

ORDINANCE NO. 3004 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-5 (ABATEMENT OF COLLECTION SUITS AND ACTIONS; RELEASE OF LIENS; DETERMINATION OF UNCOLLECTIBILITY; AUTHORITY OF FINANCE DIRECTOR AND CITY MANAGER; RECOVERY OF COLLECTION COSTS), ARTICLE V (FINANCIAL AFFAIRS), DIVISION 2 (PURCHASING PROCEDURE), SECTION 2-138 (DEFINITIONS), AND SECTION 2-150 (WAREHOUSING STORES); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is necessary to make certain changes to the Glendale City Code Chapter 2 – Administration to provide the City authority to settle certain claims for delinquent fees and/or taxes when it is in the City’s best interest to do so; and

WHEREAS, it is necessary to make certain changes to the Glendale City Code Chapter 2 – Administration to provide the City authority to release certain liens or to refrain from taking or maintaining other actions to collect certain debts owed to the City if the estimated cost of collecting such debt would exceed the amount reasonable expected to be collected by the City; and

WHEREAS, it is necessary to clarify the duties of the City’s Warehouse Manager, who is responsible for the supervision of the City’s warehouse, warehouse daily operations and warehouse personnel.

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

SECTION 1. That Glendale City Code, Chapter 2 (Administration), Article I (In General), Section 2-5 (Abatement of collection suits and actions; release of liens; determination of uncollectibility; authority of Finance Director and City Manager; recovery of collection costs) be amended as follows:

Chapter 2 - ADMINISTRATION

ARTICLE I. – IN GENERAL

Sec. 2-5 Abatement of collection suits and actions; release of liens; determination of uncollectibility; authority of Finance Director and City Manager; recovery of collection costs.

(a) As used in this section, "Finance Director" shall mean the Director of the Finance Department or any successor City department with responsibility for Finance, or his/her authorized designee.

(b) Upon a determination that the estimated costs to collect any amounts owed on a delinquent account for fees and/or taxes imposed under the Glendale City Code would exceed the amount the City could reasonably expect to collect for such unpaid fees and/or taxes, the City Manager or Finance Director or their respective designees, in consultation with the City Attorney, is authorized to negotiate and/or enter into an agreement with any person or entity responsible, in whole or in part, for payment of any such delinquent fees and/or taxes. Such authority may only be exercised in accordance with subsection (d) below and includes the authority to:

- (1) Release, in whole or in part, any or all liens filed in connection with such delinquent fees and/or taxes; and
- (2) Dismiss, and/or refrain from initiating, filing, refiling or renewing, in whole or in part, any lawsuit or judgment seeking such delinquent fees and/or taxes; and
- (3) Abate, terminate or waive all collection efforts seeking to recover any such delinquent fees or taxes, in whole or in part; and
- (4) Any combination of the actions authorized in subsections (1)-(3) herein.

(c) The Finance Director, or his/her designee, in consultation with the City Attorney, shall have the authority and discretion to determine the amount of consideration to be paid to the City pursuant to such agreement. In making such a determination, the Finance Director or his/her designee may consider the reasonable maximum amount that the City could expect to receive as the result of its collection efforts or those of an independent collection agency.

(d) Limitations of Authority.

- i. The Finance Director, or his/her designee, in consultation with the City Attorney, may exercise his/her authority to resolve any delinquent account as provided in subsections (b) and (c) above where the cumulative amount of delinquent fees and/or taxes, exclusive of interest or penalties, does not exceed \$9,999.99.
- ii. The City Manager or his/her designee, in consultation with the City Attorney, may exercise his/her authority to resolve any delinquent account

as provided in subsections (b) and (c) above where the cumulative amount of delinquent fees and/or taxes, exclusive of interest or penalties, is \$10,000 or more but is less than \$50,000.

- iii. Resolution of any delinquent account as provided in subsections (b) and (c) above where the cumulative amount of delinquent fees and/or taxes, exclusive of interest or penalties, is \$50,000 or more may only be entered into by the City with the approval of the City Council.

(e) Any resolution of a delinquent account for fees and/or taxes as provided in this Section shall be memorialized in a written agreement signed by the City and a party authorized to represent the delinquent account holder. The written signed agreement shall be maintained by the City as a public record.

