into Glendale bring in these attitudes. It wasn't a factor with my classmates. In high school for the first time, I was singled out by a teacher who asked for the Mexican point of view.
- I work with refugees. We have had people that don't want to rent to them because of what I would call cultural and lifestyle differences.
- *(Interested Party) Yes, a few years ago we tried to create a block watch. We were told that your people don't vote, you all speak Spanish. That motivated me to get active. If you allow a group of people to be picked on, that is a form of discrimination.*

## **Race**

- I have a biracial daughter. We come from Missouri. There are more families here with similar kids. We have been ignored or not included to some extent – like not being invited to go to other kids homes/spend the night.
- I taught in the Glendale Barrio for 30 years. I saw racial issues, but I was generally treated with respect. There were students that you would have issues with that could have been racially, ethnically, or economically driven. This hasn't really changed. The barrio/poverty is still here.
- Yes because of my color. I was served last at a store that was associated with the restaurant.
- About 10 years ago in Glendale, we went to a fast food restaurant with our friends who are an African American couple. They took our order immediately. It took 15 minutes to take the order from our African American friends. My friends were discriminated against and I was upset about it.
- I get comments that I'm too white. These are hurtful comments especially when growing up as a young (white) woman.

## **Age**

- Age – I feel discriminated against trying to get a job.

## **General**

- I was looking at firearms in a store. I don't fit the model of someone who would like firearms. I was never approached. I brought someone else with me who fits the mold of a gun purchaser/owner. Others were being helped such as a white couple, but when I was by myself, I wasn't approached. When my friend came up to me, we were approached by store staff. My perception was that I wasn't worth helping. I likely didn't have the money so I was a waste of their time.
- I wouldn't go into a bar that is predominantly another group/race (culturally different). I wouldn't feel comfortable. I wouldn't want them forced by law to have to welcome me.
- I was physically attacked five years ago. Discrimination is definitely still prevalent, still alive and well.
- I tutored my Palestinian neighbor (a 9 or 10 year old girl). Her papers were good, but her teacher at her Glendale school was grading her down. With this teacher, she couldn't do anything right.
  - My son, in 3<sup>rd</sup> grade, had a teacher who didn't care for him and she treated him the same way.
  - My first grade granddaughter faced the same situation.
- In 2002, I was convicted of a crime. I am now discriminated against (in employment and housing) because I am a felon. This needs to be addressed. I believe City Council should sit down and establish some parameters for preventing discrimination against felons that have been reformed. I had to start my own business because I could not be

hired. My business helps employ convicts.

- *(Interested Party) I was born and raised in Glendale. I am not gay, but I identify as a minority. Swastikas were reported every two weeks for six months. No action happened until I volunteered with a City Council member. Glendale can do a better job if they want to be competitive.*

## **E. Perceived Benefits and Adverse Impacts of an Anti-Discrimination Ordinance**

Participants were asked to identify possible perceived benefits and adverse impacts from a Glendale antidiscrimination ordinance. Below is a summary of participants' answers. It should be noted that some participants perceived no benefits to an ordinance and some perceived no adverse impacts.

### **Perceived Benefits**

#### **Inclusion, Protection, Recourse**

- I'm a landlord so people might think I'm judgmental. I want to make sure my tenants are protected.
- If there is a problem (that classes are being discriminated against) this will allow them to feel protected and respected.
- The ordinance would make people who have historically been discriminated against feel welcome. The family of lesbian parents and two kids might move here.
- Those who have felt discrimination would have recourse/a voice.
- Those that don't face it (discrimination), would be able to find out it's occurring and could speak up.
- It sends the message that all people are welcome.
- The benefit is the feeling if something were to happen, I have the legal benefit, that outlet to know the benefit is there – the same rights.

#### **Business Attraction**

- As a business owner, resident, and Executive in a Fortune 500 company, we look at business operations, in attracting and retaining top talent. We look at a welcoming community for our business development.
- Attract the quality talent needed to survive.
- Attract new business (We need all we can get to make us better).
- Economic benefit – An analysis states/predicts an economic boon to Glendale of \$34 million. Example: Going from no MLK Day in Arizona to MLK Day. The economic benefit was positive to Arizona.
- *(Interested Party) Corporations look for inclusive cities to locate operations.*
- *(Interested Party) Cities that have an ordinance get business investment.*

## **Positive Image for/Pride in the City**

- The pleasure of living in a fairer community.
- Gives a different image when we choose to do it rather than being forced.
- It would get the word out that Glendale is inclusive. That anyone is welcome.
- It makes a statement as a City (i.e. We want to be diverse. This is important to us.)
- *(Interested Party) Large scale events attract people from all over the world. One business with a limited action could limit Glendale.*
- *(Interested Party) Good message to visitors – a friendly welcoming place. I was formerly on a City Council. This will get them to start the conversation because they see Glendale do it with no bad fall out. Glendale will be a role model.*

## **Perceived Adverse Impacts**

### **Infringes on Religious Freedom**

- I don't see a need because we don't have that big of an issue. When you make more protected classes, it starts overriding your personal freedoms. How much will it spill into the churches? The other things that happen because of it may be more negative. I see it as overriding religious freedoms not coming along side it.
- What impact will this have on our churches and members? Will this limit our pastors from speaking freely? How does religious freedom tie into this?
- So much media attention is focused on the issue of gay marriage – a religious conviction should not be deemed as Not a viable option.
- An ordinance could force some Christian businesses to violate their conscience.
- Rights of conscience of business owners – free exercise of religion for artists, bakers, who decide not to participate with LGBT/identity groups. An ordinance creates a mandated Us vs. Them.

### **Cost of Enforcement**

- Will add more financial burden to Glendale (i.e. enforcement costs)
- How much money and time is spent investigating these claims (i.e. Phoenix has had three complaints which were all dismissed.)
- One additional piece of city bureaucracy and more costs to taxpayers.

### **Concern about Potential Lawsuits**

- People will push their views onto me or threaten to sue.
- We live in a litigious society. People will sue at the drop of a hat. I know a contractor who lists his Hispanic wife as the head of the company so he can get a contract.
- There will be litigation because of disgruntled person and the more ordinances, enforcement will raise the possibilities, issues.

- As a taxpayer, there could be frivolous lawsuits, which under U.S. Code, Glendale would have to bear the costs of. (2 others agree)

### **Other Concerns**

- From a practical standpoint, restroom facilities become problematic. Question: Is there regulation on a business offering separate men's and women's restrooms.
- Gender identity ordinance could allow men to enter into women's bathrooms and vice versa. I believe this is wrong and potentially dangerous especially to women.
- Small businesses and religious groups will be adversely affected (i.e. need exemptions (i.e. dorms, etc.)
- We don't know what the issues/impact will be.
- I'm concerned about having an adverse impact on small businesses.
- Concerned about professional service providers losing a right to choose who to provide services to (i.e. Counselors)

### **F. Ideas for Moving Forward**

Moving forward, what would be most effective in addressing issues of unequal treatment or discrimination in Glendale? The final question asked participants at each table group to generate a list of ideas to address potential unequal treatment or discrimination. Each participant used three dots to indicate which items on the list he/she seemed most compelling. Glendale residents and business owners used green dots and interested parties used orange dots. The table below is a summary of the ideas suggested by participants and the number of dots each idea received. The number of dot votes for a given idea does not equate to the number participants that selected that idea.

Following the summary chart are comments that participants made supporting or opposing an anti-discrimination ordinance. This section includes comments made during the community meetings, as well as written comments submitted after the meeting, and comments submitted by voice mail and email.

### Summary of Participant Ideas on What Would Be Effective In Addressing Unequal Treatment?

Suggested Actions	# of Res/Bus Own Dots	% Of Res/Bus Owner Dots	Suggested Actions	# of Interested Party Dots	% of Interested Party Dots
Adopt the ordinance	63	21.2%	Adopt the ordinance	61	54%
Adopt ordinance with exclusions	5	1.7%	Adopt ordinance with exclusions	3	2.6%
Doing nothing is negative for business and the City.	2	0.7%	Doing nothing is negative for business and the City.	2	1.8%
No ordinance	45	15.2%	No ordinance	5	4.4%
There is No Discrimination Problem	39	13.1%	There is No Discrimination Problem	1	0.9%
Enact Anti-discrimination Policies	3	1.0%	Enact Anti-discrimination Policies	3	2.6%
Adopt the Unity Pledge	3	1.0%	Adopt the Unity Pledge	0	0.0%
Cultural Events	13	4.4%	Cultural Events	4	3.5%
No More Cultural Events Needed	1	0.3%	No More Cultural Events Needed	0	0.0%
Neighborhood Events	9	3.0%	Neighborhood Events	2	1.8%
Education	37	12.5%	Education	15	13.2%
Community Dialogue	8	2.7%	Community Dialogue	1	0.9%
Promote Diversity More	8	2.7%	Promote Diversity More	6	5.3%
Take Multiple Approaches (from the list)	11	3.7%	Take Multiple Approaches (from the list)	3	2.6%
Visible leadership	6	2.0%	Visible leadership	4	3.5%
Advocacy	6	2.0%	Advocacy	3	2.6%
Document Unequal Treatment	2	0.7%	Document Unequal Treatment	0	0.0%
Identify with Big City Focus	0	0.0%	Identify with Big City Focus	1	0.9%
Encourage People to Go to Faith Based Organization	6	2.0%	Encourage People to Go to Faith Based Organization	0	0.0%
Hire for talent/client experience	1	0.3%	Hire for talent/client experience	0	0.0%
More public prayer	9	3.0%	More public prayer	0	0.0%
Promote honesty. Don't be afraid to share who you are.	3	1.0%	Promote honesty. Don't be afraid to share who you are.	0	0.0%
True definition of discrimination.	1	0.3%	True definition of discrimination.	0	0.0%
Address reverse discrimination.	4	1.4%	Address reverse discrimination.	0	0.0%
Live by the Golden Rule	3	1.0%	Live by the Golden Rule	0	0.0%
Do not plagiarize what other cities have done	4	1.4%	Do not plagiarize what other cities have done	0	0.0%
Self policing	1	0.3%	Self policing	0	0.0%
Stop group labeling.	4	1.4%	Stop group labeling.	0	0.0%
<b>Total Dots</b>	<b>297</b>	<b>100%</b>	<b>Total Dots</b>	<b>114</b>	<b>100%</b>

## Voices Supporting an Ordinance

- I was born and raised in Brooklyn, NY, moved to North Carolina in 1963 and to Arizona in 1981.

In NY there was some ethnic hostility but in NC there was outright hate and enmity. The Black people were a second class group, segregated into their own schools, living spaces, restaurants and churches. Much of the message that Black people were somehow sub-human came from the pulpits of Christian churches.

Let us move now to present day Glendale, AZ and the proposed anti-discrimination ordinance. Today we see this same hate and enmity directed toward people in the LGBT community and again sometimes from Christian churches.

The Declaration of Independence states we are all created equal and have the same rights to life, liberty and the pursuit of happiness. This is not true if one can be fired for being gay or denied housing based on gender.

I am a member of a Lutheran Church in Glendale and believe that God created each of us in His image. The Bible tells me to love God and to love my neighbor as myself. My neighbor is every person in this world. My husband joins me in encouraging the City of Glendale to adopt the proposed anti-discrimination ordinance.

- (Resident): I am a Mormon dad, straight, white, and have five children. I feel my life has been fairly easy, and I have lived to the fullest potential with no fears of being judged or discriminated (against). I have loved living in Glendale for 12 years since moving here to attend a University. We have stayed and thrived, partly because of how welcoming, diverse, and progressive we feel Glendale is as a city.

As a person of faith and belief in Jesus Christ, who focused his attention on leaving the heavily protected and privileged majority 99% and going after the 1%, Glendale needs to publicly voice its support for the marginalized and unprotected by passing this non-discrimination ordinance. The feeling of safety and protection is already felt here, but by affirming our desire for ALL of the 100% to be legally protected, the city of Glendale officially becomes a city of full opportunity, fully welcoming, and fully thriving.

- (Resident): I love Glendale! I want this community to be safe for everyone. I would describe myself as a single, bilingual, female, Mormon, LGBT ally, and someone who cares about ethnic diversity. I think the anti-discrimination bill is a step in the right direction.
- I have not personally had an issue. I am a priest (African American) from a predominantly white congregation. Protections do need to be expanded just in case for those who do not fit.
- Glendale has come a long way in its treatment of LGBT people in the last 18-20 years. This proposal would put the "finishing touches" and complete a history of positive changes toward LGBT people in Glendale.
- I have lived in Glendale over 50 years. I very strongly support anti-discrimination ordinances in all public accommodations. 1) It's only the right thing to do. And, 2) As a practical matter, the gay wedding trade in Caitlin Court alone could go a long way to covering the cost of the hockey debacle. Finally, bigotry disguised as religious belief is

disgusting. Repellent. And my home town should have no part it.

- It is unfortunate that such an ordinance has to be put in writing in order for people to treat others as they themselves would like to be treated. Go for it! Join the rest of the cities in the county who have passed this. Do the "right" thing.
- I support the implementation of an Anti-discrimination ordinance.
- I would be oh, so proud to say I live in Glendale Arizona. I say yes (to an anti-discrimination ordinance). Thanks for asking.
- Glendale and every other city in AZ should pass an anti-discrimination ordinance. No one has a First Amendment "right" to inflict their religious views on others under a misapplied definition of "freedom." Glendale should not support a modern version of Jim Crow.
- I have lived in Glendale since 1963. My family and I very strongly support an ordinance to assure non-discrimination against LGBT people and couples because:
- It's the right thing to do;
- Cities such as Flagstaff, Phoenix, Tempe, and Tucson have such ordinances with no loss of good order;
- No one should be able to deny employment or public accommodation on the basis of gender identity or sexual orientation any more than race, color or creed; and;
- Businesses, and consumers of all kinds, will increasingly shun cities that don't offer full protection of law to everyone.
- (Business owner): Pass the ordinance. Get going Glendale – lead, be inclusive.
- (Resident/Business Owner): My niece, who is lesbian, is going to the University and plans to go on for a Master's degree. I want to create a society where she feels just as accepted as far as a job and housing. I want her sexual orientation to not be an issue for her. She has so much to give.

My 15 year old son asked why I was coming here today. He thought for sure that sexual orientation was on the list of protection for all citizens. I came here to put that on the table.

- (Resident): I believe an ordinance will not only set an example for other cities and prove that Glendale truly cares about each and every one of their citizens.
- (Resident): An argument against the ordinance was religious freedom. I don't understand how they would be discriminated against.
- (Unidentified): If Glendale does not pass the anti-discrimination ordinance and surrounding communities are and have adopted the ordinance, Glendale will very likely lose economically and will not be able to expand job opportunities.
- I know people who are gay and they are afraid of being discriminated against if they get married and people know. That's why I am for this ordinance.
- *(Interested Party): Please be thoughtful in creating an ordinance that is positive in protecting all people. I look forward to this ordinance moving forward.*



- *(Interested Party – visitor for Coyotes, outlets, entertainment): I'm not interested in interfering with private, deep religious feelings of others, but when it comes to public accommodation people shouldn't be discriminated against.*
- *(Interested Party): As a frequent gay visitor to Glendale from Phoenix, I know that the LGBT community's perception of Glendale is negative – they/we see Glendale as being unwelcoming and intolerant. Glendale would really improve its image if its leaders would step up and make the rest of the Valley, State, and Nation know that Glendale is open for business to everyone, including gay and transgender people.*
- *(Interested Party): I feel this ordinance is necessary to bring Glendale into the 21<sup>st</sup> century. Glendale shouldn't wait to be the last city to say discrimination is wrong.*
- *(Interested Party): There is currently not a mechanism in place for people who are LGBT to file a complaint if they are discriminated against. Therefore, there is no way to know if discrimination is happening.*

*Municipalities put enforcement procedures in place with anti-discrimination policies. There has not been an uptick of "frivolous lawsuits" in municipalities who have adopted ordinances.*

*Adopting an LGBT inclusive anti-discrimination ordinance will help Glendale attract and retain top talent, re-brand and build an inclusive sense of community and pride for the region.*

### **Voices Opposing an Anti-Discrimination Ordinance**

- I live in Glendale for almost 40 years. My husband and I oppose this anti-discrimination sexual orientation/gender identity law. It's not necessary to do this. We have too many rules and regulations. I think it would be a negative impact and bad for Glendale. A harmful ordinance which threaten the rights of churches and people of faith to operate according to their beliefs. And we are very much opposed to this.
- We are opposed to such an ordinance, as it dilutes the freedoms envisioned by our founding fathers. If an ordinance forces a baker to bake a wedding cake for a gay wedding, it would tend to increase tensions. Far better for the gay couple to go to a baker whose faith does not disagree!
- I oppose such an ordinance for business. I support one relating to government activities. All citizens should be treated equally by government. If a business is willing to have fewer customers to follow their principles they should have that opportunity. Why would you want a business to serve you if they are opposed to your beliefs? Why help them make money? Those who want to serve all can use that in their ads to get more customers. Government should stay out of deciding who a business wants for customers.
- This particular ordinance is troublesome. I believe that we should treat people with respect - even if we disagree with their actions and life styles. We should be civil in our discussions and our actions.

I believe that people of faith have certain rights. The Bible tells us that families consist of a man and a woman (and perhaps children). This is consistent with nature. People of faith should not be forced to support or appear to accept alternate life styles.

Churches should be able to select their employees. The church leaders should support that church's faith. I would not attend a Christian church that has an atheist as a pastor. This policy could be considered discrimination.

Businesses should be able to control their own destiny. No shirt, no shoes, no service was a common restaurant rule. That is discrimination. But as a customer, I appreciate that rule. If there was mutual respect, this rule would not be necessary. If my beliefs do not accept alternate life styles, I should not be forced to provide services for a same sex marriage. There are likely others willing to provide these services.

There are states and communities with this type of ordinance or law where it has been used to ruin people's lives. People were not being respected. This law was used like a club. For examples of court cases where people's lives and livelihoods are being impacted unfairly by anti-discrimination laws, please Google "Elaine Huguenin", "Barronelle Stutzman", and "Cynthia and Robert Gifford".

My opinion is that such an ordinance could create a lot more problems than it would solve. Please do NOT pass this ordinance. Thank you for allowing me to express my opinion.

- I am writing to you with regards to the Discrimination Ordinance. The exclusion is noted for religious groups but then talks about public domains would not be excluded. What happens to the wedding photographer who does not believe in doing same sex marriages? Should they be punished due to their beliefs particularly when there are other photographers that would do their weddings. I think the Oregon bakery that got fined \$135,000 is a perfect example of how reverse discrimination can be protected by this ordinance.

You advise small religious business would be protected. What happens to the large business owner's beliefs? Do they no longer matter simply because they have 101 verses 100 employees? Should they be required to only allow their businesses to grow to a small cap? Isn't that discriminating against them? Are they not tax payers as well?

What about the Mexican or Chinese restaurants that have solely Hispanic or Chinese workers? Do we tell them that they have to diversify their staffing? I think that is a right to freedom.

Also, I wanted to point out that I did go to the Foot hills meeting. It was alarming to me to find out that you were taking down our notes as representing the people only to find out that several people there have been attending each meeting and voicing their comments which unfairly stacks what the public opinion would be.

- What absolutely should be in any city anti-discrimination ordinance should be anti-discrimination against any person because of their religious belief that homosexual acts are immoral and therefore he/she cannot give any support to a gay wedding such as baking a cake, taking pictures, or any other support such as renting one or more rooms in a hotel or motel, serving a gay wedding celebrating at any restaurant, etc. Also one should be able to raise their kids at a house or apartment away from a gay couples residence.
- Many are convinced that we who believe both our relationship with Jesus Christ and His Word, as given to us in the Bible, direct our life choices are a major source of problems in treating all people with respect. Yet the New Testament explicitly directs that all

people be treated with respect. Christ Himself interacted with people shunned at that time in history.

At this point current critics show some confusion, however. Christ also told us not to 'throw your pearls before swine to be trampled underfoot'. Guidelines He has established to protect precious ideas and people must be observed. Repeatedly in His Word the optimal institution for raising the next generation and instilling those children with His values is shown to be the family, as defined as a man and a woman connected by His institution of marriage and any children they may raise. It is clear that life may adversely act on that ideal if a spouse dies or if there is a divorce ('It is for the hardness of your hearts that [in the Law as given to Moses in the Old Testament] God set up guidelines for divorce. . . God hates divorce.'). These instances are different than when two people cohabit without the sanctions and preparation of God-defined marriage or when two of the same sex attempt to validate their relationship by twisting the definition of marriage. Valid sociological studies have actually shown that those who live by the behavioral patterns established by God experience fewer criminal or anti-societal acts than those who do not. One of my best friends in college was an avowed atheist. Her personal investigation of lifestyles around the world led her to the conclusion that, although she did not believe in Christ, His pattern for living was the best one for a positive life and culture.

In keeping with Christ's instruction to protect precious concepts and people, one can derive common-sense guidelines such as those who have a hand in raising children [such as parents, teachers, staff of churches, camps, etc.] must not actively espouse concepts and lifestyles in conflict with Christ's design and believers must not be forced to act against their religious convictions [such as apparent support by taking photographs or making cakes or floral arrangements for a same-sex union which is not recognized by God]. Are there times when a Christian will serve an LGBT person? The answer is absolutely YES! For example, if I am a server in a restaurant on my usual shift, I will certainly serve that person food—and I am not even likely to know that person has LGBT leanings! In fact if I refuse to serve that person in such a context I am guilty of denying the respect God directs. On the other hand, as shown previously, if I allow that same person to teach my child, I am guilty of breaking His direction to protect precious concepts and people.

In short, those who live by Christ's directives, whether they believe in Him or not, would have no need for an anti-discrimination ordinance because they would already be giving respect to everyone except in cases similar to that defined above where doing so would defy His direction to protect precious ideas and people. Passing the currently proposed ordinance would result in an increasing breakdown in socialization of our citizens as well as resultant heightened levels of personal and societal anti-social behavior and the attendant rise in expense to the associated governmental agencies for law enforcement, child support, health benefits, etc. Please do not pass this ordinance. Thank you for reading this email, trying to understand my position whether or not you initially agree, and giving careful consideration to your appropriate vote.

- An Anti-Discrimination Ordinance sounds good on the surface...however it really is an open invitation to people seeking to sue and put out of business anyone who has conscientious objections to embracing and participating in a homosexual wedding, or

abortion, or hiring a person of an anti-religious persuasion to head or work in a religious organization. It's a lawyers' employment assurance ordinance.

No astute business person is going to refuse to do business with a potential customer for light or frivolous reasons, as that is a sure way to go out of business. Don't force a person to choose between violating their conscience or violating an ordinance!

Glendale does not need a non-discrimination ordinance. Much better would be a FADA, First Amendment Defense Act, defending the religious rights of conscience. An Anti-discrimination Ordinance is counterproductive. Do not pass an Anti-Discrimination Ordinance.

- I'm a resident of Glendale. I do not think this is necessary. I would vote against it.
- Thank you for hosting last night's meeting on the consideration of adopting an anti-discrimination ordinance in our city. It certainly seems that there is considerable mixed opinion on this matter, but it also seems that this is inevitable to pass. Much of the format and questions used to solicit opinions from us begin with a flawed premise that there is a problem and an ordinance is necessary. I feel certain that if enacted, there will be unintended consequences that will place a burden on some businesses and churches in Glendale. However restricted when enacted, once the camel's nose is under the tent... With all of the challenges presently facing our city, it seems a shame to spend so much time and money on this matter.
- I'm a 50 year resident of Glendale and reside in Ocotillo district. It's been a pleasure to see how all types of people have worked together to make this a tolerant city. As was stated in your introductory message, there is no state or federal law covering this topic. If it was enforceable, fair to all people, and not going to cause more and different problems, you can be sure there would have been a law. I have worked in three shops in downtown Glendale. All the merchants I have known would be delighted to have customers and would not turn any away.

As far as the housing and employment issue, those who are renting or hiring should be able to use their own judgment. It is not fair to discriminate against them either. If this ordinance passes, police will be busy trying to decide if a complaint is justified or just malicious. If this law passes, lawyers will line up to represent people. If this happens, customers can say there was discrimination when that wasn't the case. This is a misguided ordinance. It will not solve any problems and will cause friction among our citizens.

- Here are a few additional comments I had from the public meeting Saturday morning at Foothills Library (7-25-15): A major concern I have is that there will be a lot of unintended consequences if an ordinance is passed. It is very difficult to grant new rights without taking away rights from others. For instance, many anti-discrimination laws get interpreted so that people who prefer being a gender other than their biological gender can use bathrooms/showers that are for their preferred gender without regard to whether or not they have had "sex change" surgery (gender identity). This gives legal cover for any boy/man who wants to take a shower in the local fitness center to do it in the women's shower area. Some will take advantage of this for girl watching just because they can. The boy/man can say he prefers to be a girl for a day or month or year, but later say he prefers to be a boy. Most women would be shocked to see a

biological man in the women's shower area and they should be even if he thinks he is a woman! Allowing this does not help the cause of anti-discrimination, but it makes many feel very unsafe. Same applies in school locker rooms.

If it is truly an anti-discrimination ordinance, then that will mean entertainment will have to come under much stricter scrutiny and sometimes be canceled. Many live shows and movies make fun of various groups, which is discrimination. If they claim "freedom of speech", then why doesn't "freedom of speech" apply to the rest of us? It intimidates or offends just the same. The lawsuits could go on for a very long time and just serve to divide us further as groups.

There is a lot of legitimate concern that something good-sounding (anti-discrimination) will turn into discrimination for others. As we have seen across the country, various people associated with weddings (photographers, bakers, florists, chapels, etc) have politely declined to participate in same sex weddings because of their sincerely held religious beliefs but have ended up with crushing fines and threats of jail time. Keep in mind that marriage is very religiously oriented even though government is also involved. Anti-discrimination in these cases clearly did not make any reasonable allowance for our First Amendment religious freedom. A potential ordinance for Glendale could easily fall in this category.

When anti-discrimination is expanded and given the weight of law (fines, jail time, licenses) it has been abused. It appears like it is meant as "pay back" somehow and ends up causing more division. Religious exemptions never seem to cover what they are supposed to since it is usually a bureaucrat that decides what is anti-discrimination or not (it becomes very fluid).

I think we really need to balance how we can treat each other with dignity without running over the other's rights. There will definitely be conflicts. Many times that just means we need to tolerate each other in a civil manner without resorting to claims of discrimination. Good manners seems to be a lost art in our society. Promoting that needs to be a top priority.

- I attended the Foothill Forum today flanked by (2) out of town activist inputting GLBT rhetoric obscuring Glendale City citizens input. This was the most ridiculous exercise & waste of money by the City I've ever observed in the last 22 yrs of my residing in Glendale....trying to "normalize abnormal behavior" thru social engineering via City Council directives masking it as a proposed "Anti Discrimination Ordinance inquiry soliciting citizen feedback discussions was a joke. These same GLBT types have repeated their rhetoric by attending multiple other (4) "Anti Discrimination" meetings previously held at other City locations seeking to obscure Glendale citizens pushing for similar Ordinance already obtain in Phoenix & Tempe. Abide by your oaths to uphold the Constitution of the United States as a guide for Council decision in the future.
- This is the Main Reasons I Oppose "Anti-Discrimination" Sexual Orientation/Gender Identity Laws:

Negative Impact on Individuals and Families:

- The Constitution protects diversity of opinion and religious beliefs. The government should respect the right of a family-run business to run their business according to their faith.

- There is no need to create new protected classes that will threaten the religious freedom of family-run businesses.
- As evidenced by what recently happened in the Tucson Unified School District in March 2014 and other schools across the country, these policies mandate that young boys and girls in schools can be forced to share locker rooms, showers, and bathrooms with those that are anatomically of the opposite sex and “identify” as transgender.
- Creating new, invented rights is done at the direct expense of the constitutional First Amendment rights of everyone that have been protected since this country was founded.
- To pass a sexual orientation/gender identity ordinance is to say that if you do not subscribe to one particular ideology, you are not fit to make a living in Glendale and you are disqualified from the marketplace.

#### Negative Impact on Churches and Religious Organizations:

- The religious exemptions never fully cover churches and other religious organizations in matters of employment and public accommodation.
- Anyone of faith that does not fit under the definition of a pastor or religious organization is forced to check their freedoms at the door before they go to work every day.

#### Negative Impact on Business:

- The last thing Arizona businesses need is more regulation. Creating legally vague terms opens businesses up to frivolous lawsuits.
- Arizonans value diversity. There is not a current problem of rampant discrimination that demands overreaching government mandates. The city of Phoenix – Arizona’s largest population center – recently passed an ordinance like this, and in 2013, not a single incident of discrimination was found by the city’s Equal Opportunity Commission to have occurred.
- If a complaint were filed against a business owner and a judge found the ordinance unconstitutional (which it very likely could), Glendale taxpayers would be on the hook for attorney’s fees pursuant to 42 USC 1988.
- Glendale does not need an "anti-discrimination" ordinance. Businesses have the right to refuse service to the public, say, who are wearing no shirt or no shoes. How much more important to maintain their right to refuse service their own conscience is uncomfortable with. Are there not already many willing businesses available to provide for such services?

An "anti-discrimination" ordinance at first sounds good, until you realize that it actually discriminates--against people conducting businesses and exercising rights stated in our Bill of Rights. It would force such businesses to violate their consciences, or to violate a law. The free exercise of their religion is one of the guarantees our country was based on.

You may have noticed there are activists who use just such "anti-discrimination" laws to

challenge businesses in courts of law, resulting in fines so large it can put them out of business! This intimidation seems calculated to force other businesses to participate in such things as violate their consciences, or give up their businesses altogether.

Does Glendale seek more possibilities for litigation costs for its businesses? I don't think so. Does Glendale seek fewer businesses? I don't think so. I think Glendale does not need such a law.

- I am a parent and a grandparent and the thought of allowing cross sex to enter a restroom is totally absurd. How do you explain to a small child male or female why someone of the opposite sex enter a restroom? Exposure is a concern which no one can deny either way. How do we protect our love ones from sex offenders using this as an opportunity? I wouldn't want my family, friends, or any person exposed to that type of situation. Whatever happened to the rights of the majority?? Something of this nature should be at least put to the vote, not just a choice few.

I for one would never again attend any type of public activity in the City of Glendale and would be a major advocate in supporting notifying what the City of Glendale is trying to move forward without the public voting on such a serious matter through every means of communications available in the social media

- I would have to question how many documented incidents there are on the books for this issue. These businesses are privately owned and not part of the city government, it should be left up to the state to tell them what they are required to do not the city. I recently went to a business in Phoenix and in the office prominently placed was a sign that read "We reserve the right to refuse service to anyone at anytime for any reason". They would not have to tell anyone why they were being refused service and they shouldn't need to. Almost any major store in the Phoenix area has a sign in the doors that says "no shirt, no shoes, no service" or "shirt and shoes required", would the city council consider that discrimination too? Instead of getting involved in something that is much wiser left up to the individual businesses and the courts to work out if someone has a complaint the city has much more important issues to deal with. Take the case of a photographer since that was one of the court cases, if he had gone to his booking log and simply responded to the customer "I'm sorry I'm already booked that day" how would anyone refute that? The customer doesn't have any rights to see the log, nor does anyone else so the discrimination could still happen even if an ordinance was passed. How would they possibly create any legitimate enforcement capacity. Again, our police department is already saying they are overburdened and I'm quite sure there are plenty of more serious crimes being committed for them to spend their time solving.
- I am not in favor of enacting this ordinance for the following primary reason:  
I prepare tax returns as my occupation. There are unique tax requirements for the preparation of returns for same-sex couples. I have a busy tax practice and I just do not have the time to become familiar with these specific requirements. Therefore, I will be unable to prepare returns for same-sex couples. I am concerned that the ordinance will, in some fashion, ultimately require me to accept these individuals as clients, which I just am unable to do.
- (Business owner): Enacting an anti-discrimination ordinance may have far reaching "trickle down" effects and create greater problems. These problems may manifest in

discriminating against other at present unidentified groups. This ordinance appears to be a solution looking for a problems. Did the Glendale City Council under take this Unity pledge to make Glendale appear to be a progressive, up and coming community? If it isn't broken, what are you trying to fix?

- (Business owner): We all felt that if there is not an identified need for the ordinance, there should be no action. Some feel there is no discrimination problems. I believe prejudice and discrimination is alive and well. However, I don't feel you can fairly give opinions about this issue unless there are tangible incidents of discrimination that must be addressed.
- (Unidentified): We don't need an anti-discrimination law. It causes reverse discrimination and will clog the courts with people suing.
- (Unidentified): We don't need any antidiscrimination (ordinance). Too many problems are caused by people not being able to express clearly. We need no new laws to discriminate. Causes more problems. If it ain't broke, don't fix it. Don't make the ordinance.
- (Resident/Business owner): Don't need ordinance.
- (Resident): No ordinance, events – yes.
- (Resident): There has been insufficient evidence to prove that this kind of discrimination and unequal treatment is taking place to necessitate an ordinance.
- (Resident): This whole exercise was a frustration to me. It seemed that we are trying to equate LGBT "rights" with racial discrimination. We all know that the main focus is to placate the gay community for whatever reason, but that issue was buried for more touchy/feely ideas. The whole tenor of the discussion guide was skewed. I don't celebrate ideas or policies that are contrary to God's word.
- (Resident): An ordinance is over-kill for a situation that does not warrant an ordinance that impacts all businesses and has unknown consequences.
- Our government is replete with laws and ordinances regarding discrimination. The simple answer to any type of perceived or real issue would be to ENFORCE THE LAWS AVAILABLE TO BOTH CITIZENS AND BUSINESSES THAT ARE ALREADY ON THE BOOKS.

The thought of an unelected, appointed board that would be investigator, prosecutor and judge, accountable to no one is absurd. You elected officials can be recalled or at least voted out of office.

Shouldn't the city council, many newly voted in (an obvious error on our part) address the many more pressing needs of this city? Decaying and deteriorating streets and roads would be a great place to start. Why must the new mayor and council continue the needless expense of suing casinos and sports venues, when the city needs to spend its time and money on more constructive and productive agenda items? Please don't get bogged down in PC, feel good type activities.

If you and your LGBT cronies insist of ramrodding this ordinance and commission through, we will make it a goal of ours and our neighbors to closely monitor each of its members to ensure that all "groups" are being looked at fairly. That includes Muslim,



Jewish, Atheist & LGBT businesses. We don't want to be NYC, Houston or Gresham, Oregon with Human Rights Commissions run amok. Everyone must be held to the fullest measure of accountability for whatever you think is wrong here in Glendale.

We will also ensure our time is spent wisely in either recalling or ensuring the next election will have a very different outcome for those sitting on the Glendale City Council. If this is such an important issue, put it on the ballot. We would suggest that you put it on the same ballot on which most of you would be running for another term of office.

- *(Interested Party): Strong feelings in my group – NO MORE ORDINANCES! I believe education is necessary – people sharing stories – building relationships.*
- *(Interested Party): It seems that this is greatly motivated by the LGBT community who's agenda appears to be to politically change the attitude and thinking of their diverted thinking (different from natural law). I feel if the city adopts this ordinance, it will continue this path the rest of the world is headed (on), which is without moral boundaries. Thank for you this opportunity.*

**Appendix A**  
**Glendale Community Conversations on Anti-Discrimination Ordinance**  
**Participation Questions**

The purpose of the meeting is to gather narrative experiences of Glendale residents and business owners that will help the Glendale City Council determine the need and support for an anti-discrimination ordinance in Glendale.

1. In your opinion, how inclusive and welcoming is Glendale of its cultural and demographic diversity? Just give a few words or phrases, whatever first thoughts come to mind.
2. What makes it easy to be a member of your identified group in Glendale?
3. What makes it difficult to be a member of your identified group in Glendale?

**Identified group means race, ethnic group, gender, age, sexual orientation, gender identity, disability status, or Veteran status, etc.**

4. Have you ever felt targeted or treated differently, intentionally or unintentionally, because of whatever group (i.e. race, ethnic group, gender, age, sexual orientation, gender identity, disability status, or Veteran status) you identify with?

**If yes**, briefly describe what happened (i.e. who, what, where (setting), when, how) and how you handled the situation.

From your perspective, how does the way you were treated relate to the group you identify with (i.e. race, ethnic group, gender, age, sexual orientation, gender identity, disability status, or Veteran status)?

5. As a Glendale resident and/or Glendale business owner, what possible benefits do you perceive from a possible Glendale antidiscrimination ordinance?
6. As a Glendale resident and/or Glendale business owner, what possible adverse impacts do you perceive from a possible antidiscrimination ordinance?
7. Moving forward, what would be most effective in addressing issues of unequal treatment or discrimination in Glendale?

Facilitator: Give examples:

- Cultural events to promote cultural awareness
- Cultural and/or anti-discrimination education
- Anti-discrimination ordinance
- Neighborhood events
- Advocacy
- Anti-discrimination policies at workplace, schools, community
- City Council adopted the Unity pledge
- More visible support for diversity from Glendale businesses
- More visible support for diversity from Glendale city leaders

**Appendix B**  
**Demographics of Community Conversation Participants**

Question from Demographic Survey	# of Glendale Residents/Bus. Owners	% of Res/Bus. Owners	# of Interested Parties	Total # of Participants	% of Total
<b>1. What is your connection to Glendale?</b>	94	100%	35	129	100%
Business Owner Only	9	9.6%	0	9	7%
Resident Only	73	77.7%	0	73	57%
Resident and Business Owner	12	12.7%	0	12	9%
Interested Party	0	0	35	35	27%
<b>2. What is your gender?</b>					
Male	44	47%	16	60	47%
Female	49	52%	17	66	51%
Transgender	1	1%	2	3	2%
<b>3. What is your age?</b>					
< 18 years old	0	0%	1	1	1%
18-39 years old	11	12%	16	27	21%
40-64 years old	47	50%	14	61	47%
65 and older	31	33%	4	35	27%
No answer	5	5%	0	5	4%
<b>4. What is your race?</b>					
White	86	92%	29	115	89%
Asian	0	0%	0	0	0%
Black/African American	2	2%	1	3	2%
Native American/Alaska Native	0	0%	0	0	0%
Pacific Islander/Native Hawaiian	0	0%	0	0	0%
Other (incl. multi-racial)	5	5%	4	9	7%
No Answer	1	1%	1	2	2%
<b>5. What is your ethnicity?</b>					
Hispanic/Latino	4	4%	10	14	11%
Non-Hispanic/Latino	81	86%	22	103	80%
No Answer	9	10%	3	12	9%
<b>6. What is your sexual orientation?</b>					
Heterosexual	74	79%	25	99	77%
Gay	4	4%	4	8	6%
Lesbian	5	5%	3	8	6%
Bisexual	0	0%	1	1	1%
Other	3	3%	0	3	2%
No Answer	8	9%	2	10	8%
<b>7. Are you a U.S. Veteran?</b>					
Yes	14	15%	1	15	12%
No	80	85%	34	114	88%
<b>8. Do you identify with a physical or mental disability?</b>					
Yes	8	9%	1	9	7%
No	85	90%	34	119	92%
No Answer	1	1%	0	1	1%

<b>9. Do you participate in a religious or spiritual community?</b>					
Yes	71	76%	21	92	71%
No	20	21%	14	34	27%
No Answer	3	3%	0	3	2%



## Legislation Description

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**File #:** 15-660, **Version:** 1

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### **REPORT ON COMPREHENSIVE PROCUREMENT POLICY**

Staff Contact and Presenter: Vicki Rios, Interim Director, Finance and Technology

Staff Presenter: Tim Burkeen, Purchasing and Materials Manager

### **Purpose and Policy Guidance**

The purpose of this workshop presentation is to provide the City Council with a report on the Finance and Technology Department's creation and implementation of a comprehensive procurement policy for the City.

### **Background**

The Materials Management division of the Finance and Technology Department is responsible for overseeing procurement functions for the City and ensuring all procurements adhere to the City's charter, ordinances, policies, and procedures. City staff identified the need to make the procurement process more efficient and easier for users to understand by developing a single comprehensive policy which would consolidate the charter, codes, and policies into a single document.

Staff will provide a report on the development and implementation of the resulting comprehensive procurement policy.

### **Community Benefit/Public Involvement**

The community benefit of a comprehensive procurement policy will be more efficient and effective procurement processes which may result in lower costs to the City for goods and services.



# City of Glendale

No. 1

## Finance Administrative Policy

**Title:** PROCUREMENT

**Effective:** 10/06/2015

**Last Revised on:** 10/06/2015

**Contact:** FINANCE AND TECHNOLOGY DEPARTMENT 623-930-2480

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## Section 100 Purpose

The purpose of this Administrative Policy is to:

- Clarify and standardize the City's Procurement procedures;
- Provide for economy and efficiency in City Procurements
- Maximize the value of monies spent; and
- Provide safeguards that ensure the quality and integrity of the City's Procurement process.

## Section 200 Application

This policy is applicable to all City of Glendale employees, contract employees, temporary employees, agents, volunteers, and contractors whether under the supervision of the City Manager or the Mayor and Council, unless otherwise specified.

## Section 300 Definitions

In this policy, unless the context otherwise requires:

**"Agency"** means a business unit or organization and, more specifically, includes all departments, divisions, and offices of the City of Glendale, whether under the supervision of the City Manager or the Mayor and Council and all boards and commissions, unless otherwise provided by the Arizona Revised Statutes; and the employees, contract employees, temporary employees, agents, volunteers, and contractors of the business unit or organization, unless otherwise specified.

**"Aggrieved person or entity"** means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.

**"Best Interest of the City"** means advantageous to the City of Glendale.

**"Capability"** means capability at the time of contract award.

**"City Manager"** means the person designated or appointed as the City Manager by the City Council, or their designee in the event they are unavailable.

**"Contractor"** means any person, entity, or agent having a contract with the City.

**"Cooperative Purchase"** means any procurement conducted by, or on behalf of, more than one (1) public or government agency or unit.

**"Cost"** means the actual or estimated cost of tangibles such as labor, materials, overhead, and other cost elements that have actually been incurred or that are expected to be incurred by the contractor in performing the contract.

**"Custodian"** means the person authorized by the Department Head to obtain and securely store a petty cash box and make disbursements from it according to this policy.

**"Days"** means business days (unless otherwise specified) and shall be computed pursuant to A.R.S. 1-243.

**"Debarment"** means an action taken by the Materials Manager to prohibit a person from participating in City procurements.

**"Department"** shall be as indicated in the City Manager's official organizational chart (org-chart). Examples include Public Works Department, Community Services Department, Water Services Department, Police Department, Fire Department, etc.

**"Department Head"** means the Appointed Officials, Assistant City Managers, Fire and Police Chiefs, and any other individual designated as a Department Director or higher as documented in the city's organizational chart released by the City Manager's office.

**"Discussion"** means an exchange of information or any form of negotiation.

**"Emergency Purchase"** means any procurement when supplies or services are needed for a situation where the health, safety or welfare of the public is endangered if immediate corrective or preventative action is not taken.

**"Informal Verbal Purchases"** means purchases of \$5,000 and up to \$9,999.99 that are not covered under an existing cooperative or City contract which require a minimum of three verbal quotations whenever practical.

**"Informal Written Purchases"** means purchases of \$10,000 and up to \$49,999.99 that are not covered under an existing cooperative or City contract which require a minimum of three written quotations whenever practical.

**"Interested Party"** means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract, or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.

**"Local Vendor"** means a vendor having an office within the corporate limits of the City or within the water and sewer service area of the City.

**"Minority Business Enterprise"** means a business which is at least 51% owned, operated and controlled on a daily basis by one or more (in combination) American citizens of the following ethnic minority and/or gender (e.g. woman-owned) and/or military veteran classifications: Women, African American, Hispanic, Asian, Asian Pacific Islander, American Indian, Alaskan Native and Service-Disabled Veteran.

**"Materials Manager"** means the person who has been designated by the City Manager per section 2-138 of the Glendale Municipal Code.

**"Materials Management"** means the Materials Management division of the Finance and Technology Department.

**"Multiple Award"** means an award of separate contracts for one or more similar materials or services to more than one bidder or offeror.

**"Person"** "Person" means an individual, entity, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, the state, or any political subdivision or agency of the state. Furthermore, a subsidiary corporation shall be considered a separate person from its parent corporation.

**"Plan"** means a design or the representation of anything drawn on a plan.

**"Procurement"** means purchasing, renting, leasing, or otherwise obtaining any supply, or service. The term includes all functions that pertain to the obtaining of any supply, or service, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.



**"Procurement Officer"** means the person(s) holding the position of Materials Manager, Purchasing and Materials Manager or Contract Analyst within the Materials Management division of the Finance and Technology Department.

**"Professional Services"** means services of those who through special learning or attainment have acquired intellectual skills and qualifications in a particular area of endeavor that has been generally accepted as a profession and which requires a prolonged course of specialized instruction and study, and may include, but is not limited to, architects; attorneys; certified public accountants; clergy; dentists; engineers; geologists; physicians; nurses; psychologists; teachers; veterinarians and health care facilities which provide a combination of professional and para-professional services.

**"Proprietary Specification"** means a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance of functional characteristics from being responsive to the solicitation.

**"Purchase Requisition"** means that document, or electronic transmission, whereby a using agency requests that a contract be entered into for a specific need, and may include, but is not limited to, the description of the requested item, delivery schedule, transportation data, criteria for evaluation, and suggested sources of supply.

**"Purchasing Department"** means the Materials Management division of the Finance and Technology Department of the City of Glendale.

**"Responsible Bidder or Offeror"** means a bidder or offeror who has the capability to fully perform the contract requirements, and the reliability which will assure good faith performance.

**"Responsive Bidder or Offeror"** means a bidder or offeror who has submitted a bid or proposal which conforms in material respects to the solicitation.

**"Senior Managers"** means Assistant Directors, Administrators, Assistant Fire and Police Chiefs, Chief Information Officer, and any other individual designated as Assistant Director or higher.

**"Service"** means the furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term does not include "Professional Services" such as architects, lawyers, certified public accountants, consultants, appraisers, and engineers, or employment agreements or collective bargaining agreements.

**"Sole Source Procurement"** means one where competition is not available and there is only one (1) known source for the supply or service.

**"Solicitation"** means an Invitation for Bids, a Request for Statements of Qualification Offers, a Request for Proposals, a Request for Quotations, or any other invitation or request by which the City invites a person to participate in a procurement.

**"Specification"** means any description of the physical or functional characteristics, or of the nature of, a supply, or service item. This includes descriptions of the scope of work for a service to be provided. The term may include a description of any requirements for inspecting, testing, or preparing a supply, or service item for delivery.

**"Standard Commercial Material"** means material that, in the normal course of business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.

**"Supply"** means things (such as food, equipment, fuel, etc.) that are needed for a particular purpose and that will be used by a particular person or group.

**"Suspension"** means an action taken by the Materials Manager temporarily disqualifying a person from participating in City procurement.

**"3-digit Department"** means the budget level at which the appropriation is set. Directors are assigned to the 3-digit departments under their authority.

**"5-digit Division"** means the code which tracks the expenditures of each business unit within the 3-digit department.

## **Section 400 Responsibility for Purchases**

### **401 MATERIALS MANAGER GENERALLY**

- A. The Materials Manager shall be responsible for the administration of the purchasing department as described in Article VIII, Section 3, of the City Charter, which shall be the Materials Management division of the Finance and Technology Department. The Materials Manager shall have general oversight of the purchasing department.
- B. The Materials Manager shall have the power and it shall be their duty:
  1. To procure and contract for supplies and services including rentals, service agreements, and leases needed by any using agency, in accordance with purchasing procedures as prescribed by this policy and such rules and regulations as the Materials Manager shall adopt for the internal management and operation of the purchasing department and such other rules and regulations as shall be prescribed by the City Manager. The authority of the Materials Manager to make procurements and contract for all using agencies shall not be reduced by granting of any exception to any particular agency, except upon the authorization of the City Manager, when it is determined that such action would be in the best interest of the city.
  2. To establish and amend, when necessary, all rules, forms and regulations authorized by the department and any other items necessary to its operation.
  3. To recommend the debarment of vendors. When debarment is recommended, a statement of the reason for placing the vendor on debarment shall be prepared by the Materials Manager in writing and transmitted to the City Attorney. Upon the City Attorney's approval, the Materials Manager shall notify the vendor by letter containing an option to appeal and appear before a review board committee consisting of the Materials Manager, City Manager or designee, and a representative from the participating city agency.

### **402 MATERIALS MANAGEMENT**

- A. The Materials Manager shall supervise the inspection or testing of deliveries of supplies or performance of services to determine their conformance with specifications.
- B. The Materials Manager shall have authority to authorize using agencies having staff and facilities for adequate inspection to inspect all deliveries made to such using agencies.

- C. The Materials Manager shall have authority to require chemical and physical tests of samples submitted and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Materials Manager shall have the authority to make use of laboratory facilities of any city agency or of any outside laboratory.
- D. The Materials Manager shall have authority to monitor and inspect the performance of a contractor at the using agency to determine compliance to service specifications.

#### **403 WRITTEN DETERMINATION**

Each written determination shall specify the reasons for the determination. The Materials Manager is authorized to prescribe methods and operational procedures to be used in preparing written determinations. Each written determination shall be stored in the applicable solicitation or contract file.

#### **404 PROSPECTIVE BIDDERS LIST**

Materials Management does not maintain a prospective bidders list, but does publish a public notice detailing specific bid requests. Other forms of notice are newspaper advertisement, periodical advertisement, and the internet (specifically the City's web page).

#### **405 UNAUTHORIZED PURCHASES**

Except as provided in this policy, it shall be unauthorized for any city agency to order the purchase of supplies or services or make contracts within the purview of this policy other than through the purchasing department and purchase orders. For exceptions to the purchase order requirement, see Section 603(A), Section 1001 – Direct Payments Using a Check Request and Section 1002 – Petty Cash. Purchases or contracts made contrary to the provisions hereof may not be approved, and the city may not be bound thereby.

### **Section 500 Procurement Ethics**

#### **501 GENERAL**

It is the policy of the City to promote courtesy, fairness, impartiality, integrity, service, professionalism, economy, and government by law in the procurement process. The responsibility for implementing this policy rests with each individual who participates in the procurement process, including employees and other agents of the City, respondents and contractors.

#### **502 EMPLOYEE RESPONSIBILITIES**

- A. Public employees responsible for the expenditure of public funds have a responsibility to ensure that their conduct will not violate the public trust placed in them. They must make certain that their conduct does not raise suspicion or give the appearance that they are in violation of that public trust. Employees and agents of the City having responsibility for procurement at all levels shall:

1. Encourage competition, prevent favoritism, and obtain the best value in the interest of the City and the public.
2. Place professional responsibilities above personal interests.
3. Ensure fair, competitive access to city procurement opportunities.
4. Deal with the public and contractors with courtesy, consideration, and even-handedness.
5. Use information gained confidentially in the performance of city duties solely in the city's interest.
6. Disclose any potential conflict of interest to their Department Head and others, in accordance with Human Resources Policy 506.
7. Recuse themselves from any specific procurement for which there is a conflict.

### **503 REQUIREMENTS OF NONRESTRICTIVENESS**

- A. To the extent practicable and unless otherwise permitted by this policy, all specifications shall describe the city requirements in a manner that does not necessarily exclude a vendor, contractor, material, service, supply, or item.
- B. Proprietary specifications shall not be used unless the Materials Manager determines in writing that such specifications are required by demonstrable justification and that it is not practicable or advantageous to use a less restrictive specification.
- C. Past success in the materials performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of proprietary justifications.
- D. To the extent practicable, the city shall use accepted commercial specifications and shall procure standard commercial materials, including recycled materials when feasible.
- E. Notwithstanding the provisions of these Procurement Guidelines, the Materials Manager retains the authority to approve or disapprove all specifications.

### **504 CONFLICT OF INTEREST**

- A. No person preparing specifications pursuant to this policy shall receive any direct or indirect benefit from the use of such specifications; or be eligible to bid on the same specifications when issued.
- B. The Materials Manager may contract for the preparation of specifications with persons other than city personnel, including, but not limited to consultants, designers, and other draftsmen of specifications.
- C. If a person prepares a specification pursuant to this policy, such person shall comply with all other requirements of this policy.

## **505 DEBARMENT OR SUSPENSION**

- A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Materials Manager, after consultation with the City Attorney, shall have authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The Materials Manager, after consultation with the City Attorney, shall have authority to suspend a person from consideration for award of contracts if there is probable cause for debarment. The suspension shall not be for a period exceeding three months.
  
- B. The causes for debarment or suspension include the following:
  - 1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
  - 2. Conviction under State or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor;
  - 3. Conviction under State or federal antitrust statutes arising out of the submission of bids or proposals,
  - 4. Violation of contract provisions, as set forth below, of a character which is regarded by the Materials Manager to be so serious as to justify debarment action:
    - i. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
    - ii. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
  - 5. Any other cause the Materials Manager determines to be so serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity.
  
- C. The Materials Manager shall issue a written decision to debar or suspend. The decision shall:
  - 1. State the reasons for the action taken; and
  - 2. Inform the debarred or suspended person involved of its rights to protest the decision.
  
- D. A copy of the decision under this section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

- E. The decision of the Materials Manager shall be final except that a debarred or suspended person shall have the right to protest in accordance with the Protest and Hearing Procedures covered in section 800.

## **Section 600 Procurement and Solicitation Methods**

### **601 GENERAL PROVISIONS**

- A. The Procurement Methods generally available to city agencies are:
  - 1. Small Dollar
  - 2. Informal
  - 3. Formal
  - 4. Sole Source Selection
  - 5. Special Procurement Selection
  - 6. Emergency Purchase
  - 7. Cooperative Purchase
  
- B. The types of Solicitations generally available to city agencies are:
  - 1. Request For Proposal (RFP)
  - 2. Invitation For Bid (IFB)
  - 3. Request For Written Quote (RFQ)
  - 4. Request for Statements of Qualifications (RSOQ)
  
- C. A procurement officer shall not award a contract or incur an obligation on behalf of the city if sufficient funds are not available or reasonably anticipated to be available.
  
- D. Any bid or proposal that is conditioned upon award to the bidder or offeror of both the particular contract being solicited and another city contract shall be deemed non-responsive or unacceptable.
  
- E. Before submitting any offer, bid, or proposal, contractors must agree not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability. Contractors will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.

### **602 CALCULATING THE ESTIMATED AND ACTUAL VALUE OF A PROCUREMENT**

- A. The estimated value of the procurement must be calculated in order to determine whether the procurement will follow the Small Dollar, Informal or Formal method. If, after conducting a solicitation that was estimated to be Small Dollar or Informal, the actual value of the procurement is found to be over the Small Dollar or Informal limit, the solicitation shall be reissued using a Formal method.

- B. The estimated or actual value of a procurement may be calculated by type of service or supply. The value of procurements contracted or awarded for different services or supplies do not need to be aggregated by vendor if that vendor provides more than one type of supply or service.
- C. The estimated or actual value of a procurement may be calculated on a per-department basis. The value of procurements contracted or awarded by different city departments do not need to be aggregated for the purpose of determining the procurement method.
- D. At least once per year, the Materials Manager will review spending patterns by vendor, service, and supply across all departments to determine if it is in the best interest of the city to aggregate spending across the departments and use a Formal purchase method for future procurements of a particular service or supply.
- E. The estimated value of a single lot or one-time buy shall be calculated by assessing the total value of the item(s) or service(s) excluding any cost for tax but including any cost for freight, installation and any other miscellaneous costs.
- F. The estimated value of all scopes of work (SOW) and contracts is to be calculated excluding any tax but including any freight, installation or other miscellaneous costs.
- G. The calculation of the estimated value of a contract shall include the current anticipated contract term and any future anticipated related purchases and/or contract extensions.

### **603 FORMAL, INFORMAL, AND SMALL DOLLAR PROCUREMENT LIMITS**

- A. Small Dollar Procurement Limit
  - 1. Procurement of supplies and services up to \$4,999.99 are defined as Small Dollar purchases which may be made by seeking competition, such as calling for quotes and shopping around at different suppliers, or by direct purchase, provided it is determined that the price is fair and reasonable.
  - 2. The city's Procurement Card (p-Card) is the preferred method of payment for Small Dollar purchases. Additional information about p-Card policies and procedures can be found in the city's [Procurement Card \(P-Card\) Procedures Manual](#).
- B. Informal Procurement Limit
  - 1. Procurement of supplies and services, when the cost is \$5,000.00 or more and up to \$9,999.99 may be made using verbal or written quotations.
  - 2. Procurement of supplies and services when the cost is \$10,000 or more and up to \$49,999.99 shall be made using written quotations.
- C. Formal Procurement Limit
  - 1. Procurements of supplies and services when the cost is \$50,000 or more shall be made by Formal methods in accordance with the provisions of this policy and any

applicable federal and state laws, rules and regulations except as provided for herein.

2. Formal procurements must be publicly advertised in a newspaper of general circulation.
3. Formal procurements must be approved by the City Council.

#### **604 SOLE SOURCE PROCUREMENT**

- A. Except as may otherwise be provided in this policy, the Materials Manager shall determine in writing that Sole Source procurement (as defined in this policy) is justified. Sole Source procurement shall not be used unless there is a preponderance of the evidence (i.e., more likely than not) that there is only one reasonable source for the product or service. The city agency requesting Sole Source procurement shall provide written justification, on a form or in the manner prescribed by the Materials Manager, to support the Sole Source procurement. The written justification shall include, at a minimum:
  1. An explanation of why the procurement is a Sole Source
  2. The specific efforts made to determine the availability of any other source
  3. An explanation of why the need is not satisfied by another type of material or service.
- B. A procurement officer shall negotiate with the sole supplier, to the extent practicable, to derive a contract advantageous to the City.
- C. The provisions of this section apply to all Sole Source procurement unless emergency conditions exist as defined in Section 606.
- D. The Materials Manager can approve Sole Source procurement requests up to a value of \$49,999.99. Award of a sole source procurement which is \$50,000.00 or more requires the joint approval of the Materials Manager and the City Council.

#### **605 SPECIAL PROCUREMENT**

- A. Except as may otherwise be provided in this policy, the Materials Manager shall determine in writing that a Special procurement is justified. Special procurement is a method to accomplish procurements, without competition, when the use of another method would not be likely to result in a lower price to the city or would cause unnecessary expense or delay under the circumstances. Special procurement shall not be used unless there is a preponderance of the evidence (i.e., more likely than not) that a noncompetitive award is most advantageous to the City. The city agency requesting a Special procurement shall provide written evidence to support the selection of a particular vendor, on a form or in the manner prescribed by the Materials Manager, to support the Special procurement. The written justification shall include, at a minimum:
  1. An explanation of why use of another procurement method is unlikely to result in a lower price, or



2. An explanation of why the use of another procurement method would cause unnecessary expense, or
  3. An explanation of why the use of another procurement method would cause a delay, or
  4. Any other relevant justification of why a Special Procurement is advantageous.
- B. The procurement officer shall negotiate with the chosen vendor, to the extent practicable, to derive a contract advantageous to the City.
  - C. The provisions of this section shall apply to all Special procurements unless emergency conditions exist as defined in Section 606.
  - D. The Materials Manager can approve Special procurement requests that are up to a value of \$49,999.99. Award of a Special procurement which is \$50,000.00 or more requires the joint approval of the Materials Manager and the City Council.

#### **606 EMERGENCY PROCUREMENT**

- A. An emergency condition is one where the health, safety or welfare of the public is endangered if immediate corrective or preventative action is not taken.
- B. An emergency procurement shall be limited to those materials or services necessary to satisfy the emergency need.
- C. Emergency procurements shall follow the procedures described in [Section 705](#).

#### **607 MINORITY BUSINESS ENTERPRISES**

- A. The Materials Manager shall take steps to strive to locate Minority Business Enterprises (as defined in this policy) interested in doing business with the City of Glendale, including local vendors. Materials Management will periodically review awards for compliance with this policy on Minority Business Enterprises.
- B. Whenever practical, a purchaser of goods and services estimated to cost more than \$4,999.99 and less than \$49,999.99 shall obtain at least one of the three required price quotes from a Minority Business Enterprise. Any request for quotation that requires verbal or written responses from an offeror shall request that either the offeror self-certify in their response to the city that they are a Minority Business Enterprise or the purchaser must clearly state on the requisition that the business is certified with an organization such as, but not limited to, the City of Phoenix's Equal Opportunity Department, the Grand Canyon Minority Supplier Development Council or a minority Chamber of Commerce.
- C. Directories of Minority Business Enterprises shall be available for city-wide use through the Materials Management Intranet site. If the directories do not contain a vendor for the supply or service, contact Materials Management for possible additional vendors. If

a Minority Business Enterprise cannot be identified for the required supply or service, the purchaser must state in the purchase requisition that they attempted to locate a vendor but were unsuccessful.

- D. Award of purchases shall be made to the offeror, which best meets the needs of, and is most advantageous to the City.
- E. In the following circumstances, it is determined to be impractical for the requester to identify Minority Business Enterprises in the informal quotation process:
  - 1. Purchases not expected to exceed \$4,999.99.
  - 2. Sole source purchases as described in Section 604.
  - 3. Special procurements as described in Section 605.
  - 4. Emergency purchases as described in Section 606.

## **Section 700 Formal Procurement Procedures**

### **701 SOLICITATION REQUESTS**

- A. When a city agency determines a material or service is needed, and the estimated value of the procurement meets the formal procurement limits, the agency shall prepare a solicitation request, on a form or in the manner prescribed by the Materials Manager, and submit it to Materials Management.
  - 1. A city agency, after discussion with a procurement officer, may elect to use a formal procurement method at any time, regardless of the estimated value of the procurement.
- B. Upon receipt of a solicitation request, a procurement officer is authorized to determine the form and manner in which the procurement shall be solicited, except as otherwise provided in this policy.
- C. The procurement officer shall reject the solicitation request, if after consultation with the requesting city agency, the procurement officer determines that it is not advantageous to the city or that the purchase request is outside the agency's adopted budget authority. The determination shall state the reasons for the rejection and shall accompany the returned solicitation request.
- D. Disagreements between a using city agency and the Materials Manager concerning actions taken shall be brought to the City Manager for resolution.

### **702 REQUEST FOR PROPOSALS**

- A. Request for Proposals (RFP) shall set forth all specifications for the services or supply needed, including but not limited to:
  - 1. The type of services required and a description of the work involved;
  - 2. The type of contract to be used;
  - 3. The estimated duration that the service or supply will be required;
  - 4. That offerors may designate portions of the proposals as proprietary or confidential;

5. That discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions;
  6. The minimum information that the proposal shall contain; and
  7. The closing date and time for receipt of proposals.
- B. A RFP shall be issued at least five (5) days before the closing date and time for receipt of proposals, unless a shorter time is determined to be necessary. Such determination shall be made in writing by the Materials Manager.
- C. RFP forms shall be approved by the Materials Manager.
- D. Notice of the Request for Proposals shall be advertised in a newspaper of general circulation at least 5 days prior to the closing date and time for receipt of the proposals.
- E. If necessary, and before submission of initial proposals, amendments to RFP's shall be made by issuing an addendum to the original RFP at least 5 business days prior to the closing date and time for receipt of the proposals.
- F. RECEIPT OF PROPOSALS
1. Each proposal received shall be time stamped and retained in a secure place until the closing date and time for receipt of proposals. A register of proposals shall be prepared and shall set forth the name of each offeror and the identity of the Request for Proposals for which the proposal was submitted.
  2. Proposals shall not be opened publicly but shall be opened in the presence of two or more procurement officials. The contents of the proposals shall not be disclosed to unauthorized persons. Proposals and modifications may be furnished to persons assisting Materials Management in the evaluation.
  3. If only one proposal is received in response to a Request for Proposals, the procurement officer may either make an award in accordance with section 604 or, if time permits, the RFP may be reissued.
- G. DISCUSSIONS WITH INDIVIDUAL OFFERORS
1. Materials Management may conduct discussions with an offeror. The purpose of discussions is for clarification of the proposal to assure full understanding of, and responsiveness to, the RFP requirements.
  2. The Materials Manager shall establish procedures and schedules for conducting discussions an offeror. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. Disclosure of one offeror's price to another and any information derived from competing proposals is prohibited. Any clarification of a proposal by the offeror shall be in writing. The Materials Manager shall keep a record of all discussions.
- H. BEST AND FINAL OFFERS
1. If discussions are conducted pursuant to Section 702 (G), the procurement officer may issue a written request for best and final offers. The request shall set forth the date, time and place for the submission of best and final offers.

2. Best and final offers shall be requested only once, unless the Materials Manager makes a written determination that it is advantageous to the city to conduct further discussions or change the city's requirements.
3. The request for best and final offers shall inform offerors that, if they do not submit a notice of withdrawal or a best and final offer, their immediately previous offer will be construed as their best and final offer.

I. EVALUATION AND CONTRACT AWARD WHERE PRICE IS AN EVALUATION FACTOR

1. If price is one of the evaluation factors for contract award set forth in the Request for Proposals, the procurement officer or committee shall evaluate proposals and award the contract in accordance with the criteria specified in the RFP.

J. SELECTION AND CONTRACT WHERE PRICE IS NOT AN EVALUATION FACTOR

1. If price is not a factor, the procurement officer or committee, shall evaluate the proposals submitted. After evaluation, Materials Management shall determine in writing the acceptable proposals and rank the three most qualified offerors.
2. The offeror determined to be best qualified shall submit cost or pricing data to Materials Management.
3. Materials Management shall negotiate a contract with the best qualified offeror at compensation determined in writing to be fair and reasonable.
4. If Materials Management and the best qualified offeror fail to negotiate a contract, Materials Management shall notify the offeror in writing of the termination of negotiations. Materials Management may then enter into negotiations with the next most qualified offeror. If negotiations fail, they shall be terminated, the offeror given notice and negotiations commenced with the next most qualified offeror. If Materials Management is unable to negotiate a contract with any of the offerors initially selected as the best qualified offerors, proposals may be resolicited or additional offerors may be selected based on original, acceptable proposals in the order of their qualification ranking. Negotiations may continue until a contract is awarded.
5. If a multiple award is to be made, Materials Management shall evaluate the proposals submitted, rank the most qualified offerors, and award contracts to as many offerors as is determined advantageous to the City. The basis for award shall be maintained in the procurement file.
6. A written record in a manner prescribed by the Materials Manager shall be maintained in the procurement file.
7. A written notice of award, or recommendation for award, shall be sent to all of the responsive bidders. Notice of award shall be made available to the public.

K. PROPOSAL AWARD

1. The Materials Manager shall award a contract to the offeror whose proposal is determined in writing to be most advantageous to the city for those procurements which do not exceed the limits for Council approval. If it exceeds the limits, award of a contract will be recommended to City Council to the offeror whose proposal is determined in writing to be most advantageous to the City based on the factors set forth in the RFP. The determination shall explain the basis for the recommended award.

2. After contract award, or after rejection of all proposals, the proposals may be open for public inspection except to the extent that the withholding of information is permitted or required by law.
  - a. If the offeror designates a portion of its proposal as confidential or proprietary, the offeror shall clearly mark any proprietary information contained in its bid with the words "Proprietary Information."
  - b. Offerors shall not mark any Solicitation Form as proprietary.
  - c. Pricing data shall not be considered proprietary.
  - d. Marking all, or nearly all, of a bid as proprietary may result in rejection of the bid.
3. By submission of an offer, Offerors acknowledge that the City is required by law to make certain records available for public inspection. In the event that the City receives a request for disclosure of Proprietary Information by any person, court, agency or administrative body, or otherwise has a reasonable belief that it is obligated to disclose the Proprietary Information to any such person or authority, the City will provide Offeror with prompt written notice so that Offeror may seek a protective order or other appropriate remedy. The Offeror, by submission of materials marked Proprietary Information, acknowledges and agrees that the City will have no obligation to advocate for non-disclosure in any forum or any liability to the Offeror in the event that the City must legally disclose the Proprietary Information.

### **703 INVITATION FOR BIDS**

- A. For competitive sealed bidding procurement, Materials Management shall issue an Invitation for Bids (IFB) on a form or in the manner prescribed by the Materials Manager.
- B. An IFB shall be issued at least five (5) days before the closing date and time for receipt of bids unless a shorter time is determined to be necessary in writing by the Materials Manager.
- C. Materials Management shall provide notices of the availability of the IFB in a newspaper of general circulation at least 5 days prior to the closing date and time for receipt of the bids.
- D. If only one responsive bid is received in response to an IFB, an award may be made to the single bidder if the procurement officer determines that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time to reissue the IFB. Otherwise the bid may be rejected at the discretion of Materials Management. New bids may be solicited; or the proposed procurement may be canceled.
- E. RECEIPT, OPENING, AND RECORDING OF BIDS
  1. Each bid shall be time-stamped upon receipt and stored unopened in a secure place until the time and date set for bid opening.
  2. Bids shall be opened publicly in the presence of one or more witnesses at the time, date, and location designated in the IFB. The name of each bidder, the bid price, and

other information deemed appropriate by the Materials Manager shall be recorded on a bid abstract. The name of the required witness shall also be recorded. The bid abstract shall be available for public inspection.

3. After contract award, the bids shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law.
  - a. A bidder shall clearly mark any proprietary information contained in its bid with the words "Proprietary Information."
  - b. Bidders shall not mark any Solicitation Form as proprietary.
  - c. Pricing data shall not be considered proprietary.
  - d. Marking all, or nearly all, of a bid as proprietary may result in rejection of the bid.
4. By submission of a bid, Bidders acknowledge that the City is required by law to make certain records available for public inspection. In the event that the City receives a request for disclosure of Proprietary Information by any person, court, agency or administrative body, or otherwise has a reasonable belief that it is obligated to disclose the Proprietary Information to any such person or authority, the City will provide bidder with prompt written notice so that bidder may seek a protective order or other appropriate remedy. The bidder, by submission of materials marked Proprietary Information, acknowledges and agrees that the City will have no obligation to advocate for non-disclosure in any forum or any liability to the bidder in the event that the City must legally disclose the Proprietary Information.

#### F. BID EVALUATION AND AWARD

1. The contract shall be awarded, or recommended for award to the City Council, to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the IFB.
2. A product acceptability evaluation shall be conducted solely to determine whether a bidder's product is acceptable as set forth in the IFB and not whether one bidder's product is superior to another bidder's product. Any bidder's offering that does not meet the acceptability requirements shall be rejected as non-responsive.
3. Bids shall be evaluated to determine which bidder offers the lowest cost to the City in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs or life cycle cost formulae. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the procurement officer has available concerning future use.
4. A contract may not be awarded to a bidder submitting a higher quality item than that designated in the IFB unless the bidder is also the lowest bidder as determined under Subsection 703 (F) (3) of this policy. Negotiations with any bidder are not permitted.

5. If there are two or more low responsive bids from responsible bidders that are identical in price and that meet all the requirements and criteria set forth in the Invitation for Bids, award may be made by drawing lots.
  6. A record showing the basis for determining the successful bidder shall be retained in the procurement file.
  7. A written notice of award or recommendation of award shall be sent to all of the responsive bidders. Notice of award shall be made available to the public.
- G. When the City participates in third party development of infrastructure, the process must follow ARS Title 34 – Public Buildings and Improvements. The bids must be advertised and sealed bids must be received. The bids will be opened and read publicly in the presence of a City designated witness. The Engineering Department will manage and prescribe procedures for all Title 34 Solicitations.

#### **704 INFORMAL PURCHASES**

- A. If practical, purchases estimated at a value of at least \$10,000.00 and up to \$49,999.99 shall be made in accordance with the following procedures:
  1. A reasonable number of vendors, and not less than three, shall be solicited to submit informal written quotations.
  2. Vendors or suppliers may submit quotes on their letterhead unless bidders are requested to submit quotes on a form approved by the Materials Manager, in which case the quotes shall be recorded and placed in the procurement file.
  3. Quotations need not be solicited from all vendors, but shall be solicited from any vendor who specifically requests to submit a quotation.
  4. Award shall be made to the responsible bidder submitting the quotation which is most advantageous to the City and conforms to the solicitation.
- B. If only one responsive quotation is received, a statement shall be included in the contract file setting forth the basis for determining that the price is fair and reasonable. This determination may be based on a comparison of the proposed price with prices found reasonable on previous purchases or current price lists.
- C. For purchases up to \$4,999.99, Materials Management shall prescribe procedures for obtaining verbal quotes and maintaining adequate records to facilitate periodic audits.
- D. If a supply or service is estimated at a value of up to \$49,999.99, the Materials Manager may make the determination that it is not practical to obtain three quotations, in accordance with either the Sole Source (Section 604) or the Special procurement (Section 605) provisions of this policy.

#### **705 EMERGENCY PROCUREMENT PROCEDURES**

- A. Emergencies Occurring During Regular Working Hours
  1. From Monday through Friday, during regular working hours, requests for emergency purchases are to be sent to Materials Management. It will be left to the discretion

of the Materials Manager to either handle them directly or delegate authority to the city agency as necessary.

2. The City Manager can approve Emergency procurement requests up to \$49,999.99. The Materials Manager will advise the City Manager of the emergency condition and request approval. The Department shall provide whatever information or assistance is deemed necessary.
3. The Department shall immediately obtain approvals in accordance with Section 1000 - Signature Authority and submit a Purchase Requisition to Materials Management conspicuously marked "EMERGENCY" with a complete explanation attached.

**B. Emergencies Occurring After Regular Working Hours**

1. Emergency purchases of up to \$49,999.99 which occur after regular working hours may be authorized by the Department head, and confirmed by transmitting an approved purchase requisition conspicuously marked "EMERGENCY" to the Materials Manager by no later than noon of the next normal working day after the purchase date, along with a complete explanation of the emergency.
2. Approval of emergency purchases of \$50,000 or more shall be limited to the City Manager or their authorized designee. A department may proceed under procedures as outlined in section B.1 for purchases of \$50,000 or more without the prior approval of the City Manager only after attempts to contact the City Manager or his authorized designee have been unsuccessful.

- C. Emergency purchases of \$50,000 or more, whether occurring during or after working hours, shall require the approval confirmation of the City Council at the earliest possible date.

**706 REQUESTS FOR STATEMENTS OF QUALIFICATIONS**

- A. A multi-step sealed bidding method may be used and shall be referred to as a Request for Statements of Qualifications (RSOQ). The procurement officer may hold a conference with bidders before submission or at any time during the evaluation of RSOQ.

**B. PHASE ONE OF MULTI-STEP SEALED BIDDING**

1. Multi-step sealed bidding shall be initiated by the issuance of a RSOQ. The RSOQ shall be issued according to Section 703 (IFB) with the following additional information:
  - a. Notice that the procurement shall be conducted in two phases;
  - b. The best description of the material or services desired;
  - c. A statement that unpriced Statements of Qualifications (SOQ) only shall be considered in phase one;
  - d. The criteria for evaluating the SOQ;
  - e. A statement that discussions may be held; and
  - f. A statement that only bids based on SOQ determined to be acceptable in phase one shall be considered for award.



2. Unpriced SOQ shall not be opened publicly but shall be opened in the presence of two or more procurement officials. The contents of unpriced SOQ shall not be disclosed to unauthorized persons.
3. Unpriced SOQ shall be evaluated solely in accordance with the criteria set forth in the RSOQ and shall be determined to be either acceptable for further consideration or unacceptable.

C. PHASE TWO OF MULTI-STEP SEALED BIDDING

1. Upon completion of phase one, the procurement officer shall issue an Invitation for Bids and conduct Phase Two as a competitive sealed bidding procurement (IFB), except that the IFB shall be issued only to bidders whose SOQ were determined to be acceptable in Phase One.

**707 COOPERATIVE PURCHASING**

- A. Cooperative Purchasing allows the City to use other agencies procurements to make purchases under the same terms as the originating agency. The formal procurement procedures of advertising, public notice and the selection process are not waived under Arizona law; they are just performed by the originating agency on behalf of other agencies.
- B. The Materials Manager shall have authority to participate with other units of government for the procurement of supplies or services in cooperative purchasing agreements when the best interests of the city would be served thereby.
- C. Although the originating agency will have signed a contract with a vendor, a formal acknowledgement or contract is required between the City of Glendale and the vendor. This is called a "Linking Agreement" and obligates both the City of Glendale and the Vendor to abide by the terms of the originating agency's contract. A Linking Agreement is required whether purchasing a good or service off of a cooperative contract.
  1. For procurements up to \$49,999.99, the city agency initiating the purchase and using a cooperative purchase may submit all of the required documentation including the Linking Agreement to Materials Management with the purchase requisition.
  2. For procurements of \$50,000 or more, the city agency shall obtain approval from the Materials Manager before initiating a cooperative purchase by submitting a Solicitation Request including.
    - a. An indication of the intent to use a cooperative purchase.
    - b. The name and contact information of the originating agency.
    - c. A copy or a link to the contract between the vendor and the originating agency.

**708 COMPETITIVE SELECTION PROCEDURES FOR CERTAIN PROFESSIONAL SERVICES**

- A. Professional services as defined in this policy shall be procured in accordance with Sections 600 and 700 of this policy.

- B. Price shall be an evaluation factor in the procurement of the services specified in Subsection 707 (A) unless the procurement officer determines that price as an evaluation factor is restricted, not practicable, or not advantageous to the City.
- C. Professional services involving the retention of outside legal counsel to represent the City shall be procured only after the City Attorney and City Manager have determined that the procurement is in the best interest of the City. All procurement involving the retention of outside legal counsel shall indicate the City Attorney's and City Manager's determination in writing.

## **Section 800 Protests and Hearings**

### **801 GENERAL**

An aggrieved person or entity may protest any aspect of a solicitation. For purposes of this section, "any aspect of a solicitation" means an alleged violation of Glendale's Purchasing Code as it relates to the solicitation, the evaluation or the award of a contract subsequent to a solicitation.

### **802 TIME FOR FILING A PROTEST**

Protests shall be filed with the Materials Manager within seven (7) calendar days after the aggrieved person or entity knows or should have known the facts and circumstances upon which the protest is based. However, in no event, shall the protest be filed later than seven (7) calendar days after issuance of a notice of intent to award. Untimely protests will not be considered. [Glendale code section 2-145(1) (j)]

### **803 FILING OF A PROTEST**

- A. A protest shall be submitted, in writing, to the Materials Manager and shall include the following information:
  - 1. The name, address, telephone number and e-mail address of the protestant;
  - 2. The signature of the protestant or its representative;
  - 3. Identification of the solicitation and contract number;
  - 4. A detailed statement of the legal and factual grounds of the protest, including copies of relevant documents;
  - 5. The form of relief requested.
  - 6. Protests must be submitted to:

Materials Manager  
c /o City of Glendale – Materials Management Division  
5850 West Glendale Avenue, Suite 317  
Glendale, Arizona 85301

- B. Protests must be in the possession of the Materials Management Division no later than 5:00 p.m. on the due date. Materials Management is located on the 3rd Floor of the Glendale Municipal Office Complex (City Hall) behind the Engineering Department.

Protests are accepted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for holidays. All protests will be time stamped at the Engineering Department's front counter, which stamp will serve as the time of possession of the Materials Management Division.

#### **804 PROCESSING OF A PROTEST**

- A. The Materials Manager will give notice of the protest to the successful vendor if a notice of intent to award has been issued, or if no notice of intent has been issued, to all actual or prospective bidders. For purposes of this section, "prospective bidder" means a person or entity that, at the time the protest is received by Materials Management, has completed a proposer registration form on the Materials Management website for the solicitation under protest.
- B. The Materials Manager will review the formal protest and issue a written determination within fourteen (14) business days of receiving the formal protest. The Materials Manager may also give notice of the determination to any other persons involved in the solicitation whose interests may be affected by the ruling.
- C. If the Materials Manager fails to issue a decision within the time limits set forth in subsection (B) of this section, the protestant may proceed as if the Materials Manager had issued an adverse decision.

#### **805 STAY OF PROCUREMENTS DURING THE PROTEST**

In the event of a timely protest, the City may proceed further with the solicitation or with the award of the contract unless the Materials Manager makes a written determination that it is in the best interest of the city to stay the procurement.

#### **806 CONFIDENTIAL INFORMATION**

- A. Material submitted by a protester shall not be withheld from an interested party except to the extent that the withholding of information is permitted or required by law or as determined pursuant to code provisions for confidential material.
- B. If the protester believes the protest contains material that should be withheld, a statement advising the Materials Manager of this fact shall accompany the protest submission.

#### **807 REMEDIES**

- A. If the Materials Manager sustains the protest in whole or part and determines that a solicitation or proposed contract award does not comply with Glendale's Purchasing Code or other applicable laws and regulations, the Materials Manager shall implement an appropriate remedy.
- B. In determining an appropriate remedy, the Materials Manager shall consider all the circumstances surrounding the procurement or proposed procurement including, but

not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, costs to the City, the urgency of the procurement and the impact of the relief.

- C. An appropriate remedy may include one or more of the following:
  - 1. Reissue the solicitation;
  - 2. Issue a new solicitation;
  - 3. Award a contract consistent with Glendale’s Purchasing Code and other applicable laws and regulations; or
  - 4. Such other relief as is determined necessary to ensure compliance with procurement laws and regulations.

### **808 DISMISSAL BEFORE HEARING**

- A. The Materials Manager may dismiss a protest, upon a written determination, if:
  - 1. The protest does not state a valid basis for protest; or
  - 2. The protest is untimely pursuant to Section 802.

### **809 REQUEST FOR HEARING**

- A. If a formal protest is not resolved by the protestant and the Materials Manager, the protestant may request a hearing (“Hearing Request”). The Hearing Request shall be in writing and filed with the Materials Manager no later than 7 business days after the written determination by the Materials Manager pursuant to Section 804.
  - 1. The Hearing Request shall be submitted to:

Materials Manager  
c/o City of Glendale – Materials Management Division  
5850 West Glendale Avenue, Suite 317  
Glendale, Arizona 85301
- B. Hearing Requests must be in the possession of the Materials Management Division no later than 5:00 p.m. on the due date. Materials Management is located on the 3rd Floor of the Glendale Municipal Office Complex (City Hall) behind the Engineering Department. Hearing Requests are accepted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for holidays. All Hearing Requests will be time stamped at the Engineering Department’s front counter, which stamp will serve as the time of possession of the Materials Management Division.
- C. The hearing will be conducted by the Director of Finance and Technology or his/her designee (“Hearing Officer”) and shall be held within sixty (60) days after the Hearing Request is received by the Materials Manager, unless the parties agree otherwise.

### **810 HEARING RIGHTS AND RESPONSIBILITIES**

- A. Parties may be represented by legal counsel at the hearing before the Hearing Officer. A party may present testimony and documentary evidence and argument with respect

to the issues and may examine and cross examine witnesses, subject to the determination of the Hearing Officer pursuant to Section 3.4. Each party shall bear its own hearing expenses.

- B. At least 10 days prior to the hearing, or as otherwise agreed by the parties, each party shall provide to the other party all documents, exhibits, and other evidence it intends to present at the hearing and a list of witnesses intended to testify at the hearing. A party shall have all witnesses, documents and exhibits available on the date of the hearing.
- C. The Hearing Officer shall have no authority to issue subpoenas for the production of evidence or the appearance of witnesses.
- D. Once a hearing is requested, the procurement shall not proceed any further, nor shall the vendor awarded the contract perform any work under the new contract, until after the completion of the hearing procedure and after the final decision is rendered.

#### **811 EXPARTE COMMUNICATIONS**

- A. A party shall not communicate, either directly or indirectly, with the Hearing Officer about any substantive issue in a pending matter unless:
  - 1. All parties are present;
  - 2. It is during a scheduled proceeding, where an absent party fails to appear after proper notice; or
  - 3. It is in writing with copies to all parties.
- B. No party shall file a document or send a letter to a Hearing Officer without sending a copy to the other party (ies). All parties shall make sure that all other parties are notified and given a copy of any motion or letter sent to a Hearing Officer.

#### **812 CONDUCT OF HEARING**

- A. The Hearing Officer will have a recording made of the hearing at the expense of the City. To maintain the objectivity of the hearing record, the Hearing Officer shall control the process of making the recording during the hearing. If the protestant or its representatives request a transcript of the proceeding, they shall pay the costs of creating the transcript.
- B. The Hearing Officer shall begin the hearing by stating the nature and scope of the hearing, and identifying the parties, counsel, and witnesses for the record.
- C. The Hearing Officer shall enter into the record any stipulation, settlement agreement, or consent order entered into by any of the parties before or during the hearing.
- D. The hearing shall be continuous until the Hearing Officer closes the record. Hearings shall be conducted informally as to the order of proceeding and the presentation of evidence, as determined by the Hearing Officer. The Arizona Rules of Evidence shall not

apply. A party shall conduct direct and cross examination of witnesses on the order and manner determined by the Hearing Officer to expedite and ensure a fair hearing. The Hearing Officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning and to expedite the examination.

- E. The Arizona Rules of Evidence shall not apply. The Hearing Officer shall admit evidence over hearsay objections where the offered evidence has substantial probative value and reliability. Copies of records and documents prepared in the ordinary course of business may be admitted, without objection as to foundation, but subject to argument as to weight and authenticity. Summary records may be admitted subject to satisfactory proof of the reliability of the summaries. The Hearing Officer shall mark exhibits and admit them into the record as evidence as the parties present them.
- F. The decision by the Hearing Officer shall be final. The decision shall be sent to all parties by personal service or certified mail, return receipt requested, within 20 days after the conclusion of the hearing.

### **813 FAILURE OF A PARTY TO APPEAR FOR HEARING**

If a party fails to appear at a hearing, the Hearing Officer may proceed with the presentation of the evidence of the party who is present.

### **814 HEARING WITNESSES**

All witnesses at the hearing shall testify under oath or affirmation.

### **815 BURDEN OF PERSUASION**

- A. In all cases, the decision of the Hearing Officer shall be made upon clear and convincing evidence. Unless otherwise provided by law:
- B. The party asserting a claim, right, or entitlement has the burden of persuasion;
- C. A party asserting an affirmative defense has the burden of establishing the affirmative defense.

### **816 DISRUPTIONS**

A person shall not interfere with access to or from the hearing room, or interfere, or threaten interference with the hearing. If a person interferes, threatens interference, or disrupts the hearing, the Hearing Officer may order the disruptive person to leave or be removed.

### **817 HEARING RECORD**

- A. The City Clerk shall maintain the official record of a matter.
- B. Any party requesting a copy of the record or any portion of the record shall make a request to the City Clerk and shall pay the costs of creating or duplicating the record.

- C. Exhibits shall be released:
  - 1. Upon the order of a court of competent jurisdiction ; or
  - 2. Upon written request of the party who submitted the exhibits if the time for judicial appeal has expired and no appeal is pending.

## **Section 900 Contract Terms**

### **901 MULTI-TERM CONTRACTS**

- A. The City may enter into a multi-term contract for a period of time up to five years, provided that, such action is approved by the Materials Manager.
- B. A multi-term contract for a period of time exceeding five years may be entered into, provided that, the action is approved by City Council and authorized by law.

### **902 MODIFICATION OF CONTRACTS**

- A. The Materials Manager, after consultation with the city attorney, may modify or delete existing and add new contractual provisions and clauses for all forms of supply and service contracts utilized by the city, provided that such modification, deletions or additions are supported by a written determination.

## **Section 1000 Signature Authority, Approvals, and Payments**

### **1001 GENERALLY**

The Department Head is responsible for ensuring appropriate delegation of authority to execute city documents in each of their 3-digit departments on behalf of the City of Glendale. Furthermore, it is the responsibility of the Department Head to ensure that authorization data is maintained at all times and all associated finance and procurement procedures are followed. Expenditure authorization for all employees, including temporary authorization, will be maintained in the city's financial system with oversight by the Finance and Technology Department. Designations made by the Department Head will be tracked by employee name, 5-digit division number, and authorized dollar amount.

### **1002 SIGNATURE AUTHORITY**

- A. Authority is hereby delegated to each Department Head to execute City documents as outlined in this policy with their signature or through an electronic approval process for departments under their authority as referenced in the city's organizational chart. This authorization will be maintained in the city's financial system by the Finance and Technology Department.
- B. The Department Head is authorized to provide secondary delegation of authority as necessary to staff within their area of responsibility; or, when appropriate, to staff in other departments. The department is responsible for entering secondary delegation of authority into the city's financial system. Secondary delegation of authority will be

authorized by the Department Head and reviewed for quality control by the Finance and Technology Department.

- C. The Department Head may authorize someone in a department other than their own to authorize expenditures for a department under their authority; however, careful consideration should be given to such decisions because the Department Head is responsible for ensuring adherence to all applicable finance and procurement procedures.
- D. If an authorized signatory will be unavailable for a period of time, Departments should enter into the city's financial system temporary authorization for that person's designee. Temporary authorizations should be entered with both a start and an end date. Departments are responsible for monitoring temporary authorization. Temporary delegation of authority will be authorized by the Department Head and reviewed for quality control by Finance.
- E. All authorization data related to the expenditure of funds will be maintained by the Finance and Technology Department using the city's financial system. Specific instructional material that provides details on the process departments must use for entering, approving, reviewing, and updating information is available on the Finance and Technology Department intranet page.
  - 1. All departments are required to update the city's financial system immediately if there are any modifications to expenditure or signature authority resulting from changes to:
    - a. Personnel (e.g. termination, transfer, name change, change in duties)
    - b. Temporary Assignments (e.g. vacations, interim assignments)
    - c. Budget/Organization (e.g. new department, completed project, reorganization)
  - 2. All departments are required to review the data in the city's financial system annually between June 1<sup>st</sup> and June 30<sup>th</sup> to ensure accuracy of data and implement any changes needed for the new fiscal year.
- F. Any expenditure for the procurement of any goods or services must adhere to all finance and procurement procedures. These authorizations include, but are not limited to: check requests, purchase requisitions, change orders, payments for invoices on purchase orders, procurement card statements (see 6.2), stores orders, shop charges, and petty cash. All expenditures must adhere to the City of Glendale Purchasing Codes and Policies.
- G. A City of Glendale Taxpayer Identification Form (TIN) must be completed and signed for all new vendors who provide goods or services to the City before payment can be made. For 1099 purposes, the appropriate type of business needs to be identified on the TIN. Finance will verify the TIN information through the IRS TIN matching program.



### 1003 APPROVAL LIMITS

- A. Table 1 (below) outlines authorization levels that are acceptable based on organizational function and responsibility. Approvers who have secondary delegation, delegation outside of a department or temporary authorization may approve on behalf of the designated approver. Approvers may approve expenditures up to their level of authority but their signature can only be used once per payment request.

Table 1 - Acceptable Authorized Approver	\$0 to \$4,999.99	\$5,000 to \$24,999.99	\$25,000 to \$49,999.99	\$50,000 or Greater
Supervisors or mid-managers authorized by Department Head	X			
Senior Managers authorized by Department Head		X		
Department Head			X	X
City Manager or Assistant City Managers				X

1. For expenditures up to \$4,999.99, an email from the authorized approver may be substituted for an original signature. The email must be generated by a City issued email account and contain the five digit division number and the dollar amount that is approved. Each request for payment requires an approval from an authorized approver.
- B. Procurement card purchases require the signature of:
1. The cardholder who prepares the documentation; and
  2. The cardholder’s supervisor/approver as defined in the Procurement Card [\(P-Card\) Procedures Manual](#).
    - a. If a P-Card is used to purchase items for a department other than the cardholder’s home or default department, an email or memo from a person with appropriate signature authority from the other (non-default) department can substitute for an original signature as authorization to charge that department. The email must be generated by a City issued email account and contain the five digit division number and the dollar amount that is approved. Attach a copy of the email or memo to the P-Card statement.

*Example:* Employee Q in Field Operations Department uses their procurement card to purchase \$500 of supplies for the water treatment plant. Employee Q obtains an email from an authorized signer at the \$0-4,999.99 level or above in the Water Services Department stating they are approving charging the supplies to the Water Services Department. Employee Q attaches the email to the P-Card statement. Employee Q’s

supervisor/approver as defined in the P- Card Manual can then sign the P-card statement.

- C. Purchases up to \$49,999.99 require the signature of:
1. The independent staff person who prepares the documentation; and
  2. One individual who is entered in city's financial System with the appropriate authorization level.
    - a. The request DOES NOT require any other approver to sign.
- D. Purchases of \$50,000.00 or more require the signature of:
1. The independent staff person who prepares the documentation;
  2. The Department Head who is entered in city's financial system with the authorization level \$25,000.00 to \$49,999.99; and
  3. The city manager or assistant city manager who is entered in the city's financial system with the authorization level \$50,000 or more.
  4. The request DOES NOT require the \$0 to \$4,999.99 or the \$5,000 to \$24,999.99 approver to sign.
    - a. Independent Approver – as with any process, if an employee is personally associated with the documentation needing approval, that employee is NOT authorized to approve the document regardless of their authorization designation or level.
- Example:* Employee A is requesting petty cash reimbursement for \$75 and is also authorized to sign for purchases of \$0 to \$4,999.99. Employee B prepares the necessary documentation on Employee A's behalf. Employee A is NOT authorized to approve the expenditure document; it must be given to a different authorized employee for independent review and approval.
- E. Contracts – authorization to approve expenditures at a specific level does not automatically provide authorization for an individual to bind the city through a contractual agreement. For more information on authorization to sign contracts, see [CAP04, Contractual Document Review, Processing, Signature, and Filing Requirements](#).
- F. Failure to Designate Authorization – processing of payments will not occur if expenditure authorization is not established in the city's financial system.

## Section 1100 Direct Payments Using a Check Request

### 1101 GENERALLY

Purchase requisitions and purchase orders should be used whenever possible for making payments of \$5,000 and over. For small dollar purchases (less than \$5,000), the city's procurement card program is the preferred method of payment. Nevertheless, it is recognized that in certain circumstances competition is not applicable or prepayment may be required. Under these circumstances, payment may be made directly using a Check Request form.

However, no contract or procurement shall be subdivided to avoid the requirements of the formal purchase procedures described in this policy and the City Code.

**1102 USE OF A CHECK REQUEST**

- A. Use of a Check Request form, with no reference to a purchase order, for purchases of \$5,000 and over is limited to the instances specified below:

Advertising	Neighborhood funding program
Attorney and pro-tem judge payments	Notary bonds
Benefit reimbursements	Payments made under the Community Development Block Grant and Home federal programs
Capital lease payments for equipment/real estate	Payroll liabilities
Charitable contributions/donations	Phoenix Transit passes
Citizen reimbursements	Publication and/or press clippings
Checks that need to be included with an order (prepayment)	Real estate (acquisition, leases, rental, title registration) & land purchases
CDBG	Registrations (training classes, conferences) > \$5,000
Debt principal and interest payments	Risk management claims
Professional dues	Sales tax rebate payments per development agreements
Governmental and quasi-governmental agencies (ex: school systems, state run organizations, water conservations flood controls, etc.)	Software license agreements/fees
Landfill charges	Speakers/Instructors/Trainers/Performers
Legal fees	Trade shows
Professional memberships	Utility billings
Medical premiums	Vendors under contract to supply the City with postage/duplicating, and cell phone services
Motor vehicle fees	Veterinary services

- B. Gift cards and movies tickets may only be purchased using a direct payment check request or Automated Clearing House (ACH) debit (with prior approval from the Finance and Technology Department). Petty cash and procurement cards are not authorized methods to purchase these items.
1. Documentation for the purchase of gift cards and movie tickets must include the following:
    - a. A full description of the business purpose of the gift cards or movie tickets

- b. The name of issuing business (store or mall name)
  - c. The face value of each individual gift card and movie ticket
  - d. The approximate date by which the cards will be fully distributed.
2. At least once per month, any department which purchases gift cards or movie tickets will provide the Finance and Technology Department with a spreadsheet containing:
  - a. The name and employee number of each individual who received a card or ticket
  - b. Identification of their relationship to the business purpose for the purchase
  - c. The recipient's signature
  - d. The date of receipt
  - e. The number of cards and their values or the number of tickets received
3. A copy of the spreadsheet is to be maintained on file along with the department's copy of the approved check request or ACH debit approval.
  - a. A signed and dated receipt from each card/ticket recipient may substitute for the spreadsheet, provided it contains all of the same information. All receipts are to be sent to the Finance and Technology Department each month and a copy is to be maintained in a file along with the requesting department's copy of the check request or ACH approval.
4. For Check Requests of \$50,000 and over, purchases must have prior approval by the City Council. A copy of the Council Communication must be attached and submitted with the Check Request. The date of the Council approval must be referenced in the description of the Check Request.
5. Check Request forms must be completed in black or blue ink and contain adequate documentation for payment. Adequate documentation includes:
  - a. The original invoice, letter, agreement, or form which gives a description of the total expense, the name and address of payee, the date the payment is due, and any other relevant documentation to substantiate the purchase.
  - b. All documentation is to be stapled to the back of the Check Request form. If the documentation is smaller than a standard sheet of paper, it is to be taped to an 8 1/2" x 11" white sheet of paper.
6. Approval signatures are to be obtained for the accumulated grand total of the check request in accordance with Section 1000 of this policy and submitted to Finance for payment.
  - a. For purchases up to \$4,999.99, an email can substitute for an original signature on a Check Request Form as authorization from the authorized approver with the appropriate signature authority.
    - i. The email must be attached to the Check Request Form
    - ii. The email must be generated by a City issued email account
    - iii. The email must contain the vendor name and dollar amount that is approved
  - b. For purchases \$50,000 and over, complete the City Manager's Office Signature Request for Payment Authorization form

## Section 1200 Petty Cash

### 1201 GENERALLY

- A. Except as otherwise provided in this policy, reimbursements from petty cash may only be made when the total cost is no more than \$150, including applicable taxes.
  - 1. Reimbursements may be permitted in excess of the \$150 limit, only with the prior written approval of the Finance and Technology Director or his/her designee, on the "Expenditure from Petty Cash" form.
  
- B. The following may NOT be reimbursed by the petty cash Custodian:
  - 1. Purchases which have been "split" to stay under the \$150 limit.
  - 2. Cashing any type of check, including an employee's personal or payroll check.
  - 3. Payment supported by a duplicate copy or reproduction of an invoice or receipt. (Use of copies of receipt must be approved by the Finance and Technology Director or his/her designee.)
  - 4. Tuition, contributions, holiday decorations, travel advances, travel reimbursements, alcoholic beverages, or gift cards and movie tickets (see Section 1100 – Direct Payments Using a Check Request)
  - 5. Food or entertainment expenses, except those for business purposes supported by adequate documentation.
    - a. Adequate documentation consists of a description which includes location, date, attendee's names, and business purpose.
    - b. Refreshments for publicized events held at city facilities, honoring and recognizing a departing employee's contributions to the City over the years, may be considered a valid business purpose when approved by a Department Head.
  - 6. The Custodian may not be the approving signer for an "Expenditure from Petty Cash" form.

### 1201 PETTY CASH PROCEDURES

- A. An "Expenditure from Petty Cash" form must be completed and submitted to a supervisor or professional level employee for an approval signature, per Section 1000 – Signature Authority, Approval Limits, and Payments.
  
- B. An original vendor's invoice or cash register receipt which supports the "Expenditure from Petty Cash" form submitted for reimbursement must be kept in the employee's department. Exceptions may be granted in writing or via e-mail, on a case-by-case basis by the Finance and Technology Director or his/her designee. To expedite the petty cash reimbursement and review process, avoid including personal purchases on the same receipt as reimbursable City purchases.
  
- C. The completed "Expenditure from Petty Cash" form in blue or black ink and all supporting receipts must be taped to an 8 1/2" X 11", white sheet of paper. The supporting receipts must be made available to the Custodian, accountants or auditors,

on request. The presenter must sign the form, indicating receipt of cash. Employees of a department having a petty cash Custodian must obtain petty cash from their own department's Custodian when possible.

- D. To receive a cash advance, an "Expenditure from Petty Cash" form must be completed with an estimated amount indicated, approved and signed by an authorized signer and presented to the Custodian. Within one working day, after the advance, an original receipt and any remaining cash must be presented to the Custodian.
- E. A copy of the "Expenditure from Petty Cash" form and the supporting receipts shall be retained by the department according to the City's record retention policy.
- F. In general, the department will follow the above procedures when charging another department's budget. When it is not practical because of distance to obtain the other department's signature authorization on the "Expenditure from Petty Cash" form, an e-mail authorization will be acceptable with the following information:
  - 1. Statement that the charge is "authorized" against a particular account.
  - 2. The approver is an authorized signer for the charged department
- G. To expedite the reimbursement of employees in off-site locations a third person may be designated to obtain petty cash on behalf of other employees. The form "Authorization to Collect Petty Cash Reimbursement on a co-worker's Behalf" shall be properly completed, signed, approved and included with the Petty Cash documentation.

#### **1202 CUSTODIAN'S RESPONSIBILITIES**

- A. The custodian is responsible for ensuring that the total authorized fund amount shall at all times equal the current fund amount. The current amount is equal to the amount of "Expenditure from Petty Cash" forms, plus cash on hand, plus any amount awaiting reimbursement.
  - 1. The petty cash custodian will be responsible for the accountability of the fund.
  - 2. Any shortage in the fund must be reimbursed immediately by the custodian.
  - 3. After documenting the apparent cause of the shortage, the Custodian's department head may waive this reimbursement requirement by charging the shortage to his/her budget.
  - 4. Any overage must be cleared by reducing the next reimbursement request by the amount of the overage. The reduction will be credited to "Cash Over and Short."
  - 5. The custodian cannot be the approving signer for an "Expenditure from Petty Cash" form.
    - a. The custodian shall request reimbursement using a check request supported by all executed "Expenditure from Petty Cash" forms and supporting documentation. A check will be issued in the name of the custodian and cash funds must be promptly deposited to the fund.

- b. The Department Head of each department where a petty cash fund is located shall have the responsibility of ensuring the petty cash fund is maintained in accordance with this policy.
- c. All Custodians are required to complete a "Petty Cash Count Sheet" form furnished by the Finance Department at the end of each calendar quarter. The completed form must be forwarded to Finance, the first working day after the end of the quarter.
- d. If a rebate is applicable, a completed rebate form from the vendor is to be attached with the original receipt on the "check request" form. Finance will process the rebate. The rebate check will be deposited by Finance in the account the original expenditure was charged.

### **1203 ESTABLISHING OR CHANGING A PETTY CASH FUND OR CUSTODIAN**

- A. To create a new petty cash fund, the Department Head shall send an e-mail or written memorandum to the Finance and Technology Director or designee containing the following:
  - 1. The name of the Custodian(s),
  - 2. The amount and location of the fund.
- B. Upon review and approval, Finance will provide the account number to charge the original fund setup. The check request to initiate the fund must have the approval memorandum from Finance attached.
- C. To increase or decrease a Petty Cash Fund, the Department Head shall send an e-mail or written memorandum to the Finance and Technology Director or his designee. The message must request a specific amount for the increase or decrease in the fund. Upon review and approval, Finance will provide the account number to use.
  - 1. If decreasing funds, the amount decreased must be deposited with the Cashier, with the copy of the treasurer's Receipt sent to Finance
  - 2. If increasing funds, the Custodian shall issue a check request with the approval memorandum from Finance attached.
- D. To appoint or change the petty cash custodian, the Department Head shall send an e-mail or written memorandum to the Finance and Technology Director or his/her designee.
  - 1. The message must identify the new and previous Custodians.
  - 2. Attached to the request shall be a "Petty Cash Count Sheet" form, completed by the previous Custodian.
  - 3. Any variations of the total petty cash amount as compared to the authorized fund total must be resolved prior to submitting the signed form to Finance.
  - 4. The new Custodian may begin duties upon review and acceptance of the "Petty Cash Count Sheet" form by the Finance and Technology Director or his/her designee.



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Vicki Rios, Interim Finance and Technology Director





## Legislation Description

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**File #:** 15-662, **Version:** 1

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### **EMERGENCY VEHICLE PREEMPTION FEDERAL FUNDING APPLICATION**

Staff Contact: Jack Friedline, Director, Public Works

Staff Presenter: Debbie Albert, Transportation Engineer

#### **Purpose and Policy Guidance**

Staff is seeking guidance from Council to continue with the application process for Federal Congestion Mitigation and Air Quality (CMAQ) funding for implementation of an emergency vehicle preemption system.

#### **Background**

Emergency vehicle preemption (EVP) allows for fire vehicles to preempt a traffic signal by providing a green light to an approaching emergency vehicle. The City of Glendale's current EVP system is limited and is no longer supported by the supplier/manufacturer. Of the 198 signalized intersections citywide, only 10 have operational EVP equipment. These are primarily located on Bell Road.

The Maricopa Association of Governments (MAG) is currently in the process of reviewing and ranking potential projects for competitively awarded CMAQ funding for federal fiscal years 2018 and 2017. EVP is an eligible use for federal CMAQ funds.

#### **Analysis**

Documentation suggests that EVP at key signalized intersections allows for quicker and safer passage of emergency vehicles through a signalized intersection. Several potential sources of funding for a project to upgrade and expand the city's current system are available. One option is to completely fund the project using local city funds, which could be explored through the annual operating and capital improvement plan budgeting process. A second option would be to apply for up to \$400,000 in federal CMAQ funds to offset a portion of the capital cost. A final alternative would be to do nothing and continue the operation in its current state.

Should the city be awarded federal funds for construction of the project, it will require the project development follow the federal aid process, and an intergovernmental agreement with the Arizona Department of Transportation would need to be executed.

#### **Community Benefit/Public Involvement**

Residents and guests in Glendale expect reasonable response times in the case of an emergency. The use of technology to provide quicker response times will help achieve this goal. Additionally, safe and efficient operation of city streets is a quality-of-life issue for residents of Glendale.

**Budget and Financial Impacts**

The estimated capital cost for designing and implementing an EVP system at 58 locations citywide is \$711,248. MAG established a limit for federal funds for technology projects at \$400,000. Therefore, should City Council wish to move forward with the CMAQ funding application, the city would be required to contribute \$311,248 for the design and required local construction match. Additionally, the anticipated ongoing operating cost for maintaining the EVP system is approximately \$60,000 annually. Budgeting of future ongoing maintenance would occur for the year of anticipated operation through the typical budget process.