

CHAPTER 3. **ADMINISTRATION**

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Article 3-01 OFFICERS IN GENERAL

- 3-01-010** **Officers.**
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3-01-010 **Officers.**

- A. Pursuant to ARS §§9-237 and 9-239, officers of the Town shall consist of the Town Manager, Town Attorney, Town Clerk, Town Engineer and Town Magistrate.
- B. The Town Manager, Town Clerk, Town Attorney, Town Engineer and Town Magistrate shall be appointed by the Council and shall serve at the pleasure of the Council subject to the provisions of the Personnel Policy Manual adopted by the Town as provided in Article 3-03 herein; except that the Town Magistrate shall be appointed, hold office, and be removed only in accordance with Section 3-02-060 of this Code.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 114, Amended, 05/30/85; Ord. No. 144, Amended, 09/11/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 214, Amended, 09/14/89; Ord. No. 251, Amended, 02/28/91; Ord. No. 484, Amended, 4/13/00)

3-01-020 **Reserved.**

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 84, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 518, Rep&ReEn, 12/20/01)

3-01-030 **Additional Officers.**

The Council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this Code or State statute.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 121, Amended, 11/14/85; Ord. No. 178, Rep&ReEn, 05/26/88)

3-01-040 **Bond.**

Each officer of the Town shall give bond for the proper discharge of his duties in such sums and with such security as the Council may direct. The Town shall pay the costs of such bond. In lieu of an individual bond, the Town may provide a blanket bond to cover all officers and such other employees as deemed necessary.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

3-01-050 Vacancies; Holding More Than One Office.

- A. Any vacancy that shall occur in any Town office shall be filled by appointment by the Council, provided that one (1) person may hold more than one (1) office at the discretion of the Council.
- B. Deputies. All or some of the duties of a Town official may be validly performed and discharged by one or more formally designated deputies or another Town official.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

3-01-060 Additional Powers and Duties.

In addition to any powers and duties prescribed in this Code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the Council through ordinance, resolution or order.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

Article 3-02 OFFICERS

- 3-02-010 Town Manager.
- 3-02-020 Town Clerk.
- 3-02-030 Reserved.
- 3-02-040 Town Engineer.
- 3-02-050 Town Attorney.
- 3-02-060 Town Magistrate.

3-02-010 Town Manager.

- A. Office Created. The office of the Town Manager of the Town of Prescott Valley is hereby created and established. The Town Manager shall be appointed by the Council wholly on the basis of administrative and executive ability and qualifications and shall hold office at the pleasure of the Council.
- B. Bond. The Town Manager shall furnish a corporate surety bond to be approved by the Council in such sums as may be determined by the Council, which shall be conditioned upon the faithful performance of the duties imposed upon the Town Manager as herein prescribed. Any premium for such bond shall be a proper charge against the Town.
- C. Compensation. The Town Manager shall receive such compensation as the Council shall fix from time to time.
- D. Removal Procedure. The Town Manager may be removed, with or without cause, by a majority vote of the Council. If requested, the Council shall grant him a public hearing within thirty (30) days following notice of removal. During the interim, the Council may suspend the Town Manager from duty but shall continue his salary until the matter is resolved.
- E. Powers and Duties. The Town Manager shall be the administrative head of the government of the Town under the direction and control of the Council, except as otherwise provided in this Chapter. He shall be responsible to the Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following paragraphs.
 - 1. Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the Town not appointed by the Council. He may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.
 - 2. Prepare the budget annually and submit it to the Council, together with a message describing the important features, and be responsible for its administration after adoption.
 - 3. Prepare and submit to the Council at the end of the fiscal year a complete

report on the finances and administrative activities of the Town during the preceding year.

4. Keep the Council advised of the financial condition and future needs of the Town, and make such recommendations as he may deem desirable.
5. Recommend to the governing body a standard schedule of pay for each appointive office and position in the Town service, including minimum, intermediate and maximum rates. Authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries enacted by the Council.
6. Recommend to the governing body from time to time adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
7. Consolidate or combine offices, positions, departments or units under his jurisdiction, with the approval of the Council. The Town Manager may be the head of one or more departments.
8. Attend all meetings of the Council unless excused therefrom, and take part in the discussion of all matters coming before the Council. He shall be entitled to notice of all regular and special meetings of the Council.
9. Promulgate rules and regulations regarding the operation of public access, educational or governmental (PEG) channels provided to and for the Town by cable licensees and franchisees, subject to the approval of the Council, and direct hired staff members in the establishment and administration of procedures designed to protect against misuse or damage of PEG channel facilities and equipment.
10. Supervise the purchase of all materials, supplies, equipment and services in accordance with adopted budgets, Town policies and procedures, Town Code provisions, Arizona statutes and regulations, federal statutes and regulations, and any Council directives, and advise the Council on the advantages or disadvantages of contract and bid proposals.
11. Sign contracts for materials, supplies, equipment and services costing less than thirty thousand dollars (\$30,000), except as provided in Section 2-02-040. Such contracts may be signed without further Council approval, except that non-budgeted materials, supplies, equipment and services shall first require Council approval.
12. In case of accident, disaster or other circumstances creating a public emergency, award contracts and make purchases for the purpose of meeting said emergency; but promptly file with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

13. See that all laws and ordinances are duly enforced.
 14. Investigate the affairs of the Town or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the Town and in regard to service maintained by the public utilities in the Town, and see that all franchises, permits and privileges granted by the Town are faithfully observed.
 15. Perform such other duties as may be required by the Council, not inconsistent with State law or Town ordinances.
- F. Council Not to Interfere with Appointments or Removals. With regard to officers and employees appointed by the Town Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal or suspension from, such office by the Town Manager or any of his subordinates, or in any manner take part in the appointment or removal of such officers and employees in the administrative services of the Town. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager.

(Ord. No. 3, Enacted, 10/26/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 491, Amended, 10/26/00; Ord. No. 524, Amended, 06/13/02; Ord. No. 851, Amended, 10/11/18)

3-02-020 Town Clerk.

- A. The powers and duties of the Town Clerk shall include, but not be limited to, the following:
1. Records. The Town Clerk shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the Town or that the Council directs. The Town Clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature. The Town Clerk shall maintain one (1) set of said records in a fireproof vault.
 2. Public Inspection of Records. The Town Clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by Arizona statute.
 3. Monthly Reports. The Town Clerk shall collect from Town officers and employees for the agenda such monthly reports prepared in such manner and to include such information as may be directed by the Council.
 4. Minutes. The Town Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.
 5. Ordinances, Resolutions, Budgets and Notices. The Town Clerk shall process, record, file, publish and, if required by Arizona statute, post all ordinances,

resolutions, budgets and notices that may be passed by the Council.

6. Election Official. The Town Clerk shall be the Town election official and perform those duties required by Arizona statute.
7. Licenses. The Town Clerk shall issue or cause to be issued all licenses that may be prescribed by Arizona statute or this Code.
8. Other Duties. The Town Clerk shall perform such other responsibilities and duties as may be conferred upon him by the Council or the Town Manager in addition to those specified in this Code.
9. Custodian of the Seal. The Town Clerk shall be custodian of the Town seal and shall affix the seal to all ordinances, contracts, agreements and other official documents which are attested to by the Town Clerk.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 214, Amended, 09/14/89; Ord. No. 518, Amended, 12/20/01)

3-02-030 Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 484, Rep&ReEn, 04/13/00)

3-02-040 Town Engineer.

The Town Engineer shall perform such duties as may be required by law and such other duties as the Council or Town Manager may deem necessary, including that of traffic engineer for the Town. As traffic engineer, the Town Engineer shall (in coordination with the Town Manager, Chief of Police, Public Works Director and/or their authorized designees) determine the installation, proper timing and maintenance of traffic control devices and develop ways and means to improve traffic conditions.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord 758, Amended, 04/28/11)

3-02-050 Town Attorney.

The Town Attorney shall act as the legal counselor and advisor of the Council and other Town officials and, as such, shall give his opinion in writing when requested. He shall draft or assist in drafting all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments, and shall approve as to form, in writing, all drafts of such deeds, contracts, conveyances, ordinances, resolutions and other legal instruments before final approval or acceptance thereof. He shall return, within ten (10) days, all ordinances and resolutions submitted to him for consideration, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall promptly prosecute and defend all suits, actions or causes where the Town is a party, whether civil, criminal or quasi criminal in nature, and shall report to the Council, when required, the condition of any suit or action to which the Town is a party. The Town Attorney shall have the power to appoint an Assistant

Town Attorney, who shall be authorized to do all acts required by law of the Town Attorney, and whose appointment shall be subject to approval by resolution of the Town Council and shall serve at the pleasure of the Town Attorney, unless he or she is approved by the Town Council as a permanent employee subject to the merit system rules of the Town. The Town Attorney and any Assistant Town Attorneys shall be duly licensed to practice law in the State of Arizona. The Town Attorney shall receive compensation as the Council may from time to time direct. The Assistant Town Attorney shall receive compensation as the Town Attorney may from time to time direct.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 205, Amended, 04/13/89; Ord. No. 491, Amended, 10/26/00)

3-02-060 Town Magistrate.

The Town Magistrate shall be the presiding officer of the Magistrate Court and shall be selected by the Council and shall perform those functions necessary to the maintenance of a Magistrate Court as provided by State statute. The Town Magistrate shall be appointed by the Council for a term of two (2) years; provided, however, he may be removed at any time during said term after he has been afforded a due process hearing in which good cause for his removal is established by a preponderance of the evidence. Any Town Magistrate serving on November 14, 1985 shall be deemed to be reappointed by the Council and for a term of two (2) years, or until he resigns, dies, vacates the office due to incapacitation or is removed by the Council pursuant to this Section. The Town Magistrate and the Assistant Town Magistrate shall receive compensation as the Council may from time to time direct.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 87, Amended, 09/08/83; Ord. No. 120, Amended, 12/05/85; Ord. No. 121, Amended, 11/14/85; Ord. No. 178, Rep&ReEn, 05/26/88)

Article 3-03 PERSONNEL SYSTEM

- 3-03-010** **Creation and Scope.**
- 3-03-020** **Conditions of Employment.**
- 3-03-030** **Rules and Regulations.**
- 3-03-040** **Political Contributions.**

3-03-010 **Creation and Scope.**

There shall be adopted a Personnel Policy Manual for the officers and other employees of the Town, the provisions of which shall apply, at a minimum, to all full-time officers and other employees, and such other persons as the Manual may designate. Nothing herein shall preclude the Council from entering into employment contracts with any officer appointed by it, which contracts may supersede one or more provisions of the Personnel Policy Manual with regard to that officer.

(Ord. No. 7, Enacted, 03/22/79; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

3-03-020 **Conditions of Employment.**

- A. The Personnel Policy Manual shall specify the appointment, promotion and tenure of every officer and other employee, along with such other conditions of employment as are deemed appropriate by the Council.
- B. No officer, other employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, age or political affiliation, and the Personnel Policy Manual shall provide for express procedures to prevent such on-the-job discrimination from any source.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

3-03-030 **Rules and Regulations.**

The Council shall adopt the Personnel Policy Manual by resolution and may modify or change the same by resolution from time to time. Any term or condition of employment set out in the Personnel Policy Manual affected by such modification shall be changed or abolished upon the effectiveness of the resolution. The Town Manager, or his/her designee, shall be responsible for administering the Personnel Policy Manual in accordance with generally accepted principles of good personnel administration, and is authorized to promulgate such rules and regulations as may be appropriate to carry out the provisions of the Manual.

(Ord. No. 7, Enacted, 03/22/79; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

3-03-040 Political Contributions.

No officer, other employee or elected official of the Town shall solicit or use any influence or pressure upon any officer or other employee to obtain any assessment or contribution in cash or services, direct or indirect, to support any candidate for public office or for personal gain.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

Article 3-04 PURCHASING PROCEDURE

- 3-04-010 Purchasing Procedure.
- 3-04-020 Exclusive Source.
- 3-04-030 Bidding.
- 3-04-040 Determination of Lowest Responsible Bidder.
- 3-04-050 Performance Bond.
- 3-04-060 Emergency Purchases.
- 3-04-070 Compliance with E-Verify Program and Other Immigration Laws.
- 3-04-080 Professional Services.
- 3-04-090 Cooperative Purchasing.
- 3-04-100 Intergovernmental Purchasing.

3-04-010 Purchasing Procedure.

- A. The Town Manager is the purchasing officer for the Town. He may, however, delegate purchasing duties to Department Directors or other agents (and Department Directors may, in turn, delegate purchasing duties to other responsible employees or agents). No purchase or contract for purchase of any kind or description (payment for which is to be made from funds of the Town) shall be made by the purchasing officer, or any other officer, employee or agent of the Town, except in the manner set forth in this Article and the related regulations adopted by the Town Council.
- B. For purposes of this Article, a "purchase" involves obtaining title, possession or use by means of monetary payment, including (but expressly not limited to) renting, leasing or otherwise acquiring, any materials, services, professional services or construction. Purchases hereunder do not include obtaining title to or possession or use of real property.
- C. Under \$30,000.00 - Purchases or contracts for purchases requiring expenditures of less than thirty thousand dollars (\$30,000.00) may be made by the purchasing officer without formally inviting bids. However, any other requirements set forth in related Town regulations, Town Code provisions, Arizona statutes and regulations, or federal statutes and regulations shall be complied with.
- D. \$30,000.00 and Over - Purchases or contracts for purchases requiring expenditures of thirty thousand dollars (\$30,000.00) or more shall not be made by the purchasing officer until he has caused to be published in one (1) issue of a newspaper of general circulation in the Town a notice inviting bids. The notice shall be published at least ten (10) days prior to the date set for the receipt of the bids. The notice shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing officer shall post a notice inviting bids in the Town Hall and may also mail to all responsible prospective suppliers a copy of the notice inserted in the newspaper. To the extent other requirements may apply based on related Town regulations, Town Code provisions, Arizona statutes and regulations, or federal statutes and regulations, those shall also be complied with. In the case of any conflicts with state or federal statutes or regulations, the state or federal statutes or regulations shall prevail.

- E. If no exception applies, the bid (and any related contract) shall be awarded by the Council to the lowest responsible and responsive bidder. However, the Council may, at its discretion, reject any and all bids and direct staff to re-advertise for bid or take other action.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 426, Amended, 10/09/97; Ord. No. 491, Amended, 10/26/00; Ord. No. 851, Amended, 10/11/18)

3-04-020 Exclusive Source.

In the event that there is only one (1) firm, company or individual reasonably capable of providing the particular materials, services or construction such materials, services or construction can be secured without bidding.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 851, Amended, 10/11/18)

3-04-030 Bidding.

The purchasing agent and all parties contracting with the Town shall follow the procedures set forth in this Article in relation to all bids required under Subsection 3-04-010(B).

- A. All notices and solicitations of bids shall state the time and place for opening.
- B. All bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope.
- C. All bids shall be opened in public at the time and place stated in the public notice.
- D. A tabulation of all bids received shall be posted in the Town Hall for public inspection.
- E. The purchasing agent under Subsection 3-04-010(B) and the Council under Subsections 3-04-010(B) and (C) shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-040 Determination of Lowest Responsible Bidder.

Unless the Council or purchasing agent shall exercise the right of rejection as provided by Section 3-04-030, the purchase or contract shall be made from and with the lowest responsible bidder for the entire purchase or contract or for any part thereof. In determining the lowest responsible bidder, the Council and purchasing agent shall consider:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- B. Whether the bidder can perform the contract or provide the services promptly or

within the specified time, without delay or interference.

- C. The quality of performance of previous contracts.
- D. The previous and existing compliance by the bidder with laws and ordinances of the Town.
- E. The financial resources and ability of the bidder to perform the contract.
- F. The quality, availability and adaptability of the supplies or services.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-050 Performance Bond.

The purchasing agent shall require a performance bond, in cash or otherwise, for an amount sufficient to secure the execution of the contract for the best interests of the Town for all contracts in excess of five thousand dollars (\$5,000.00).

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-060 Emergency Purchases.

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, the Mayor shall be empowered to authorize the purchasing agent to purchase or secure services without complying with the procedures set forth in this Article. A full report in writing of the circumstances of any emergency purchase shall be filed by the purchasing agent with the Town Council at its next meeting.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-070 Compliance with E-Verify Program and Other Immigration Laws.

- A. In prescribing and maintaining necessary forms for the operation of this Article, the purchasing agent shall include the following provisions in any service contracts.
 - 1. Applicability of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986, and the Drug Free Workplace Act of 1989.
 - 2. Applicability in construction contracts of ARS §34-301 "Employment of Aliens on Public Works Prohibited" (as amended), and ARS §34-302 "Residence Requirements for Employees" (as amended).
 - 3. Warranty that contractor and each of its subcontractors will comply with all federal immigration laws and regulations that relate to their employees and with ARS §23-214(A) (as amended). Breach of such warranty shall constitute a material breach of the contract and shall subject the contractor to penalties up

to and including termination of the contract at the sole discretion of the Town.

4. Town right to inspect papers of any contractor or subcontractor's employee who works under the contract to ensure compliance with the above warranty, and agreement to cooperate with any required inspections. This includes, at Town discretion, conducting random verification of contractor and subcontractor employment records.
5. If a contractor or subcontractor establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act (as amended) and the E-Verify requirements prescribed by ARS §23-214(A) (as amended), it shall be deemed to have met the above warranty requirement.

- B. The provisions in this Section must also be included in any contract the contractor enters into with any and all of its subcontractors.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 724, Amended, 11/06/08)

3-04-080 Professional Services.

The bidding requirements of this Article shall not apply to professional services. Such services involve those requiring special knowledge, education or skill where the qualifications of persons rendering the services are of primary importance. They include, but are not limited to, physicians, attorneys, engineers, architects, software providers and other IT support, auditors, banking service providers, etc.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 851, Amended, 10/11/18)

3-04-090 Cooperative Purchasing.

Purchases from third-party providers made by, through or with the federal government or its agencies, the State of Arizona or its political subdivisions, or other political entities or non-profit cooperative purchasing organizations that have already procured the materials, services or construction from said providers through a competitive bidding process do not require the bidding process set forth in this Article.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 790, Amended, 04/24/14; Ord. No. 851, Amended, 10/11/18)

3-04-100 Intergovernmental Purchasing.

Purchases of materials, services and construction directly from (or other payments directly to) the federal government or its agencies, the State of Arizona or its political subdivisions, or other national, regional or local governmental entities do not require the bidding process set forth in this Article.

Prescott Valley, Arizona

(Ord. No. 851, Enacted, 10/11/18)

Article 3-05 ECONOMIC VITALITY

- 3-05-010 Policy.
- 3-05-020 Reserved.
- 3-05-030 Reserved.
- 3-05-040 Reserved.
- 3-05-050 Reserved.
- 3-05-060 Reserved.
- 3-05-070 Reserved.
- 3-05-080 Reserved.
- 3-05-090 Reserved.
- 3-05-100 Reserved.
- 3-05-110 Reserved.
- 3-05-120 Participation in E-Verify Program for Economic Development Incentives.

3-05-010 Policy.

It is the policy of the Town Council, after due and careful review and consideration, to carry out and coordinate its various policies, programs and procedures in a way that maintains an economically viable community. In this sense, economic viability means providing a range of housing and employment opportunities that meet the needs of residents and workers alike, and establishing and funding public service levels that preserve Prescott Valley's quality of life. This includes an array of actions and activities which encourage (among other things) employment, services, public improvements, housing, diversity, entertainment, technology, revenue, civic services, health services, family services, training, education, and sustainability.

Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Renumbered, 05/26/88, 3-05-020; Ord. No. 533, Rep&ReEn, 11/07/02; Ord. No. 725, Enacted, 11/06/08

3-05-020 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-030; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-030 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-040; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-040 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 173, Amended, 02/11/88; Ord. No. 178, Renumbered, 05/26/88, 3-05-050; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-050 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-060, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-060 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-070, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-070 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-080, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-080 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-090; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-090 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-100; Ord. No. 375, Amended, 12/28/95, Ord. No.533, Rep&ReEn, 11/07/02)

3-05-100 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-110; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-110 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-120, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-120 Participation in E-Verify Program for Economic Development Incentives.

- A. In accordance with Arizona law, employers receiving an economic development incentive from the Town shall provide proof of having registered for and participated in the E-Verify (or related) program before receiving the incentive.

Prescott Valley, Arizona

- B. If the Town determines that an employer is not complying with this Section, the Town shall notify the employer by certified mail of the Town's determination of noncompliance and the employer's right to appeal the determination. On a final determination of noncompliance, the employer shall repay to the Town all monies received as an economic development incentive within thirty (30) days of the final determination.
- C. For purposes of this Section, "economic development incentive" means any grant, loan or performance-based incentive from the Town that is awarded after September 30, 2008.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Renumbered, 05/26/88, 3-05-130; Ord. No. 533, Rep&ReEn, 11/07/02; Ord. No. 725, Enacted, 11/06/08)

Article 3-06 MEET AND CONFER

- 3-06-010 Findings and Purpose.
- 3-06-020 Employee Groups.
- 3-06-030 Meeting and Conferring.

3-06-010 Findings and Purpose.

The Town of Prescott Valley hereby finds and declares that:

- A. The citizens of Prescott Valley have a fundamental interest in the development of harmonious and cooperative relations between Town Management, Elected Officials, Administrators and the employees of the Town of Prescott Valley;
- B. Recognition by the Town of Prescott Valley of the fundamental rights of public employees to organize and full acceptance of the principle and procedure of full communication between public employers and public employees, can alleviate various forms of strife and unrest;
- C. The Town, its employees and employee organization, have a basic obligation to the public to assure the orderly and continuous operations and functions of government;
- D. Strikes, work stoppages, slowdowns, and other concerted efforts designed to disrupt Town services, are contrary to the public good and are strictly prohibited. Participation in such efforts may be grounds for termination.
- E. It is the purpose of this initiative to obligate the Town management, Town employees and their representatives, acting within the framework of law, to enter into discussions with affirmative willingness to resolve issues, grievances, and disputes relating to working conditions, wages, benefits and hours of work. It is also the purpose of this Ordinance to promote harmonious employer - employee relations by providing a uniform basis for recognizing the right of public employees to join, or refrain from joining, an organization of their own choice. Also, it is their right to be represented by such organization in their dealings with the Town in accordance with the provisions of this Ordinance. Additionally, this Ordinance provides that the results of agreements between the employer and its' employees shall be drafted into written memorandums of understanding.

(Ord. No. 499, Initiative Approved, 03/13/01)

3-06-020 Employee Groups.

- A. There shall be one employee group within the Town of Prescott Valley. It shall include:

1. All Police Officers in classifications up to and including Sergeants, and civilian dispatchers.

- B. Authorized representation of an employee group shall be determined by the presentation of a petition, or signed membership cards, to the Town Manager containing the signatures of at least fifty percent (50%) plus one (1) of the employees in the above designated group. The petition / membership card shall designate the employee group and the employee organization designated to represent those employees. Upon verification of the signatures, the Town Manager shall designate the named employee organization, as the official and exclusive employee organization for representation purposes provided for by this Ordinance. The designated employee organization shall have the right to bi-weekly or monthly dues deductions, if approved by the employees of said organization.

(Ord. No. 499, Initiative Approved, 03/13/01)

3-06-030 Meeting and Conferring.

- A. An employee organization that has been verified by the Town Manager, shall submit a proposal to the Town Manager relating to wages, benefits, hours, safety regulations and other working conditions, by December 1, of each year.
 1. In the first year of this Ordinance, the employee organization shall submit its initial proposal by April 1.

- B. Upon receiving a proposal from a verified employee organization, the Town Manager, shall submit a written response to the proposal to the employee organization within thirty (30) days [fifteen (15) days in the first year].

- C. Within ten (10) days from the receipt of the Town Manager's response, representatives of the employee organization, and the Town Manager, shall begin "meeting and conferring" at mutually agreed upon locations and times, for the purpose of entering into a written Memorandum of Understanding relating to the proposal regarding working conditions, wages, benefits and hours. Meetings shall be at least three (3) hours in duration, unless mutually agreed otherwise. Meetings shall take place at least weekly until an agreement is reached, or impasse is declared.

- D. The Town Manager, or his designated representative, and the representative of the employee organization, shall initial all areas of agreement. Those areas which were not agreed to shall be outlined as areas in dispute. If agreement has not been reached by April 10 (July 15 in the first year), a Federal Mediator will be requested. The Town Manager, the employee representatives, and the Federal Mediator, will meet as often as necessary to reach an agreement.

- E. If an agreement still has not been reached by May 15 (August 1 in the first year), an arbitrator will be requested from the American Arbitration Association. Standard rules of the American Arbitration Association will be utilized in the selection and use of the arbitration. However, selection of the arbitrator shall be limited to residents of Yavapai, Coconino or Maricopa County.

- F. All issues not previously agreed to will be submitted to the arbitrator for resolution. On or before June 30 (August 17 in the first year), all areas of agreement, as well as those areas in dispute and still under consideration, and the recommendations of the Arbitrator, shall be submitted to the Mayor and Council for their consideration. The Mayor and Council may accept, reject, or modify those areas of agreement. The Mayor and Council may also take whatever actions they feel appropriate with regard to those areas in dispute. Final action by the Mayor and Council shall constitute the Memorandum of Understanding for the following fiscal year(s).

(Ord. No. 499, Initiative Approved, 03/13/01; Ord. No. 503, Amended, 05/10/01)

Article 3-07 PERSONNEL BOARD

- 3-07-010 Title.**
- 3-07-020 Purpose and Policy.**
- 3-07-030 Establishment and Terms of Office.**
- 3-07-040 Officers.**
- 3-07-050 Powers and Duties Generally.**

3-07-010 Title.

This shall be known as the Town of Prescott Valley Personnel Board Article, may be cited as such, and will be referred to herein as "this Article."

(Ord. No. 540, Enacted, 12/19/02)

3-07-020 Purpose and Policy.

The purpose of the Personnel Board shall be to conduct hearings relating to and the rendering of decisions on matters properly brought before the Board as provided under the grievance procedure. The Personnel Board shall also review and recommend to the Town Council proposed amendments to the Personnel Policy and Procedures.

(Ord. No. 540, Enacted, 12/19/02)

3-07-030 Establishment and Terms of Office.

- A. There is hereby established a Prescott Valley Personnel Board. The Board shall be composed of five (5) voting members appointed by the Town Council. Three members shall be from the community, one member shall be an exempt employee, and one member shall be a non-exempt employee. Three alternates shall be appointed from each sector.
- B. The human resources manager, through the Town Manager's designation, shall act as secretary to the Board and provide any necessary administrative support.

(Ord. No. 540, Enacted, 12/19/02)

3-07-040 Officers.

The Board shall select its own chairperson annually from among its membership.

(Ord. No. 540, Enacted, 12/19/02)

3-07-050 Powers and Duties Generally.

The powers and duties of the Personnel Board of Directors shall be:

- A. Review and recommend to the Town Council proposed amendments to the Personnel Policies and Procedures.
- B. Conduct hearings in executive session unless the grievant requests a public hearing.
- C. Examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the Town if not provided to the Board upon its request.
- D. Conduct hearings as outlined in the Personnel Policies and Procedures.

(Ord. No. 540, Enacted, 12/19/02)

Article 3-08 LIBRARY BOARD OF TRUSTEES

3-08-010 Library Board of Trustees Established.

3-08-010 Library Board of Trustees Established.

Pursuant to Title 9, Chapter 4, Article 2, Arizona Revised Statutes, and amendments thereto, the Town of Prescott Valley Library Board of Trustees is hereby established.

(Ord. No. 540, Enacted, 12/19/02)