(f) The benefit of any agreement to resolve a delinquent account for fees or taxes according to this Section shall inure only to the specific party or parties who are responsible for the delinquent account and not to any third party beneficiary unless the agreement so states otherwise.

(g) No agreement, release, dismissal, or abatement shall be construed as an admission by the City that any such fee, tax, interest or penalty amount or any portion thereof was not lawfully due and owing to the City, and the obligation for such amount may be carried as a separate nonrevenue item in the books and records of the City.

SECTION 2. That Glendale City Code, Chapter 2 (Administration), Article V (Financial Affairs), Division 2 (Purchasing Procedure), Section 2-138 (Definitions), and Section 2-150 (Warehousing Stores) be amended to read as follows:

ARTICLE V. - FINANCIAL AFFAIRS
DIVISION 2. - PURCHASING PROCEDURE
Sec. 2-138. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City personal property: Any equipment, supplies or products having been purchased by the city, or obtained by reason of abandonment, confiscation or donation.

Construction: The process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the operation, or preventative maintenance of existing structures, buildings, or real property.

Contract: A written agreement of the city, for the city, for the procurement of supplies or services. The term includes but is not limited to contracts of a fixed price, cost, cost plus a fixed fee, or incentive type; contracts providing for the issuance of job or task orders; leases, excluding real estate; rentals; maintenance agreements; letter contracts; and purchase orders. The term also includes supplemental agreements with respect to any of the foregoing.

Contract modification: Any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.

Contractor: Any person having a contract with the city.

Cooperative purchasing: Procurement conducted by, or on behalf of, more than one (1) public procurement unit.

Debarment: The disqualification of a vendor to receive invitations for bids or the award of a contract by the city for a specified period of time, not to exceed three (3) years, commensurate with the seriousness of the offense resulting from conduct or failure or inadequacy of performance.

Emergency purchase: 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 preventive action is not taken.

Finance Director: Shall mean the Director of the Finance Department or any successor City department with responsibility for Finance, or his/her authorized designee.

Invitation for bid: All documents including those attached or incorporated by reference, utilized for soliciting bids.

Local vendor: A vendor having an office within the corporate limits of the city or within the water and sewer service of the city.

Materials manager or manager: The person designated by the city manager as the materials manager.

Open market procurement: Procedures used for procurement when formal purchase procedure is not required.

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

Request for proposal: All documents including those attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or proposer: A bidder or proposer who has the capability to perform fully the contract requirements, and the reliability, which will assure good faith performance.

Responsive bidder or proposer: A bidder or proposer who has submitted a bid or proposal which conforms in material respects to the solicitation.

Service: 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.

Shall: The words "shall," "will," and "must" all refer to mandatory actions.

Specification: Any description of the physical or functional characteristics, or of the nature of, a supply, or service item. The term may include a description of any requirement for inspecting, testing, or preparing a supply, or service item for delivery.

Supply: All personal property, including equipment.

Surplus supplies: Any supplies no longer having any use to the city. This term includes obsolete, scrap, and nonexpendable supplies that have completed their useful life cycle.

Using or requesting agency: Any department, agency or commission, board, committee or other unit in the city government using supplies or services.

Warehouse Manager: The person, regardless of job title or classification, responsible for the supervision of the warehouse, warehouse daily operations, and warehouse personnel.

Sec. 2-150. - Warehousing stores.

- (a) There is ~~hereby appropriated from the city treasury a funding established in the City's books and records an account~~ which shall be known as the warehouse revolving fund inventory account.
- (b) Supplies to be added into an inventory administered by the ~~materials~~ Warehouse ~~m~~Manager shall be charged against the ~~revolving fund~~ warehouse inventory account. Requisitions for withdrawal of supplies in ~~an~~ inventory shall be credited to the ~~revolving fund~~ warehouse inventory account by a charge against the appropriation of the requesting agency.
- (c) The ~~materials~~ Warehouse ~~m~~Manager shall maintain a perpetual inventory record of supplies charged against the revolving fund and be responsible for the receipt, storage, issuance and distribution of supplies contained therein.
- (d) The Warehouse Manager shall be responsible for ensuring all inventory and supplies added to the inventory account are procured in accordance with this chapter and such policies and procedures as may be set forth by the Materials Manager.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

[Signatures on the following page.]

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27th day of September, 2016.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager