



**PUBLIC NOTICE  
REGULAR MEETING OF THE COMMON COUNCIL OF  
YOUNGTOWN, ARIZONA**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Common Council and the General Public that the Common Council of the Town of Youngtown will hold a **Regular Meeting** open to the public on:

**DATE:** THURSDAY, SEPTEMBER 3, 2015  
**TIME:** 7:00 P.M.  
**PLACE:** TOWN CLUBHOUSE  
12033 CLUBHOUSE SQUARE

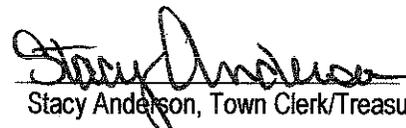
1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance and Invocation**
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
  - A. **Communications from Council**
  - B. **Communications from Staff: Town Manager's Report**
5. **Response to Call to the Community:**
6. **Citizens Comments/Appearances from the Floor:** Please complete a speaker request form for the Town Clerk, listing the subject you would like to discuss. Each speaker is limited to five (5) minutes. Before you begin to speak, identify yourself by clearly stating for the record, your name and address. Non-Agenda items: This is the time for citizens who would like to address the Town Council on any non-agenda item. The Council will listen to comments, and may take any one of the following: 1) Respond to criticism, 2) Request that staff investigate and report on the matter, or 3) Request that the matter be scheduled on a future agenda.
7. **Consent**
  - A. **Approval of Minutes:** Regular Meeting Minutes of July 16, 2015, Special Meeting Minutes of July 22, 2015 and the Special Meeting Minutes of August 6, 2015.
8. **Business:**
  - A. **Proclamation Re:** A Proclamation declaring the month of September, Grandfamily / Kinship Care Month (LeVault)
  - B. **Discussion and/or Action Re:** Adoption of Resolution No. 15-20 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 640 Sick Leave related to the donation of sick leave for Town employees (Blackman)
  - C. **Discussion and/or Action Re:** Adoption of Resolution No. 15-21 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 600 Attendance and Leave to clarify the accrual of vacation leave for Town employees (Blackman)
  - D. **Discussion and/or Action Re:** Adoption of Resolution No. 15-22 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 800 Discipline and Appeal Process to clarify the time to initiate the appeal process after an adverse personnel action (Blackman)
  - E. **Discussion and/or Action Re:** Adoption of Resolution 15-23 amending the Town Social Media Policy to allow two-way communication (S. Anderson)
  - F. **Discussion and/or Presentation Re:** Discussion and update on the 2015 Municipal Council Chambers Renovation Project (Mosbrucker)
9. **Executive Session:** Convene Executive Session pursuant to A.R.S. 38-431.03(A) (3) for discussion or consultation for legal advice with the Town Attorney for legal advice regarding any above agenda items, as needed.
10. **Future Agenda & Meetings:**
  - A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
  - B. Announcement of next Regular Council Meeting: Thursday, September 17, 2015 at 7:00 p.m.

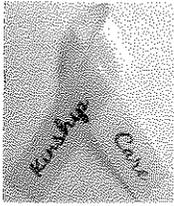
**Adjournment**

\*NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Clerk's office at 623-933-8286 or TDD 623-974-3665 no later than 24 hours in advance of regular scheduled meeting time. To speak on an Agenda item, a comment form must be presented to the Town Clerk at least five (5) minutes before the Council Meeting. Citizens may appear before the Council to present their views on any subject concerning Town Government. The Council, however, may not discuss, consider, or decide items NOT on the Agenda (A.R.S. 38.431.02 (H)). The Council will, if necessary, follow up at a later date. Due to the limitation of time, citizens' comments are requested not to exceed five (5) minutes.

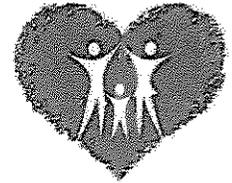
**POSTING CERTIFICATION OF THIS NOTICE**

The undersigned hereby certifies that a copy of the attached notice and agenda were duly posted 3:00 p.m. on Friday, August 28, 2015 in accordance with the statement filed by the Town Clerk, with the Attorney General's office.

  
Stacy Anderson, Town Clerk/Treasurer



**Town of Youngtown**  
**P R O C L A M A T I O N**  
**GRANDFAMILY / KINSHIP CARE MONTH**



**WHEREAS**, this year during the month of September, Grandfamily/Kinship Care Month is observed, and the Town of Youngtown, Arizona is proud to recognize the children and their grandparents and other relatives who raise them in kinship care and who ensure their safety, promote their well-being and establish a stable household for these young people to thrive; and,

**WHEREAS**, nationally 2.7 million children are living with grandparents and other relatives in kinship care of which over 104,715 caregivers reside in Arizona; and,

**WHEREAS**, relationships with family are crucial for children, it is our responsibility to promote and preserve kinship, sibling, and other familial connections for children in Arizona; and,

**WHEREAS**, Arizonians join to honor famous kinship caregivers such as President George Washington, as well those grandparents and relatives residing in urban, rural and suburban households in every county of Arizona who "famously" step forward out of love and loyalty to care for relatives when the child's biological parents are no longer able to do so; and,

**WHEREAS**, Arizonians join to honor famous youth who were raised in kinship care such as Maya Angelou and Sandra Day O'Conner, as well as those children residing in urban, rural and suburban households in every county of Arizona, who through the unconditional support of grandparents and other relatives, have successfully addressed the emotional trauma of losing their parents; and,

**WHEREAS**, the public becomes increasingly aware of the challenges faced by children, grandparents and other relatives in kinship care to work in partnership with the education, legal, social services, mental health, justice and other systems to access services that can enable kinship youth to flourish in all facets of their life; and,

**WHEREAS**, nationally Grandfamilies/Kinship Caregivers save tax payers more than 6.5 billion dollars a year; and,

**WHEREAS**, one in eleven of all children and one in five Black children will live within a kinship family sometime during their childhood, kinship care provides the best opportunity to retain the child's cultural heritage and community ties.

**NOW, THEREFORE, I**, Mayor Michael LeVault, do hereby proclaim September, 2015 to be Grandfamily/Kinship Care Month in the Town of Youngtown, Arizona.

Dated this 3<sup>rd</sup> day of September 2015.

Town of Youngtown

\_\_\_\_\_  
Michael LeVault, Mayor

Attest:

\_\_\_\_\_  
Stacy Anderson, Town Clerk



**MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ**  
**THURSDAY, JULY 16, 2015, TOWN CLUBHOUSE, 12033 N. CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault at 5:00 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Judy Johnson and June Miller. Dorena Mello called in telephonically.  
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Chief Financial Officer James Alcantar, Public Works Manager Mosbrucker, Public Safety Manager Mike Kessler, Library Manager Speed and Town Clerk Stacy Anderson.
3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Johnson and the Invocation was given by Vice Mayor Duran.
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
  - A. **Communications from Council:**
    - Councilmember Miller
      - Just a word of caution for everyone to take in their recycle bins from the road because hers was stolen. I know that the Town is working with Parks & Sons to have recycling bins for North Youngtown.
    - Councilmember Chittenden
      - I would like to know if the residents of Youngtown have been reading the trivia questions in the Youngtown Village Reporter?
  - B. **Communications from Staff:**
    - Town Manager Blackman (staff report attached)
      - We have secured additional backup for our IT support. John Milhoan, who currently handles the Town's IT issues, is being deployed to Iraq. TeamLogicIT will be assisting the Town in any issues that may arise while John is deployed. They will honor his contract rates anytime that John is away.
      - I would to direct your attention to the beautiful campus signs that have been installed on the buildings here in Clubhouse Square.
      - The Council Chamber Renovations RFB is out for bid. We will have more information for you at the meeting next week.
5. **Response to Call to the Community:**
  - Town Manager Blackman
    - We are still working closely with the staff at the Regional Public Transportation Program to see what the financial impact to the Town would be if we shouldered more of the cost from the ADA riders. We will most likely be bringing more information back to you in September.
6. **Citizen Comments/Appearance from the Floor:**

There were no citizen comments.
7. **Consent Agenda:**
  - A. **Approval of Minutes:** Approval of the Regular Meeting Minutes of July 2, 2015  
Motion – Councilmember Chittenden  
Second – Councilmember Johnson  
Motion passed unanimously with a voice vote.
8. **Business**
  - A. **Discussion and/or Action Re:** Administer the Oath of Office to Charles L. Vickers, Jr. to fill the vacant Council seat with a term expiring on December 31, 2016
  - E. **Discussion and/or Action Re:** Resolution 15-14 approving the Final Budget for Fiscal Year 2015-2016 in the amount of \$6,125,811. (Blackman)  
Mayor LeVault
    - Just as a reminder to the Council, we passed the Tentative Budget just over a month ago and nothing has changed in the numbers for the Final Budget.
  1. **Presentation** by Town Manager Blackman and Pat Walker, Consultant  
Town Manager Blackman
    - Thank you Mayor and Council. I am pleased to present to you the Fiscal Year 2015-2016 Final Budget for your approval. The total budget for FY 15-16 is \$6,125,811, which is a 10.82 % increase from last year mostly due to the \$800,000 Public Safety Unfunded Liability and the \$600,000 cost allocation for the Peoria Avenue Straightening Project.

- The Town will pay the entire FY 15-16 contribution of the Public Safety Unfunded Liability on July 1<sup>st</sup>, 2015.
- The Proposed budget has been published for two consecutive weeks in the Daily News Sun Newspaper, and posted on the Town's Website as required by State Statute
- The Town's projected revenues for FY 15-16 is \$3.2 million
- There is a 2.5% increase for salaries mostly due to the
- Thank you to the Council and staff for the continued work that you do to bring a balanced budget forth.
- A special thank you to Pat Walker. She has truly been a blessing with her knowledge and dedication.

Pat Walker, Consultant

- I am not going to go through a lot of details as you have already been through the numbers the last few months. Nothing has changed since the adoption of the Tentative Budget last month.
- The main thing that I wanted to bring to Council was the Public Safety Unfunded Liability Payment. To pay it off it would be about \$800,000. You will see that recorded in the Financial Statement for next year. The reason that we are not paying it off is that we still do not know what the final number will be. If we overpay, we are not sure that we would be able to re-coop that overpayment from the PSPRS Board. What we are doing is paying \$72,000 for the upcoming year. Instead of doing it in 26 pay periods, you are paying it in one lump sum. By doing it in a lump sum.

Mayor LeVault

- So we have a structural surplus instead of a deficit.

Councilmember Chittenden

- I would like to thank staff and Pat Walker for all that you have done to help us have a balanced budget. Not all jurisdictions conduct the budget process as we do. We conduct our entire budget meeting process in the open with no secrets. Our citizens are involved in our meetings. We hear rumors about other cities and towns that have closed door hearings. Thank you.

**2. Open Public Hearing** and take testimony from the public related to the Final Budget for Fiscal Year 2015-2016

Mayor LeVault opened the Public Hearing at 5:18 p.m. There were no comments at the public hearing.

**3. Close Public Hearing**

Mayor LeVault closed the Public Hearing at 5:19 p.m.

**4. Council Discussion and/or Action** on Resolution 15-14 approving the Final Budget for Fiscal Year 2015-2016 in the amount of \$6,125,811.

Motion – Councilmember Miller

Second – Vice Mayor Duran

Motion passed unanimously with a roll call vote. Yes – 7, No – 0, Abstained – 0

**B. Presentation and/or Discussion Re: Sun City Fire District (SCFD) Report (see attached)**

Fire Chief Thompson

- Sun City Fire and Medical Department (SCFMD) have applied for a SAFER grant for twelve (12) additional fire fighters. That would put the ladder truck back in commission and three (3) ambulances. This would increase the total man power to 12 per shift. This will take a huge strain off out existing firefighters. We currently respond to about 12,000 calls per year with three units averaging 22 calls per shift.
- SCFMD has applied for their Certificate of Necessity (CON). We have changed our name to reflect the new designation. We were the first to get our application in to the State and it looks like we are going to be the last to receive it. We are also going to court with Rural Metro over this.
- We just finished our budget approval coming in at \$9.2 million and sent it out to the County.
- We have posted for an Assistant Chief and a part time administrative assistant.

**C. Presentation and/or Discussion Re: Maricopa County Sheriff's Office (MCSO) Report (see attached)**

Lt. Christopher Dowell

- Lt. Dowell introduced himself and gave a few background points about his 18 year career with MCSO.
- I would like to recruit five residents for the Explorers from the Town of Youngtown.
- 10% of the calls for District 3 were from Youngtown.

Mayor LeVault

- Discussion on having another go at starting Block Watch Programs in the Town by the end of the year.

**D. Presentation and/or Discussion Re: Directing staff on the 2015 Council Chambers Renovation Project**

Town Manager Blackman

- Marty and Gregory, who are the principals on the project, are not here this evening. Marty had sinus surgery and Gregory is in Prescott.
- Staff has assured me that we have an on-time and on- budget project
- The current ceiling fans will be replaced with new fans and then the old ones will be donated to Habitat to Humanity
- Town Manager Blackman presented the samples for the 2015 Council Chambers Renovation Project

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- The carpet sample #1 (263) was approved by the majority of the Council
- It was requested by the Council to have a sample of the different paint choices to be painted on the Chamber wall for closer inspection
- The majority of the Council choose sample #4 for the top of the Dais
- On July 8<sup>th</sup> the Bid documents were available. Bids are due on July 13<sup>th</sup>. The Council will be reviewing the contract on the 22<sup>nd</sup>. Construction start date is scheduled for July 31<sup>st</sup> and completion date of August 28<sup>th</sup>
- Larry Wise will donate a plaque with the renovation information on it for the Council Chambers

**9. Call for Executive Session:**

No call was made.

**10. Future Agenda & Meetings:**

- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of Special Council Meeting on July 22, 2015 at 5:30 p.m., Special Council Meeting on August 6, 2015 at 7:00 p.m. and the Regular Council Meeting on September 3, 2015 at 7:00 p.m.

Motion to adjourn: Councilmember Johnson

Second – Vice Mayor Duran

Meeting Adjourned 6:04 p.m.

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**Michael LeVault, Mayor**

**Attest:**

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**Stacy Anderson, Town Clerk**

**Minutes approved at September 3, 2015 regular meeting.**



**MINUTES OF THE SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ  
THURSDAY, JULY 22, 2015, TOWN CLUBHOUSE, 12033 N. CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault at 5:30 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Miller, Judy Johnson, June Miller and Charles Vickers  
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker and Town Clerk Stacy Anderson.
3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Vickers and the Invocation was given by Vice Mayor Duran.
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
  - A. **Communications from Council:**
    - There were no communications from Council.
  - B. **Communications from Staff:**
    - Town Manager Blackman
      - There was a domestic violence issue that was reported to MCSO on 111<sup>th</sup> and Tennessee Avenues. There were news reporters on scene. I do not have any additional information to report, but will pass along any new information as I receive it.
5. **Response to Call to the Community:**
  - Town Manager Blackman
    - We are still working closely with the staff at the Regional Public Transportation Program to see what the financial impact to the Town would be if we shouldered more of the cost from the ADA riders. We will most likely be bringing more information back to you in September.
6. **Citizen Comments/Appearance from the Floor:**

There were no citizen comments.
7. **Business**
  - A. **Discussion and/or Action Re:** Approval of the Greater Phoenix Economic Council (GPEC) contract for Fiscal Year 2015-2016 in the amount of \$2,821.00
    - Mayor LeVault
      - GPEC is a great organization. They are the premier economic development organization in the Phoenix Metro area. Youngtown is well positioned to benefit from the economic development in the Valley.
    - Brad Smith
      - I am here representing GPEC this evening. I have been with GPEC for the last 16 years and an Arizona native. We are pleased to have Youngtown as a member again this year.
      - GPEC has 260 prospects last year with 32 locates. When companies locate, the surrounding Towns and cities receive a benefit. Surrounding municipalities have a one to four return on their revenues.
    - Councilmember Mello
      - Youngtown is unique that it is landlocked. The companies that you bring in do not locate in Youngtown. The Commerce Park has been put on hold and we will not move forward for a long time. The Town does not have a staff member to actively go after leads. Are we just supporting the organization?
    - Mayor LeVault
      - With the moderate fee that we pay we are placed on every piece of literature that GPEC produces and we are on the GPEC website. In the nine years that I have been in office, GPEC has been a great job as acting as a regent for municipalities. We may not get the stadium, but it will benefit us and our residents with jobs, entertainment, etc. I feel that it is important for us to be there with GPEC. Gregory Arrington, Community Development Manager, is picking up the slack for the economic development arena for the Town. It is projected that in 10 years the work force will be west of Surprise. The workforce is currently east of the Cardinal Stadium.
    - Councilmember Mello
      - Becoming a member of GPEC is like having free publicity for Youngtown.
    - Mayor LeVault
      - Youngtown is on every publication that GPEC produces. GPEC works hand in hand with the Maricopa Association of Governments (MAG). MAG is the planner and GPEC is the developer.

Councilmember Mello

- I don't disagree that we should support the organization. The Commerce Park is so far out for development and Gregory does not have the time to pick up economic development. There are benefits of being member of GPEC. I support being a regional partner. I believe that the only west side municipality not participating is Litchfield Park.

Mayor LeVault

- Being a regional player will help to attract those businesses into communities around us. Phoenix is becoming a region and a world class city and I think that we need to be a part of their successes.

Councilmember Chittenden

- It may be worthwhile for us to participate. Gregory is not able to chase down potential development. I would suggest that a Councilmember help with the marketing and become more involved. We don't expect big things, but we are getting our name out there.

Town Manager Blackman

- When the Economic Development position was eliminated, we still had a need for economic development with commercial centers and the Meese property that can be improved and developed. I would ask the Council to approve the GPEC contract for FY 15-16. We can re-evaluate the contract and the need next year.

Mayor LeVault

- We have already done the important foundational work on the Commerce Park.

Town Manager Blackman

- The Commerce Park development is 3 – 5 years down the road. We have a great ambassador with Gregory and I have full confidence that he will do a great job. We have sent a second draft to ASU Thunderbird for them to assist us on possibly developing a live/work district along 111<sup>th</sup> Avenue.

Councilmember Johnson

- Gregory structured and organized the entire Neighborhood Development District. This will truly make Youngtown unique. I am all for it.

Councilmember Chittenden

- At the Chamber breakfast we talked about the West Valley. Who knows what GPEC can bring us? We can't go into this narrow minded.

Town Manager Blackman

- A seat at the table is well worth the price of admission. We have worked hard on our database of vacant land in Youngtown.

Councilmember Chittenden

- Can we attend the GPEC Board Meetings?

Brad Smith

- Yes. They are open meetings. They are held five times a year.
- 30% of all prospects are looking for 25,000 square feet or less. Not all of them are going to the east Valley.

Motion - Councilmember Johnson

2<sup>nd</sup> – Councilmember Mello

Motion passed unanimously with a voice vote

## **B. Presentation and/or Discussion Re: Municipal Council Chambers Renovation Project (Mosbrucker)**

Town Manager Blackman

- We will not be presenting you with a contract this evening. We had no returned bid packets. Some of the feedback that we received were concerns for the turn-around time for supplies. The contractors felt that four weeks was just too short of a timeframe to complete the project if there were any supplies that would take longer than expected. We did have a penalty clause if construction was not complete by August 31, 2015. We have re-grouped and we feel that we have come up with a better plan.

Public Works Manager Mosbrucker

- Five bidders picked up packets and we received none back.
- Our new game plan is as follows:
  - Publish in the newspaper from July 28<sup>th</sup> until July 31<sup>st</sup>
  - Pre-Bid Meeting on August 3<sup>rd</sup> at 2:00 p.m.
  - Bids due by August 14<sup>th</sup> at 2:00 p.m. with the bid opening immediately following
  - Contractor awarded on August 14<sup>th</sup>
  - Contract due back from the contractor by August 28<sup>th</sup>
  - Council approval on September 3<sup>rd</sup> at the Regular Council Meeting
- We have removed the purchasing of the paint, carpet, ceiling tiles, PA system, window coverings, etc and are focusing on the installation of above mentioned items and the construction of the Dais.

Town Attorney Stuhan

- It is not uncommon for municipalities to put a bid out there more than one time. We are re-publishing the bid in the newspaper, holding a pre-bid meeting to let all those interested the parameters of construction and Jeanne has approved the smaller ticket items.

Councilmember Miller

- Does this new schedule give the contractor enough time to complete the project?

Public Works Manager Mosbrucker

- We believe that this is enough time to complete the project.

Motion – Councilmember Chittenden

2<sup>nd</sup> – Vice Mayor Duran

Motion passed unanimously with a voice vote

**9. Call for Executive Session:**

No call was made.

**10. Future Agenda & Meetings:**

A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

B. Announcement of Special Council Meeting on August 6, 2015 at 7:00 p.m. and the Regular Council Meeting on September 3, 2015 at 7:00 p.m.

Motion to Adjourn: Councilmember Johnson

Second – Vice Mayor Duran

Meeting Adjourned 6:04 p.m.

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**Michael LeVault, Mayor**

**Attest:**

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**Stacy Anderson, Town Clerk**

**Minutes approved at September 3, 2015 regular meeting.**



**MINUTES OF THE SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ  
THURSDAY, AUGUST 6, 2015, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault at 7:04 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Judy Johnson and June Miller.  
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Code Enforcement Officer Lupe Romero
3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Chittenden and the Invocation was given by Vice Mayor Duran.
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
  - A. **Communications from Council:**
    - Mayor LeVault
      - Provided an update on happenings at GPEC (Greater Phoenix Economic Council)
    - Councilmember Chittenden
      - Was happy that the dog parks looks great / recommends people drive by to see all the work that has been done to the park.
    - Councilmember Mello
      - The park signs going up tomorrow / excited to have these printed and ready to post.
  - B. **Communications from Staff:**
    - Town Manager Blackman
      - I appreciate Council attendance at the special meeting. August is usually a break for Council however there have been issues affecting the Town which need to be addressed promptly. Ms. Blackman also noted that the League Conference is coming up and she will have books ready for the conference soon.
5. **Response to Call to the Community:**

There was no response to call to the community.
6. **Citizen Comments/Appearance from the Floor:**

There we no comments from the floor.
7. **Business**
  - A. **Discussion and/or Action Re:** Adoption of Ordinance No. 15-03 amending the Town Code of the Town of Youngtown by amending Title 12 Streets, Sidewalks and Public Places by creating a new Chapter 12.10 Urban Camping, related to prohibitions against camping without a permit in parks, streets, and other public places.  
Mayor LeVault opened the discussion with concerns regarding an upsurge in the number of homeless occupying parks and public places in Town.
    - There have been homeless sleeping and storing belongings in Greer Park and at Uribe Park. People have been urinating in public and damaging facilities. Businesses are getting concerned.
    - This problem is not unique to Youngtown / the issue is across the Valley.
    - The problems are just more visible lately. The Valley was ramping up for Super Bowl and housing issues have become more apparent.
    - The Town cannot allow people to live in the parks and keep others from using Town facilities.
    - There are resources for the homeless and Youngtown supports these groups. The Mayor also recently learned of plans to place a homeless shelter in Youngtown, but neither building being considered is available. A Special Use Permit may also be required. There are also density concerns. Youngtown is unique given its compact size. The Mayor instructed the Town Manager and Town Attorney to examine possible zoning issues. However, even if there is not a shelter located in Town, there are shelters and resources across the Valley. There is no reason the Town has to let people live in Town parks.

Councilmembers Mello and Miller discussed the surge in homelessness and concerns for veterans. There are, however, protections for these groups as well and facilities that house veterans. The Town must be concerned with public health and safety issues, including substance abuse issues with a large transient population. The Town wants to make sure Town facilities are open to community groups, the public at large, and used in a safe and clean manner.

Councilmember Chittenden commented that she has seen people sleeping in the dog park after it is closed. There have been efforts to move tables to deter homeless populations from sleeping in the dog park.

Councilmember Mello thinks some of the recent uptick may be an influx from the riverbed.

Vice Mayor Duran expressed concern with a rise in panhandling in the Town.

Town Attorney Stuhan commented that there are two ordinances for the Council's consideration tonight. One is to address urban camping which prohibits not just the homeless but anyone in Town from using the parks and public areas improperly for the storing of personal belongings and camping. In terms of panhandling, there is also an aggressive solicitation ordinance for Council's consideration. The idea is not to prohibit panhandling, which is entitled to First Amendment protection, but to discuss reasonable time, place and manner restrictions on panhandling to deter acts that threaten the public health and safety.

Council discussed the legal constraints against regulating panhandling. Town Attorney Stuhan explained that nonprofit groups and others will often solicit money during the holidays (i.e., The Salvation Army). This type of behavior is expected and not unlawful. Similarly, the Town does not intend to prohibit people from holding up signs or asking for donations. However, certain behaviors associated with particularly aggressive forms of panhandling, such as soliciting monetary donations from people trying to make an ATM withdrawal or closely following someone and repeatedly asking for money, constitute threats to public health and safety. The ordinances before Council are aimed at providing the necessary tools to combat these types of behaviors.

Mayor LeVault noted that the Town needs to go after these types of offenses to protect Town residents. These types of behaviors harm the quality of life of residents. Some communities have failed to address these types of behaviors and the local communities suffer.

Town Manager Blackman said that MCSO supports the ordinance and is ready to start enforcing it if it is approved. People are bathing in the Town's sinks and sleeping on tables, gazebos, and congregating in public places in a way that prevents other residents from using these public spaces. There are liquor bottles in the parks and acts of public urination.

Mayor LeVault inquired as to the legality of selling 1-shot liquor bottles in the Town. He directed the Town Attorney to investigate the ability to regulate.

Council next discussed the penalties for violation of the proposed urban camping and aggressive solicitation ordinances. Town Attorney Stuhan explained that the ordinances have general misdemeanor penalties. Council also discussed the need to pass the ordinances on an emergency basis in order to immediately begin enforcement activities.

Councilmember Johnson was concerned for the homeless but did not want people using Town facilities for public camping. This is not an appropriate use of facilities. They were neither intended in this way nor appropriate for daily living. The Town needs safe parks.

Motion – Councilmember Mello  
Second – Councilmember Johnson  
Motion passed unanimously with a voice vote

**B. Discussion and/or Action Re:** Adoption of Ordinance No. 15-04 amending the Town Code of the Town of Youngtown by amending Title 9 Public Peace, Morals and Welfare by creating a new Chapter 9.05 Aggressive Solicitation, related to regulating aggressive solicitation in specific locations and manners.

Council discussed the types of behaviors prohibited by the ordinance and how far it would reach. For example, the Circle K has an ATM in Town and there are concerns about people intimidating residents as they withdraw money from the machine. It is also very uncomfortable and potentially dangerous when solicitors follow you around asking for money and continue requests when you've said no or are stuck in a small area and cannot move. Council discussed the goals of the ordinance and examples of threatening behaviors prohibited by the Code amendment.

Motion – Councilmember Miller  
Second – Councilmember Vickers  
Motion passed unanimously with a voice vote

**9. Call for Executive Session:**

No call was made.

**10. Future Agenda & Meetings:**

- A. Councilmember Johnson would like to consider making Town Librarian Heidi Speed's dog the Town mascot. Staff will investigate.
- B. Announcement of Special Council Meeting: Thursday, Regular Council Meeting on September 3, 2015 at 7:00 p.m.

Motion to adjourn: Councilmember Chittenden  
Second – Councilmember Mello  
Meeting Adjourned 7:48 p.m.

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**Michael LeVault, Mayor**

**Attest:**

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**Stacy Anderson, Town Clerk**

**Minutes approved at September 3, 2015 regular meeting.**

RESOLUTION NO. 15-20

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE POLICY AND ADMINISTRATIVE GUIDELINES MANUAL OF THE TOWN OF YOUNGTOWN, ARIZONA, BY AMENDING GUIDELINE 640 SICK LEAVE, RELATED TO THE DONATION OF SICK LEAVE FOR TOWN EMPLOYEES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to the Youngtown Municipal Code, Chapter 2.36 Personnel System, Section 2.36.030 Rules and Regulations, the Town Council may adopt by resolution rules and regulations concerning personnel administration for its employees.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Youngtown, Arizona, that the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, is hereby amended by amending Guideline 640 Sick Leave, to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution or any part of the Code or Policy and Administrative Guidelines Manual, adopted herein by reference, are hereby repealed.

FURTHER RESOLVED that if any section of this Resolution is held to be invalid by a court of competent jurisdiction all other sections will remain in full force and effect.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, THIS 3rd DAY OF SEPTEMBER 2015.

\_\_\_\_\_  
Michael LeVault, Mayor

ATTEST:

\_\_\_\_\_  
Stacy Anderson, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC,  
Town Attorneys  
By Trish Stuhan

**EXHIBIT A**

Guideline 640 Sick Leave

# ADMINISTRATIVE GUIDELINES

**Subject: Sick Leave**

Origination date: July 16, 2009

Revision date: September 3, 2015

Guideline number: 640

## **Purpose**

The purpose of this guideline is to establish how the Town will administer the accrual, use and payout of sick leave.

## **Policy Communication**

The policy establishing the Town's direction related to Attendance and Leave can be found in Policy #600.

## **Guidelines**

Sick leave is provided for regular and trial period employees, excluding temporary and seasonal employees, who become ill or injured and are unable to report to work, or whose immediate family members become ill or injured and the employee is needed to care for them. Sick leave is a privilege, not a right.

### **A. Use of Sick Leave**

Employees are encouraged to use sick leave for personal illness, injury or to care for immediate family members who may be injured or ill. Employees may also use their sick leave when unable to perform their duties by reason of physical disability, mental illness, severe emotional duress, necessity for medical or dental care, or exposure to contagious disease under circumstances by which the health of other employees or members of the public necessarily dealt with would be endangered by the attendance of the employee.

Employees may also use sick leave to care for an immediate family member. If the employee or the immediate family member has a serious health condition, as defined by the Family and Medical Leave Act, the leave taken may be accounted for under the provisions of the Family and Medical Leave Act, as described in Administrative Guideline #650.

### **B. Change of Employee Status**

When an employee is promoted, demoted, or transferred, he/she shall not lose accrued sick leave.

**C. Certification of Illness or Injury**

An employee on sick leave, either paid and/or unpaid, may be required at any time to provide a certificate from a physician verifying the illness or injury. If an employee is on sick leave, the Department Head may require that a physician's statement be submitted certifying that an employee is able to return to work and capable of performing their normal duties prior to allowing the employee to return to the work location. If an employee is on sick leave to care for an immediate family member, the Department Head may require that a physician's statement be submitted certifying that the employee is needed to care for their family member while the family member is sick. If the requested certificate is not provided, sick leave will not be allowed and the employee will be told to return to work by a specified date or be subject to disciplinary action. Time off will be unpaid unless the employee chooses to use accrued vacation or compensatory time.

**D. Transfer of Sick Leave**

Transfers of sick leave require that the contributing employee maintain a minimum balance of eighty (80) accrued hours for 40 hour a week employees after the transfer. Employees may not receive more than one hundred and sixty (160) hours of donated leave in a calendar year. Transfer authorizations must be signed by the contributing employee and submitted to payroll for processing.

**E. Outside Employment**

Employees are not allowed to work at outside employment while on sick leave.

**F. Abuse of Sick Leave**

Disciplinary action, up to and including termination, may be taken if an employee is using sick leave for purposes other than those defined in this Administrative Guideline.

**G. Upon employment termination, the Town will compensate the departing employee \$1.50/hour for unused sick leave. That monetary figure is subject to change without notice.**

RESOLUTION NO. 15-21

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE POLICY AND ADMINISTRATIVE GUIDELINES MANUAL OF THE TOWN OF YOUNGTOWN, ARIZONA, BY AMENDING POLICY 600 ATTENDANCE AND LEAVE, RELATED TO THE ACCRUAL OF VACATION LEAVE FOR TOWN EMPLOYEES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to the Youngtown Municipal Code, Chapter 2.36 Personnel System, Section 2.36.030 Rules and Regulations, the Town Council may adopt by resolution rules and regulations concerning personnel administration for its employees.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Youngtown, Arizona, that the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, is hereby amended by amending Policy 600 Attendance and Leave, to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution or any part of the Code or Policy and Administrative Guidelines Manual, adopted herein by reference, are hereby repealed.

FURTHER RESOLVED that if any section of this Resolution is held to be invalid by a court of competent jurisdiction all other sections will remain in full force and effect.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, THIS 3rd DAY OF SEPTEMBER, 2015.

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Michael LeVault, Mayor

ATTEST:

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Stacy Anderson, Town Clerk

**APPROVED AS TO FORM:**

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Curtis, Goodwin, Sullivan, Udall & Schwab, PLC,  
Town Attorneys  
By Trish Stuhan

**EXHIBIT A**

Policy 600 Attendance and Leave

# POLICY STATEMENT

**Subject: Attendance and Leave**

Origination date: July 16, 2009

Revision date: 9/3/2015

Policy number: 600

## **Purpose**

The purpose of this policy is to establish standard hours of work, holidays, vacation leave, and sick leave. In addition, this policy will establish the conditions under which Town employees may be granted time off from work.

## **Policy**

### **A. Hours of Work/Attendance**

Department Heads are responsible for establishing a schedule of regular working hours for their respective departments to ensure optimum service delivery to the Citizens of Youngtown. Employees are responsible for being at their work site during their scheduled work hours.

### **B. Holidays**

The following days shall be considered holidays for Town employees:

New Year's Day  
Martin Luther King Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Friday after Thanksgiving Day  
Christmas Day  
Floating Holiday\*

\*One (1) floating holiday is available to all regular status employees each fiscal year starting the July 1<sup>st</sup> after employment. Floating holidays must be scheduled with, and approved by, your supervisor at least 3 days in advance of the requested date. Floating holidays may not be carried forward to be used in the following year. Any abuse of a floating holiday will result in a loss of a floating holiday for the following fiscal year, and may result in other disciplinary action.

**C. Vacation Leave**

Vacation is provided to employees to ensure the mental and physical health and well-being of both the employee and the organization.

For employees entitled to vacation leave, accruals begin on the first day of employment. No employee shall take vacation leave during the first 90 days of employment or in excess of the amount accrued. Full-time non-exempt employees accrue vacation leave on the following basis:

Job Classification	Years of Service	Vacation Hours Earned per Pay Period	Maximum Balance
Full-time non-exempt and Trial Employees	15 or more years	6.1538	160
	10-14 years	5.54	160
	5-9 years	4.6153	160
	3-4 Years	3.6923	160
	0-2 Years	3.0769	160

Full-time exempt employees accrue vacation leave on the following basis:

Job Classification	Years of Service	Vacation Hours Earned per Pay Period	Maximum Balance
Full-time Exempt Employees	3 or more years*	6.1538	160
	1-2 years	4.6153	160

\*This accrual rate provides an extra 40 hours of vacation for exempt employees beginning in their third year of service.

1. Maximum Accrual

Hours over the maximum balance will be lost at the end of each fiscal year, unless the Town Manager provides written authorization for an employee to exceed their maximum balance.

2. Change of Employee Status

When an employee is promoted, demoted or transferred, they shall not lose accrued vacation leave.

3. Disciplinary Action

Forfeiture of accrued vacation leave as a disciplinary action shall not be authorized.

4. Compensation for Accrued Vacation Leave upon Departure

Departing employees shall be compensated their full pay rate for accrued vacation leave up to the maximum balance.

**D. Sick Leave**

Sick leave is provided for regular and probationary employees unable to report to work because of personal illness (to prevent infection of co-workers), or whose immediate family member becomes ill and the employee must care for the family member. Sick leave is not to be used for purposes other than those contained herein. The Town will monitor sick leave use and, when deemed appropriate, an employee may be counseled or referred to a physician or to a wellness treatment program.

Sick time accruals begin after the first 30 days of employment. Employees accrue sick leave on the following basis:

Employee Status	Accrual per Pay Period	Maximum
Full Time 40+ Hours Per Week	3.6923 hours	720
Part Time 31-39 Hours Per Week	2.7962 hours	720
Part Time 20-30 Hours Per Week	1.8642 hours	720
Part Time 1-19 Hours Per Week	1.0 hours	720

1. Discipline

Forfeiture of accrued sick leave as a disciplinary action shall not be authorized.

2. Promotions/Demotion/Transfers

When an employee is promoted, demoted or transferred, the employee will not lose accrued sick leave.

3. Transfer of Sick Leave

When an employee has used all forms of accrued leave and is unable to return to work because of a serious health condition, the Town Manager may permit the employee to request and receive sick leave from other employees in an amount not to exceed the limitations set forth in Guideline #640.

4. Compensation for Accrued Sick Leave upon Departure

Departing employees are compensated \$1.50/hour for accrued sick time up to the 720 hour maximum balance.

**E. Family and Medical Leave**

The Family and Medical Leave (FMLA) Act of 1993 intends to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. Under FMLA, eligible employees may take up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons:

1. For the birth and care of the newborn child of the employee;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member; or
4. To take medical leave when the employee is unable to work because of a serious health condition.

Moreover, eligible employees may take up to a total of 26 more weeks of unpaid leave during any 12-month period to care for a member of the Armed Forces who is undergoing medical treatment, recuperation,

therapy, is in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness.

**F. Other Paid Leave Categories**

The Town shall provide a mechanism for the following types of additional leave to be available to employees.

1. Military Leave
2. Funeral or Bereavement Leave
3. Jury Duty Leave
4. Election Leave
5. Injury Leave
6. Administrative Leave

**G. Workplace/Telecommuting**

1. The Town Manager may authorize employees to work at a centralized Town location, or at other sites to possibly include telecommuting.

**H. Effective Date**

1. This policy shall go into effect September 3, 2015.

RESOLUTION NO. 15-22

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE POLICY AND ADMINISTRATIVE GUIDELINES MANUAL OF THE TOWN OF YOUNGTOWN, ARIZONA, BY AMENDING POLICY 800 DISCIPLINE AND APPEAL PROCESS, TO CLARIFY THE TIME TO INITIATE THE APPEAL PROCESS AFTER AN ADVERSE PERSONNEL ACTION; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to the Youngtown Municipal Code, Chapter 2.36 Personnel System, Section 2.36.030 Rules and Regulations, the Town Council may adopt by resolution rules and regulations concerning personnel administration for its employees.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Youngtown, Arizona, that the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, is hereby amended by amending Policy 800 Discipline and Appeal Process, to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution or any part of the Code or Policy and Administrative Guidelines Manual, adopted herein by reference, are hereby repealed.

FURTHER RESOLVED that if any section of this Resolution is held to be invalid by a court of competent jurisdiction all other sections will remain in full force and effect.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2015.

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Michael LeVault, Mayor

ATTEST:

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Town Clerk

**APPROVED AS TO FORM:**

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Curtis, Goodwin, Sullivan, Udall & Schwab, PLC,  
Town Attorneys

**EXHIBIT A**

Policy 800 Discipline and Appeal Process

# POLICY STATEMENT

**Subject: Discipline and Appeal Process**

Origination date: June 30, 2009

Revision date: September 3, 2015

Policy number: 800

## Purpose

The purpose of this policy is to address conflicts that are disruptive to the workplace, establish procedures to be followed when employee conduct is inappropriate or in violation of Town policies or administrative guidelines, and to establish an appeal process in order to provide a just, effective, and equitable method for prompt resolution of problems in the workplace. Nothing in this Policy shall be interpreted to provide a right to appeal for at-will employees (which includes all employees hired after July 21, 2014).

### A. Discipline Policy

It is the policy of the Town to use a system of progressive discipline to address unacceptable work performance or behavior. The goal is to change unacceptable work performance and assist the employee in succeeding at the job. Progressive discipline is not required if the severity of the offense warrants more severe consequences.

The employee may be subject to any of the following disciplinary actions, depending on the severity of the offense and prior discipline history:

1. Supervisory Counseling
2. Letter of Instruction
3. Disciplinary suspension with or without pay
4. Demotion
5. Discipline held in abeyance
6. Termination

### B. Appeal Process

The purpose of the appeal process is to provide a just, effective, and equitable method for the prompt resolution of problems and/or concerns in a fair and expedient manner, without discrimination, coercion, restraint, or reprisal against any employee who may submit or be involved in an appeal.

It is the policy of the Town to provide for an orderly and informed process for employees to resolve their problems.

Employees must initiate the appeal process within five (5) working days of the appeal event. Administrative Guidelines #830 establishes the procedure, with timelines, for the management of employee appeals.

**RESOLUTION NO. 15-23**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, ADOPTING A POLICY RELATED TO THE USE OF SOCIAL MEDIA SITES, SOCIAL NETWORKING SITES, AND THE TOWN'S WEBSITE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the Town Council recognizes the value in using social media sites, social networking sites, and the Town's website to broaden communication regarding government services and facilitate greater citizen engagement;

**WHEREAS**, the Town Council finds that social media should be used prudently to facilitate accurate, timely, and appropriate public information;

**WHEREAS**, the purpose of the Town's Social Media Policy is to set forth the Town's goals, policies, and procedures relating to the Town's presence on social media sites and to regulate employees who are responsible for maintaining the Town's presence on social media;

**WHEREAS**, public comments may be allowed on the Town's social media sites regarding particular areas of public concern, provided users of the sites adhere to the Town's rules and regulations regarding posting prohibited content; and

**WHEREAS**, the Town Council has determined that the adoption of the policy attached hereto is in the best interests of the Town of Youngtown and its employees.

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of the Town of Youngtown, Arizona, adopts the Town of Youngtown Social Media Policy, attached as Exhibit "A" and incorporated by reference in this Resolution.

**BE IT FURTHER RESOLVED** that all resolutions and parts of resolutions in conflict with the provisions of this Resolution are hereby repealed. All policies in conflict with the provisions of this Resolution are hereby repealed and superseded by this Resolution.

**BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Youngtown, Arizona this 3<sup>rd</sup> day of September, 2015.

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Michael LeVault, Mayor

ATTEST:

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Stacy Anderson, Town Clerk  
Town of Youngtown

APPROVED AS TO FORM:

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Curtis, Goodwin, Sullivan, Udall & Schwab,  
P.L.C., Town Attorneys  
By Kelly Schwab

I hereby certify the above foregoing Resolution No. 15-23 was duly passed by the Council of the Town of Youngtown, Arizona, at a regular meeting held on September 3, 2015, and that quorum was present thereat and that the vote thereon was \_\_\_\_ ayes and \_\_\_\_ nays and \_\_\_\_ abstentions. \_\_\_\_ Council members were absent or excused.

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Stacy Anderson, Town Clerk  
Town of Youngtown

**EXHIBIT A**

## **TOWN OF YOUNGTOWN SOCIAL MEDIA POLICY**

This policy outlines the protocol and procedures for use of social media sites, social networking sites, and the Town website to publicize official town services and events. In addition, this policy addresses the responsibilities of individual employees and town officials with regard to social media and the use of Town resources, as well as responsibilities related to public records. Finally, this policy establishes guidelines for the public to follow in posting public comments on the Town's social media or social networking sites and the Town website.

### **1. DEFINITIONS:**

- 1.1 **Social Media.** Social media is defined as the various online technology tools that enable people to communicate easily, via the internet, to share information and resources. Social media includes, but is not limited to, social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. The technology for social media includes picture sharing, wall postings, electronic mail, instant messaging, and music sharing. Examples include, but are not limited to, Facebook, YouTube, LinkedIn, Twitter, Flickr, Nixle, Pinterest and news media comment sharing.
- 1.2 **Social Networking.** Social networking is defined as the practice of expanding the number of one's business contacts by making connections through web-based applications. Social networking relates to the use of internet-based applications to promote such connections and the sharing of information.
- 1.3 **Town Website.** The Town's website is defined as any website maintained by or for the benefit of the Town.
- 1.4 **Comments.** As used in this policy, comments on social media or networking sites include information, articles, pictures, videos or any other form of communicative content posted on a Town social media site by a member of the public.

### **2. FIRST AMENDMENT RIGHTS AND LIMITATIONS:**

- 2.1 **Town Employees.** Town employees have rights of freedom of speech, religion, and assembly under the First Amendment. The Town may impose certain restraints on job-related speech by an employee and on workplace speech. Employees shall not disclose, through social media, social networking or the Town website, confidential information of the Town or other information obtained as part of their job duties. If an employee believes that information is a matter of public concern, the employee should consult with the Town Manager prior to disclosure. All communications with the media by Town employees in their official capacity must be pre-approved by the Town Manager or his/her designee.

2.2 **Members of the Public.** The Town of Youngtown's social media sites, social networking sites, and the Town website are intended to serve as a means of communication between Town departments and members of the public. Where the Town of Youngtown invites the public to post comments on one of its social media sites, such as in the Community Voice section of the Town's website, the Prohibited Content guidelines in Section 6.2 shall apply to ensure that comments are related to the topic area presented and not obscene, profane, or otherwise prohibited. All comments posted to the Town's social media sites may be monitored.

3. **ADMINISTRATION OF SOCIAL MEDIA SITES, SOCIAL NETWORKING SITES, AND THE TOWN WEBSITE:**

The Town Manager's Office shall be the Town's official spokesperson for the Town's social media sites, social networking sites, and the Town website and, in that capacity, shall maintain the Town's official web presence including, but not limited to, any websites sponsored by the Town or any of the Town's Departments.

3.1 The Town Manager's Office shall administer security and monitoring measures for the Town's social media sites, social networking sites, and the Town website.

3.2 Department directors, managers, supervisors, and employees shall be responsible for assuring compliance with the provisions of this section.

4. **NO EXPECTATION OF PRIVACY:**

The Town reserves the right to use software and other available tools to monitor verbal and written communication, or discussions about the Town or its employees anywhere on the Internet, including blogs, other public social networking sites, and open communications.

5. **PUBLIC RECORDS:**

Any Town employee who manages the use of social media is responsible for preserving public records and maintaining them in accordance with A.R.S. § 39-101 and Town procedures. Such employees should coordinate with the Town Clerk, as the official custodian of Town records.

6. **USE OF SOCIAL MEDIA SITES, SOCIAL NETWORKING SITES, AND THE TOWN WEBSITE:**

6.1 **Employee Guidelines.**

6.1.1 Employee blogging or personal/private use of social media sites shall not disrupt or distract from the work environment.

Excessive or disruptive use of employee blogging or personal/private use of social media or social networking sites may result in disciplinary action, up to and including termination.

6.1.2 Employees shall not attribute personal statements, opinions, or beliefs to the Town of Youngtown when engaging in blogging or social networking for personal/private use. Employees shall not use Town logos, trademarks, photographs, or videos in their personal use of social media or social networking. Employees assume all risks relating to the use of social media and social networking, and the Town may require immediate removal of, and impose discipline for, material that is disruptive to the workplace or impairs the mission of the Town.

6.1.3 Employees are prohibited from disclosing confidential information or information that could breach the security of the Town or the Town's computer network.

6.1.4 Use of social media sites and participating in social networking by any Town Department or employee when representing the Town shall first be approved by the Town Manager's Office.

6.1.5 Use of social media of a business nature, such as LinkedIn, or a members-only site maintained by a professional organization approved by the Town may be permitted for professional use by Town Employees or Departments.

6.1.6 All requests for using third-party websites and services to advertise Town business, events, or services shall first be submitted to the Town Manager for review and approval. All Town-related content posted on third-party websites shall comply with Town web standards. Video may only be posted on outside sources (such as YouTube) by or with the consent of the Town Manager's Office. Content posted on any third-party website shall include a clear statement that any reuse, reproduction or alteration of the content is prohibited.

## 6.2 **Comments by the Public.**

6.2.1 The "Prohibited Content Notice" in Section 6.2.2 shall be displayed to users or made available by hyperlink on each social media site, social networking site, or Town website that permits public comments.

6.2.2 "PROHIBITED CONTENT NOTICE: The Town of Youngtown encourages your comments, concerns and questions

regarding any of the topics on this page but will remove the following types of posts:

- Off-topic comments.
- Comments that promote, foster, or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law.
- Profane language or content.
- Obscene or sexual content or links to obscene or sexual content.
- Conduct or encouragement of illegal activity.
- Information that may compromise the safety or security of the public or public systems or employees.
- Content that violates a legal ownership interest of any other party.

The public comments expressed on this site do not reflect the opinions or position of the Town of Youngtown, its officers, or its employees. If you have any questions or would like to report a comment in violation please contact the Town Clerk.”

6.2.3 The Town reserves the right to restrict or remove any content that is deemed in violation of the Prohibited Content Notice or any applicable law.

6.2.4 Any participants on the Town’s social media sites, social networking sites, or the Town website who are in continual violation of the posting/commenting guidelines may be permanently removed from the Town’s site.

6.2.5 Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available in accordance with the Town’s retention policy.

## **7. TOWN WEBSITE:**

All content posted to the Town website shall receive prior approval from the Town Manager’s Office and be posted in compliance the following policies.

- 7.1 The Town of Youngtown shall maintain only one official website. Its web address is <http://www.youngtownaz.org/> and Town departments may have pages on the website.
- 7.2 The purpose of the Town website is to provide the residents of Youngtown and the general public with information about the Town of Youngtown, its governance, and public events.
  - 7.2.1 The Town Manager will work with the Town Clerk to post agenda, minutes, and supporting documentation for all meetings of public bodies of the Town including, but not limited to, the Common Council of the Town of Youngtown.
  - 7.2.2 The Town is not responsible for the reliability, accuracy or functionality of links to third-party websites that it posts on the Town website.
- 7.3 The Town website will contain accurate and timely information regarding the Town of Youngtown.
  - 7.3.1 Department heads are responsible for ensuring that they provide the Town Manager with appropriate updates to maintain accurate information about their department on the Town website.
  - 7.3.2 In the event an error is discovered in a posting, a prompt correction must be issued on the Town website, noting the error and the correct information.

8. **SUSPENSION OF SERVICES:**

The Town of Youngtown reserves the right to temporarily or permanently suspend access to Town social media sites, social networking sites, or the Town website at any time.