

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4th Street**

**5:30 PM**

**AGENDA**

**Tuesday, February 2, 2016**

**REGULAR MEETING**

**CALL TO ORDER AND ROLL CALL**

**INVOCATION**

The invocation will be given by Pete Ernst of Manzanita Baptist Church

**PLEDGE OF ALLEGIANCE**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

**1. APPROVAL OF MINUTES**

- a. The Work Session minutes of January 7, 2016**
- b. The Regular Meeting and Executive Session minutes of January 19, 2016**

**2. APPOINTMENTS**

**a. Appointments to Historic Preservation Commission (HPC)**

The HPC currently has three vacancies: two full terms that will expire in December, 2018 and one partial term that will expire in December, 2017. In addition to these three vacancies, one member had over three unexcused absences during 2015 and may be removed from the commission per Kingman Municipal Code. The HPC was unable to meet in November, 2015 to review candidate applications due to lack of attendance. The HPC meets quarterly and will have its next Regular Meeting on February 23, 2016. **Due to issues obtaining quorum, Staff recommends Council appoint members from the following candidates: Jim Hinckley and Scott Dunton.**

**3. AWARDS/RECOGNITION**

**a. Proclamation: Women making history month**

**4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

**5. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

**a. Special event liquor license**

Applicant Regina Musumeci of the Kingman Powerhouse Kiwanis has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, March 19, 2016 from 3 P.M. to 11:00 P.M. at Beale Celebrations, 201 N. 4th Street in Kingman. **Staff recommends approval.**

**b. Replace Court fax machine**

The Court needs to purchase a fax machine to replace the 10 year old machine that we have. The current fax machine is beyond repair due to the age and degradation. The Court would like to purchase a Xerox MFC 3325 from Copier Source. Copier Source is the only business that is Xerox Certified in sales & service/repair. All supplies such as toner cartridges are provided at no additional cost. The Court is asking to purchase the fax machine from our Court Enhancement Fund. This fund has been established for the Court to be able to make required purchases that affect Court operations. **Staff recommends approval.**

**c. Resolution 4995: amending classification and compensation plan**

By a majority vote of the Council on January 19, 2016, Council approved changing the FLSA status for the Police Lieutenant classification from FLSA Exempt to FLSA Non-Exempt eligible for overtime. Resolution 4995 will amend the classification and compensation plan for Fiscal Year (FY) 2015/2016 to reflect the change. **Staff recommends approval.**

**d. Fiscal Year 2016-2017 budget calendar**

At the Council work session on January 7, 2016, Council reviewed the preliminary budget calendar for Fiscal Year (FY) 2016-2017. With Council's decision to postpone the property tax measure, the budget calendar has been updated to remove the adoption of tax levy date. Additionally, there was a change to the February timeline. These changes did not impact any of the Council work session dates. All other dates remain the same as originally provided. **Staff recommends Council adopt the FY 2016-2017 budget calendar as drafted.**

**e. Resolution 4993: authorizing the mayor to sign a professional services contract with HintonBurdick, PLLC**

On January 19, 2016, Council awarded HintonBurdick, PLLC the professional auditing services contract for the City's annual financial audit for Fiscal Years (FY) 2015-2019. The contract's term is for five years and can be extended for additional one-year terms thereafter. The contract can be terminated at any time given 90 days written notice. **Staff recommends Council authorize the Mayor to sign the professional services contract to engage in professional auditing services with HintonBurdick, PLLC for FY 2015-2019.**

**6. OLD BUSINESS**

**a. Reconsideration of CUP15-001: Central Christian Church at 112 North 4th Street to operate a "Public Assembly-Indoor Use (Church)"**

On December 15, 2015 the Council failed to adopt a motion to award a conditional use permit (CUP) for the Central Christian Church to operate a "Public Assembly-Indoor" use at 112 North 4th Street (CUP15-001). On January 19, 2016 the Council passed a

motion to reconsider the CUP for Central Christian Church with the conditions of a one year review, a five year expiration by a vote of the Council, and prohibiting the operation of soup kitchens, methadone clinics, etc. **Based on the findings that the applicant will conform to the Standards for Review, the Findings of Fact, and that the Required Findings are met, the Planning and Zoning Commission and Staff recommend approval of this CUP.**

**b. Public Hearing and consideration of Ordinance 1809: modifying Ordinance 1189 by removing Condition “B” of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions**

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of Condition “B” of Ordinance 1189 which rezoned property including the subject site to R-1-20: Residential, Single Family, 20,000 square foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, Condition “B” of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet and the intent is to split the property into two parcels for two single family homes. The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. On December 1, 2015 the Council held a public hearing to consider this request. The Council voted 5-1 to send this item back to the Planning and Zoning Commission for further consideration and instructed the applicant to provide a proposal showing how the property will be split. On January 12, 2016 the Planning and Zoning Commission reviewed an exhibit provided by the applicant indicating how the property would be split. The proposal will meet the requirements of the R-1-20 zoning district and will not increase the density above one residence per 30,000 square feet if the adjoining open space/drainage parcels are included in the calculation. **The Planning and Zoning Commission voted 4-3 to recommend denial of the request. Ordinance 1809 has been prepared with Staff recommended conditions for the Council’s consideration.**

**c. Update on Water Infrastructure Finance Authority (WIFA) refinance request**

In September, 2015 Council voted unanimously to direct Staff to make a formal request to WIFA asking them to refinance the City's Hilltop Wastewater Treatment Plant (HTWWTP) loan at a current market rate and extend the loan term by two years. WIFA staff has received and reviewed the City's request and will be meeting with Staff on February 1, 2016 to discuss their analysis and recommendations to the WIFA Board, who meets on February 17, 2016. **Staff will provide Council with an overview of WIFA's recommendations and the impact each will have on the Wastewater Fund. The WIFA Board will make the final decision on whether or not to approve any of the recommendations presented.**

**7. NEW BUSINESS**

**a. Council handbook**

Councilmember Miles asked Staff to research Council rules of decorum and procedure. The City Attorney's Office and City Clerk's Office located several Arizona examples. **Staff would like the Council to review the examples and provide guidance and direction.**

**b. Limit time for Council Meetings**

Councilmember Yocum would like discussion and possible action on putting a time limit on how long Council Meetings last. **Council discretion.**

**c. Direction on proposed concession agreement at the Powerhouse**

Staff was approached by Wild West Coffee about placing a kiosk for the sale of drinks and snacks inside the Powerhouse. Under a proposed concession agreement Wild West Coffee would pay 10% of their sales to the City on a monthly basis. The kiosk would need to be connected to water, sewer, and higher voltage power. The only location accessible to water and sewer is upstairs between the museum entrance and the photo gallery, which would require the kiosk to be lifted into place upstairs. The kiosk consists of three units that are approximately 3 feet wide by 10 feet long and weighing 500 pounds each. Staff received quotes for the required work ranging from approximately \$4,000 to \$8,000. **Staff is requesting direction from Council on whether to proceed with the concession agreement and authorization to spend City funds to complete the required work to allow the kiosk. Staff does not recommend utilizing City funds for the required improvements.**

**d. Reclassification of City Electrician**

This is a request to reclassify the City Electrician 1 position to a City Electrician 2. This will help recruiting to fill a position recently vacated by the retirement of Rick Pierce. The first recruitment was unsuccessful due to the current compensation plan for the position. **Staff recommends the reclassification of the City Electrician 1 to City Electrician 2.**

**8. REPORTS**

**Board, Commission and Committee Reports by Council Liaisons**

**9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

*Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.*

**ADJOURNMENT**



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** City Clerk's Office  
**MEETING DATE:** February 2, 2016  
**AGENDA SUBJECT:** The Work Session minutes of January 7, 2016

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**SUMMARY:**

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Approve the minutes.

**ATTACHMENTS:**

Description

Work Session minutes of January 7, 2016

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Roper, Erin	Approved	1/20/2016 - 12:03 PM

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Kingman Police Department  
2730 E. Andy Devine Avenue**

3:30 P.M.

**MINUTES**

Thursday, January 7, 2016

**WORK SESSION MEETING OF THE COMMON COUNCIL**

**Mayor:** Richard Anderson; **Vice-Mayor:** Carole Young; **Council:** Mark Abram, Larry Carver, Kenneth Dean, Jen Miles, Stuart Yocum

**Officers:** John Dougherty, City Manager; Carl Cooper, City Attorney; Tina Moline, Finance Director; Sydney Muhle, City Clerk; Erin Roper, Deputy City Clerk and Recording Secretary

**ALL WORK-SESSION ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.** The primary purpose of work session meetings is to provide the City Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or City Manager to do so. The Mayor may limit or end the time for such presentations.

**CALL TO ORDER & ROLL CALL  
PLEDGE OF ALLIGENCE**

Mayor Anderson called the meeting to order at 3:43 P.M. All councilmembers were present except for Councilmember Yocum, who was absent. The Pledge of Allegiance was said in unison.

**1. Discussion and Direction Regarding Plans for the annual July Fourth celebrations**

Staff is seeking direction from Council regarding planning for the City of Kingman's annual July Fourth celebrations and whether to pursue plans for a fireworks show or a community block party.

Mayor Anderson asked if there were any objections to allowing a woman from Valle Vista to speak on the July Forth celebrations topic. There were no objections.

Councilmember Yocum arrived at 3:45 P.M.

Valle Vista resident Judy Landell asked the Council to consider a joint July Fourth celebration between the City of Kingman and Valle Vista. Ms. Landell stated Valle Vista had a safe location for fireworks, would provide activities, food, music, security and fireworks. Ms. Landell stated transportation was available to bring Kingman residents to Valle Vista for the day.

Mayor Anderson asked Ms. Landell to leave her contact information.

City Manager John Dougherty asked the Council to decide between budgeting for fireworks or a block party. Mr. Dougherty stated the block party was a success, though there probably would have been a larger crowd for fireworks. Mr. Dougherty stated working with Valle Vista was also an option.

Vice-Mayor Young stated Centennial Park was the best place for a block party and asked if there were any events scheduled in the park.

Mr. Dougherty stated he did not know the tournament schedule.

Councilmember Abram stated the block party was a good community building event and it was important to hold one even if fireworks were added.

Councilmember Miles agreed the block party provided more opportunity for interaction in the community and stated there were ways to be festive without fireworks.

Councilmember Dean agreed the block party was a good idea.

Councilmember Yocum stated he liked the block party, but also liked fireworks. Councilmember Yocum stated there was a lot of disappointment when the fireworks were cancelled. Councilmember Yocum stated the City should contribute to the Valle Vista fireworks in order to give people the option of both events.

Councilmember Carver stated he was persuaded to push for fireworks.

Mayor Anderson stated the general direction was a block party as well as communicating with Valle Vista to decide if the City wanted to be a part of the fireworks celebration.

Councilmember Yocum stated the block party should be an even bigger success than last year since there would be more time to plan it.

Vice-Mayor Young stated Mr. Dougherty, Staff, and volunteers did a superb job last year with the block party.

Mr. Dougherty stated he followed the direction of event coordinator Dora Manley and she deserved the credit.

City Clerk Sydney Muhle stated the final presentation for the July Fourth celebration would be given during the budget work session.

## **2. Discussion of Regarding the 2016 Property Tax Election**

The Council will discuss the options for a potential levy amount to pursue in the May 2016 Election which the Council directed staff to proceed with at the December 15, 2015, Regular Meeting. This item is for planning purposes only. The final proposed levy amount will be voted on by the Council at the January 19, 2016, Regular Meeting.

Finance Director Tina Moline displayed slides for the Council, which are included at the end of this report. On slide one Ms. Moline stated the majority of the information in the presentation was provided at the October, 2015 meeting. Slide two displayed the current General Fund structure adopted in Fiscal Year (FY) 2016. Ms. Moline stated 54% was generated from the 2.5% Transaction Privilege Tax (TPT). Ms. Moline stated the second largest contributor was state shared revenues and 34% was related to state sales tax. Ms. Moline stated 64% of the General Fund structure was driven by the economy, which was why a property tax was more reliable and stable than a sales tax. Ms. Moline reviewed the information on slide three. Ms. Moline stated the Council could reduce the amount of tax levied in a particular year. Ms. Moline stated the Council needed to remember there would be a 10% delinquency rate that would reduce the amount of money going into City coffers. On slide four Ms. Moline stated the illustration on the slide shifted the FY 2017-2019

monies from sales tax to a property tax line item. Ms. Moline stated this was done with the assumption that the property tax would replace the expiring 0.5% TPT in FY 2016, not FY 2017. Ms. Moline stated she projected a 2% increase in overall revenues and a 2.9% increase in total expenditures, which would create a larger gap between revenue and expenditures as the years progressed and a decrease in the General Fund balance. Ms. Moline stated the estimates were for replacing the TPT and not generating any further revenue. Ms. Moline stated the City was required to maintain a 25% balance in the General Fund. On slide five Ms. Moline stated public safety was a large portion of the operating budget and it included a component the City could not control, which was public safety retirement contributions. Ms. Moline stated the City was mandated to contribute to the system and there would be another mandatory increase in contributions totaling approximately \$200,000. On slide six Ms. Moline stated the next three slides were discussed in November, 2015 and divided the priorities into budgeted expenses and capital improvement projects. Ms. Moline reviewed slides six, seven and eight. On slide nine Ms. Moline stated there was a lot of discussion about other departments' capital improvement projects, which were included on the slide. Ms. Moline stated the City did not have the funding for all the projects and could not begin to require it, but the data showed the bevy of priorities. On slide 10 Ms. Moline stated there were five different scenarios that showed how different levy amounts would impact property owners. Ms. Moline stated there were historical assessed property values at the bottom of the slide.

Mayor Anderson stated the City generated \$14.5 million dollars in revenue with the 2.5% TPT with \$2.9 million due to the 0.5% TPT. Mayor Anderson stated the City budgeted for \$14.1 million this year, though whether it would hit that mark was unknown. Mayor Anderson stated 200 residential building permits were issued in the last 12 months, which could increase if jobs in the area increased. Mayor Anderson stated the basic history for retail in the area showed that many people were shopping online instead of in the City limits and the City needed to attract the type of retail options people would be willing to buy locally. Mayor Anderson stated large online retailers were driving small business out and the trend reinforced the need to find a stable revenue source for the City. Mayor Anderson stated people wanted to know what their taxes would be going towards and the Council needed to do a better job selling the property tax in order to have it passed by voters.

Councilmember Miles stated the continuing deficit in the General Fund meant the property tax would not improve the City's financial situation. Councilmember Miles stated the projects would increase the City's debt and hurt its credit. Councilmember Miles stated she would not be able to sell a property tax that did not solve any problems. Councilmember Miles stated she understood the estimates were conservative, but it would leave the City in the red by FY 2019. Councilmember Miles stated the Council would not have created a good budget until the finances looked solid for five years. Councilmember Miles stated transparency and fiscal health were very important and in order to sell a property tax to the community it needed to benefit something they were willing to pay for. Councilmember Miles stated she could not support the proposed property tax and did not think the public was ready to support it.

Councilmember Dean stated the public input he received pointed to a lack of support. Councilmember Dean stated the public felt that the 0.5% TPT they paid now was not very noticeable. Councilmember Dean stated the public would not support a property tax and the Council needed more time to provide information and a plan for the collected funds.

Vice-Mayor Young stated the City needed a strategic plan. Vice-Mayor Young stated many people understood the property tax would help construct a new fire station and other improvements, but just replacing the expiring 0.5% TPT did not accomplish enough. Vice-Mayor Young asked if the City could charge a tax on services as people seemed more receptive to a service tax.

Ms. Moline stated labor was exempt in the City Tax Code.

Vice-Mayor Young asked if it could be changed.

Ms. Moline stated it could possibly be changed.

Councilmember Carver stated a tax on services would shift the dynamic of business.

Councilmember Dean asked if it would drive people to businesses located in Mohave County.

Councilmember Abram stated the biggest concern was making sure people understood they would be taxed on the assessed value of their property, not the retail value of their home. Councilmember Abram stated the estimate would be \$14 per month on a property assessed at \$100,000. Councilmember Abram stated a person would have to spend \$2,800 in goods per month to make up that cost in sales tax. Councilmember Abram stated this was a worse deal for homeowners, but it would be less than Mohave County property tax. Councilmember Abram stated he liked that the rate would be less than Mohave County, but the City would probably have to increase sales tax as well.

Councilmember Dean stated that was true unless the City cut some spending.

Mayor Anderson stated Interstate 40 (I-40) and Interstate 11 (I-11) were in commerce corridors that would eventually grow. Mayor Anderson stated the City would not be able to annex property without a property tax, which would prevent the City from becoming a larger economic force in the state of Arizona.

Councilmember Abram stated using a property tax for public safety would be similar to the Mohave County fire districts.

Councilmember Miles stated 50% of the General Fund was already spent on public safety, which meant a property tax would not increase services to the public. Councilmember Miles stated the public would not see any noticeable differences in services and in order to levy a larger amount the Council need to demonstrate the benefit. Councilmember Abram stated the City needed to determine foundation projects, a strategic plan, a budget, and a marketing initiative that united the City and the community. Councilmember Miles stated the community would be brought into a vision they are willing to pay for that consisted of conceptualized goals and the dollar amounts needed to pay for them.

Councilmember Dean stated the public needed more details, not just a broad promise of better fire and police service.

Mayor Anderson stated the Council needed the support of local businesses and realtors. Mayor Anderson stated the City ran the risk of becoming a suburb of Golden Valley even though Kingman had a lot more services to offer. Mayor Anderson stated he believed Kingman Regional Medical Center (KRMC) would support the property tax, but the Council needed other partners. Mayor Anderson stated he was not sure if the Council would have the time to secure necessary partnerships.

Councilmember Miles stated she did not think the Council could accomplish it. Councilmember Miles stated her priority list included a professional services contract to coordinate efforts with all the entities Mayor Anderson listed in order to create a vision and foundation for the future.

Councilmember Carver stated the Council needed to remember that Staff was directed to come up with the presented scenario of replacing the expiring 0.5% TPT. Councilmember Carver stated he wanted to levy \$6 million. Councilmember Carver stated the Council needed to consider roads, water and sewer service in

addition to public safety. Councilmember Carver stated the City had 15 miles of unpaved roads and well maintained roads would be one of the benefits citizens would get for their money. Councilmember Carver stated the City needed to keep its infrastructure upgraded for traffic or it would not need police and fire services because it would become part of Golden Valley. Councilmember Carver stated no one wanted to pass a tax, but for the past 30 years people were blessed to not pay for the services they received. Councilmember Carver stated the City would have to cut services if it did not have a revenue source and that was not a threat, but a reality. Councilmember Carver stated the City was behind on road maintenance and other services. Councilmember Carver stated he did not want to pay any more money, but he was willing to pay for his town. Councilmember Carver stated he believed there was a property tax exclusion for those facing severe financial hardship. Councilmember Carver stated emergency services were not in place for the visiting public, but the residents. Councilmember Carver stated the residents needed to maintain their town. Councilmember Carver stated travelers researched tax rates and scheduled extensive stops in areas with lower tax rates. Councilmember Carver stated people told the Council they would take their business out of town or online when the sales tax was increased. Councilmember Carver stated people currently paid for services they may not use; for example, people without children in school that paid taxes to support the schools. Councilmember Carver stated the Council could not change a person's vision of what a tax was, but they could ask an individual to examine what services they received for their money. Councilmember Carver stated he hated strategic plans as they did nothing other than sit on a shelf.

Councilmember Miles asked how the Council would assure the community that the money would be used on roads. Councilmember Miles stated she knew the results of people coming together on a plan and vision. Councilmember Miles agreed that \$3 million would not advance the City's goals, but doubling the amount would take a lot of selling.

Vice-Mayor Young asked if the property tax would go into the General Fund and whether it could be used for water or sewer services.

Ms. Moline stated the funds would go into the General Fund and it was possible to do an inter-fund transfer in order to have the money to make improvements.

Mr. Dougherty stated it was possible to transfer money into, but not out of, an enterprise fund.

Councilmember Dean asked what percentage of Kingman households were considered "fixed income." Councilmember Dean stated many people in Kingman could not afford a property tax no matter what they got out of it.

Vice-Mayor Young stated a property owner could deduct property tax from income tax.

Councilmember Carver stated low income earners were most likely not itemizing and there was a form they could fill out for the property tax exclusion benefit.

Councilmember Miles stated many people wanted to retain the 0.5% TPT.

Vice-Mayor Young stated she did not think the Council would succeed in passing a \$6 million levy.

Councilmember Abram stated the City's property tax rate should not be higher than Mohave County's rate.

Mayor Anderson stated it took a catastrophe for people to realize what services they needed, but the Council should not let it get to that point.

Councilmember Yocum stated the only supporters of the property tax were former elected officials and most people did not understand how important the tax was.

Vice-Mayor Young stated people on the east side of the City realized it was important because they wanted a fire station, but others, especially those on a fixed income, did not.

Councilmember Yocum stated the City needed the stability of the property tax and could not continue barely staying afloat financially.

Vice-Mayor Young stated many of the people she spoke with supported the property tax, especially business owners who did not want to see the sales tax increase. Vice-Mayor Young stated high sales tax drove people outside the City limits, especially for big ticket items.

Councilmember Dean asked if the City sales tax was lower than Lake Havasu City and Bullhead City.

Ms. Moline stated Lake Havasu City and Bullhead City were at 2%, which was lower.

Councilmember Miles stated the timing was not good to ask for a property tax. Councilmember Miles stated the City needed to demonstrate it could handle the money. Councilmember Miles stated the City may need to hire a professional services consultant to review job descriptions and processes and provide an objective opinion of Finance Department operations.

Mr. Dougherty stated he and Ms. Moline were working on that issue and would report on it at a later date. Mr. Dougherty stated the City could implement a food tax or gas tax if the property tax did not pass. Mr. Dougherty stated every department has been cut back except public safety and cutting back in that area would be noticeable to everyone.

Councilmember Miles stated she did not want to sell a tax based on fear. Councilmember Miles stated people responded better to positive spins and opportunity.

Vice-Mayor Young stated the mandatory public safety contributions severely hurt the City and the public did not understand that issue.

Mr. Dougherty stated the firefighters also did not understand it and they did not understand how much more money they received than the average employee.

Councilmember Miles stated she was not sure the City could implement a gas tax.

City Attorney Carl Cooper stated he would need to research whether the City could implement a gas tax.

Mayor Anderson stated Coconino County and Flagstaff split a 1% gas tax.

Mr. Cooper stated it was a transportation excise tax, which counties had the authority to enact; however, cities did not have the power to enact one.

Mayor Anderson asked Mr. Cooper to find out how Coconino County and Flagstaff arranged the 1% split.

Ms. Muhle reviewed the property tax timeline, which is included at the end of this report.

Mayor Anderson stated the City should retain the 0.5% and try for a \$3 million property tax.

Mr. Cooper stated the City could only provide factual information and could not provide pros or cons for the property tax. Mr. Cooper stated the Council must sell the property tax and the City could not provide any resources for councilmembers to use.

Vice-Mayor Young stated the Council needed to be consistent and use the same materials.

Mayor Anderson stated he was meeting with the Kingman-Golden Valley Association of Realtors and would ask Staff to forward the materials he created and paid for to the other councilmembers.

Councilmember Abram stated the Council should levy \$4 million, which would be 20% less than Mohave County taxes. Councilmember Abram stated the City would need to increase revenue by bringing in more businesses or cut spending by 10% to achieve a break even budget with the \$4 million levy.

Councilmember Carver stated a balanced budget would not accomplish the goals set for improving roads, sewer, and fire stations.

Councilmember Abram stated the Council needed to push economic development.

Councilmember Dean stated the City would need to trim spending and there was always a way to do that.

Mr. Dougherty stated the City could always cut services, but the constituents depended on the services. Mr. Dougherty stated an example of an option was to cut funding in the Development Services Department, which would lead to fewer inspectors and delays in permit review.

Councilmember Miles stated there were measures the Council could take without a vote, such as implementing a food tax. Councilmember Miles stated the Council could take temporary measures to allow enough time to create something meaningful to sell to the public.

Councilmember Carver stated the Council could tax its citizenship without their input or it could go to the people and ask for a property tax, which could be temporary as it was removed in 1980. Councilmember Carver stated people had a negative attitude and were resistant to pay for the services they were using.

Vice-Mayor Young stated the City made major cuts in the budget since 2008.

Ms. Moline stated the City was very conservative in its budget numbers in order to have the fund balance to cover any overage. Ms. Moline stated the City did not typically exceed revenues.

Councilmember Dean stated the information in the presentation was probably the worst case scenario.

Mr. Dougherty stated the City would never let it get to that point as something would be done before that level.

Councilmember Miles stated she would not vote to extend the sales tax in 2017 as she made a pledge to the people. Councilmember Miles stated the sales tax rate was higher than Bullhead City and Lake Havasu City and Kingman needed to be competitive with those cities. Councilmember Miles stated she could not support a \$3 million property tax levy because it would not improve the City's finances.

Vice-Mayor Young stated the property tax was the only option for a permanent revenue source and if it was voted down the Council would need to examine a food tax.

Mayor Anderson stated the City's sales tax was higher, but the other communities were paying additional taxes and fees for services. Mayor Anderson asked if the councilmembers would support a levy of \$4 million.

Councilmember Yocum stated he would support \$4.5 million.

Councilmember Carver stated the amount should be \$6 million, but the Council needed to be unified in the decision. Councilmember Carver stated there was no point in spending the money on the election if the Council was not unified.

Ms. Moline stated a property tax levy amount of close to \$6 million was placed before the voters in 2003.

Ms. Muhle stated she could provide a canvass of the 2003 vote at the January 19, 2016 Regular meeting.

Councilmember Dean stated the City needed the revenue, but he did not think the voters would approve a property tax. Councilmember Dean stated he did not want to waste the money on the election and felt the timing was poor.

Councilmember Carver stated pursuing a property tax was not worth it if even one councilmember did not support it, which meant Staff would need to look at other options.

Councilmember Miles stated the amount needed to be determined before she would support it. Councilmember Miles stated the City needed a property tax, but she did not think she could sell it at this time.

Ms. Moline stated the Council needed to remember the 10% delinquency rate, which would make the total levy amount \$6.7 million in order to receive \$6 million.

Councilmember Abram stated that levy amount would place the City's rate at approximately \$1.00 more than Mohave County. Councilmember Abram stated the City rate needed to stay under Mohave County's rate in order to be able to sell the idea to the voters. Councilmember Abram stated the business owners supported the property tax event though they would pay more money due to the higher value of commercial property. Councilmember Abram stated people could move out of the City, but in Mohave County they would pay for services such as fire districts.

Mayor Anderson asked if there were any councilmembers who would not support a levy of \$5 million.

Councilmember Abram stated he would not as it would put the City rate at \$2.80 higher than Mohave County.

Councilmember Dean asked if the majority of the Council was willing to risk money on the election because he did not think a property tax would pass.

Mayor Anderson stated the Council needed to decide what a levy of \$4.5 million would represent in services to the community.

Councilmember Miles stated the Council needed another meeting to accomplish that.

Councilmember Yocum stated he did not want to have another work session where the Council beat around the bush.

Councilmember Carver stated the Council needed to focus on the long term, not short term. Councilmember Carver stated the City would be stuck with the levy amount and would not be able to increase it if needed.

Mayor Anderson stated the Council would not be able to convince people that the City would assess less than the levy amount.

Councilmember Carver stated he would not tell the citizens the City would assess less.

Councilmember Abram stated he would support \$6 million if the Council decided to try for that amount, but he believed \$4.5 million was an easier message.

Councilmember Dean asked if the councilmembers were confident they could convince the citizens the tax was needed.

Councilmember Carver stated he was confident the Council could show that the City needed the tax, but could not guarantee the citizens would vote for it.

Mayor Anderson stated the property tax would pass with 50% of the vote plus one. Mayor Anderson asked if the Council could agree on supporting \$4.5 million.

Councilmember Miles stated she would not go any higher as it would have a huge impact on people. Councilmember Miles stated the Council would need to look at other sources as \$4.5 million would not result in enough revenue.

Vice-Mayor Young stated she agreed with Councilmember Carver that the Council needed to look at the long term picture. Vice-Mayor Young stated the Council would need to increase sales tax or implement a food tax and the citizens would ask why when a property tax had also been established.

Councilmember Dean stated he did not think the property tax would pass and wanted an amount of less than \$4.5 million.

Councilmember Miles stated she was torn between \$4.5 million and \$6 million.

Ms. Moline stated she could provide scenarios for both amounts at the January 19, 2016.

Councilmember Miles asked if the Council could forward their ideas for the use of the property tax to Mr. Dougherty.

Ms. Muhle stated the Council could have another work session to address goal setting later in the month.

Councilmember Miles stated the ideas could be used to support the idea of a property tax.

Mr. Dougherty stated the Council would not be able to ask for a property tax for another two years if it did not ask in the May, 2016 election.

Vice-Mayor Young stated she felt it would pass as the majority of voters were in the east bench of the City and they wanted the property tax in order to improve fire response.

### 3. Council Planning and Goal Setting Session

Discussion and/or Direction for the City Manager

The Council did not address this topic.

### 4. Set FY2015-16 Preliminary Budget Calendar

In anticipation of the budget meetings resulting in the final adoption of the budget in June, 2016, staff requests that Council confirm the dates of availability for the upcoming budget workshops and meetings. A pre-budget priorities work session in mid-march followed by a budget work session in May are suggested. Additional work session or agenda items can be scheduled if needed. This item is to check availability only. Final dates for these meetings will be set at the January 19, 2015 meeting. **Staff recommends Council discuss budget process expectations and set the preliminary budget calendar.**

Mayor Anderson asked if there were any objections to the primary budget calendar. There were no objections.

Councilmember Abram made a MOTION to ADJOURN. Vice-Mayor Young SECONDED and it was APPROVED by a vote of 7-0.

### ADJOURNMENT – 5:45 P.M.

ATTEST:

APPROVED:

\_\_\_\_\_  
Sydney Muhle  
City Clerk

\_\_\_\_\_  
Richard Anderson  
Mayor

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

### CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Work Session Meeting of the Common Council of the City of Kingman held on January 7, 2016.

Dated this 2<sup>nd</sup> day of February, 2016.

\_\_\_\_\_  
Erin Roper, Deputy City Clerk and Recording Secretary

DRAFT



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** City Clerk's Office  
**MEETING DATE:** February 2, 2016  
**AGENDA SUBJECT:** The Regular Meeting and Executive Session minutes of January 19, 2016

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**SUMMARY:**

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Approve the minutes.

**ATTACHMENTS:**

Description

Regular Meeting minutes of January 19, 2016

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Roper, Erin	Approved	1/25/2016 - 3:29 PM

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4th Street**

**DRAFT**

**5:30 PM**

**MINUTES**

**Tuesday, January 19, 2016**

**REGULAR MEETING**

**CALL TO ORDER AND ROLL CALL**

<b>Members</b>	<b>Officers</b>	<b>Visitors Signing in</b>
<b>Richard Anderson – Mayor</b>	<b>John Dougherty, City Manager</b>	<b>See attached list</b>
<b>Carole Young - Vice-Mayor</b>	<b>Jackie Walker, Human Resources Director</b>	
<b>Mark Abram</b>	<b>Carl Cooper, City Attorney</b>	
<b>Larry Carver</b>	<b>Jake Rhoades, Fire Chief</b>	
<b>Kenneth Dean</b>	<b>Greg Henry, City Engineer</b>	
<b>Jen Miles</b>	<b>Robert DeVries, Chief of Police</b>	
<b>Stuart Yocum</b>	<b>Mike Meersman, Parks and Recreation Director</b>	
	<b>Tina Moline, Finance Director</b>	
	<b>Gary Jeppson, Development Services Director</b>	
	<b>Rob Owen, Public Works Director</b>	
	<b>Joe Clos, Information Services Director</b>	
	<b>Sydney Muhle, City Clerk</b>	
	<b>Erin Roper, Deputy City Clerk and Recording Secretary</b>	

Mayor Anderson called the meeting to order at 5:31 P.M. All councilmembers were present.

**INVOCATION**

The invocation will be given by Pete Ernst of Manzanita Baptist Church

Pastor Ernst provided the invocation after which the Pledge of Allegiance was said in unison.

**PLEDGE OF ALLEGIANCE**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

## 1. APPROVAL OF MINUTES

### a. The Regular Meeting Minutes of December 15, 2015

Councilmember Abram made a MOTION to APPROVE the Regular Meeting minutes of December 15, 2015. Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

### b. The Regular Meeting and Executive Session minutes of January 5, 2016

Councilmember Miles made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of January 5, 2016. Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

## 2. APPOINTMENTS

### a. Consideration of appointing Jan Davis to the Tourism Development Commission (TDC)

The TDC has a vacancy with the expiration of the term of Jim Baker. The TDC met on January 7, 2016 and recommended appointing Jan Davis to a term from January 1, 2016 to December 31, 2018. **Staff recommends approval.**

Jan Davis stated she lived in Kingman for 18 years and was involved in tourism for the last 15 years with the Route 66 Association as a volunteer and currently a paid employee. Ms. Davis stated tourism brought people to Kingman and kept them there. Ms. Davis stated Kingman was on a good path and she wanted to keep the City on that path.

Councilmember Abram made a MOTION to APPOINT Jan Davis to the Tourism Development Commission. Vice-Mayor Young SECONDED and it was APPROVED by a vote of 7-0.

### b. Consideration of appointing Economic Development and Marketing Commission (EDMC) members

The EDMC has two vacant terms that expire December, 2017. On January 13, 2016 the EDMC voted 5-0 to recommend appointing Alasandra Reynolds and Burt Dubin to fill the two vacant terms. **Staff recommends approval.**

Mayor Anderson stated Burt Dubin withdrew his application.

Alesandra Reynolds stated she went by "Ally" and was a graduate of Michigan State University. Ms. Reynolds stated she had teaching experience as well as experience operating retail boutiques and real estate offices. Ms. Reynolds stated she held real estate licenses in three different states and many real estate certifications, though she was retired from the real estate business. Ms. Reynolds stated she served on several public and private boards and had a reputation for being pro-business. Ms. Reynolds stated she wanted the opportunity to continue working in an official capacity by serving on the EDMC.

Councilmember Yocum made a MOTION to APPOINT Alesandra Reynolds to the Economic Development and Marketing Commission. Vice-Mayor Young SECONDED and it was APPROVED by a vote of 7-0.

**c. Discussion and appointment of Council Liaisons to City of Kingman Boards and Commissions**

Mayor Anderson read the list of City boards and commissions and the councilmembers volunteered for each one. The councilmembers were assigned to the following liaison positions:

- Board of Adjustment - Councilmember Abram
- Board of Appeals - Vice-Mayor Young
- Business License Review Board - Vice-Mayor Young
- Clean City Commission - Mayor Anderson
- Economic Development and Marketing Commission - Councilmember Abram
- Golf Course Advisory Commission - Councilmember Dean
- Historic Design Review Board - Councilmember Carver
- Historic Preservation Commission - Councilmember Miles
- Industrial Development Board - Councilmember Yocum
- Kingman Airport Authority - Vice-Mayor Young
- Public Safety Personnel Retirement Board - Councilmember Carver
- Municipal Property Corporation - Councilmember Abram
- Municipal Utilities Commission - Mayor Anderson
- Parks & Recreation Commission - Councilmember Carver
- Planning & Zoning Commission - Councilmember Yocum
- Tourism Development Commission - Councilmember Miles
- Transit Advisory Commission - Councilmember Yocum
- Western Arizona Council of Governments Executive Committee - Mayor Anderson
- Youth Advisory Commission - Councilmember Carver

**d. Discussion and appointment of Council Liaison for the Western Arizona Council of Governments (WACOG) Executive Committee**

This item was addressed in item "2c."

**3. AWARDS/RECOGNITION**

**a. Promotion badge pinning/employee introduction**

The fire department has recently promoted and/or hired numerous positions. The fire department would like to conduct badge pinning for the following ranks:

Oscar Lopez	Fire Prevention Specialist	11/9/2015
Justin Garcia	Firefighter	7/29/2015
Brett Wildebaur	Firefighter	10/19/2015
Cody Wood	Firefighter	10/19/2015
Robert Cole	Firefighter	1/5/2016
Chris Chavez	Firefighter	12/26/2015
Chris Angermuller	Battalion Chief – Training	1/4/2016
Len Dejoria	Battalion Chief – Prevention	10/12/2015
Andrew Rucker	Battalion Chief – Operations	10/5/2015
Dan Winder	Battalion Chief - EMS	10/19/2015
Chris Simpson	Captain	12/27/2015
Joey Meins	Captain	12/27/2015

Kingman Fire Department Assistant Chief Keith Eaton introduced each employee and

Kingman Fire Department Chief Jake Rhoades provided the badge to the employee's family member to pin to the employee's shirt.

Cody Wood was not present due to illness.

#### **4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

4-H Extension Agent Gerald Olson asked the Council to table Ordinance 1810R until he could conduct research on allowing allowing livestock and certain poultry on smaller property parcels.

#### **5. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

**a. Consideration of Ordinance 1810R: permitting substitution of livestock allowances on properly zoned properties and clarifying pig and bird allowances**

Section 3-22 of the Kingman Code of Ordinances has been modified to permit livestock substitutions on properly zoned properties. The language has further been clarified to resolve ambiguities with regards to birds which has caused enforcement difficulties in the past for the Kingman Police Department (KPD). It is anticipated that the clarification will reduce or eliminate these difficulties. **Staff recommends approval.**

**b. Letter of appointment**

With approval, the designee from the Kingman Fire Department will be authorized by the State of Arizona to inspect state owned, leased, or otherwise occupied buildings for fire code compliance. The letter of approval appoints one person who meets the standards required by the A.R.S. Statute 41-2162 (A) (2) to act as Assistant Fire Marshal for the State Fire Marshal's Office. This appointment will be for Battalion Chief - Prevention Len DeJoria. **Staff recommends approval.**

**c. Consideration of grant of public utility easement**

John and Vonda Neal have requested a sewer extension to their property located at 7 Palo Christi Road. Since a portion of of the proposed sewer main will be located within a private street, a public utility easement is required to allow for City maintenance of the main. The owners of the private street have executed the attached grant of public utility easement. **Staff recommends approval.**

**d. Resolution 4988: authorization for banking activities**

Resolution 4988 removes Diane Richards, Budget Analyst, as an authorized person to make wire transfers between the City's bank accounts. It removes the authorization for any person to make telephonic transfers between the City's bank accounts. **Staff recommends approval.**

**e. Replace Court fax machine**

The Court's fax machine is 10 years old and beyond repair due to age and degradation. The Court would like to purchase a Xerox MFC3325 from Copier Source. **Staff recommends approval.**

**f. Electronic Crimes Task Force award**

The Kingman Police Department has been awarded \$1,000 for training, which will be used to partially cover costs associated with smartphone forensics training and certification. Remaining costs for the training and certification will be covered by the department training line item budget. **Staff recommends approval.**

**g. Proposed Resolution 4990: approving the final subdivision plat and improvement plans for Southern Circle, Tract 1968**

A request from Fripps Mohave Land, LLC, property owner and subdivider, and Raymond W. Stadler, P.E., project engineer, for the approval of a final subdivision plat and improvement plans for Southern Circle, Tract 1968. The subject property is zoned R-2: Residential, Multiple Family, Low Density and is located along the north side of Southern Avenue east of Harrod Way. The subdivision is proposed to have six residential lots on 1.21 acres and will include one new public street, Paula Place, which will connect to Southern Avenue. The final plat, final drainage report, improvement plans, retaining wall analysis and design, and engineer's opinion of probable cost have been reviewed by the City Engineer, Development Services Department, and other concerned agencies and was found to be in compliance with the Subdivision Ordinance and other applicable regulations. The final plat is also in accordance with the requirements of Resolution 4886 which approved the preliminary plat for Southern Circle, Tract 1968 on April 1, 2014. The subdivider is proposing to construct the required subdivision improvements prior to recording the final plat; therefore, an assurance agreement is not being offered. Once all improvements are completed and accepted by the Council the final plat will be recorded. An 18-month time frame is proposed for the completion of the improvements. **Staff recommends approval.**

**h. Proposed Resolution 4991: declaring the City's intent to collect paybacks for a sewerline extension in Cypress Street and Airfield Avenue (ENG14-068)**

The Engineering Department finalized a sewer payback calculation sheet for an extension of approximately 548 linear feet of eight-inch PVC SDR sewer line extension in Cypress Street and Airfield Avenue. The City intends to collect paybacks on behalf of the installing party on these sewer lines in accordance with the Municipal Utility Regulations. **Staff recommends approval.**

**i. Proposed Resolution 4992: declaring the City's intent to collect paybacks for a waterline extension in Florence Avenue east of La Salle Street (ENG15-055)**

The Engineering Department finalized a water payback calculation sheet for an extension of approximately 386 linear feet of six-inch water line extension in Florence Avenue east of La Salle Street. The City intends to collect paybacks on behalf of the installing party on these water lines in accordance with the Municipal Utility Regulations. **Staff recommends approval.**

**j. Resolution 4989: Arizona Department of Transportation (ADOT) Grant E6F2S**

Resolution 4989 accepts ADOT Grant E6F2S for \$70,527 for the reconstruction of

Taxiway C and Aircraft Parking Apron; the local match for the Federal Aviation Administration (FAA) grant was previously approved. **The Kingman Airport Authority (KAA) respectfully requests the Council accept ADOT Grant E6F2S and adopt Resolution 4989.**

**k. Selection of audit firm to perform professional auditing services for FY2015 - FY2019**

In November 2015, the City terminated its relationship with its audit firm, Heinfeld Meech. The City's Fiscal Year (FY) 2015 audit had not been completed prior to the termination. A request for proposal (RFP) to hire an audit firm to perform professional auditing services for FY2015 - FY2019 was submitted on December 11, 2015. Interested proposers were able to submit proposals until January 8, 2016. On January 12, 2016, an evaluation committee reviewed, discussed and scored each proposer's submission. Of the six proposers, two proposers, HintonBurdick and CliftonLarsonAllen, responded to all mandatory elements, provided responses to all technical requirements, and included hours and rates for all schedules. Those proposers were also scored highly (above 90%) by each evaluator. **Staff recommends Council award the professional auditing services contract to CliftonLarsonAllen.**

Councilmember Carver asked that item "5a" be removed from the Consent Agenda.

Mayor Anderson stated Finance Director Tina Moline asked that item "5k" be removed from the Consent Agenda.

Councilmember Yocum asked that item "5e" be removed from the Consent Agenda.

Councilmember Miles made a MOTION to APPROVE Consent Agenda items "5b" through "5d" and items "5f" through "5j." Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Carver stated people approached him about item "5a." Councilmember Carver directed City Attorney Carl Cooper to talk to the 4-H Extension on possible allowances for raising poultry. Councilmember Carver stated there were currently no allowances for City residents to raise poultry for showing, which promoted violating the law to children involved with the 4-H program. Councilmember Carver stated there should be an exemption for 4-H type programs.

Mr. Cooper stated the Council would need to make allowances for everyone, not just a specific group of people.

Councilmember Miles stated the ordinance would provide an opportunity to examine urban agriculture efforts.

Councilmember Carver made a MOTION to REVISE Ordinance 1810R to allow all lots to raise certain types of poultry. Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Yocum addressed item "5e" and asked why the City was not purchasing a fax machine locally. Councilmember Yocum stated he did not like the City was taking its business to Lake Havasu City as Lake Havasu City was probably not doing a lot of shopping in Kingman. Councilmember Yocum stated Staff was supposed

to be drafting procurement revisions.

Mr. Cooper stated he was researching procurement revisions.

City Magistrate Jeffrey Singer stated his Staff searched for the best machine at the best price. Judge Singer stated the current fax machine was originally purchased 10 years ago for \$2,000, which showed prices had dropped. Judge Singer stated Staff felt the identified fax machine was the best price and quality.

Councilmember Yocum asked if the City could get the same fax machine through Staples and if Copier Source in Lake Havasu City would deliver.

City Clerk Sydney Muhle stated many chain retailers required machines to be purchased outright. Ms. Muhle stated Copier Source offered leasing options with maintenance and supplies.

Judge Singer stated there was a monthly service charge of \$28.88 for the machine.

Councilmember Dean asked if the City was paying \$700 plus \$28.88 per month.

Ms. Muhle stated she was not sure as she did not have the full contract.

Judge Singer stated he could return with a proposed lease.

Councilmember Dean stated he wanted to know if the City was buying or leasing.

Councilmember Abram stated monthly fees usually covered supplies such as toner. Councilmember Abram stated it would be best to return with full details.

Councilmember Yocum made a MOTION to TABLE item "5e" until details were delivered at the February 2, 2016 Regular Meeting. Councilmember Carver SECONDED and it was APPROVED by a vote of 7-0.

Ms. Moline reviewed the agenda summary for item "5k." Ms. Moline stated bids were generally awarded to the lowest qualified bidder, which was HintonBurdick. Ms. Moline stated Staff conducted reference checks on CliftonLarsonAllen and HintonBurdick and received three outstanding references for CliftonLarsonAllen and one positive and one negative review for HintonBurdick. Ms. Moline stated the reviewers made their original decision based on this information; however, she received additional information including outstanding reviews for HintonBurdick and a news article for CliftonLarsonAllen. Ms. Moline stated CliftonLarsonAllen was the auditor involved in a large embezzlement scandal in Dixon, Illinois. Ms. Moline stated the selection for the City's auditing services was revised from CliftonLarsonAllen to HintonBurdick. Ms. Moline stated HintonBurdick charged approximately \$43,000 per year, which was significantly lower than all other bidders.

Councilmember Miles asked if HintonBurdick was a national firm.

Ms. Moline stated it was a regional firm operating in Utah and Flagstaff, Arizona and it had the highest scores from evaluators.

Councilmember Abram made a MOTION to AWARD the professional auditing services

contract to HintonBurdick . Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

## 6. OLD BUSINESS

### a. **Review of Kingman Police Department (KPD) Lieutenant exempt classification**

On November 17, 2015 the Council reviewed a proposal from the Fire Department to reclassify three (3) Battalion Chiefs from exempt status to hourly status in pay grade 221. The agenda item was tabled when concerns were expressed by the Police Department Lieutenants. On December 15, 2015 the agenda item was returned to Council and the reclassification was approved. Council requested a report from the Police Department at the second meeting in January to reflect department challenges. The department has prepared a report that highlights current staffing levels, demand for service, challenges and a proposal that will keep Lieutenants at exempt status under pay grade classification 221. **Staff recommends implementing a change to the Lieutenant position, pay grade classification 221, with the addition of overtime under a "operational/situational call out" method or referring the proposal to the Management Team Compensation Committee for further review.**

Chief of Police Robert DeVries displayed the slides included in the agenda packet. Slide one was an introductory slide. On slide two Chief DeVries stated the Kingman Police Department had three lieutenants and reviewed Lieutenant Jim Brice's job duties. Chief DeVries reviewed Lieutenant Mark Chastain's job duties on slide three and stated Lieutenant Chastain had one of the highest hazardous materials (hazmat) certifications in the department. Chief DeVries reviewed Lieutenant Bob Fisk's job duties on slide four. On slide five Chief DeVries reviewed the information and stated all employees in the department were picking up extra duties. Chief DeVries stated exempt employees do have the ability to adjust schedules, but the lieutenants had a blended role that included field operations. Chief DeVries stated the department had minimum staffing levels and had not followed necessary staffing levels in the recent past due to budget constraints, which was now impacting their operations. On slide six Chief DeVries stated the department was trying to mentor younger Staff to step into roles with increased responsibility, but the loss of overtime pay was detrimental to employees and challenging for purposes of employee retention. Chief DeVries stated the department experienced a loss of \$67,000 for every officer that left for another agency. Chief DeVries reviewed the information on the slide and stated the department would have a difficult time getting any officers if it became the lowest paid agency in Mohave County. Chief DeVries stated losing tenured officers also hampered recruitment efforts. On slide seven Chief DeVries stated the department was currently able to attract people, but struggled with retention. Chief DeVries reviewed the information on the slide. Chief DeVries stated serious incidents that involved injury or loss of life, such as the recent prison riots or officer involved shootings, were very time consuming and did not allow the lieutenants to adjust hours worked.

Councilmember Yocum stated the fiscal impact of the proposed change would be dependent on demand. Councilmember Yocum asked Chief DeVries to estimate the overtime demand on the lieutenants in the past year.

Chief DeVries stated it was difficult to determine and the department was fortunate that the call volume did not skyrocket during the recession, allowing the department to remain within budget. Chief DeVries stated there was a 10% increase in call volume since last year and if the trend continued the department would exceed its overtime

budget. Chief DeVries stated the severe crime the department was dealing with was related to domestic violence and substance abuse. Chief DeVries stated he could not guarantee the department would remain within budget even without the proposal, but the department needed the experienced personnel in the field.

Vice-Mayor Young asked if the Mohave County Sheriff had a specific pay scale for law enforcement.

Chief DeVries stated he did not know, though Staff has discussed separating public safety from other pay scales.

Vice-Mayor Young asked if other City departments had call out pay or standby pay.

Mr. Dougherty stated the Kingman Fire Department had paid on call personnel and the wastewater employees received standby pay.

Chief DeVries stated Lieutenant Chastain's overtime would be covered by Racketeer Influences and Corrupt Organizations (RICO) Act money with the remaining two lieutenants' overtime coming from the General Fund.

Councilmember Abram asked if there were intergovernmental agreements (IGA) for reimbursing employees on large scale operations like the prison riot.

Chief DeVries stated the IGA only reimbursed hourly employees.

Councilmember Dean asked if the department was in danger of losing the lieutenants if the proposal did not pass.

Chief DeVries said no, but one lieutenant was looking at retirement in the near future. Chief DeVries stated the department saw the proposal as equitable based on the use of their time.

Councilmember Dean asked if the department was short a lieutenant.

Chief DeVries stated the department was short a deputy chief.

Councilmember Dean asked if it would be cheaper to fill the position instead of granting overtime pay.

Chief DeVries stated he did request to fill the position, but he could not know the cost benefit as the lieutenants had not tabulated their time beyond 40 hours.

Councilmember Dean asked if approving the proposal would open the floodgates for other employees to ask for the same treatment.

Chief DeVries stated there were many employees in other departments in the City that worked beyond their exempt status and it was a sign of the economic times that the City was shorthanded.

Councilmember Abram asked if there would be guidelines to prevent abuse.

Chief DeVries stated he did not create a specific policy, however all overtime requests

were approved by him or the deputy chief. Chief DeVries stated the request must also be for operational functions in the field, not administrative tasks. Chief DeVries stated an example of approved operational overtime would be search or arrest warrants, which were not conducted during business hours for safety reasons.

Councilmember Dean asked if there was a way to flex time out by having an assistant help the lieutenants with administrative duties.

Chief DeVries stated the department did not have the staff as everyone was already picking up extra work. Chief DeVries stated employees already lost vacation hours and maxed out comp time.

Councilmember Miles asked if the proposal would add to the problem of exceeding the overtime budget.

Chief DeVries stated he could not know, though the previous six months were very busy.

Councilmember Miles asked if a protocol could be developed to determine what was and was not worthy of overtime pay.

Chief DeVries stated it was hard to create a protocol because the job was not very clear. Chief DeVries stated it would be possible to create some criteria, but it needed to be flexible and allow for case by case decisions.

Mr. Cooper stated the Council would need to give direction on alterations to be made to the pay scale, which would allow some questions to be answered through the process.

Councilmember Carver stated employees should be compensated for the time they worked. Councilmember Carver stated the lieutenants should be compensated for their hours worked if the battalion chiefs were compensated. Councilmember Carver stated he appreciated the proposal, but wanted to see the lieutenants reclassified as non-exempt. Councilmember Carver stated there was a lot of extra work that was being done by all City employees.

Vice-Mayor Young asked if the lieutenants would lose any benefits if they were reclassified as non-exempt.

Chief DeVries stated the lieutenants would lose some insurance benefits.

Councilmember Miles asked if the lieutenants had the ability to hire and fire employees.

Chief DeVries stated the lieutenants had the ability to discipline, but final action was up to Mr. Dougherty and the Human Resources Department.

Councilmember Miles asked if the lieutenants directed employees.

Chief DeVries said yes.

Councilmember Miles stated she was conflicted because the lieutenants were management. Councilmember Miles stated she worked for Mohave County and saw

many people absorbing tasks without altering pay structures. Councilmember Miles stated she would prefer avoiding piecemeal changes to City pay scales.

Mayor Anderson asked Mr. Dougherty for his opinion on the concerns about opening the floodgates and his stance on the proposal.

Mr. Dougherty stated it would open the floodgates. Mr. Dougherty stated he would have a problem differentiating between the lieutenants and the finance director who worked a solid eight hours on a City holiday. Mr. Dougherty stated exempt employees went into the position knowing they would work more than 40 hours a week. Mr. Dougherty stated if the lieutenants received the compensation than the administrative battalion chiefs should also receive it as they responded to fires.

Councilmember Carver stated he did not know of any regulations that allowed all exempt employees to move to non-exempt status.

Mr. Cooper stated managers did not have to be exempt. Mr. Cooper stated the requirements were in place to determine what positions could become exempt, but all employees could remain non-exempt.

Councilmember Miles stated she was uncomfortable with the decision because of the degree of supervision the employees exercised. Councilmember Miles stated she wanted a holistic compensation assessment so issues could be addressed equitably and legally.

Chief DeVries stated he researched the legality of the proposal and across the state there were many different classifications depending on a community's needs.

Councilmember Abram stated it was a great proposal as it would have a lesser impact than non-exempt status.

Deputy Chief Rusty Cooper stated certain incidents required a lieutenant to respond, such as an officer involved shooting. Deputy Chief Cooper stated the overtime pay only applied to operational calls outside of business hours.

Councilmember Miles stated the operations battalion chiefs were approved to receive pay for meetings that occurred off their assigned shift.

Chief DeVries stated the lieutenants worked 10 hour shifts, 4 days a week as a way to offset increased demands.

Councilmember Miles asked if the lieutenants would not receive pay for any administrative work they completed on a fifth day.

Chief DeVries stated that was correct.

Councilmember Dean asked for the pay difference between the next lowest position.

Chief DeVries stated the sergeants were non-exempt.

Mayor Anderson stated he wanted more clarification on the fiscal impact of the proposal.

Chief DeVries stated the department could not predict when overtime needs would arise and the lieutenants had never tracked their time.

Councilmember Abram stated he supported the proposal, but wanted a definition of what constituted an operational call out.

Councilmember Miles stated the City Attorney or Human Resources Department needed to create the position since the City did not have any hybrid positions at this time. Councilmember Miles agreed the proposal was better than full non-exempt status.

Councilmember Carver asked what the lieutenants preferred.

Chief DeVries stated the lieutenants favored non-exempt status, but they understood the financial challenges and supported the proposal.

Councilmember Carver made a MOTION to DIRECT Staff to work with Chief DeVries to reclassify the three lieutenant positions to non-exempt status. Councilmember Abram SECONDED.

Mayor Anderson called for a ROLL CALL VOTE and it was APPROVED by a vote of 4-3 with Councilmember Abram, Councilmember Carver, Councilmember Yocum and Mayor Anderson voting AYE and Councilmember Dean, Councilmember Miles and Vice-Mayor Young voting NAY.

**b. Consideration of Ordinance 1806: Kingman Crossing Planned Development District (PDD)**

At its January 5, 2016 meeting, the Council tabled action on Ordinance 1806 to allow Staff to provide the Council with information concerning pole signs in the Kingman Crossing area located north of the proposed Kingman Crossing Traffic Interchange. There are three zoning districts in this area. The first zoning district, Ordinance 1600 is for the hospital property north of Santa Rosa Boulevard and west and east of Kingman Crossing Boulevard. The other two zoning districts are located north of Interstate 40 (I-40) and south of Santa Rosa Boulevard. All three zoning districts allow freestanding signs; 300-square feet to be located 40-feet above the finished grade of I-40. Murals are permitted in the zoning districts on the north side. **Staff recommends approval.**

Development Services Director Gary Jeppson reviewed the agenda summary.

Mayor Anderson asked Mr. Jeppson to clarify the signage allowances.

Mr. Jeppson stated pole signs were allowed 40 feet above the road grade of I-40 in the outlined area. Mr. Jeppson stated signs outside of the designated area were allowed to be a maximum height of six feet. Mr. Jeppson stated the PDD proposed similar sign restrictions to those in the Hualapai Mountain Road corridor.

Councilmember Abram asked if there could potentially be eight large pole signs in area.

Mr. Jeppson stated that was correct and there was a triangle of land along the interstate corridor that would potentially allow eight signs.

Councilmember Abram stated a maximum of 8, 40 foot pole signs was not appropriate. Councilmember Abram stated there should be one monument sign with many businesses listed. Councilmember Abram stated it should not look like Stockton Hill Road.

Mr. Jeppson stated the number of signs was limited to one per property unless a property was over 600 feet. Mr. Jeppson stated the signs could be taller than 40 feet in order to allow it to clear 40 feet above the interstate grade.

Councilmember Abram asked if a developer could ask for a variance if signs were not allowed.

Mr. Jeppson stated it was possible, but a lot of criteria was required with strict requirements. Mr. Jeppson stated it would most likely require rezoning the area.

Kingman resident Doug Dickmeyer stated Staff did a lot of work taking into account what would be needed to lessen the impact on surrounding residential areas. Mr. Dickmeyer stated the PDD was designed to make sure commercial property was compatible with residential areas and pole signs would have an undesirable effect on the surrounding property.

Councilmember Carver made a MOTION to APPROVE Ordinance 1806 excluding the allowance for pole signs. Councilmember Miles SECONDED.

Councilmember Yocum asked if murals were included.

Mr. Jeppson stated murals were allowed, though there was some question as to when a mural became a sign. Mr. Jeppson stated 20% of a mural could be attributed to the contributing entity; however, the question was whether the type of business could be included in a mural, such as a large mural of a car on a car dealership building. Mr. Jeppson stated the City could not legally control the content of the mural.

Councilmember Carver made an AMENDMENT to his MOTION to EXCLUDE murals.

Mayor Anderson called for a VOTE and it was APPROVED by a vote of 7-0.

Councilmember Carver requested a short recess at 7:23 P.M. The Council returned at 7:38 P.M.

**c. Determine a property tax base levy and use of revenues for the May 17, 2016 election**

Over the past several months, Council has had many discussions surrounding the consideration of a primary property tax. At the January 7, 2016 Council work session, the general consensus was to move forward with the primary property tax initiative, but the property tax base levy and use of revenues were not determined. In order to meet the May 17, 2016 election timelines, Council must determine the primary property tax base levy and use of revenues at the January 19, 2016 Council meeting. **In order to meet deadlines, Staff recommends Council approve a primary property tax base levy and use of revenues.**

Ms. Moline displayed the slides included in the agenda packet. On slide one Ms. Moline

stated there were a lot of unanswered questions related to the use of funds, the amount of property tax to be levied, how the City used transaction privilege tax (TPT) funds, and the impact a property tax would have on "fixed income" property owners. Ms. Moline reviewed the figures on slide two and stated revenue in 2013 declined significantly from revenue in 2007. Ms. Moline stated the decline resulted in budget cuts including cuts to the number of employees, equipment, street improvements, and salaries. Ms. Moline stated the TPT was increased by 0.5% in 2013. Ms. Moline stated there was a population increase of 2,000 people from 2007 to 2013. Ms. Moline reviewed the information on slide three. On slide four Ms. Moline stated she was not able to find information on the number of "fixed income" households, but she did find information on poverty levels, which showed that the City poverty rate was lower than Mohave County's poverty rate. Ms. Moline stated slide five outlined a few projects to provide an example between two possible levy amounts of \$4.5 million and \$6 million. On slide six Ms. Moline stated a full levied amount would leave \$2.7 million to fund the projects. Ms. Moline stated slide seven showed the average limited property value of property in the City. Ms. Moline stated the question of exemptions was raised during the work session and her research showed individuals could not receive full exemptions. Ms. Moline stated certain governmental and non-profit organizations were fully exempted and widows, widowers, and disabled individuals could receive a max reduction of \$3,000. Ms. Moline stated senior citizens also had the option to freeze the value of their property for three years in order to avoid increased taxes with increased property value. Ms. Moline stated the three years could be renewed if a senior citizen reapplied. Ms. Moline stated the figures she included were FY 2015 values. Ms. Moline stated the Council could assess as much or as little of the base levy amount, though they may need to hold a public hearing.

Councilmember Miles asked why the 2013 Council removed the bar and restaurant tax.

Ms. Moline stated it was removed because the extra 0.5% TPT was added.

Councilmember Dean asked why public safety retirement contributions doubled.

Ms. Moline stated the City had to comply with mandated contribution increases. Ms. Moline stated the compression adjustments approved by the Council also added to that expense.

Councilmember Dean stated a new fire station would affect personnel costs.

Mayor Anderson stated there were proposals to address the retirement contributions for new hires, but older employees were still entitled to the retirement system they were originally hired under.

Councilmember Miles stated the proposed levy amounts would result in a higher tax rate than Mohave County's rate.

Mayor Anderson asked how online buying would impact the City's retail base.

Ms. Moline stated online purchasing had a negative impact that was already evident when current and historical data were compared.

Councilmember Miles stated Staff was directed to look into implementing a fuel tax.

Ms. Moline stated Staff was researching the issue.

Mayor Anderson stated he wanted the information before the Legislative Day. Mayor Anderson stated he believed the tax had to be implemented through a county and could not be implemented by a city

Kingman resident Harley Petit stated the Council was originally looking to replace the sales tax, but was now looking to collect more money at the expense of the property owners. Mr. Petit stated the ballot measure was unfair because non-property owners would be able to vote on an issue that only affected property owners. Mr. Petit stated out-of-state property owners would not be able to vote on the property tax. Mr. Petit stated the City should only mail ballots to property owners. Mr. Petit stated the poll in the Kingman Daily Miner newspaper showed that people did not view the tax favorably. Mr. Petit stated the City should not hold the election and it should cut unnecessary expenses, such as studies, or outsource entities.

Mr. Dickmeyer stated a levy amount and comprehensive plan for use of the revenue was not agreed on. Mr. Dickmeyer stated there was not enough time to put the proposal together and the City would not lose police and fire service if the property tax did not pass. Mr. Dickmeyer stated the Kingman Daily Miner survey showed the citizens did not want a tax or a cut to services. Mr. Dickmeyer stated the topic should have been discussed two years ago if it was important and the Council should bring the issue back when it had a plan.

Mohave County resident Ron McJunkin stated the tax was targeting the wrong people. Mr. McJunkin stated property owners would pay for increased services though travelers and Mohave County residents would utilize City properties. Mr. McJunkin stated putting the burden on property owners was wrong and the revenue should come from a sales tax. Mr. McJunkin stated property values were low, but they could increase which would result in increases in taxes. Mr. McJunkin stated the property tax would hurt property owners and benefit non-property owners.

Mayor Anderson stated he spoke at a meeting that afternoon and no one wanted to pay a property tax and wanted the travelers to carry the burden of paying for services. Mayor Anderson stated there were many out of state property owners who did not pay any money for the services they received as well as property owners that owned multiple lots and only paid on one lot. Mayor Anderson stated the average property value was \$80,000 and he did not care about the people who owned lots valued at \$200,000 and \$300,000. Mayor Anderson stated he was worried about the \$80,000 lot owner's ability to pay. Mayor Anderson stated people told him the sewer rate was very high and asked if reducing the sewer rate and letting the 0.5% TPT increase expire would alleviate some financial burden on tax payers while still collecting revenue from out-of-state property owners. Mayor Anderson stated the Council wanted to expand retail options, but it needed to be targeted retail. Mayor Anderson stated the question was whether the City wanted a stabilized revenue source. Mayor Anderson stated there was no easy solution, but the Council needed to consider the big picture. Mayor Anderson stated services were not free and someone had to pay for them .

Kingman resident Herberta Schroeder stated reducing the sewer rates would take money from infrastructure and loans and the property tax would not necessarily cover the loans. Ms. Schroeder stated the Council had the option to retain the 1% TPT increase and opted to come down to 0.5%. Ms. Schroeder stated the extra 0.5% could have

accrued a lot of revenue with the influx of tourists. Ms. Schroeder stated it was not right to make the property owners accept the brunt of the financial responsibility. Ms. Schroeder stated vacant lots did not have expenses. Ms. Schroeder stated the Council could not take from one funding source and expect it to even out.

Mayor Anderson stated he examined the condition of the sewer fund and would not have proposed lowering the rate if he did not know the level of the sewer fund.

Councilmember Dean stated he agreed the City needed financial stability, but felt the timing was bad due to the poor economy and recent embezzlement scandal. Councilmember Dean stated the citizens did not have confidence in the City right now and he did not believe a property tax would pass. Councilmember Dean stated the Council needed a plan that would win the people over. Councilmember Dean stated the Council needed more than two hours to discuss the topic and he wanted a meeting with unlimited time to discuss it. Councilmember Dean stated it was not worth risking money on an election and the Council needed time to educate the public or it would not pass.

Mr. Cooper stated it would be possible to hold a special election any year as long as it was in May; however, the cost could be higher if there was not another election at the same time.

Vice-Mayor Young stated the City did have a plan in the capital improvement plan, which required millions of dollars and prioritized a new fire department and road improvements. Vice-Mayor Young stated the Council needed to stipulate that the money would go to those projects. Vice-Mayor Young stated the City had a five year strategic plan. Vice-Mayor Young stated businesses would not consider relocating to a community with high sales tax. Vice-Mayor Young stated \$3 million would keep the City in the same place and not allow for a new fire station. Vice-Mayor Young stated the Kingman Daily Miner survey was not foolproof and she knew many business owners that agreed the City needed a property tax. Vice-Mayor Young stated the City needed a stable revenue source or the Council would have to raise the sales tax or implement a food tax, which no one would like. Vice-Mayor Young stated the community would continue to grow. Vice-Mayor Young stated even if the property tax did not pass the community would at least know the Council tried to avoid a food tax.

Councilmember Dean stated the election would be a waste of \$40,000.

Councilmember Miles stated the City did not have a strategic plan and capital improvement projects did not constitute a plan. Councilmember Miles stated the City needed a plan that had buy in potential. Councilmember Miles stated there were other options for revenue that were unpopular, though they would keep the City from catastrophe. Councilmember Miles stated the City ultimately needed a property tax but the timing and buy in was poor. Councilmember Miles stated Lake Havasu City had an excellent revitalization plan that included many letters of community support from different organizations, which is what the City needed in order to have voter support for the property tax.

Councilmember Abram stated the City needed a property tax, but also needed a plan. Councilmember Abram stated the City would not be able to annex land without a property tax and it needed to stabilize its revenue; however, the City needed to show what it would do with the funds.

Councilmember Carver stated he was sorry the Council did not start the property tax discussion two and half years ago and the Council failed its citizens by not beginning the process. Councilmember Carver stated it was easy to talk about a plan in a town that already had a primary property tax. Councilmember Carver stated the City's funding was decreasing and the property owners were the ones receiving services. Councilmember Carver stated property owners paid nothing different than a tourist that spent a short time in Kingman. Councilmember Carver stated the only option would be to cut services if the City did not have adequate funding. Councilmember Carver stated the City's residential growth was exceeding revenues and more people were consuming the products the City offered. Councilmember Carver stated it was insulting to City employees to lump them together because of one dishonest employee. Councilmember Carver stated the employees did the best job possible for the City and the Council just heard information on how many hours employees give to the City without pay. Councilmember Carver stated the City needed a stable and reliable revenue stream. Councilmember Carver stated the Council knew what the City needed but the citizens did not due to the length and detail of the annual budget. Councilmember Carver suggested tabling the issue of a property tax due to the negative press, defeatist attitude of some councilmembers, and lack of time to educate the public. Councilmember Carver stated the City did have a strategic plan and the Council knew what it wanted to spend the money on.

Councilmember Dean stated no one had a problem with extending the 0.5% TPT.

Councilmember Carver stated businesses may disagree.

Councilmember Yocum stated he agreed the City needed a property tax and the property owners needed to take ownership of their City in order to maintain City infrastructure and quality of life.

Mayor Anderson stated he agreed the City had a strategic plan. Mayor Anderson stated delaying the property tax was probably a good idea, but if it was deferred the Council needed to work together to establish a plan all councilmembers could agree on and advocate to the community.

Councilmember Carver made a MOTION to TABLE the determination of a property tax base levy and use of revenues. Councilmember Miles SECONDED.

Vice-Mayor Young stated the City made serious budget cuts and retaining the 0.5% TPT would only keep the City at the same point financially. Vice-Mayor Young stated the Council would need to look at other options because there were people that wanted more services and the City would need to fund them somehow.

Councilmember Dean asked if there was any information on implementing a fuel tax.

Mr. Dougherty stated a fuel tax would need to be implemented through Mohave County.

Mr. Cooper stated a fuel tax would also be a ballot issue.

Mayor Anderson called for a VOTE and it was APPROVED by a vote of 7-0.

## **7. NEW BUSINESS**

**a. Fireworks**

At the Council work session on January 7, 2016, there was discussion on whether the Council was interested providing a block party or fireworks display for the July Fourth celebration. The direction provided was that Council was more interested in a block party than fireworks display. The Council also heard a presentation from Judith Landells regarding an invitation for Kingman to come to Valle Vista for a fun filled day of events and a fireworks display. Since the work session, Erin Cochran has stepped forward and volunteered to raise the funds if the City is willing to put on the show. The Council will need to decide whether or not to put funds into the 2016-2017 budget. If approved, Ms. Cochran will begin raising funds and turning them over to the City to cover costs. **While it will be labor intensive, Staff recommends providing both as long as a safe location can be secured for the fireworks display and funds can be secured from private sources.**

Mr. Dougherty read the agenda summary.

Kingman resident Erin Cochran stated fireworks brought a community together and encouraged people to spend money in the community to celebrate. Ms. Cochran stated people would drink alcohol and then drive to Valle Vista. Ms. Cochran stated she was willing to help raise the funds for a fireworks display.

Councilmember Dean stated the fireworks should be held in Kingman.

Councilmember Abram stated the City should have a display if it could get the funding.

Ms. Cochran stated the community had shown for the past three years that they were willing to support a fireworks display.

Vice-Mayor Young asked what liability the City could incur.

Mr. Cooper stated the same issues applied such as giving a private individual money and finding a safe location.

Mayor Anderson asked if there was any contact with the Mohave County Fairgrounds.

Ms. Cochran stated she would go before the Fairgrounds board on Thursday. Ms. Cochran stated the money would need to go through the City in order to allow contributions to be tax deductible.

Councilmember Miles stated the Council needed to determine a location before agreeing to fund the display.

Ms. Cochran stated the deadline for raising funds was generally March in order to arrange bids. Ms. Cochran stated the Council would need to decide tonight if it wanted the community to have time to fund the display. Ms. Cochran stated funding deadlines would not be as big an issue if the City agreed to pay for the entire show.

Mr. Dougherty stated there was no money set aside for fireworks in the budget yet. Mr. Dougherty stated the City could find a place to hold the fireworks. Mr. Dougherty stated the City could have a low altitude show from the top of the City Complex after the Block Party or in Centennial Park. Mr. Dougherty stated Staff needed to know if the Council wanted to hold a show so it could be placed in the budget and Ms. Cochran

could start fundraising.

Assistant Chief Eaton stated the size of the show dictated the size of the facility. Assistant Chief Eaton stated the show could have 2 inch shells that went 250 feet in air and required a 200 foot setback, which was what Valle Vista used. Assistant Chief Eaton stated these shows cost approximately \$8,500 to \$10,000. Assistant Chief Eaton stated South Side Little League Park was a good place for a display, however, Centennial Park was not due to the trees in Centennial Park that would block people's views. Assistant Chief Eaton stated another issue to consider was set up time; smaller shells required three hours of set up versus five days to set up for large shells. Assistant Chief Eaton stated he spoke with a vendor in Lake Havasu City and the absolute deadline to know if the City wanted to hold a display was that night. Assistant Chief Eaton stated timing was important and there were options to hold a show on City property. Assistant Chief Eaton stated he also spoke with the Fairgrounds and their decision would be made on Thursday. Assistant Chief Eaton stated agreements between the City and the Fairgrounds could take a long time.

Councilmember Miles stated South Side Little League Park was not a good location due to the nearby animal shelter. Councilmember Miles stated the other parks or the golf course were a good idea.

Assistant Chief Eaton stated less explosive fireworks could be shot off the top of buildings, which would bring people down to the Block Party.

Valle Vista resident Judith Landells stated Valle Vista did not want money from the City, just City residents to attend the Valle Vista celebration and fireworks show.

Valle Vista resident Stephanie Ewig stated 3,000 people from the City came to the fireworks show in Valle Vista last year. Ms. Ewig stated Valle Vista wanted its community to be a part of Kingman. Ms. Ewig stated Valle Vista provided games for kids and transportation. Ms. Ewig asked the City to join Valle Vista.

Mr. Dickmeyer stated the City should celebrate July Fourth with fireworks since it was America's birthday. Mr. Dickmeyer stated the City should put the display in its budget and Mohave County should donate funds.

Ms. Cochran stated Kingman Rotary could be an option for funding if the City did not want to be the agency to fund it.

Kingman Rotary member William Wales stated he would talk to the Rotary board. Mr. Wales stated a special account was already set up, but the board needed to approve its use.

Councilmember Abram made a MOTION to MOVE FORWARD with arrangements for a Block Party and fireworks display using private funds with the assistance of Erin Cochran and the Kingman Rotary to be dependent on the availability of the Mohave County Fairgrounds for a high altitude fireworks display in the amount of \$25,000, and with the caveat to hold a close proximity show at a location to be determined if the Mohave County Fairgrounds was not available. Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

Assistant Chief Eaton stated the City would need to conduct two requests for

qualifications (RFQ) as not all vendors were capable of providing a high altitude show with six inch shells.

## **8. REPORTS**

### **Board, Commission and Committee Reports by Council Liaisons**

#### **a. Engineering Department report and capital project updates**

Engineering Services will provide a report on the department and its functions and responsibilities. There will also be an update and review of current capital improvement projects (CIP). This presentation is for informational purposes.

City Engineer Greg Henry displayed the slides included in the agenda packet. On slide one Mr. Henry stated Mr. Dougherty asked each department to give a brief presentation on its goals and responsibilities. On slide two Mr. Henry stated the Engineering Department was located in the original post office in downtown Kingman. Mr. Henry stated the 4,800 square foot building was shared with Development Services and Representative Paul Gosar, who rented a small office. Mr. Henry stated the Engineering Department relocated from the current City Complex mail room to the current building in 1978. On slide three Mr. Henry reviewed the department's organizational chart and stated it had 15 full time employees. Mr. Henry reviewed the information on slide four.

Mayor Anderson asked if the Kingman Airport Authority (KAA) cooperated with providing water and sewer records.

Mr. Henry stated they did and Mohave County also assisted by contacting the department when permits were pulled in areas where water and sewer lines existed. Mr. Henry reviewed the figures on slide five. On slide six Mr. Henry stated the information was separated to show what the department accomplished inside and outside of the City limits as well as in residential and commercial properties. Mr. Henry reviewed the slide and stated the data was current to January 8, 2016. Mr. Henry reviewed the project list on slide seven. On slide eight Mr. Henry stated he included a printout of the list that was included at the end of the report in the agenda packet. Mr. Henry stated he would explain the projects highlighted in yellow. Mr. Henry stated the pedestrian signal at the Powerhouse was advertised by the Arizona Department of Transportation (ADOT) since they were administering the grant and project. Mr. Henry stated the goal was to have the signal completed before the next Route 66 Festival, but it may not happen due to the short timeline. Mr. Henry stated there were only two signal manufacturers in the United States and they did not complete orders quickly. Mr. Henry stated the Eastern Street improvements were funded through the design portion, but additional funds would need to be borrowed from project three to complete the work. Mr. Henry stated there would be public meetings on the design in March in order to obtain input on how wide the street should be. Mr. Henry stated there were many challenges with the project including drainage, ADOT issues, railroad considerations, and expenses to consider, but the goal was to have a multi-pathway design. Mr. Henry stated the design should be completed by fall and the department may ask for funding to purchase right-of-way if the Council wanted to proceed. Mr. Henry stated Eastern Street was the top street project. Mr. Henry stated project three was an I-40 feasibility study to look at connecting roadways in the east bench at Prospector Street or Kingman Crossing. Mr. Henry stated the study would account for right-of-way, drainage constraints, and potential issues for connecting to existing roadways. Mr. Henry stated there would be a

presentation to the Council on the findings. Mr. Henry stated the last project was the Fourth Street sidewalk block replacements. Mr. Henry stated there were two more panels to replace this year and the work would take place in February. Mr. Henry stated the panels were the closest match to the existing blocks, though the most noticeable difference was the extra friction added to the blocks for liability issues. Mr. Henry stated the water projects primarily involved replacing lines and working to mitigate water hammer issues. Mr. Henry stated the water master plan was approved and the plan would examine the City's water system and recommend future capital improvement projects. Mr. Henry stated the reclaimed water use study was 60% complete and included three alternatives to study. Mr. Henry stated the cheapest option would most likely be groundwater injection. Mr. Henry stated the connection between the Rancho Santa Fe and Rattlesnake tanks was complete and would lead to lower costs by reducing surges that caused line breaks. Mr. Henry stated the sewer master plan update should be completed in near future and would address the issue of the above ground sewer line to the Downtown Wastewater Treatment Plant (DWWTP). Mr. Henry stated the flood control projects had constantly shifting priorities based on the effects of last season's monsoons. Mr. Henry stated the fee study would examine the feasibility of fees and would be presented to Council in the future. Mr. Henry stated the Federal Emergency Management Agency (FEMA) grant for mapping would provide new aerial contour maps. Mr. Henry stated the maps would also be useful for developers. On slide nine Mr. Henry stated the department had great employees and did not experience a lot of turnover.

**b. Board, Commission and committee reports by Council liaisons**

There were no reports.

**9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

*Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.*

Mr. Dougherty stated the January Tri-City Council (TCC) meeting was cancelled. Mr. Dougherty stated the TCC Legislative Dinner would be February 11, 2016 and the City Clerk's Office needed to know whether councilmembers were attending.

Councilmember Miles stated the Kingman and Mohave Manufacturing Association (KAMMA) Monday agenda would contain the reclaimed water survey. Councilmember Miles stated she attended a KAA seminar last Friday and listened to a presentation on their work at the airport and industrial park over the last decades. Councilmember Miles stated the KAA had secured over \$28 million of grant money.

Councilmember Abram stated KAA had accomplished many things that were not published, which led to criticism. Councilmember Abram encouraged KAA to be more vocal of their accomplishments when appropriate.

Vice-Mayor Young stated KAA was under many regulations which had a lot to do with what they could and could not promote.

Mayor Anderson stated he would attend the Rural Transport Summit in Yuma, Arizona. Mayor Anderson stated he met with the Board of Directors of Realtors and heard there were 20 companies looking to relocate to Kingman when I-11 was constructed. Mayor Anderson stated he would provide the opening remarks at the Democratic caucus at La Senita on

January 23, 2016.

## 10. EXECUTIVE SESSION

### a. Executive Session

Pursuant to ARS 38-431.03(A)(4), the City Attorney requests the Council enter executive session to discuss potential litigation regarding the Central Christian Church and the City's denial of a conditional use permit (CUP).

Councilmember Yocum made a MOTION to ENTER Executive Session.  
Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

The Council entered Executive Session at 9:44 P.M. The Council returned from Executive Session at 10:15 P.M.

Councilmember Abram made a MOTION to RECONSIDER the conditional use permit for Central Christian Church with the conditions of a one year review, a five year expiration by a vote of the Council, and excluding the operation of soup kitchens, methadone clinics, etc. Vice-Mayor Young SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Abram made a MOTION to ADJOURN. Vice-Mayor Young SECONDED and it was APPROVED by a vote of 7-0.

**ADJOURNMENT** - 10:16 P.M.

ATTEST:

APPROVED:

\_\_\_\_\_  
Sydney Muhle  
City Clerk

\_\_\_\_\_  
Richard Anderson  
Mayor

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

### CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on January 19, 2016.

Dated this 2nd day of February, 2016.

\_\_\_\_\_  
Erin Roper, Deputy City Clerk and Recording Secretary



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** Development Services  
**MEETING DATE:** February 2, 2016  
**AGENDA SUBJECT:** Appointments to Historic Preservation Commission (HPC)

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**SUMMARY:**

The HPC currently has three vacancies: two full terms that will expire in December, 2018 and one partial term that will expire in December, 2017. HPC members D'Arcy Wagner's and Mert Glancy's terms expired in December, 2015 and they did not seek reappointment. The position expiring in December, 2017 has been vacant since January, 2015. In addition to these three vacancies, HPC member Erika Hatcher had over three unexcused absences during 2015 and may be removed from the commission per Kingman Municipal Code. Ms. Hatcher's term will expire in December, 2016. The HPC was unable to meet in November, 2015 to review candidate applications due to lack of attendance. The HPC meets quarterly and will have its next Regular Meeting on February 23, 2016. Due to issues obtaining quorum, Staff recommends Council appoint members from the following candidates: Jim Hinckley and Scott Dunton.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Approve appointments to the City Historic Preservation Commission of Jim Hinkley, Scott Dunton and Jacob Story.

**ATTACHMENTS:**

Description  
Commission Application  
Commission Application  
Related KMC excerpts

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Roper, Erin	Approved	1/28/2016 - 4:00 PM



CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

FOR MEMBERSHIP ON THE Historic Preservation Commission  
Estimated hours per month you can devote to this group: \_\_\_\_\_

Name Scott R. Dunton Home Phone # [REDACTED]  
Address [REDACTED] Kingman, AZ Alternative Phone # [REDACTED]  
Zip Code 86401

Email [REDACTED] Resident Located in -  
Kingman City Limits   
Mohave County

Length of Residency 65 years Are you a registered voter? Yes  No \_\_\_\_\_  
If asked, I would be willing to serve on another board or Commission. Yes \_\_\_\_\_ No \_\_\_\_\_  
List other boards or commissions interested in:  
\_\_\_\_\_  
\_\_\_\_\_

1. List your educational background.

High School graduate  
College (ASU) graduate

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

Business owner - Dunton Motors Dream Medians, Inc AZ  
Walnut Creek Development, Walnut Creek Water Co.  
Real Estate and Land Development.

3. Describe your involvement in the Kingman community.

Business owner  
Rte 66 Association

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

Rte 66 Association

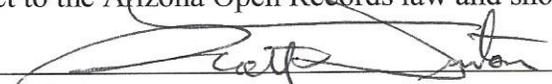
5. Describe why you are interested in serving in this position. \_\_\_\_\_

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: None

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2nd Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4th Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:00PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2nd Tuesday/1st month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant  Date 1/26/16

Please return this application to:

City of Kingman  
City Clerk's Office  
310 North Fourth Street  
Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*



**CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION**

FOR MEMBERSHIP ON THE \_\_\_\_\_

Estimated hours per month you can devote to this group: 5

Name James Hinckley Home Phone # [REDACTED]

Address [REDACTED] Alternative Phone # [REDACTED]

Zip Code 86401

Email [REDACTED] Resident Located in -

Kingman City Limits

Mohave County

Length of Residency 30 years Are you a registered voter? Yes  No

If asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:

\_\_\_\_\_  
\_\_\_\_\_

1. List your educational background. High school graduate, trade school graduate

\_\_\_\_\_  
\_\_\_\_\_

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

Associate editor Cars & Parts, specialized in the history of the American auto industry between 1885 and 1940, author of twelve books including Ghost Towns of Route 66, Ghost Towns of the Southwest, and the Route 66 Illustrated Historic Atlas

3. Describe your involvement in the Kingman community. Consultant for the Route 66 Association of

Kingman, promotional consultant for the Route 66 International Festival, tour development consultant for Ramada Kingman, facilitated establishment of the Route 66 Electric Vehicle Museum

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

Committee member on the Route 66 Economic Development Committee, Route 66: The Road Ahead Initiative facilitated by the National Park Service Route 66 Corridor Preservation Program, presentations made on Route 66 history, as a catalyst for economic development, and tourism made at the holiday fair in Utrecht Netherlands, Route 66 State Park, and the Miles of Possibilities Conference

5. Describe why you are interested in serving in this position. Revitalization of the Kingman historic district is key to establishing a sense of community and identity. It is also a crucial component in the fostering of multifaceted economic development.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2 <sup>nd</sup> Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4 <sup>th</sup> Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:00PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2 <sup>nd</sup> Tuesday/1 <sup>st</sup> month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant James Hinckley Date October 6, 2015

Please return this application to:

City of Kingman  
 City Clerk's Office Fax (928) 753-6867  
 310 North Fourth Street  
 Kingman, AZ 86401

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*

# Kingman Municipal Code

## Chapter 2 ADMINISTRATION

### ARTICLE IX. ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS

#### DIVISION 1. GENERALLY

##### **Sec. 2-157 Membership.**

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(h) *Removal.* A member of a body may be removed, with or without cause, by a majority vote of the common council. A body, with the approval of the council, may specify matters constituting cause for removal of its members. Such matters shall constitute cause for removal when reported to the mayor by the body. Such matters shall not, however, limit the discretion of the council to remove members for other reasons.

##### **Sec. 2-158 Meetings.**

---

(c) *Attendance at meetings.*

(2) *Removal for unexcused absence.* For standing bodies, three (3) unexcused absences during one (1) calendar year shall be cause for removal of a member. For special bodies, two (2) consecutive unexcused absences shall be cause for removal. The chairperson shall have discretion to determine whether an absence is excused or unexcused.

## PROCLAMATION

**WHEREAS,** American women of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways; and

**WHEREAS,** American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home; and

**WHEREAS,** American women served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement and the modern civil rights movement.

**NOW, THEREFORE, I,** Richard Anderson, Mayor of the City of Kingman, do hereby proclaim the month of March to be designated as:

**"WOMEN'S HISTORY MONTH"**

and specifically designate, Sunday, March 6, 2016 as:

**"WOMEN MAKING HISTORY DAY"**

and in so doing urge all citizens to join me in observing this month by recognizing the important roles women have played in the growth of our nation, our state, and our City.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Kingman. Done at the City of Kingman, Arizona this 2nd day of February, 2016.

---

Richard Anderson, Mayor

ATTEST:

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Sydney Muhle, City Clerk



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** City Clerk's Office  
**MEETING DATE:** February 2, 2016  
**AGENDA SUBJECT:** Special event liquor license

---

**SUMMARY:**

Applicant Regina Musumeci of the Kingman Powerhouse Kiwanis has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, March 19, 2016 from 3 P.M. to 11:00 P.M. at Beale Celebrations, 201 N. 4th Street in Kingman.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Staff recommends approval

**ATTACHMENTS:**

Description

Special Event Liquor License Application

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Rejected	1/25/2016 - 6:41 PM
City Clerk	Steadman, Donna	Approved	1/25/2016 - 6:45 PM
City Clerk	Muhle, Sydney	Approved	1/25/2016 - 6:53 PM
City Attorney	Cooper, Carl	Approved	1/27/2016 - 11:10 AM
City Manager	Dougherty, John	Approved	1/27/2016 - 10:48 AM

# ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W. Washington 5th Floor  
Phoenix, Arizona 85007-2934

(602) 542-5141

## APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 (refundable for approved events only)  
A service fee of \$25.00 will be charged for cash honored checks (A.R.S. § 44-6852)

**NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.  
PLEASE ALLOW 40 BUSINESS DAYS FOR PROCESSING.**

\*\*Application must be approved by local government before submission to Department of Liquor Licenses and Control. (Section #20)

DLLC USE ONLY

LICENSE #

- Name of Organization: Kingman Powerhouse Kiwanis
- Non-Profit/I.R.S. Tax Exempt Number: 260-123-849
- The organization is a: (check one box only)
  - Charitable
  - Fraternal (must have regular membership and in existence for over 5 years)
  - Civic
  - Religious
  - Political Party, Ballot Measure, or Campaign Committee
- What is the purpose of this event?  on-site consumption  off-site consumption (auction)  both

5. Location of the event: Beale Celebrations, 201 N 4th St Kingman AZ 86401  
Address of physical location (Not P.O. Box) City County Zip

**Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)**

- Applicant: Musumeci Regina Marie [Redacted Date of Birth]  
Last First Middle Date of Birth
- Applicant's Mailing Address: 3697 DAKOTA Rd Kingman AZ 86401  
Street City State Zip
- Phone Numbers: (928) 263-6250 (928) 753-0722 (928) [Redacted]  
Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (see A.R.S. 4-244(15) and (17) for legal hours of service)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>3/19/2016</u>	<u>Sat</u>	<u>3</u>	<u>11</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

\*Disabled individuals requiring special accommodations, please call (602) 542-9027



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Jeffrey Singer, Magistrate

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Replace Court fax machine

---

**SUMMARY:**

The Court needs to purchase a fax machine to replace the 10 year old machine that we have. The current fax machine is beyond repair due to the age and degradation. The Court would like to purchase a Xerox MFC 3325 from Copier Source.

Copier Source is the only business that is Xerox Certified in sales & service/repair. We have done business with them for many years and they service our current fax machine. The monthly service charge and cost for copies is already in our budget for this FY and has been for the last 10 years. This pays for a service tech to come to our location to clean, diagnose and correct the issue including replacement of any parts. We also receive software updates as needed. All supplies such as toner cartridges are provided at no additional cost. Other stores that sell fax machines would not be able to provide this service.

We are asking to purchase the machine because Xerox does not lease at this price point. I have been advised that the cost would be higher and the machine would have less functionality if we chose to lease.

The Court chose this Multi-Function Fax/Copier Machine because it is a high capacity machine and will meet our needs. We process up to 1500 faxes/copies through our current machine in one month. The MFC 3325 can be used as backup to our current copier with e-mail function as well. It has the capability to connect to our wireless network and allow us to continue e-mailing documents without interruption to the City Attorney's Office, local attorneys, defendants and various other agencies that the Court works with. Local fax machines are not high capacity and would not be able to handle our work load.

We are asking to purchase the fax machine from our Court Enhancement Fund. This fund has been established for the Court to be able to make required purchases that affect Court operations.

**FISCAL IMPACT:**

No fiscal impact

The purchase would be made using the Court's "Court Enhancement Fund".

**STAFF RECOMMENDATION:**

Recommends approval

**ATTACHMENTS:**

Description

Backup Document

**REVIEWERS:**

Department

Reviewer

Action

Date

Municipal Court

Muhle, Sydney

Approved

1/26/2016 - 12:50 PM



# QUOTE

Quote Number: 0000911  
Quote Date: 12/29/15  
Customer PO  
Account Number: 7893-0  
Salesperson

**COPIER SOURCE**  
2587 N KOWA BLVD LAKE HAVASU CITY, AZ 86403  
Ph (928) 680-0770 Fax (928) 680-1342

**Bill To:**  
CITY OF KINGMAN MAGISTRATE  
COURT  
219 N 4TH STREET  
KINGMAN AZ 86401

**Ship To:** 000  
CITY OF KINGMAN MAGISTRATE CRT  
219 N 4TH STREET  
KINGMAN AZ 86401

**Buyer Phone**  
Fax (928) 753-8000  
Route/Seq /0

Line	Item Number	Description	UOM	Qty	Price	Total
1	MISC	MFC3325 XEROX	EA	1	699.000	699.00

monthly service charge \$28.88  
 click rate .02 per click same  
 as current machine } already in budget

QUOTE IS GOOD FOR 30 DAYS

Subtotal	699.00
Shipping	0.00
Sales Tax	54.87
<b>Total</b>	<b>753.87</b>

# COPIER SOURCE SERVICE PLAN

Service plan covers:

1. **Service Calls: Service Techs time and travel to diagnose problem and time to fix the problem related to the call and all calls.**
2. **Service: Includes all materials needed to fix and repair issues pertaining to the Xerox printer. Parts such as the Drum Unit, Mother Boards, Fuser, Belts, Rollers and all other parts that make up the printer.**
3. **Any software updates needed.**
4. **Cleanings**

Click Rate part of the service Package:

1. **All supplies needed for machine such as Toner Cartridges and Waste Toner Containers.**

# Xerox® Phaser® 3320 Printer and Xerox® WorkCentre® 3315/3325 Multifunction Printer

Superior desktop productivity with the latest office technology advantages. The convenient, value-packed Phaser 3320 Printer and WorkCentre 3315/3325 Multifunction Printer deliver reliable, economical performance where you need it, helping you stay focused on what matters most: growing your business.

## Get more pages!

Print longer right out of the box. The Phaser 3320 and WorkCentre 3325 come with a standard toner cartridge that yields up to 5,000 pages.

## Do More for Less

- **More efficient input.** A Duplex Automatic Document Feeder (DADF) comes standard with the WorkCentre 3325, making faster work of two-sided scan, copy and fax jobs.
- **Standard duplexing.** Highly efficient, no-hassle two-sided printing can cut your paper consumption and cost in half. And it's included with the Phaser 3320 and WorkCentre 3315/3325, not an expensive add-on.

## Engineered to Perform, Built to Last

- **Outstanding performance.** A fast print speed of up to 37 ppm and a first-page-out time as fast as 6.5 seconds mean your documents are always ready when you need them.
- **Print more for longer.** An optional second paper tray lets you load an extra 520 sheets at one time for extended interruption-free printing.
- **See the difference.** Your documents show exceptional sharpness with up to 1200 x 1200 Image quality.
- **Reliable endurance.** A monthly duty cycle of up to 80,000 prints for the Phaser 3320 and WorkCentre 3325 (up to 50,000 prints for the WorkCentre 3315) means heavy-duty production. A standard one-year depot warranty gives you added peace of mind.
- **Multifunction productivity.** The space-saving WorkCentre 3315/3325 Multifunction Printer helps you conserve energy and reduce supplies costs by combining the functions of a copier, printer, color scanner, and fax into one affordable device.

## An Easy Fit

- **Go wireless.** The Phaser 3320 and WorkCentre 3325 come standard with Internal Wi-Fi connectivity\*, giving you the freedom to choose the device that's right for you, and put it right where you need it.
- **Stay secure.** Keep your sensitive documents away from unintended recipients with the latest security features, including IPsec, SNMPv3, IP filtering and secure print.
- **Productivity where you need it.** All three devices feature a small footprint, which allows for easy integration within your work space, whether on your desk or in a shared location.
- **Economical efficiency.** Available high-capacity print cartridges reduce your total cost of ownership and demand less frequent replacement.
- **Easy management.** With Xerox® CentreWare® IS, remote device administration is handled with ease right from your computer's browser.

\* DNS configurations only

### WorkCentre 3315/3325 Quick Facts

- Print up to 33/37 ppm
- First page-out time as fast as 6.5 seconds
- Built-in Wi-Fi connectivity\*
- 50-sheet (Duplex) Automatic Document Feeder (WorkCentre 3325 only)
- Standard 250-sheet paper capacity
- 50-sheet Bypass Tray
- 600 MHz processor (WorkCentre 3315: 360 MHz)
- Up to 1200 x 1200 Image quality



Copy / Print / Scan / Fax / Email

8.5 x 11 in. / A4

33 ppm (3315)  
37 ppm (3325)

WorkCentre 3315

WxDxH:  
16.7 x 16.6 x 16.4 in./  
424 x 422 x 417 mm

Weight:  
31.7 lbs / 14.4 kg

WorkCentre 3325

WxDxH:  
18.5 x 18 x 17.6 in./  
469 x 458 x 447 mm

Weight:  
36.5 lbs / 16.6 kg

### Phaser 3320 Quick Facts

- Print up to 37 ppm
- First page-out time as fast as 6.5 seconds
- Built-in Wi-Fi connectivity\*
- Standard 250-sheet paper capacity
- 50-sheet Bypass Tray
- 600 MHz processor
- Up to 1200 x 1200 Image quality



Print

8.5 x 11 in. / A4

37 ppm

Phaser 3320

WxDxH:  
14.4 x 14.5 x 10.1 in./  
366 x 368 x 257 mm

Weight:  
21.8 lbs / 9.9 kg

	Phaser® 3320	WorkCentre® 3315	WorkCentre 3325
<b>Speed</b>	Up to 37 ppm Letter / 35 ppm A4	Up to 33ppm Letter / 31 ppm A4	Up to 37 ppm Letter / 35 ppm A4
<b>Duty Cycle</b>	Up to 80,000 pages / month <sup>1</sup>	Up to 50,000 pages / month <sup>1</sup>	Up to 80,000 pages / month <sup>1</sup>
<b>Paper Handling</b> Paper Input	Standard	Automatic Document Feeder (ADF): 50 sheets, Custom Sizes: 5.6 x 5.8 in. to 8.5 x 14 in. / 142 x 148 mm to 216 x 356 mm	Duplex Automatic Document Feeder (DAADF): 50 sheets, Custom Sizes: 5.6 x 5.8 in. to 8.5 x 14 in. / 142 x 148 mm to 216 x 356 mm
		Bypass Tray: 50 sheets, Custom sizes: 3 x 5 in. to 8.5 x 14 in. / 76 x 127 mm to 216 x 356 mm	
	Optional	Tray 1: 250 sheets, Custom sizes: 4.1 x 5.8 in. to 8.5 x 14 in. / 105 x 148 mm to 216 x 356 mm	
	Additional Tray: 520 sheets, Custom sizes: 5.83 x 8.27 in. to 8.5 x 14 in. / 148 x 210 mm to 216 x 356 mm		
<b>Paper Output</b>	150 sheets		
<b>Automatic Two-sided Printing</b>	Standard		
<b>Print First-page-out Time</b>	As fast as 6.5 seconds		
<b>Print Resolution (max)</b>	Up to 600 x 600 dpi (1,200 x 1,200 image quality)		
<b>Processor</b>	600 MHz	360 MHz	600 MHz
<b>Memory (std / max)</b>	128 MB / 384 MB		256 MB / 768 MB
<b>Local Drive</b>	NA	NA	2 GB
<b>Connectivity</b>	USB 2.0, 10/100/1000Base-T Ethernet, Wi-Fi <sup>2</sup>	USB 2.0, 10/100Base-T Ethernet	USB 2.0, 10/100/1000Base-T Ethernet, Wi-Fi <sup>2</sup>
<b>Page Description Languages</b>	PCL <sup>®</sup> 5e and 6 emulations, PostScript 3 emulation	PCL <sup>®</sup> 5e and 6 emulations, PostScript 3 emulation, PDF emulation	PCL <sup>®</sup> 5e and 6 emulations, Adobe <sup>®</sup> PostScript <sup>®</sup> 3 <sup>™</sup> emulation, PDF emulation, XPS <sup>®</sup>
<b>Print Features</b>	Watermarks, Collation, Auto 2-sided prints, N-up, Poster, Booklet print, Custom page size, Fit to page, Scaling, Toner Save mode: Earth Smart mode	Watermarks, Collation, Auto 2-sided prints, N-up, Poster, Booklet print, Custom page size, Fit to page, Scaling, Toner Save mode: Earth Smart mode, Print from USB	Watermarks, Collation, Auto 2-sided prints, N-up, Poster, Booklet print, Custom page size, Fit to page, Scaling, Toner Save mode: Earth Smart mode, Print from USB, Job scheduling, Print from local drive, Save and Print
<b>Copy First-page-out Time</b>		As fast as 12 seconds	As fast as 10 seconds
<b>Copy Resolution (max)</b>		Up to 600 x 600 dpi	
<b>Copy Features</b>	NA	Automatic background suppression, Darkness control, ID Card Copy, Margin shift, N-up, Job build, Photo mode, Program Ahead	Automatic background suppression, Darkness control, ID Card Copy, Margin shift, N-up, Job build, Photo mode, Program Ahead, Booklet creation, Book copying with center erase, Job interrupt, Edge erase, Poster copying
<b>Fax<sup>3</sup></b> Fax Features	NA	33.6 Kbps with MR/MR/MNR/BIU/JPEG compression, Address book (up to 200 speed dials, 209 group dials), Resolution up to 300 x 300 dpi, Auto redact, Auto reduction, Color Fax Send, Delayed Send, Fax Forward to Email/Fax, Junk fax protection, Memory Receive, PC Fax (Windows only), Secure Fax	
<b>Scan</b> Scan Destinations	NA	Scan to Email, USB, Local PC, Network PC	Scan to Email, USB, Local PC, Network PC, Folder FTP, SMB, Local Drive
<b>Scan Features</b>		Up to 4800 x 4800 dpi resolution, 24-bit color / 8-bit grayscale, PDF / iPEG/TIFF (single and multi page), Xerox <sup>®</sup> Scan to PC Desktop <sup>®</sup> Personal Edition	
<b>Security</b>	Secure HTTPS (SSL), IPsec, 802.1X, SNMPv3, IP Filtering, Secure Print, Mac Address Filtering	Secure HTTPS (SSL), IPsec, 802.1X, SNMPv3, IP Filtering, Secure Print (with optional 256 MB Memory upgrade), Mac Address Filtering, Secure LDAP	Secure HTTPS (SSL), IPsec, 802.1X, SNMPv3, IP Filtering, Secure Print, Mac Address Filtering, Network Authentication, Secure LDAP, Image Overwrite
<b>Warranty</b>	One-year depot warranty with free service coverage with Xerox eCare <sup>®</sup> Xerox Total Satisfaction Guarantee		

#### Device Management

CentreWare<sup>®</sup> Internet Services, CentreWare Web, Email alerts,  
Apple<sup>®</sup> Bonjour

#### Print Drivers

Windows XP and later, OSX 10.5 and later, various Unix and Unix  
distributions, Xerox Global Print Driver, Xerox Mobile Express Driver

#### Media Handling

Automatic Document Feeder (3315): 16 lb. - 28 lb. bond / 60 - 105  
gsm; Duplex Automatic Document Feeder (3325): 12.5 lb. - 28 lb.  
bond / 50 - 105 gsm; Bypass Tray: 16 lb. bond - 58 lb. cover /  
60 - 220 gsm; Tray 1: 16 lb. - 43 lb. bond / 60 - 163 gsm; Media  
types: Plain paper, envelopes, labels, transparencies, cardstock,  
recycled

#### Operating Environment

Temperature: Storage: 32° to 104° F / 0° to 40° C, Operating:  
50° to 90° F / 10° to 32° C, Humidity: Operating: 20% to 80%,  
Sound pressure level: 3320: Printing: 52 dBA(A), Standby: 26  
dBA(A), 3315: Printing/Copying: 52 dBA(A), Standby: 26 dBA(A), 3325:  
Printing/Copying: 53 dBA(A), Standby: 26 dBA(A), Warm-up time: 6 min,  
sleep mode: as fast as 25 seconds

#### Electrical

Power: 110 - 127 VAC, 50/60 Hz, 6.5A or 220 - 240 VAC, 50/60  
Hz, 3.3A, Power Consumption: 3320: Standby: 48 W, Printing: 420  
W, Sleep: 10 W, 3315: Standby: 50 W, Printing: 600 W, Sleep: 8 W,  
3325: Standby: 50 W, Printing: 650 W, Sleep: 8 W

#### Supplies

3320: 11,000 std. pages <sup>4</sup>	106R02307
3320: 5,000 std. pages <sup>4</sup>	106R02305
3325: 11,000 std. pages <sup>4</sup>	106R02313
3325: 5,000 std. pages <sup>4</sup>	106R02311
3315: 5,000 std. pages <sup>4</sup>	106R02311
3315: 2,300 std. pages <sup>4</sup>	106R02309

#### Options

Additional 520-sheet Paper Tray	4979D1412
256 MB Memory	
(Phaser 3320 & WorkCentre 3315)	096N02189
512 MB Memory (WorkCentre 3325)	097N01878

<sup>1</sup> Maximum volume capacity reported in any one month.  
Not expected to be sustained on a regular basis.

<sup>2</sup> Wi-Fi configurations only.

<sup>3</sup> Requires enabling phone line.

<sup>4</sup> Average standard pages. Declared yield in accordance with ISO/IEC  
14752. Yield will vary based on image, area coverage and print mode.

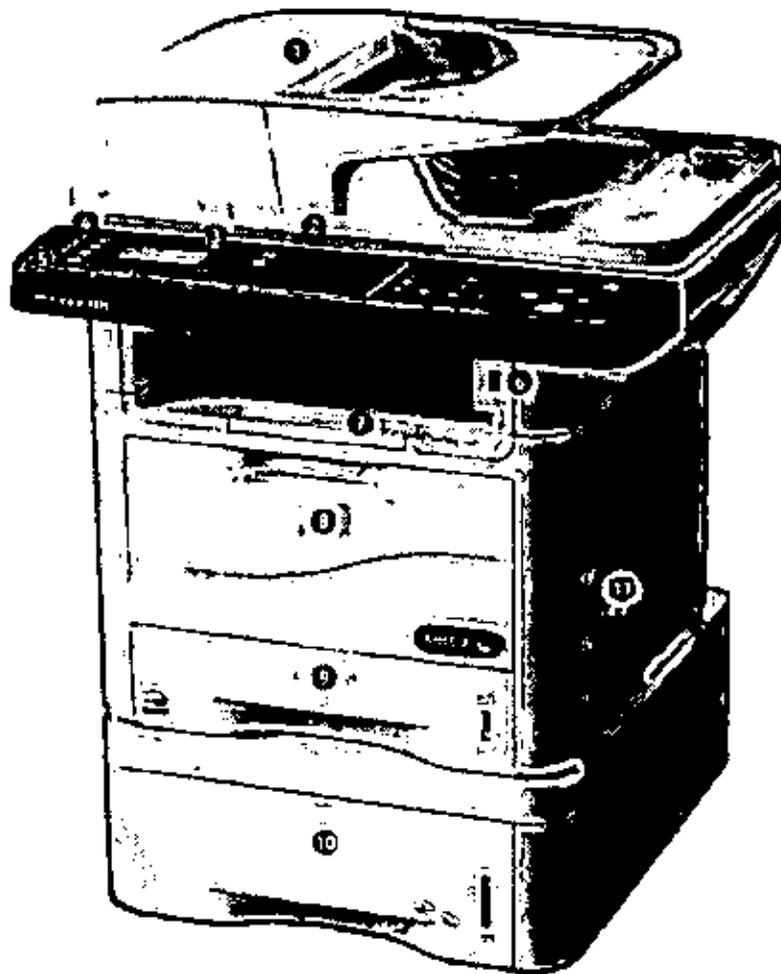


For more information, call 1-877-362-6567 or visit us at [www.xerox.com/office](http://www.xerox.com/office)

xerox

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**Multiple functions, minimal footprint.** The Xerox® WorkCentre® 3315/3325 Multifunction Printer offers outstanding print performance, plus a host of powerful productivity tools designed to make your daily office tasks more efficient than ever.



**1**  
A 50-sheet automatic document feeder handles media sizes from 5.6 x 5.8 in. to 8.5 x 14 in. Upgrade to the WorkCentre 3325 Multifunction Printer's 50-sheet DADF and get the extra ability to scan, copy, fax and email two-sided originals.

**2**  
Powerful color scanning capabilities include scan to email, network scanning (WorkCentre 3325 only), scan to folder and scan to USB memory device.

**3**  
A large, brightly illuminated front panel with easy-access buttons and help screens to streamline operations.

**4**  
Standard copy features include ID Card Copy, N up, photo mode, and more.

**5**  
Packed with the latest fax capabilities at a speed of 33.6 Kbps and MH/MR/MMR/BBIG/JPEG compression.

**6**  
A front-side USB port allows users to quickly print from or scan to any standard USB memory device.

**7**  
150-sheet output tray.

**8**  
Adjustable 50-sheet bypass input tray accepts custom media sizes from 3 x 5 in. to 8.5 x 14 in.

**9**  
250-sheet input tray accepts custom media sizes from 4.1 x 5.8 in. to 8.5 x 14 in.

**10**  
Choose an additional 520-sheet paper tray and increase total capacity to 820 sheets.

**11**  
A standard 600 MHz processor and 256 MB memory (expandable to 768 MB) easily handle a heavy workload (WorkCentre 3325 only).



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Jackie Walker, Human Resources/Risk Management Director

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Resolution 4995: amending classification and compensation plan

---

**SUMMARY:**

By a majority vote of the Council, on January 19, 2016 Council moved and approved to change the FLSA status for the Police Lieutenant classification from FLSA Exempt to FLSA Non-Exempt eligible for overtime. Attached hereto is Resolution No. 4995 amending the Classification and Compensation Plan for Fiscal Year 2015/2016 to replicate the change.

**FISCAL IMPACT:**

Unknown

**STAFF RECOMMENDATION:**

Staff recommends approval of the change to the classification and compensation plan.

**ATTACHMENTS:**

Description

Resolution No. 4995

Classification & Compensation Plan - Exhibits A, B & C

**REVIEWERS:**

Department	Reviewer	Action	Date
Human Resources	Walker, Jackie	Approved	1/26/2016 - 6:05 PM
City Attorney	Cooper, Carl	Approved	1/27/2016 - 11:09 AM
City Manager	Dougherty, John	Approved	1/27/2016 - 10:48 AM

CITY OF KINGMAN, ARIZONA

RESOLUTION NO. 4995

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; AMENDING THE PREVIOUSLY AMENDED RESOLUTION NO. 4986 PERSONNEL RULES AND REGULATIONS OF THE CITY OF KINGMAN BY REVISING EXHIBITS A, B, AND C – CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL 2015-2016

WHEREAS, the Common Council has the authority under Rule 6 and Rule 7 of the City of Kingman Personnel Rules and Regulations to amend the Personnel Classification plan, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

- A. That Resolution No. 4995 amends the previously adopted Resolution No. 4986, adopted on December 15, 2015, by amending the Classification and Compensation Plan for Fiscal Year 2015/2016, attached hereto as Exhibits A, B, and C revised and incorporated herein by reference.
- B. That the attached Exhibits make changes in the Police Department by changing the FLSA exempt status for the Police Lieutenant classification from FLSA Exempt to FLSA Non-Exempt eligible for overtime. This change does not affect the FTE count.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on February 2, 2016.

ATTEST:

\_\_\_\_\_  
Sydney Muhle, City Clerk

APPROVED:

\_\_\_\_\_  
Richard Anderson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Carl Cooper, City Attorney

**SALARY STRUCTURE - FY 2016**  
**Market Range Spreads - Police Lieutenant FLSA Change**

EXHIBIT A

Revised

1/19/2016

CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMPT	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
Mayor & Council	7												
City Manager	1		X										
City Attorney	1		X										
City Magistrate	1		X										
OPEN				229	96607				114103				133485
OPEN				228	92007				108670				127128
GRADE				227	87625				103495				121074
Bi-Weekly					3370.2071	3538.7175	3680.2662	3827.4768	3980.5759	4139.7990	4305.3909	4477.6066	4656.7108
Development Services Director	1		X	227	87625				103495				121074
City Engineer	1		X	227	87625				103495				121074
Financial Service Director	1		X	227	87625				103495				121074
Fire Chief	1		X	227	87625				103495				121074
Human Resources/Risk Mgt Director	1		X	227	87625				103495				121074
Information Technology Director	1		X	227	87625				103495				121074
Parks & Rec Director	1		X	227	87625				103495				121074
Police Chief	1		X	227	87625				103495				121074
Public Works Director	1		X	227	87625				103495				121074
OPEN				226	83453				97628				112571
GRADE				225	79479				91204				104658
Bi-Weekly					3056.8772	3163.8679	3274.6033	3389.2144	3507.8369	3630.6112	3757.6826	3889.2015	4025.3236
GRADE				224	75694				88551				102106
Bi-Weekly					2911.3116	3027.7641	3148.8747	3274.8297	3405.8228	3542.0558	3666.0277	3794.3387	3927.1405
Asst City Attorney	1		X	224	75694				88551				102106
Asst City Engineer	3		X	224	75694				88551				102106
Asst Fire Chief	1		X	224	75694				88551				102106
Captain - Police	0	1	X	224	75694				88551				102106
City Clerk	1		X	224	75694				88551				102106
Deputy Police Chief	1		X	224	75694				88551				102106
Special Projects Administrator	0	1	X	224	75694				88551				102106
OPEN				223	72090				84335				97243
OPEN				222	68657				80319				92613
GRADE				221	65387				76494				88203
Bi-Weekly					2514.9005	2615.4965	2720.1163	2828.9210	2942.0778	3059.7609	3166.8526	3277.6924	3392.4117
Fire BC - Operations					23.7255	24.6745	25.6615	26.6879	27.7555	28.8657	29.8760	30.9216	32.0039
Associate Magistrate	0.5		X	221	65387				76494				88203
Battalion Chief-Training, Prevention, EMS	3		X	221	65387				76494				88203
Battalion Chief - Operations	3		X	221	65387				76494				88203
Lieutenant	3		X	221	65387				76494				88203
GRADE				220	62274				72851				84003
Bi-Weekly					2395.1433	2490.9490	2590.5870	2694.2105	2801.9789	2914.0580	3016.0501	3121.6118	3230.8682
City Surveyor	1		X	220	62274				72851				84003
Finance Administrator	2		X	220	62274				72851				84003
Support Services Administrator	1		X	220	62274				72851				84003
OPEN				219	59308				69382				82344
GRADE				218	56484				66078				78423
Bi-Weekly					2172.4656	2259.3642	2349.7388	2443.7283	2541.4774	2643.1365	2762.0777	2886.3712	3016.2579
Asst City Surveyor	0	1	X	218	56484				66078				78423
Building Official	1		X	218	56484				66078				78423
Communications Administrator	1		X	218	56484				66078				78423
Court Administrator	1		X	218	56484				66078				78423
Human Resources Administrator	1		X	218	56484				66078				78423
Information Technology Administrator	1		X	218	56484				66078				78423
Project Engineer	0	1	X	218	56484				66078				78423
Prosecutor	1		X	218	56484				66078				78423
Superintendent	8	1	X	218	56484				66078				78423
GRADE				217	53794				62932				74688
Bi-Weekly					2069.0148	2151.7754	2237.8464	2327.3603	2420.4547	2517.2729	2630.5502	2748.9249	2872.6266
Asst Fire Marshal	0	1	X	217	53794				62932				74688
Principal Planner	2		X	217	53794				62932				74688

DEPART

DIRECTORS / DIVISION MANAGERS

AND D - FLSA EXEMPT

**SALARY STRUCTURE - FY 2016**  
**Market Range Spreads - Police Lieutenant FLSA Change**

**EXHIBIT A**

Revised

1/19/2016

B/	CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMP	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
		Project Manager	1	1	X	217	53794				62932			
	Sr. Accountant/Budget Analyst	1		X	217	53794				62932				74688

**SALARY STRUCTURE - FY 2016**  
**Market Range Spreads - Police Lieutenant FLSA Change**

EXHIBIT A

Revised

1/19/2016

CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMP	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
GRADE				216	51233	53794	56484	59308	62274	65387	68657	72090	
Bi-Weekly					1970	2069	2172	2281	2395	2515	2641	2773	
Hourly					24.6311	25.8627	27.1558	28.5136	29.9393	31.4363	33.0081	34.6585	
Fire					18.5895	19.5190	20.4950	21.5197	22.5957	23.7255	24.9117	26.1573	
Captain - Fire	12			216	51233	53794	56484	59308	62274	65387	68657	72090	
Sergeant	7			216	51233	53794	56484	59308	62274	65387	68657	72090	
GRADE				215	48793	51233	53794	56484	59308	62274	65387	68657	
Bi-Weekly					1876.6574	1970.4903	2069.0148	2172.4656	2281.0889	2395.1433	2514.9005	2640.6455	
Hourly					23.4582	24.6311	25.8627	27.1558	28.5136	29.9393	31.4363	33.0081	
GRADE				214	46470	48793	51233	53794	56484	59308	62274	65387	
Bi-Weekly					1787.2928	1876.6574	1970.4903	2069.0148	2172.4656	2281.0889	2395.1433	2514.9005	
Hourly					22.3412	23.4582	24.6311	25.8627	27.1558	28.5136	29.9393	31.4363	
Fire Prevention Specialist	3			214	46470	48793	51233	53794	56484	59308	62274	65387	
Information Technology Coordinator	4			214	46470	48793	51233	53794	56484	59308	62274	65387	
Planner	1			214	46470	48793	51233	53794	56484	59308	62274	65387	
GRADE				213	44257	46470	48793	51233	53794	56484	59308	62274	
Bi-Weekly					1702.1836	1787.2928	1876.6574	1970.4903	2069.0148	2172.4656	2281.0889	2395.1433	
Hourly					21.2773	22.3412	23.4582	24.6311	25.8627	27.1558	28.5136	29.9393	
Fire					16.0583	16.8613	17.7043	18.5895	19.5190	20.4950	21.5197	22.5957	
Construction Project/Mt Supervisor	1			213	44257	46470	48793	51233	53794	56484	59308	62274	
Engineer - Fire	15			213	44257	46470	48793	51233	53794	56484	59308	62274	
Engineering Technician Supervisor	1			213	44257	46470	48793	51233	53794	56484	59308	62274	
Survey Party Chief	2			213	44257	46470	48793	51233	53794	56484	59308	62274	
Wastewater Treatment Pl Op IV	3			213	44257	46470	48793	51233	53794	56484	59308	62274	
GRADE				212	42149	44257	46470	48793	51233	53794	56484	59308	
Bi-Weekly					1621.1273	1702.1836	1787.2928	1876.6574	1970.4903	2069.0148	2172.4656	2281.0889	
Hourly					20.2641	21.2773	22.3412	23.4582	24.6311	25.8627	27.1558	28.5136	
Administrative Supervisor	4			212	42149	44257	46470	48793	51233	53794	56484	59308	
Electrician II	1			212	42149	44257	46470	48793	51233	53794	56484	59308	
Engineering Technician II	1			212	42149	44257	46470	48793	51233	53794	56484	59308	
Police Officer	43			212	42149	44257	46470	48793	51233	53794	56484	59308	
Sr. Building Inspector	3	6		212	42149	44257	46470	48793	51233	53794	56484	59308	
GRADE				211	40142	42149	44257	46470	48793	51233	53794	56484	
Bi-Weekly					1543.9307	1621.1273	1702.1836	1787.2928	1876.6574	1970.4903	2069.0148	2172.4656	
Hourly					19.2991	20.2641	21.2773	22.3412	23.4582	24.6311	25.8627	27.1558	
Fire					14.5654	15.2937	16.0583	16.8613	17.7043	18.5895	19.5190	20.4950	
Communications Crew Leader	4			211	40142	42149	44257	46470	48793	51233	53794	56484	
Crew Leader	6			211	40142	42149	44257	46470	48793	51233	53794	56484	
Deputy City Clerk	1			211	40142	42149	44257	46470	48793	51233	53794	56484	
Evidence Technician II	1			211	40142	42149	44257	46470	48793	51233	53794	56484	
Firefighter	13	2		211	40142	42149	44257	46470	48793	51233	53794	56484	
Lab Analyst	1			211	40142	42149	44257	46470	48793	51233	53794	56484	
Recreation Coordinator	2			211	40142	42149	44257	46470	48793	51233	53794	56484	
Water Quality Program Manager	1			211	40142	42149	44257	46470	48793	51233	53794	56484	
Wastewater Treatment Pl Op III	2			211	40142	42149	44257	46470	48793	51233	53794	56484	

BAND C  
SUPERVISORS / DEGREES-ADVANCED SKILLS OCCUPATIONS

**SALARY STRUCTURE - FY 2016**  
**Market Range Spreads - Police Lieutenant FLSA Change**

**EXHIBIT A**

Revised

1/19/2016

CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMP	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
OPEN				210	38231	40525	42956	45533	48265	51161	54231		
GRADE				209	36410	38595	40910	43365	45967	48725	51649		
Bi-Weekly					1400.3907	1484.4141	1573.4790	1667.8877	1767.9610	1874.0386	1986.4809		
Hourly					17.5049	18.5552	19.6685	20.8486	22.0995	23.4255	24.8310		
Accountant	1			209	36410	38595	40910	43365	45967	48725	51649		
Administrative Assistant II	3			209	36410	38595	40910	43365	45967	48725	51649		
Blue Stake Coordinator	1			209	36410	38595	40910	43365	45967	48725	51649		
Building Inspector	0			209	36410	38595	40910	43365	45967	48725	51649		
Building Maintenance Technician	2			209	36410	38595	40910	43365	45967	48725	51649		
Code Enforcement Officer	4			209	36410	38595	40910	43365	45967	48725	51649		
Communications Specialist	11			209	36410	38595	40910	43365	45967	48725	51649		
Electrician	1			209	36410	38595	40910	43365	45967	48725	51649		
Employee Safety Coordinator	0			209	36410	38595	40910	43365	45967	48725	51649		
Engineering Technician	4	2		209	36410	38595	40910	43365	45967	48725	51649		
Equipment Mechanic	6			209	36410	38595	40910	43365	45967	48725	51649		
Equipment Operator A	12	1		209	36410	38595	40910	43365	45967	48725	51649		
GIS Technician	1			209	36410	38595	40910	43365	45967	48725	51649		
Human Resources Technician	1.5			209	36410	38595	40910	43365	45967	48725	51649		
Loss Control Technician	1			209	36410	38595	40910	43365	45967	48725	51649		
Survey Instrument Technician	0	2		209	36410	38595	40910	43365	45967	48725	51649		
Wastewater Collections A	2			209	36410	38595	40910	43365	45967	48725	51649		
Wastewater Treatment Pl Op II	2			209	36410	38595	40910	43365	45967	48725	51649		
Water Technician A	2	1		209	36410	38595	40910	43365	45967	48725	51649		
Welder	1			209	36410	38595	40910	43365	45967	48725	51649		
GRADE				208	34676	36757	38962	41300	43778	46405	49189		
Bi-Weekly					1333.7054	1413.7277	1498.5514	1588.4645	1683.7723	1784.7987	1891.8866		
Hourly					16.6713	17.6716	18.7319	19.8558	21.0472	22.3100	23.6486		
Evidence Technician	1			208	34676	36757	38962	41300	43778	46405	49189		
Permit Technician	1			208	34676	36757	38962	41300	43778	46405	49189		
Wastewater Collections B	0			208	34676	36757	38962	41300	43778	46405	49189		
Wastewater Treatment Pl Op I	0			208	34676	36757	38962	41300	43778	46405	49189		
Water Technician B	0	1		208	34676	36757	38962	41300	43778	46405	49189		
OPEN				207	33025	35007	37107	39333	41693	44195	46847		
GRADE				206	31452	33340	35340	37460	39708	42090	44616		
Bi-Weekly					1209.7101	1282.2927	1359.2303	1440.7841	1527.2312	1618.8650	1715.9969		
Hourly					15.1214	16.0287	16.9904	18.0098	19.0904	20.2358	21.4500		
Administrative Assistant	10	2		206	31452	33340	35340	37460	39708	42090	44616		
Call Taker - Police	0	1		206	31452	33340	35340	37460	39708	42090	44616		
Equipment Operator B	20	6		206	31452	33340	35340	37460	39708	42090	44616		
Transit Operator	9	1		206	31452	33340	35340	37460	39708	42090	44616		

BAND B  
SKILLED / PARA-PROFESSIONAL OCCUPATIONS

**SALARY STRUCTURE - FY 2016**  
**Market Range Spreads - Police Lieutenant FLSA Change**

**EXHIBIT A**

Revised

1/19/2016

CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMP	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
<b>GRADE</b>				<b>205</b>	<b>29955</b>	<b>31752</b>	<b>33657</b>	<b>35677</b>	<b>37817</b>	<b>40086</b>			
Bi-Weekly					<b>1152.1049</b>	<b>1221.2312</b>	<b>1294.5050</b>	<b>1372.1753</b>	<b>1454.5059</b>	<b>1541.7762</b>			
Hourly					<b>14.4013</b>	<b>15.2654</b>	<b>16.1813</b>	<b>17.1522</b>	<b>18.1813</b>	<b>19.2722</b>			
Animal Control Officer	0			205	29955	31752	33657	35677	37817	40086			
Court Collections Officer	1			205	29955	31752	33657	35677	37817	40086			
Payroll/Accts Payable Clerk	2	1		205	29955	31752	33657	35677	37817	40086			
<b>GRADE</b>				<b>204</b>	<b>28528</b>	<b>30240</b>	<b>32054</b>	<b>33978</b>	<b>36016</b>	<b>38177</b>			
Bi-Weekly					<b>1097.2427</b>	<b>1163.0773</b>	<b>1232.8619</b>	<b>1306.8337</b>	<b>1385.2437</b>	<b>1468.3583</b>			
Hourly					<b>13.7155</b>	<b>14.5385</b>	<b>15.4108</b>	<b>16.3354</b>	<b>17.3155</b>	<b>18.3545</b>			
Administrative Secretary	6	1		204	28528	30240	32054	33978	36016	38177			
Chemical Applicator	1			204	28528	30240	32054	33978	36016	38177			
Court Clerk	5	0		204	28528	30240	32054	33978	36016	38177			
Court Clerk - Veterans	1			204	28528	30240	32054	33978	36016	38177			
Customer Svc Representative	4			204	28528	30240	32054	33978	36016	38177			
Irrigation Mechanic	3			204	28528	30240	32054	33978	36016	38177			
Legal Secretary	2	1		204	28528	30240	32054	33978	36016	38177			
Pool Operator	2			204	28528	30240	32054	33978	36016	38177			
Water Service Worker	0	1		204	28528	30240	32054	33978	36016	38177			
<b>OPEN</b>				<b>203</b>	<b>27170</b>	<b>28800</b>	<b>30528</b>	<b>32360</b>	<b>34301</b>	<b>36359</b>			
<b>GRADE</b>				<b>202</b>	<b>25876</b>	<b>27429</b>	<b>29074</b>	<b>30819</b>	<b>32668</b>	<b>34628</b>			
Bi-Weekly					<b>995.2315</b>	<b>1054.9454</b>	<b>1118.2421</b>	<b>1185.3367</b>	<b>1256.4569</b>	<b>1331.8443</b>			
Hourly					<b>12.4404</b>	<b>13.1868</b>	<b>13.9780</b>	<b>14.8167</b>	<b>15.7057</b>	<b>16.6481</b>			
Building Maintenance Worker	4			202	25876	27429	29074	30819	32668	34628			
Fire Maintenance Worker	2			202	25876	27429	29074	30819	32668	34628			
Groundskeeper	15.25	4		202	25876	27429	29074	30819	32668	34628			
<b>GRADE</b>				<b>201</b>	<b>24644</b>	<b>26122</b>	<b>27690</b>	<b>29351</b>	<b>31112</b>	<b>32979</b>			
Bi-Weekly					<b>947.8395</b>	<b>1004.7099</b>	<b>1064.9925</b>	<b>1128.8921</b>	<b>1196.6256</b>	<b>1268.4231</b>			
Hourly					<b>11.8480</b>	<b>12.5589</b>	<b>13.3124</b>	<b>14.1112</b>	<b>14.9578</b>	<b>15.8553</b>			
Cadet - Police	0			201	24644	26122	27690	29351	31112	32979			
Park Ranger	0.75			201	24644	26122	27690	29351	31112	32979			
Recreation Leader	0			201	24644	26122	27690	29351	31112	32979			
<b>TOTAL FTE</b>	<b>335</b>	<b>40</b>											

BAND A  
SERVICE MAINTENANCE/GENERAL SUPPORT

PERSONNEL CLASSIFICATIONS BY DEPARTMENT	SALARY GRADE	AUTHORIZE/ BUDGETED FTE	AUTHORIZE /UNFUNDED FTE	FLSA EXEMPT	EXHIBIT B FY 2016 - Revised 1/19/2016
<b>MAYOR &amp; COUNCIL (1310)</b>					
Mayor		1.00			
Vice Mayor		1.00			
Councilmember		5.00			
<b>DEPARTMENT TOTAL</b>		<b>7.00</b>	<b>0.00</b>		
<b>CITY MAGISTRATE (1243)</b>					
City Magistrate	Contract	1.00		X	
Associate Magistrate	221	0.50		X	
Court Administrator	218	1.00		X	
Court Collections Officer	205	1.00			
Court Clerk	204	5.00	0.00		
Court Clerk - Veterans	204	1.00			
<b>DEPARTMENT TOTAL</b>		<b>9.50</b>	<b>0.00</b>		
<b>CITY ATTORNEY (1530)</b>					
City Attorney	Contract	1.00		X	
Asst City Attorney	224	1.00		X	
Prosecutor	218	1.00		X	
Administrative Supervisor	212	1.00			
Legal Secretary	204	2.00	1.00		
<b>DEPARTMENT TOTAL</b>		<b>6.00</b>	<b>1.00</b>		
<b>CITY MANAGER (1320)</b>					
City Manager	Contract	1.00		X	
Special Project Administrator	224	0.00	1.00	X	
Administrative Assistant	206	0.00	1.00		
<b>DEPARTMENT TOTAL</b>		<b>1.00</b>	<b>2.00</b>		
<b>CITY CLERK (1540)</b>					
City Clerk	224	1.00		X	
Deputy City Clerk	211	1.00			
Administrative Assistant	206	1.00			
Administrative Secretary	204	0.00			
<b>DEPARTMENT TOTAL</b>		<b>3.00</b>	<b>0.00</b>		
<b>HUMAN RESOURCES &amp; RISK (1550)</b>					
Human Resources/Risk Director	227	1.00		X	
Human Resources Administrator	218	1.00		X	
Human Resources Technician	209	1.00			
Human Resources Technician	209	0.50			
<b>Program Sub-Total</b>		<b>3.50</b>	<b>0.00</b>		
<b>RISK MANAGEMENT (xxxx)</b>					
Loss Control Technician	209	1.00			
<b>Program Sub-Total</b>		<b>1.00</b>	<b>0.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>4.50</b>	<b>0.00</b>		
<b>INFORMATION TECHNOLOGY (3840)</b>					
Information Technology Director	227	1.00		X	
Information Technology Administrator	218	1.00		X	
Information Technology Coordinator	214	4.00			
GIS Technician	209	1.00			
<b>DEPARTMENT TOTAL</b>		<b>7.00</b>	<b>0.00</b>		
<b>FINANCIAL SERVICES DEPARTMENT</b>					
<b>Finance Administration (1512)</b>					
Financial Service Director	227	1.00		X	
Finance Administrator	220	1.00		X	
Sr. Accountant/Budget Analyst	217	1.00		X	
Accountant	209	1.00			
Payroll/Accts Payable Clerk	205	2.00	1.00		
<b>Program Sub-Total</b>		<b>6.00</b>	<b>1.00</b>		
<b>Utility Billing Services (3410)</b>					
Finance Administrator	220	1.00		X	
Administrative Supervisor	212	1.00			
Administrative Assistant II	209	1.00			
Customer Svc Representative	204	4.00			
<b>Program Sub-Total</b>		<b>7.00</b>	<b>0.00</b>		

PERSONNEL CLASSIFICATIONS BY DEPARTMENT	SALARY GRADE	AUTHORIZE/ BUDGETED FTE	AUTHORIZE /UNFUNDED FTE	FLSA EXEMPT
<b>DEPARTMENT TOTAL</b>		13.00	1.00	

**EXHIBIT B**  
 FY 2016 -  
 Revised  
 1/19/2016

PERSONNEL CLASSIFICATIONS BY DEPARTMENT	SALARY GRADE	AUTHORIZE/ BUDGETED FTE	AUTHORIZE /UNFUNDED FTE	FLSA EXEMPT	EXHIBIT B
					FY 2016 - Revised 1/19/2016
<b>ENGINEERING</b>					
<b>Engineering &amp; Survey (3490)</b>					
City Engineer	227	1.00		X	
Asst City Engineer	224	3.00		X	
City Surveyor	220	1.00		X	
Asst City Surveyor	218	0.00	1.00	X	
Project Engineer	218	0.00	1.00	X	
Project Manager	217	0.00	1.00	X	
Engineering Technician Supervisor	213	1.00			
Survey Party Chief	213	2.00			
Engineering Technician II	212	1.00			
Administrative Assistant II	209	1.00			
Engineering Technician	209	4.00	2.00		
Survey Instrument Technican	209	0.00	2.00		
Administrative Assistant	206	1.00	1.00		
Administrative Secretary	204	0.00			
<b>DEPARTMENT TOTAL</b>		<b>15.00</b>	<b>8.00</b>		
<b>DEVELOPMENT SERVICES</b>					
<b>Planning &amp; Zoning (1910)</b>					
Development Services Director	227	1.00		X	
Planning & Zoning Administrator	224	0.00		X	
Principal Planner	217	2.00		X	
Planner	214	1.00			
Administrative Assistant	206	1.00			
Administrative Secretary	204	0.00			
<b>Program Sub-Total</b>		<b>5.00</b>	<b>0.00</b>		
<b>Building Inspection (2420)</b>					
Building Official	218	1.00		X	
Sr. Building Inspector	212	3.00	6.00		
Building Inspector	209	0.00			
Permit Technician	208	1.00			
Administrative Assistant	206	0.00			
Administrative Secretary	204	0.00			
<b>Program Sub-Total</b>		<b>5.00</b>	<b>6.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>10.00</b>	<b>6.00</b>		
<b>PARKS &amp; RECREATION</b>					
<b>Parks (5210)</b>					
Parks & Rec Director	227	1.00		X	
Superintendent	218	1.00		X	
Crew Leader	211	1.00			
Equipment Mechanic	209	2.00			
Administrative Assistant	206	1.00			
Chemical Applicator	204	1.00			
Irrigation Mechanic	204	2.00			
Groundskeeper	202	10.00	3.00		
Park Ranger	201	0.75			
<b>Program Sub-Total</b>		<b>19.75</b>	<b>3.00</b>		
<b>Recreation (5111)</b>					
Superintendent	218	1.00		X	
Recreation Coordinator	211	2.00	0.00		
Recreation Leader	201	0.00	0.00		
<b>Program Sub-Total</b>		<b>3.00</b>	<b>0.00</b>		
<b>Pools (5124)</b>					
Pool Operator	204	2.00			
<b>Program Sub-Total</b>		<b>2.00</b>	<b>0.00</b>		
<b>Golf Course (5125)</b>					
Superintendent	218	0.00	1.00	X	
Crew Leader	211	1.00			
Equipment Mechanic	209	1.00			
Irrigation Mechanic	204	1.00			
Groundskeeper	202	5.25	1.00		
<b>Program Sub-Total</b>		<b>8.25</b>	<b>2.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>33.00</b>	<b>5.00</b>		

PERSONNEL CLASSIFICATIONS BY DEPARTMENT	SALARY GRADE	AUTHORIZE/ BUDGETED FTE	AUTHORIZE /UNFUNDED FTE	FLSA EXEMPT	EXHIBIT B FY 2016 - Revised 1/19/2016
<b>FIRE DEPARTMENT</b>					
<b>Uniformed Personnel (2210)</b>					
Fire Chief	227	1.00		X	
Asst Fire Chief	224	1.00		X	
Battalion Chief - Training, Prevention, EMS	221	3.00		X	
Battalion Chief - Operations	221	3.00			
Asst Fire Marshal	217	0.00	1.00	X	
Captain - Fire	216	12.00			
Fire Prevention Specialist	214	3.00			
Engineer - Fire	213	15.00			
Firefighter	211	13.00	2.00		
<b>Program Sub-Total</b>		<b>51.00</b>	<b>3.00</b>		
<b>Support Staff (2210)</b>					
Administrative Assistant	206	1.00			
Administrative Secretary	204	1.00			
<b>Program Sub-Total</b>		<b>2.00</b>	<b>0.00</b>		
<b>911 Dispatch Center (2911)</b>					
Communications Administrator	218	1.00		X	
Communications Crew Leader	211	4.00			
Communications Specialist	209	11.00			
<b>Program Sub-Total</b>		<b>16.00</b>	<b>0.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>69.00</b>	<b>3.00</b>		
<b>POLICE DEPARTMENT</b>					
<b>Sworn Personnel (2110)</b>					
Police Chief	227	1.00		X	
Deputy Chief	224	1.00		X	
Captain - Police	224	0.00	1.00	X	
Lieutenant	221	3.00			
Sergeant	216	7.00			
Police Officer	212	43.00			
<b>Program Sub-Total</b>		<b>55.00</b>	<b>1.00</b>		
<b>Support Staff (2110)</b>					
Support Services Administrator	220	1.00		X	
Administrative Supervisor	212	1.00			
Evidence Technician II	211	1.00			
Code Enforcement Officer	209	4.00			
Evidence Technician	208	1.00			
Administrative Assistant	206	2.00			
Call Taker	206	0.00	1.00		
Animal Control Officer	205	0.00			
Administrative Secretary	204	5.00	1.00		
<b>Program Sub-Total</b>		<b>15.00</b>	<b>2.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>70.00</b>	<b>3.00</b>		
<b>PUBLIC WORKS DEPARTMENT</b>					
<b>Administration (3100)</b>					
Public Works Director	227	1.00		X	
Project Manager	217	1.00		X	
Administrative Assistant II	209	1.00			
<b>Program Sub-Total</b>		<b>3.00</b>	<b>0.00</b>		
<b>Transit System (3115)</b>					
Superintendent	218	1.00		X	
Administrative Assistant	206	1.00			
<b>Program Sub-Total</b>		<b>2.00</b>	<b>0.00</b>		

PERSONNEL CLASSIFICATIONS BY DEPARTMENT	SALARY GRADE	AUTHORIZE/ BUDGETED FTE	AUTHORIZE /UNFUNDED FTE	FLSA EXEMPT	EXHIBIT B FY 2016 - Revised 1/19/2016
<b>Transit System (3120)</b>					
Transit Operator	206	9.00	1.00		
<b>Program Sub-Total</b>		<b>9.00</b>	<b>1.00</b>		
<b>TRANSIT TOTAL</b>		<b>11.00</b>	<b>1.00</b>		
<b>Streets (3110)</b>					
Superintendent	218	1.00		X	
Crew Leader	211	1.00			
Electrician I	209	1.00			
Equipment Operator A	209	7.00	1.00		
Equipment Operator B	206	1.00	4.00		
<b>Program Sub-Total</b>		<b>11.00</b>	<b>5.00</b>		
<b>Water Operations (3510)</b>					
Superintendent	218	1.00		X	
Construction Project/Mt Supervisor	213	1.00			
Administrative Supervisor	212	1.00			
Electrician II	212	1.00			
Fire Crew Leader	211	1.00			
Water Quality Program Manager	211	1.00			
Blue Stake Coordinator	209	1.00			
Cross Connection Specialist/Adm Asst II	209	0.00			
Water Technician A	209	2.00	1.00		
Equipment Operator A	209	5.00			
Water Technician B	208	0.00	1.00		
Administrative Assistant	206	1.00			
Equipment Operator B	206	4.00	2.00		
Water Service Worker	204	0.00	1.00		
Fire Maintenance Worker	202	2.00			
<b>Program Sub-Total</b>		<b>21.00</b>	<b>5.00</b>		
<b>Wastewater Operations (3730)</b>					
Superintendent	218	1.00		X	
Wastewater Treatment Plant Op IV	213	3.00			
Lab Analyst	211	1.00			
Wastewater Treatment Plant Op III	211	2.00			
Wastewater Treatment Plant Op II	209	2.00			
Wastewater Treatment Plant Op I	208	0.00			
Wastewater Collections A	209	2.00			
Wastewater Collections B	208	0.00			
<b>Program Sub-Total</b>		<b>11.00</b>	<b>0.00</b>		
<b>Sanitation (3320)</b>					
Superintendent	218	1.00		X	
Crew Leader	211	1.00			
Equipment Operator B	206	15.00			
<b>Program Sub-Total</b>		<b>17.00</b>	<b>0.00</b>		
<b>Fleet Services (3810)</b>					
Superintendent	218	1.00		X	
Crew Leader	211	1.00			
Equipment Mechanic	209	3.00			
Welder	209	1.00			
Administrative Assistant	206	1.00			
<b>Program Sub-Total</b>		<b>7.00</b>	<b>0.00</b>		
<b>Building Maintenance Services (3830)</b>					
Building Maintenance Technician	209	2.00			
Building Maintenance Worker	202	4.00			
<b>Program Sub-Total</b>		<b>6.00</b>	<b>0.00</b>		
<b>DEPARTMENT TOTAL</b>		<b>87.00</b>	<b>11.00</b>		
<b>TOTAL FTE</b>		<b>335.00</b>	<b>40.00</b>		

PERSONNEL CLASSIFICATIONS BY CLASSIFICATION	SALARY GRADE	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMPT	EXHIBIT C FY 2016 - Revised 1/19/2016
Mayor		1.00			
Vice Mayor		1.00			
Councilmember		5.00			
City Attorney	Contract	1.00		X	
City Magistrate	Contract	1.00		X	
City Manager	Contract	1.00		X	
City Engineer	227	1.00		X	
Development Services Director	227	1.00		X	
Financial Service Director	227	1.00		X	
Fire Chief	227	1.00		X	
Human Resources/Risk Director	227	1.00		X	
Information Technology Director	227	1.00		X	
Parks & Rec Director	227	1.00		X	
Police Chief	227	1.00		X	
Public Works Director	227	1.00		X	
Asst City Attorney	224	1.00		X	
Asst City Engineer	224	3.00		X	
Asst Fire Chief	224	1.00		X	
Captain - Police	224	0.00	1.00	X	
City Clerk	224	1.00		X	
Deputy Police Chief	224	1.00		X	
Special Project Administrator	224	0.00	1.00	X	
Associate Magistrate	221	0.50		X	
Battalion Chief-Training, Prevention, EMS	221	3.00		X	
Battalion Chief - Operations	221	3.00			
Lieutenant	221	3.00			
City Surveyor	220	1.00		X	
Finance Administrator	220	2.00		X	
Support Services Administrator	220	1.00		X	
Asst City Surveyor	218	0.00	1.00	X	
Building Official	218	1.00		X	
Communications Administrator	218	1.00		X	
Court Administrator	218	1.00		X	
Human Resources Administrator	218	1.00		X	
Information Technology Administrator	218	1.00		X	
Project Engineer	218	0.00	1.00	X	
Prosecutor	218	1.00		X	
Superintendent	218	8.00	1.00	X	
Asst Fire Marshal	217	0.00		X	
Principal Planner	217	2.00	1.00	X	
Project Manager	217	1.00	1.00		
Sr. Accountant/Budget Analyst	217	1.00		X	
Captain - Fire	216	12.00			
Sergeant	216	7.00			
Fire Prevention Specialist	214	3.00			
Information Technology Coordinator	214	4.00			
Planner	214	1.00			
Construction Project/Mt Supervisor	213	1.00			
Engineer - Fire	213	15.00			
Engineering Technician Supervisor	213	1.00			
Survey Party Chief	213	2.00			
Wastewater Treatment Pl Op IV	213	3.00			
Administrative Supervisor	212	4.00			
Electrician II	212	1.00			
Engineering Technician II	212	1.00			
Police Officer	212	43.00			

<b>PERSONNEL CLASSIFICATIONS BY CLASSIFICATION</b>	<b>SALARY GRADE</b>	<b>BUDGETED FTE</b>	<b>UNFUNDED FTE</b>	<b>FLSA EXEMPT</b>	<b>EXHIBIT C FY 2016 -</b>
Sr. Building Inspector	212	3.00	6.00		
Communications Crew Leader	211	4.00			
Crew Leader	211	6.00			
Deputy City Clerk	211	1.00			
Evidence Technician II	211	1.00			
Firefighter	211	13.00	2.00		
Lab Analyst	211	1.00			
Recreation Coordinator	211	2.00			
Water Quality Program Mgr	211	1.00			
Wastewater Treatment Pl OP III	211	2.00			
Accountant	209	1.00			
Administrative Assistant II	209	3.00			
Blue Stake Coordinator	209	1.00			
Building Inspector	209	0.00			
Building Maintenance Technician	209	2.00			
Code Enforcement Officer	209	4.00			
Communications Specialist	209	11.00			
Electrician	209	1.00			
Employee Safety Coordinator	209	0.00			
Engineering Technician	209	4.00	2.00		
Equipment Mechanic	209	6.00			
Equipment Operator A	209	12.00	1.00		
GIS Technician	209	1.00			
Human Resources Technician	209	1.50			
Loss Control Technician	209	1.00			
Survey Instrument Technican	209	0.00	2.00		
Wastewater Collections A	209	2.00			
Wastewater Treatment Pl OP II	209	2.00			
Water Technician A	209	2.00	1.00		
Welder	209	1.00			
Evidence Technician	208	1.00			
Permit Technician	208	1.00			
Wastewater Collections B	208	0.00			
Wastewater Treatment Pl Op I	208	0.00			
Water Technician B	208	0.00	1.00		
Administrative Assistant	206	10.00	2.00		
Call Talker	206	0.00	1.00		
Equipment Operator B	206	20.00	6.00		
Transit Operator	206	9.00	1.00		
Animal Control Officer	205	0.00			
Court Collections Officer	205	1.00			
Payroll/Accts Payable Clerk	205	2.00	1.00		
Administrative Secretary	204	6.00	1.00		
Chemical Applicator	204	1.00			
Court Clerk	204	5.00	0.00		
Court Clerk - Veterans	204	1.00			
Customer Svc Representative	204	4.00			
Irrigation Mechanic	204	3.00			
Legal Secretary	204	2.00	1.00		
Pool Operator	204	2.00			
Water Service Worker	204	0.00	1.00		
Building Maintenance Worker	202	4.00			
Fire Maintenance Worker	202	2.00			
Groundskeeper	202	15.25	4.00		
Park Ranger	201	0.75			
<b>TOTAL FTE</b>		<b>335.00</b>	<b>40.00</b>		



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Tina D. Moline, Financial Services Director

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Fiscal Year 2016-2017 budget calendar

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**SUMMARY:**

At the Council work session on January 7, 2016, Council reviewed the preliminary budget calendar for Fiscal Year 2016-2017. With City Council's decision to postpone the property tax measure, the budget calendar has been updated to remove the adoption of tax levy date. Additionally, there was a change to the February timeline. These changes did not impact any of the Council work session dates. All other dates remain the same as originally provided.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends Council adopt the Fiscal Year 2016-2017 Budget Calendar as drafted.

**ATTACHMENTS:**

Description

Fiscal Year 2016-2017 Budget Calendar

**REVIEWERS:**

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	1/26/2016 - 6:39 PM
City Attorney	Cooper, Carl	Approved	1/27/2016 - 11:08 AM
City Manager	Dougherty, John	Approved	1/27/2016 - 10:44 AM



*Fiscal Year 2016-17*

*Kingman, Arizona*

## **BUDGET and CAPITAL IMPROVEMENTS PLAN CALENDAR**

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<b>2015 December</b>	<b>24</b>	Distribute Capital Improvement Plan (CIP) forms to departments
<b>2016 January</b>	<b>25</b>	Departments submit CIP estimates to finance
	<b>28</b>	Council priorities setting meeting
<b>2016 February</b>	<b>05</b>	Distribute pre-budget priorities worksheets to departments
	<b>19</b>	Departments submit pre-budget priorities to finance
	<b>19</b>	Distribute budget forms to staff
<b>2016 March</b>	<b>04</b>	Council receives department budget priorities & CIP draft
	<b>04</b>	Departments submit budget forms to finance
	<b>14</b>	<b><u>Council work session</u></b> – Pre-budget Priorities and Capital Improvements Plan Work Session 9:00 AM – 3:00 PM
	<b>28</b>	Finance submits operating budget requests to City Manager
<b>2016 March/April</b>	<b>31-7</b>	Staff work sessions – operating budget overview with City Manager
<b>2016 May</b>	<b>02</b>	Council receives Preliminary Budget and CIP
	<b>09</b>	<b><u>Council budget work session</u></b> 9:00 AM – 3:00 PM
	<b>23</b>	Latest possible date for additional <b><u>Council</u></b> discussion and direction on Preliminary Budget and CIP items in order to adopt Tentative Budget June 7
<b>2016 June</b>	<b>07</b>	<b><u>Council</u></b> discussion and adoption of Tentative Budget and CIP
	<b>12</b>	Publish Tentative Budget and Notice of Public Hearing (first publication)
	<b>19</b>	Publish Tentative Budget and Notice of Public Hearing (second publication)
	<b>21</b>	Public Hearing and <b><u>Council</u></b> adoption of Final Budget and CIP



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Tina D. Moline, Financial Services Director

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Resolution 4993: authorizing the mayor to sign a professional services contract with HintonBurdick, PLLC

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**SUMMARY:**

On January 19, 2016, Council awarded HintonBurdick, PLLC the professional auditing services contract for the City of Kingman's annual financial audit for fiscal years 2015-2019. A professional services contract between the City of Kingman and HintonBurdick, PLLC has been prepared to engage in the professional auditing services of HintonBurdick, PLLC for fiscal years 2015-2019. The contract's term is for five years and can be extended for additional one-year terms thereafter. The contract can be terminated at any time given 90 days written notice.

**FISCAL IMPACT:**

Heinfeld, Meech had partially performed the fiscal year 2015 audit before staff terminated their services. Since Heinfeld, Meech had collected a portion of their fees prior to termination, the fiscal impact to complete the fiscal year 2015 audit will exceed what was originally budgeted. General fund contingency of up to \$43,750 may be requested.

**STAFF RECOMMENDATION:**

Staff recommends Council authorize the Mayor to sign the professional services contract to engage in professional auditing services with HintonBurdick, PLLC for fiscal years 2015-2019.

**ATTACHMENTS:**

Description

Engagement Letter

Professional Services Contract

Resolution No. 4993

**REVIEWERS:**

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	1/28/2016 - 8:30 AM
City Attorney	Cooper, Carl	Approved	1/28/2016 - 8:53 AM
City Manager	Dougherty, John	Approved	1/28/2016 - 3:51 PM



MEMBERS:

CHAD B. ATKINSON, CPA  
KRIS J. BRAUNBERGER, CPA  
ROBERT S. COX, CPA  
TODD B. FELTNER, CPA  
K. MARK FROST, CPA  
MORRIS J. PEACOCK, CPA

PHILLIP S. PEINE, CPA  
STEVEN D. PALMER, CPA  
MICHAEL K. SPILKER, CPA  
KEVIN L. STEPHENS, CPA  
MARK E. TICHENOR, CPA  
MICHAEL J. TORGERSON, CPA

January 25, 2016

Tina Moline, Director  
Finance Department  
City of Kingman  
310 N Fourth Street  
Kingman, Arizona 86401

We are pleased to confirm our understanding of the services we are to provide the City of Kingman, Arizona for the year ended June 30, 2015. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Kingman, Arizona as of and for the year ended June 30, 2015. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Kingman, Arizona's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Kingman, Arizona's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) GASB Pension Report

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Kingman, Arizona's financial statements. Our responsibility for the supplementary information accompanying the financial statements, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Schedule of Expenditures of Federal Awards

- 2) Combining Statements
- 3) Individual Fund Budgetary Comparison Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

- 1) Statistical Information
- 2) Letter of Transmittal

Our responsibility for other information included in documents containing the entity's audited financial statements and auditor's report, if applicable, does not extend beyond the financial information identified in the report. We have no responsibility for determining whether such other information contained in these documents is properly stated.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- If applicable, internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. If applicable, the OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program.

However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Kingman, Arizona's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Kingman, Arizona's major programs. The purpose of these procedures will be to express an opinion on the City of Kingman, Arizona's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

### **Other Services**

We will also assist in preparing the financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries of the City of Kingman, Arizona in conformity with U.S. generally accepted accounting principles and OMB Circular A-133 based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

You agree to assume all management responsibilities relating to the financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries, and nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries, and that you have reviewed and approved the financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is

reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements and related notes, the schedule of expenditures of federal awards, and proposed audit journal entries, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

#### **Arizona Expenditure Limitation Report**

As part of our engagement, we will also examine the Annual Expenditure Limitation Report (AELR) of the City of Kingman for the year ended June 30, 2015. Our examination will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Accordingly, it will include tests of your records and other procedures we consider necessary to enable us to express an opinion as to whether your AELR presents, in all material respects, the information prescribed by the Uniform Expenditure Reporting System as described in Note 1 to your financial statements. If, for any reason, we are unable to complete the examination, we will not issue a report as a result of this engagement.

Our engagement will not include a detailed inspection of every transaction and cannot be relied on to disclose all material errors, fraud, or other illegal acts, that may exist. However, we will inform you of any material errors or fraud that comes to our attention. We will also inform you of any other violations of laws or regulations that come to our attention, unless clearly inconsequential.

We understand that you will provide us with the basic information required for our examination and that you are responsible for the accuracy and completeness of that information. We may advise you about appropriate criteria or assist in the development of the subject matter, but the responsibility for the subject matter remains with you.

You are responsible for the presentation of your AELR in accordance with the Arizona Uniform Expenditure Reporting System; and for selecting the criteria and determining that such criteria are appropriate for your purposes. You are responsible for assuming all management responsibilities.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all schedules we normally request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of

prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the City of Kingman, Arizona; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of HintonBurdick, PLLC and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of HintonBurdick, PLLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

We expect to begin our audit in February of 2016 and to issue our reports on or before June 15, 2016. Steven Palmer, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$41,000 for the 2015 audit, and \$2,750 for the single audit, if applicable.

The above fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If at any time during this engagement any extraordinary matters come to our attention or the requirements of the engagement change, and an extension of our services beyond the normal scope appears to be necessary, we will immediately discuss the matter with you and obtain your verbal or written instructions to proceed before incurring further costs.

If required, fees for additional accounting, consultation and any other non-audit services will be billed separately and will be dependent on the level of service provided. If our fees for these services will be significantly more than in prior years, we will discuss the situation with you before we proceed.

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. Interim billings may be submitted as work progresses and expenses are incurred. In the event any statement or invoice rendered by us to you is not paid within thirty (30) days of the date of the invoice, a late charge shall be accrued on the unpaid balance at the rate of 1.5 percent per month until paid. If billings are not paid within thirty (30) days of the invoice date, at our election, we may stop all work until your account is brought current or we may withdraw from this engagement. You acknowledge and agree that we are not required to continue work in the event of your failure to pay on a

timely basis for services rendered as required by this engagement letter. You further acknowledge and agree that in the event we stop work or withdraw from this engagement we shall not be liable to you for any damages that occur as a result of our ceasing to render services.

Our liability as auditors shall be limited to the period covered by our audit and shall not extend to periods for which we are not engaged as auditors.

It is our policy to keep work papers related to this engagement for seven (7) years. Upon the expiration of the seven (7) year period, you agree that we shall be free to destroy our work papers. When records are returned to you, it is your responsibility to retain and protect your records for possible future uses, including potential examination by governmental or regulatory agencies.

In the event of any dispute, claim, question, or disagreement arising from or relating to this Agreement or the breach thereof, the parties hereto shall use their best efforts to settle the dispute, claim, question, or disagreement. To this effect, they shall consult and negotiate with each other in good faith and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties. If the dispute cannot be settled through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by the American Arbitration Association under its Commercial Mediation Rules before resorting to other legal remedies. If the parties are unable to resolve the dispute through mediation within sixty (60) days from the date notice is first given, then they may proceed to resolve the matter by arbitration. Such arbitration shall be binding and final. Any dispute over fees will be submitted for resolution by arbitration in accordance with the rules of the American Arbitration Association. In agreeing to arbitration, both parties acknowledge that in the event of a dispute each party is giving up the right to have the dispute decided in a court of law before a judge or jury, and instead are accepting the use of arbitration for resolution. Costs of any mediation proceeding shall be shared equally by all parties. The prevailing party in the arbitration shall be entitled to an award of reasonable attorney's fees and costs incurred in connection with the application of the dispute in an amount to be determined by the arbitrator.

We appreciate the opportunity to be of service to the City of Kingman, Arizona and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Steven Palmer, CPA  
HintonBurdick, PLLC

RESPONSE:

This letter correctly sets forth the understanding of the City of Kingman, Arizona.

Signature: Jana D. Moloni

Title: Financial Services Director

**PROFESSIONAL AUDITING SERVICES AGREEMENT BETWEEN  
THE CITY OF KINGMAN AND  
HINTONBURDICK, PLLC**

THIS AGREEMENT (this "Agreement") is made and entered into this 27 day of January, 2016, between the City of Kingman, an Arizona municipal corporation (the "CITY") and HINTONBURDICK, PLLC, hereinafter called "AUDITOR".

**WITNESSETH**

WHEREAS, the CITY wishes to engage the services of a firm qualified to provide annual professional auditing services;

WHEREAS, AUDITOR submitted an Engagement Letter dated January 25, 2016 attached hereto and made a part of hereof as Exhibit A, offering to perform professional auditing services; and,

WHEREAS, AUDITOR is qualified to perform those services necessary to successfully complete the City's Annual Audit and the MAS Municipal Court Audit, as required;

NOW, THEREFORE, it is mutually agreed as follows:

I. AUDITOR Duties.

AUDITOR shall provide all labor, materials and equipment and complete all tasks necessary for the completion of the City's annual financial audit as outlined in Exhibit A.

II. CITY Duties.

The CITY agrees to provide information and make payment for the work covered under this Agreement in accordance with the following:

- A. CITY agrees to pay AUDITOR for auditing services. For each of the following fiscal year's ending on June 30<sup>th</sup>, City agrees to pay AUDITOR for audit services and printing as follows:

FY2015 - \$43,750; FY2016 - \$44,050; FY2017 - \$45,300; FY2018 - \$46,250; and FY2019 - \$47,675.

This does not include the compensation associated with the Municipal Court Audit which will take place in FY2018. The CITY agrees to pay AUDITOR for audit services and printing associated with the Municipal Court Audit \$2,750.

- B. Cost of Other Services. Parties agree to determine the price of any other services permitted under this Agreement prior to commencement of services.

III. GENERAL CONDITIONS

- A. Term of the Agreement. The initial term of the Agreement will be for five years for purposes of performing the City's Fiscal Year Annual Audits and the Fiscal Year 2017-2018 Municipal Court Audit. By mutual written agreement of the party's representatives identified herein, this Agreement may be extended in one-year additional terms.

- B. Termination and Amendments to the Agreement.
1. Termination. Either party may terminate this Agreement for any reason by providing written notice at least 90 days prior to the effective date of the termination. Termination by mutual Agreement may be made at any time.
  2. Amendments to the Agreement. Any changes in the scope of work or identification of additional projects and services will become part of this Agreement as an attachment and subject to the terms and conditions included within this Agreement.
    - a. Amendments to the work to be performed that do not affect the amount of compensation may be made by mutual consent of the representatives.
    - b. Any other amendment may be made under the provisions of the Purchasing Policy of the Kingman City Code.
    - c. This Agreement may be canceled in accordance with A.R.S. Title 38, Chapter 3, Article 8, Section 38-511.
- C. Personnel. AUDITOR represents that it has or will secure at its expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have contractual relationship with the CITY. All personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
- D. Assignability. Neither party shall assign, subcontract or transfer their interests, rights or obligations in this Agreement without prior written consent of the other party.
- E. Records and Audits (Maintenance and Retention). AUDITOR shall maintain accounts and records adequate to identify and account for all costs pertaining to this Agreement. Said records shall be made available for inspection at AUDITOR's offices during normal business hours, upon request, to the CITY and any other body authorized in writing by the CITY.
- F. Accuracy of Work. The Auditor shall be responsible for the accuracy of the work and shall promptly make all necessary revisions or corrections resulting from errors and omissions on the part of the Auditor without additional compensation. Auditor shall notify the City when errors and omissions occur, and of any resulting possibility of missing a contract completion deadline. Acceptance of the work by the City will not relieve the Auditor of the responsibility for subsequent correction of any such errors and the clarification of any ambiguities.
- G. Conflict or Dispute. In the event of a conflict or dispute as to the performance, interpretation or implementation of this Agreement, either party shall have the right to submit the conflict or dispute to mediation in accordance with the rules of American Arbitration Association then in effect. Any disputes arising from this Agreement in any way and involving an amount of less than \$50,000 shall be settled by arbitration.

- H. Standard of Care – Professional Services. Subject to limitations inherent in the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, AUDITOR shall perform its services in accordance with generally accepted auditing standards. AUDITOR does not expressly or impliedly warrant or guarantee its services.
- I. Subject to Annual Appropriation. Continuation of this Agreement is subject to annual appropriation by the Common Council. In the event that appropriations are not made, CITY may terminate the Agreement as provided for in this Agreement.
- J. Designated Representatives. For purposes of monitoring and amending this Agreement, parties agree that the CITY will be represented by the Financial Services Director and AUDITOR will be represented by Steven D. Palmer, CPA.
- K. Separability. In the event any term or provision of this Agreement is held to be invalid and unenforceable, the validity of the other provisions shall not be affected, and this Agreement shall be construed and enforced as if it did not contain the particular term or provision that is invalid or unenforceable.
- L. Completion of Time. The AUDITOR shall complete the work per the schedule outlined in Exhibit A.
- M. Insurance Requirements and Indemnification. Insurance Requirements and Indemnity Clause:
  - i. Auditor warrants that, at its own expense, it shall procure and maintain the following minimum insurance coverage for the duration of the contract with companies duly licensed to do business in the State of Arizona, possessing a current A.M. Best, Inc. Rating of A- or better. All liability policies shall be written on an occurrence basis form. In the event any insurance policy(ies) required by the Contract is(are) written on a “claims made” basis, coverage shall extend for two years past completion and acceptance of the Auditor’s work or services.
  - ii. The Auditor’s insurance shall be primary insurance, and any insurance or self-insurance maintained by the City shall not contribute to it.
  - iii. The Auditor shall be solely responsible for deductibles and/or self-insured retention.
  - iv. The City reserves the right to request and to receive, within 10 working days, certified copies of any or all of the required insurance policies and/or endorsements. The City shall not be obligated, however, to review same or to advise Auditor of any deficiencies in such policies and endorsements, and such receipt shall not relieve the Auditor from, or be deemed a waiver of, the City’s right to insist on strict fulfillment of the Auditor’s obligations outlined herein.
  - v. Before starting any work or services under this Agreement, Auditor must furnish City with Certificates of Insurance, and where required, policy endorsements as evidence that policies are placed with acceptable insurers as specified herein and provide the required coverage limits. The insurance policy(ies), except the copy of Workers’ Compensation and Professional Liability, shall be endorsed to name the City, its agents,

officers, officials and employees as Additional Insured's and provide a policy endorsement to effect such change to the actual liability policies.

- vi. Auditor agrees to notify City of any action or pending legal action that might affect Auditor's liability insurance within 30 days of that action.
- vii. Required Coverage:
  - a. Commercial General Liability insurance with a limit of not less than \$1,000,000 for each occurrence with a \$1,000,000 Products and Completed Operations Aggregate and \$2,000,000 General Aggregate Limit. The policy shall include coverage for premises, operations, independent contractors, personal injury, and products/completed operations.
  - b. Professional Liability Insurance covering errors and omissions arising out of the work or services performed by Auditor, or anyone employed by Auditor, or anyone for whose acts, mistakes, errors and omissions Auditor is legally liable, with a liability insurance limit of \$1,000,000 each claim and \$2,000,000 all claims. Commercial/Business Automobile Liability insurance with a combined single limit for bodily injury and property damage of not less than \$1,000,000 each occurrence with respect to the Auditor's owned, hired and non-owned vehicles assigned to or used in the performance of the Auditor's work.
  - c. Worker's Compensation insurance to cover obligations imposed by Arizona state statutes.
- viii. Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The obligations under this section shall survive termination of this Agreement.
- N. Legal Arizona Workers Act. In compliance with A.R.S. § 41-4401, the Parties hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the Parties' employment of their employees, and with the E-Verify requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). The Parties shall further ensure that each subcontractor who performs any work for the Parties under this Agreement likewise complies with the State and Federal Immigration Laws. The Parties agree and warrant that the Parties shall each have the right at any time to inspect the books and records of the other Parties and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws. The Parties agree that any act by another Party or subcontractor that results in the impediment or denial of access of the books and records of the Parties or subcontractor shall be a material breach of this Agreement on the part of the that Party. Nothing herein shall make the Parties or subcontractor an agent or employee of any of the other Parties. Nothing herein shall act to establish privity of contract between any of the Parties and any

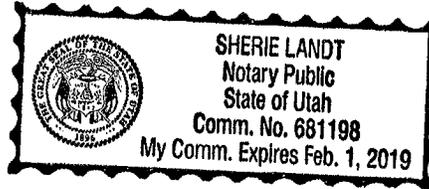
subcontractor. Any breach of the Parties' or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Agreement subjecting the offending Party to penalties up to and including suspension or termination of this Agreement. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, the Party shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor, subject to each Parties' approval as soon as possible so as not to delay project completion and at no additional expense to the other Parties. Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of the offending Party.

IN WITNESS WHEREOF, we have set our hands and seal the day, month and year first above written.

Steven Palmer

Name: Steven D. Palmer, CPA  
Title: Partner  
Firm: HintonBurdick, PLLC

State of Utah )  
 )ss.  
County of Washington )



Subscribed and Sworn to  
Before Me This 27 day of  
JANUARY, 2016.

Sherie Landt  
Notary Public

My Commission Expires: 2-1-2019

.....  
CITY OF KINGMAN, ARIZONA

\_\_\_\_\_  
RICHARD ANDERSON, MAYOR

Attest:

\_\_\_\_\_  
SYDNEY MUHLE, CITY CLERK

**CITY OF KINGMAN, ARIZONA  
RESOLUTION NO. 4993**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL  
OF THE CITY OF KINGMAN, ARIZONA AUTHORIZING THE  
MAYOR TO SIGN A PROFESSIONAL SERVICES  
CONTRACT WITH HINTONBURDICK, PLLC TO PERFORM  
PROFESSIONAL AUDITING SERVICES.**

**WHEREAS**, the City of Kingman is required to hire an outside auditing firm to conduct an audit of its financial statements and review of its internal controls on an annual basis; and

**WHEREAS**, the City of Kingman issued a Request for Proposal for such services to be conducted and the City Council selected HintonBurdick, PLLC amongst the proposers to be awarded to perform such services as listed in the Request for Proposal; and

**WHEREAS**, the fees to perform the fiscal year 2015 audit will total \$43,750; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona, that the Mayor is hereby authorized to sign a Professional Services Contract with HintonBurdick, PLLC.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 2<sup>nd</sup> day of February, 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Gary Jeppson, Development Services Director

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Reconsideration of CUP15-001: Central Christian Church at 112 North 4th Street to operate a "Public Assembly-Indoor Use (Church)"

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**SUMMARY:**

On December 15, 2015, the City Council failed to adopt a motion to award a conditional use permit for the Central Christian Church to operate a "Public Assembly-Indoor" use at 112 North Fourth Street (CUP15-001). On January 19, 2016, the City Council passed a motion to RECONSIDER the conditional use permit for Central Christian Church with the conditions of a one year review, a five year expiration by a vote of the Council and excluding soup kitchens, methadone clinics and the like. This item is on the agenda for the City Council's discussion and consideration.

**FISCAL IMPACT:**

Savings of litigation and potential penalties

**STAFF RECOMMENDATION:**

Based on the findings that the applicant will conform to the Standards for Review, the Findings of Fact, and that the Required Findings are met, the Planning and Zoning Commission and staff recommend approval of this conditional use permit

**ATTACHMENTS:**

Description

Planning and Zoning Commission Report

Resolution #4994

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	1/20/2016 - 6:17 PM
City Attorney	Cooper, Carl	Approved	1/21/2016 - 1:47 PM
City Manager	Dougherty, John	Approved	1/21/2016 - 4:24 PM



**CITY OF KINGMAN**  
**Development Services Department**  
**Conditional Use Permit Case: CUP15-001**  
**Central Christian Church**  
**Planning and Zoning Commission Report**  
**December 8, 2015**

**Property Owner:** Carol Ott  
621 Shadow Mountain Drive  
Kingman, Arizona 86409

**Applicant:** Matt Lockin  
Snell & Wilmer, LLP  
400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004  
PHONE: 602-382-6383  
EMAIL: mlockin@swlaw.com

**Summary of Request:** A request for a conditional use permit to allow a “Public Assembly – Indoor General” use at 112 North Fourth Street, Kingman, to operate church. This portion of the Central Commercial Building will have 234 seats. The property is zoned C-2 and is in Historic Commercial Overlay District.

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## RECOMMENDATION

The Planning and Zoning Commission, on a three-to-two vote, recommends **Approval** of the request based on the findings that the application conform the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis with the condition that the applicant comply with all building and fire codes and provide written agreements from the owners of off-street parking lots within 300-feet of the Central Commercial Building that at least 36 off-street parking stalls are available to parishioners of the Central Christian Church.

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## STANDARDS FOR REVIEW

### **KINGMAN GENERAL PLAN 2030 UPDATE:**

- The site is designated as Community Commercial.

# CITY OF KINGMAN ZONING ORDINANCE:

## 12.000 COMMERCIAL: COMMUNITY BUSINESS (C-2)

### 12.100 INTENT AND PURPOSE

This district is intended to provide for and encourage the development of business and service uses designed to serve community needs. The district is intended to provide a wide variety of goods and services to the entire city, with provisions designed to ensure that such commerce will be efficient, functionally related, and compatible with adjacent non-commercial development.

### 12.200 GENERAL PROVISIONS

#### 12.210 PERMITTED USES

Land shall be used and buildings and structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following permitted uses:

All uses enumerated as **permitted uses** in the **C-1** district, **also**,

- Ambulance services
- Antique shops
- Art and school supply stores
- Art galleries – but not including auction rooms
- Astrology
- Auto accessories and parts store
- Automobile repairs, but not including body repair
- Automobile service stations
- Automobile upholstery shops
- Bakery
- Barbershop/beauty parlor
- Banks and financial institutions
- Bicycle stores – sales, rental and repair
- Blueprinting establishments
- Book and stationery stores
- Boarding and rooming houses
- Camera and photographic supply stores
- Candy and ice cream stores
- Carpet and rug stores
- China and glassware stores
- Clothing and costume rental establishments
- Clubs and lodges – private, fraternal or religious
- Coin and philatelic stores
- Computer and electronic component sales
- Convalescent or nursing home
- Custom dressmaking
- Delicatessen
- Department store
- Dry goods stores
- Dwelling units and lodging rooms so constructed to conform to the density requirements of the R-2 zone
- Electrical and household appliance stores – including radio, sales, accessory repair, and service
- Employment offices
- Flower shops and conservatories

Food stores, grocery stores, meat markets, delicatessens and frozen food stores  
Fortune telling  
Funeral parlors and accessory uses not including outside monument storage  
Furniture stores  
Furrier shops – including the incidental storage and conditioning of furs  
Garden supply and seed stores  
Gift shops  
Haberdasheries and millinery shop or hat repair  
Hardware stores  
Health centers  
Hobby shops – for retailing of items to be assembled or used away from the premises  
Hotels – including dining and meeting rooms  
Instructional Schools (not providing housing, dormitories or sleeping overnight)  
Interior decorating shops  
Jewelry stores – including watch repair  
Job printing and related retail sales  
Laboratories – medical and dental with accessory research and testing  
Lapidary  
Laundries  
Leather goods and luggage stores  
Liquor stores  
Loan offices  
Locksmith shops  
Mail order service stores  
Medical and dental clinics  
Medium density multiple-family  
Meeting halls  
Mind reading or other similar calling  
Motels  
Musical instrument sales and repair  
Newspaper offices – including printing  
Offices – business, professional or public  
Office supply stores  
Opticians, optometrists and ophthalmologists  
Orthopedic and medical appliance stores – but not including assembly or manufacture of such articles  
Paint and wallpaper stores  
Palmistry  
Pawn shops  
Pet shops – not to include kennel  
Photography studios – including developing and printing of photographs when conducted on the premises as part of the retail business  
Phrenology  
Picture framing – when conducted on the premises for retail trade  
Plant nurseries, providing that all areas devoted to outdoor storage of other than live plant material shall be completely screened from view abutting streets and highways and from abutting properties. No bulk storage of sand, gravel, fertilizer or other chemical or organic materials is permitted. Does not include medical marijuana cultivation facilities  
Poodle salon – grooming of dogs only; not to include the boarding or breeding of dogs  
Post offices  
Printing establishments  
Public libraries  
Radio and television broadcasting studios provided that no broadcast antenna exceed the height of fifty (50) feet and no dish style antenna exceed one-point-five (1.5) meters in diameter.  
Restaurants – not including entertainment and dancing

Restricted production and repair limited to the following: art needlework, clothing and custom manufacturing and alterations of jewelry from precious metals and watches, retail sales only.

Rummage shops

Secondhand stores

Self-service gasoline and automobile lubricant sales

Sewing machines – sales and services – household machines

Shoe stores – sales or repair

Sporting goods stores

Tailor shops

Tattoo parlors

Tavern or cocktail lounge

Telephone answering service

Telegraph answering service

Telegraph offices

Tobacco shops

Theaters – not including drive-in theaters

Travel bureaus and transportation ticket office

Tuxedo/costume rental

Typewriter and calculating machines, sales and services

Toy shops

Upholstery shops

Variety stores

Vending machine sales and service

Wearing apparel shops

Wholesale establishments with storage of merchandise limited samples only

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses. Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

#### **12.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted subject to approval of a Conditional Use Permit as provided in Section 29.000: CONDITIONAL USE PERMITS:

Automobile body repair, conducted entirely in an enclosed building

Bus terminals, depots and similar transit facilities

Convents, monasteries, theological schools, rectories and parish houses

Drive-in, walk-up and other outdoor restaurants

General commercial amusements

Hospitals and sanitariums

Instructional Schools (providing housing, dormitories or sleeping overnight)

Mini-storage - also, by Conditional Use Permit in C-3

Parks

Public Assembly-Indoor, Entertainment

Public Assembly-Indoor, General

Public utility and public service uses including:

Electric substations

Fire stations

Police stations

Reconditioned and remanufactured merchandise sales

Railroad right-of-way and passenger stations

- Telephone exchanges and telephone transmission
- Transit and transportation facilities including shelters, terminals parking areas and service buildings
- Water filtration plants, pumping stations and reservoirs
- Other similar uses
- Recreational vehicle parks
- Schools, Private School, Charter School, Trade School, or Community College (providing housing, dormitories or sleeping overnight)
- Veterinary clinics, provided there are no outside runs or boarding areas and that said use shall be at least two-hundred (200) feet from any residential district, overnight boarding shall be limited to animals under medical care/observation, and that the portion of the building used for overnight boarding shall be enclosed by sound proof walls.
- Recreational buildings and community centers
- Restaurants and bars, including live entertainment and dancing
- Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is one-hundred (100) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

## **12.300 PROPERTY DEVELOPMENT STANDARDS**

### **12.310 LOT AREA**

All lots hereafter created in this district shall contain a minimum of seventy-five-hundred (7,500) square feet. The specified lot area size is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

### **12.320 LOT WIDTH**

Not less than seventy-five (75) feet

### **12.330 YARDS**

Yard abutting street: no minimum

Side yard and rear yard: There shall be no requirements, except where a side or rear lot line coincides with a lot line in an adjacent residential district. Such yard shall not be less than ten (10) feet in depth and such yard may be used for parking.

### **12.340 BUILDING HEIGHT**

Not to exceed fifty (50) feet

### **12.350 DISTANCE BETWEEN BUILDINGS**

Buildings not actually adjoining shall be provided with a minimum six (6) foot separation.

### **12.360 OFF-STREET PARKING AND OFF-STREET LOADING**

See Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS

## **12.370 CONDUCT OF USES**

All business, service, storage, and merchandise display shall be conducted wholly within an enclosed building, including porches, except for off-street automobile parking, off street loading, and the usual pumping operations of gasoline sales, or as provided herein in an overlay district.

Because of the unique fabric and historic character of the area characterized by a large number of National Register of Historic Places buildings, a Historic Commercial Overlay District, for all lots facing onto both the north and south sides of Beale Street from First Street to Eighth Streets is hereby created.

The following regulations apply only in the Historic Commercial Overlay District created above:

1. For the converted commercial uses that have traditional residential style setbacks (typically ten (10) feet to twenty (20) feet setbacks from the street line), "displays" would be allowed in fifty percent (50%) of any yard area visible from a street. Within this fifty percent (50%) yard area, displays are allowed provided the items are displayed not higher than six (6) feet in height and displays are setback five (5) feet from side property lines.
2. For "O" front lot line commercial buildings, up to three (3) items could be displayed, but not for sale, on the sidewalk (no motor vehicles), provided normal and safe pedestrian movement is not compromised.

When a lot is used for commercial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building.

Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed commercial lot abuts an undeveloped residential district, which has been identified as having commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting commercial property shall have six (6) months, from the date of Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the commercial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall not be required unless so specified by ordinance relating to the rezoning of the subject property.

## **29.000 CONDITIONAL USE PERMITS**

### **29.100 PURPOSE AND INTENT**

Pursuant to Arizona Revised Statutes (A.R.S) Article 6.1, Section 9-462.01, within individual zones, there may be uses permitted on a conditional basis under which additional requirements for development must be met. The purpose of the Conditional Use Permit is to allow integration of uses into the community, which may only be suitable in specific locations, or because of unusual operational or physical characteristics that require special consideration, or only if such uses are designed, or developed to assure maximum compatibility with adjoining uses.

Conditions may be applied to the issuance of the permit such that the proposed land use would not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A Conditional Use Permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a recommendation and the Common Council has authorized such use as evidenced by resolution.

### **29.200 AUTHORITY**

The City of Kingman Common Council as the City's governing body retains final authority to approve, deny, approve with conditions or modified conditions, all applications for a Conditional Use Permit.

### **29.300 PROCEDURE**

1. **Application:** Prior to making a formal application for a Conditional Use Permit, the applicant or agent is encouraged to review their proposal with a member of the Planning Staff. Application for a Conditional Use Permit shall be made by the property owner, or their authorized agent, on a form, available from the City Planning Department. Application shall include: a site plan, a list of the names and addresses of all property owners within one-hundred-fifty (150) feet of the proposed conditional use and a non-refundable application fee.
2. **Public Hearing Required:** Two (2) public hearings shall be held on all Conditional Use Permit cases. The first hearing will be held before the Planning and Zoning Commission. The second hearing shall be held before the Mayor and the Common Council. Notice of the time and place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least fifteen (15) days before the hearing in the following manner:
  - a. The public notice display advertisement of not less than two inches by three inches (2" x 3") in size shall be published at least once in a newspaper of general circulation in the City of Kingman and surrounding area. The public notice will provide information about the date, time and place of the proposed Planning and Zoning Commission and City Council hearings. A public notice poster shall be posted on the property in question in at least one (1) location. If the property is less than one (1) acre. If the subject property is greater than one (1) acre, a minimum of two (2) notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for a conditional use. The notice shall include the present zoning classification, the proposed use and the date and time of the Planning and Zoning Commission and Common Council public hearings, as well as a location and phone number from which additional information can be received.
  - b. In proceedings involving Conditional Use Permit applications which about other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing shall be transmitted to the planning agency of

such governmental unit. Additionally, the City shall send a written notice by United States Postal Service mail, notifying those property owners of record according to the most recent Mohave County Assessors rolls within one-hundred-fifty (150) feet of any point of the property on which the proposed conditional use might occur. The notice will describe the proposed conditional use, will include a map, and will state that public comment is encouraged during the public hearing.

- c. In the case of Conditional Use Permits that are not initiated by the property owner, notice by first class mail shall be sent to each property owner of record in the manner described above, within three-hundred (300) feet of any point of the property on which the proposed conditional use might occur.
  - d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.
3. **Planning Commission Public Hearing and Action:** The Planning Commission shall review a written report presented by staff concerning the conditional use request. The applicant, or designated representative, should be present to explain the conditional use request. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed conditional use prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission. The Planning Commission will discuss the conditional use proposal and, based on the evidence submitted and its own study and knowledge of the circumstances involved may recommend approval of the conditional use request with specified conditions or may recommend denial. After the hearing, the Planning Commission shall present a written recommendation to the Common Council. The Commission's written recommendation to approve or deny shall contain the reasons or findings upon which its decision is based.
4. **Council Public Hearing and Action:** The Common Council shall hold a second, separate public hearing from the Planning Commission. The Council may take testimony and may consider matters not necessarily heard by the Commission. The Common Council may adopt, modify, or reject the Commission recommendation based upon the information they receive at the public hearing. The Council may also return the request to the Planning Commission for further consideration of issues as directed by the Council. The Common Council may sustain a Planning Commission recommendation of denial of a conditional use request. If the Council wishes to approve a conditional use request recommended for denial by the Commission, the Council may direct the preparation of a Resolution for consideration at the next Council meeting. The Council shall not change the requested conditional use to another conditional use without public notice and another hearing in accord with the procedures in this section. The Council may not increase the area of the conditional use request without additional public notice.
5. **Council Decision:** The decision of the City Council on the Conditional Use Permit shall be final and shall become effective by resolution immediately. Notice of the decision shall be mailed to the property owner and/or applicant at

the address shown on the application. No conditional use case that is the same or substantially the same (in site size, intensity or text) as a request that has been denied shall be filed within one (1) year of the date of the Planning Commission decision.

### **29.310 REQUIRED FINDINGS**

In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements as applies to that particular case:

1. **Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.
2. **Bulk Regulations:** The site is adequate in size and topography to accommodate proposed use, density, building height, lot coverage, setbacks, spaces, landscaping, fences, parking and loading. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.
3. **Performance:** That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
4. **Traffic Patterns:** The provisions for ingress and egress, public streets and traffic circulation are adequate or can be upgraded through street improvements as a condition of approval.
5. **Landscaping Buffer:** Landscaping and/or fencing of the proposed development assure that the site development will be compatible with adjoining areas.
6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration or illumination.

### **29.320 REQUIRED CONDITIONS FOR A USE PERMITTED BY CONDITIONAL USE PERMIT**

In the event that the conditional use requires that the applicant and/or developer obtain a building permit, all buildings, and any development of the property for which a Conditional Use Permit was sought, shall meet minimum requirements of all ordinances, restrictions, regulations, and policies of the City of Kingman that are in effect at the time of issuance of the Conditional Use Permit. Compliance with same is a condition of the use permit, including but are *not* limited to:

1. Water service improvements;

2. Sanitary sewer service improvements;
3. Street and/or sidewalk improvements;
4. Fire protection measures;
5. Utility service improvements;
6. Amount, type and location of outdoor lighting;
7. Parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface of:
  - a. Asphaltic concrete,
  - b. Cement concrete,
  - c. A penetration treatment of bituminous material and a seal coat of bituminous binder and mineral aggregate,
  - d. The equivalent of the above as may be approved by the City Engineer;
8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer;
9. Consistency with the General Plan.

### **29.330 CONDITIONS WHICH MAY BE IMPOSED UPON AN APPROVAL OF A CONDITIONAL USE PERMIT**

The Commission and/or Council *may*, in addition to the above listed conditions, ***impose the following*** general conditions upon any Conditional Use Permit granted:

1. Increasing the number of off-street parking spaces;
2. Additional landscaping, screening and buffering;
3. Controlling location, size and number of vehicular access points;
4. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the Conditional Use Permit procedure;
5. Street and/or sidewalk improvements;
6. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer.

### **29.400 TERM AND REVOCATION OF A CONDITIONAL USE PERMIT**

#### **29.410 TERM OF A CONDITIONAL USE PERMIT**

It is the intent of this section that a Conditional Use Permit, once it is granted, and meets all of the conditions and restrictions imposed as a condition of approval shall constitute

restrictions running with the land and shall be adhered to by the owner of the land, and all successors or assigns. The use permit can be considered automatically void without City Council action unless one or more of the following actions have occurred:

1. If a building permit is necessary to implement the use permit, a building permit shall have been issued within one (1) year of the effective date of the use permit, and substantial construction occurred.
2. If a building permit is not necessary to implement the use permit, then the actual use shall commence within six (6) months of the effective date of the use permit.
3. Any use permit issued by the Common Council shall be considered null and void if construction does not conform to the originally approved site plan. (See MODIFICATION OF A CONDITIONAL USE PERMIT.)

### **29.420 REVOCATION OF A CONDITIONAL USE PERMIT**

Use permits granted in accordance with the provision of this Ordinance may be revoked if the conditions of operation imposed in the approval and issuance of the use permit have not, or are not being complied with. The Planning Director/Zoning Administrator or designee shall notify the permittee of any violation of a use permit, in accordance with the procedures outlined within Subsection 29.300(2). If no attempt is made by the permittee to correct the violation within fifteen (15) days after notification, the permit shall be considered for revocation by the Planning Commission at the next regularly scheduled public hearing.

If the City Planning Commission finds, following the public hearing, that the original conditions of operation imposed in the approval and issuance of the permit are not being complied with, the permit can be revoked and further operation of the use for which the Conditional Use Permit was approved shall constitute a violation of this code.

In the event that the City Planning Commission recommends that the Conditional Use Permit be revoked, the applicant may file an appeal of the Common Council within fifteen (15) days from the date of the City Planning Commission's public hearing on the matter. The Common Council shall hold at least one (1) public hearing on the matter. At the public hearing before the Council, the Council may affirm the decision of the Commission or upon a finding that the revocation was arbitrary and without just cause, reverse the decision of the Commission.

### **29.500 RENEWAL OF A CONDITIONAL USE PERMIT**

In the event that the use for which a Conditional Use Permit was sought is not achieved within the aforementioned time frames, the permit may be renewed for an additional one (1) year period. In the case of a Conditional Use Permit that does not require a building permit, the permit may be renewed for an additional six (6) months. Application for renewal of any Conditional Use Permit will be contingent upon the following actions occurring:

1. Before the expiration date, a letter from the property owner, or designee, requesting a renewal of the Conditional Use Permit is submitted to the Planning Director/Zoning Administrator for consideration by the Planning Commission and

Common Council in accordance with the procedures outlined within Section 29.300 2(a-d) of this section.

2. A new application fee has been paid.
3. One (1) extension for no more than one (1) year (365 days) may be granted by the Common Council. In the case of a Conditional Use Permit that does not require a building permit one (1) extension for no more than six (6) months may be granted by the Common Council.

## **29.600 ABANDONMENT, EXPANSIONS AND MODIFICATIONS OF A USE PERMITTED BY CONDITIONAL USE PERMIT**

### **29.610 ABANDONMENT OF A CONDITIONAL USE PERMIT**

The occurrence of certain events; i.e., a one-hundred-eighty (180) day period of vacancy of the property, cessation of activity for which the Conditional Use Permit was sought, and an action by the City of Kingman as voluntary discontinuance of the Conditional Use Permit. The Conditional Use Permit shall be considered null and void without Council action.

### **29.620 MODIFICATION OR EXPANSION OF A CONDITIONAL USE PERMIT**

Minor deviations of the site plan may be approved by the Planning Director/Zoning Administrator or designee. Major deviations, from the originally approved site plan, shall be subject to reapplication for a Conditional Use Permit.

1. Minor changes in the site plan may be approved by the Planning Director/Zoning Administrator as long as such changes will not cause any of the following circumstances to occur:
  - a. A change in the character of the development;
  - b. An increase in the number of dwelling units;
  - c. A change that creates an increase in vehicular traffic;
  - d. A change of the vehicular ingress or egress patterns;
  - e. Proposed reduction to any of the required setbacks;
  - f. Proposed increases in percent (%) ground coverage as authorized by the zoning district;
  - g. Any proposed increase or reduction of the required off-street parking and loading spaces;
  - h. Proposed change necessitates public dedication of rights-of-way either as; streets, alley, public ways, drainage or utility easements.

Revised 11/08/04 per Ord. 1449

# Religious Land Use and Institutionalized Persons Act

The **Religious Land Use and Institutionalized Persons Act (RLUIPA)**, Pub.L. 106–274, codified as 42 U.S.C. § 2000cc et seq., is a United States federal law gives churches and other religious institutions a way to avoid burdensome zoning law restrictions on their property use. It also defines the term “religious exercise” to include “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” RLUIPA was enacted by the United States Congress in 2000 to correct the problems of the Religious Freedom Restoration Act (RFRA) of 1993. The act was passed in both the House of Representatives and the Senate by unanimous consent in voice votes, meaning that no objection was raised to its passage, so no written vote was taken.

## Previous law

In 1997, the United States Supreme Court held the RFRA to be unconstitutional as applied to state and local governments, in *City of Boerne v. Flores*, 521 U.S. 507. Unlike the RFRA, which required religious accommodation in virtually all spheres of life, RLUIPA only applies to prisoner and land use cases.

In *Employment Div. Dep’t of Human Resources v. Smith*, 494 U.S. 872, 883–85 (1990), the Supreme Court held that a substantial burden on religious exercise was subject to strict scrutiny where the law “lent itself to individualized governmental assessment of the reasons for the relevant conduct.” It was not a case permitting exceptions for freedom of religion when generally applicable health and welfare regulations were in question, and it should be remembered that Smith lost this case (involving a denial of unemployment benefits where the litigant had used illegal drugs in a religious ceremony). In line with the scrutiny regime established in *West Coast Hotel v. Parrish* in 1937, the Court ruled that unless the law is not one of general applicability, regardless of specific circumstance, government may act if policy is rationally related to a legitimate government interest, even if the act imposes a substantial burden on the exercise of religion.

## Zoning and land use

In religious land use disputes, RLUIPA’s general rule is the most commonly cited and challenged section. It provides:

1. General rule. No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government can demonstrate that imposition of the burden on that person, assembly or institution

- a. is in furtherance of a compelling governmental interest; and
  - b. is the least restrictive means of furthering that compelling governmental interest.
2. Scope of Application. This subsection applies in any case in which—
- a. the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability; or
  - b. the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or
  - c. the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved. 42 U.S.C. § 2000cc-5(a).

During these disputes, the correct interpretation of the term “land use regulation” is almost always an issue. The statute defines “land use regulation” as “a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant’s use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.” 42 U.S.C. § 2000cc-5(5).

### **RLUIPA's effect on zoning**

Currently being litigated is the conflict RLUIPA presents to municipalities' zoning and regulating rights. Through RLUIPA, Congress has expanded religious accommodations to a point where it appears to restrict municipalities' zoning power. Arguably, RLUIPA gives religious landowners a special right to challenge land use laws which their secular neighbors do not have. But those defending RLUIPA would say this preference toward religion is in the First Amendment's religion clauses, so the law is just administering the Constitution itself. Even if a zoning law is void of discrimination, the court reviewing a challenge will apply strict scrutiny to the city's regulation.

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## **FINDINGS OF FACT**

### **Property Location and Size:**

- The subject property is approximately 0.79-acres and is located at 112 North Fourth Street, which is on the southeast corner of Fourth Street and Beale Street.
- The applicant will use 13,000 square feet of the building.

**Legal Description:**

The subject property is described as KINGMAN, TOWN(PLAT OF) ON LINE A & P RR BLK 4LOTS 2,4,6,8,10,12, 14,16,18,20 & 22 CONT 34,375 SQ FT 303-08-041 SPLIT INTO (303-08-041A & B, Section 24, T21N, R17W G&SRM. Mohave County, Arizona.

**Existing Land Use and Zoning:**

- The proposed site is a vacant store front.
- The Central Commercial Building has other tenants, which include an art gallery, a coffee shop, a wine cellar, and a restaurant.
- The property is zoned C-2 and the Historic Commercial Overlay District.

**Surrounding Land Uses and Zoning:**

- **North:** Property to the north is a thrift store and professional office. There are retail businesses and restaurants. Zoned C-2
- **East:** Redneck Barbecue Restaurant, a parking lot, and a commercial building. Zoned C-2
- **South:** Retail store and El Palacio Restaurant. Zoned C-2.
- **West:** To the west is a law office and Wells Fargo Bank. Zoned C-2.

**Zoning and Development History:**

- The subject property was part of the original incorporated area of Kingman in 1952.
- The subject site was given a commercial zoning designation when the current zoning classifications were developed in 1960.
- The Central Commercial Building was built in 1945.
- The building is 24,104 square feet.
- The building was renovated in 2007 by the owner with assistance through the Community Development Block Grant Program.
- After the renovation, this portion of the building was a furniture store until 2012. Subsequently, there has been occasional special events, but has been vacant the majority of time.
- A Planning and Zoning Commission public hearing was held on November 10, 2015 and much opposition was voiced, The Planning and Zoning Commission tabled action until its December 8, 2015 meeting.
- On December 8, 2015, the Planning and Zoning Commission held a public hearing and received testimony in favor and opposed to the proposed conditional use permit. The Planning and Zoning Commission voted, three-to-two, to recommend approval of the conditional use permit with the condition that the applicant comply with all building and fire codes and provide written agreements from off-street parking lot owners within 300-feet of the Central Commercial Building that the Central Christian Church parishioners can park in at least 36 off-street parking stalls in addition to the 23 parking stalls on-site.

**Physical Characteristics:**

- The tenant space has a main floor and a mezzanine.
- The building is a masonry building.

**Public Utilities:**

- The building is connected to the water and sewerage systems.
- Unisource Electric provides natural gas and electrical power.

## Staff Comments:

- The Engineering Department has no comments.
- James McErlean, Kingman Building Official, has the following comment to Wilmer & Snell, attorneys for the Central Christian Church:  
“My purpose in writing is to just reach out so that your client is aware of a few things about this facility. The space has been approved for use as an A-3 occupancy. However, the allowable **occupant load** of this historic facility has been limited to 500 people as there are only two EXITs from the space. We will also be interested in the intended use of the Balcony/Mezzanine area above the main floor. An engineer may need to be consulted for a written opinion about floor loading.”
- Len Dejoria, Fire Marshal stated:  
“**Permit holder shall comply with all regulations set forth by this department.**”

**Public Comments:** A wide range of public comments concerning parking, appropriateness of such a use in the downtown was voiced at the November 10, 2015 and December 8, 2015 Planning and Zoning Commission public hearing.

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# ANALYSIS

## REQUIRED FINDINGS OF THE PLANNING AND ZONING COMMISSION

In order to make recommendations on a Conditional Use Permit, the Planning and Zoning Commission should make findings based on the following elements as applies to that particular case:

1. **Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.

**FINDING:** *The Growth Area Section of the General Plan, it states:*

***GOAL:*** *To promote managed and orderly growth that supports a variety of land uses, conserves natural resources, reduces automobile dependency, and provides for the logical expansion of infrastructure and service capacities.*

**Objective 3.0:** **Encourage a planned mixture of land uses that provides for a choice of transportation modes which reduces automobile dependency, provides for needed public open space, and creates a sense of place:**

*Policies:*

3.2: Encourage commercial development to occur around identifiable nodes and discourage strip commercial development.

3.3: Neighborhood centers and gathering places in central locations should be encouraged.

3.7: Provide for the development of a public transit system to link neighborhoods, shopping, employment, and public service areas and promote transit-friendly design and amenities.

*This proposed use is a reuse of an existing facility that is located in the downtown. The use of the facility reduces automobile dependency by being in walking distance for users of the facility. The Kingman Area Regional Transportation (KART) system has a bus stop at Fourth and Oak Street; and Third and Andy Devine Avenue, which are one block from this site. However, bus service is not provided on Sundays.*

2. **Bulk Regulations:** The site is adequate in size and topography to accommodate proposed use, density, building height, lot coverage, setbacks, spaces, landscaping, fences, parking and loading. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

*This facility fully and adequately uses the site. It is an existing building that is a landmark in the downtown. The services will be completely contained in the building. Parking, like all downtown businesses, will depend on on-street parking.*

3. **Performance:** That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

*The proposed use will occupy a tenant space that has been vacant for over four years. Concern has been expressed about whether a church will adversely affect businesses with alcohol service. However, the City Council adopted Resolution #4972, which created an Entertainment District that allows the 300-horizontal foot spacing requirements from churches to be waived on a case-by-case basis.*

*The Church will typically gather for two services on Sunday mornings at 9:30 am and 11:00 am, with age appropriate children ministries available simultaneously. The services will last for approximately one 91) hour and include live worship and bible-based teaching via video stream. Outside the Sunday services, there will be weekday gatherings for bible study classes and other such meetings consisting of various sizes. The Church will operate in a typical manner similar to other traditional religious facilities and does not anticipate significant late night use.*

4. **Traffic Patterns:** The provisions for ingress and egress, public streets and traffic circulation are adequate or can be upgraded through street improvements as a condition of approval.

*As with any business in downtown Kingman, this proposed use will have an impact on-street parking. The City has not enforced its off-street parking requirements in the downtown area. However, the street system is well developed and allows this site to be easily accessible. The applicant is seeking permission to utilize off-street parking lots in the downtown area. However, to impose an off-street parking requirement on this applicant when the City does not impose such a requirement on other downtown tenants singles out this applicant and can be a violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA).*

5. **Landscaping Buffer:** Landscaping and/or fencing of the proposed development assure that the site development will be compatible with adjoining areas.

*There is a planter box in the front of the building, but there is no landscaping in the area.*

6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration or illumination.

*The operation of this tenant space as a church will not create a hazard to persons and property from possible explosion, contamination, fire or flood.*

## **RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA)**

In religious land use disputes, RLUIPA's general rule is the most commonly cited and challenged section. It provides:

1. General rule. No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government can demonstrate that imposition of the burden on that person, assembly or institution
  - a. is in furtherance of a compelling governmental interest; and
  - b. is the least restrictive means of furthering that compelling governmental interest.

## **RECOMMENDATION**

Based on the findings that the application conforms to the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in this report, the Planning and Zoning Commission, on a three-to-two vote, recommends **Approval** of the request by Central Christian Church at 112 North Fourth Street with the condition that the applicant comply with all building and fire codes and the applicant provide written agreements from the owners of off-street parking lots with

300-feet of the Central Commercial Building (112 North Fourth Street) that at least 36 off-street parking stall are available to the Central Christian Church parishioners.

## **ATTACHMENTS**

1. Application.
2. Parking Agreements

## **CITY OF KINGMAN RESOLUTION NO. 4994**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: AUTHORIZING A CONDITIONAL USE PERMIT FOR A “PUBLIC ASSEMBLY INDOOR –GENERAL” USE AT 112 NORTH FOURTH STREET, KINGMAN, ARIZONA.**

**WHEREAS**, Central Christian Church, applicant and Joyce Ott, the property owner, have requested approval of a conditional use permit (CUP) to allow for a “Public Assembly Indoor General” use at 112 North Fourth Street, Kingman, Arizona to operate a church in a C-2 Zoning District; and

**WHEREAS**, the property is further described as Kingman Townsite, Block 4, Lots 2,4,6,8,10,12,14,16,18, 20, and 22; and

**WHEREAS**, the subject property is zoned C-2: Commercial, Community Business; and

**WHEREAS**, Section 12.220 of the City of Kingman Zoning Ordinance, allows a church in the C-2 zoning district by Conditional Use Permit; and

**WHEREAS**, this CUP request was reviewed by the Kingman Planning and Zoning Commission on November 10, 2015 and December 8, 2015; and

**WHEREAS**, on December 8, 2015, the Kingman Planning and Zoning Commission recommended, on a three to two vote, that the City Council approve the Conditional Use Permit with the conditions: and

**WHEREAS**, the Mayor and Common Council of the City of Kingman held a public hearing on December 15, 2015 on the Central Christian Church conditional use permit application; and

**WHEREAS**, the Kingman Common Council has the authority to approve a Conditional Use Permit, pursuant to Section 29.000: Conditional Use Permits of the City of Kingman Zoning Ordinance, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Common Council of the City of Kingman, Arizona: That a Conditional Use Permit (CUP) is granted to allow the applicant to a “Public Assembly Indoor General” use at 112 North Fourth Street, Kingman, Arizona to operate a church with the following conditions:

1. The applicant shall comply with all building and fire code standards.

2. Central Christian Church must have at least 36 off-street parking stalls over and above the 23 parking stalls provided on the Central Commercial Building site. The applicant shall provide written agreements from the owners of off-street parking lots that at least 36 off-street parking stalls are available to the Central Christian Church parishioners.
3. There shall be a one year review of the conditional use permit.
4. No soup kitchens, methadone or similar substance abuse rehabilitation clinics.
5. At the end of a five year period, the City Council may vote to terminate this conditional use permit.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 2nd day of February, 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Rich Ruggles, Development Services

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Public Hearing and consideration of Ordinance 1809: modifying Ordinance 1189 by removing Condition "B" of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions

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### **SUMMARY:**

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of Condition "B" of Ordinance No. 1189 which rezoned property, including the subject site to R-1-20: Residential, Single Family, 20,000 square foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, Condition "B" of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet, and the intent is to split the property into two parcels for two single family homes.

The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. On December 1, 2015 the City Council held a public hearing to consider this request. The Council voted 5-1 to send this item back to the Planning and Zoning Commission for further consideration and instructed the applicant to provide a proposal showing how the property is intended to be split.

On January 12, 2016 the Planning and Zoning Commission reviewed an exhibit provided by the applicant indicating how the property would be split. Any splitting will need to be accomplished with an approved parcel plat. The proposal will meet the requirements of the R-1-20 zoning district and will not increase the density above one residence per 30,000 square feet if the adjoining open space/drainage parcels are included in the calculation. The Commission voted 4-3 to recommend denial of the request.

### **FISCAL IMPACT:**

None expected at this time.

### **STAFF RECOMMENDATION:**

The Planning and Zoning Commission voted 4-3 to recommend denial of the request. Ordinance No. 1809 has been prepared with staff recommended conditions for the Council's consideration.

### **ATTACHMENTS:**

**Description**

Ordinance No. 1809

P&Z Commission Report

Letter from resident Allen Burgett

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Development Services	Jeppson, Gary	Approved	1/22/2016 - 4:46 PM
City Attorney	Cooper, Carl	Approved	1/22/2016 - 4:53 PM
City Manager	Dougherty, John	Approved	1/27/2016 - 10:47 AM

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401

## **CITY OF KINGMAN ORDINANCE NO. 1809**

### **AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: MODIFYING ORDINANCE NO. 1189 BY REMOVING CONDITION "B" OF THIS ORDINANCE AS APPLIED TO LOT 2, BLOCK 4, SOUTHERN VISTA III, TRACT 6002, AND PRESCRIBING CONDITIONS**

**WHEREAS**, KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, have requested the removal of Condition "B" of Ordinance No. 1189 which rezoned certain property from R-R: Rural Residential to R-1-20: Residential, Single Family, 20,000 square foot lot; and

**WHEREAS**, Condition "B" states: "The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site"; and

**WHEREAS**, the applicant has requested that Condition "B" be removed to allow the normal R-1-20 minimum lot size standard of 20,000 square feet for the subject property described as Lot 2, Block 4, Southern Vista III, Tract 6002; and

**WHEREAS**, the intent is to split the subject property which is 47,322 square feet into two parcels for the development of two single family homes; and

**WHEREAS**, this request was reviewed and was found to be in accordance with the projected land use and density standards of the adopted City of Kingman General Plan 2030 and other applicable regulations; and

**WHEREAS**, the rezoning request was reviewed by the Kingman Planning and Zoning Commission at the meeting of January 12, 2016, and was recommended for denial by a vote of 4-3; and

**WHEREAS**, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 3.000 and 31.000.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona that Condition "B" Ordinance No. 1189 be removed from the subject property described as Lot 2, Block 4, Southern Vista III, Tract 6002, with the following conditions:

1. The subject property shall be permitted to be split into a maximum of two parcels with an approved parcel plat in accordance with Kingman Municipal Code Section 2-146 and Section 3.000: Residential Single Family of the Zoning Ordinance of the City of Kingman.
2. A drainage report shall be submitted with the parcel plat and shall address the drainage impacts on the development of the property and other adjacent drainage parcels and easements, as well as show the proposed building pad elevations and locations of any proposed block walls adjacent to the drainage easements.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 2<sup>nd</sup> day of February, 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



**CITY OF KINGMAN**  
**Development Services Department**  
**Rezoning Case: RZ15-005**  
**Revised Planning and Zoning Commission Report**

**Summary of Request:** A request for the modification of Ordinance No. 1189 by removing Condition "B" of this ordinance as it applies to a specific lot. The ordinance, passed in 1998, zoned the subject property to R-1-20: Residential, Single Family, 20,000 square feet. However, Condition "B" required that any lots abutting Hualapai Foothill Estates to be at least 30,000 square feet. The removal of this condition would allow the subject property, Lot 2, Block 4 Southern Vista III, Tract 6002, to be split into two parcels that are at least 20,000 square feet while maintaining the existing zoning designation of R-1-20.

**GENERAL INFORMATION:**

**Property Owner:** Pioneer Title Trust No. 9099  
2213 Stockton Hill Road  
Kingman, AZ 86401  
(928) 530-6600  
[hilldev@frontiernet.net](mailto:hilldev@frontiernet.net)

**Applicant:** KTH Consulting, Inc.  
Kathleen Tackett-Hicks  
3751 Martingale Drive  
Kingman, AZ 86409  
(928) 279-4586  
[k\\_hicks@yahoo.com](mailto:k_hicks@yahoo.com)

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**RECOMMENDATION**

The Planning and Zoning Commission voted 5-1 to recommend denial of the request to remove Condition "B" of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002 due to objections from surrounding property owners.

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## **STANDARDS FOR REVIEW**

### **APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:**

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

### **APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:**

- Section 3.000: Residential, Single-Family
- Section 31.000: Amendments and Zone Changes

### **OTHER APPLICABLE REGULATIONS**

- Ordinance No. 1189

## **FINDINGS OF FACT**

**Location and Size:** The subject site is 47,322 square feet or approximately 1.09 acres and is located at 2406 Steamboat Drive. It is on the east side of Steamboat Drive between Isador Avenue on the north and Karen Avenue on the south.

**Legal Description:** The subject property is described as Lot 2, Block 4, Southern Vista III, Tract 6002.

**Existing Zoning and Existing Land Use:** The subject site is currently vacant and is zoned R-1-20: Residential, Single Family, Low Density. Ordinance No. 1189 which zoned the property to R-1-20 in September, 1998 includes a number of additional development standards and conditions unique to the property.

**Projected Land Use:** The Kingman General Plan 2030 indicates that the property is designated as Low Density Residential, 1-2 dwelling units per acre.

### **Surrounding Land Use and Zoning:**

- **North:** Vacant property zoned R-1-20, beyond which are one-acre single family home lots within Southern Vista Tract 1980-B, zoned R-1-40: Residential, Single Family, 40,000 square foot lot minimum.
- **East:** Hualapai Foothill Estates subdivision with single family homes on property zoned R-1-40: Residential, Single Family, 40,000 square foot lot minimum.
- **South:** Vacant property zoned R-1-20.
- **West:** Across Steamboat Drive are single family homes and vacant property within Southern Vista III, Tract 6002 zoned R-1-8: Residential, Single Family, 8,000 square foot lot minimum.

### **Zoning and Development History:**

- The site was part of an annexation of land into the City of Kingman on March 8, 1982 under Ordinance No. 443. R-R: Rural Residential zoning was applied to the property at that time.
- In 1996 the subject property was included as part of a rezoning of Parcels 1 through 4 of the Whitehead Tract to R-1-6-PDD (Planned Development District)

for a 534-lot residential subdivision known as Desert Shadows Estates. This rezoning was overturned in a referendum by a majority of the voters in March, 1997.

- On September 21, 1998, Parcels 1 through 4 of Whitehead Tract, comprising about 160 acres under a single ownership, were rezoned to R-1-6, R-1-8, R-1-10 and R-1-20 at the same time by related zoning ordinances. This portion of Whitehead Tract extended from Southern Avenue on the north, Whitehead Avenue on the south, N. Central Street on the west and Hualapai Foothills Estates on the east. One of the ordinances, Ordinance No. 1189, applied R-1-20 zoning with specific conditions and development standards to the northern portions of Parcels 1 and 2 abutting Southern Avenue and eastern portions of Parcels 2 and 3 abutting Hualapai Foothill Estates.
- The northern half of Parcels 1 and 2 of Whitehead Tract were rezoned to R-1-40 in 2003 and were subdivided as Southern Vista I, Tract 1980 in 2005.
- The southern half of Parcels 1 and 2 of Whitehead Tract were subdivided as Southern Vista II, Tract 1999 and Southern Vista III, Tract 6002 in 2005.
- On February 6, 2006, all of Southern Vista II and all of Southern Vista III west of Steamboat Drive was rezoned to R-1-8. This action left the subject property as well as the rest of the area east of Steamboat Drive, extending south to Whitehead Avenue, zoned R-1-20 and subject to the conditions of Ordinance No. 1189.
- On March 6, 2006, the Council passed Ordinance No. 1535 which removed Conditions "B" and "I" of Ordinance No. 1189 as applied to the R-1-20 zoned property located between Karen Avenue and Whitehead Avenue south of the subject property. This change allowed future lots that would be subdivided in that area to be a minimum of 20,000 square feet abutting Hualapai Foothill Estates. It also removed the requirement for an open space buffer 40-feet in width between these future lots and Hualapai Foothill Estates.
- On November 10, 2015 the Planning and Zoning Commission held a public hearing to consider the current request to modify Ordinance No. 1189 to allow Lot 2, Block 4, Southern Vista III, Tract 6002 to be split. The commission voted 5-1 to recommend denial of the request. A copy of the meeting minutes is attached.
- On December 1, 2015 the Kingman Common Council held a public hearing to consider this request and the Planning and Zoning Commission's recommendation. The Council voted 5-1 to approve a motion to send this item back to Planning and Zoning Commission for further consideration with a proposal showing how the subject property is intended to be split.

**Physical Characteristics:** The property slopes generally from the southeast down towards the northwest. It lies within Flood Zone "X", according to the FEMA panel map dated November 18, 2009. Zone "X" are areas outside of the 0.2% annual chance floodplain. However, the subject property is surrounded on three sides by drainage

easements and parcels. A drainage easement located on the subject property and part of Lot 1 immediately north. Also, Parcels B and C are located immediately east and south of the site are intended for drainage and open space purposes.

**Public Utilities:** There are existing water lines in Steamboat Drive. There are also existing sewer lines which terminate with manholes in Steamboat Drive. The lines run westward from the manholes in Isador, Laramie and Karen Avenues. A five-foot wide public utility easement (PUE) is located along the property frontage on Steamboat Drive. Suddenlink has indicated that they have facilities in the PUE. There may be other utilities as well including telephone and electric within the easement.

**Transportation:** The subject site accessed from Steamboat Drive which is a paved street with curb and gutter and a 50-foot wide right-of-way. Currently there is a cash escrow assurance for the completion of the uncompleted sidewalks within Southern Vista III including the area in front of the subject site. Sidewalks are being installed in the subdivision in conjunction with the completion of homes.

**Public Notification and Expected Comment:**

- The site was posted with a zoning notice on October 23, 2015 and reposted on December 23, 2015.
- A public notice was published in the Kingman Daily Miner on October 25, 2015 and republished on December 27, 2015.
- Surrounding property owners within 300 feet were sent a notice of the public hearing via first class mail on October 19, 2015 and again on December 23, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- Four letters were received in opposition to the proposed changes. There were multiple comments in opposition to the proposal that were heard at the previous Planning and Zoning Commission meeting on November 10, 2015 as well as at the Kingman City Council meeting on December 1, 2015.

**Department and Agency Comments:**

- City Engineer: The subject lot is surrounded on three sides by drainage easements and parcels. The City has been called out on numerous drainage related complaints to this particular area of the subdivision. We recommend that an updated drainage report be submitted showing building pad elevations and locations of any proposed block walls adjacent to the drainage easements.

A portion of Lot 2 is subject to a drainage easement that affects the amount of developable land. A map is attached for clarification. The drainage report should address any impacts that this (and other adjacent drainage parcels and easements) may have on zoning implications and any other development considerations.

- City Building Official: No objections to the rezoning request.
- UniSource Electric: No objections to the rezone.
- Suddenlink: Currently we have conduit in the PUE. A lot line relocate will possibly require us to relocate some of our facilities, along with power and phone. The relocation cost of existing facilities would need to be covered by property/subdivision owner.

## **ANALYSIS**

This is a request to modify Ordinance No. 1189 by removing Condition “B” of this ordinance as it applies to Lot 2, Block 4, Southern Vista III, Tract 6002. The ordinance, passed in 1998, rezoned certain property in the area including the subject site to R-1-20: Residential, Single Family, 20,000 square feet. However, Ordinance No. 1189 includes Condition “B” which states that “The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site.” Normally the minimum lot size is 20,000 square feet within the R-1-20 zoning district.

Condition “B” was included in the ordinance in response to concerns from residents in Hualapai Foothill Estates at the time that the platting of lots smaller than 30,000 square feet adjacent to their properties would decrease the property values of their 1-acre plus sized lots.

The purpose of removing this condition would be to allow Lot 2, Block 4 Southern Vista III, Tract 6002, which is currently 47,322 square feet, to be split into two parcels. Single family homes would be constructed on the two parcels. The splitting of the property will require the approval of a parcel plat in accordance with City of Kingman Municipal Code Section 2-146. The development standards of the R-1-20 zoning district will need to be met. This would mean that any new parcels that are created must be at least 20,000 square feet in size, and at least 100-feet in width at the minimum 20-foot front yard setback line.

With the exception of the subject site and Lot 1 of Block 4, immediately to the north, Condition “B” of Ordinance No. 1189 is no longer applicable to any other properties due to other zoning changes that have occurred over the years. A minimum lot size of 20,000 square feet would be more consistent with the R-1-20 minimum lot size requirements that are normally applied to other property within this zoning district. The proposed lot sizes will also conform to the Projected Land Use Map of the Kingman General Plan 2030 which indicates Low Density Residential, 1-2 dwelling units per acre on the subject property.

There is a drainage easement that encumbers approximately 5,395 square feet of the northernmost portion of the existing 47,322 square foot lot. This would leave an estimated area of about 41,927 square feet of developable property. The drainage easement will need to be left undeveloped and unblocked by fencing or other items. The City Engineer has commented on this situation. A drainage report needs to be provided that addresses drainage issues and impacts on the development of the property.

In response to the City Council's request, an exhibit showing the proposed lot split has been submitted. The proposal indicates that two lots would be created. The northern lot, Lot 2A, is proposed to be 26,731 square feet. Once the area of the drainage easement is subtracted this will leave 20,976 square feet of developable property. The southern lot, Lot 2B, is proposed to be 20,465 square feet. Both lots will be over 100-feet in width. This proposal will meet the requirements of the R-1-20 zoning district.

Additionally it may be argued that the overall density of the area will not increase above one residence per 30,000 square feet even after the property is split takes place if you include the area calculation of the existing open space/drainage parcels B and C which lie along the eastern and southern sides of Lot 2. A separate exhibit has been provided which shows that if the areas of Parcels B and C are included with the lot split that Lot 2A would be effectively 32,020 square feet while Lot 2B would be effectively 35,718 square feet. While it is not proposed that these parcels actually be incorporated into the proposed lots, this does show that the overall density will not exceed 30,000 square feet.

### **DECISION OPTIONS**

1. Recommend approval of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002 with the following conditions:
  - a. The subject property shall be permitted to be split into a maximum of two parcels with an approved parcel plat in accordance with Kingman Municipal Code Section 2-146 and Section 3.000: Residential Single Family of the Zoning Ordinance of the City of Kingman.
  - b. A drainage report shall be submitted with the parcel plat and shall address the drainage impacts on the development of the property and other adjacent drainage parcels and easements, as well as show the proposed building pad elevations and locations of any proposed block walls adjacent to the drainage easements.
2. Recommend denial of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002.

### **RECOMMENDATION**

The Planning and Zoning Commission voted 4-3 to recommend denial of the request to remove Condition "B" of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002 due to objections from surrounding property owners.

## **ATTACHMENTS**

1. Applicable portions of Sections 3.000 and 31.000 of the Zoning Ordinance
2. Ordinance No. 1189
3. Rezoning Application
4. Exhibit for Proposed Lot Split
5. Exhibit Which Incorporates Parcels B and C to Indicate Residential Density
6. Aerial and Zoning Maps
7. Department and Agency Comments
8. Public Comments
9. Excerpts from P&Z and Council Minutes

### 3.000 RESIDENTIAL: SINGLE-FAMILY

R-1-6  
R-1-8  
R-1-10  
R-1-20  
R-1-40

#### 3.100 INTENT AND PURPOSE

These districts are intended to provide for and encourage the development of single-family living at designated population densities. The provisions of these zones are intended to ensure that the residential character of such areas will be stabilized and maintained. They are further intended to provide a basis for planning of related amenities such as parks, schools, public utilities, streets and highways and other community facilities.

#### 3.200 GENERAL PROVISION

In Single-Family Residential Districts, every single-family dwelling hereafter erected or structurally altered shall be located on one (1) lot, and there shall be not more than one (1) principal building on one (1) lot or parcel. In the event a duplex is permitted by Conditional Use Permit, the density shall not exceed one (1) unit per minimum designated lot area.

<b>PERMITTED USES:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Single-family detached dwellings	X	X	X	X	X
Home occupations as regulated in Section 24.000	X	X	X	X	X
Parks and public playgrounds-publicly owned and operated	X	X	X	X	X
Residential group homes for persons with disabilities, in accord with Federal and State Fair Housing Laws. a. Any licensed group home in single-family residentially zoned areas must not be less than six-hundred-sixty (660) feet from another licensed home. b. In accord with ADHS licensing guidelines, up to ten (10) persons may reside in such homes.	X	X	X	X	X
Schools, Private School, Charter School or Community college (not providing housing, dormitories or sleeping overnight)	X	X	X	X	X
Keeping of horses in connection with the residential use of the property, subject to the provisions of Chapter 3 of the Code of Ordinances of the City of Kingman	X	X	X	X	X
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities, thirty-five (35) feet. (See also Subsection 26.100 WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)	X	X	X	X	X

<b>ACCESSORY USES TO THE ABOVE PERMITTED USES:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Unregulated Day Care Facility	X	X	X	X	X

<b>USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Commercial off-street parking in conjunction with an adjacent permitted commercial use	X	X	X	X	X
Convents, monasteries and seminaries	X	X	X	X	X
Duplexes	X	X	X	X	X
Golf course, tennis clubs, swimming clubs, and other similar recreational facilities including restaurants, cocktail lounges, and other related facilities only when associated with and incidental to a golf course, tennis club, or other recreational facility. Such uses shall be permitted only when they are for the exclusive use of club membership. In granting a permit for such activities, the Planning Commission shall ensure, through the imposition of appropriate conditions that no interference with the conduct of nearby residential uses occurs.	X	X	X	X	X
Historical sites and museums.	X	X	X	X	X
Municipal or non-profit privately owned recreational buildings and community centers.	X	X	X	X	X
Parks and playgrounds, privately owned and operated but not for profit.	X	X	X	X	X
Pre-schools, tutorial schools, Regulated Day Care/Group Facility	X	X	X	X	X
Public Assembly –Indoor, General	X	X	X	X	X
Public libraries.	X	X	X	X	X
Shelter (for Victims of ) Domestic Violence: 1. This activity shall be required to obtain or show evidence of eligibility for a license from the appropriate agencies. 2. This activity must meet specified spacing and density requirements and all other development standards found in Section 3.000, RESIDENTIAL: SINGLE-FAMILY and Section 12.000, OFF-STREET PARKING AND LOADING REQUIREMENTS. 3. The agent managing the shelter must submit a statement of the exact standards of operation for the planned home. 4. Conform to the extent possible to the type and outward appearance of the residences in the area.	X	X	X	X	X
Utility and public service uses including: Electric substations Fire stations Police stations Telephone exchanges, and telephone transmission equipment buildings Water filtration plants, pumping stations and reservoirs	X	X	X	X	X
Cemeteries				X	X
Public riding stables and academy					X
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities, thirty-five (35) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)	X	X	X	X	X

<b>DISTANCES BETWEEN BUILDINGS:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
The minimum space between buildings or structures on the same lot	6-ft	6-ft	6-ft	6-ft	6-ft

<b>OFF STREET PARKING:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
No required front or side yard shall be used for parking, except on established and improved driveways	X	X	X	X	
See Section 22.000: OFF-STREET PARKING, of this Ordinance	X	X	X	X	X

<b>SETBACKS</b>				
	<b>FRONT</b>	<b>FRONT-SIDE</b>	<b>REAR</b>	<b>SIDE</b>
<b>R-1-6</b>	20	10	15	5
<b>R-1-8</b>	20	15	15	5
<b>R-1-10</b>	20	15	15	5
<b>R-1-20</b>	20	20	20	10
<b>R-1-40</b>	30	30	20	20

**Accessory building setbacks (All Zoning Districts):**

Accessory buildings and uses shall be located to the rear of the front yard setback and shall not be closer than four (4) feet to any alley line or rear lot line, and shall not be closer to any side lot line than the required side yard. Accessory buildings in the aggregate may not occupy over ten percent (10%) of the lot area.

<b>LOT &amp; BUILDING DIMENSIONS</b>					
	<b>MINIMUM LOT WIDTH</b>	<b>MINIMUM LOT AREA</b>	<b>MAXIMUM PRINCIPAL BLDG, HEIGHT*</b>	<b>MAXIMUM ACCESSORY BLDG, HEIGHT</b>	<b>FLOOR AREA RATIO</b>
<b>R-1-6</b>	50	6,000*	30	15	0.6
<b>R-1-8</b>	65	8,000	30	15	0.6
<b>R-1-10</b>	80	10,000	30	15	0.6
<b>R-1-20</b>	100	20,000	30	20	0.5
<b>R-1-40</b>	150	40,000	30	25	0.45

\* All other structures shall not exceed thirty-five (35) feet in height.

**3.300 PROPERTY DEVELOPMENT STANDARDS (R-1-6 ZONING DISTRICT ONLY):**

1. All newly created lots shall be not less than six-thousand (6,000) square feet or less than fifty (50) feet in width.
2. The City of Kingman, however, recognizes that a large number of subdivisions were platted in sizes that do not meet modern subdivision standards. Many of these subdivisions in the Kingman area were recorded prior to January 1, 1945 and are now within the City limits of the City of Kingman. Further, the City recognizes that it is in the interest of the City and in accord with the Kingman General Plan to infill, develop these old subdivisions, and thus contribute to the strategy of minimizing sprawl development. To assist in implementing these objectives the following regulations shall apply in R-1-6 districts in which all original lots were platted prior to January 1, 1945.
3. For lots platted in subdivisions originally recorded prior to January 1, 1945, located in R-1-6 Zoning Districts, and platted in lot sizes of primarily twenty-five feet by one-hundred feet (25'x100') or fifty feet by one-hundred feet (50'x100'), building sites may be used in any configuration for a single family detached home. The building site must have a minimum of five-thousand (5,000) square feet and the site width must be a minimum of fifty (50) feet.

4. For lots platted in subdivisions originally recorded prior to January 1, 1945, located in R-1-6 zoning districts, and originally platted in lot sizes of forty feet by one-hundred feet (40'x100'), the minimum building site area for a single family detached home continues to be six-thousand (6,000) square feet, with lot width a minimum of fifty (50) feet. However, if modern resurvey of the area has shown that errors in the original survey occurred such that the original building site dimensions were in error, then the Zoning Administrator is authorized to approve single-family detached home permits provided the building site area is not less than fifty-nine-hundred (5,900) square feet. The Zoning Administrator must be satisfied that the problem is a survey correction matter and was not self-imposed by the owner or developer.

Revised 2/05/03 per Ord. No. 1363  
Revised 1/04/11 per Ord. No. 1688

## **31.000 AMENDMENTS AND ZONE CHANGES**

### **31.100 AMENDING THE ORDINANCE**

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

### **31.110 GENERAL PLAN CONFORMANCE**

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

### **31.120 APPLICATION**

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

### **31.130 ACCOMPANYING MAPS AND DATA**

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

### **31.200 PUBLIC HEARING**

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
2. Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

1. Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
5. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notices of the public hearing shall be transmitted to the Planning Agency of such governmental unit such land.
6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

### **31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION**

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

### **31.400 CONSIDERATION BY COMMISSION**

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

1. If the request is for an Official Zoning Map Amendment:
  - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
  - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
  - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
  - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
2. If the request is a text amendment, the Planning and Zoning Commission shall find that the proposed text amendment is in conformance with and will better achieve the goals and objectives of the adopted general plan.

### **31.410 PLANNING AND ZONING COMMISSION OPTIONS**

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

### **31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION**

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

### **31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION**

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

### **31.600 PROTEST PROVISION**

In the event that a written protest against a proposed amendment is filed with the City of Kingman Development Services Department or the City Clerk, no later than the close of business of the day preceding the date set for any Council hearing on the application for amendment, by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or if those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the City Council, If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

### **31.700 CLASSIFICATION OF NEW ADDITIONS**

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

### **31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS**

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.

**CITY OF KINGMAN  
ORDINANCE NO. 1189**

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, REZONING CERTAIN PROPERTY, DESCRIBED BELOW, FROM R-R: RURAL RESIDENTIAL TO R-1-20: RESIDENTIAL SINGLE FAMILY, 20,000 SQUARE FOOT LOT MINIMUM.**

**WHEREAS**, The Pattillo Family Trust, applicants and property owners, have requested the rezoning of certain property from R-R: Rural Residential to R-1-20: Residential Single Family, 20,000 square foot lot minimum, and

**WHEREAS**, the subject property is 30.1750 acres in size and is described as a portion of Parcels 1 through 4 of Whitehead Tract 1923, as shown in the attached maps and described further in Exhibit "A", attached, and

**WHEREAS**, the requested rezoning would allow for the future development of single family homes on the subject property, and

**WHEREAS**, the requested rezoning would be in conformance with the land use projections of the Kingman General Plan, and

**WHEREAS**, this request was reviewed by the Kingman Planning and Zoning Commission at the meeting of September 15, 1998, and was recommended for approval by an 5-0-1 vote, with certain conditions, and

**WHEREAS**, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 3.000, and 31.000.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona that the subject property, described in Exhibit "A", is hereby rezoned from R-R: Rural Residential to R-1-10: Residential Single Family, 20,000 sq. ft. lot minimum with the following conditions:

- A. The maximum number of lots in this zoning district shall not exceed 30 lots.
- B. The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site.
- C. Require that no lots front directly onto N. Central Street.
- D. Require N. Central Street to be improved to ½ collector street standards, between Southern Avenue and the Karen Avenue alignment when the first subdivision phase for this development is recorded anywhere on Parcels 1, 2, 3, or 4, Whitehead Tract, 1923. Require N. Central Street to be improved to ½ collector street standards, between the Karen Avenue alignment and Whitehead Avenue when any development occurs south of the Karen Avenue alignment or when 25% of the proposed 491 lots of the entire development are recorded, whichever occurs first.

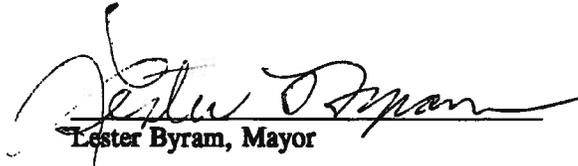
- E. Require Southern Avenue to be improved to ½ collector street standards, when any phase located within this zoning district is recorded.
- F. Require that any future development of this property include extending the alignment of Karen Avenue from the proposed intersection with N. Central Street eastward to N. Yavapai Drive, such that Karen Avenue lines up on both sides of N. Central, thus eliminating any jog at this intersection.
- G. Require the extension of sewer to serve the subject property in accord with MUC regulations.
- H. Provide underground utilities to serve the subject property.
- I. Provide open space within any future development to accommodate drainage, utility, and recreational uses. Also, provide open space a minimum of 50 feet in width along the south side of Southern Avenue, and a minimum of 40 feet along the eastern property boundary of this site for buffering purposes.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, this 21st day of September, 1998.

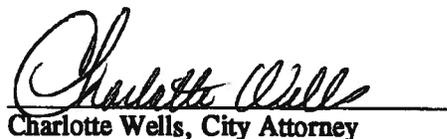
**ATTEST:**

**APPROVED:**

  
Charlene Ware, City Clerk

  
Lester Byram, Mayor

**APPROVED AS TO FORM:**

  
Charlotte Wells, City Attorney

**LEGAL DESCRIPTIONS**  
**PROPOSED ZONING DISTRICT BOUNDARIES**  
**for: Proposed Re-Zoning of Parcels 1 thru 4, Whitehead Tract # 1923**

**R1-20 Zone:**

Being a portion of the northeast quarter of Section 20, Township 21 North, Range 16 West, of the Gila & Salt River Base & Meridian, more particularly described as follows:

Beginning at the northeast corner of Section 20, Township 21 North, Range 16 West, of the Gila & Salt River Base & Meridian, as shown on a plan entitled "Proposed Zoning Exhibit for: Re-Zoning of Parcels 1-4, Whitehead Tract No. 1923, Kingman Arizona", dated 9/1/98, scale 1"=100', prepared by "David Evans & Associates, Inc.", prepared for "E. D. Patillo", said point shown as Point of Beginning No. 1,

Thence running S 00-13-27 W, along the east line of Section 20, A.K.A. the west boundary line of Hualapai Foothill Estates, a distance of 2646.27' to the east quarter corner of Section 20,

Thence running N 89-48-19 W along the south line of the northeast quarter of section 20, a distance of 194.39' to a point,

Thence running N 00-11-41 E a distance of 170.77' to a point,

Thence running N 49-28-38 W on a radial line a distance of 150.00' to a point on a curve,

Thence running along a curve to the left having a radius of 300.00', an interior angle of 19-40-43, an arc length of 103.04', a chord bearing of N 30-41-00 E, and a chord distance of 102.53', to a point of tangency,

Thence running N 20-50-39 E a distance of 181.21' to a tangent curve,

Thence running along said curve to the left having a radius of 450.00', an interior angle of 49-31-23, and an arc length of 388.95', to a point of tangency,

Thence running N 28-40-45 W a distance of 106.49' to a tangent curve,

Thence running along said curve to the right having a radius of 450.00', an interior angle of 50-46-11, and an arc length of 398.75' to a point of tangency,

Thence running N 22-05-27 E a distance of 160.06' to a tangent curve,

Thence running along said curve to the left having a radius of 700.00', an interior angle of 40-18-35, and an arc length of 492.48' to a point of tangency,

Thence running N 18-13-09 W a distance of 130.25' to a tangent curve,

Thence running along said curve to the left having a radius of 360.00', an interior angle of 81-07-18, and an arc length of 509.70' to a point of tangency,

Thence running S 80-14-29 W a distance of 106.27' to a tangent,

Thence running along said curve to the right having an radius of 500.00', an interior angle of 17-13-24, and an arc length of 150.30' to a point of tangency,

Thence running N 82-32-07 W a distance of 250.85' to a tangent curve,

Thence running along said curve to the left having a radius of 1200.00', an interior angle of 14-32-21, and an arc length of 304.51' to a point of tangency,

Thence running S 82-55-32 W a distance of 188.05' to a tangent curve,

Thence running along said curve to the right having a radius of 600.00', an interior angle of 17-43-26, and an arc length of 185.60' to a point of tangency,

Thence running N 79-21-02 W a distance of 100.83' to a tangent curve,

Thence running along said curve to the left having a radius of 600.00', an interior angle of 20-54-43, and an arc length of 218.99' to a point of tangency,

Thence running S 79-44-15 W a distance of 166.85' to a tangent curve,

Thence running along said curve to the right having a radius of 300.00', an interior angle of 10-27-26, and an arc length of 54.75' to a point of tangency,

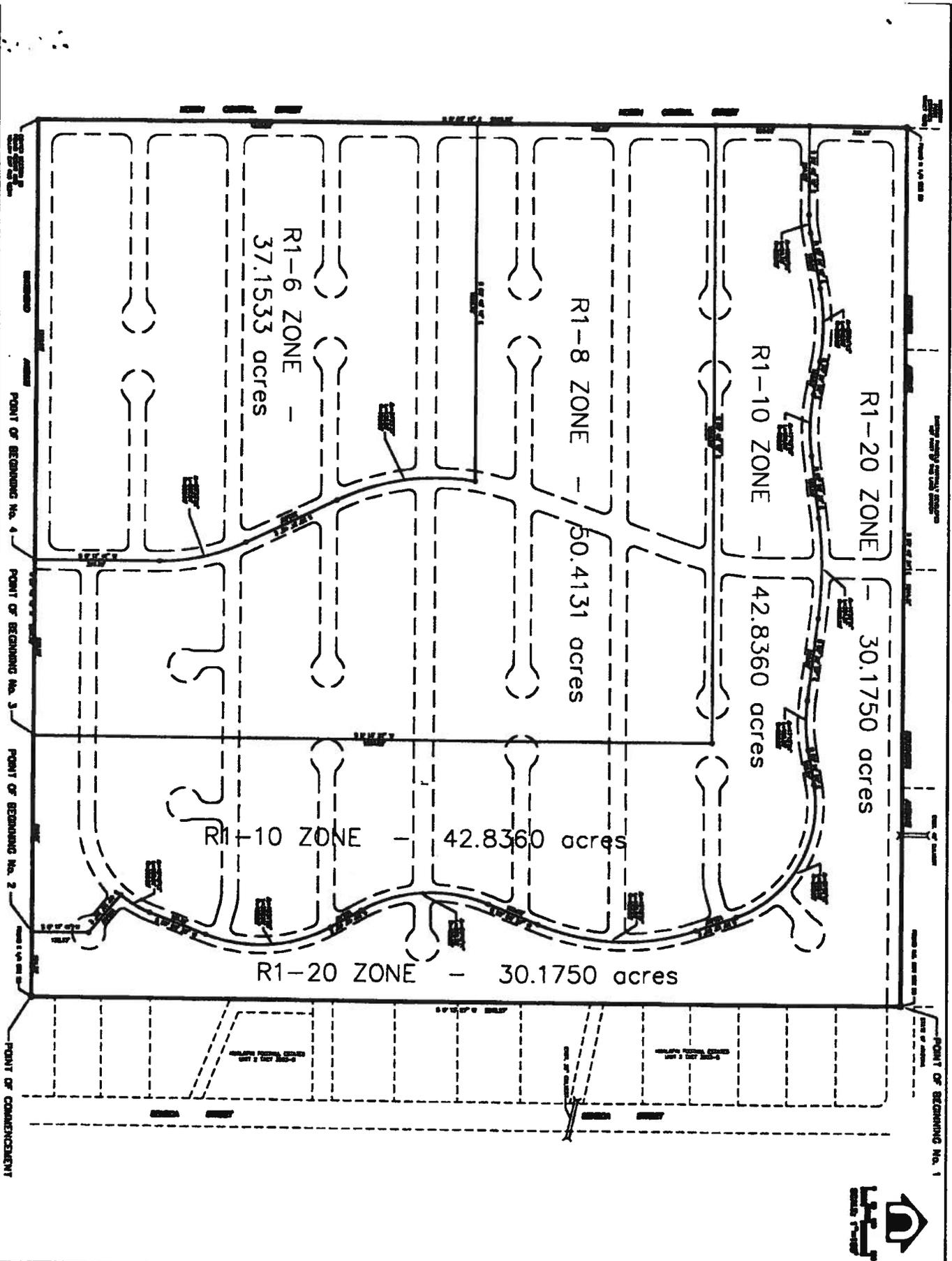
Thence running N 89-48-19 W a distance of 264.55' to a point on the west line of the northeast quarter of Section 20,

Thence running N 00-09-17 E along the west line of the northeast quarter of section 20, a distance of 300.36 to the north quarter corner of Section 20,

Thence running S 89-46-54 E along the north line of the northeast quarter of section 20, a distance of 2644.31' to the northeast corner of Section 20, Township 21 North, Range 16 West, of the Gila & Salt River Base & Meridian, said point being Point of Beginning No. 1.

*Howard Clark Cornell*





**PROPOSED ZONING EXHIBIT for:**  
**RE-ZONING OF PARCELS 1-4**  
**"WHITEHEAD TRACT No. 1923"**  
**KINGMAN, ARIZONA**

PREPARED FOR:  
**E. D. PATILLO**  
 3375 HUALAPAI MOUNTAIN ROAD  
 KINGMAN, ARIZONA 86401  
 (520) 892 - 1000

DATED: [ ] [ ] [ ]  
 SHEET NO. [ ] OF [ ]

NO.	DESCRIPTION	DATE	BY



CITY OF KINGMAN  
PLANNING & ZONING

OCT 16 2015

RCY D: *S. Sullivan*  
TIME: *1:24 PM*

**CITY OF KINGMAN  
REZONING APPLICATION FORM  
CASE # RZ- 15-005**

Application Date: *OCTOBER 16, 2015*

I (we) the undersigned property owner(s) request that the area described below be ~~rezoned~~ (PROVIDE COMPLETE LEGAL DESCRIPTION):

*T21N, R16W, SEC 20. SOUTHERN VISTA III, TRACT 6002, LOT 2, B1K 4.*

Property Address: *2406 STEAMBOAT DRIVE, KINGMAN, AZ. 86401*

Proposed Rezoning Request to allow: *modification of existing ordinance #1189 by removing Condition B. The existing zoning designation of R-1-20 remains the same.*

Zoning From: *EXISTING ZONING R-1-20* Zoning To: *R-1-20*

Mohave County Tax Parcel Number(s): *321-45-065* Size of Parcel: *1.09 AC*

OWNER'S NAME:

*PIONEER TITLE TR 9099 - MICHAEL HILL*

Mailing Address: *2213 N. STOCKTON HILL ROAD*

City/State/Zip: *KINGMAN AZ 86401*

Phone Number: *928-530-6600*

E-mail: *Hill DW @ FURTHERNET. NET*

Signature: *Michael Hill*

APPLICANT NAME: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.)

*KTH CONSULTING - KATHLEEN TACKETT-HICKS*

Mailing Address: *3751 MARTINGALE DRIVE*

City/State/Zip: *KINGMAN, AZ 86409*

Phone Number: *928-279-4586*

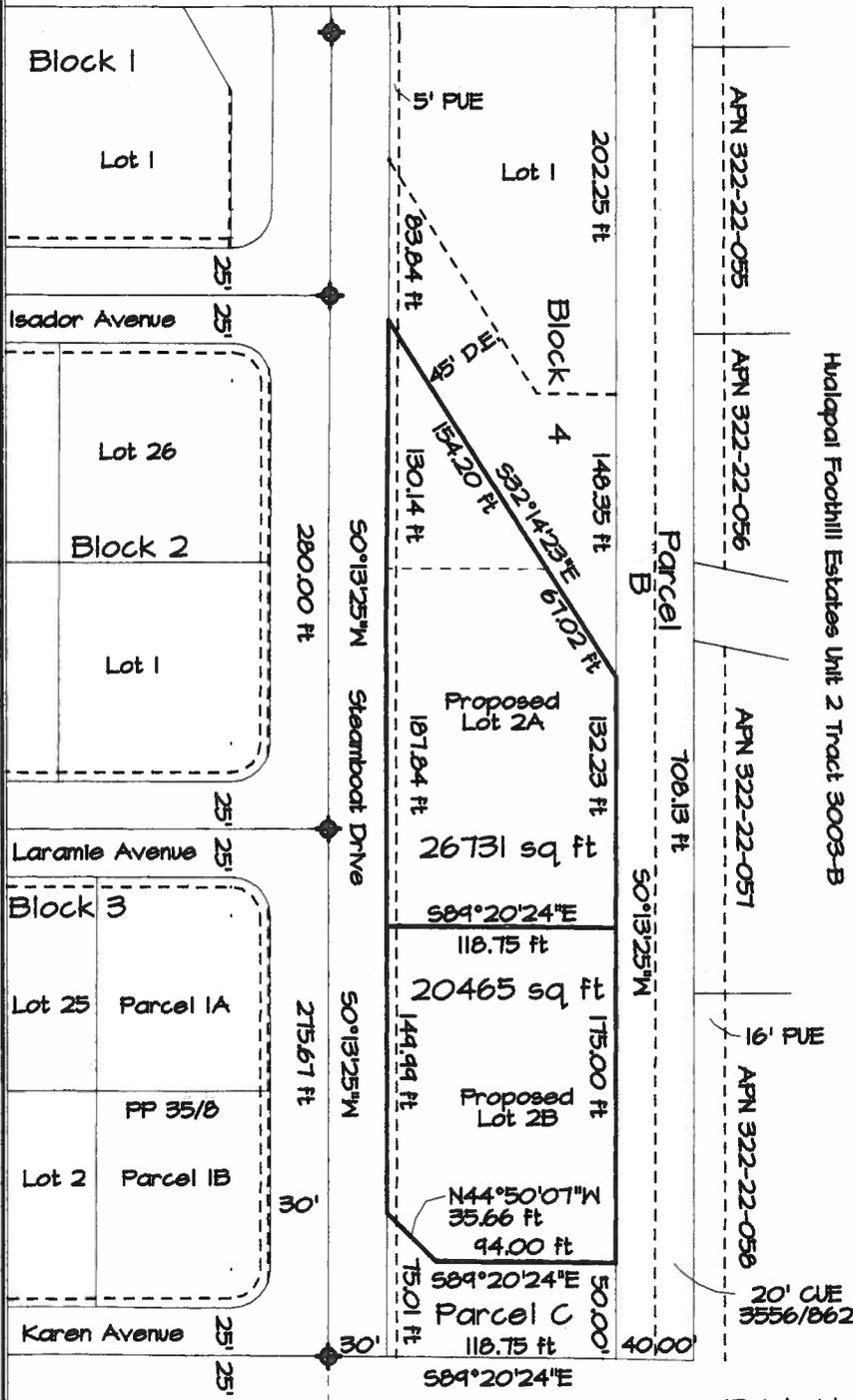
E-mail: *K-thicks @ yekoo.com*

Signature: *Kathleen Tackett-Hicks*

ITEMS FROM THE "REZONING CHECKLIST" SHALL BE SUBMITTED WITH THIS REZONING APPLICATION.

# Exhibit for Proposed Split

Southern Vista III Tract 6002, Block 4, Lot 2,  
Section 20, Township 21 North, Range 16 West,  
of the G&SRM, City of Kingman, Mohave County,  
Arizona



Hualapai Foothill Estates Unit 2 Tract 3003-B

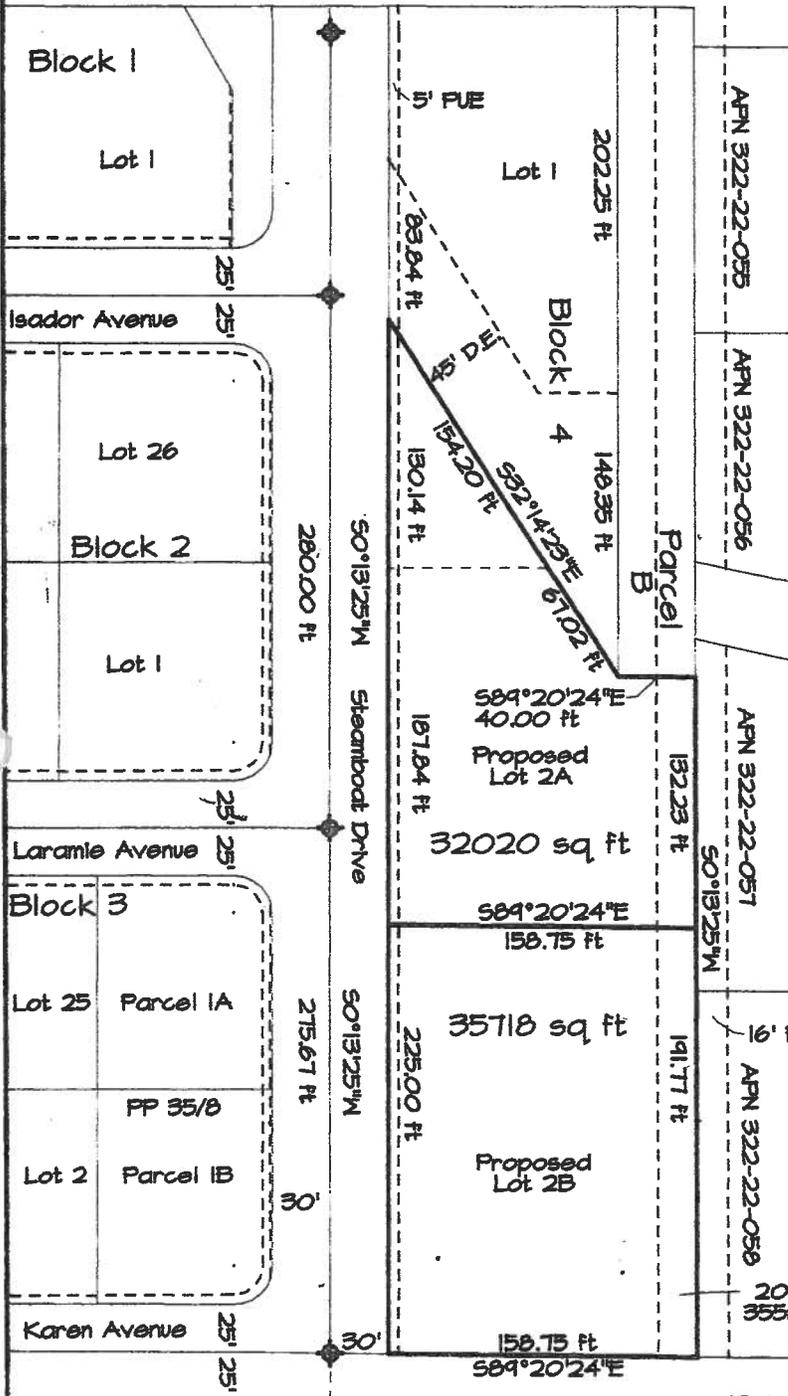
APN 322-22-055  
APN 322-22-056  
APN 322-22-051  
APN 322-22-058

Expires 9/31/2018

**R.W. Holmquist & Associates LLC**  
Rural & Remote Land Surveying  
& R/W Services  
703 E. Beale Street  
Kingman, Arizona 86401  
(928) 758-7779  
(928) 297-0773 Fax

# Exhibit for Proposed Split

Southern Vista III Tract 6002, Block 4, Lot 2,  
Section 20, Township 21 North, Range 16 West,  
of the G&SRM, City of Kingman, Mohave County,  
Arizona



Hualapai Foothill Estates Unit 2 Tract 3003-B

← INCORPORATION OF  
PARCELS B & C TO  
INDICATE RESIDENTIAL  
DENSITY

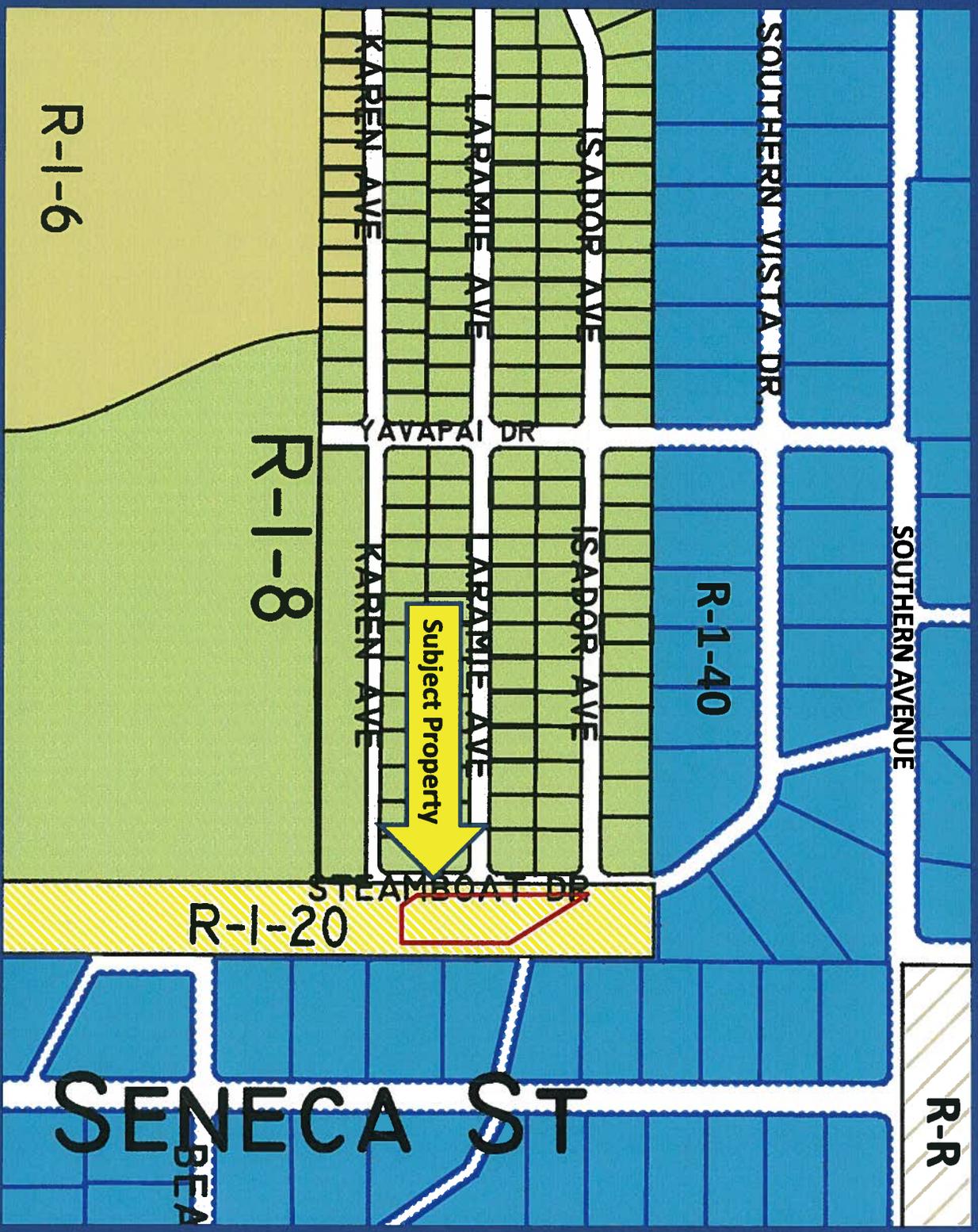
Expires 9/31/2018

R.W. Holmquist & Associates LLC  
Rural & Remote Land Surveying  
& R/W Services  
708 E. Beale Street  
Kingman, Arizona 86401  
(928) 738-7779  
(928) 297-0778 Fax

# Aerial View of Site



# Current Zoning Map



R-1-6

R-1-8

R-1-40

R-1-20

R-R

SENECA ST

SOUTHERN VISTA DR

SOUTHERN AVENUE

ISADOR AVE

ISADOR AVE

ARAMIE AVE

ARAMIE AVE

KAREN AVE

KAREN AVE

YAVAPAI DR

STEAMBOAT DR

Subject Property

# Memo

**To:** Rich Ruggles  
**From:** Greg Henry  
**CC:** File  
**Date:** October 29, 2015  
**Re:** So. Vista III, Tract 6002, Lot 2  
File RZ15-005



**Engineering Department**

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We have reviewed the subject Rezone application and offer the following comments:

1. The subject lot is surrounded on three sides by Drainage easements and parcels. The City has been called out on numerous drainage related complaints to this particular area of the subdivision. We recommend that an updated drainage report be submitted showing building pad elevations and locations of any proposed block walls adjacent to the drainage easements.
2. A portion of Lot 2 is subject to a drainage easement that affects the amount of developable land. A map is attached for clarification. The drainage report should address any impacts that this (and the other adjacent drainage parcels and easements) may have on zoning implications and any other development considerations.



## Rich Ruggles

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**From:** MGibelyou@uesaz.com  
**Sent:** Tuesday, October 27, 2015 10:01 AM  
**To:** Rich Ruggles  
**Subject:** RE: City of Kingman Rezoning Case RZ15-005

Rich, UNS Electric has reviewed the proposed rezone case RZ15-005. We have no objections to the continued processing of this request. Thanks.

Michael L. Gibelyou, SR/WA  
Senior Right of Way Agent  
UNS Electric, Inc.  
(928) 681-8923 desk  
(928) 681-8920 fax

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**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, October 19, 2015 3:29 PM  
**To:** Gibelyou, Mike; [Jay.Rodriguez@suddenlink.com](mailto:Jay.Rodriguez@suddenlink.com); Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); Fjeld, Jeff  
**Subject:** [EXTERNAL E-Mail] City of Kingman Rezoning Case RZ15-005

Good afternoon:

I have attached a memo and two maps related to City of Kingman Rezoning Case RZ15-005. Please review and send any comments to me by Friday, October 30<sup>th</sup>. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

## Rich Ruggles

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**From:** Rodriguez, Jay <Jay.Rodriguez@Suddenlink.com>  
**Sent:** Friday, October 23, 2015 9:09 AM  
**To:** Rich Ruggles  
**Cc:** Brunk, Jeremy  
**Subject:** RE: City of Kingman Rezoning Case RZ15-005

Rich,

Currently we have conduit in the PUE. System print included with highlighted areas. A lot line relocate will possibly require us to relocate some of our facilities, along with power and phone. The relocation cost of existing facilities would need to be covered by property/subdivision owner.

Thank you.

**Jeremy J. Rodriguez (Jay)**  
**Construction Coordinator**  
**Bullhead City/Kingman AZ**  
C 928-201- 7227  
O 928-219-4965 Ex 94965  
[Jeremy.rodriguez2@suddenlink.com](mailto:Jeremy.rodriguez2@suddenlink.com)



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**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, October 19, 2015 3:29 PM  
**To:** [mgibelyou@uesaz.com](mailto:mgibelyou@uesaz.com); Rodriguez, Jay; Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); [jfeld@uesaz.com](mailto:jfeld@uesaz.com)  
**Subject:** City of Kingman Rezoning Case RZ15-005

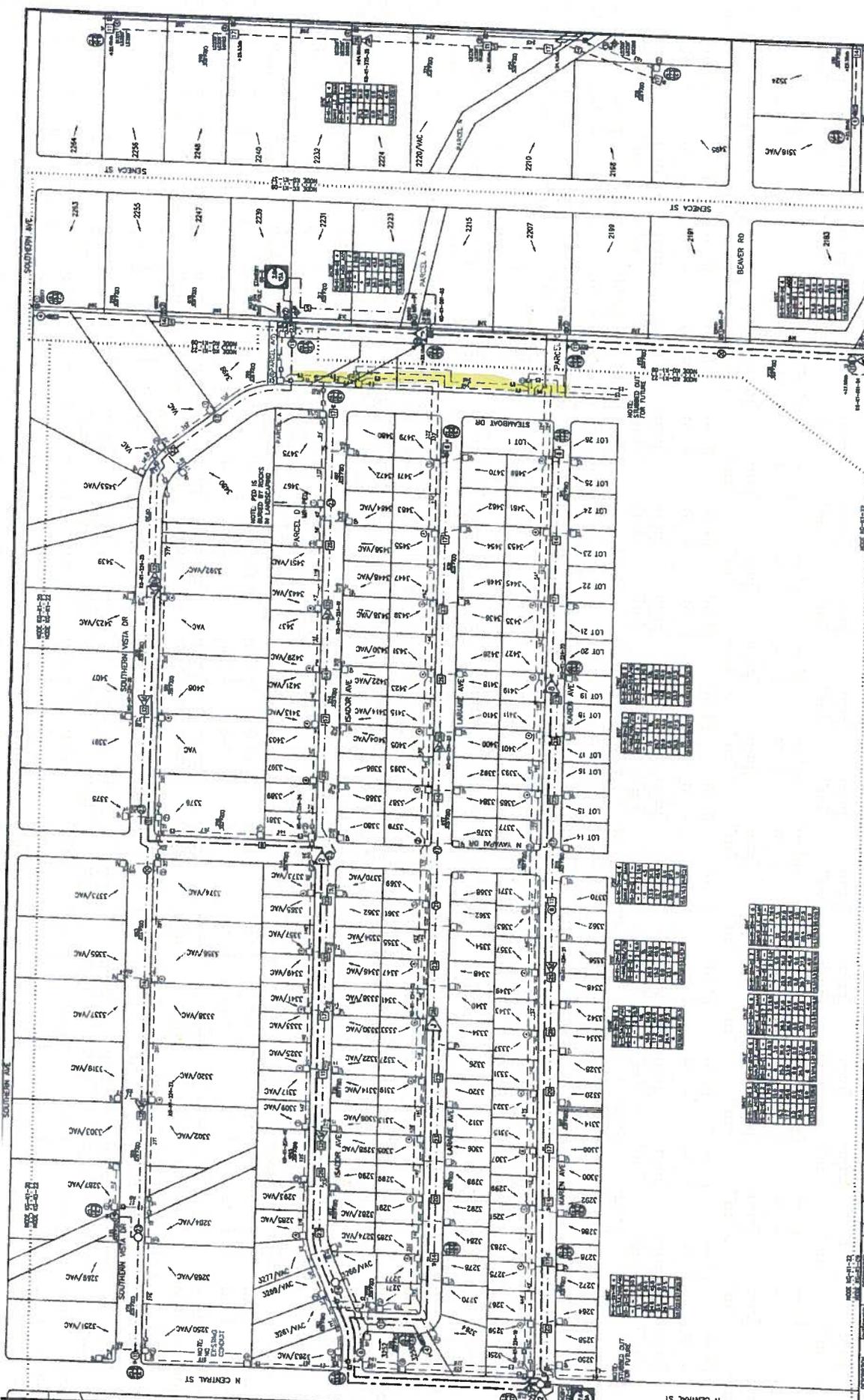
Good afternoon:

I have attached a memo and two maps related to City of Kingman Rezoning Case RZ15-005. Please review and send any comments to me by Friday, October 30<sup>th</sup>. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

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The information transmitted is intended only for the person or entity to which it is addressed and may contain proprietary, confidential and/or legally privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons



GENERAL NOTES		CALL LETTERS		DATE		SCALE	
1	UNIMPROVED AREAS	1	10/12/10	1	10/12/10	1	10/12/10
2	IMPROVED AREAS	2	10/12/10	2	10/12/10	2	10/12/10
3	EXISTING UTILITIES	3	10/12/10	3	10/12/10	3	10/12/10
4	PROPOSED UTILITIES	4	10/12/10	4	10/12/10	4	10/12/10
5	PROPOSED LOT LINES	5	10/12/10	5	10/12/10	5	10/12/10
6	PROPOSED DRIVEWAYS	6	10/12/10	6	10/12/10	6	10/12/10
7	PROPOSED SIDEWALKS	7	10/12/10	7	10/12/10	7	10/12/10
8	PROPOSED LANDSCAPING	8	10/12/10	8	10/12/10	8	10/12/10
9	PROPOSED SIGNAGE	9	10/12/10	9	10/12/10	9	10/12/10
10	PROPOSED FENCE	10	10/12/10	10	10/12/10	10	10/12/10
11	PROPOSED LIGHTING	11	10/12/10	11	10/12/10	11	10/12/10
12	PROPOSED PAVER	12	10/12/10	12	10/12/10	12	10/12/10
13	PROPOSED CONCRETE	13	10/12/10	13	10/12/10	13	10/12/10
14	PROPOSED ASPHALT	14	10/12/10	14	10/12/10	14	10/12/10
15	PROPOSED GRAVEL	15	10/12/10	15	10/12/10	15	10/12/10
16	PROPOSED SAND	16	10/12/10	16	10/12/10	16	10/12/10
17	PROPOSED MULCH	17	10/12/10	17	10/12/10	17	10/12/10
18	PROPOSED PLANTING	18	10/12/10	18	10/12/10	18	10/12/10
19	PROPOSED TREES	19	10/12/10	19	10/12/10	19	10/12/10
20	PROPOSED SHRUBS	20	10/12/10	20	10/12/10	20	10/12/10
21	PROPOSED FLOWERS	21	10/12/10	21	10/12/10	21	10/12/10
22	PROPOSED ROCKS	22	10/12/10	22	10/12/10	22	10/12/10
23	PROPOSED BENCHES	23	10/12/10	23	10/12/10	23	10/12/10
24	PROPOSED LIGHT FIXTURES	24	10/12/10	24	10/12/10	24	10/12/10
25	PROPOSED ELECTRICAL	25	10/12/10	25	10/12/10	25	10/12/10
26	PROPOSED MECHANICAL	26	10/12/10	26	10/12/10	26	10/12/10
27	PROPOSED PLUMBING	27	10/12/10	27	10/12/10	27	10/12/10
28	PROPOSED FIRE PROTECTION	28	10/12/10	28	10/12/10	28	10/12/10
29	PROPOSED SECURITY	29	10/12/10	29	10/12/10	29	10/12/10
30	PROPOSED ACCESSIBILITY	30	10/12/10	30	10/12/10	30	10/12/10
31	PROPOSED SLOPE	31	10/12/10	31	10/12/10	31	10/12/10
32	PROPOSED EROSION CONTROL	32	10/12/10	32	10/12/10	32	10/12/10
33	PROPOSED DRAINAGE	33	10/12/10	33	10/12/10	33	10/12/10
34	PROPOSED RETENTION	34	10/12/10	34	10/12/10	34	10/12/10
35	PROPOSED TREATMENT	35	10/12/10	35	10/12/10	35	10/12/10
36	PROPOSED INFILTRATION	36	10/12/10	36	10/12/10	36	10/12/10
37	PROPOSED STORAGE	37	10/12/10	37	10/12/10	37	10/12/10
38	PROPOSED DISTRIBUTION	38	10/12/10	38	10/12/10	38	10/12/10
39	PROPOSED CONDUIT	39	10/12/10	39	10/12/10	39	10/12/10
40	PROPOSED MANHOLE	40	10/12/10	40	10/12/10	40	10/12/10
41	PROPOSED CHECK VALVE	41	10/12/10	41	10/12/10	41	10/12/10
42	PROPOSED AIR RELEASE	42	10/12/10	42	10/12/10	42	10/12/10
43	PROPOSED FLOW METER	43	10/12/10	43	10/12/10	43	10/12/10
44	PROPOSED SCOUR PROTECTION	44	10/12/10	44	10/12/10	44	10/12/10
45	PROPOSED WEIR	45	10/12/10	45	10/12/10	45	10/12/10
46	PROPOSED GATE	46	10/12/10	46	10/12/10	46	10/12/10
47	PROPOSED SLUICED	47	10/12/10	47	10/12/10	47	10/12/10
48	PROPOSED BARRAGE	48	10/12/10	48	10/12/10	48	10/12/10
49	PROPOSED DAM	49	10/12/10	49	10/12/10	49	10/12/10
50	PROPOSED DIVERSION	50	10/12/10	50	10/12/10	50	10/12/10
51	PROPOSED TUNNEL	51	10/12/10	51	10/12/10	51	10/12/10
52	PROPOSED BRIDGE	52	10/12/10	52	10/12/10	52	10/12/10
53	PROPOSED CULVERT	53	10/12/10	53	10/12/10	53	10/12/10
54	PROPOSED BOX CULVERT	54	10/12/10	54	10/12/10	54	10/12/10
55	PROPOSED ARCH CULVERT	55	10/12/10	55	10/12/10	55	10/12/10
56	PROPOSED PIPE CULVERT	56	10/12/10	56	10/12/10	56	10/12/10
57	PROPOSED OPEN CULVERT	57	10/12/10	57	10/12/10	57	10/12/10
58	PROPOSED DRAINAGE	58	10/12/10	58	10/12/10	58	10/12/10
59	PROPOSED SWALE	59	10/12/10	59	10/12/10	59	10/12/10
60	PROPOSED DITCH	60	10/12/10	60	10/12/10	60	10/12/10
61	PROPOSED CANAL	61	10/12/10	61	10/12/10	61	10/12/10
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63	PROPOSED DRAINAGE	63	10/12/10	63	10/12/10	63	10/12/10
64	PROPOSED SWALE	64	10/12/10	64	10/12/10	64	10/12/10
65	PROPOSED DITCH	65	10/12/10	65	10/12/10	65	10/12/10
66	PROPOSED CANAL	66	10/12/10	66	10/12/10	66	10/12/10
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70	PROPOSED DITCH	70	10/12/10	70	10/12/10	70	10/12/10
71	PROPOSED CANAL	71	10/12/10	71	10/12/10	71	10/12/10
72	PROPOSED TRENCH	72	10/12/10	72	10/12/10	72	10/12/10
73	PROPOSED DRAINAGE	73	10/12/10	73	10/12/10	73	10/12/10
74	PROPOSED SWALE	74	10/12/10	74	10/12/10	74	10/12/10
75	PROPOSED DITCH	75	10/12/10	75	10/12/10	75	10/12/10
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77	PROPOSED TRENCH	77	10/12/10	77	10/12/10	77	10/12/10
78	PROPOSED DRAINAGE	78	10/12/10	78	10/12/10	78	10/12/10
79	PROPOSED SWALE	79	10/12/10	79	10/12/10	79	10/12/10
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81	PROPOSED CANAL	81	10/12/10	81	10/12/10	81	10/12/10
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83	PROPOSED DRAINAGE	83	10/12/10	83	10/12/10	83	10/12/10
84	PROPOSED SWALE	84	10/12/10	84	10/12/10	84	10/12/10
85	PROPOSED DITCH	85	10/12/10	85	10/12/10	85	10/12/10
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87	PROPOSED TRENCH	87	10/12/10	87	10/12/10	87	10/12/10
88	PROPOSED DRAINAGE	88	10/12/10	88	10/12/10	88	10/12/10
89	PROPOSED SWALE	89	10/12/10	89	10/12/10	89	10/12/10
90	PROPOSED DITCH	90	10/12/10	90	10/12/10	90	10/12/10
91	PROPOSED CANAL	91	10/12/10	91	10/12/10	91	10/12/10
92	PROPOSED TRENCH	92	10/12/10	92	10/12/10	92	10/12/10
93	PROPOSED DRAINAGE	93	10/12/10	93	10/12/10	93	10/12/10
94	PROPOSED SWALE	94	10/12/10	94	10/12/10	94	10/12/10
95	PROPOSED DITCH	95	10/12/10	95	10/12/10	95	10/12/10
96	PROPOSED CANAL	96	10/12/10	96	10/12/10	96	10/12/10
97	PROPOSED TRENCH	97	10/12/10	97	10/12/10	97	10/12/10
98	PROPOSED DRAINAGE	98	10/12/10	98	10/12/10	98	10/12/10
99	PROPOSED SWALE	99	10/12/10	99	10/12/10	99	10/12/10
100	PROPOSED DITCH	100	10/12/10	100	10/12/10	100	10/12/10

83-A59



STATE OF ARIZONA  
KONCANN  
07/29/10

## Rich Ruggles

---

**From:** Daniel Lordahl <dlordahl@hotmail.com>  
**Sent:** Wednesday, November 04, 2015 1:30 PM  
**To:** Rich Ruggles  
**Subject:** Case RZ15-005

Rich Ruggles, AICP  
Principal Planner  
Planning and Zoning Division  
City of Kingman Development Services Department

re: Rezoning Case RZ15-005

Dear Mr Ruggles;

My wife and I own and reside at 2215 Seneca St. I will present the following arguments at the hearing of your Commission on Tuesday, November 10, 2015, against the rezoning in question.

Showboat St. and Seneca form a single block in terms of the distances using local norms. Showboat is the natural division of a transition from more dense lot size to the Haulapai Foothill Estates acre-plus lots. Also, no homes on the west side of Showboat face that street, i.e., they do not have showboat addresses.

It can be argued that the issue of zoning density has already been determined for this area. The first rezoning plans were challenged by the citizens back in the 90's and placed on the ballot. The rezoning of higher density without reasonable transition to Haulapai Foothill Estates was rejected by the voters. The current zoning was a negotiated plan with the owners of the large area west of Seneca. The crux of the settlement a 40 foot wide green area just west of the Seneca properties and 3/4 acre lots bordering that zone. In addition, at least seven of the bordering home have horse privileges. The entire settlement of the current zoning plan was based on this transition. To make the requested change would be a violation of the spirit of the vote taken back then.

The possible reduction of property values of our existing Seneca St. homes is not warranted just to give a builder more profit. Moreover, the actual increase in builder profits may not be great. Larger lots and larger houses bring a higher price. Also, the city tax revenue from these larger lots is not far from that obtained with the increased number of smaller units.

The request in this case is not specific to the lot mention but would apply to the whole of Ordinance No. 1189. This is clearly not what the voters and negotiating home owners planned in the late 90's.

Finally, it might be noted that a petition against this rezoning, if mounted, could significantly delay the completion of the subdivision involved.

Sincerely,

Dr. Daniel S. Lordahl  
2215 Seneca St.  
Kingman, AZ 86401  
928-753-6744

## Rich Ruggles

---

**From:** benmharper@gmail.com  
**Sent:** Sunday, November 08, 2015 5:20 PM  
**To:** Rich Ruggles  
**Subject:** Ordinance 1189, Condition B

We oppose removing Condition B from Ordinance 1189.

All lots abutting Hualapai Foothill Estates should be One Acre Minimum as is the the Existing Tract West of our property.

Thank You,

Ben and Jo Harper

2085 Seneca Street

86401

Phone: 805-264-4594

Sent from my iPad

## Rich Ruggles

---

**From:** James Rubey <jamesrrubey@gmail.com>  
**ent:** Tuesday, November 10, 2015 2:13 PM  
**To:** Rich Ruggles; James Rubey  
**Subject:** Against Rezoning Request from KTH Consulting Case # RZ15-005 being heard Nov 10 6:00 pm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning and Zoning Division,

Regarding request from KTH Consulting Case # RZ15-005 being heard tonight Nov 10 6:00 pm.

We encourage you to deny the rezoning request.

Gwendolyn Paget and James Rubey both own the home on a property directly behind the property being considered. At 2239 Seneca Street in Kingman. Well closer than 300 feet which is why we got your notice.

A similar request the board denied was made 2 years ago by George Ripps on 6 lots nearby on Southern Ave. That request the board rejected. One of the main reasons given the board rejected this request, was a referendum the public voted on 15 years ago not supporting denser development.

One of the main reasons we purchased the house on a one acre lot, a couple years ago, was because of the lack of dense development near our property. We are also concerned this could create a precedent for other land owners near Seneca, or nearby areas, to have similar requests approved.

This is a link to an Kingman Daily Miner article 2 years ago where the board denied Mr. Ripps request.

<http://kdminer.com/main.asp?SectionID=1&subsectionID=1&articleID=56814>

Sincerely,

James Rubey and Gwendolyn Paget

Please feel free to call us or E-Mail us with any questions  
Phone number 801 503-2898

# Allen & Deborah Burgett

2223 Seneca Street | 928-753-5329 | aburgett@aol.com

**November 10, 2016**

Planning and Zoning Commissioners

City of Kingman

Subject: **REZONE CASE RZ15-005**

## **Honorable Chairman and P & Z Commissioners:**

My name is Allen Burgett, I live at 2223 Seneca Street, Kingman, AZ. I will be speaking in opposition of the request to remove Condition B of City Ordinance 1189 approved by the City Council in order to allow a rezone of Lot 2, Block 4 of Southern Vista Estates III, Tract 6002.

Eight years ago my wife and I made one of the biggest financial decision of our lives (we've been married 44 years) to purchase our home at 2223 Seneca Street. While doing due diligence prior to making our final offer we inquired about the development taking place to the west of the property. I was given the Final Plat (not the Preliminary Plat) of Tract 6002, approved and recorded in Book 325, Map 45 of Mohave County, AZ records. We assumed at the time that the lot lines drawn on Tract 6002 showing larger lots west of the property we were buying were the final configuration as this was the final approved and recorded plat map and we made our decision to purchase based on this information.

In addition we were told that prior to the development of the property west of us, referendums were voted on and the higher density lots proposed at the time were rejected by the voters. As a compromise, the City Council approved Ordinance 1197 with conditions for any development of lots directly adjacent to west boundary of Hualapai Foothill Estates. Condition B of Ordinance 1197 specifically states that any lot adjacent to Hualapai Foothill Estates shall not be less than 30,000 square feet. The rezone request proposes to remove Condition B approved by the City Council and lower the square footage to 20,000.

In reading the P&Z Commission staff report prepared by the planning staff regarding the Rezoning Case RZ15-005 it appears to recommend a slam dunk for approval. However, in our opinion the report left out the most important part, comments from the property owners directly affected by this request. It's disingenuous to state on page 4 of the report that no comments from the public have been received as we simply didn't have adequate time to respond. We also disagree with the statement on page 5 that *"There doesn't appear to be any compelling reason to maintain this particular condition on this lot."* There is a compelling reason for this condition to remain as nothing has changed since Tract 6002 was recorded.

We received our Notice to Property Owners about the rezone in the mail only days before the staff report to the Commission was written on November 2, 2015 and the very small notice sign posted on Lot 2 hasn't been up even thirty (30) days. It appears to us that the City is rushing through this request without hearing or taking in the concerns of affected property owners. The Commission has not taken any action on REZONING CASE RZ15-005 and yet according to the Notice to Property Owners a public hearing is already scheduled on the City Council agenda for final consideration in three (3) weeks on December 1, 2015.

While attempting to prepare for my comments to the Commission, I submitted a Request for Public Records to the City Clerk's office to gather more information. To date I have not received any of the documents I requested.

In conclusion, we ask the P&Z Commission to be fair, do the right thing and honor the intent of Ordinance 1189 originally passed by the City Council and keep in place the conditions on Lot 2, Block 4 of Tract 6002, specifically Condition B and choose Decision Option 2. Recommend denial of the request for a modification of Ordinance 1189 and the rezone of Lot 2.

The developer knew the final lot line configuration and the conditions placed on Tract 6002 as did we when we made the decision to purchase our property.

Respectfully,

A handwritten signature in black ink, appearing to read "Allen Burgett", with a long horizontal flourish extending to the right.

Allen Burgett

# EXCERPT OF P&Z MINUTES OF 11-10-15

1. The final plat shall indicate lot and block numbers in accordance with Section 4.5 of the Subdivision Ordinance of the City of Kingman.
2. The final plat shall include monument descriptions found or set, along with measured and record distances and bearings and all other information that must be included for a recorded plat.
3. A grading plan, geotechnical report, grading permit will be required to be submitted with the final plat.
4. The final plat shall show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they shall be shown on the final plat.
5. The subdivision developer shall be responsible to pay for moving any existing utilities that is necessary to serve the re-platted lots within Mission Estates II, Tract 6044.

Applicant Ray Stadler acknowledged that he was fine with the conditions 1-5 as outlined by staff.

Commissioner Angle made a MOTION to recommend APPROVAL of the replatting request for Mission Estates II Tract 6044 with conditions 1 through 5. The motion was SECONDED by Vice-Chair Blair and was UNANIMOUSLY (6-0) APPROVED.

- F. **REZONING CASE RZ15-005:** A request from KTH Consulting, applicant, and Pioneer Title Trust No. 9099, property owner, for the modification of Ordinance No. 1189 by removing Condition "B" of this ordinance. The ordinance, passed in 1998, zoned the subject property R-1-20: Residential, Single Family, 20,000 square feet. However, Condition "B" required that any lots abutting Hualapai Foothill Estates to be at least 30,000 square feet. The removal of this condition would allow Lot 2, Block 4 Southern Vista III, Tract 6002, to be split into two parcels that are at least 20,000 square feet while maintaining the existing zoning designation of R-1-20. The subject site is 47,322 square feet (1.09 acres) and is located at 2406 Steamboat Drive.

Rich Ruggles addressed the Commission stating that this is a request to modify Ordinance No. 1189 by removing Condition "B" of this ordinance as it applies to Lot 2, Block 4, Southern Vista III, Tract 6002. The ordinance, passed in 1998, rezoned certain property in the area including the subject site to R-1-20: Residential, Single Family, 20,000 square feet. However, Ordinance No. 1189 includes Condition "B" which states that "The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site." Normally the minimum lot size is 20,000 square feet within the R-1-20 zoning district.

Condition "B" was included in the ordinance in response to concerns from residents in Hualapai Foothill Estates at the time that the platting of lots smaller than 30,000 square feet adjacent to their properties would decrease the property values of their 1-acre plus sized lots.

The purpose of removing this condition would be to allow Lot 2, Block 4 Southern Vista III, Tract 6002, which is currently 47,322 square feet, to be split into two parcels. Single family homes would be constructed on the two parcels. The splitting of the property will require the approval of a parcel plat in accordance with City of Kingman Municipal Code Section 2-146. The development standards of the R-1-20 zoning district will need to be met. This would mean that any new parcels that are

created must be at least 20,000 square feet in size, and at least 100-feet in width at the minimum 20-foot front yard setback line.

With the exception of the subject site and Lot 1 of Block 4, immediately to the north, Condition "B" of Ordinance No. 1189 is no longer applicable to any other properties due to other zoning changes that have occurred over the years. A minimum lot size of 20,000 square feet would be consistent with the R-1-20 minimum lot size requirements that are normally applied to other property within this zoning district. The proposed lot sizes will also conform to the Projected Land Use Map of the Kingman General Plan 2030 which indicates Low Density Residential, 1-2 dwelling units per acre on the subject property.

It should be noted, however, that there is a drainage easement that encumbers approximately 5,395 square feet of the northernmost portion of the existing 47,322 square foot lot. This would leave an estimated area of about 41,927 square feet of developable property. The drainage easement will need to be left undeveloped and unblocked by fencing or other items. The City Engineer has commented on this situation. A drainage report needs to be provided that addresses drainage issues in the area and possible impacts on the development of the property. Staff would recommend that consideration be given to splitting the property so that there is at least 20,000 square feet of developable property on the northern portion of Lot 2 after it is split. Under that scenario, the northern parcel would need to be about 25,395 square feet while the southern parcel would be about 21,927 square feet.

The site has been posted and surrounding property owners within 300 feet were notified. There have been four written comments received by staff. These comments were opposing the proposed change over concerns about increased development density.

City Departments and Agencies have been contacted. The City Engineer noted that the subject lot is surrounded on three sides by drainage easements and parcels. The City has been called out regarding numerous drainage related complaints to this particular area of the subdivision. We recommend that an updated drainage report be submitted showing building pad elevations and locations of any proposed block walls adjacent to the drainage easements.

A portion of Lot 2 is subject to a drainage easement that affects the amount of developable land. A map is attached for clarification. The drainage report should address any impacts that this (and other adjacent drainage parcels and easements) may have on zoning implications and any other development considerations.

City Building and UniSource Electric have no objections to the request.

Suddenlink acknowledged that they currently have conduit in the public utility easement (PUE). A lot line relocate will possibly require us to relocate some of our facilities, along with power and phone. The relocation cost of existing facilities would need to be covered by property/subdivision owner.

Mr. Ruggles stated that decision options for the Commission to consider are:

1. Recommend approval of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002 with the following conditions:

- a. The subject property shall be permitted to be split into a maximum of two parcels with an approved parcel plat in accordance with Kingman Municipal Code Section 2-146 and Section 3.000: Residential Single Family of the Zoning Ordinance of the City of Kingman.
  - b. A drainage report shall be submitted with the parcel plat and shall address the drainage impacts on the development of the property and other adjacent drainage parcels and easements, as well as show the proposed building pad elevations and locations of any proposed block walls adjacent to the drainage easements.
2. Recommend denial of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002.

Staff is recommending approval of the request to remove Condition 'B'.

Kathy Tackett-Hicks, the applicant, addressed the Commission stating that this is the only parcel that the ordinance/condition applies to. She stated that previous conditions to the south have removed this condition. Ms. Tackett-Hicks stated that if the proposal is approved, there would be two lots, one 26,000 and one 22,000 square feet, which is consistent with the area.

Commissioner Kress asked if they were concerned about drainage. Ms. Tackett-Hicks stated that she was not, as one of the conditions stipulated that an engineer look at this again. She went on to state that this was the addition of just one lot.

Resident Teri Gray addressed the Commission stating that there is a wash that fills with water during storms on the property, so drainage will be a problem. Ms. Gray noted that this rezone is identical to the rezone George Ripps did along Southern Avenue, and should be treated equally. She suggested a park would be a good addition to the area.

Resident Dr. Daniel Lordahl addressed the Commission stating that they had forced a ballot to be called regarding this area when a developer tried to create a high density subdivision, and they were successful. This 1994 Ordinance was the compromise, with this area for public use. Dr. Lordahl stated that this proposal should be denied. He also suggested a small park.

Resident Allen Burgett addressed the Commission stating that this will affect the quality of life for him and his wife, as well as their neighbors, along with decreased revenue from their homes. Mr. Burgett stated that he had a plat map of the area when he purchased his property that showed all the surrounding lots over one acre. He would not have made the decision to buy the lot if he had known the lots would be rezoned to a smaller size. He is opposed to the proposal, and asked the Commission to deny the request.

Kathy Tackett-Hicks addressed the Commission stating that the current zoning will not change, the lots will still be zoned R-1-20. She stated that this will not adversely affect surrounding properties. She went on to state that the parcel 'B' is not a road, but a public utility easement, although locals have been using it as a road, and the utility company has fenced portions of the easement off.

Commissioner Lewis acknowledged that the properties in this area are some of the nicest in Kingman. He felt this proposal could change the dynamics of the area and will not support it. Vice-Chair Blair

stated that he is concerned with the ongoing drainage issues Kingman faces, and is not in favor of the proposal. Commissioner Angle stated that even if the lot is not split, the property owner could build a huge garage that would be similar to a separate residence.

Vice-Chair Blair made a MOTION to DENY the proposal. The motion was SECONDED by Commissioner Lewis. The MOTION CARRIED with a vote of (5-1) with Commissioner Angle casting the opposing vote.

**6. COMMISSIONERS COMMENTS:** Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings and requests for reports from staff.

Vice-Chair Blair thanked the City for sending Commissioners to the Arizona Planning Conference in Tucson, noting that it was the best one he has ever attended. Commissioner Kirkham thanked the City as well, and stated that the workshops were all highly relevant to revitalizing downtown and other issues Kingman was experiencing. Commissioner Kress thanked the City and acknowledged the conference was phenomenal and motivating. Chair Mossberg thanked the City as well as the recording secretary for handling all of the arrangements.

Vice-Chair Blair suggested a workshop with the Planning and Zoning Commission and City Council to share some of the things they learned at the Conference.

Vice-Chair Blair made a MOTION to ADJOURN. The motion was SECONDED by Commissioner Kirkham and UNANIMOUSLY (6-0) APPROVED. Chair Mossberg declared the meeting adjourned at 8:48:47 P.M.

**ADJOURNMENT 8:48:47 PM**

ATTEST:

APPROVED:

\_\_\_\_\_  
Sandi Fellows  
Recording Secretary

\_\_\_\_\_  
Gary Jeppson  
Development Services Director

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

**CERTIFICATE OF PLANNING AND ZONING COMMISSION MINUTES:**

I, Sandi Fellows, Planning and Zoning Administrative Assistant and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Planning and Zoning Commission of the City of Kingman held on November 10, 2015

Dated December 8, 2015

# EXCERPT OF COUNCIL MINUTES OF 12-1-15

development behind them. He said it looks odd to have a large lot.

Mr. Jeppson said the next step is the preliminary plat and the zoning specifies a minimum lot size, but does not prohibit going beyond that.

Mayor Anderson called for a vote.

The MOTION was APPROVED by a vote of 6-0.

**c. Consideration of Resolution 4981 approving the preliminary plat for Mission Estates II, Tract 6044**

Raymond W. Stadler, P.E., applicant and project engineer, and Mallory Loop Re Trust, property owner, have requested the approval of a preliminary plat of a residential subdivision known as Mission Estates II, Tract 6044. The proposed subdivision is a re-subdivision of Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982. The proposal is to replat eight existing lots on Mallory Loop east of Fripps Ranch Road into five lots. There is a concurrent request for the approval of the rezoning of the subject property from R-2-PDD to R-1-6. The replatted lots will range from 6,273 square feet to 10,715 square feet and will be developed with single family homes. The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with five conditions. The conditions included requirements for the final plat including adding lot and block numbers on the plat, addressing surveying comments, providing a grading plan, geotechnical report and grading permit, showing the existing and proposed water and sewer services, and a requirement that the developer would be responsible for the costs of moving any existing utilities to serve the new lots. **Staff recommends approval.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - Mr. Jeppson gave a synopsis of this slide.

Mr. Jeppson then jumped to show the preliminary plat map in the presentation. He said there will be five houses on the property and they will be single family lots with detached units. He said if this is approved then the applicant will be able to bring a final plat and build on these lots. He said the Planning and Zoning Commission recommended approval.

Councilmember Yocum made a MOTION to APPROVE Resolution 4981.  
Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

**d. Public Hearing and consideration of Ordinance 1809 modifying Ordinance 1189 by removing condition "B" of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions**

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of condition "B" of Ordinance 1189 which rezoned property, including the subject site to R-1-20: Residential, Single Family, 20,000 square

foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, condition "B" of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet, and the intent is to split the property into two parcels for two single family homes. Due to rezonings that have occurred on surrounding properties, only the subject site and the lot immediately to the north remain subject to the lot size requirements of condition "B." A minimum lot size of 20,000 square feet for this property will conform to the Projected Land Use Map of the Kingman General Plan 2030. Any splitting will need to be accomplished with an approved parcel plat. There are some drainage concerns in the area and the City Engineering Department has requested that a drainage report be submitted with the parcel plat that addresses these concerns. The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. **In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. An ordinance has been prepared with Staff recommended conditions for the Council's consideration.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - This slide showed an aerial view of the property. Mr. Jeppson explained the area in question.

Slide 4 - Mr. Jeppson gave a synopsis of this slide.

Mayor Anderson left the meeting at 8:26 P.M. and returned a few minutes later.

Slide 5 - Mr. Jeppson gave a synopsis of this slide.

Slide 6 - This slide showed a map of the property.

Slide 7 - Mr. Jeppson gave a synopsis of this slide.

Slide 8 - This slide showed a drainage map of the area.

Slide 9 - Mr. Jeppson gave a synopsis of this slide and said there are drainage issues and the Engineering Department would like to have a drainage report.

Slide 10 - Mr. Jeppson gave a synopsis of this slide.

Slide 11 - Mr. Jeppson gave a synopsis of this slide and said there were several negative comments at the Planning and Zoning Commission meeting.

Mayor Anderson opened the public hearing at 8:30 P.M.

Resident Allen Burgett said he was there on behalf of himself, his wife, and their neighbors. He said Mr. Jeppson is doing a great job but they disagree on this issue. He said there is a deep channel next to the property that drains from Hualapai Mountain

Road and spreads across the property when it hits the lot as the culvert backs up. He said he wrote a letter on this and was surprised Staff had already presented Council with an ordinance. He said Council can sustain the denial of this and quoted a portion of the presented ordinance. He said this is a question of procedure. He said the tract map was passed in 2005 and recorded in 2007. He said this section of property was left because of the intent of the original ordinance.

Resident Daniel Lardall said he lives directly east of this property. He said there was a compromise that 0.75 acres would be kept to between the lower density sections and the higher density sections. He said the minimum is 30,000 square foot lots. He said to get rid of this would be to deny what the voters' decision. He said the southeast corner drainage pond is not large enough and drains very slowly. He said this could create a breeding ground for mosquitos and needs to be bigger, which would take up a portion of the property. He said he would recommend keeping the zoning the way it is.

Resident Terry Grey said this property is directly behind his house. He said this is identical to a property on Southern Avenue that went back twice for a small strip of land to do smaller lots. He said he spoke to Mr. Ripps, who agreed to the conditions, and the Council denied him twice. He said these should be no less than one acre lots and this is bad planning. He said to leave the zoning alone and the property is too skinny to build two houses on. He said the owner agreed to this and if this was kept for Mr. Ripps it should be kept for the Hill family. He said this would allow other property owners to come in and do the same thing. He said this is a flood zone. He said this goes down Karen Avenue and flows down the hill. He suggested making this a park. He said this has been rezoned too many times and asked the Council to leave this tabled until Councilmember Young returned.

Mayor Anderson asked why staff was differing from the Planning and Zoning Commission recommendation.

Mr. Jeppson said this was because of what Council had previously done on properties to the south. He said this is another portion of the same area.

Mayor Anderson asked if there had been any objection on a prior issue.

Mr. Jeppson said he did not believe so but was not sure.

Mayor Anderson asked if there could be different conditions between the two cases.

Mr. Jeppson said the property has a 40 foot parcel to the east, which represented a greater impact on the Seneca Street lots.

Resident Harley Pettit said in 2006 there was a referendum passed to maintain the acre buffer between the Hualapai Foothills and other developments. He said there was residential opposition at the last hearing and this is a major expense in their area as it affects their property values. He said to stop rezoning after rezoning.

Applicant Kathy Tacket-Hicks addressed the Council and said she was surprised to see this as these are different issues. She said she was aware that the property to the south has already had this removed. She said she is asking for this to be approved as this is isolated and is the final piece of the property. She said the lot size would be more if a portion had not been dedicated to the City. She said having this as one lot will be

peculiar and they wanted to do something that looks nice. She said there is a buffer and it seems inappropriate that the owner should have to provide the buffer twice. She said this is the last lot affected and she thought staff had done a good job. She said they have to do a flood study and would more than make up for this if it had been left. She said the intent has been met for the area the residents want for open space. She said this is only two lots and they do not want to expand. She said there is nothing this condition would apply to as it does not about the neighboring properties and is a loose interpretation of "adjacent." She said this meets the intent for the property owners.

Mayor Anderson closed the public hearing at 8:49 P.M.

Councilmember Carver asked for clarification on whether in 2006 the Council removed condition "B."

Mr. Jeppson said that was correct.

Councilmember Carver said he wanted clarification on the size and what was in the area to the north of the property that was not included. He said if it was including the other area then only three houses back up to that property and the lot width could be the same. He also asked what the 40 foot buffer was.

Mr. Jeppson said the 40 foot buffer was there and was not being encroached upon.

Councilmember Miles asked if houses were on the property to the south in which condition "B" had been removed, which Mr. Jeppson said he did not know. She then asked for clarification on the lot size, which Mr. Jeppson provided and said the lots are allowed to be 20,000 square feet.

Councilmember Carver asked if the potential split was known.

Ms. Tacket-Hicks said the north side will be a little larger due to the drainage easement. She said the bottom would be approximately 20,050 square feet. She said it lines up beautifully and there will still be a buffer. She said if this had not been dedicated to the City there would still be a buffer and drainage at the bottom. She said this required an update of the drainage report.

Resident Daniel Lardall said there is no area for recreation in the entire subdivision and the set back was there because of the four-inch gas line. He said there is another easement for electric and cable. He said the small property to the north is being developed. He said properties not on Steamboat Drive face the side streets and this is only facing Steamboat Drive. He said full acres would complete the subdivision.

Councilmember Carver made a MOTION to APPROVE the removal of condition "B" for the property under Ordinance 1809. Mayor Anderson SECONDED.

Mayor Anderson said if this was a 70,000-plus square foot lot and 30,000 square feet was given to the City then the number of lots for development is still two. He said he sees were this would line up. He said to look at what staff has done to try to take this into consideration and not penalize the land owner or developer who gave this square footage to the City. He said there is more to this than the subdivision and more background is needed.

Councilmember Abram said that not knowing where the split will be is the biggest concern and the 20,000 square foot lots if fine especially with the buffer.

Mr. Cooper said this could come back with a preliminary plat and both of those matters can be addressed at the same time.

Councilmember Abram said he would like to give the residents a better understanding and help keep the value of the property and size proximity. He said this is the opposite effect from the issue on Mallory Loop. He said showing what this will look like may help ease the residents' minds.

Councilmember Yocum asked how much the applicant is going to have to invest for a preliminary plat that could ultimately be denied.

Mayor Anderson asked if the developer would work with staff to define the boundaries, which Ms. Tacket-Hicks said that she would.

Mayor Anderson called for a vote.

The MOTION was DENIED by a vote of 2-4 with Mayor Anderson, Councilmember Abram, Councilmember Dean, and Councilmember Miles voting NAY.

Mayor Anderson made a MOTION to SEND THIS ITEM BACK to the Planning and Zoning Commission to further define the two lots. Councilmember Abram SECONDED and it was APPROVED by a vote of 5-1 with Councilmember Carver voting NAY.

**e. Public Hearing and Consideration of Resolution 4980 for Conditional Use Permit (CUP) at 4798 North Stockton Hill Road - CUP15-002**

Kingdom of God Church, applicants, and Baltic Enterprises, property owners, have requested approval of a conditional use permit (CUP) to allow for a "Public Assembly Indoor-General" use at 4798 North Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District. The subject property is zoned C-2: Commercial, Community Business. A parking plan was submitted and reviewed by Staff. The Planning and Zoning Commission met on November 10, 2015 and held a public hearing on this request. The Commission voted 6-0 to recommend approval of the request for the CUP with a condition that the applicant obtain a letter from Mohave County that the existing septic system is sufficient for the proposed use. Comments were received from Mohave County Environmental Quality on 11-17-15 that the existing septic systems are adequate for the proposed use. There was only one objection from a neighboring property owner which was submitted to the City of Kingman by email prior to the meeting. **Staff recommends approval.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide and said the Planning and Zoning Commission wanted the applicant to check with Mohave County Environmental Services to make sure the current septic system is adequate.

Slide 3 - This slide showed a map of the property.

# Allen & Deborah Burgett

Seneca Street | [REDACTED] | [REDACTED]

January 26, 2016

The Honorable Richard Anderson, Mayor  
and Members of the Kingman Common Council  
City of Kingman

Subject: **REZONE CASE RZ15-005**

## **Honorable Mayor Anderson and Members of the Common Council:**

My name is Allen Burgett, I live at [REDACTED] Seneca Street, Kingman, AZ. I'm submitting this letter and will be speaking at your February 2, 2016 meeting in opposition of the request to remove Condition B of City Ordinance 1189 approved by the Common Council in order to allow a rezone of Lot 2, Block 4 of Southern Vista Estates III, Tract 6002.

Eight years ago my wife and I made the biggest financial decision of our lives to purchase our home at [REDACTED] Seneca Street. While doing our due diligence prior to making our offer we inquired about the development taking place to the west of the property. I was given the Final Plat map of Tract 6002, approved and recorded in Book 325, Map 45 of Mohave County, AZ records in March/April 2007. This Final Plat map (**attached**) clearly shows Lot 2, Block 4 to be a one-acre parcel and we made our decision to purchase our property based on this final lot configuration shown on the recorded Tract map. Now we find out after eight years that final may not mean final in the City of Kingman.

This request to remove Condition B and re-zone has been denied twice by your Planning Zoning Commission. We fail to understand why Planning and Zoning staff continue to recommend approval. We disagree with the P&Z staff analysis that Condition B of Ordinance 1189 is no longer applicable due to other zoning changes that have occurred over the years as it should be noted that "*the other zoning changes that have occurred over the years*" all happened prior to 2007 when the Final Plat map of Tract 6002 was recorded.

At your Common Council meeting on December 1, 2015, I attended and spoke in opposition during the public hearing. I was misquoted. Your minutes (**attached**) show that I said "the tract map was passed in 2005 and recorded in 2007", after reviewing the video of the meeting I verified that I never mentioned the year 2005 in my testimony. Please correct your minutes.

Also, while attempting to gather facts to prepare for my comments to the P&Z Commission meetings and Common Council Meetings, I submitted a Request for Public Records (**attached**) to the City Clerk's office on November 3, 2015. To date I have not received any of the documents I requested.

**In conclusion**, we ask that when you deliberate your decision on this issue take the time to put yourself in our shoes. Imagine yourself making a huge financial decision based on a recorded Final Tract map showing final lot line configurations only to find out years later that final is not final.

Respectfully,



Allen Burgett

**Note to Staff:** Please include my letter and attachments referenced with the backup to the agenda item.



# FINAL PLAT SOUTHERN VISTA III TRACT 6002

Book 321  
Map 45  
Page 2  
C.M. 6053



SOUTHERN VISTA TRACT 1980 A  
RECORDED ON AUGUST 5, 2005  
@ FEE NO. 2005065227

SOUTHERN VISTA II TRACT 1999  
RECORDED ON NOVEMBER 17, 2006  
@ FEE NO. 2006-112559

SOUTHERN VISTA TRACT 1980 B  
RECORDED ON AUGUST 5, 2005  
@ FEE NO. 2005065228

HUALAPAI FOOTHILLS ESTATES UNIT 2, TRACT 3003-B  
RECORDED MAY 9, 1989 AT FEE NO. 89-21371

**CURVE DATA**

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	PI	PC	PT	TA	EA	EB	EC	ED	EA	EB	EC	ED
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**PARCEL 3**  
WHITEBAD TRACT 1923  
ALTIEN No. 89-34693



**DATE PREPARED:** 02-09-07 2 OF 2 KAI  
**ENGINEERING ASSOCIATES, INC.**  
2202 STATION HILL RD. STE 1  
HONOLULU, HI 96815  
PHONE: (808) 733-8827  
FAX: (808) 733-8118

**NOTES:**  
1. THE 50.00 FOOT WIDE FRONTAGE...  
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3. THE 50.00 FOOT WIDE FRONTAGE...  
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Road and spreads across the property when it hits the lot as the culvert backs up. He said he wrote a letter on this and was surprised Staff had already presented Council with an ordinance. He said Council can sustain the denial of this and quoted a portion of the presented ordinance. He said this is a question of procedure. He said the tract map was passed in 2005 and recorded in 2007. He said this section of property was left because of the intent of the original ordinance.

Resident Daniel Lardall said he lives directly east of this property. He said there was a compromise that 0.75 acres would be kept to between the lower density sections and the higher density sections. He said the minimum is 30,000 square foot lots. He said to get rid of this would be to deny what the voters' decision. He said the southeast corner drainage pond is not large enough and drains very slowly. He said this could create a breeding ground for mosquitos and needs to be bigger, which would take up a portion of the property. He said he would recommend keeping the zoning the way it is.

Resident Terry Grey said this property is directly behind his house. He said this is identical to a property on Southern Avenue that went back twice for a small strip of land to do smaller lots. He said he spoke to Mr. Ripps, who agreed to the conditions, and the Council denied him twice. He said these should be no less than one acre lots and this is bad planning. He said to leave the zoning alone and the property is too skinny to build two houses on. He said the owner agreed to this and if this was kept for Mr. Ripps it should be kept for the Hill family. He said this would allow other property owners to come in and do the same thing. He said this is a flood zone. He said this goes down Karen Avenue and flows down the hill. He suggested making this a park. He said this has been rezoned too many times and asked the Council to leave this tabled until Councilmember Young returned.

Mayor Anderson asked why staff was differing from the Planning and Zoning Commission recommendation.

Mr. Jeppson said this was because of what Council had previously done on properties to the south. He said this is another portion of the same area.

Mayor Anderson asked if there had been any objection on a prior issue.

Mr. Jeppson said he did not believe so but was not sure.

Mayor Anderson asked if there could be different conditions between the two cases.

Mr. Jeppson said the property has a 40 foot parcel to the east, which represented a greater impact on the Seneca Street lots.

Resident Harley Pettit said in 2006 there was a referendum passed to maintain the acre buffer between the Hualapai Foothills and other developments. He said there was residential opposition at the last hearing and this is a major expense in their area as it affects their property values. He said to stop rezoning after rezoning.

Applicant Kathy Tacket-Hicks addressed the Council and said she was surprised to see this as these are different issues. She said she was aware that the property to the south has already had this removed. She said she is asking for this to be approved as this is isolated and is the final piece of the property. She said the lot size would be more if a portion had not been dedicated to the City. She said having this as one lot will be



Date Request Received: \_\_\_\_\_

Fee Received/Receipt #: \_\_\_\_\_

Date Documents Ready: \_\_\_\_\_

### REQUEST FOR PUBLIC RECORDS

I do hereby certify that I am requesting copies of the following document(s):

ORDINANCE NO. 1189, P&Z AND CITY COUNCIL MEETING  
MINUTES PLUS BACKUP DOCUMENTS, FOR PRELIMINARY  
AND FINAL PLAT APPROVALS FOR SOUTHERN VISTA  
TRACT 1980-B AND TRACT 6002.

REPORTS,

The requested document(s) will be used for: (initial one)

commercial purposes \_\_\_\_\_

noncommercial purposes X

ELECTRONIC PDF'S  
ARE OKAY  
ABURGETT@AOL.COM

I agree to pay the fee designated by the City for the documents above requested, and agree that I will not use or allow the use of the documents for any purpose other than as I described above.

Signature

#### For Contact Information Only:

Please Print Your Name & Address (if you wish to pay in advance and have the document(s) mailed to you) or Name & Phone Number (where you can be reached when your document(s) are ready).

ALLEN BURGETT  
2223 SENECA STREET  
KINGMAN, AZ 86401  
951-640-8114

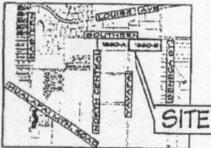
I have received the above requested documents:

\_\_\_\_\_  
Signature

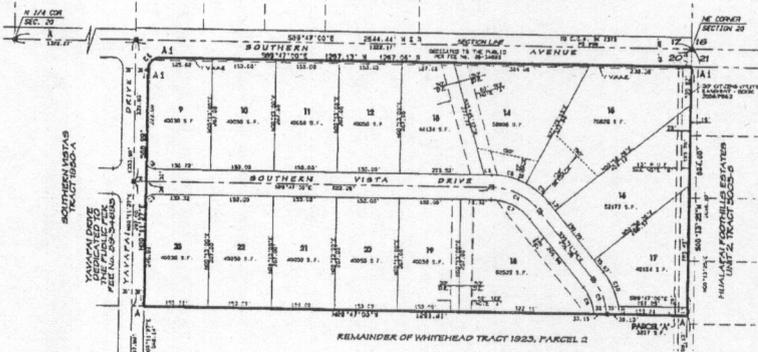
# FINAL PLAT SOUTHERN VISTA TRACT 1980-B

A SUBDIVISION OF THE NORTH 594.00 FEET OF PARCEL 2 OF WHITEHEAD TRACT No. 1923 AS RECORDED ON JULY 10, 1989 AT FEE NUMBER 89-34693, SITUATE IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 16 WEST OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA.

TOTAL AREA = 17.61 ACRES ±



VIGNETTE MAP  
SEC. 20, T. 21 N., R. 16 W.



### DEDICATION

BEFORE ME, Notary Public, the following persons appeared and acknowledged to me that they executed the foregoing instrument for the purposes and consideration therein expressed.

*Michael J. Hill*      *Sharon*  
OWNER      SPOUSE

*Paul J. Hill*      *Sharon*  
OWNER      SPOUSE

### NOTARY ACKNOWLEDGMENT

STATE OF ARIZONA  
COUNTY OF MOHAVE

BEFORE ME, Notary Public, the following persons appeared and acknowledged to me that they executed the foregoing instrument for the purposes and consideration therein expressed.

*See M. Hill*  
NOTARY PUBLIC

### MAYOR'S CERTIFICATE

I, Mayor of the City of Kingman, Arizona, hereby certify that the foregoing plat complies with the provisions of the City of Kingman Ordinance No. 1000, as amended, and that the same is in conformity with the provisions of the City of Kingman Ordinance No. 1000, as amended, and that the same is in conformity with the provisions of the City of Kingman Ordinance No. 1000, as amended.

*Thomas J. ...*  
MAYOR

*Paul ...*  
CITY ENGINEER

### CITY ENGINEER AND PLANNING DIRECTOR CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR CONFORMANCE TO THE APPLICABLE PROVISIONS OF THE CITY OF KINGMAN ORDINANCES, AND IT IS HEREBY CERTIFIED THAT THE SAME IS IN CONFORMANCE WITH THE PROVISIONS OF THE CITY OF KINGMAN ORDINANCES, AND THAT THE SAME IS IN CONFORMANCE WITH THE PROVISIONS OF THE CITY OF KINGMAN ORDINANCES, AND THAT THE SAME IS IN CONFORMANCE WITH THE PROVISIONS OF THE CITY OF KINGMAN ORDINANCES.

*Paul ...*  
CITY ENGINEER

*John ...*  
PLANNING DIRECTOR

### RECORDER'S CERTIFICATE

FILES AND RECORDS AT THE REQUEST OF THE CITY OF KINGMAN IN THE CITY OF KINGMAN, ARIZONA.

*John ...*  
RECORDER

### SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE SURVEY SHOWN ON THE ABOVE PLAT WAS MADE BY ME OR UNDER MY SUPERVISION AND IS ACCURATELY REPRESENTED ON THIS PLAT.

*...*  
SURVEYOR

### ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE DESIGN OF THE ABOVE ENGINEERING DISTRIBUTION AND THE DESIGN OF THE ABOVE ENGINEERING DISTRIBUTION ARE IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF KINGMAN ORDINANCES.

*...*  
ENGINEER

### LINE TABLE DATA

LINE	BEARING	DISTANCE
1	N 10° 00' 00" E	100.00
2	S 89° 59' 59" W	100.00
3	N 10° 00' 00" E	100.00
4	S 89° 59' 59" W	100.00

### CURVE TABLE DATA

STATION	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
1	N 10° 00' 00" E	100.00	100.00
2	S 89° 59' 59" W	100.00	100.00
3	N 10° 00' 00" E	100.00	100.00
4	S 89° 59' 59" W	100.00	100.00

### LEGEND

- 1. 1/4" = 100' SCALE FOR 1" HORIZONTAL
- 2. 1/4" = 100' SCALE FOR 1" VERTICAL
- 3. 1/4" = 100' SCALE FOR 1" HORIZONTAL
- 4. 1/4" = 100' SCALE FOR 1" VERTICAL
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- 30. 1/4" = 100' SCALE FOR 1" VERTICAL
- 31. 1/4" = 100' SCALE FOR 1" HORIZONTAL
- 32. 1/4" = 100' SCALE FOR 1" VERTICAL

### NOTES

- 1. THE AREA OF THE REMAINDER OF WHITEHEAD TRACT 1923, PARCEL 2, IS 17.61 ACRES ±.
- 2. THE AREA OF THE REMAINDER OF WHITEHEAD TRACT 1923, PARCEL 2, IS 17.61 ACRES ±.
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- 32. THE AREA OF THE REMAINDER OF WHITEHEAD TRACT 1923, PARCEL 2, IS 17.61 ACRES ±.

Revised Resolution #404  
file 5-17-89 89-346-762

RATIFICATION OF PLAT 6030-586 12-23-2003 CC & R 5770-776 9-13-2003

DATE PREPARED 8/23/2004 1 OF 1 8:41  
C:\MHOV\PLAT\1923-19-108-11753-20-108-FR-02





**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Tina D. Moline, Financial Services Director

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Update on Water Infrastructure Finance Authority (WIFA) refinance request

---

**SUMMARY:**

In September 2015, Council voted unanimously to direct staff to make a formal request to the Water Infrastructure Finance Authority (WIFA) asking them to refinance the City's Hilltop Wastewater Treatment Plant loan at a current market rate and extend the loan term by two years. WIFA staff has received and reviewed the City's request and will be meeting with staff on February 1st to discuss their analysis and recommendations to the WIFA Board, who meets on February 17th. Staff will be in attendance at the WIFA Board meeting.

Staff will provide Council with an overview of WIFA's recommendations and the impact each will have on the Wastewater Fund. The WIFA Board will make the final decision on whether or not to approve any of the recommendations presented.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

None.

**REVIEWERS:**

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	1/27/2016 - 10:23 AM
City Attorney	Cooper, Carl	Approved	1/27/2016 - 11:10 AM
City Manager	Dougherty, John	Approved	1/27/2016 - 10:49 AM



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Carl Cooper, City Attorney

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Council handbook

---

**SUMMARY:**

Councilwoman Miles asked staff to look into council rules of decorum and procedure. Between the City Attorney's Office and the Clerk's Office we located several Arizona examples. As you review, you will notice some common themes and similar language running through all of the examples. Staff would like the Council to review all of these examples and provide guidance and direction.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Provide Direction

**ATTACHMENTS:**

Description

Flagstaff

Glendale

Glendale Part 2

Fountain Hills

Camp Verde

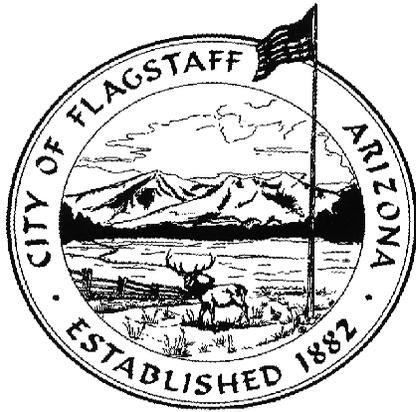
Yuma

Florence

Elkgrove CA

**REVIEWERS:**

Department	Reviewer	Action	Date
City Attorney	Cooper, Carl	Approved	1/21/2016 - 10:25 AM
City Attorney	Cooper, Carl	Approved	1/21/2016 - 10:25 AM
City Manager	Dougherty, John	Approved	1/21/2016 - 4:18 PM



City Clerk's Office  
City of Flagstaff  
211 W. Aspen Ave.  
Flagstaff, AZ 86001  
(928) 213-2076

# CITY OF FLAGSTAFF

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## City Council Manual

• • • • • • • • • •

*“Service to Community”*

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2014



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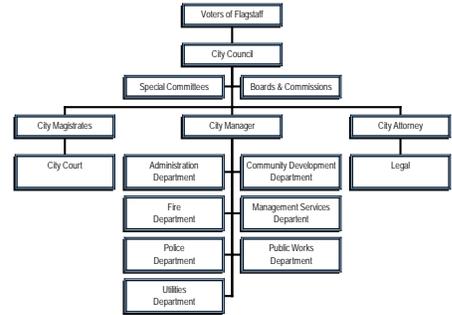
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# FLAGSTAFF MUNICIPAL GOVERNMENT

## ORGANIZATION

The Flagstaff City Charter (included with this manual) was adopted by the city voters in 1958 and is the basic governing authority of the City. The City Charter establishes a Council-Manager form of government. This means that the City Council provides leadership and formulates the laws and general policies of the City which are then administered by the City Manager. The Charter also outlines the duties and responsibilities of each area of City government.



## CITY COUNCIL

The City Council consists of a Mayor and six Councilmembers who are elected at large to serve as the legislative body of the City. The Mayor is elected every two years and acts as Chairperson of the Council presiding over Council meetings. Councilmembers hold staggered, four-year terms, with three seats decided every two years. Shortly after every City General Election, the Council chooses a Vice-Mayor to serve in the absence of the Mayor.

Consistent with applicable laws and regulations enacted by the Federal and State Governments, the City Council bears sole responsibility and exercises sole authority in establishing the policies governing the operation of the City of Flagstaff. The City Council enacts local legislation, adopts budgets, and establishes public policy. To do this, the Council sets goals and objectives based on strategic planning; recommendations from the City Manager, City Attorney, boards and commissions; public input; and through the budgeting process.

## BOARDS AND COMMISSIONS

Article 5, Section 1, the Flagstaff City Charter authorizes the City Council to create boards or commissions and to grant to them duties and powers consistent with the Charter. Boards and commissions lie at the heart of citizen involvement in local government. The strength of the board and commission process is its ability to conduct detailed analysis and involve our community at the grassroots level. Board and commission members are appointed by and serve solely at the discretion of the City Council.

## CITY MANAGER

The City Manager is the City's administrative head and is directly responsible to the City Council. The City Charter grants the City Manager a non-voting seat on the Council. This allows the City Manager to take part in Council discussions. The City Manager implements Council policies and directives and makes recommendations to the Council on measures necessary for the efficient and effective operation of municipal services. It is the Manager's responsibility to direct the preparation of the City's annual budget and submit it to the Council.

for approval. In addition, the City Manager oversees the day-to-day operation of the City and directs the activities of City employees.

### **CITY ATTORNEY**

The City Council also appoints the City Attorney. The City Attorney's Office serves as the legal branch of the City, representing the City's legal interests and rights, providing legal advice, and prosecuting criminal complaints. Among other things, the City Attorney's office drafts and reviews the City's legal documents and issues legal opinions.

### **CITY CLERK**

The City Clerk is appointed by the City Manager with the approval of the Council. The Clerk conducts City elections, ensures compliance with the Open Meeting Law, and maintains the official records of the City. The City Clerk administers the City's board and commission program and conducts board and commission member training, as well as maintaining membership rosters for the City's boards and commissions and processing board and commission applications.

### **CITY DIVISIONS**

The primary City divisions are: Administration, Community Development, Economic Vitality, Fire, Management Services, Police, Public Works, Utilities, the City Attorney's Office and Municipal Court.

# BOARDS AND COMMISSIONS

## GENERAL

The strength of the boards and commissions lies in their ability to provide detailed review of specific issues and to increase public input and citizen participation in the determination of City policies and procedures. This process provides an opportunity for further public discussion and gives the City Council a broader base of information on which to formulate decisions. As a result, boards and commissions are an important governmental structure for generating broad public input and recommendations to the City Council.

Boards and commissions are established and may be dissolved by the City Council. With few exceptions specified herein, boards and commissions are advisory to the City Council. All actions taken by a board or commission are advisory to the City Council, except as specified by State law or City ordinance.

As an advisory body, a board or commission shall not take independent action to represent a position or opinion, whether or not related to its responsibility pursuant to City ordinance, except by submitting an advisory recommendation to the City Council or as otherwise specified by State law or City ordinance. A board or commission member may express a personal opinion outside his or her role as a board or commission member, but he or she shall not represent himself/herself as a board or commission member or use the title of board or commission member in doing so.

The boards and commissions with authority to take non-advisory action consistent with State law or City ordinance are: Board of Adjustment, Building and Fire Code Board of Appeals, Planning and Zoning Commission, and Traffic Commission. Board and commission members on these bodies need to be careful to act only within the authority assigned to them by City ordinance.

Board and commission recommendations are presented to the City Council by report prepared by staff including minutes of meetings or by request as approved by the full commission. The City Council reviews and considers the board or commission recommendation before making decisions; however, the final decision rests with the City Council.

Board and commission recommendations are important to the City Council; they are given substantial weight. Their work is fundamental to the Council's decision making process. The City Council has several options and may:

- Approve the recommendation.
- Change the provisions of a recommendation.
- Send a matter back for further consideration.
- Not accept the recommendation.

Only the City Council, or a person acting pursuant to the direction of the City Council, may issue a communication (verbal or written) which represents an official position of the City.

This includes, but is not limited to, statements of support of or opposition to an issue, resolutions on any matter, directives or requests of any kind to external agencies or entities; or anything that remotely purports to be of official city import. In addition, boards and commissions may not make recommendations for elective candidates, or take a position on an election issue. Upon the request of the City Council, a board or commission shall advise the City Council on a matter. A board or commission may also submit to the City Council recommendations on matters within the scope of its mission as established by the City Council.

## **ROLES AND RESPONSIBILITIES**

It is the City Council's policy that an individual may serve on only one board or commission at any given time, although there are some limited exceptions to this rule. Commissioners serve at the discretion of the City Council and, like any other Council-appointed position, may be removed from office by an official vote.

Membership on the city's boards and commissions consists of seven (7) members unless otherwise required by state statute.

Most appointments to Flagstaff's boards, commissions, and committees are for three-year terms, unless an appointment is made for the balance of a member's term due to resignation, disqualification from office, or removal, or a different term length is set by state law. Under most circumstances, a board and commission member is eligible to serve two full terms. If the commissioner indicates his or her desire for reappointment at the expiration of the first term, the commissioner will be given consideration for reappointment.

In addition, the City's policy provides that board or commission members may continue to serve after term expiration until an appointment is made to replace them. Typically, however, appointments are made as soon as possible when a commissioner becomes ineligible for another term. If a member's term limit on a commission has expired, they are eligible to serve on any other city board or commission. Once they have been off of a board/commission for one year, they are then eligible to reapply for consideration of appointment to any vacancy on said board/commission.

If eligible to serve a second term, a board or commission member may be considered for reappointment to a second term by notifying the staff liaison or City Clerk prior to the expiration of his/her term. Board and commission members seeking a second term are considered along with all other applicants for the vacant seat on the board or commission.

A few boards and commissions have additional members who are not appointed by Council. In some cases, a voting member from one city board or commission will serve on another board or commission. A commissioner whose membership is derived from a parent commission may not serve in the capacity of an officer on the secondary commission. The primary purpose of this provision is to equalize spheres of influence and maintain a level playing field for commissions who have a joint interest in a matter.

The City Charter requires all board and commission members to be residents of the City of Flagstaff at the time of their appointment and for the full duration of their term in office. This means that their primary physical residence must be located within city limits and that they

reside at that location. A board or commission member who moves out of town during a term of office is no longer eligible to serve on the board or commission. The only exception to this rule is the joint City/County Library Board where the County appoints two individuals who are County residents but who may or may not be residents of the City.

# LAWS, REGULATIONS, AND POLICIES

## GENERAL INFORMATION

This portion of the manual is devoted to helping you navigate the difficult waters that come with being a public official. Public agencies and public officials are bound by stricter standards than the private sector. Preparation for meetings, meeting decisions, discussion items, agendas, and council conduct are all strictly regulated by state law. These statutes require compliance and they affect all government agencies. Non-compliance or willful disregard of these laws can result in painful consequences.

The two most important laws that you will face as a councilmember are Arizona's Open Meeting Law (Arizona Revised Statutes Title 38, Chapter 3, Article 3.1) and the Conflict of Interest Law (Arizona Revised Statutes, Title 38, Chapter 3, Article 8). Protecting the public and safeguarding the public process is at the core of these laws. Because they have a direct bearing on your activities and your behavior as a councilmember, it is vitally important for you to become familiar with them.

If a quorum of the Council is not in attendance, by definition, a meeting cannot be conducted. It is important that all councilmembers receive information and engage in discussion at the same time. This ensures a level playing field for councilmembers and the members of the public interested in the issue. In cases where a quorum is present at the beginning of the meeting but is lost due to attrition during the meeting, the meeting shall be concluded at the time of the departure of the councilmember whose absence results in the lack of a quorum.

### **OPEN MEETING LAW (A.R.S §38-431.09)**

Arizona's Open Meeting Law states that:

*"...It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided...."*

In other words, meetings shall be open to the public and all legal action, as well as the proposing and discussing of all such action, must take place during the public meeting. Further, only items on the agenda may be discussed. Regular or special meetings, work or study sessions, or other gatherings at which a quorum of the public body is present to discuss or decide the public body's business, must comply with the notice, agenda, and minute requirements and must be open to the public.

A minimum of 24-hour public notice to councilmembers and the general public is required for all public meetings unless an actual emergency exists. In addition to notice of the time, date, and place of each meeting, the Open Meeting Law requires a prepared agenda. Notices and agendas must contain enough information to inform the public of the matters to be discussed or decided. This does not permit the use of agenda items such as "new business" or "old business," unless the specific items of new and old business are listed.

All persons desiring to attend and listen to meetings must be accommodated. This may result in the need to move a meeting to a larger facility when an issue causes a large amount of public concern and many citizens wish to attend a meeting.

Actions taken at a meeting held in violation of the Open Meeting Law are null and void unless ratified within 30 days of discovery and notice and a detailed description is given at least 72 hours prior to the meeting to ratify the non-complying action(s).

The Open Meeting Law requires minutes for all meetings. At a minimum, minutes must contain the date, time, and location of the meeting; a list of governing board members in attendance and those members who are not in attendance; a description of the topic(s) under discussion and/or consideration; the name of each person "making statements or presenting material to the public body;" all first and second motions, along with the person's name who made the motion; and a numerical breakdown of the vote. Either written minutes or an audio recording of a public meeting must be available for the public within three working days after the meeting, and must be posted on the City's website within this same period of time. Written minutes that have not yet been approved should be marked "draft" before being made available for public inspection.

Practices such as polling individual members to reach a decision prior to the meeting are prohibited. If the public body or its presiding officer appoints a committee or subcommittee to study a particular issue, the law also governs the meetings of the committee or subcommittee. This is true regardless of the composition of the committee or subcommittee.

Whether oral, written or e-mail, discussion and deliberation between less than a quorum of members for the purposes of circumventing the Open Meeting Law is a violation of the law. The City of Flagstaff recommends that two or more councilmembers may not engage in discussion for the purpose of influencing the outcome of a decision of the City Council. The effect of one vote curried in a private setting may alter the course of the council's ultimate decision and this violates the spirit of the Open Meeting Law.

To avoid pitfalls associated with Arizona's Open Meeting Law, information and materials that a councilmember wishes to share with other members should be provided to the city manager for distribution to the City Council.

Executive sessions must meet the minimum 24-hour posting requirement and agendas, again, must inform the public of the matters under consideration. Bodies are allowed to convene in executive session only under seven auspices. The most likely topic of an executive session involving a board or commission would be to consult with the City's attorneys. Occasionally, the City Council will request a joint executive session with a board or commission. Executive sessions are not open to the public and no formal action is taken. In addition, the particulars of executive sessions matters are confidential and may not be discussed with anyone. Executive sessions shall not be held without the prior consent of the City Attorney.

Arizona's Open Meeting Law includes penalty provisions for violations. Anyone affected by an "illegal action" can file suit in Superior Court. If the Court finds that the Open Meeting Law has been violated, it may levy a fine of up to \$500 against the councilmember(s) for each violation. The councilmember as an individual, and not the municipality, must pay the fine. The councilmember is also subject to removal from office.

The Arizona Attorney General has published an “Agency Handbook” on its website. Chapter 7 is devoted to public agency duties and responsibilities under the Open Meeting Law. If you would like to view this information, you can visit the Attorney General’s website at: <https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch07.pdf>. This document is fully linked for your convenience and is also available on the City’s website under City Hall/Agendas & Minutes/City Council/Meetings.

If violations of the Open Meeting Law continue to occur after admonishments to a council, any of its members, or the city manager or city attorney, a formal complaint may be filed with the Arizona Attorney General’s office to seek compliance in order to protect the best interests of the community and the City of Flagstaff.

### **E-MAIL AND OTHER COMMUNICATIONS AMONG COUNCILMEMBERS OUTSIDE A PUBLIC MEETING**

Communications can occur among councilmembers in a variety of ways other than a public setting: face-to-face, in writing, over the telephone and through the use of e-mail and texting. The Attorney General’s Office is enforcing the Open Meeting Law to prohibit the use of e-mail between a quorum of the members of a public body where public matters are discussed, considering such e-mail discussion to be a “meeting” held in violation of the Open Meeting Law.

E-mail (or electronic) communications can constitute a “meeting”. The public does not have access to councilmembers’ e-mail, so when members of a public body begin having discussions by electronic or telephonic communication, it can result in Open Meeting Law violations. In addition, staff members are not allowed to communicate the various positions of councilmembers to each other. Once a councilmember commits to written form a communication related to council business, that record no longer belongs to the councilmember as an individual, but becomes part of the public domain. Anyone involved in sending messages back and forth which even discuss possible action or propose a formal action are breaking the law—the same as if the Council had met together in a private meeting.

Finally, anything you commit to in writing pertaining to Council business is a public record and must be produced in response to a public information request.

It is important to emphasize the City’s policy that communications among councilmembers outside of the public meeting setting should first be forwarded to the city manager who will distribute the information according to proper protocols.

### **CONFLICT OF INTEREST LAW (ARS §38-503)**

Conflict of interest laws are written to protect the public’s interests, primarily, but they also provide protections for the public agency and for you.

It is a felony if you knowingly or intentionally violate the Conflict of Interest Law. A negligent or reckless violation is a misdemeanor. You can also be prosecuted for failing to disclose a conflict that you did not know about but should have. You have to be alert to this possibility and make all reasonable efforts to identify potential conflicts.

The Conflict of Interest Law applies to all public officers and employees of incorporated cities and towns. It can also apply to relatives of public officers and employees. Generally, all City employees and elected and appointed officials must be constantly on guard against conflicts of interest. Because there are severe penalties for violating the Conflict of Interest Law, you should understand your obligations, liabilities, and rights.

The Conflict of Interest Law distinguishes between interests that are "remote" and those that are "substantial". Remote interests are considered so minor that they do not constitute legitimate conflicts of interest. Any pecuniary or proprietary interest that is not remote is a "substantial" interest and does constitute a conflict of interest.

### **Remote Interest**

If you have a remote interest in a matter, then you can still vote and participate in the discussion. For a public officer or employee, or a relative of a public officer or employee, a remote interest is:

1. A non-salaried officer of a non-profit corporation doing business with or requesting money from the City.
2. The landlord or tenant of a contracting party. (For example, an advisory board member may lease office space to a party with a private interest in a public matter without it resulting in a conflict of interest.)
3. An attorney whose client is a contracting party.
4. A member of a non-profit cooperative marketing association doing business with the City.
5. The owner of less than three percent of the shares of a corporation doing business with the City, provided that:
  - a. the total annual income from dividends, including the value of stock dividends, does not exceed five percent of the officer's or employee's total annual income; and
  - b. any other payments made to the officer or employee by the corporation do not exceed five percent of the officer's or employee's total annual income.
6. Being reimbursed for actual and necessary expenses incurred in performance of official duties.
7. Receiving municipal services on the same terms and conditions as if you were not an officer or employee of the municipality. (For example, when a Councilmember who owns a business within the City votes for or against an increase in the business license tax, a conflict would not exist because this action would apply to all businesses in the corporate limits.)
8. An officer or employee of another political subdivision, a public agency or another political subdivision, or any other public agency voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Thus, a Councilmember who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
9. A member of a trade, business, occupation, profession, or class of persons who has no greater interest than the other members of similar trades, businesses, occupations, professions, or classes of persons. (For example, a plumber who

serves on the City Council may vote to increase or decrease plumbing inspection fees since the effect of this decision will be equal on all plumbers within the City.)

### **Substantial Interest**

When a substantial conflict of interest exists, you must remove yourself from the Council discussion and decision on the item. A substantial conflict generally involves a monetary (salaried) or ownership relationship with a private entity doing business with the city. This kind of conflict of interest requires you to identify a conflict of interest publicly on the record and to refrain from discussion, vote, or any attempt to influence the decision.

If you are the Mayor and you declare a conflict of interest, you must hand the conduct of the meeting over to your vice-chair and leave the podium. It is inappropriate for the Mayor to preside over a matter when the he/she has declared a conflict of interest.

A substantial conflict of interest is defined as any pecuniary (monetary) or proprietary (ownership) interest that is not remote. In general, a conflict of interest exists when an officer or employee of the City is involved in substantial ownership or salaried employment with a private corporation doing business with the City. For example, if a Councilmember owns or is employed by a lumberyard selling to the City, a conflict may exist. On the other hand, if the Councilmember is the lawyer of the lumberyard, or if the Councilmember leased land to the lumberyard, a conflict may not exist.

A public officer or an employee may sell equipment, material, supplies, or services to the municipality in which the officer or employee serves if this is done through an award or contract let after public competitive bidding. However, the City officer or employee would not be able to influence the bidding process in any way and must make known such interest in the official records of the City.

The Conflict of Interest Law also contains the following restrictions on the activities of public officers:

- When a public officer has exercised "administrative discretion" in an issue, that officer or employee cannot receive compensation if representing another person before an agency of the City on the same issue. This restriction extends to twelve months after termination of office or employment with the city or town.
- A public officer cannot use confidential information obtained during the term of office or employment for personal gain.
- A public officer cannot receive any compensation for performance of services in any case, special proceeding, application, or other matter pending before any agency of the City. This does not apply, however, to ministerial functions such as filing or amending tax forms, applying for permits, licenses, or other documents.
- A public officer cannot use his or her position to obtain anything of value that would normally not be received in the performance of official duties. Something is considered of "value" when it exerts a "substantial and improper" influence on the duties of the public official.

A conflict of interest also occurs when a public officer or employee has the opportunity to perform some act or participate in making a decision in an official capacity that might affect an economic interest of either themselves or their relatives.

To help you decide if you have a conflict, ask yourself three questions:

- Will my decision have a positive or negative impact on an interest of my relative's or mine?
- Do I have a monetary or ownership interest in the matter?
- Is my interest other than one of the designated remote interests?

If you find that you have a substantial conflict of interest, you must:

1. Refrain from voting or in any way influencing the decision.
2. Make the conflict of interest known in the official records of the City by declaring at the Council meeting that a conflict of interest exists so that the declaration can be officially entered into the minutes.
3. Leave the table or the room until the item is discussed and acted upon.
4. File a conflict of interest disclosure statement with the City Clerk's office that describes the nature of the conflict.

### **Public Perception and the Appearance of a Conflict of Interest**

On occasion, a member of the public, or even a fellow councilmember may believe that you have a conflict of interest, when you do not. These are some additional filters to help you determine if you do, indeed, have a conflict of interest:

1. Is there **sufficient appearance of a connection** between you and the subject matter that your continued participation in the issue **would harm your ongoing credibility, that of the Council and/or the ongoing credibility of the City?**
2. Is the accusation reasonably grounded or is it a flight of fancy?
3. Does the accuser stand to gain something by your withdrawal from the discussion?

Public perception is not a sufficient basis alone upon which to determine whether or not a conflict of interest occurs. Citizens, by and large, are not familiar with conflict of interest laws. Citizens have also been known to try to use a "conflict of interest" argument to keep a public official from voting on a matter when that citizen did not agree with the public official's position or vote.

If you have an appearance of a conflict of interest, or you are not sure whether or not you have a conflict, you may request a finding. The appropriate protocol is to address the matter with the City Attorney, in writing or verbally.

### **Prohibited Acts Within a Year After Leaving Public Office**

It is possible to violate the Conflict of Interest Law even after leaving public office. Within a year after leaving office, former public officials may not:

- Receive or accept compensation when representing any private person or entity before the city on an issue that was discussed during the term of office.
- Use confidential information obtained during the term of office for personal gain.

- Receive any compensation in any special matter pending before any agency of the City (with the exception of administrative actions such as filing routine forms, routine applications for permits, licenses, etc.)

### **Misusing a Declaration of Conflict of Interest**

The conflict of interest argument can be misused, as well. It should never be raised as a way to escape accountability for a vote, to avoid taking a stand on a controversial issue, or to appease an unfounded public perception. It is important that you fulfill this obligation. It cannot be emphasized enough that the success of the Council depends on your active participation. Regular and frequent “conflicting out” of the Council’s business may limit your effectiveness as a councilmember.

# CODE OF CONDUCT

Your conduct as a councilmember is very important. It can strengthen or undermine the credibility of the Council and the decisions it makes. A councilmember's statements and actions assume special significance and, if not responsibly discharged, could be detrimental to the City's best interests. In addition, improprieties of a councilmember can have a legal impact on the City.

As a member of the City Council, you do not lose your rights as a private citizen. However, you may not use your official title or make any statement as a representative or member of the Council to influence an election, further a personal position, or for personal benefit. Under City policy, you are not allowed to make unauthorized statements as a representative of the Council. Your title belongs to the City and is to be used when you are engaged in official business of the City such as at public meetings.

The City of Flagstaff has adopted a mission and values statement that pertains to all of its municipal officers, officials, and employees. It states that:

*“The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.”*

Some of the values needed to achieve this goal are:

- Accountability
- Honesty
- Responsibility
- Cost consciousness
- Teamwork in partnership with citizens
- Problem solving.

As a public official of the City of Flagstaff, these ideals apply to you.

Along the way, councilmembers may find themselves facing ethical dilemmas. Matters of ethics are often difficult to detect. It is important that you make every possible step to preserve the public perception of your ethics and values. What you do in any given situation is a reflection upon the organization as a whole. The values you hold will greatly influence your behavior when you are confronted with an ethical question.

People are quick to judge by appearance. During meetings and at official public functions, your words and actions will come under intense public scrutiny. Your public behavior is a statement about the democratic process in the City of Flagstaff. It is also a reflection on the way the City of Flagstaff conducts its business. Consequently, you should consider ethical questions through the “filter” of public perception.

If you have a question on an ethical issue, contact the City Attorney before the meeting and take no position on the issue until you have resolved the dilemma. It is very important to act in an appropriate manner at all times.

Gift giving is one of the most common ethical situations that come into play with public officials. Some gifts are harmless and have no hidden meaning while others are subtly, or

even overtly, meant to influence your behavior and vote. If a citizen or some other entity tenders you a gift, it may be helpful to ask the following questions in whether or not you should accept the gift:

1. Is the giver associated with an individual or organization involved with a past, present, or future matter that has been considered or will be considered by the Council?
2. Does the giver expect something in return?
3. Is the gift of more than nominal value?
4. Would someone question your integrity and values if they knew about the gift?

If your answer is “yes” to even one of these questions, then you should not accept the item regardless of whether or not it is innocent in intent.

Create a good impression of city government. Your conduct and performance is a picture in the eyes of the public of the way the city is run. It should be as pleasant and comforting a picture as possible.

- Be knowledgeable about the process and procedures of municipal government and the specific responsibilities associated with being a councilmember.
- Avoid making recommendations or expressing views that have not been approved by a majority of the members of the Council without clearly indicating that you are speaking as a private citizen.
- Public statements should contain no promises to the public that may be construed to be binding on the City Council.
- Attend the Council meetings, arrive promptly and stay until all business has been concluded.
- Conduct official business in a fair, objective, and professional manner.
- Be respectful of others.
- Listen to what others have to say, including those with whom you disagree.
- Place the public welfare ahead of your own.
- Conduct the public's business in public.
- Make recommendations and/or decisions in the best, long-term interest of Flagstaff citizens as a whole.
- Be informed about issues.
- Maintain a good relationship with the commissions, the public, City staff, and other councilmembers.
- City of Flagstaff elections are non-partisan. Do not use your appointed office or title to conduct political activities.
- Act lawfully, as well as within the spirit of the law, including those laws that apply directly to your role as a councilmember.\

## MEETINGS

The Flagstaff City Council has adopted its own **Rules of Procedure**, Appendix C, which outlines in detail the protocol for agenda preparation and meeting protocol, and councilmembers are encouraged to review these rules and become familiar with them.

## APPENDIX A

### **ARIZONA OPEN MEETING LAW ARS 38-431 As of 03/04/2013**

#### **38-431. Definitions**

In this article, unless the context otherwise requires:

1. "Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.
2. "Executive session" means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03. In addition to the members of the public body, officers, appointees and employees as provided in section 38-431.03 and the auditor general as provided in section 41-1279.04, only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session.
3. "Legal action" means a collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state.
4. "Meeting" means the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.
5. "Political subdivision" means all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts.
6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of

ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.

7. "Quasi-judicial body" means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims.

**38-431.01. Meetings shall be open to the public**

- A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.
- B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, such minutes or recording shall include, but not be limited to:
  1. The date, time and place of the meeting.
  2. The members of the public body recorded as either present or absent.
  3. A general description of the matters considered.
  4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.
- C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by the public body.
- D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.
- E. A public body of a city or town with a population of more than two thousand five hundred persons shall:

1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either:
    - (a) A statement describing the legal actions taken by the public body of the city or town during the meeting.
    - (b) Any recording of the meeting.
  2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.
  3. Within ten working days after a subcommittee or advisory committee meeting, post on its website, if applicable, either:
    - (a) A statement describing legal action, if any.
    - (b) A recording of the meeting.
- F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.
- G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall conspicuously post open meeting law materials prepared and approved by the attorney general on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office.
- H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.
- I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.
- J. Any posting required by subsection E of this section must remain on the applicable website for at least one year after the date of the posting.

### **38-431.02. Notice of meetings**

A. Public notice of all meetings of public bodies shall be given as follows:

1. The public bodies of this state, including governing bodies of charter schools, shall:
  - (a) Conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
  - (b) Post all public meeting notices on their website and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.
2. The public bodies of the counties and school districts shall:
  - (a) Conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
  - (b) Post all public meeting notices on their website and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.
3. Special districts that are formed pursuant to title 48:
  - (a) May conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
  - (b) May post all public meeting notices on their website and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either

prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

- (c) If a statement or notice is not posted pursuant to subdivision (a) or (b) of this paragraph, shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give additional public notice as is reasonable and practicable as to all meetings.

4. The public bodies of the cities and towns shall:

- (a) Conspicuously post a statement on their website or on a website of an association of cities and towns stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
- (b) Post all public meeting notices on their website or on a website of an association of cities and towns and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

B. If an executive session is scheduled, a notice of the executive session shall state the provision of law authorizing the executive session, and the notice shall be provided to the:

- 1. Members of the public body.
- 2. General public.

C. Except as provided in subsections D and E of this section, meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public. The twenty-four hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in section 1-301.

D. In case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. If this subsection is utilized for conduct of an emergency session or the

consideration of an emergency measure at a previously scheduled meeting the public body must post a public notice within twenty-four hours declaring that an emergency session has been held and setting forth the information required in subsections H and I of this section.

- E. A meeting may be recessed and resumed with less than twenty-four hours' notice if public notice of the initial session of the meeting is given as required in subsection A of this section, and if, before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.
- F. A public body that intends to meet for a specified calendar period, on a regular day, date or event during the calendar period, and at a regular place and time, may post public notice of the meetings at the beginning of the period. The notice shall specify the period for which notice is applicable.
- G. Notice required under this section shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such an agenda. The agenda must be available to the public at least twenty-four hours before the meeting, except in the case of an actual emergency under subsection D of this section. The twenty-four hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in section 1-301.
- H. Agendas required under this section shall list the specific matters to be discussed, considered or decided at the meeting. The public body may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto.
- I. Notwithstanding the other provisions of this section, notice of executive sessions shall be required to include only a general description of the matters to be considered. The agenda shall provide more than just a recital of the statutory provisions authorizing the executive session, but need not contain information that would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege.
- J. Notwithstanding subsections H and I of this section, in the case of an actual emergency a matter may be discussed and considered and, at public meetings, decided, if the matter was not listed on the agenda and a statement setting forth the reasons necessitating the discussion, consideration or decision is placed in the minutes of the meeting and is publicly announced at the public meeting. In the case of an executive session, the reason for consideration of the emergency measure shall be announced publicly immediately before the executive session.

- K. Notwithstanding subsection H of this section, the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, if:
1. The summary is listed on the agenda.
  2. The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

**38-431.03. Executive sessions**

- A. Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:
1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
  2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
  3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
  4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.
  5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
  7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.
- B. Minutes of and discussions made at executive sessions shall be kept confidential except from:
1. Members of the public body which met in executive session.
  2. Officers, appointees or employees who were the subject of discussion or consideration pursuant to subsection A, paragraph 1 of this section.
  3. The auditor general on a request made in connection with an audit authorized as provided by law.
  4. A county attorney or the attorney general when investigating alleged violations of this article.
- C. The public body shall instruct persons who are present at the executive session regarding the confidentiality requirements of this article.
- D. Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives as provided in subsection A, paragraphs 4, 5 and 7 of this section. A public vote shall be taken before any legal action binds the public body.
- E. Except as provided in section 38-431.02, subsections I and J, a public body shall not discuss any matter in an executive session which is not described in the notice of the executive session.
- F. Disclosure of executive session information pursuant to this section or section 38-431.06 does not constitute a waiver of any privilege, including the attorney-client privilege. Any person receiving executive session information pursuant to this section or section 38-431.06 shall not disclose that information except to the attorney general or county attorney, by agreement with the public body or to a court in camera for purposes of enforcing this article. Any court that reviews executive session information shall take appropriate action to protect privileged information.

**38-431.04. Writ of mandamus**

Where the provisions of this article are not complied with, a court of competent jurisdiction may issue a writ of mandamus requiring that a meeting be open to the public.

**38-431.05. Meeting held in violation of article; business transacted null and void; ratification**

- A. All legal action transacted by any public body during a meeting held in violation of any provision of this article is null and void except as provided in subsection B.
- B. A public body may ratify legal action taken in violation of this article in accordance with the following requirements:
  - 1. Ratification shall take place at a public meeting within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
  - 2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the public body proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified.
  - 3. The public body shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the public body that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.
  - 4. The public body shall make available to the public the notice and detailed written description required by this section at least seventy-two hours in advance of the public meeting at which the ratification is taken.

**38-431.06. Investigations; written investigative demands**

- A. On receipt of a written complaint signed by a complainant alleging a violation of this article or on their own initiative, the attorney general or the county attorney for the county in which the alleged violation occurred may begin an investigation.
- B. In addition to other powers conferred by this article, in order to carry out the duties prescribed in this article, the attorney general or the county attorney

for the county in which the alleged violation occurred, or their designees, may:

1. Issue written investigative demands to any person.
2. Administer an oath or affirmation to any person for testimony.
3. Examine under oath any person in connection with the investigation of the alleged violation of this article.
4. Examine by means of inspecting, studying or copying any account, book, computer, document, minutes, paper, recording or record.
5. Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general or county attorney.

C. The written investigative demand shall:

1. Be served on the person in the manner required for service of process in this state or by certified mail, return receipt requested.
2. Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified.
3. Prescribe a reasonable time at which the person shall appear to testify and within which the document or object shall be produced and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or county attorney on or before that time.
4. Specify a place for the taking of testimony or for production of a document or object and designate a person who shall be the custodian of the document or object.

D. If a person objects to or otherwise fails to comply with the written investigation demand served on the person pursuant to subsection C, the attorney general or county attorney may file an action in the superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in Maricopa county or in the county in which the alleged violation occurred. Notice of hearing the action to enforce the demand and a copy of the action shall be served on the person in the same manner as that prescribed in the Arizona rules of civil procedure. If a court finds that the demand is proper, including that the compliance will not violate a privilege and that there is not a conflict of interest on the part of the attorney general or county attorney, that there is reasonable cause to believe there may have been a violation of this article and that the information sought or document or object demanded is relevant to the violation, the court shall order the

person to comply with the demand, subject to modifications the court may prescribe. If the person fails to comply with the court's order, the court may issue any of the following orders until the person complies with the order:

1. Adjudging the person in contempt of court.
2. Granting injunctive relief against the person to whom the demand is issued to restrain the conduct that is the subject of the investigation.
3. Granting other relief the court deems proper.

**38-431.07. Violations; enforcement; removal from office; in camera review**

- A. Any person affected by an alleged violation of this article, the attorney general or the county attorney for the county in which an alleged violation of this article occurred may commence a suit in the superior court in the county in which the public body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of, this article, by members of the public body, or to determine the applicability of this article to matters or legal actions of the public body. For each violation the court may impose a civil penalty not to exceed five hundred dollars against a person who violates this article or who knowingly aids, agrees to aid or attempts to aid another person in violating this article and order such equitable relief as it deems appropriate in the circumstances. The civil penalties awarded pursuant to this section shall be deposited into the general fund of the public body concerned. The court may also order payment to a successful plaintiff in a suit brought under this section of the plaintiff's reasonable attorney fees, by the defendant state, the political subdivision of the state or the incorporated city or town of which the public body is a part or to which it reports. If the court determines that a public officer with intent to deprive the public of information violated any provision of this article the court may remove the public officer from office and shall assess the public officer or a person who knowingly aided, agreed to aid or attempted to aid the public officer in violating this article, or both, with all of the costs and attorney fees awarded to the plaintiff pursuant to this section.
- B. A public body shall not expend public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced pursuant to any provisions of this article, unless the public body has authority to make such expenditure pursuant to other provisions of law and takes a legal action at a properly noticed open meeting approving such expenditure prior to incurring any such obligation or indebtedness.
- C. In any action brought pursuant to this section challenging the validity of an executive session, the court may review in camera the minutes of the executive session, and if the court in its discretion determines that the

minutes are relevant and that justice so demands, the court may disclose to the parties or admit in evidence part or all of the minutes.

**38-431.08. Exceptions; limitation**

- A. This article does not apply to:
1. Any judicial proceeding of any court or any political caucus of the legislature.
  2. Any conference committee of the legislature, except that all such meetings shall be open to the public.
  3. The commissions on appellate and trial court appointments and the commission on judicial qualifications.
  4. Good cause exception and central registry exception determinations and hearings conducted by the board of fingerprinting pursuant to sections 41-619.55 and 41-619.57.
- B. A hearing held within a prison facility by the board of executive clemency is subject to this article, except that the director of the state department of corrections may:
1. Prohibit, on written findings that are made public within five days of so finding, any person from attending a hearing whose attendance would constitute a serious threat to the life or physical safety of any person or to the safe, secure and orderly operation of the prison.
  2. Require a person who attends a hearing to sign an attendance log. If the person is over sixteen years of age, the person shall produce photographic identification that verifies the person's signature.
  3. Prevent and prohibit any articles from being taken into a hearing except recording devices and, if the person who attends a hearing is a member of the media, cameras.
  4. Require that a person who attends a hearing submit to a reasonable search on entering the facility.
- C. The exclusive remedies available to any person who is denied attendance at or removed from a hearing by the director of the state department of corrections in violation of this section shall be those remedies available in section 38-431.07, as against the director only.
- D. Either house of the legislature may adopt a rule or procedure pursuant to article IV, part 2, section 8, Constitution of Arizona, to provide an exemption

to the notice and agenda requirements of this article or to allow standing or conference committees to meet through technological devices rather than only in person.

**38-431.09. Declaration of public policy**

- A. It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretations of this article shall construe this article in favor of open and public meetings.
  
- B. Notwithstanding subsection A, it is not a violation of this article if a member of a public body expresses an opinion or discusses an issue with the public either at a venue other than at a meeting that is subject to this article, personally, through the media or other form of public broadcast communication or through technological means if:
  - 1. The opinion or discussion is not principally directed at or directly given to another member of the public body.
  
  - 2. There is no concerted plan to engage in collective deliberation to take legal action.



## **APPENDIX B**

### **ARIZONA CONFLICT OF INTEREST**

#### **ARS 38-501**

**As of 03/04/2013**

#### **38-501. Application of article**

- A. This article shall apply to all public officers and employees of incorporated cities or towns, of political subdivisions and of the state and any of its departments, commissions, agencies, bodies or boards.
- B. Notwithstanding the provisions of any other law, or the provisions of any charter or ordinance of any incorporated city or town to the contrary, the provisions of this article shall be exclusively applicable to all officers and employees of every incorporated city or town or political subdivision or the state and any of its departments, commissions, agencies, bodies or boards and shall supersede the provisions of any other such law, charter provision or ordinance.
- C. Other prohibitions in the state statutes against any specific conflict of interests shall be in addition to this article if consistent with the intent and provisions of this article.

#### **38-502. Definitions**

In this article, unless the context otherwise requires:

- 1. "Compensation" means money, a tangible thing of value or a financial benefit.
- 2. "Employee" means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.
- 3. "Make known" means the filing of a paper which is signed by a public officer or employee and which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest. The filing shall be in the special file established pursuant to section 38-509.
- 4. "Official records" means the minutes or papers, records and documents maintained by a public agency for the specific purpose of receiving disclosures of substantial interests required to be made known by this article.

5. "Political subdivision" means all political subdivisions of the state and county, including all school districts.
6. "Public agency" means:
  - (a) All courts.
  - (b) Any department, agency, board, commission, institution, instrumentality or legislative or administrative body of the state, a county, an incorporated town or city and any other political subdivision.
  - (c) The state, county and incorporated cities or towns and any other political subdivisions.
7. "Public competitive bidding" means the method of purchasing defined in title 41, chapter 4, article 3, or procedures substantially equivalent to such method of purchasing, or as provided by local charter or ordinance.
8. "Public officer" means all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute.
9. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.
10. "Remote interest" means:
  - (a) That of a nonsalaried officer of a nonprofit corporation.
  - (b) That of a landlord or tenant of the contracting party.
  - (b) That of an attorney of a contracting party.
  - (d) That of a member of a nonprofit cooperative marketing association.
  - (e) The ownership of less than three per cent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five per cent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five per cent of his total annual income.
  - (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
  - (g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department,

commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.

- (h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.
  - (i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment upon the officer, employee or his relative, of any of the following:
    - (i) Another political subdivision.
    - (ii) A public agency of another political subdivision.
    - (iii) A public agency except if it is the same governmental entity.
  - (j) That of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.
11. "Substantial interest" means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest.

**38-503. Conflict of interest; exemptions; employment prohibition**

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.
- C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:
  - 1. A school district governing board may purchase, as provided in sections 15-213 and 15-323, supplies, materials and equipment from a school board member.

2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.
- D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

### **38-504. Prohibited acts**

- A. A public officer or employee shall not represent another person for compensation before a public agency by which the officer or employee is or was employed within the preceding twelve months or on which the officer or employee serves or served within the preceding twelve months concerning any matter with which the officer or employee was directly concerned and in which the officer or employee personally participated during the officer's or employee's employment or service by a substantial and material exercise of administrative discretion.
- B. During the period of a public officer's or employee's employment or service and for two years thereafter, a public officer or employee shall not disclose or use for the officer's or employee's personal profit, without appropriate authorization, any information acquired by the officer or employee in the course of the officer's or employee's official duties which has been clearly designated to the officer or employee as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary for the proper conduct of government business. A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law.
- C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

**38-505. Additional income prohibited for services**

- A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.
- B. This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

**38-506. Remedies**

- A. In addition to any other remedies provided by law, any contract entered into by a public agency in violation of this article is voidable at the instance of the public agency.
- B. Any person affected by a decision of a public agency may commence a civil suit in the superior court for the purpose of enforcing the civil provisions of this article. The court may order such equitable relief as it deems appropriate in the circumstances including the remedies provided in this section.
- C. The court may in its discretion order payment of costs, including reasonable attorney's fees, to the prevailing party in an action brought under subsection B.

**38-507. Opinions of the attorney general, county attorneys, city or town attorneys and house and senate ethics committee**

Requests for opinions from either the attorney general, a county attorney, a city or town attorney, the senate ethics committee or the house of representatives ethics committee concerning violations of this article shall be confidential, but the final opinions shall be a matter of public record. The county attorneys shall file opinions with the county recorder, the city or town attorneys shall file opinions with the city or town clerk, the senate ethics committee shall file opinions with the senate secretary and the house of representatives ethics committee shall file opinions with the chief clerk of the house of representatives.

**38-508. Authority of public officers and employees to act**

- A. If the provisions of section 38-503 prevent an appointed public officer or a public employee from acting as required by law in his official capacity, such public officer or employee shall notify his superior authority of the conflicting

interest. The superior authority may empower another to act or such authority may act in the capacity of the public officer or employee on the conflicting matter.

- B. If the provisions of section 38-503 prevent a public agency from acting as required by law in its official capacity, such action shall not be prevented if members of the agency who have apparent conflicts make known their substantial interests in the official records of their public agency.

### **38-509. Filing of disclosures**

Every political subdivision and public agency subject to this article shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article.

### **38-510. Penalties**

- A. A person who:
  - 1. Intentionally or knowingly violates any provision of sections 38-503 through 38-505 is guilty of a class 6 felony.
  - 2. Recklessly or negligently violates any provision of sections 38-503 through 38-505 is guilty of a class 1 misdemeanor.
- B. A person found guilty of an offense described in subsection A of this section shall forfeit his public office or employment if any.
- C. It is no defense to a prosecution for a violation of sections 38-503 through 38-505 that the public officer or employee to whom a benefit is offered, conferred or agreed to be conferred was not qualified or authorized to act in the desired way.
- D. It is a defense to a prosecution for a violation of sections 38-503 through 38-505 that the interest charged to be substantial was a remote interest.

### **38-511. Cancellation of political subdivision and state contracts; definition**

- A. The state, its political subdivisions or any department or agency of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the

contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

- B. Leases of state trust land for terms longer than ten years cancelled under this section shall respect those rights given to mortgagees of the lessee by section 37-289 and other lawful provisions of the lease.
- C. The cancellation under this section by the state or its political subdivisions shall be effective when written notice from the governor or the chief executive officer or governing body of the political subdivision is received by all other parties to the contract unless the notice specifies a later time.
- D. The cancellation under this section by any department or agency of the state or its political subdivisions shall be effective when written notice from such party is received by all other parties to the contract unless the notice specifies a later time.
- E. In addition to the right to cancel a contract as provided in subsection A of this section, the state, its political subdivisions or any department or agency of either may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any department or agency of either from any other party to the contract arising as the result of the contract.
- F. Notice of this section shall be included in every contract to which the state, its political subdivisions, or any of the departments or agencies of either is a party.
- G. For purposes of this section, "political subdivisions" do not include entities formed or operating under title 48, chapter 11, 12, 13, 17, 18, 19 or 22.



**RULES OF PROCEDURE**  
for the  
**FLAGSTAFF CITY COUNCIL**

**Rule 1**  
**GENERAL RULES**

[Flagstaff City Charter Art. II, §14]

**1.01 Rules of Procedure; Journal**

The Council shall determine its own rules and orders of business, and shall provide for keeping a record of its proceedings. The record of proceedings shall be open to public inspection.

**1.02 Written Rules, Order of Business, and Procedure**

These Rules of Procedure of the Council shall be available to all interested citizens.

**Rule 2**  
**CODE OF CONDUCT & CONFLICTS OF INTEREST**

**2.01 Code of Conduct**

City Councilmembers occupy positions of public trust. All actions and business transactions of such officials dealing in any manner with public funds shall be in compliance with all laws or ordinances establishing a code of conduct for public officials or pertaining to conflicts of interest of public officials or employees.

**2.02 Participation and Voting Bar [A.R.S. §38-503]**

Any Councilmember prohibited from participating or voting on any matter before the City by the state conflict of interest laws shall make known such conflict on the record of any meeting where the item is discussed, and shall not enter into discussion, debate, or vote on such matter.

**Rule 3**  
**COUNCIL MEETINGS**

[Flagstaff City Charter Art. II, §12 and 13]

**3.01 Regular Meetings**

The City Council shall hold regular meetings on the first and third Tuesday of January, February, March, April, May, June, July, September, October, November, and December, and on the fourth Tuesday of August unless a majority of the Council decides to postpone or cancel such meeting. No change shall be made in regular meeting times or place without a published seven day notice.

Regular meetings shall consist of a 4:00 p.m. and 6:00 p.m. meeting. The 4:00 p.m. portion of the meeting will include Approval of Minutes, Appointments, Liquor License Hearings, Consent Items, and Routine Items. At the agenda review work session one week prior to the regular Council Meeting, the City Council may direct that any of the agenda items be moved to the 4:00 p.m. or 6:00 p.m. portion of the meeting. At the 4:00 p.m. meeting, the Council may vote to defer any item on that portion of the agenda to the 6:00 p.m. meeting.

The 6:00 p.m. meeting is intended for items of specific interest to the community or items that may require extended discussions, as well as advertised public hearings. The agenda shall include carryover items from the 4:00 p.m. meeting, public hearings, regular agenda items, and discussion items.

If the day fixed for any regular meeting of the Council falls upon a day which the City observes as a legal holiday, the meeting may be cancelled or held at a time and date designated by the Council. All regular meetings of the Council shall be held in the City Hall Council Chambers. No change shall be made in regular meeting times without a published seven-day notice. However, the Mayor or City Manager may change the Council meeting location to adjust to a specific need for additional space required to accommodate a large citizen turnout, upon giving the public notice of such change pursuant to notice requirements. All regular meetings of the Council shall be open to the public.

### **3.02 Special Meetings**

Special meetings may be called by the City Manager, three or more members of the Council, or by the Mayor. The Council may hold any other meetings it deems necessary at such times and locations as it determines appropriate under the circumstances for the purposes of addressing specific issues, specific neighborhood's concerns, strategic planning, budgeting, or for any other purpose allowed by law, so long as notice of such meeting has been given in accordance with the Arizona Open Meeting Law. The City Clerk shall prepare written notice of special sessions, stating time, place, and agenda; this notice shall be given personally, or by telephone, to each member of the Council, the City Manager, and the City Attorney, and shall be posted no later than twenty-four hours in advance of the special meeting. If an emergency requires an earlier meeting of the Council than allowed by this rule, Rule 3.05 pertaining to emergency meetings shall be followed.

### **3.03 Work Sessions and Agenda Review**

Work sessions are public meetings held for the following purposes: (1) briefing Councilmembers on items included on the Council's regular meeting agenda, (2) discussion of long range plans and programs for which no immediate action is required, (3) detailed discussion of matters which may soon be placed on a regular meeting agenda, and (4) exchange of information between the staff and Council. No formal vote shall be taken on any matter under discussion, nor shall any Councilmember enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Council, providing that nothing herein shall prevent the Council from giving staff direction on any matter under discussion. Any formal action, however, must be scheduled for Council action at a regular or special Council meeting.

The City Council may hold work sessions every second and fourth Tuesday of each month at 6:00 p.m. When there are five Tuesdays in a month, work sessions will be held on the second and fifth Tuesdays. No meetings will be held on the fourth Tuesday of a five-Tuesday month or, on the last Tuesday of December, unless otherwise agreed to by a majority of the Council.

The work session held the Tuesday prior to a regular Council meeting shall include two reviews of the action items on the next week's regular Council agenda, including a determination as to which items shall be placed on the 4:00 p.m. meeting agenda or the 6:00 p.m. portion of the meeting agenda. The preliminary review of the draft Council meeting agenda shall be placed first on the work session agenda and will have as its purpose the identification of items that the Council designates for more detailed discussion after all other work session items have been discussed. In the final agenda review that shall occur as the last regularly scheduled item on the agenda, the Council may discuss items on the next week's agenda and give direction to the City Manager as to additional information needed. Public comment need not be taken, but may be accepted at the second agenda review, at the discretion of the Chair.

No work sessions will be held during the summer break period beginning on the day following the third Tuesday in July until the fourth Tuesday of August, unless called as a special meeting as provided in Section 3.02 of these Rules.

#### **3.04 Executive Sessions [A.R.S. §38-431.03]**

The Council may meet in, or recess into, executive session for all purposes allowed by law. The City Manager shall schedule any such meetings on the second and fourth Tuesdays at 4:00 p.m., or earlier as the need arises, prior to work sessions, but an executive session may be scheduled at any other time where circumstances require more immediate action. When there are five Tuesdays in a month, executive sessions shall be held on the second and fifth Tuesday at 4:00 p.m., or earlier, as needed. An executive session may be convened at a special meeting called for that purpose on a majority vote of the members of the Council, or during a regular meeting, special session, or work session of the Council for legal advice on matters on a meeting's properly noticed agenda. Attendance at the executive session shall be limited to members of the City Council, the City Manager and City Attorney or their designees, and appropriate City staff or consultants to the City as the Council may invite or as may be required for advice or information. No formal vote involving final action shall be taken on any matter under discussion while in an executive session, except the Council may instruct its attorneys and representatives as allowed by law.

#### **3.05 Emergency Meetings [A.R.S. §38-431.02]**

In case of an actual emergency, the Council may hold a meeting, including an executive session, upon such notice as is appropriate to the circumstances, but shall post a public notice within twenty-four hours declaring that an emergency session has been held, and setting forth the agenda of specific items discussed, considered, or decided.

#### **3.06 Minutes of Meeting [A.R.S. §38-431.01]**

Except as otherwise provided by state law, there shall be minutes of all Council meetings. Such minutes shall include, but need not be limited to: (1) the date, time, and place of the

meeting; (2) the members of the City Council recorded as either present or absent; (3) a general description of the matters considered; (4) an accurate description of all legal actions proposed, discussed, or taken, and the names of members who propose each motion; and (5) the name of persons, as given, making statements or presenting material to the Council and a reference to the legal action about which they made statements or presented material. Minutes of all meetings, except executive sessions, shall be open to public inspection.

## **Rule 4** **THE COUNCIL AGENDA**

### **4.01 Procedures for Preparation of Council Agendas**

All reports, communications, ordinances and resolutions, contracts or other documents, or other matters to be submitted to the Council as part of the Council meeting agenda packet shall be available to the Council, along with a staff summary by the Friday preceding the agenda review work session for the draft agenda and by the Friday preceding the regular meeting for the regular agenda. The City Manager shall review items submitted for timeliness and completeness of information and shall make a preliminary determination whether an item should be placed on the 4:00 p.m. or 6:00 p.m. portion of the regular meeting agenda.

The City Manager shall honor any request by a member of the Council to include an item on the Possible Future Agenda Items portion of the agenda. A Councilmember may submit an item for consideration at any time and the City Manager will place it in a queue with other Council requests to be placed on an agenda. The date and time of scheduling shall be weighted with other Council priority requests. The requesting Councilmember may, but is not required to, specify in a memorandum what discussion, action, or options are proposed. Public participation on an item placed in the *Possible Future Agenda Items* portion of the agenda will be limited to: 1) verbal comments taken during the public participation section(s) of the agenda; and 2) written comment cards submitted to the City Clerk. After discussion and upon agreement of three members of the Council, the item will be moved to a regularly-scheduled Council meeting.

Those items which are approved for the Council agenda by the City Manager shall be placed on the agenda in accordance with the order prescribed in Rule 5. Copies of the agenda and any background material shall be disseminated to the Mayor and the City Council in the manner prescribed by the Council; to the City Manager, the Deputy City Managers, the City Attorney, and the City Clerk; and shall be made available to the public no later than noon on the Friday preceding the Council meeting at which the agenda will be reviewed.

The agenda shall be made public in advance of the meeting by posting on the regular public posting board at City Hall and on the City's website. Such action shall be taken concurrently with the furnishing of the agenda to the City Council.

**Rule 5**  
**ORDER OF BUSINESS**

**5.01 Regular Meeting Agenda**

The agenda for regular meetings of the City Council shall follow the following order:

**4:00 P.M. MEETING**

Call to Order  
Roll Call  
Pledge of Allegiance and Reading of the Mission Statement  
Approval of Minutes of Previous Meetings  
Public Participation  
Proclamations and Recognitions  
Appointments  
Liquor License Public Hearings  
Consent Items  
Routine Items\*  
Recess

**6:00 P.M. MEETING**

Reconvene Regular Meeting  
Roll Call  
Public Participation  
Carryover Items from 4:00 p.m. portion of Meeting  
Public Hearing Items  
Regular Agenda  
Discussion Items  
Possible Future Agenda Items  
Informational Items and Reports to/from Council and Staff, and Requests for Future  
Agenda Items  
Adjournment

*\*Routine Items include those agenda items that are common, reoccurring, have been discussed at length in prior Council meetings, or are expected to have little to no public participation. They may include resolutions or ordinances.*

Consent Agenda items may be considered and acted upon by one motion, unless a Councilmember specifically requests that a consent item be considered and voted on separately. If related to a public hearing item on the agenda, ordinances or resolutions shall be placed under Public Hearings. Items requested for consideration and discussion by a Councilmember and placed in the Possible Future Agenda Items Section need not have a staff summary or staff review, but the requesting Councilmember may specify in a memorandum what discussion, action, or options are proposed. There will be no discussion of issues raised during public participation, information items and reports, or requests for future agenda items. The City Clerk shall enter into the minutes all consent items approved with one motion, and shall record separately action taken on those items considered separately.

**Rule 6**  
**PRESIDING OFFICER**

[Flagstaff City Charter Art. II, §7 and §8]

**6.01 Mayor as Chair**

The Mayor, or in his or her absence, the Vice Mayor, shall be the Chair for all meetings of the Council.

**6.02 Temporary Chair**

In case of the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Council to order. If a quorum is found to be present, the Council shall proceed to elect, by a majority of those present, a Chair for the meeting.

**Rule 7**  
**MEETING DECORUM AND ORDER**

**7.01 Decorum and Order among Councilmembers**

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Council. During Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the Rules of the Council. Every Councilmember desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the question under debate and shall avoid all personal attacks and indecorous language. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another Councilmember. If a Councilmember is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter his or her remarks so as to comply with the Rules of the Council. Councilmembers shall confine their questions to the particular issues before the Council. If the Chair fails to act, any member may move to require him or her to enforce the Rules and the affirmative vote of the majority of the Council shall require the Chair to act.

If Council discussion of a matter exceeds one hour, each Councilmember shall limit their subsequent remarks to three minutes.

**7.02 Decorum and Order among City Staff**

The Chair shall have the authority to preserve decorum in meetings as far as the audience, staff members, and city employees are concerned. The City Manager shall also be responsible for the orderly conduct and decorum of all City employees under the City Manager's direction and control. Any remarks shall be addressed to the Chair and to any or all members of the Council. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.

### **7.03 Decorum and Order among Citizen Participants**

Citizens attending Council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks, or who becomes boisterous while addressing the Council during a Council meeting, may be removed from the room if so directed by the Chair, and such person shall be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chair, who may direct the Sergeant-at-Arms to remove such offenders from the room. Should the Chair fail to act, any member of the Council may move to require the Chair to enforce the Rules, and the affirmative vote of the majority of the Council shall require the Chair to act. Political campaigning is prohibited. Any member of the public desiring to address the Council on any non-public hearing item may, and on any public hearing item shall be recognized by the Chair pursuant to Rule 9, shall state his or her name and city of residence in an audible tone for the record, and shall limit his or her remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all members of the Council.

Citizens are allowed to address the Council a maximum of three times throughout the meeting, including comments made during Public Participation. Other than Public Participation, comments shall be limited to the business at hand. If the Chair recognizes a speaker, the Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person, at the discretion of the Chair and a speaker may address the Council with the speaker's own statements, and the statements of other persons within the three minute period, but that shall be the speaker's only opportunity to address the Council on that issue.

## **Rule 8** **RIGHT OF APPEAL FROM THE CHAIR**

### **8.01 Process for Appeal**

Any Councilmember may appeal to the Council from a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the Chair may briefly explain the Chair's ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye", the ruling of the Chair is sustained; otherwise, it is overruled.

## **Rule 9** **PUBLIC PARTICIPATION IN COUNCIL DISCUSSIONS**

### **9.01 Non-Public Hearing Discussions**

Any person wishing to speak on any matter on the agenda before the Council shall fill out a comment card and submit that card to the recording clerk, who will deliver the card to the Chair. The Chair need not accept public discussion on a non-public hearing item. If the

Chair recognizes a speaker, the Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person, at the discretion of the Chair and a speaker may address the Council with the speaker's own statements, and the statements of other persons within the three minute period, but that shall be the speaker's only opportunity to address the Council on that issue. The person desiring to speak shall limit his or her remarks to the matter under discussion and shall address his or her remarks to the Chair. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

## **9.02 Public Hearings**

- A. In the case of a public hearing, the Chair shall announce prior to such hearing the total time limit, if any, to be allowed for public debate, depending upon the circumstances and public attendance. The Chair shall also announce the time limits for each individual speaker (normally no more than three minutes), and that no speaker may be heard more than once.
- B. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.
- C. Speakers may not cede any portion of their allotted time to another speaker.
- D. The order of presentation and time limits shall be as follows:
  - 1. Staff presentation (ten minute time limit, except with specific Council permission to exceed this limit).
  - 2. Applicant presentation, only upon applicant's specific request (up to ten minutes, except with specific Council permission to exceed this limit).
  - 3. Council's questions to staff and applicant.
  - 4. Public comment (three minutes for individual speakers, up to fifteen minutes for a representative of ten or more persons present at the meeting who have contributed their time to the representative),
  - 5. Applicant's response, only upon applicant's specific request (5 minutes),
  - 6. Staff's response (5 minutes),
  - 7. Council deliberation and questions to staff and applicant.
- E. This rule will not preclude questions from members of the Council to the speaker where it is deemed necessary for purposes of clarification or understanding, but not for purposes of debate or argument.

**Rule 10**  
**RULES GOVERNING MOTIONS BY THE COUNCIL**

**10.01 Motion to be Stated by the Chair - Withdrawal**

When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

**10.02 Motion to Suspend Rules**

Suspension of these Rules requires a majority consent of the Councilmembers present. A motion to suspend may not be made while another motion is pending unless it directly applies to the pending motion.

**10.03 Motion to Change Order of Agenda**

The Chair may, at his or her discretion, or shall, upon the majority vote of Councilmembers present, change the order of the agenda. However, caution should be given to not changing the order to circumvent the Open Meeting Law.

**10.04 Motion to Table**

A motion to table is used to delay discussion on an item until later in the meeting or until the next meeting. Neither the motion to table or other business can be discussed, until a vote has been taken on the motion. If the motion is successful, no further discussion can be had without a motion to take off the table. To take a motion off the table at the same or immediately succeeding meeting, a motion and second must be made to take the item off the table, and it must pass by majority vote.

If not revived by the adjournment of the immediately succeeding meeting, the matter is considered to be dead.

**10.05 Motion to Postpone**

A motion to postpone is in order when an item is rescheduled to a time certain, when it is delayed with conditions, or when the matter is intended to be disposed of without action. If the motion prevails, the item shall return for Council action at the meeting specified or in accordance with the conditions established in the postponement. A motion to postpone may be debated prior to vote, but no other motion, including a motion to amend, may be offered until the vote is taken and only if the motion to postpone fails.

A motion to postpone indefinitely, if it receives a majority vote, effectively extinguishes an item.

**10.06 Motion to Divide the Question**

If the question contains two or more divisionable propositions, the Chair may, and upon request of a member shall, divide the same.

### **10.07 Motion to Amend**

On a motion to amend or “strike out and insert”, the motion shall be made so that the intent of the amendment is clear to the Council and public, and for the record.

The Council may materially amend an ordinance after the first read of that ordinance and proceed immediately to the second read and adoption. In other words, it is not necessary to proceed as though it is a new ordinance after a material change.

### **10.08 Motion to Amend an Amendment**

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

### **10.09 Motion to Reconsider**

After the decision on any question, any member who voted with the majority may move for a reconsideration of any action at the same meeting or at the next regular meeting that occurs at least one week after the date the action was taken. In the event of a tie vote on a motion, any Councilmember may move for reconsideration at the next regular meeting of the City Council that occurs at least one week after the date the action was taken, but not thereafter. To ensure that the matter will be included on the posted agenda in conformance with the Open Meeting Law, any Councilmember who wishes to have a decision reconsidered must alert the city clerk in writing at least five (5) days, exclusive of Saturdays, Sundays, and intermediate holidays, prior to the meeting at which the motion to reconsider will be made, unless the motion to reconsider was made and seconded at a Council meeting. A motion to reconsider shall require the affirmative vote of the majority of the members present at the time of reconsideration. After a motion for reconsideration has once been acted on, no other motion for reconsideration of the same subject shall be made without unanimous consent of all Councilmembers.

After the reconsideration time period has expired, the same matter may be placed on a later Council meeting agenda under Council Possible Future Agenda Items at the request of any Councilmember. It shall require the sponsorship of three Councilmembers during Possible Future Agenda Items to be placed on a future agenda as an action item. If the matter is considered for formal action on a future meeting, the motion for or against taking an action need not be made by a member of the prevailing vote.

### **10.10 Motion for Roll Call Vote**

Any Councilmember may request a roll call vote, or the Chair may ask for a roll call vote for purposes of clarifying a vote for the record. The roll may be called for yeas and nays upon any questions before the Council. Unless allowed by the Chair, it shall be out of order for members to explain their vote during the roll call, or to engage in additional debate or discussion on the subject after the vote is taken.

**Rule 11**  
**MISCELLANEOUS PROVISIONS**

**11.01 Prior Approval by Administrative Staff**

Except as to matters requested by individual Councilmembers under the Possible Future Agenda Items Section of the agenda, all ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his or her authorized representative, and shall have been examined for practicality by the City Manager or his or her authorized representative.

**11.02 Placement of Items on Agendas for Council Action**

Pursuant to Council direction received during any Council meeting, the City Manager may present ordinances, resolutions, and other matters or subjects to the Council, and any Councilmember may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted. In addition, ordinances, resolutions and other matters or subjects requiring action by the Council may be introduced and sponsored by a member of the Council through the Possible Future Agenda Items process described in Rule 4.01.

**11.03 No New Agenda Items after 10:00 p.m. except by Majority Vote.**

No new agenda items shall begin after 10:00 p.m. unless approved by majority vote of the City Council. If, however, discussion on an item commences prior to 10:00 p.m., the Council may continue its deliberation or move to postpone that item. Agenda items on a Council agenda not considered will be placed on the immediately succeeding Council meeting.

**11.04 Robert's Rules**

Robert's Rules of Order, latest edition, shall serve as a guideline for interpretation of and supplementation for these Rules in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Charter of the City of Flagstaff or the laws of the State of Arizona. The interpretation of these Rules and Robert's Rules shall be guided by the principles underlying Parliamentary law, that is, a careful balance of the rights of individuals and minority subgroups of the council with the will of the majority. In no case shall the strict application of a rule or procedure be interpreted to deny any individual or minority the right to participate in a debate, discussion, or vote, nor shall these rules be interpreted in such a way so as to defeat the will of the majority of the whole of the Council.

**11.05 Citizen Petitions [Flagstaff City Charter Art. II, §17]**

A citizen or a group of citizens may present a written petition to the City Manager, who shall present it to the Council at its next regular meeting. The Council must act on the petition within 31 days of the City Manager's presentation. Citizen petitions will first be placed on the agenda under "Possible Future Agenda Items" to determine if there is Council interest in placing the item on a future agenda for consideration. Failure to give such direction shall constitute "action" for purposes of this section.

# GLENDALE CITY COUNCIL

## COUNCIL MEETING RULES AND PROCEDURES

Amended April 28, 2015

### **SECTION 1: RULES, PURPOSE AND EFFECT**

- 1.1 The Council's meetings must be noticed and conducted in accordance with applicable open meetings statutes and other law.
- 1.2 These rules and procedures are adopted by the Council of the City of Glendale, under the Council's authority provided by the Charter and by law to determine its own rules, order of business, and to regulate the conduct of its meetings. Where not inconsistent with these rules and procedures, the current version of *Robert's Rules of Order* will be used as a supplementary guideline and general parliamentary procedure will be observed in the conduct of the Council's meetings.
- 1.3 The Mayor, or a majority of the council, may suspend strict observance of these rules and procedures and any applicable provision of *Robert's Rules* for the timely and orderly progression of the meeting.

### **SECTION 2: PRESIDING OFFICER**

- 2.1 As provided by the City Charter, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the presiding officer of the Council and will preside at all Council meetings.
- 2.2 The presiding officer will preserve order and decorum at all meetings of the Council to allow the orderly conduct of the business of the meeting and to provide persons in attendance with an interest in all agenda items to have an opportunity to have their item of interest duly considered by the Council, including a fair opportunity for interested persons to speak on public hearing items. Any decision by the Mayor on procedural matters in final, subject only to appeal to the whole Council as provided in *Robert's Rules*.

### **SECTION 3: ORDER OF BUSINESS**

- 3.1 The order of business at regular meetings of the Council ordinarily will be as follows:
  - Call to Order
  - Posting of Colors
  - Pledge of Allegiance
  - Prayer/Invocation
  - Citizen Comments

- Approval of Minutes
- Boards and Commissions
- Proclamations and Awards
- Consent Agenda
- Consent Resolutions
- Public Hearing - Land Development Actions
- Land Development Actions
- Bids and Contracts
- Public Hearing- Ordinances
- Ordinances
- Public Hearing- Resolutions
- Resolutions
- New Business
- Request for Future Workshop and Executive Session
- Council Comments and Suggestions
- Adjournment

3.2 The Mayor, or a majority of the Council, may decide to consider items out of sequence from the printed agenda for the meeting. The Council cannot act on any items not listed on the agenda unless an emergency exists.

3.3 The consent agenda matters are of a routine nature or matters which previously have been studied by the Council at a work session and may be adopted by one motion. Other than introduction of the items by the City Manager, there will be no discussion of separate items, unless members of the Council request that a specific item be discussed and considered separately.

3.4 Prayer/Invocation at Council Voting Meetings - In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.

3.5 The following guidelines allow for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message.

1. No member of the Council, employee of the City, or any other person in attendance at the meeting shall be required to participate in any prayer or invocation that is offered.
2. The prayer/invocation shall be voluntarily delivered by any person who has offered.
3. The speaker shall not receive compensation for his or her service.
4. No speaker shall proselytize or otherwise openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or

groups; or openly advance any faith, belief, doctrine, or dogma. No prayer/ invocation shall disparage the religious faith or non-religious views of others.

5. It is recommended that the prayer/invocation be no more than two minutes in length.

The above guidelines are not intended, and shall not be implemented or construed in anyway, to affiliate the City Council with, nor express the Council's preference for, any faith or religious denominations. Rather, these guidelines are intended to acknowledge and express the City Council's respect for the diversity of both organized and unorganized religious denomination, as well as other faiths represented and practiced among the citizens of the City of Glendale.

- 3.6 Anyone violating of these guidelines is subject to disqualification from offering future prayers/invocations.
- 3.7 As adopted by Council, the City Council Meeting Rules and Guidelines state that the Mayor is the presiding officer of the meetings and as such:

**“SECTION 2 – PRESIDING OFFICER**

2.1 As provided by the City Charter, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the presiding officer of the Council and will preside at all Council meetings.

2.2 The presiding officer will preserve order and decorum at all meetings of the Council to allow the orderly conduct of the business of the meeting and to provide persons in attendance with an interest in all agenda items to have an opportunity to have their item of interest duly considered by the Council, including a fair opportunity for interested persons to speak on public hearing items. Any decision by the Mayor on procedural matters in final, subject only to appeal to the whole Council as provided in *Robert's Rules*.

Therefore, the Mayor shall advise the speaker that their time is up in order to keep with the orderly operation of the meeting.

- 3.8 In no event shall a speaker be scheduled to offer a prayer/invocation at consecutive meetings of the Council.
- 3.9 In no event shall a speaker offer the prayer/invocation more than three times in one fiscal year. Similarly, no speaker from the same denomination, faith or sect shall speak more times than three in one fiscal year.
- 3.10 Neither the Council nor staff shall engage in any inquiry, examination, restriction, review of, or involvement in, the content of any prayer to be offered.
- 3.11 In the event that there is no scheduled speaker to offer the prayer/invocation, the agenda shall include a Moment of Silence.

3.12 The following language shall be included on every agenda:

“Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Mayor’s office and interested persons should contact the Mayor’s office for further information.”

3.13 City officials should not give the impression that they are expressing an official City religion, are speaking on the City’s behalf or that City residents attending the meeting are expected to participate in the prayer/invocation.

3.14 Process:

1. The Mayor’s office will maintain a list of volunteers.
2. Volunteers will be able to sign up via the website, a hard copy request form also available on the website, or submitted in person to a representative of the Mayor’s Office at 5850 West Glendale Avenue.
3. As the requests are received they will be placed in that order. The speakers will be contacted in order of date and then time received and requested to speak at a future meeting of the Council.
4. The Mayor’s office will follow up with letter setting forth the date and time that the speaker should be prepared to offer the invocation/prayer. Additionally, the letter will remind the intended speaker that the prayer/invocation being offered cannot seek to proselytize in favor of one religion or sect or disparage another religion or belief.

3.15 Posting of Colors

1. It is the policy of the Council to allow organizations to post the colors at regular voting meetings of the council.
2. Organizations seeking to post the colors at a meeting shall contact the mayor’s office, which shall maintain a list of volunteers and coordinate the scheduling of posting assignments.

#### **SECTION 4: WORKSHOP MEETINGS**

- 4.1 The Council may conduct workshop meetings or study session on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.
- 4.2 At workshop meetings the Council will receive information and presentation of issues from the City Manager and City staff. Council may ask questions and may request that certain information be provided or issues be addressed when items are considered further at another workshop meeting or a regular meeting of Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.
- 4.3 Final action on items is not taken at workshop or study sessions. No formal vote of the Council in favor or against any agenda item may be taken at a workshop or study session.
- 4.4 Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation.

## **SECTION 5: ADDRESSING THE COUNCIL, REGULAR MEETINGS AND PUBLIC HEARINGS**

- 5.1 Any person wishing to address the Council, on a public hearing item or other agenda item, must fill out a speaker card and turn it in to the City Clerk, indicating the speaker's name, address, and the agenda item on which he or she wishes to speak. Persons wishing to speak under "Citizen Comments" should designate a subject matter on which they will speak. On agenda items that are not scheduled for public hearing, brief public comment may be allowed, time permitting. The time permitted for such public comment by each speaker will be limited as provided for public hearing items. The Mayor may close the public comment on non-public hearing agenda items, even if not all interested parties have spoken, or end the time for comment by a speaker, to allow the meeting to proceed.
- 5.2 Citizen Comments occur at the beginning of the Council meeting. **These are speakers discussing items that are not on the Council Agenda.** These will be limited to three minutes per speaker.

- 5.3 Public Hearing Item Comments and Non-public Hearing Item Comments occur throughout the meeting. **These are for items that are on the Council meeting agenda** and are limited to five minutes per speaker.
- a. Speakers may be limited to less than five minutes each in consideration of the number of people wishing to speak, the length of the agenda, the number of public hearing items, and the timely and orderly progression of the meeting. Applicants on public hearing items and their attorneys, representatives, experts and supporting witnesses are not necessarily limited to a total of five minutes, but must be concise and coordinate their presentations to avoid repetition and unnecessary length. At the discretion of the Chair, rebuttal comments by the applicant or applicants' representative may be allowed. If allowed, rebuttal comments will address matters and questions raised in the public hearing, answers to questions by Council, and must be brief. Other than any rebuttal, no person will be allowed to address the Council after the public hearing is closed or after a motion is made on a non-public hearing item, without first securing the permission to do so.
- 5.4 Speakers on any items, whether a public hearing, other item on the agenda, or Citizen Comments, should address their comments to matters pertinent to the agenda item or subject matter at hand and should avoid repetition of the comments of previous speakers on the item. Simply stating agreement with the points raised by the prior speaker(s) will help move the meeting along so that all who wish to speak have the opportunity to do so within a reasonable time. Large groups whose members wish to speak on a matter may designate a spokesperson.
- 5.5 The purpose of public comment is to provide information and the speaker's views for Council consideration. Any questions raised by the speaker will not be answered by Council during the public hearing, but will be referred for follow-up by the City Manager or City staff after the conclusion of the public hearing. It is not appropriate in the public hearing or public comment period on another agenda item for the speakers to debate the matter under consideration with other speakers, the audience, or members of the Council. All comments should be addressed through the Chair. Questions may be posed to the speakers, any applicant's representatives, and City staff, by the Council, after being recognized by the Chair. Except when answering a direct question from a Councilmember, all remarks will be addressed to the Council as a whole, and not to individual members.
- 5.6 Proper decorum must be observed by members of the Council, by speakers in providing testimony and remarks, and by the audience. The Mayor shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, City staff, or members of the public are not allowed. It is inappropriate to utilize the public hearing or other agenda item for purposes of making political speeches, including threats of political action. Engaging in such conduct, and failing to

cease such conduct upon request of the Mayor, will be grounds for ending a speaker's time at the podium or for removal of any disruptive person from the meeting room, at the direction of the Mayor.

- 5.7 Exhibits, letters, petitions and other documentary items presented or shown to the Council on a public hearing item become part of the records of the public hearing. Eleven collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the Mayor and Council, key City staff, and a copy for the City Clerk to include in the public record of the hearing, whenever possible. Reduced copies (8 ½ x 11 or 8 ½ x 14) of large graphic exhibits should be provided as part of the sets of materials for distribution to the Council, staff, and for the record. This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups also are encouraged to provide eleven sets of petitions where possible.

**CITY OF GLENDALE**

**STANDARDS FOR CONDUCTING CITY**  
**BUSINESS FOR ELECTED OFFICIALS AND**  
**BOARDS AND COMMISSIONS**

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## **I. General Background**

The City Charter, adopted in 1947, establishes a Council-Manager form of government. Subject to the limitations imposed by the State Constitution and so long as consistent with State law, all powers of the City are vested in the elected City Council. The City Council, which is comprised of six council members and the Mayor, enacts local legislation, adopts budgets, determines policies, and appoints the City Manager, City Clerk, City Attorney, City Treasurer and City Judge.

The council shall consist of a mayor and six (6) other members to be elected by the qualified electors of the City of Glendale as follows:

- (a) The mayor shall be elected from the city at large, pursuant to the election procedure (primary and general elections) specified in ordinances which are adopted according to law or as provided for under the City of Glendale Charter.
- (b) The six (6) other council members shall be elected from six (6) geographic districts within the City of Glendale. Each district shall contain a substantially equal number of electors. Electors in each district shall vote only for the council candidates nominated from the district in which the electors reside.
- (c) Each candidate for one of the six (6) council seats shall at the time of nomination and during his tenure maintain his permanent residence within the district from which he is nominated.
- (d) No candidate for the six (6) council seats may run for more than one district in any regular election.

The City Council is committed to ensuring active public participation in their decision-making processes:

- (a) Through the appointment of citizens to the City's advisory boards and commissions.

- (b) Through special assignment of citizens to issue-oriented task forces such as the Bond Committee.
- (c) By hosting or attending neighborhood meetings and events.
- (d) By sponsoring regional and community forums on such topics as youth, transportation, economic development and parks.
- (e) Through the actions of Citizen Participation Plans in accordance with city ordinances section 3.304 and 3.305.

**II. Roles and Responsibilities of Elected Officials**

NOTE: For the purpose of the Code of Ethics and Code of Conduct, the term council member refers to Mayor and Council; all members of the City Council.

**THE MAYOR**

The Mayor shall be the chairman of the council and preside over its deliberations. He or she may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.

**THE VICE-MAYOR**

The council shall designate one (1) of its members as Vice Mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability.

**THE COUNCIL MEMBERS**

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

**Code of Conduct**  
**For Elected Officials**

This Code of Conduct is designed to describe the manner in which council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Glendale.

The constant and consistent theme through all of the conduct guidelines is "respect." Elected officials are called upon to exhibit behavior consistent with the Code of Conduct and Code of Ethics at all times.

## **Section 1 - Council Conduct with One Another**

### **A. Use formal titles**

The council should refer to one another formally during public meetings as Mayor, Vice Mayor or council member followed by the individual's last name.

### **B. Use civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. No shouting or physical actions that could be construed as threatening or demeaning will be acceptable.

If a council member is personally offended by the remarks of another council member, the offended council member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other council member to justify or apologize for the language used.

### **C. Honor the role of the Chair in maintaining order**

It is the responsibility of the Mayor, as Chair of the council under the Charter, to keep the comments of council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor’s actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure.

### **D. Demonstrate effective problem-solving approaches**

Council members have a public forum to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This public forum should be used in the most effective and beneficial manner.

## **Section 2 - Council Conduct with City Staff**

### **A. Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable. Council members should refer to staff by their title followed by the individual’s last name in public meetings when first introduced.

### **B. Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information shall be directed to the City Manager, City Attorney, Assistant City Manager, Deputy City Managers, or Department Heads.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, council members should ask the City Manger for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.

**C. Do not disrupt City staff from their jobs**

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee**

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the appointed officials should be made directly to appointed official.

**E. Do not get involved in administrative functions**

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal there from. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interests of the city.

**F. Do not attend meetings with City staff unless requested by staff.**

Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**G. Limit requests for staff support**

Council members are provided with staff to assist with various administrative activities. These staff members are merit system employees and, while available to assist the council members to which they are assigned, they remain subject to all the rules and directives that are applicable to all City employees. Requests for additional staff support, beyond the currently assigned staff, even in high-priority or emergency situations, should be made only to the City Manager who is responsible for allocating City resources in order to maintain professional, well-run City functions.

#### **H. Do not solicit political support from staff**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within constitutional rights, support political candidates but all such activities must be done away from the workplace and the staff cannot identify themselves in any manner as City employees.

### **Section 3 - Council Conduct with The Public**

#### **In Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

#### **A. Be welcoming to speakers and treat them with care and gentleness**

For many citizens, speaking in front of council is a new and difficult experience. Under such circumstances many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful and professional. Questions by council members to speakers should seek to clarify or expand information.

#### **B. Be fair and equitable in allocating public hearing time to individual speakers**

The Mayor will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. The public hearings and citizen comments time will be conducted in accordance with Resolution 3136.

Each speaker may only speak once during the public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

#### **C. Active listening**

Council members shall actively listen to and be attentive to speakers.

#### **D. Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, not the individual council members, should interrupt a speaker during a presentation. However, a council member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the council member finds

disturbing. Questions by council members to members of the public testifying should seek to clarify or expand information.

**E. Follow parliamentary procedure in conducting public meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full council.

**In Unofficial Settings**

**F. Make no promises on behalf of the Council in unofficial settings.**

Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community.

It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific council action, or to promise City staff will take some specific action are to be avoided.

**Section 4 - Council Conduct with Other Public Agencies**

**A. Be clear about representing the city or personal interests**

If a council member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state 1) whether his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the council.

**B. Representation of the City on an Outside Board, Commission, or to an Outside Agency**

If the council member is representing the City, that council member must consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.

Council members must inform the council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a council member upon any action that has bearing upon the conflicting issue.

**C. Correspondence also should be equally clear about representation**

City letterhead shall be used only when the council member is solely representing and speaking on behalf of the City and with the council member's official capacity. A copy of official correspondence should be given to the council office and mayor's office staff to be maintained as a public record.

**D. Representation of the City on Intergovernmental Commissions and Other Outside Entities**

Council members serving on committees or boards as the City representative on outside entities or agencies shall properly communicate with other council members on issues pertinent to the city.

**Section 5 - Council Conduct With Boards and Commissions\***

\*Mayor and City Manager ex-officio members.

The Mayor and City Manager shall be ex-officio members, without voting privileges, of all boards and commissions.

**A. Limit contact with Board and Commission members to questions of clarification**

Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council members may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member of that Board or Commission. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

**B. If attending a Board or Commission meeting, be careful to only express personal opinions**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation—especially if it is on behalf of an individual, business or developer—could be viewed as unfairly affecting the process.

Except as allowed by the City charter, public comments by a council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the council.

**C. Remember that Boards and Commissions serve the community, not individual council members**

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the council. However, Board and Commission members do not report to individual council members, nor should council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission will be based on such criteria as recommended by the Government Services Committee.

**D. Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some

individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

**E. Keep political support away from public forums**

Board and Commission members may offer political support to a council member, but not in a public forum while conducting official duties. Conversely, council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a council member.

**Section 6 - Council Conduct with the Media**

**A. Expression of Positions on Issue**

When communicating with the media, council members should clearly differentiate between personal opinions and the official position of the City. All council members represent one vote of seven and until a vote on any issue is taken, council members' positions are merely their own.

**B. Discussions Regarding Staff Members**

Council members should not discuss personnel issues or other matters regarding individual staff members in the media. Any issues pertaining to staff should only be addressed directly to the City Manager.

**Section 7 – Sanctions & Violations**

**A. Process**

- (1) The first and most important step in this section is the requirement that the offended Council member address the concern with the offending Council member including a description of the specific action observed, the relationship of that event to the Code and, if applicable, the impact it had on the offended Council member. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other Council members.
- (2) Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion. If any expenses are incurred they will be paid for equally from the district funds of each member engaged in the mediation.
- (3) If the situation cannot be settled through the process in steps (1) and (2), either Council member may choose to refer the concern to the entire Council for their review. The Council will serve as a committee of the whole for purposes of Code violation and sanction consideration.
- (4) To present the concern to the Council, the offended member must advise the offending Council member that the issue will be taken to the Council and subsequently ask the City Manager to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply. Included in those rules is the option for the offending Council member to exercise their right to

request that the discussion be held in an open hearing. The City Attorney's Office will prepare notice to the Council member or Council members that are to be discussed in executive session as required by law.

- (5) The Council will discuss the issue in order to:
  - (a) become fully informed;
  - (b) determine if there appears to be a violation of the Code of Conduct;
  - (c) seek resolution without further action or, if necessary schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred and if necessary;
  - (d) determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- (6) A 2/3 vote of the Council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a 2/3 vote for the sanction to be imposed.
- (7) If a sanction is imposed, the language will follow a specific format to be established by the Council and used consistently as such situations occur.

## **B. Effects of Violations**

The Code of Conduct alone does not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the council, a board or a commission.

# **CODE OF ETHICS FOR ELECTED OFFICIALS AND BOARDS AND COMMISSIONS**

## **I. Preamble**

The citizens of Glendale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence. In keeping with the City of Glendale commitment to effective functioning of democratic government, public officials, both elected and appointed, shall comply with both the letter and spirit of the laws and policies affecting the operations of government; be independent, impartial and fair in their judgment and actions; use their office for the public good and not for personal gain. All public deliberations and processes shall be conducted openly, unless to be held confidential in accordance with the law, and in an atmosphere of respect and civility.

To this end, the Glendale City Council has adopted a Code of Ethics for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

## **Section 1 – Keep the Public Interest Paramount**

Recognizing that stewardship of the public interest is their primary concern, all members will work for the common good of the people of Glendale and not for any private or personal interest, and they will assure fair and equal treatment of all persons and issues coming before the Glendale City Council, boards and commissions.

## **Section 2 – Comply with the Law**

Members shall comply with the laws of the nation, the State of Arizona and the City of Glendale in the performance of their public duties. These laws include, but are not limited to: the United States and Arizona constitutions; the Glendale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

## **Section 3 – Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members, in compliance with the Code of Conduct, shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public.

## **Section 4 – Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions.

## **Section 5 – Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

## **Section 6 – Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

## **Section 7 – Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision making process.

## **Section 8 – Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.

Furthermore, members shall comply with the law and rules with respect to all actual or potential conflicts of interest.

### **Section 9 – Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Members shall comply with state laws pertaining to the disclosure of gifts or prohibits against gift in any specific and applicable circumstances.

### **Section 10 – Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information for private interests, financial gain, or any other personal purposes.

### **Section 11 – Use of Public Resources**

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

### **Section 12 – Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of council shall not appear on behalf of the private interests of third parties before the council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

### **Section 13 – Advocacy**

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Glendale, nor will they allow the inference that they do.

### **Section 14 – Policy Role of Members**

Members shall respect and adhere to the council-manager form of government as established by the City Charter. Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement council policy decisions.

### **Section 15 – Independence of Boards and Commissions**

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

## **Section 16 – Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## **Section 17 – Implementation**

As an expression of the standards of conduct for members, the Code of Ethics for Elected Officials and Board and Commission Members is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

## **Section 18 – Compliance and Enforcement Procedures**

### **A. Process for Councilmembers**

- (1) The first and most important step in this section is the requirement that the offended Council member address the concern with the offending Council member including a description of the specific action observed, the relationship of that event to the Code and, if applicable, the impact it had on the offended Council member. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other Council members.
- (2) Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion. If any expenses are incurred they will be paid for equally from the district funds of each member engaged in the mediation.
- (3) If the situation cannot be settled through the process in steps (1) and (2), either Council member may choose to refer the concern to the entire Council for their review. The Council will serve as a committee of the whole for purposes of Code violation and sanction consideration.
- (4) To present the concern to the Council, the offended member must advise the offending Council member that the issue will be taken to the Council and subsequently ask the City Manager to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply. Included in those rules is the option for the offending Council member to exercise their right to request that the discussion be held in an open hearing. The City Attorney's Office will prepare notice to the Council member or Council members that are to be discussed in executive session as required by law.
- (5) The Council will discuss the issue in order to:
  - (a) become fully informed;
  - (b) determine if there appears to be a violation of the Code of Conduct;
  - (c) seek resolution without further action or, if necessary schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred and if necessary;

- (d) determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- (6) A 2/3 vote of the Council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a 2/3 vote for the sanction to be imposed.
- (7) If a sanction is imposed, the language will follow a specific format to be established by the Council and used consistently as such situations occur.

**B. Process for Board and Commission Members**

Inappropriate behavior can lead to removal. Inappropriate behavior by a Board or Commission member should be communicated to the Chair of the Government Services Committee who will communicate to the council member who presented the member for appointment. If inappropriate behavior continues, the situation will be brought to the attention of the council and the individual is subject to removal from the Board or Commission in accordance with any applicable ordinance.

**C. Effects of Violations**

The Code of Ethics alone does not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the council, a board or a commission.

**RESOLUTION NO. 2014-09**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE TOWN OF FOUNTAIN HILLS, ARIZONA TOWN COUNCIL RULES OF PROCEDURE, AMENDED AND RESTATED FEBRUARY 6, 2014.

**BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

SECTION 1. The Town of Fountain Hills, Arizona, Town Council Rules of Procedure, Amended and Restated February 6, 2014, are hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

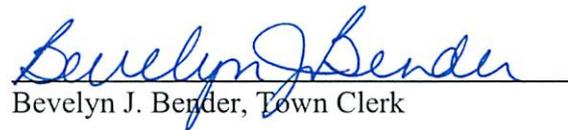
SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, February 6, 2014.

**FOR THE TOWN OF FOUNTAIN HILLS:**

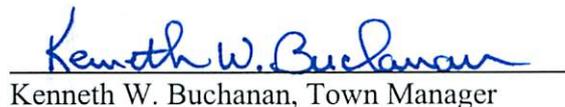
**ATTESTED TO:**

  
Linda M. Kavanagh, Mayor

  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
Kenneth W. Buchanan, Town Manager

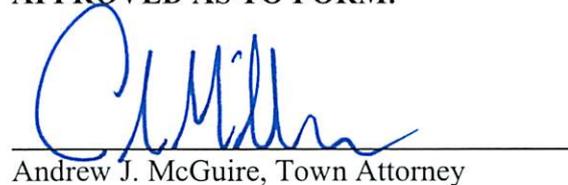
  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
RESOLUTION NO. 2014-09

[Town Council Rules of Procedure, Amended and Restated February 6, 2014]

See following pages.

**TOWN OF FOUNTAIN HILLS, ARIZONA**

**TOWN COUNCIL**

**RULES OF PROCEDURE**

**AMENDED AND RESTATED**

**FEBRUARY 6, 2014**

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## **SECTION 1. RULES OF PROCEDURE/AUTHORITY**

### **1.1 PROCEDURES**

The following are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the Council, Boards, Commissions and Committees:

- A. State Law
- B. Town Code, including these Council Rules
- C. Parliamentary Procedure at a Glance, New Edition, by O. Garfield Jones
- D. Roberts Rules of Order, 10th edition, as amended

In case of inconsistency, conflict, or ambiguity among the documents listed above, such documents shall govern in the order in which they are listed.

### **1.2 PRESIDING OFFICER**

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the Presiding Officer of all Meetings of the Council. In the absence or disability of both the Mayor and the Vice-Mayor, the Meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. If a majority of the Councilmembers present are unable to agree on a Presiding Officer for the meeting, the meeting shall automatically be adjourned and all agenda items shall be carried over to the next regular Council Meeting.

### **1.3 PARLIAMENTARIAN**

The Town Attorney shall serve as Parliamentarian for all Meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

### **1.4 SUSPENSION OF THE RULES**

The Council, by a three-quarter vote of all members present, may suspend strict observance of these Council Rules or other policies and procedures for the timely and orderly progression of the Meeting; provided, however, that a simple majority of the Council may cause a change in the order of items on the Agenda.

## **SECTION 2. DEFINITIONS**

### **2.1 AGENDA**

As set forth in the Order of Business, an Agenda is a formal listing of items to be considered by (i) the Council at a noticed meeting of the Council or (ii) the applicable Board, Commission or Committee at a noticed meeting of that body. The content of the Agenda may not be changed less than 72 hours prior to the public meeting, except in exceptional circumstances, but in no event shall the Agenda be altered less than 24 hours prior to the public meeting, unless otherwise authorized by State law.

### **2.2 AGENDA PACKET**

A compilation of documents supporting the items listed on the Agenda and requiring Council consideration or action, which may be used by Council, staff and the public for more in-depth information than may be presented in an oral report. The Agenda Packet is organized as set forth in the Order of Business in Section 5 below and is made available electronically to the Council or to any citizen on the Town's website: [www.fh.az.gov](http://www.fh.az.gov) by 6:00 p.m. the Thursday prior to the date of the meeting.

### **2.3 CONSENT AGENDA**

Items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of Consent Agenda items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or by notifying the Town Manager prior to the date of the meeting. The item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

### **2.4 COUNCIL**

Collectively, the Mayor and Common Council of the Town of Fountain Hills.

### **2.5 COUNCIL RULES**

These Town of Fountain Hills, Arizona, Town Council Rules of Procedure.

### **2.6 MEETING**

The gathering, in person or by technological devices, of a quorum of the Council, Boards, Commissions or Committees, at which the Councilmembers, Board members, Commissioners, or Committee members discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be

named for the record by the Town Clerk or the staff liaison for a Board, Commission or Committee.

## **2.7 NEWSPAPER**

A daily or weekly paid publication of general circulation within the Town of Fountain Hills, Arizona.

## **2.8 NOTICE**

A formal announcement to the public that sets the date, time and the place at which a Meeting will be held. Such notice of Meetings shall be in accordance with the State law, the Town Code and these Council Rules.

## **2.9 QUORUM**

The minimum number of Members of the Council, Board, Commission, or Committee that must be present in order for business to be legally transacted. With a seven-member body, a quorum is four Members, unless otherwise specifically authorized by State law.

## **2.10 TOWN**

The Town of Fountain Hills, an Arizona municipal corporation.

# **SECTION 3. MEETINGS**

## **3.1 REGULAR MEETINGS**

- A. Regular Meeting Date; Time. The Council shall hold regular Meetings on the first and third Thursday of each month at 6:30 p.m. When deemed appropriate, any regular Meeting date of the Council may be changed or cancelled by a majority of the Council. Notice of the rescheduled or cancelled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular Meetings shall be held at the Town Hall Council Chambers or at such place as may be prescribed by the Mayor or the Town Manager. The Council may provide for a “Call to the Public” at such regular Meetings.
- B. Holidays. When the day for a regular Meeting of the Council falls on a legal holiday, no Meeting shall be held on such holiday, but such Meeting shall be held at the same time and the same location on the day designated by the Council that is not a holiday, unless the meeting is otherwise cancelled by the Council.

### **3.2 ADJOURNED MEETINGS**

Any Meeting may be adjourned to a time, place and date certain, but not beyond the next regular Council Meeting. Once adjourned, the Meeting may not be reconvened except at the time, date and place provided for in the motion to adjourn.

### **3.3 SPECIAL MEETINGS**

The Mayor, the Town Manager, or the Town Clerk (upon the written request of three Councilmembers), may convene the Council at any time after giving at least 24 hours' notice of such Meeting to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such special Meeting. In the case of an actual emergency, a Meeting may be held upon such notice as is appropriate to the circumstances.

### **3.4 WORK SESSIONS**

- A. How Convened; When Convened; Notice. The Mayor or the Town Manager (at his own discretion or upon the written request of three Councilmembers) may convene the Council in a Work Session at any time after giving notice at least 24 hours in advance of such Meeting to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such special Meeting.
- B. Purpose. Work sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a regular Meeting. No formal action of the Council may be taken at such Meetings, other than general consensus or conveying direction to staff for further action. These Meetings shall not provide for a "Call to the Public."

### **3.5 EXECUTIVE SESSIONS**

Subject to applicable State law, the Council may hold such closed executive sessions as necessary to conduct the business of the Town.

### **3.6 EMERGENCY MEETINGS**

As provided for by State law, the Mayor and Council or the Town Manager may call a special emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a Meeting notice 24 hours or more before the Meeting. Notice of an emergency Meeting of the Council will be posted within 24 hours following the holding of an emergency Meeting. The notice will include the emergency Meeting's Agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a "Call to the Public."

### **3.7 MEETINGS TO BE PUBLIC**

- A. Open to Public. With exception of executive sessions, all regular, special and work session Meetings of the Council, Boards, Commissions, and Committees shall be open to the public.
- B. Public Comment. Public comment (Call to the public) is not taken at work sessions, emergency Meetings or at special Meetings, unless the special Meeting is held in place of a regular Meeting, or unless the special Meeting includes a public hearing on the Agenda.

### **3.8 MINUTES OF MEETINGS**

- A. Staffing. The Town Clerk shall ensure staff attendance at all regular, special, work session, emergency and executive session Meetings of the Council for the purpose of taking notes and/or audio recordation of the Meeting. The Town staff liaison to each Board, Commission or Committee shall ensure staff attendance at all Meetings for the purpose of taking notes and/or audio recordings of the Meetings.
- B. Recordings; written minutes. To the extent possible, all open, public Meetings shall be recorded by means of audio or video technology. In addition, written minutes reflecting legislative intent shall be taken so that an accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. Audio or video recordings of Meetings will be retained for a period of time in accordance with the current Town of Fountain Hills and/or State of Arizona approved records retention and disposition schedules. Minutes shall identify speakers by name and shall indicate whether they are Fountain Hills residents, and whether they support or oppose the proposed action (i.e. “for” or “against”) along with a summary of the speakers’ verbal comments provided at the meeting.
- C. Availability. All Meeting minutes of the Council, Boards, Commissions, and Committees are deemed to be public records, with the exception of executive session minutes, which, while they fall under the definition of and are considered public records by State law, are deemed confidential and are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recordings of all open Meetings of the Council, Boards, Commissions, and Committees must be available for public review by 5:00 p.m. on the third working day following each Meeting, or as provided by State law. The Town Clerk or designee shall ensure that the Minutes of all regular, special and work-study Meetings of the Council, Boards, Commissions, and Committees are made available through the Town’s Web Site, [www.fh.az.gov](http://www.fh.az.gov) within two working days following their approval, or as provided by State law.

- D. Executive Sessions. Minutes of executive sessions (1) shall be confidential, (2) are maintained and secured by the Town Clerk and (3) may be accessed only as provided by State law.
- E. Approval. Minutes of all Meetings of the Council (other than Executive Sessions) may be approved under the consent agenda, unless removed for discussion and separate action.

## **SECTION 4. NOTICE AND AGENDA**

### **4.1 POSTING NOTICES**

- A. Time. The Town Clerk, or authorized designee, shall prepare all public Meeting notices of the Council, and shall ensure posting of the Meeting notices no less than 24 hours before the date and time set for said Meetings in accordance with State law. The staff liaison to each Board, Commission or Committee shall ensure that agendas are posted in the same manner as for the Council.
- B. Locations. Meeting notices shall be posted at a minimum of three locations within the Town, including the Community Center, Town Hall and the Town's website [www.fh.az.gov].

### **4.2 AGENDA PREPARATION**

- A. Availability. The Town Manager, or authorized designee, shall prepare the Agendas for all Meetings of the Council as set forth below. Agendas of all Meetings of the Council shall generally be available to the public no less than 72 hours prior to said Meetings, except in exceptional circumstances. In no event shall the Agenda be made available less than 24 hours prior to said Meeting. Agendas and Agenda packet materials are made available through the Town's web site. The staff liaison to each Board, Commission or Committee shall ensure that the agenda is available in the same manner as required for the Council.
- B. Submittal Process. Items may be placed on the Council Agenda for discussion and possible action by the following process (the Agenda process for Boards, Commissions or Committees shall be as determined by the applicable Department Head which shall be substantially the same as the Council agenda submittal process):
  - 1. All Departments: Preparation of the Agenda Action form with signatures of the department director and staff (including all attachments) provided to the Town Clerk for submittal to the Town Manager not later than two business days prior to Agenda Packet preparation day (the Thursday prior to Meeting date). Town Manager approves/amends items and signs off, finalizing the item for inclusion in the Agenda Packet.

2. Mayor and Councilmembers: The Mayor or three Councilmembers may direct the Town Manager through a written request to place an item on an Agenda for action. Any Councilmember may direct the Town Manager to place an item on a future Agenda during the “Council Discussion/Direction to Town Manager” portion of a Meeting for discussion relating only to the propriety of (i) placing such item on a future Agenda for action or (ii) directing staff to conduct further research and report back to the Council.
3. Town Manager and Town Attorney: The Town Manager or Town Attorney may place an item on the Agenda by including appropriate documentation.
4. Citizen or Group: A citizen or group may apply to have an item placed on the Agenda as follows:
  - a. Obtain a “Scheduled Public Appearance/Presentation” form from the Town Clerk and, when completed, return it to the Town Clerk for submission to the Town Manager.
  - b. The Town Manager or authorized designee shall research the issue to determine if it may be handled administratively or will require Council discussion. If it is determined that the matter should be placed before the Council, the Town Manager shall ensure that documentation, if any, is compiled and the material included in the Agenda Packet. If the Town Manager determines that the subject should not be placed on the Agenda, an individual wishing to have an item on the Agenda as a “Scheduled Public Appearance” may (i) ask that the request be forwarded to the Mayor for consideration or (ii) obtain the written request of three members of the Council to place the item on the Agenda, and submit that request to the Town Manager.
  - c. The Town Manager may postpone the requested appearance/presentation date, if additional staff time is needed to research a proposed Agenda item.

C. Time Lines for Submission of Items.

1. Agenda items shall be submitted to the Town Manager by 2:00 p.m., not less than nine calendar days prior to regular and special Meetings to ensure timely delivery to Councilmembers.
2. Agenda items for Work-Study Meetings shall be submitted to the Town Manager by 2:00 p.m., not less than seven calendar days prior to the meeting to ensure timely delivery to Councilmembers.

3. The Town Manager may approve exceptions to the schedule above in order to ensure that the distribution of all Agenda Packets to the Council is in conformance with these Council Rules.
  4. Any requests requiring audio/visual support must be submitted to the Town Clerk for coordination with the information and technology division a minimum of 48 hours prior to the Meeting to ensure proper coordination and preparation. Department directors are responsible for obtaining presentation materials from applicants or presenters involved in their respective Agenda items.
- D. Agenda Item Submittals for Council Executive Sessions. Items may be placed on the Agenda for Council executive session discussion (if in compliance with the Town Code and applicable State Statutes) by the following process:
1. Submission by a Councilmember, the Town Manager or the Town Attorney (with notice to all Councilmembers).
  2. Submission by the Mayor (with notice to all Councilmembers).
  3. The Town Manager and the Town Attorney shall review the submittal for executive session discussion, prior to placement on the Agenda, to ensure that the item is the proper subject of an executive session pursuant to State law.
  4. The Town Attorney shall advise the Town Clerk regarding the appropriate Agenda language of executive session items.
- E. Agenda Packets. Full Agenda Packets for all noticed Meetings (except executive session documentation) of the Council shall be made available to Councilmembers electronically, generally seven days before Regular Meetings and five days before Work-Study Meetings; provided, however, that Agenda Packets may be supplemented later under special circumstances so long as no Agenda Packet material is made available less than 72 hours prior to the Meeting, except in the case of exceptional circumstances or an emergency Meeting.
- F. Removal Requests. Requests to remove items from the Consent Agenda occurring after the 72 hour posting deadline will be announced by the Mayor at the beginning of the meeting at which the item was scheduled. The posted Agenda will remain unchanged.

### **4.3 DISTRIBUTION OF NOTICES AND AGENDAS**

- A. Copies. The Town Clerk shall ensure that the Mayor and Council receive copies of all Meeting notices and Agendas and any documentation provided for said

Meeting electronically, not less than 72 hours prior to the Meeting, unless exceptional circumstances require a later delivery.

- B. Distribution. The Town Clerk shall ensure that the Meeting notices, Agendas and packet documentation, as deemed necessary, are posted to the Town’s website: [www.fh.az.gov](http://www.fh.az.gov) and made available to the Mayor and Council, the public, Town Manager, Town Attorney, and staff electronically by 6:00 p.m. on the Thursday prior to the date of the meeting.
- C. Amendments. A posted Agenda may be amended up to 72 hours prior to such meeting. In exceptional circumstances, such Agenda may be amended up to, but not less than, 24 hours prior to the designated Meeting, unless otherwise authorized by State Law. Amended Agendas shall indicate the date amended.

## **SECTION 5. ORDER OF BUSINESS**

### **5.1 ORDER OF BUSINESS**

The Order of Business of each Meeting shall be as contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of business items that shall be taken up for consideration.

### **5.2 REGULAR MEETINGS**

The Agenda shall be prepared in the following order:

#### **AGENDA**

**Call To Order & Pledge Of Allegiance**

**Invocation/Moment of Reflection**

**Roll Call**

**Mayor’s Report** (including proclamations)

**Scheduled Public Appearances/Presentations** (if any)

**Call to the Public** (Non-agenda items) (preceded by the following paragraph)

Pursuant to ARIZ. REV. STAT. § 38-431.01(H), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place and manner restrictions. The Council will not discuss or take legal action on matters raised during “Call to the Public” unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review the matter or (iii) ask that the matter be placed on a future Council agenda.

**Consent Agenda** (preceded by the following explanatory paragraph)

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and

subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

**Action Items** (grouped by subject to the extent possible)

**Council Discussion/Direction to Town Manager** (Items for future Agendas)

**Summary of Council Requests and Report on Recent Activities by the Mayor,  
Individual Councilmembers and the Town Manager**

**Adjournment**

All Agendas shall have the following statement placed at the bottom:

The Town of Fountain Hills endeavors to make all public Meetings accessible to persons with disabilities. Please call 837-2003 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the Meeting to request a reasonable accommodation to participate in this Meeting or to obtain Agenda information in large print format.

- A. Roll Call. Following the Call to Order and the Pledge of Allegiance, the Moment of Reflection or Invocation and before proceeding with the business of the Council, the Presiding Officer shall direct the Town Clerk or authorized designee to call the Roll, and the names of Councilmembers both present and absent shall be entered into the minutes. The order of roll call shall be: Mayor, Vice Mayor and then Councilmembers from the Mayor's far right to the Mayor's far left.
- B. Mayor's Report. The Mayor may use "Mayor's Report" to read proclamations or conduct other ceremonial matters as listed on the posted Agenda.
- C. Scheduled Public Appearances/Presentations. The process set forth in Subsection 4.2(B)(4) above applies to members of the public or groups wishing to place an item on the Agenda under "Scheduled Public Appearances/Presentations". If the request is approved by the Town Manager, the item will appear on the agenda. The Town Manager shall endeavor to limit the total time for such presentations to ten minutes individually and 30 minutes collectively per Council meeting. Councilmembers may use "Scheduled Public Appearances/Presentations" section to provide an update of official activities, as listed on the posted Agenda.
- D. Call to the Public.
  - 1. All citizens and interested parties will be limited to a maximum of three minutes to address the Council on a non-Agenda item.

2. All citizens and interested parties wishing to speak before the Council shall fully complete a speaker's request form. Speaker Cards submitted by those who indicate they will not speak will be grouped together in the order in which the cards were received and by the categories of "for" and "against" relating to the item indicated on the Speaker Card. The Town Clerk will announce the number of cards received, if any, and number received per category.
3. At the conclusion of each citizen's comments, the Presiding Officer may take any or all of the following actions:
  - a. Thank speaker for addressing issue.
  - b. Ask staff to review matter.
  - c. Ask that a matter be put on a future Agenda.
  - d. Permit individual Councilmembers to respond to criticism raised during the Call to the Public.
4. At the discretion of the Presiding Officer light and/or sound signals may be used to indicate the commencement of the time for speaking and a warning light may flash to show that the appropriate time has passed. A red light will signal that there is no longer any remaining time.

E. Consent Agenda.

1. The Consent Agenda includes items that are of such a nature that discussion is not required, or issues that have been previously studied by the Council. These items may be adopted by one motion and a roll call vote.
2. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the Meeting requests that an item or items be removed for discussion. Councilmembers or the public may not ask a question without removal of the item from the Consent Agenda.
3. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided under Section 1.4 (Suspension of the Rules) above.

F. Action Items.

1. At the time each business item is presented to the Council, the Town staff shall present a report on the subject and the applicant, if any, may also speak. The Mayor or the Town Clerk, or authorized designee, will then call the speaker cards of those citizens desiring input and comments. All citizens and interested parties wishing to speak before the Council shall fully complete speaker request forms and submit the forms to the Town Clerk, or authorized designee, prior to Council discussion of that Agenda item. Sufficient speaker request forms shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. Completed speaker request forms will be retained by the Town Clerk until the draft minutes are approved by the Council at a subsequent meeting. Speakers' names and comments will be summarized and included in the meeting minutes. Speakers will be called in the order in which the speaker cards were received. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his/her opportunity to speak on that matter.
2. Those speaking before Council will be allowed three contiguous minutes to address Council, but time limits may be waived by (a) discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a Meeting, (b) consensus of the Council at a Meeting or (c) the Mayor either prior to or during a Meeting. Speakers may not (a) reserve a portion of their time for a later time or (b) transfer any portion of their time to another speaker.
3. The purpose of all public comments is to provide information and the speaker's views for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with staff, other speakers, the audience or Councilmembers; all remarks will be addressed to the Presiding Officer and not to individual Councilmembers. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Councilmembers may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Councilmember shall engage in debate directly with such speakers, representatives or Town staff.
4. Proper decorum, in accordance with Section 6.4 below, must be observed by Councilmembers, by speakers in providing testimony and remarks and by the audience. In order to conduct an orderly business Meeting, the Presiding Officer shall keep control of the Meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or

interferes with the orderly conduct of the business of the Meeting. Personal attacks on Councilmembers, Town staff or members of the public are not allowed.

5. Generally, Agenda items requiring public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
  - a. The Presiding Officer will announce the matter that is set forth for a public hearing and, if appropriate, ask the staff to provide a report of the matter.
  - b. The Presiding Officer will then ask the applicant to speak regarding the matter.
  - c. At the conclusion of the staff report and/or presentation by the applicant, the Presiding Officer will open the public hearing for comments from the public.
  - d. After all public comments are heard, the Presiding Officer will close the public hearing, and may ask staff or the applicant to respond to the comments.
  - e. The Presiding Officer may then call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.
  - f. Upon the conclusion of Council comment, the Presiding Officer will call for action on the motion.
  - g. Exhibits, letters, petitions, and other documentary items presented or shown to the Council on a public hearing item become part of the record of the public hearing and shall be maintained by the Town Clerk.
  - h. Ten collated sets of written or graphic materials should be provided by the speaker to the Town Clerk prior to the commencement of the hearing to allow for distribution to the Council, key Town staff and the Town Clerk for inclusion in the public record. Reduced copies (8 ½" X 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. The appropriate staff member shall be responsible to notify applicants of this requirement.
6. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda and the number of persons desiring to speak on an issue, the Presiding Officer

may, at the beginning of the Agenda item, limit repetitive testimony, but in no event to less than three minutes per topic. Upon approval of (a) the Presiding Officer or (b) a majority of the Council, persons may be allowed to speak longer than three minutes. Councilmembers may ask the individual speaker questions through the Presiding Officer.

7. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Council in this regard.
- G. Council Discussion/Direction to Town Manager. The Council may (1) give direction to the Town Manager to follow-up on matters presented at that Meeting, (2) to bring an item before the Council on a future Agenda for discussion and possible action, or (3) direct staff to conduct further research and report back to the Council.
- H. Summary of Council Requests and Report on Recent Activities by the Mayor, Individual Councilmembers and the Town Manager. At the conclusion of the Council Discussion/Direction to Town Manager, the Town Manager shall review with the Council all matters raised at that Meeting requiring follow-up from the Town Manager or Town staff. The Town Manager may also suggest timelines for such follow-up. The Mayor, individual Councilmembers and the Town Manager may present a brief summary on current events and/or activities. The Arizona open meeting law does not allow discussion or action on any matter mentioned during this summary.
- I. Adjournment. The open, public Meetings of the Council may be adjourned by consensus of the Council.

### 5.3 SPECIAL MEETINGS

- A. As Substitute for Regular Meeting. If a Special Meeting is being held as an extension of or in place of a Regular Meeting, the Agenda shall be as set forth for a Regular Meeting.
- B. Generally. For all other Special Meetings, the Agenda shall be prepared in the following order:

#### AGENDA

**Call To Order**

**Roll Call**

**Consent Agenda** (if needed – explanatory paragraph same as regular Meeting)

**Action Items** (grouped by subject to the extent possible)

**Adjournment**

## **5.4 WORK SESSION MEETINGS**

The primary purpose of work session Meetings is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

**The work session Agenda shall be prepared in the following order:**

**Call To Order**

**Roll Call**

**Work Session Statement** (explanatory statement)

**All Items Listed Are For Discussion Only. No Action Can Or Will Be Taken.**

The primary purpose of work session Meetings is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

**Agenda Items For Discussion** (Items Numbered For Order)

**Adjournment**

## **SECTION 6. PROCEDURES FOR CONDUCTING THE MEETING**

### **6.1 CALL TO ORDER**

A Meeting of the Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the Meeting shall be called to order by the Town Clerk, who shall immediately call for the selection of a temporary Presiding Officer.

### **6.2 PARTICIPATION OF PRESIDING OFFICER**

The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and he/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the Meeting.

### **6.3 QUESTION TO BE STATED**

The Presiding Officer shall verbally restate, or shall ask the Town Clerk to verbally restate, each question immediately prior to calling for discussion and the vote. Following the vote, the Presiding Officer shall ask the Town Clerk or authorized designee to verbally announce the results of voting, including the ayes, nays and abstentions. The Presiding Officer shall publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at work sessions or executive sessions.

### **6.4 RULES/DECORUM/ORDER**

- A. Points of Order. The Presiding Officer shall determine all points of order after consultation with the Parliamentarian, subject to the right of any member to appeal such determination to the whole Council. If any appeal is taken, the question (motion) shall be substantially similar to the following: “Shall the decision of the Presiding Officer be sustained?” In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.
  
- B. Order and Decorum.
  - 1. Councilmembers: Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.
  
  - 2. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to Councilmembers. The Town Manager shall ensure that all Town employees observe such decorum and will direct the participation of any staff member in the discussion of the Council. The Town Manager shall first be recognized by the Presiding Officer prior to addressing the Council. Any staff member desiring to speak shall first be recognized by the Town Manager.
  
  - 3. Public: Members of the public attending the Meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos or yells shall not be permitted by the Presiding Officer, who may direct a law enforcement officer to remove such offender/s from the room.
  
- C. Enforcement of Decorum. Proper decorum is to be maintained during all Meetings by the Council, staff and guests. It is the responsibility of the Presiding Officer of the Meeting to ensure compliance with this Policy. The Presiding Officer shall request that a speaker refrain from improper conduct; if the speaker refuses, the Presiding Officer may end the speaker’s time at the podium. If the

speaker refuses to yield the podium after being asked to do so by the Presiding Officer, the Presiding Officer may (1) recess the Meeting for a brief time (2) end the speaker's time at the podium or (3) direct a law enforcement officer present at the Meeting to remove from the Meeting the person whose conduct is disorderly or disruptive.

## **6.5 TELECONFERENCE PROCEDURE**

Meetings may be conducted by teleconference as follows:

- A. Prior Notice. When a Councilmember is unable to attend a Meeting and desires to participate in the Meeting by telephone, the Councilmember shall be permitted to do so provided he/she gives the Town Clerk, or authorized designee, notice of his/her inability to be present at the Meeting at least 48 hours prior to the Meeting.
- B. Notation on Agenda. The notice of the Meeting and the Agenda shall include the following: "Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call."
- C. Public Access. Facilities will be used at the Meeting to permit the public to observe and hear all telephone communications.
- D. Notation in Minutes. The Minutes of the Meeting shall clearly set forth which members are present in person and which are present by telephone.

## **6.6 ADDRESSING THE COUNCIL**

- A. Manner of Addressing the Council.
  - 1. Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, the speaker shall clearly state his/her name for the record and shall indicate if he/she is a Town resident.
  - 2. Special assistance for sight and/or hearing-impaired persons can be provided. Anyone requiring such assistance should contact the Town Clerk 48 hours before a Meeting to request an accommodation to participate in the Meeting.
- B. Limitation Regarding Public Comment and Reports. The making of oral communications to the Council by any member of the public during the "Call to the Public: (Non-Agenda Items)" or under an action item, shall be subject to the following limitations:

1. All citizens wishing to address the Council shall complete and submit a speaker's request form as set forth in Subsection 5.2(F) above.
2. The Presiding Officer may limit the number of speakers heard on non-Agenda topics at any single Meeting to allow the Meeting to proceed and end in a timely manner.
3. If it appears that several speakers desire to provide repetitive comments regarding a single topic, the Presiding Officer may limit the number of speakers.

C. Motions.

1. Processing of Motions: When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
2. Precedence of Motions: When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:
  - a. Fix the time to adjourn
  - b. Adjourn
  - c. Recess
  - d. Raise a question of Privilege
  - e. Table
  - f. Limit or extend limits of debate
  - g. Postpone to a certain time and date
  - h. Amend
  - i. Postpone Indefinitely
  - j. Main Motion
3. Motion to Postpone Indefinitely: A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

4. Motion to Table: A motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next regular Meeting.
  5. Motion to Limit or Terminate Discussion: Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as “Call for the Question” and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion; it requires a two-thirds vote. The vote shall be taken by voice. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.
  6. Motion to Amend:
    - a. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment on the floor shall not be in order.
    - b. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
    - c. Amendments shall be voted on first, prior to consideration of subsequent amendments. After all amendments have been voted on, the Council shall vote on the main motion (as amended, if applicable).
  7. Motion to Continue: Motions to continue shall be debatable only as to the propriety of postponement. Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set only.
- D. Addressing the Council after Motion is Made. After the motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.
- E. Voting Procedure. After discussion has been concluded and the Mayor, the Councilmember who made the motion or the Town Clerk has restated the motion under consideration, the following procedure shall apply:

1. Casting a Vote:
  - a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained and recorded in the Meeting minutes. Upon the request of the Mayor or a Councilmember, the vote shall be taken by roll call.
  - b. The vote on each motion shall be entered into the record by names of the Councilmembers voting for or against. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
  - c. If a Councilmember has declared a Conflict of Interest, the Town Clerk shall include a statement such as “Abstained due to declared Conflict of Interest” in the Official Minutes as part of the results of the vote.
  - d. If the roll call method of voting is used, the Town Clerk or designee shall call the names of all members in random order with each new vote. Members shall respond “Aye” or “Nay.”
2. Failure to Vote:
  - a. All Councilmembers in attendance at a duly called Meeting that requires formal Council action are required to vote. A member may abstain from voting only if he/she has a conflict of interest under State law, in which case such member shall take no part in the deliberations on the matter in question.
  - b. Should a Councilmember fail to vote or offer a voluntary abstention, his/her vote shall be counted with the majority of votes cast, unless the Councilmember’s vote is excused by the State law; however, in the event of a tie vote, his/her vote shall be counted as “Aye.”
3. Reconsideration: Any Councilmember who voted with the majority may move a reconsideration of any action at the same or next regular Meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.
4. The affirmative vote of a majority of a Quorum shall be required for passage of any matter before the Council.

## **SECTION 7. CONFLICT OF INTEREST**

### **7.1 INTRODUCTION**

Occasionally, a Councilmember may find himself/herself in a situation that requires a Councilmember remove himself/herself from participation in discussion and voting on a matter before the Council. This situation exists when the Councilmember has a “conflict of interest” as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision, which might unduly affect their personal interests or those of their close relatives.

### **7.2 PURPOSE OF CONFLICT OF INTEREST LAWS**

The purpose of Arizona’s Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official’s decision, as well as to discourage deliberate dishonesty.

### **7.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW**

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by Councilmembers, Board members, Commissioners, and Committee members.

### **7.4 DISCLOSURE OF INTEREST**

Any Councilmember, Board member, Commissioner, or Committee member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State law. Any member who has a conflict of interest in any decision must disclose that interest at the Meeting and in writing on a form provided by the Town Clerk. The disclosure of the conflict shall include a statement that the member withdraws from further participation regarding the matter. The Town Clerk or designee shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a member.

### **7.5 WITHDRAWAL FROM PARTICIPATION**

Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember, Board member, Commissioner, or Committee member must not communicate about the matter with anyone involved in the decision making process in any manner. Further, the member should not otherwise attempt to influence the decision and should remove himself/herself from the Council Chamber, or other location where a meeting is being held, while the matter is considered. Failure to disclose any conflict of interest is addressed in Section 7.8 below.

### **7.6 RULE OF IMPOSSIBILITY**

In the unlikely situation that the majority of Councilmembers, Board members, Commissioners, or Committee members have a conflict of interest and the Council, Board, Commission or

Committee is unable to act in its official capacity, members may participate in the discussion and decision after making known their conflicts of interest in the official records.

#### **7.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN**

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are (A) part of the compensation they would normally be entitled to for performing their duties or (B) otherwise permitted according to State Law.

#### **7.8 SANCTIONS FOR VIOLATIONS**

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in State law.

#### **7.9 NON-STATUTORY CONFLICTS OF INTEREST**

Occasionally, a Councilmember, Board member, Commissioner, or Committee member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the State law described above. It is the policy of the Council to encourage members to adhere to strongly held ethical values, which are exercised in good faith. However, subsection 6.6(E)(2) above encourages participation in the decision making process unless the matter involves a statutory conflict of interest set forth by State law.

### **SECTION 8. CODE OF ETHICS**

The purpose of this policy for the Town is to ensure the quality of the Town Government through ethical principles that shall govern the conduct of the Council and members of the Town's boards, commissions, and committees.

In furtherance of this purpose, we shall:

- 8.1 OBEY THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, THE CONSTITUTION, AND LAWS OF THE STATE OF ARIZONA AND THE LAWS OF THE TOWN OF FOUNTAIN HILLS.**
- 8.2 BE DEDICATED TO THE CONCEPTS OF EFFECTIVE AND DEMOCRATIC LOCAL GOVERNMENT THROUGH DEMOCRATIC LEADERSHIP.**

We shall honor and respect the principles and spirit of representative democracy and shall set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules, and regulations.

**8.3 AFFIRM THE DIGNITY AND WORTH OF THE SERVICES RENDERED BY THE TOWN GOVERNMENT AND MAINTAIN A DEEP SENSE OF SOCIAL RESPONSIBILITY AS A TRUSTED PUBLIC SERVANT.**

**8.4 BE DEDICATED TO THE HIGHEST IDEALS OF HONOR, ETHICS, AND INTEGRITY IN ALL PUBLIC AND PERSONAL RELATIONSHIPS.**

A. Public Confidence. We shall conduct ourselves so as to maintain public confidence in Town government and in the performance of the public trust.

B. Impression of Influence. We shall conduct our official and personal affairs in such a manner as to give a clear impression that we cannot be improperly influenced in the performance of our official duties.

**8.5 RECOGNIZE THAT THE CHIEF FUNCTION OF LOCAL GOVERNMENT IS AT ALL TIMES TO SERVE THE BEST INTERESTS OF ALL THE PEOPLE.**

We shall treat our office as a public trust, only using the power and resources of public office to advance public interests and not to attain personal benefit or pursue any other private interest incompatible with the public good.

**8.6 KEEP THE COMMUNITY INFORMED ON MUNICIPAL AFFAIRS; ENCOURAGE COMMUNICATION BETWEEN THE CITIZENS AND ALL MUNICIPAL OFFICERS; EMPHASIZE FRIENDLY AND COURTEOUS SERVICE TO THE PUBLIC; AND SEEK TO IMPROVE THE QUALITY AND IMAGE OF PUBLIC SERVICE.**

A. Accountability. We shall ensure that government is conducted openly, efficiently, equitably, honorably, and in a manner that permits the citizens to become fully informed to allow them to hold Town officials accountable.

B. Respectability. We shall safeguard public confidence in the integrity of Town government by being honest, fair, caring, and respectful, and by avoiding conduct creating the unexplainable appearance of impropriety, or impropriety of which is otherwise unbecoming a public official.

**8.7 SEEK NO FAVOR; BELIEVE THAT PERSONAL BENEFIT OR PROFIT SECURED BY CONFIDENTIAL OR PRIVILEGED INFORMATION OR BY MISUSE OF PUBLIC TIME IS DISHONEST.**

A. Private Employment. We shall take any steps necessary to ensure that we comply with the State law regarding conflicts of interest when we engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business.

- B. Confidential Information. We shall not disclose to others, or use to further our personal interest, confidential information acquired in the course of our official duties.
- C. Gifts. We shall not directly or indirectly, in connection with service to the Town, solicit any gift or accept or receive any gift - of any value - whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gratuity. This policy shall not apply to hospitality, transportation or other assistance provided to Town officials when such hospitality, transportation or other assistance is (i) directly related to their participation in community events as a representative of the Town or (ii) of inconsequential value and accepted as a courtesy.
- D. Investment in conflict with official duties. We shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with our official duties.
- E. Personal relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of conflict of interest or a conflict of interest.

**8.8 CONDUCT BUSINESS OF THE TOWN IN A MANNER, WHICH IS NOT ONLY FAIR IN FACT, BUT ALSO FAIR IN APPEARANCE.**

**8.9 PROMOTE UNDERSTANDING, MUTUAL RESPECT AND TRUST AMONG MEMBERS OF COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES CONCERNING THEIR ROLES AND RESPONSIBILITIES WITH RESPECT TO TOWN STAFF'S RESPONSIBILITY FOR IMPLEMENTING THE COUNCIL'S POLICIES.**

All members of the Council, boards, commissions, or committees shall acknowledge in writing, on a form provided by the Town Clerk, receipt of these provisions relating to ethics.

**SECTION 9. BOARDS, COMMISSIONS, AND COMMITTEES**

The Fountain Hills' Council may create such boards, commissions, and committees as deemed necessary to assist in the conduct of the operation of Town government. The Council may authorize and direct the Town Manager to establish ad hoc committees as needed in order to provide additional flexibility with regard to conducting Town business.

**9.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES**

- A. Classification. All boards, commissions, and committees of the Town shall be classified as regularly scheduled or unscheduled boards, commissions, and committees. Regularly scheduled boards, commissions, and committees are those

that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions, and committees meet on an as-called basis.

B. Regularly Scheduled. Regularly scheduled boards, commissions, and committees include:

1. Planning and Zoning Commission
2. Parks and Recreation Commission
3. McDowell Mountain Preservation Commission
4. Community Center Advisory Commission
5. Public Safety Advisory Commission
6. Senior Services Advisory Commission
7. Strategic Planning Advisory Commission

C. Unscheduled. Unscheduled boards, commissions, and committees:

1. Ad Hoc Committees
2. Board of Adjustment

D. Sunset. Except for the Planning and Zoning Commission and Board of Adjustment, any board, commission, or committee created shall cease to exist (1) upon the accomplishment of the special purpose for which it was created or (2) when abolished by a majority vote of the Council.

## **9.2 SELECTION OF BOARD, COMMISSION, OR COMMITTEE MEMBERS**

A. Call for Applications. The call for applications to fill vacant seats for boards, commissions and committees shall include a request for:

1. A cover letter of interest.
2. A resume.
3. The “Background and Personal Data Outline” application that describes the applicants’ skills, experience, and education background needed to ensure the successful filling of the vacancy.
4. Responses to the supplemental questionnaire specific to a board, commission, or committee application, if such questionnaire is included.

5. The consent to executive session form.
  6. If a member whose term will be expiring wishes to reapply for an additional term on the same board, commission or committee, such member is exempt from filing those items listed in Subsections 9.2 (A)(1)–(4). However, such member shall submit in writing, on a form provided by the Town Clerk that includes a request for the Council’s consideration of reappointment in addition to the consent to executive session as listed in Subsection 9.2(A)(5). The member may include any new or additional information that is relevant to the original application already on file.
- B. Advertising/Timing and Location. Staff liaisons shall be responsible for advertising to fill vacant seats to boards, commissions, and committees for at least two weeks and no later than two months, prior to the expiration of the current board, commission, or committee member(s) term, via:
1. The Town’s government access channel.
  2. Newspaper advertising.
  3. The Town website.
  4. The Town’s official posting sites as listed in Section 2-4-3 of the Fountain Hills Town Code. The staff liaison shall be responsible for submitting to the Town Clerk’s office the Affidavit of Established Posting. The downloadable application packet will be placed on the Town’s website for public access with hard copies made available to the public through the Customer Service Representative.
- C. Advertisement Contents. Advertisement of vacancies shall include the following:
1. The name of the board, commission, or committee.
  2. The number of vacancies to be filled.
  3. A brief description of the board, commission, or committee.
  4. A brief description of the qualifications, skills and experience background applicants should possess, if any.
  5. An overview of when the board, commission, or committee meet.
  6. The deadline for submitting applications.

7. Listing of applicant information required and location where application packets may be obtained.
  8. Staff liaison contact information.
  9. The dates of publication in the local paper.
- D. Staff Review. Individuals applying for boards, commissions, or committees must submit to the appropriate Staff Liaison those items as listed in Subsection 9.2(A) above by the published deadline. The Staff Liaison will review the application(s) to ensure that the applicant(s) meet the qualifications as listed in Subsection 9.4(A) below.
- E. Council Materials. The staff liaison to the board, commission, or committee will assemble and copy all application packets and provide all supporting materials to all Councilmembers.
- F. Subcommittee Review/Interview. The Council subcommittee shall interview all applicants, unless there are more than five applicants for each vacancy, in which case the subcommittee may choose, at its discretion, to limit the number of interviewed applicants to five per vacancy after meeting to review all of the applications. The staff liaison will schedule an appropriate time to interview qualified applicants in person or via telephone. Interviews shall be conducted in Executive Session unless the applicant requests the interview be held at a public meeting.
- G. Subcommittee Recommendation. After the interviews have concluded, the staff liaison or the Council Subcommittee chair shall advise the Mayor of the subcommittee's discussion and appointment recommendation(s).
- H. Council Consideration. The staff liaison shall submit the agenda action form to the Town Clerk according to the submission deadline for the next appropriate Council Meeting Agenda, including the following information: (1) a review of the steps taken to recruit applicants, (2) the number of vacancies to be filled along with the names of those members whose terms expire, (3) the number of applications received and (4) the specific term to be filled.
- I. Notification of Council Meeting. The staff liaison shall notify the appointee(s) that he/she is a possible candidate for appointment to a board, commission, or committee and suggest that he/she may want to be present at the scheduled meeting when the recommendation is presented to the Council.
- J. Notification of Council Action. Following the Council's approval of the Mayor's appointment(s) to a board, commission, or committee, the staff liaison shall notify appointees as to their appointment. Those applicants not chosen to fill a vacancy on a board, commission, or committee, will be provided written notification by the staff liaison outlining the Council's appointments and they will be provided

with an application of interest for consideration of applying for any other board, commission and committee vacancies.

- K. Appointee Orientation. The staff liaison will provide specific details to the new appointees relative to: (1) their attendance at the “official” board, commission, or committee orientation, (2) taking the “oath of office” prior to attending their first board, commission, or committee meeting, (3) reading and signing the ethics policy, (4) the Open Meeting Law Letter advising of the State’s requirement for a person elected or appointed to review Arizona’s Open Meeting Law materials at least one day before the day that person takes office, (5) all official literature, agendas, minutes, or other materials specific to their appointment and (6) information relating to the Town’s annual Arizona Open Meeting Law training.

### **9.3 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- A. Appointments Subcommittee. The Mayor may annually appoint Council Subcommittees for board, commission and committee appointments. Each subcommittee shall be made up of three Councilmembers. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, at a minimum, a quorum of the Fountain Hills Council shall review applications and conduct interviews for the various boards, commissions, and committees to fill vacancies based upon the applicants’ skills, experience, and background as required under Section 9.4 below.
- B. Subcommittee Purpose. The purpose of this Council Subcommittee is to review applications, interview applicants (typically in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants’ skills, experience, and background as required under Section 9.4 below.
- C. Appointment Timing. The process of application review and interviews will be conducted in such a manner as to allow for the appointments to coincide with the term expiration of the current board, commission or committee member(s) term or as soon thereafter as reasonably possible.

### **9.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS**

- A. Minimum Qualifications. All members of boards, commissions, and committees shall meet the following minimum qualifications upon their appointment to any board, commission, or committee. Each member must be:
  - 1. Eighteen years of age or older, for any board, commission, or committee seats, designated by Council; except for members appointed to Youth Commissioner position for youth representation.

2. A Fountain Hills' resident for at least one year, unless the Council specifically waives this time or residency requirement for a specific board, commission or committee.
  3. A qualified elector, except youth appointees.
- B. Prohibited Appointees. Town employees or appointed officers shall not be eligible for appointment to any board, commission, or committee but may be requested to provide staff support thereto. Councilmembers are prohibited from serving on regularly scheduled commissions as listed in Subsection 9.1(B) above and the Board of Adjustment.
- C. Ex-Officio Members. The Mayor, with the consent of the Council, may from time to time appoint ex-officio members to those boards, commissions or committees as set forth in the bylaws of such body. Such members shall serve at the pleasure of the Mayor and Council. Ex-officio members shall not be entitled to vote on any matter brought before the commission.

## **9.5 TERMS, VACANCIES, REMOVAL**

- A. Terms. All members of unscheduled boards, commissions, and committees shall serve a term of up to three years, or until the board, commission, or committee is dissolved, unless Council action, Town Code, or Arizona Revised Statutes specifically designates terms.
- B. Staggered Terms for Smaller Boards. For those regularly scheduled boards, commissions, and committees having five members or fewer, the terms of office shall be staggered so that no more than three terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any boards, commission, or committee that will be in existence for a single term.
- C. Staggered Terms for Larger Boards. For those boards, commissions, and committees having more than five members but less than eight members, the terms of office shall be staggered so that no more than four terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission, or committee that will be in existence for a single term.
- D. Simultaneous Service Limitation. No individual may serve as a voting member on more than one regularly scheduled or unscheduled board, commission, and committee at one time.
- E. Vacancies. A vacancy on a board, commission, or committee shall be deemed to have occurred upon the following:

1. Death or resignation of a member of a board, commission, or committee.
  2. A member ceasing to be a resident of the Town of Fountain Hills, unless the Council has provided that such member may be a non-resident.
  3. Three successive unexcused or unexplained absences by a member from any regular or special board, commission, or committee meetings. However, the term of all members shall extend until their successors are appointed and qualified.
- F. Removal. Any board, commission, or committee member may be removed as a member to that board, commission, or committee upon a vote of not less than four Councilmembers for any cause as determined by the Council.
- G. Filling Vacancy. Whenever a vacancy has occurred on one board, commission, or committee procedures described in Sections 9.2, 9.3, and 9.4 above will be used to generate applicants, interview applicants, and make a recommendation for a potential appointee.
- H. Re-appointment. An incumbent member of a board, commission, or committee seeking reappointment shall submit, in writing on a form provided by the Town Clerk that includes a request for the Council's consideration of reappointment in addition to the consent to executive session form by the published deadline in order to be considered for appointment by the Council. The member may include any new or additional information that is relevant to the original application already on file

## **9.6 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW**

All boards, commissions, and committees are subject to the Arizona Open Meeting Law and therefore shall attend the Town's Annual Open Meeting Law training.

## **9.7 RESIDENCY REQUIREMENT**

Members of all boards, commissions or committees shall be residents of the Town.



## **TOWN COUNCIL POLICIES, RULES, AND PROCEDURES**

Approved by Council 4-20-2011

Resolution 2011-844

Revised 12-5-12 by Resolution 2012-873

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## SECTION 1 RULES OF PROCEDURE/AUTHORITY

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### 1.1 PROCEDURES

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All meetings of the Town Council and its appointed Boards, Commissions, and Committees shall be governed by these procedures, as applicable. In addition, such meetings shall be governed by the following:

- A. Applicable provisions of the Arizona Revised Statutes (“A.R.S.”), including, but not limited to, the Arizona Open Meeting Law (A.R.S. §§ 38-431 *et seq.*, as amended) and the Arizona Conflict of Interest Law (A.R.S. §§ 38-501 *et seq.*, as amended); and
- B. The Town of Camp Verde Town Code.
- C. Where not inconsistent with these rules and procedures, the Arizona Revised Statutes and the Town of Camp Verde Town Code, and ***the current version of Robert’s Rules of Order on file*** will be used as a supplementary guideline.
- D. As used herein, the term “Member” shall refer to either a member of the Town Council or Board, Commission or Committee, as applicable. The term “Meeting” shall refer to a meeting of the Town Council, Board, Commission or Committee, as applicable.

### 1.2 PARLIAMENTARIAN

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- A. The Town Clerk shall serve as Parliamentarian for all Town Council meetings. The Deputy Clerk shall serve as Parliamentarian in the absence of the Town Clerk.
- B. The Town Clerk shall also serve as Parliamentarian for those Board, Commission, and Committee meetings that he or she attends.
- C. The Chairperson of a Commission or Committee shall serve as Parliamentarian for each respective Board, Commission, or Committee meeting. The Vice-Chairperson shall serve as Parliamentarian in the absence of the Chairperson. The Chairperson Pro Tem shall serve in the absence of the Chairperson and the Vice-Chairperson. In the event that there is a lack of agreement to a parliamentary procedure, the Town Clerk shall serve as the resource for a final procedural determination.

### 1.3 POINTS OF ORDER

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The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any member to appeal to the entire Town Council or any Board, Commission or Committee. In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

## 1.4 QUORUM

---

Four or more Council members shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of four (4) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

## SECTION 2 PRESIDING OFFICER FOR MEETINGS

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### 2.1 MAYOR AS PRESIDING OFFICER

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The Mayor is the Presiding Officer of all meetings of the Town Council. In the Mayor's absence, the Vice-Mayor shall serve as the Presiding Officer. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon the Town Clerk shall immediately call for the selection of a Presiding Officer Pro Tem. The Council members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

### 2.2 CHAIRPERSON AS PRESIDING OFFICER

---

The Chairperson is the Presiding Officer of all meetings of the Board, Commission or Committee. In the Chairperson's absence, the Vice-Chair shall serve as the Presiding Officer. In the absence or disability of both the Chairperson and the Vice-Chair, the meeting shall be called to order by the Town Clerk or principal Town staff present, whereupon the Town Clerk or Town staff shall immediately call for the selection of a Presiding Officer Pro Tem. The Members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

## SECTION 3 MEETINGS OF TOWN COUNCIL AND BOARDS, COMMISSIONS AND COMMITTEES

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### 3.1 REGULAR MEETINGS

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- A. The Council shall establish regular meeting dates, times, meeting place by Resolution in January of each year for Town Council and all Boards, Commissions, and Committee meetings.
- B. When the day for a Regular Meeting falls on a legal holiday, no meeting shall be held on such holiday. The meeting shall be cancelled and be convened at the time and the location as designated by the Town Council or Board, Commission, or Committee.

### 3.2 SPECIAL MEETINGS

---

- A. The Mayor, after a public vote of the Council may schedule a special session within the jurisdiction of the Town and shall direct staff to schedule a special session; or the Mayor and Manager may jointly schedule a special session to be held in appropriate facilities within Town limits, to begin at the time and place as designated in the motion.
- B. Special and emergency meetings, as permitted by law, shall be called and posted in the same manner as regular meetings by the Mayor or the Town Clerk, after confirmation of the availability of a quorum.

- C. Notices and agendas will be posted for the special sessions as required by law and additionally posted at the alternate site if applicable.
- D. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on controversial topics likely to interest citizens of the Town in general rather than a particular neighborhood.
- E. A Board, Commission, or Committee may, upon majority vote and approval of the Town Manager, set a special meeting or work session.

### 3.3 EXECUTIVE SESSIONS

---

- A. The Town Council may hold an Executive Session pursuant to A.R.S. §§ 38-431.01. Boards, commissions, and committees may also hold Executive Sessions pursuant to A.R.S. §§ 38-431.01 with prior Council authorization.
- B. All information distributed and all discussions during an executive session shall remain confidential indefinitely and are not to be divulged or provided to or discussed with persons who were not parties to the executive session or members of the Council or Board, Commission or Committee, except as permitted or required by A.R.S. § 38-431.03 or a court order.

### 3.4 WORK SESSIONS

---

The Town Council or Board, Commission or Committee may schedule work or study sessions for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Town Council or Board, Commission or Committee than may be possible at a Regular Meeting. No formal action may be taken by the Town Council or Board, Commission or Committee at such meetings, other than a general consensus or conveying direction to Town Staff for further action.

### 3.5 EMERGENCY MEETINGS

---

As provided for in ARS § 38-431.02(D) and (E), , including a Special Emergency Executive Session, may be called to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. In such event, the meeting shall be held upon such notice as is appropriate or practicable to the circumstances. A Notice of an Emergency Meeting will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief and complete description of the nature of the emergency.

### 3.6 ADJOURNED MEETINGS

---

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next Regular Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

### 3.7 MEETINGS TO BE OPEN TO THE PUBLIC

---

- A. Pursuant to the Arizona Open Meeting Law, with the exception of Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions, and Emergency Meetings shall be open to the public.
- B. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment; provided however, that there is no interference with the orderly conduct of the meeting and the equipment is placed in non-hazardous locations as designated by Town Staff.

### 3.8 CONDUCT AND DECORUM

---

A. Members:

1. Any Member desiring to speak shall address the Presiding Officer and upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition. However, the Presiding Officer may call for a vote as to whether to continue a repetitive discussion or motion.
2. When two or more Members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
3. While a Member is speaking, no other Member shall interrupt except to make a point of order or point of personal privilege. A point of order is raised when a Member raises a question of whether there has been a breach of the procedures. A point of privilege is raised when a disturbance occurs or when anything affecting the rights of the Members occurs and a Member states the problem; the Presiding Officer decides the question.
4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
5. The Town Council will not tolerate harassment, personal attacks, or discrimination against each other or by members of appointed Boards, Commissions, or Committees. Any Town Council appointee who violates this provision will be subject to removal by a majority vote. Elected Officials who violate this section may be subject to the provisions of Section 15.11 Sanctions.
6. If a Member acts in violation of these rules, the Presiding Officer shall, or any Member may, call that Member to order. The Member so called shall immediately cease speaking, but may appeal to the Town Council or Board, Commission or Committee, as applicable. Any such appeal shall be decided by a majority vote without debate. See Section 1.3.

B. Town Staff:

Town Staff and employees of the Town shall observe the same rules of procedure and decorum as the members of the Town Council.

C. Public:

Members of the public attending meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer, or the Council or Board, Commission or Committee as applicable, by majority vote may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender(s) from the meeting.

### 3.9 ATTENDANCE BY REMOTE CONFERENCING

---

- A. Remote Conferencing encompasses attendance by technological devices, such as telephone, computer, Skype, video communications, etc. and applies only to Council, Boards, and Commissions. This section does not apply to staff or contract employees, such as the Town Attorney or consultants.
- B. As established by the Arizona Attorney General, Remote Conferencing presents practical and legal implications and should be used only where there are no reasonable alternatives to a Council member's presence at a meeting. To avoid potential Open Meeting Law violations, the following guidelines are established:
1. All agendas shall contain standard language, "*Council Members may attend either in person or by telephone, video or internet conferencing.*"
  2. Attendance by Remote Conferencing in Executive Sessions is not permitted.
  3. The Council chambers shall be arranged so that the public can observe and hear all telephone, video or online communications. If there should be a technological failure, such that the public cannot hear, the remote conferencing may be terminated.
  4. The Mayor or Chair shall immediately identify for the record the member(s) who are participating by telephonic, video or internet communication.
  5. The minutes shall reflect the name(s) of the member(s) who are participating through remote conferencing.
  6. Any Member that is unable to attend the meeting shall notify the Clerk as soon as practicable. The Clerk shall notify the Mayor and the Manager.
  7. Remote Conferencing is permitted whenever a member is unavailable to attend a meeting in person. No more than three (3) members may participate in a meeting through Remote Conferencing.
  8. Remote Conferencing with a quorum is permitted in extreme cases, such as when a quorum is needed for an emergency meeting. All extreme cases and emergency meetings must be approved by the Mayor AND Manager.
  9. If a Council member participates in a meeting through Remote Conferencing, the member shall participate in the entire meeting. Remote Conferencing is not permitted for just one or two agenda items of interest. If a Council member has an agenda item of interest and is unable to attend the meeting, the member may request that the item be pulled for discussion at a time that the Council member is present. The Council will respect the request to delay an item to the extent possible.

## SECTION 4 MEETING AGENDAS AND NOTICES

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### 4.1 AGENDA ITEM SUBMITTAL FOR COUNCIL REGULAR AND SPECIAL MEETINGS AND WORK SESSIONS

---

- A. Items may be placed on a Regular, Special, or Work Session Agenda for Town Council discussion and possible action by any Council member and Town staff pursuant to procedures as outlined in the Town Code.
- B. Contracts, ordinances, resolutions and other documents requiring review by the Town Attorney shall be provided to the Town Attorney prior to placing the item on the Agenda and in sufficient time for legal review.
- C. Any item placed on an agenda must be accompanied by supporting documents and an Agenda Action Form that contains, at a minimum, the following information:
  - 1. Background information on the item;
  - 2. Financial impact if approved; and
  - 3. Proposed action.

The documents and Agenda Action Form must be submitted to the Clerk's Office sufficiently in advance to be included in the council packet, but no later than noon on the Monday prior to the regularly scheduled meetings. If the agenda item is requested by a Council member, it will be noted on the agenda and the requesting member should sign an Agenda Action Form.

### 4.2 AGENDA ITEM SUBMITTAL FOR EXECUTIVE SESSIONS

---

Items may be placed on the Agenda for a Town Council Executive Session for discussion if in compliance with the Town Code, these Rules of Procedure, and applicable provisions of the Arizona Revised Statutes, by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by Council members, Town Staff, and the Town Attorney.
- B. The Town Attorney may review items submitted for Executive Session discussion prior to placement on the Agenda to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. § 38-431.03.

### 4.3 COUNCIL PACKETS

---

- A. Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications, and any ordinances, agreements, or resolutions to be acted upon including Agenda Action Forms, and other documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.

- B. Full packets for all noticed Town Council Meetings (except Executive Session documentation) are placed in the Council member's box. Every effort will be made to distribute full packets by the Thursday prior to each Regular Town Council Meeting, but not less than 24 hours prior to any Special Session.
- C. Material that is not received in a timely manner to include in the Council packets will be distributed to Council members with a bright green sheet attached, noting the agenda item number to which the document applies. These green sheets are used only in connection with agenda items to alert Council members that there is additional meeting information.

#### 4.4 PREPARATION OF AGENDA

---

- A. An Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. Complete agenda items, the Agenda Action Form, and all supporting documentation must be submitted to the Clerk's Office no later than noon the Monday before the meeting. Incomplete agenda requests and/or late agenda items will be returned to the submitting department.
- B. The Town Clerk shall prepare the agendas for all meetings of the Town Council based on the Agenda Action Forms that are submitted to the Clerk's Office. The Town Clerk may prepare an addendum to the Agenda for items that have emerged after the Agenda has already been distributed with the approval of the Town Manager AND the Mayor.

Addenda will be prepared on bright-green colored paper to catch the attention of Council members. Bright-green colored paper is reserved for agenda matters only and shall not be used by other Town staff.

- C. Agenda Meetings are held no later than the Wednesday before the Council meetings at a time set by the Mayor and Manager. Agenda Meetings are attended by the Mayor, Manager, Town Clerk, and no more than two (2) interested Council members for the purpose of reviewing the agenda for appropriateness, comprehensiveness, and order only. The Agenda Meeting will not be used for discussion or deliberation of the proposed agenda items. **Note: to avoid potential violations of Open Meeting Laws, no more than two Council members, in addition to the Mayor, may attend Agenda Meetings.** To avoid a possible quorum in attendance at an Agenda Meeting, interested members must notify the Town Clerk prior to an Agenda Meeting that he or she plans to attend.

Incomplete or inaccurate items and/or the timeliness of items shall cause them be removed from the agenda and returned to the appropriate department with a request to resubmit the item(s) upon resolution of the issue.

Special Session agendas are usually reviewed by the Manager and the Mayor only.

- D. The final Agenda must be posted by Thursday at 5:00 p.m. prior to the Town Council's regular meetings. To meet this requirement, the packets are prepared no later than 2:00 p.m. on Thursdays. Special, Executive, and Work Session agendas must be posted no later than 24-hours prior to the meeting.

#### 4.5 AMENDED AGENDAS

---

The Town Clerk may amend a published Agenda, but not less than twenty-four (24) hours prior to the designated Meeting and only upon approval from the Mayor and the Town Manager. The Town Clerk may amend the agenda to correct minor errors upon notification to the Manager and/or Mayor. Subsequent amended Agendas will indicate the sequential number of the amendment and the date amended.

#### 4.6 PREPARATION AND POSTING OF MEETING NOTICES

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Council Agendas are posted at each of the following locations at least 24 hours before each meeting:

1. The bulletin board on the wall outside Town Hall
2. The bulletin board at Basha's, and
3. on the Town's Website.

Commission agendas are posted at the Town Hall Bulletin Board and on the Town's webpage.

#### 4.7 DISTRIBUTION OF AGENDAS AND NOTICES

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- A. The Town Clerk shall ensure that the Mayor and Town Council members receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said Meeting, not less than twenty-four (24) hours prior to the Meeting.
- B. The Town Clerk shall ensure that the Town Council Meeting Notices, Agendas, and documentation, as deemed necessary, are distributed to the Town Manager and the Town Attorney and necessary Town Staff, and posted to the Town's website.

### SECTION 5 ORDER OF BUSINESS FOR TOWN COUNCIL MEETINGS

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#### 5.1 ORDER OF BUSINESS

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The Order of Business of each meeting of the Town Council shall be as contained in the Agenda as prepared by the Town Clerk and approved by the Mayor and Manager. The Agenda shall be sequentially numbered by topic and list each item included under each agenda category followed by a brief description, including a dollar amount where appropriate.

#### 5.2 REGULAR MEETINGS

---

The general form of the Agenda shall be as follows and may be changed as necessary:

#### **AGENDA**

Members of the Camp Verde Town Council may attend either in person or by telephone conference call.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Consent Agenda**
- V. Call to the Public**

- VI. Council Informational Reports**
- VII. Business**
- VIII. Call to the Public**
- IX. Manager/Staff Report**
- X. Adjournment**

Presentations to the Town Council will be limited to 10 minutes, unless otherwise designated by a majority vote. Responses from the audience shall be limited to 3 minutes per speaker. Public input on items other than the Call to the Public for items not on the agenda is at the discretion of the Council; however, public input is usually encouraged on non-administrative matters.

All Agendas shall have the following statement placed at the bottom of the Agenda: Persons with special accessibility needs should contact the Town Hall, 928-567-6631, at least 24-hours prior to the meeting.

### **5.3 SPECIAL MEETINGS**

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- A. For Special Meetings, the Agenda will generally be prepared in the following order:

#### **AGENDA**

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Business**
- V. Executive Session (optional)**
- VI. Adjournment**

### **5.4 WORK SESSION MEETINGS**

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Questions may be directed by the Town Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Presentations to the Town Council will be limited to 10 minutes for the presentation and discussion period, unless otherwise designated by a majority vote. Citizens may attend work-study sessions, but can speak only after an open Call for Public Input. Speakers will be limited to 3 minutes per speaker.

The Agenda generally will be prepared in the following order:

#### **AGENDA**

- I. Call to Order**

- II. **Pledge of Allegiance**
- III. **Roll Call**
- IV. **Agenda Items for Discussion (Items numbered for order). Normally, work session items listed are for discussion only. No Action will be taken unless the item(s) is properly agendized for action.**
- V. **Adjournment**

#### 5.5 EXECUTIVE SESSIONS

---

The Agenda for an executive session generally will be prepared in the following order:

- I. **Call to Order**
- II. **Agenda Items for Discussion**
- III. **Adjournment**

#### 5.6 ITEMS CONSIDERED IN ORDER

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- A. The Presiding Officer, or the Town Council by a majority vote, may consider items out of sequence from the printed Agenda for the meeting.
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with A.R.S. §38-431.02, as amended.

#### 5.7 MAYOR AND COUNCIL MEMBERS REPORT ON CURRENT EVENTS

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This is the time that Council members may present a brief summary on current events. Attendance at meetings and other important information shall be listed on the agenda or shall not be otherwise stated. Open Meeting Laws prohibit the Town Council from proposing, discussing, deliberating, or taking any legal action on the information presented unless the specific item is listed on the Agenda.

#### 5.8 MANAGER/STAFF REPORT ON CURRENT EVENTS

---

The purpose of this section of the Agenda is to afford the Town Manager and/or staff an opportunity to provide the Town Council and the public with status reports or updates on Town projects and to alert them to upcoming Town events or regional events of potential interest. The topic of these reports shall be listed on the agenda. No discussion or action may be taken unless the specific item is listed on the Agenda.

#### 5.9 CALL TO THE PUBLIC

---

- A. Presentation of petitions or public comments on Non-Agenda items are heard under "Call to the Public." All citizens and interested parties will be limited to a maximum of three (3) minutes to address the Town Council on a non-agenda item. However, the time limit may be waived by vote of the Town Council.

B. At the conclusion of all citizen comments, the Mayor or any Councilmember may take any or all of the following actions:

1. Ask Town Staff to review the matter.
2. Ask that the matter be put on a future Agenda.
3. Thank the citizens for their comments.

If a citizen has criticized one or more members of the Council, the Council may respond to such criticism, but only at the conclusion of the Call to the Public.

## 5.10 PRESENTATIONS

---

This section of the Agenda is for allowing the Mayor, Council members, Town Staff, and invited interested parties to make informational presentations to the Town Council and the public. Presentations are limited to no more than ten minutes for the presentation and discussion. Such informational items may only be discussed if specifically listed on the Agenda. No action may be taken on Presentation items unless properly agendized. The Mayor or the Chair will monitor this.

## 5.11 CONSENT AGENDA

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- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be needed or required or (ii) have been previously studied by the Town Council. These items may be adopted by a single motion, second, and affirmative vote of a majority (4) Council members. All routine, administrative-type items, such as contract awards and approvals, etc. shall be placed on the Consent Agenda.
- B. Consent Agenda items will NOT be read aloud, except for resolution and ordinance titles and proclamations.
- C. There is no discussion on items listed under the Consent Agenda beyond asking questions for simple clarification, unless a Council member requests that an item be removed for discussion.
- D. If an item is pulled from the Consent Agenda for discussion, public input may be allowed on that item.

## 5.12 BUSINESS

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- A. The Presiding Officer or designee will introduce each Business item by reading its title or description from the Agenda. Consent Agenda items, except Resolutions and Ordinances will NOT be read aloud.
- B. If a public hearing is required for a business item, the following sequence of events will generally be followed: Appropriate Town Staff will present its report and recommendation (if any). Council members will then have an opportunity to question Town Staff. The Presiding Officer will then open the public hearing. The first speaker will be the applicant (if any), who will have an opportunity to present comments, testimony, or arguments to the Town Council. The Presiding Officer will then ask for public comment. The applicant will then be afforded an opportunity for rebuttal and concluding comments. The public hearing will then close and no further public comments will be taken. The Town Council will then deliberate and take action.
- C. Those speaking before the Town Council, other than the applicant, will be allowed three (3) minutes to address the Town Council, but time limits may be waived upon consensus of the Town Council.

### 5.13 ADJOURNMENT

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The open public meeting of the Town Council may be adjourned by a motion, a second, and an affirmative majority vote.

## SECTION 6 PROCEDURES FOR CONDUCTING THE MEETING

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Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during a meeting and/or following a meeting. Meetings will conclude at 10:00 p.m. unless a majority of Council votes to continue the meeting to a later time. Council member discussion may be limited by a majority vote if the agenda is large and the meeting is expected to last past 10:00 p.m. A break will be scheduled as close to 8:00 p.m. as possible.

### 6.1 CALL TO ORDER

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All meetings shall be called to order by the Presiding Officer.

### 6.2 PARTICIPATION OF PRESIDING OFFICER

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The Presiding Officer shall conduct the meeting. The Presiding Officer may debate and vote, subject only to such limitations of debate as are imposed on all Members.

### 6.3 INTRODUCTION/EXPLANATION OF AGENDA ITEMS

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Except for Consent Agenda Items, the Presiding Officer shall introduce each Agenda item by reading its full title and description, if any, and may provide whatever additional information he or she deems necessary or reasonable.

### 6.4 MAINTENANCE OF ORDER

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The Presiding Officer is responsible for the maintenance of order and decorum at all times. All questions and remarks shall be addressed to the Presiding Officer.

## SECTION 7 MOTIONS

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### 7.1 MOTION PROCEDURE

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- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker of the motion has the right to modify his or her motion or to withdraw it entirely. If the motion is modified, the Member who has seconded it has the right to withdraw or affirm his or her second.
- C. If a modification to a motion made by another Member is accepted by the maker of the motion, the Member who seconded the unmodified motion shall be requested to reaffirm his or her second after modification. If the Member refused to reaffirm the second, the second is presumed made by the Member suggesting the modification.

D. In the case of a tie in votes on any motion, the motion shall be considered defeated.

## 7.2 MOTION TO APPROVE OR ADOPT

---

A motion to approve or to adopt shall be to approve the Agenda item as proposed or as proposed with an amendment(s) or stipulation(s). After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to pass, unless the matter is subject to a super majority vote (two-thirds or three-quarters majority). If the motion fails, the Agenda item shall be deemed defeated, unless a new motion is introduced and seconded.

## 7.3 MOTION TO DENY OR DISAPPROVE

---

A motion to deny or to disapprove shall be to reject the Agenda item as proposed. After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to defeat the item. If the motion fails, the Agenda item will not be deemed approved, unless a separate motion to approve or adopt is made and seconded and passes by the requisite majority vote.

## 7.4 MOTION TO POSTPONE

---

A motion "to postpone" is used to postpone an item on the Agenda until a definite time or indefinitely. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

## 7.5 MOTION TO TABLE

---

Motions to table or more properly, to “lay on the table” is a proposal to suspend consideration of the pending motion. Under Robert’s Rules of Order, a motion to table is properly used only when it is necessary to suspend consideration of a main motion in order to deal with another matter that has unexpectedly arisen and which must be dealt with before the pending motion can be properly addressed. Tabling a motion can be very useful to an assembly when 1) a presenter has been delayed or 2) timely information is not available, and staff needs to leave to retrieve or copy the information. Using the Motion to Lay on the Table enables Council to move on. When the delayed person arrives or the information is available, Council can then “take the item from the table” and resume discussion.

The use of a motion “to table” in order to ‘kill’ a motion is improper. A Member that seeks to avoid a direct vote on a main motion while cutting off debate should make a motion that requires a 2/3 vote, such as an “objection to consideration of the question” which is in order *before* debate has begun or a motion to “postpone indefinitely” (in order at any time with a simple majority), followed by an immediate motion for the “previous question” (2/3 vote required).

Although the motion is undebatable, the Chair can ask the maker of the motion to state his or her reason in order to establish the urgency and legitimate intent of the motion or the maker can state it on his or her own initiative.

## 7.6 MOTION TO CLOSE, LIMIT, OR TO EXTEND DISCUSSION

---

Commonly referred to as “Calling the Question,” this motion is used to limit or close debate on, or further amend, the main motion. This motion cuts off debate. The Presiding Officer shall immediately ask the Members to vote on whether to call for a vote on the main motion. The next vote will be on the main motion, which the Chair must state.

## 7.7 MOTION TO AMEND

---

- A. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to the amendment shall not be in order.
- B. Amendments shall be voted on first, then the main motion as amended.

## 7.8 MOTION TO CONTINUE

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Motions to continue shall be to a definite time. Such motions shall be amendable and debatable only as to the propriety of postponement and the time set.

## 7.9 DIVISION OF QUESTION

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If the question or motion contains two or more propositions that could be divided, the Presiding Officer may, upon his or her own initiative or upon the request of a Member, divide the question or motion into multiple questions or motions for separate consideration and action.

## SECTION 8 VOTING PROCEDURE

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### 8.1 CASTING A VOTE

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- A. In acting upon every motion, the vote shall be taken by casting an affirmative (“yes” or “aye”) or negative (“no” or “nay”) voice, roll call, or other vote method as determined by the Presiding Officer from which the vote of each Member **can be clearly ascertained**.
- B. The vote on each motion shall be entered into the Record by number of and the names of Members casting votes for and against, if called for by voice, roll call, or other method.
- C. If a Member has declared a Conflict of Interest and is absent during the roll call vote, the Town Clerk shall include “Absent for the vote due to declared conflict of interest” in the Official Minutes as part of the results of the vote.

### 8.2 ABSTENTION AND RECUSAL

---

- A. If a Member has a conflict of interest on a matter before the Council or Board, Commission or Committee, he or she shall declare a conflict of interest pursuant to Section 10 and recuse him or her from voting on a particular Agenda item on grounds of a declared conflict of interest.
- B. Sometimes a Member may have a reason other than a statutory or non-statutory conflict of interest that he or she believes hinders, compromises, or impairs his or her ability to cast a vote for or against a particular Agenda item. In such event, the Member may abstain from voting.

### 8.3 TIE VOTES

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When there is a tie vote on a motion requiring a majority vote (4 votes) for adoption or approval, the motion shall be deemed defeated.

### 8.4 RECONSIDERATION

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A reconsideration is a method used to temporarily suspend an action taken during a meeting. Any Member who voted with the majority may, **at the same meeting**, move for reconsideration of any action taken at that meeting. If the motion receives a second from either side (prevailing or non-prevailing), no further discussion can occur and no vote is required. The item will be placed on the next available agenda for reconsideration and action. This method suspends all discussion to allow for appropriate and adequate public notice that Council might or might not change their decision at a future meeting. .

After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council or Board, Commission or Committee.

For the purposes of this section, discussion of items that Council addressed at previous meetings are not to be considered a 'reconsideration' unless, the motion for reconsideration was made and seconded as described above. Matters that were voted upon at a previous meeting must follow procedures as outlined in the Town Code relative to placing items on the agenda.

## 8.5 APPOINTMENTS BY THE TOWN COUNCIL OF BOARD, COMMISSION AND COMMITTEE MEMBERS

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A nomination that does not receive a second fails. Four votes are required for appointment of Board and Commission members.

## SECTION 9 MEETING RECORDS; MINUTES

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### 9.1 MEETING RECORDS

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The official record of each Town Council Meeting shall consist of any legal actions formally adopted or approved by the Town Council during the Meeting, including any attachments or exhibits thereto, and the final approved Minutes of the Meeting. The record shall also include any documents or other tangible matter submitted to the Town Council, Board, Commission or Committee or the Town Clerk for inclusion in the record by persons addressing the Council or Board, Commission or Committee in connection with agenda items during the Meeting. These records shall be maintained and preserved by the Town Clerk as the official custodian of records for the Town.

### 9.2 MINUTES

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- A. The Town Clerk's office shall provide staff support at all Council meetings to include Regular, Special, and Emergency Meetings and Work and Executive Sessions for the purpose of taking notes and/or audio recordation of the Meeting or Session, as appropriate.
- B. For Regular, Special, and Emergency Meetings, written action Minutes instead of verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. The Minutes shall reflect Member attendance for the entire meeting (including notations indicating when a Member arrives late or leaves early). Audio or video recordings of meetings will be retained in accordance with the current State of Arizona Records Retention and Disposition Schedules.
- C. Executive Session Minutes shall be confidential. Executive Session Minutes shall be taken in summary form and shall be restricted to indicating the topic discussed, the speakers, and a brief summary of what was said by each speaker. Executive Session Minutes shall be kept in a separate secure confidential file in the Office

of the Town Clerk. Executive Session Minutes may be accessed only as provided by the Arizona Revised Statutes or court order.

- D. All Minutes of Meetings are Public Records under the Arizona Public Records Law (A.R.S. §§ 39-121 *et seq.*, as amended), with the exception of Executive Session Minutes. Audiotapes and videotapes of public Meetings are also Public Records.

## SECTION 10 CONFLICT OF INTEREST

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### 10.1 ARIZONA CONFLICT OF INTEREST LAW -- INTRODUCTION

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Sometimes a member of the Town Council or Board, Commission or Committee may face a situation which requires that Member not to participate in a discussion and voting on an agenda item. This situation exists when the member has a pecuniary or proprietary interest in the outcome of the vote. (*This results in a "conflict of interest" as defined by the Arizona conflict of interest law, A.R.S. §§ 38-501, et seq.*) This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision that may unduly affect their personal interests or those of their close relatives.

### 10.2 PURPOSE OF CONFLICT OF INTEREST LAWS

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The purpose of Arizona's conflict of interest law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, that may bear on an official's decision, as well as to discourage deliberate dishonesty.

### 10.3 APPLICABILITY OF ARIZONA CONFLICT OF INTEREST LAW

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The Arizona conflict of interest law, as now in effect and as it may be amended in the future, applies to all matters considered by and all actions taken by the Town Council or Boards, Commissions and Committees.

### 10.4 DISCLOSURE OF INTEREST

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Any Member who believes he may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the Arizona conflict of interest law. Any Member who has a conflict of interest in any agenda item or other matter discussed by the Council or Board, Commission or Committee must disclose that interest. The Member must file a signed written disclosure statement fully disclosing the interest, and declare the existence of the conflict and the reasons therefore at a Town Council or Board, Commission or Committee meeting. The Disclosure of the conflict shall include a statement that the Member withdraws from further participation regarding the matter. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Member.

## 10.5 WITHDRAWAL FROM PARTICIPATION

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Having disclosed the conflict of interest and withdrawn from the matter, the Member must not participate in the decision-making process of the Council or Board, Commission or Committee. Further, the Councilmember should remove himself/herself from the room while the matter is being considered and decided.

## 10.6 RULE OF IMPOSSIBILITY

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In the unlikely situation that a majority (4) of the Members have a conflict of interest on a matter such that the Town Council or Board, Commission or Committee is unable to act in its official capacity, less than a quorum may act on the matter upon approval of the Town Attorney.

## 10.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

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Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

## 10.8 SANCTIONS FOR VIOLATIONS

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Violations of the conflict of interest provisions set forth herein shall be punished as provided for by state law.

## 10.9 NON-STATUTORY CONFLICTS OF INTEREST

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The Council is committed to an open and transparent government and as such, endeavors to avoid all *appearances* of impropriety. As such, if a Member feels ethically constrained from participating in the discussion and voting on an agenda item, even though the circumstances may not technically amount to a conflict of interest under the Arizona conflict of interest law, the Member may declare a conflict. Such conflicts may not violate the state law, but may create an appearance of impropriety. Under such circumstances, the Member should consider disclosing the conflict on the record, formally recusing himself, and stepping down from the dais until the Town Council or Board, Commission or Committee has concluded the public hearing and its discussion and voting upon the item.

## SECTION 11           BOARDS, COMMISSIONS, AND COMMITTEES

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The Town Council may create such Boards, Commissions, and Committees, as it deems necessary to assist in the conduct of the operation of Town government.

## 11.1 BOARDS, COMMISSION, AND COMMITTEES

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- A. All Boards, Commissions, and Committees of the Town shall be classified as a regularly scheduled or unscheduled Board, Commission, or Committee. Regularly scheduled Boards, Commissions, and Committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled Boards, Commissions, and Committees meet on an as called basis. All Boards, Commissions and Committees serve at the pleasure of the Council.
- B. The Town's current regularly scheduled Boards, Commissions, and Committees are:
  - 1. Planning and Zoning Commission
- C. The Town's unscheduled Boards, Commissions, and Committees consist of the Board of Adjustments and Appeals.
- D. Any Board, Commission, or Committee the Town creates shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by the Town Council.

## 11.2 SELECTION OF BOARD, COMMISSION, AND COMMITTEE MEMBERS

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- A. The Town Council generally makes appointments to the Town's Boards, Commissions, and Committees in January of each year and on an as-needed basis. The Town continually accepts applications from Camp Verde residents interested in serving on a Board, Commission, or Committee. The application form is available from the Town Clerk or on the Town's web site. Completed applications are kept on file for consideration when vacancies occur.
- B. A call for applications to fill vacant seats shall be published via media public service announcements, advertising where budget permits, posting, web site, and other means available to the Town.
- C. Persons applying for the vacant seats must fill out and submit the Town application form to the Town Clerk.
- D. After reviewing the completed applications, the Town Clerk shall place selection of the new Board, Commission, or Committee members on the next available Regular Meeting Agenda. The Council Packet for the meeting shall include copies of all applications that meet eligibility requirements that are received for the vacant seats.
- E. All applicants shall be notified of the time and date of the public meeting for selection of the new Board, Commission, or Committee members and shall be invited to attend so that they may answer questions by the Town Council. The public will not be able to ask questions of the applicants.

- F. At the conclusion of the question and answer session, the Council members shall vote to fill each vacancy by casting a vote in favor of one of the applicants.

The applicant receiving the lowest number of votes will be dropped, and the Council will continue to vote until one applicant receives a majority of four (4) votes.

- G. Each vacancy will be voted on separately. In the event that there are an equal number of applicants for the vacant seats, Council may make one motion to appoint a certain number or all of the applicants.

### 11.3 QUALIFICATIONS FOR APPOINTMENT

---

- A. All members of Boards, Commissions, and Committees shall meet the following minimum qualifications upon their appointment, unless the Town Council by a majority vote waives or alters the requirement:

1. At least eighteen years of age.
2. A full-time resident of the Town of Camp Verde for at least one year. Residency will be determined in the same manner as residency is determined for purposes of voting in Town elections.

- B. Town employees or appointed officers shall not be eligible for appointment to any Board, Commission, or Committee, but may be requested to provide support thereto. Council members may serve on Committees or as a liaison to a Board or Commission, unless provided otherwise.

### 11.4 TERM, VACANCIES, AND REMOVAL

---

- A. All members of the Town's Boards, Commissions, and Committees shall serve at the pleasure of the Council and any Board, Commission, or Committee member may be removed by the Town Council.

- B. A vacancy on a Board, Commission, or Committee shall be deemed to have occurred upon the following:

1. Death or resignation of a member of a Board, Commission, or Committee.
2. A member ceasing to be a Town of Camp Verde resident.
3. Three consecutive unexcused absences by a member from Board, Commission, or Committee meetings. Unexcused absences are those in which a member has failed to provide sufficient notice to the Department Head (at least three days if not an emergency). Such notice allows staff to determine if a quorum will be present.
4. Failure to attend mandatory meetings as set by Council (i.e. work sessions, Quarterly Report meetings, or the Annual Training meeting for all Boards and Commissions).

- C. If a Member is no longer eligible to serve and does not resign voluntarily, the Department Head shall notify the Town Manager that a vacancy has occurred. The Manager shall place the matter on the next available agenda for Council consideration.

## 11.5 APPLICABILITY OF ARIZONA'S OPEN MEETING LAW AND CONFLICT OF INTEREST LAW

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All Boards, Commissions, and Committees are subject to the Arizona Open Meeting Law and Conflict of Interest Law.

## SECTION 12 COUNCIL AND CANDIDATE RELATIONS WITH TOWN STAFF

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### 12.1 USE OF TOWN STAFF

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No Councilmember shall request any staff project without first seeking approval of the Town Manager.

Section 3-2-1.E of the Town Code: Council to Act through Manager: Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders or instructions to any subordinate of the manager either publicly or privately. The Town Manager shall take his orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual Council member shall give orders or instructions to the Town Manager.

### 12.2 INFORMATION PROVIDED TO ALL CANDIDATES

---

- A. For purposes of these Rules of Procedure, Town Council "candidates" shall be those who qualify as candidates when the nominating period closes. For purposes of these Rules of Procedure, the time period between when nominations close and the final election shall be known as the "Campaign Period."
- B. Once the candidates, including incumbents running for re-election, have been identified, all candidates shall receive Council Packets for each Town Council Meeting that is scheduled during the Campaign Period.
- C. During the Campaign Period, when one candidate submits a public information request to the Town, all of the other candidates shall be notified that the request has been made and, if the information is provided to the requestor, shall be afforded the opportunity to request and obtain the same information.

### 12.3 STAFF COMMUNICATIONS THROUGH TOWN MANAGER

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At all times, all formal communications by Town Council members to Town Staff shall be made through the Town Manager or the appropriate department head.

## 12.4 STAFF COMMUNICATIONS THROUGH TOWN CLERK

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During the Campaign Period, all communications to Town staff regarding the pending election by Town Council members running for re-election and candidates to Town Staff shall be made through the Town Clerk, and the Clerk shall notify all other candidates of each communication. This provision shall not preclude a Councilmember speaking directly to the Town Manager regarding any matter related to Town business.

## 12.5 PROHIBITION AGAINST USING TOWN RESOURCES FOR ELECTION

---

Pursuant to A.R.S. § 9-500.14, no Town Council member or other representative of the Town may use Town personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of an election. In addition, copies of candidate filings will not be provided free of charge. This rule applies to all candidates, including incumbents.

## SECTION 13 CORRESPONDENCE POLICIES AND USE OF PERSONAL COMPUTERS AND PERSONAL ELECTRONIC DEVICES FOR TOWN BUSINESS

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### 13.1 DEFINITIONS

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- A. Personal Computers (PCs) means: home, business, and lap top computers not owned by the Town.
- B. Personal Electronic Devices or (PEDs) means cell phones, palm pilots, and any other equipment capable of sending or receiving electronic messages.
- C. E-Mail means messages and communications sent to or received by others through any type of technological device concerning Town business and/or matters that are or could be a future agenda item.
- D. Legal Opinion means a written opinion given by the Attorney.
- E. Incidental Correspondence means routine items that do not set policy.
- F. Policy Correspondence means that which purports to set or explain official Town policy.
- G. Implementation Correspondence means that which implements a policy or a position that is already established by Council.
- H. Citizen Complaint Correspondence means a written complaint form that has been filed by a citizen.

- I. Mail Distribution means incoming mail that is distributed by Town staff to the appropriate party.

### 13.2 PUBLIC ACCESS AND STORAGE OF E-MAIL

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- A. The Town cannot guarantee that PCs and PEDs used by Town Council members in conducting Town business will be protected from public access. All public records are subject to public records requests. In addition, e-mails, and other documents related to Town business not otherwise classified as public records may be subject to discovery orders in litigation. Thus, all e-mails or other correspondence pertaining to Town business that is received or sent by a Council member should be copied to the Town Clerk for the public record.
- B. Town Council members who send or receive e-mails related to Town business from PCs or PEDs shall copy the e-mail to the Town Clerk each time an e-mail is sent or received. .
- C. The Town shall maintain a repository for all e-mails that are received or sent by Town Council members for the time prescribed by law. The repository will be subject to public records, discovery, and other lawful requests. The Town does not have resources to delete personal comments from e-mails. Town Council members shall have no expectation of privacy with respect to the contents of e-mails copied to or forwarded to the repository.
- D. E-mails and documents related to Town business shall be retained on PCs and PEDs only for such time as needed and may be deleted from PCs and PEDs after they have been copied to or forwarded to the Camp Verde e-mail address.

### 13.3 CORRESPONDENCE

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- A. **Incidental Correspondence** are routine items that do not set policy for the Town, such as acknowledging receipt of documents, public relations responses, letters of appreciation, and congratulations for special activities and events. Incidental correspondence may be answered by the Mayor or other Council members. Note cards with the Town logo are available for Council use. Individual Council members may review the correspondence and comment to the Mayor or a Council member on a particular response or request a review by the full Council.
- B. **Policy Correspondence** is that which purports to set or explain official policy of the Town, such as letters of support, expressions of position or opinion, or assertions of intent. It must first receive approval of a majority (4) of the Council at public meeting and will then be signed by the Mayor or other such member authorized by Council on behalf of the Council.

At the first meeting in January of each year, Council may adopt a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interests and require an immediate response.

- C. **Implementation Correspondence** is that which implements a policy or position already established by the Council, such as continuing letters of support on legislation, positions on actions by other governmental agencies, responding to public information requests, and other administrative steps identified in the initial representation of the issue and approved by the Council. It will be signed by the Mayor and/or other such members authorized by Council.
- D. **Public Inspection** each type of correspondence will be kept chronologically in a separate binder available for public inspection.
- E. **Citizen Complaints** is that correspondence that is addressed to the Town, the Mayor, and/or any other Council member and that is signed or otherwise verified and identified to be a citizen complaint concerning any issue(s) relating to official Town business or responsibility as authorized by statute or other legal authority shall be directed to the Town Manager upon receipt to assign appropriately for resolution. Appropriate tracking measures shall be established in order for resolution to be reported back to the Town Manager, complainant, and the Town Council.
- F. **Mail Distribution** takes place upon receipt of mail addressed to the Town of Camp Verde, the Council as a whole, or to a particular staff member or department. Mail addressed to the Mayor and/or Council will be opened, date stamped, and copied to the entire Council if the content contains something of interest or that pertains to the entire Council. Documents will only be maintained as confidential if permitted under the Arizona Public Records Act. Thus, all mail marked "Personal and confidential" or "Confidential" will be opened and placed in the appropriate Council member's box. Should the Mayor or individual Council member determine that a citizen is making a complaint, the correspondence shall be immediately referred to the Town Manager in order for the appropriate assignments to be made and allowing for the resolution process to be started. Note: all personnel matters MUST be kept confidential unless the attorney advises otherwise.

Staff and department mail will not be opened; however, the envelopes will be date-stamped and placed in the appropriate box.

## SECTION 14 COUNCIL BUDGET

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### 14.1 ADOPTION OF TOWN COUNCIL BUDGET

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The annual budget for the Town adopted by the Council will contain a line item designated for Council members' expenditures. This line item shall be the maximum amount that may be reimbursed to or expended by individual Council members pursuant to this section. This line item is a part of the approved Town Council Budget.

## 14.2 USE OF BUDGETED FUNDS; PROCEDURES

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- A. The Council budget may be used only for expenses incurred by individual Council members for participation in business activities and events at which a Council member is representing the Town in the Councilmember's official capacity.
- B. In order to receive reimbursement for amounts expended for participation in activities or events described in Paragraph A, a Councilmember shall submit a receipt(s) to the Finance Director showing the amount expended and the purpose of the expenditure. If no receipt was received for the expenditure, reimbursement may be given if satisfactory evidence of the expenditure is submitted to the Finance Director. If there is uncertainty regarding whether the expenditure is an expense for which the Council member may be reimbursed pursuant to this section, the Finance Director shall obtain approval from the Town Manager prior to providing reimbursement to the Councilmember.

## SECTION 15 CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

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### 15.1 SUMMARY

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The Three Rs of Camp Verde Government Leadership: Roles, Responsibilities and Respect

The Town Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. This is a Code of Conduct for the Town of Camp Verde's elected officials.

This Code of Conduct is designed to describe the manner in which Council Members and appointed officials of the Town (collectively, "Public Officials") should treat one another, Town staff, constituents, and others they come into contact with in representing the Town of Camp Verde. It reflects the work of defining more clearly the behavior, manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

The content of this Code of Conduct includes:

- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with Town Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies

- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct
- Checklist for Monitoring Conduct

The constant and consistent theme through all of the conduct guidelines is “respect.” Public Officials experience significant workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Public Officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Public Officials to do the right thing in even the most difficult situations.

## 15.2 OVERVIEW OF ROLES AND RESPONSIBILITIES

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Other resources that are helpful in defining the roles and responsibilities of Public Officials can be found in the Town of Camp Verde Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

### MAYOR

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- Is directly elected by the people pursuant to ARS §9-232.03. (Town Code, Section 2-2-1)
- Acts as the official head of the Town for all ceremonial purposes
- Chairs Council meetings (Town Code, Section 2-2-4)
- Calls for special meetings (Town Code, Section 2-3-2)
- Recognized as spokesperson for the Town of Camp Verde
- Makes judgment calls on proclamations, agendas, etc.
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Sign documents on behalf of the Town of Camp Verde

### VICE MAYOR

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- Serves at the pleasure of the Council (Town Code, Section 2-2-2)
- Performs the duties of the Mayor if the Mayor is absent (Town Code, Section 2-2-2)
- Chairs Council meetings in the absence of the Mayor

- Represents the Town at ceremonial functions at the request of the Mayor

## ALL COUNCIL MEMBERS

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All members of the Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more authority than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the Town at ceremonial functions at the request of the Mayor or at the request of the Council.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Camp Verde government
- Provide contact information with the Town Clerk in case of an emergency or urgent situation arises while the Council Member is out of Town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

## MEETING CHAIR

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The Mayor will chair official meetings of the Town Council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda items under consideration
- Makes parliamentary rulings. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

## 15.3 POLICIES AND PROTOCOL RELATED TO CONDUCT

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### A. Ceremonial Events

Requests for a Town representative at ceremonial events will be handled by Town staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

### B. Correspondence Signatures

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The Town Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the Town Clerk.

If correspondence is addressed only to one Council Member, then that Council Member may check with staff on the best way to respond to the sender.

### C. **Endorsement of Candidates**

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings.

### D. Public Announcements in Council Meetings

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

### E. Public Hearing Protocol

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting, except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for the question or a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting.

F. Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official Town business by Council Members is according to the Town of Camp Verde Financial Operations Guide, as may be amended. All Council travel in excess of the allowed budget, in which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for travel costs, must be approved in advance by the Council. In addition, all out of state travel for which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for related travel costs, must be approved by the entire Council PRIOR to taking the trip. The travel policy and budget for Council should be reviewed at each annual budget cycle.

## 15.4 COUNCIL CONDUCT WITH ONE ANOTHER

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Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues.

A. IN PUBLIC MEETINGS

1. **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

2. **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair’s actions, those objections should be voiced politely and with reason, following procedures outlines in parliamentary procedure.

3. **Avoid personal comments that could offend other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

4. **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. When requesting that staff provide copies to Council members, provide an explanation as to your reasoning for the request.

## B. IN PRIVATE ENCOUNTERS

### 1. **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

### 2. **Be aware of the lack of security of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially “public” communication.

### 3. **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the “linking” together through a common source of four or more individual conversations.

### 4. **Other Town Public Officials**

The foregoing guidelines concerning “Conduct with One Another” shall be followed not only by Council Members but also by other Town Public Officials.

## 15.5 COUNCIL CONDUCT WITH TOWN STAFF

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Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town staff, who implements and administers the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

### A. **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Inappropriate behavior towards staff is not acceptable.

### B. **Limit contact to specific Town staff**

Consequently, remember Town staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of Town staff and/or requests for additional background information should be directed through the Town Manager, Town Clerk or Department Heads, or the Department Head’s designee. The Town Manager should be copied on any request. In accordance with Town Code Section 3-2-1-E, no Council Member shall give orders or instructions to any subordinate of the Town Manager other than instructions for the purpose of inquiry without the consent of the Town Manager.

When in doubt about what staff contact is appropriate, Council Members should ask the Town Manager for direction. Materials supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information.

**C. Do not disrupt Town staff from their jobs**

Council Members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee**

Council should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Town's personnel rules and limit the Town's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

**E. Do not get involved in administrative functions**

Council Members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

**F. Check with Town staff on correspondence before taking action**

Before sending correspondence, Council Members should check with the Town Manager to see if an official Town response has already been sent or is in progress.

**G. Do not attend meetings with Town staff unless requested by staff.**

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**H. Limit request for staff support**

Routine secretarial support will be provided to all Council Members by Clerk's Office staff. Routine secretarial support consists of simple requests that consume minimum staff time, such as an occasional letter or note, travel arrangements for Council-approved events, or providing copies of requested material. Secretarial support does not include making phone calls or other support for non-Council-sanctioned events and/or maintaining an appointment calendar.

The Clerk's Office staff will prepare and/or process all correspondence and documents that have been approved in a duly convened Council meeting by a majority of the members. All requests for secretarial support must be made through the Town Clerk.

Requests for additional staff support – even in high priority or emergency situations – should be made through the Town Manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

The Clerk's Office opens all mail for Council Members and distributes per the Correspondence policy. Mail delivered to Town Hall and marked 'confidential' will not be treated as confidential unless permitted under the Arizona Public Records Act, but will be distributed according to the Correspondence policy.

I. **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff; to do so could violate the law. Town staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

J. **Other Town Public Officials**

The foregoing guidelines concerning "Conduct with Town Staff" shall be followed not only by Council Members but also by other Town Public Officials.

## 15.6 COUNCIL CONDUCT WITH THE PUBLIC

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A. IN PUBLIC MEETINGS

1. **Making the Public Feel Welcome** is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with respect

Be fair and equitable in allocating public hearing time to individual speakers

Generally, each speaker will be allocated three minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted.

2. **Give the appearance of active listening**

It is disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing

around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger or boredom.

**3. Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members’ personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

**4. No personal attacks of any kind, under any circumstances**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

**B. IN UNOFFICIAL SETTINGS**

**1. Make no promises on behalf of the Council**

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole; remove a library book; plant new trees, etc.)

**2. Make no personal comments about other Council Members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

**3. Remember Camp Verde is a Small Town**

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Camp Verde. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

**Other Town Public Officials**

The foregoing guidelines concerning "Conduct with the Public" shall be followed not only by Council Members but also by other Town Public Officials.

## **15.7 COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES**

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### **A. Be clear about representing the Town or personal interests**

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Council.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement in order to assure their independence and impartiality on behalf of the common good. Public Officials should not use their official positions to influence government decisions in which they have a substantial financial interest or a relationship that may give the appearance of a conflict of interest. Public Officials should abstain from participating in deliberations and decision-making where conflicts of interest may exist as defined under Arizona law. Public Officials should discuss issues of conflict of interest with the Town Attorney.

### **B. Correspondence also should be equally clear about representation**

Town letterhead may be used when the Council Member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

Town letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use Town letterhead to express a dissenting point of view, the official Town position must be stated clearly, so the reader understands the difference between the official Town position and the viewpoint of the Council Member.

### **C. Other Town Public Officials**

The foregoing guidelines concerning "Conduct with Other Public Agencies" shall be followed not only by Council Members but also by other Town Public Officials.

## **15.8 COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS**

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The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

### **A. If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an

individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board of Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

**B. Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

**C. Remember that Boards and Commissions serve the community, not individual Council Members**

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political “reward.”

**D. Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

**E. Keep political support away from public forums**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Town Council Member.

**F. Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

## **15.9 COUNCIL CONDUCT WITH THE MEDIA**

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Council Members are frequently contacted by the media for background and quotes.

**A. The best advice for dealing with the media is to never go “off the record”**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

**B. The Mayor is the official spokesperson for the Town.**

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Town position or a personal viewpoint.

**C. Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

**D. Other Town Public Officials**

The foregoing guidelines concerning "Conduct with the Media" shall be followed not only by Council Members but also by other Town Public Officials.

## **15.10 ENFORCEMENT OF THE ETHICS POLICY**

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**A. Complaints**

1. Public Officials themselves have the primary responsibility to assure compliance with this Code of Conduct.
2. The Chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of the Public Officials appear to be in violation of this Code of Conduct.
3. If the Mayor or the chair of the applicable board, commission or committee fails to intervene, two members of the Council, board, commission may request the Mayor or the chair of the applicable public body to intervene. If the complaint arises out of actions or inactions of the Mayor or the chair, the matter shall be directed to the vice-mayor or vice-chair. If the Mayor, chair, vice-mayor or vice-chair fails to intervene, then the matter shall be referred to the Town Attorney.
4. The Town Attorney shall review the complaint and shall simultaneously notify in writing the Town official subject to the complaint of such review.
5. Within 30 days, the Town Attorney shall submit the results of his or her review to the complainant, to the official who is the subject of the complaint, and to the Mayor or chair of the public body on which the official who is the subject of the complaint sits. If the matter cannot be resolved within ten days, the matter shall be referred to the Town Council. The Town Council shall consider the Town Attorney's report at a public meeting. If the Town Council finds an ethical violation by a person serving on a commission, board or committee, then the Town Council may remove the member from the Town board, commission, or committee. In resolving a complaint, the totality of the

circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

6. In addition, the Town Council may impose sanctions on Public Officials whose conduct does not comply with this Code of Conduct, such as reprimand, censure, loss of seniority or committee assignment, or official travel restrictions.

**B. Resolving Complaints against the Mayor and/or other Members of the Town Council.**

1. When complaints are levied against the Mayor or members of the Town Council, the Town Attorney shall have the authority to decide either to (a) act directly on any complaint filed against the Mayor and/or other members of the Town Council pursuant to subparagraph A above, or (b) refer a complaint to an independent reviewing authority such as a city or town attorney from another jurisdiction or an attorney from the office of the county attorney.

## 15.11 SANCTIONS

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**A. Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

**B. Inappropriate Staff Behavior**

Council Members should refer to the Town Manager any Town staff that does not follow proper conduct in their dealings with Council Members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

**C. Council Members Behavior and Conduct**

In addition to sanctions imposed pursuant to paragraph A.6 above, Town Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Town of Camp Verde or with inter-government agencies) or have official travel restricted.

## 15.12 PRINCIPLES OF PROPER CONDUCT

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**Proper conduct IS . . .**

- Keeping promises
- Being dependable
- Building a solid reputation

- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

**Proper conduct IS NOT . . .**

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

**IT ALL COMES DOWN TO RESPECT**

**Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.**

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**15.13 CHECKLIST FOR MONITORING CONDUCT**

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- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?

- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

#### 15.14 Exit Process for Departing Council/Commission Members

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During the elected/appointed term, members receive and/or have access to information relative to the Town of Camp Verde government, such as reports, maps, photographs, gifts that have been accepted by a member on behalf of the Town, and other documentation, as well as Town-owned equipment, cell phones, keys, computers, office supplies, etc. This list is not all inclusive.

The Clerk's Office is responsible for coordinating the Exit Process with all Council/Commission members. All Town-owned equipment and other documents, supplies, information, keys, etc. must be returned to the Clerk's Office at least TWO business days prior to the end of the member's term. Staff will assist the member with determining what information, documents, etc. that may be removed Town offices. At no time, will a departing member be permitted to remove items without staff review.

## SECTION 16 SUMMARY OF GOOD GOVERNMENT RULES FOR ELECTED AND APPOINTED OFFICIALS

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### 16.1 SUMMARY AND NOTICE OF STATUTORY AUTHORITY.

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The following is a brief summary of many of the items addressed in this document, along with the statutory authority. If you have a question or concern about any situation, it is best to speak to your Department Liaison, the Town Clerk, or the Town Manager *before* taking action.

## 16.2 THE PUBLIC'S PROPERTY.

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Public property belongs to the people in general, and should not be used to benefit specific public officers. *Examples* of misuse of public property are requiring employees to do tasks for superiors that are not work-related; using public computers or personnel for a personal side business; claiming false travel expenses; destroying public records; using public vehicles for personal errands; and using public employees, equipment, supplies, or facilities for political campaigns.

- Personal use of public resources is *theft* (ARS §13-1802)
- Making false representations to obtain a benefit is punishable *fraud* (ARS §13-2310)
- Computer fraud occurs when a person exceeds authorization of use of any computer (ARS §13-2316)
- Destroying, altering, or falsifying a public record is *tampering with a public record* (ARS §13-2407/§38-421)
- Using public personnel or equipment to influence the outcome of an election is *prohibited political activity* (ARS §500.14.A)

## 16.3 PUBLIC MONEY.

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Arizona law strictly regulates the receipt, custody, control, and expenditure of public money to protect taxpayers (ARS §35-196/301). Arizona Constitution, Article IX, Section 7, prohibits governmental bodies from expending public monies to give advantage to special interests or engage in non-public enterprises. **Use of public money must always be for a public purpose.**

## 16.4 PUBLIC PROCUREMENTS.

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Laws regulate the expenditure of public money for procurement or any materials, services, construction, or property in order to promote competition, obtain the best product or service at the lowest price, and treat vendors equally. *Examples* of violations of this policy are sharing confidential bid information with vendors or third parties; purchasing an item outside of the required process simply because the product or price seems superior; obligating public funds without authorization; contracting for services without a purchase order (PO) and without quotes; bid-rigging to eliminate competition; and misuse of change orders to exceed budget or authorization. Intentional violations of the State code are class 4 felonies, with lesser penalties for violations of local ordinances. Personal civil liability even for inadvertent violations may also attach, including a 20% penalty, interest, costs, and damages. (ARS §41-2616.A). Contracts may be canceled and all amounts paid recovered by the public body. (ARS §38-506.A/511). State and federal *antitrust laws* apply, regardless of which procurement code is being followed, and procurement personnel risk being implicated in an anti-competitive combination if a vendor seeks direct influence by writing the specifications, seeks

removal of a competitor from a vendor list, seeks inside information about competitors' bids before a bid award, asks about competitors' prices, or seeks modification of the contract after the bid is awarded. There are treble civil damages and criminal penalties for violations.

## 16.5 CONFLICTS OF INTERESTS.

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Public policy requires that personal interests not exist as a possible factor influencing a public official in the performance of his duties. Any pecuniary or proprietary interest, direct or indirect, of public officers or employees (or their relatives), is deemed a "substantial interest" which triggers a conflict, unless it falls within one of the 11 statutory exceptions set out in ARS §38-502.10. A conflict must be declared on the public record and by filing a paper signed by the public officer or employee which fully discloses the substantial interest (ARS §38-502.3). The filing shall be in a special file established pursuant to ARS §38-509. If a conflict is made known, it is not enough to simply refrain from voting. The public officer or employee may not participate in the discussion or decision of the matter on which there is a conflict with other members of the public body before, during, or after the meeting. These steps must be taken even if there is little or no likelihood that the public servant would participate in the matter, and even if the person is confident that neither his nor her objectivity nor the public interest would be harmed by participation. The conflict of interest statutes are mandatory. Criminal penalties apply for knowing violations of the statutes, and public servants may be subject to prosecution even if they were unaware of a conflict when they took official action (ARS §38-510.A.2). In addition to civil and criminal penalties, assessment of damages, attorneys fees and costs, removal from office, and other equitable relief, a contract made on behalf of the public agency in violation of the conflict of interest laws is voidable at the discretion of the agency (ARS §38-506.A/511).

## 16.6 COMPENSATION.

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Arizona law prohibits all public officers and employees from receiving any money, tangible thing of value, or financial benefit, whether directly or indirectly, for any service rendered in connection with their duties (ARS §38-505)(Class 4 felony under ARS §38-444). The acceptance of a gift, even if given in the best intentions (without attempting to influence the public servant though rarely will gifts be brought by persons other than those who are dealing with the Town!), can still violate the law. State code section R2-5-501.C.4 prohibits employees from receiving anything of economic value as a gift, gratuity, favor, entertainment, or loan, which may even appear to be designed to influence the employee's official conduct.

## 16.7 FAVORITISM.

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Federal and state laws are numerous which prohibit discrimination, and the reverse conduct of favoritism. Related to this are requests by constituents for assistance in dealing with other agencies or branches of government. Public officials should not use their positions to improperly influence the outcome of proceedings in which they play no official role, such as matters in other agencies or branches of government. Responses to requests by constituents should be limited to inquiry about the status of a matter, and to help the constituent understand the procedures that may be involved, and not directly or indirectly interfere.

## 16.8 PUBLIC RECORDS.

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Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person (ARS §39-121). The public records include records reasonably necessary or appropriate to maintain an accurate knowledge of the public officer's or public body's official activities. "Other matters" means documents which are not required by law to be filed as public records, and are held by the public officer in his or her official capacity, and in which the public's interest in disclosure outweighs the governmental interest in confidentiality. These may include informal communications such as notes, memos, calendars, and e-mail that is related to or could be related to some future Town business. *Examples* of problems areas are refusing to produce public records; purposefully delaying the release; refusing to release records based on speculation that they may contain information that does not need to be produced; refusing to disclose records because they are "only drafts" or are incomplete; refusing to disclose because of a promise of confidentiality when there is no statutory basis of confidentiality. One example of confidentiality of interest is that during and for 2 years following a public servant's position, that person may not disclose or use for personal profit confidential information acquired in the course of official duties (ARS §38-504.B). Portions of personnel files containing a peace officer's home address, home telephone number and personal cell phone, and photograph if serving or scheduled to serve as an undercover agent, are confidential.

RESOLUTION R2015-047

**A RESOLUTION TO ADOPT CITY COUNCIL GUIDING PRINCIPLES, CODE OF ETHICS, AND OFFICE PROTOCOL FOR ELECTED OFFICIALS OF THE CITY OF YUMA, ARIZONA**

WHEREAS, the City Council desires to have standing procedures, protocols, and expectations for routine administrative matters, City Council meetings, and interactions; and,

WHEREAS, adopting written procedures will assist in setting both staff and City Council expectations in regards to administrative actions and conduct of City Council meetings; and,

WHEREAS, the City Council has determined that the adoption of the "City Council Guiding Principles", "Code of Conduct for Elected Officials", and "Office Protocol" (referred to collectively as "Guiding Principles") for the members of City Council will assist in achieving these ends; and,

WHEREAS, City Council meetings are most efficient when the process of planning and conducting a City Council meeting is clearly stated and understood by public officials and citizens.

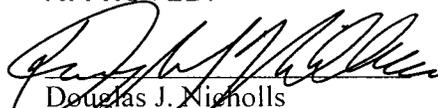
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma, Arizona, as follows:

SECTION 1. That the Guiding Principles set forth in Exhibit 'A' attached hereto and made a part hereof, be in full force and effect immediately upon its adoption and approval, as provided by law.

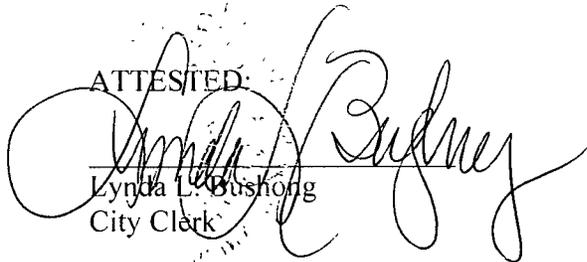
SECTION 2. All resolutions or parts thereof in conflict with this resolution are hereby repealed to the extent of such conflict.

Adopted this 16th day of December, 2015.

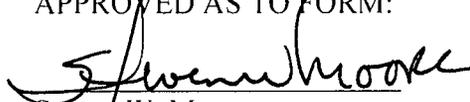
APPROVED:

  
Douglas J. Nicholls  
Mayor

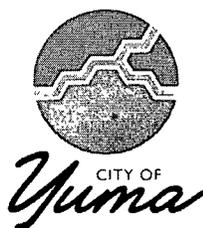
ATTESTED:

  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

  
Steven W. Moore  
City Attorney

## EXHIBIT 'A'



### **CITY COUNCIL GUIDING PRINCIPLES CITY OF YUMA, ARIZONA**

#### **1. Introduction**

The Mayor and City Councilmembers agree to the following City Council Guiding Principles (Guidelines) as fundamentally important to conduct public business effectively and efficiently. The Guidelines, as adopted, represent an agreed upon set of behaviors that will be evident in the performance of the duties as policy makers and representatives of the City. The City Charter will always take precedent in the event of a conflict between the Guidelines and the City Charter.

#### **2. Glossary of Terms**

The City Council as referenced herein consists of the Mayor and six (6) City Councilmembers.

#### **3. Staff Assistance for Councilmembers**

The City Administrator's office responds to requests from the City Council for information, assistance or research that requires departmental involvement. The City Administrator may assign City staff to address the City Council's requests. Additionally, the City Administrator will follow-up and track the progress for each request. The members of the City Council shall contact the City Administrator to begin this process.

Requests that involve more than eight (8) hours of City staff work, a multi-department approach, or expenditure of City monies other than budgeted City Council funds shall go through the process for placement of an item on the Worksession Agenda.

#### **4. City Council Meeting Invocation Guidelines**

The City Council desires to allow individuals in the community to offer an invocation at the beginning of each City Council meeting soliciting divine assistance for the City Council and the community.

In order to ensure continued invocations in City Council meetings and in other public meetings of the City, those offering the invocation are encouraged not to speak as though they are representing the City government, but rather to express individual feelings and requests during the invocations. Additionally, those offering the invocation are encouraged to abstain from language tending to proselytize for a particular religious group or sect and to avoid criticism of any particular religious group or sect or of those who may have no religious affiliation. The invocation offered should not advocate a position on topics before the City Council. The guidelines are as follows:

- a. Invocations in City Council meetings will be offered at the beginning of each meeting;
- b. The invocation should not last longer than three (3) minutes;
- c. The invocation must be non-secular in nature (general prayer);
- d. The City staff will contact representatives from all religions in as much as that is possible, sects, or groups throughout the City and schedule them for City Council meetings on a rotating basis. Members of the City Council or a member of the City staff may offer the invocation from time to time, but not on a regular basis; and
- e. Respect for others should always be observed when the invocation is being offered.

## **5. Attendance by Voice or Video Technology**

The following rules and regulations for voice or video participation of the City Council at City Council meetings held at Yuma City Hall are hereby established.

Voice or video participation shall mean the participation of any member of the City Council at City Council meetings by voice or video technology when the member of the City Council is not physically present at the City Council meeting.

Voice or video participation shall be available for regular City Council meetings in the City Council Chamber at Yuma City Hall, Yuma, Arizona. If meetings are conducted at locations other than Yuma City Hall, voice or video participation may not be available.

Voice or video participation is only available when a member of the City Council is outside of Yuma County or when, for medical reasons or unexpected emergency, the member of the City Council is not able to attend in person.

Members of the City Council that wish to participate through voice or video technology shall contact the Mayor and/or City Administrator regarding the need to participate from an off-site location. Reasonable efforts will be made to accommodate requests; however, notice should be provided no later than two (2) business days prior to the meeting to allow sufficient time to prepare the

meeting room for such voice or video participation as required by this policy. If less than two (2) days notification is provided, voice or video participation may or may not be available.

If current technology permits to allow multiple participants, no more than three members of the City Council may participate simultaneously by voice or video technology at any meeting. Unless approved by the City Council, no member of the City Council may participate by voice or video technology more than two (2) consecutive meetings and no more than six (6) meetings in any calendar year.

This section replaces City Council Resolution R2008-55 and any amendments thereto as adopted by City Council.

## **6. Placing Items on an Agenda**

The City Council Agenda includes an agenda item that provides an opportunity for members of the City Council to request items to be added for future agenda discussions. Under this agenda item, the City Council may indicate items they would like to discuss at a future City Council meeting and the reason for their interest. Per the Charter, the Mayor may request this item be put on an agenda or the Council may vote to do so. The City Council does not discuss the proposed item when it is requested. Each item introduced is referred to the City Administrator to determine the level of research and preparation required to fulfill the request. If the request will cause a significant workload on City staff, a brief initial assessment report including resources required, impact on other projects, and other related observations may be provided to the City Council. The City Council may determine whether an item will be placed on future agenda via a procedural vote.

At the first practical meeting in which the information can be made available, the City Administrator will report to the City Council on each item. Through discussion, the City Council will determine if they want to pursue any item further through more detailed analysis and/or policy action.

The City Council may give direction to the City Administrator regarding the disposition of each item discussed.

## **7. City Travel Policy**

The City Council agrees to conform to the regulations that govern all City employees travel with the exception that standard State of Arizona travel and per diem rates will apply. Upon return to Yuma from official travel, each member of the City Council agrees that travel reconciliation should be completed in a timely manner which will normally be within seven (7) days, but no more than fourteen (14) days. If the funds are not returned to the City within twenty-one (21) days after the last day of the official travel, the City Council will be notified.

Additionally, the City Councilmember that failed to reconcile their travel and reimburse any money owed will not be permitted to travel on City business until the issue is resolved. In the event another agency reimburses the travel expenses for the member of the City Council, City funds will not be made available for double reimbursement for costs of travel. In the event any member of the City Council is reimbursed twice for travel, the duplicative reimbursement amount will be reimbursed to the City in no more than fourteen (14) days after the second reimbursement.

## **8. Official Invitation Expenses**

The City may cover attendance fees only for any member of the City Council and their spouse at local events (located within Yuma County) when the member of City Council and their spouse are both invited and the member of the City Council is serving in an official capacity. However, the limit to cover attendance fees only will not exceed \$50 per person. The City does not otherwise reimburse the City Council for expenses incurred for their guests. The members of City Council should be mindful of invitations for guests that could be interpreted to lead to personal, political, or other gain. If the City covers attendance fees for a member of City Council who does not show up at such event, the member of City Council shall reimburse the City for said attendance fees within 14 days after the event.

## **9. City Council Retreat**

At a mutually agreed upon date, the City Council or the City Administrator may call a retreat for the City Council to discuss City Council goals and other important issues.

## **10. City Council Appointments**

At the beginning of each year, the Mayor will ask the City Councilmembers to indicate which committee(s) they wish to serve in cases where a City Council representative is required and to provide their respective interest information to the City Council Executive Assistant (Executive Assistant). It is expected that each member will attend all committee meetings to which appointed. In cases where a City Councilmember cannot attend they should attempt to solicit another City Councilmember to attend the meeting. Each City Councilmember should provide a brief synopsis of meetings attended at the following City Council meeting.

## **11. Board and Commission Appointments**

City Board and Commission members will be appointed to serve by the City Council in accordance with the ordinance relative to each Board and Commission. When vacancies occur, interested citizens may complete an application with the

City Clerk's office indicating which vacancy or multiple vacancies they would be willing to serve. Thereafter, the City Council will make the appropriate appointments.

If a Board or Commission member is not fulfilling his or her assigned duties, City staff or any member of the City Council or member of that Board or Commission will bring forward a recommendation to have that person removed from the Board or Commission. The City Council may vote to remove any member of the Board or Commission by majority vote for any reason.

## **12. Written Communications from City Council**

City Council letterhead may be used only when the member of the City Council is representing and speaking on behalf of the City in an official capacity. A copy of all official correspondence shall be given to the Executive Assistant or designated staff to be maintained as a public record.

## **13. State/Federal Lobbying**

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue, the member of the City Council must clearly state:

- a. whether his or her statement represents personal opinion or the official position of the City; and/or
- b. if the City has taken a position via vote or discussion, only the majority opinion should be expressed.

## **14. Conflict Resolution**

### **a. Process**

- i. The first and most important step in this section is the requirement that the offended member of the City Council address the concern with the offending member of the City Council including: a description of the specific action observed, the relationship of that event to the Guidelines and, if applicable, the impact it had on the offended member of the City Council. The purpose of this first step is to ensure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other members of the City Council. It is expected that from time to time there will be disagreements in both discussion and opinions. This process is not meant to address minor or petty disagreements. Both party may request, and both must agree, to seek a third party who will assist in facilitating a discussion toward a mutually satisfactory conclusion. The Mayor will assign a neutral facilitator if the

situation cannot be settled through the forgoing process. If the Mayor is a party to the issue, the City Administrator will then assign a neutral facilitator. Either member of the City Council may choose to refer the concern to the entire City Council for review.

- ii. To present the concern to the City Council, the offended member of the City Council must advise the offending member of the City Council that the issue will be taken to the City Council and subsequently ask the City Administrator to post the issue for the earliest upcoming Executive Session pursuant to ARS 38-431.03(A)(1). All laws pertaining to Executive Session will apply. Included in those laws is the option for the offending member of the City Council to exercise his or her right to request that the discussion be held in an open meeting. The City Clerk will prepare written notice to the member(s) of the City Council that are to be discussed in Executive Session as required by law.
- iii. If no earlier resolution is reached between the offended and the offending members of the City Council, the City Council may discuss the issue in Executive Session or in a public City Council meeting in order to:
  1. Become fully informed;
  2. Determine if there appears to be a violation of the Guidelines;
  3. Seek resolution without further action or, if necessary, schedule the issue for an upcoming public meeting for final determination regarding whether a violation occurred;
  4. Determine if and what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- iv. A majority vote of those eligible to vote on the City Council at a City Council meeting will be required for a determination that a violation has occurred and likewise, a majority vote for the sanction to be imposed. The offended and offending members' participation in the discussion and vote will be determined by the City Charter and State Law.
- v. If a sanction is imposed, the language will follow a specific format to be established by the City Council and used consistently as such situations occur.

#### **b. Effects of Violations**

The Guidelines alone do not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the City Council, a Board or a Commission.



## CODE OF CONDUCT FOR ELECTED OFFICIALS CITY OF YUMA

This Code of Conduct is designed to describe the manner in which each member of the City Council should treat one another, city staff, constituents, and others they come into contact with while representing the City of Yuma.

The constant and consistent theme through all of the conduct guidelines is respect. Elected officials are called upon to exhibit behavior consistent with the Code of Conduct at all times.

### **Section 1 – Council Conduct with One Another**

#### **A. Use formal titles**

The City Council should refer to one another formally during public meetings as Mayor, Deputy Mayor or Councilmember, followed by the individual's last name.

#### **B. Use Civility and Decorum in Discussions and Debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, City Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive or personally disparaging comments in public meetings or during individual encounters. Shouting or physical actions that could be construed as threatening or demeaning will not be acceptable under this Code of Conduct.

#### **C. Honor the Role of the Chairman in Maintaining Order**

It is the responsibility of the Mayor, as Chairman of the City Council, to keep the comments of all members of the City Council on track during public meetings. City Councilmembers should honor efforts by the Mayor/Chairman to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure. In the Mayor's absence, the Deputy Mayor will act as chairman for all or part of the meeting. Another Councilmember may be appointed if Deputy Mayor is also not in attendance or in the case of needing to be recused due to conflict.

#### **D. Demonstrate Effective Problem-Solving Approaches**

City Councilmembers have a public forum to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This public forum should be used in the most effective and beneficial manner.

## **Section 2 – City Council Conduct with City Staff**

### **A. Treat All Staff as Professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable under this Code of Conduct. The members of the City Council should refer to staff by their title or appropriate salutation followed by the individual's last name in public meetings when first introduced.

### **B. Limit Contact to Specific City Staff**

Questions of City staff and/or requests for additional background information shall be directed to the City Administrator or, if appropriate, to the City Attorney for matters that requires a legal opinion.

Requests for follow-up or directions to City staff should be made only through the City Administrator, or the City Attorney when appropriate unless the City Administrator has made a specific assignment for a City Staff person to respond. Materials or legal opinions supplied to any member of the City Council in response to a request will be made available to all members of the City Council for equal access to the same information.

### **C. Do Not Disrupt City Staff from Their Jobs**

City Councilmembers should not disrupt City staff while any member of the City staff is in meetings, on the phone, or occupied in performing their job functions in order to satisfy the individual needs of that member of the City Council.

### **D. Never Publicly Criticize an Individual Employee**

A City Councilmember should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the City Administrator.

### **E. Do Not Get Involved in Administrative Functions**

Except as otherwise provided in the City Charter, the City Councilmembers shall not interfere with the execution of the City Administrator's powers or duties. The City Councilmembers shall deal with the administrative matters under the City Administrator solely through the City Administrator, and the City Councilmembers shall not give orders to any subordinate of the City Administrator, either publicly or privately.

Nothing in this section shall be construed, however, as prohibiting the City Council while in open session from fully and freely discussing with or suggesting to the City Administrator anything pertaining to City affairs or the interests of the City.

**F. City Staff Meetings**

City Councilmembers should not attend meetings with City staff unless requested by the City Administrator. Attendance may hamper staff's ability to do their job objectively.

**G. Limit Requests for Staff Support**

Members of the City Council are provided support of City staff to assist with various administrative activities. The City staff members, while available to assist the City Council to which they are assigned, remain subject to all the rules and directives that are applicable to all City employees. Requests for additional City staff support, beyond the currently assigned City staff should be made only to the City Administrator who is responsible for allocating City resources in order to maintain professional, well-run City functions.

**H. Do Not Solicit Political Support from Staff**

Members of the City Council shall not solicit any type of personal political support (financial contributions, display of posters or lawn signs, name on support lists, collection of petitions signatures, etc) from City staff. City staff may, as private citizens within constitutional rights and Personnel Rules, and Administrative Regulation 3 "Employee Conduct" support political candidates.

**Section 3 – Council Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs or partiality, prejudice or disrespect should be evident on the part of individual members of the City Council toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

**A. Be Welcoming to Speakers and Treat Them with Care and Gentleness**

For many citizens, speaking in front of the City Council is a new and difficult experience. Under such circumstances many may be nervous. The City Council is expected to treat citizens with care and respect during public meetings/hearings. The City Council should commit full attention to the speakers and not be working with electronic devices or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful and professional. Questions by the City Council to speakers should seek to clarify or expand information. City Councilmembers should refrain from arguing or lecturing speakers.

**B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers**

The Mayor will determine and announce time limits to speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes. Applicants or appellants, or their designated representatives may be allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. See Resolution 2010-09.

**C. Active Listening**

The City Council shall be encouraged to actively listen to and be attentive to the speakers.

**D. Ask for Clarification, but Avoid Debate and Argument with the Public**

Only the Mayor, not the other individual City Councilmembers, should interrupt a speaker during a presentation. However, a City Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the City Councilmember finds disturbing. Councilmembers should refrain from debating or giving counter opinions at this point in the process, as the speaker is just providing his opinion. Councilmembers will have an opportunity to provide their opinions between Councilmembers when items will come to a vote. Questions by the City Council to members of the public testifying should seek only to clarify or expand information.

**E. Actions in the event of personal attack or disparaging remarks.**

The Mayor, Chairman, or City Administrator may interrupt a speaker in the event of a personal attack on any member of the City Council or City staff since personal attacks or disparaging remarks will not be part of the "Call to the Public." When a speaker has insinuated or made a personal remark about or against any member of the City Council or City staff, the persons "Call to the Public" is finished and the Chairman will direct the individual to return to his seat. The person referenced in the remark or his/her designee may respond. In the event multiple individuals are referenced, each may respond. Response should be kept professional and to the point. The public speaker will not be allowed to stay at the podium or speak in response as state law prohibits a discussion of a topic not on the City Council agenda. Repetition of personal attacks by a particular speaker may result in loss of privilege to speak at the "Call to the Public".

**F. Frequent call to the public speakers**

The Mayor, Chairman, or City Council by vote, may determine that a certain topic has already been thoroughly addressed previously in the call to the public or that the topic is not germane to the City of Yuma and may interrupt a speaker during the call to the public, stop a speaker, or not call the speaker at all. Call to the public is not required at City Council meetings and is to be treated as a privilege provided by City Council and not a right.

**G. Use of Electronic Devices during Public Meetings**

The use of electronic devices is now part of modern everyday life. Council agendas are and materials are now electronic and are used in all of our meetings. To show respect and professionalism towards the public, the Open Meeting Law process, and to avoid the perception of inattentiveness or lack of caring, the City Council should silence and refrain from using cell phones, smart phones, or engage in any activity that distracts from the meeting agenda. City Council should focus on speakers as much as possible.

**H. Follow Parliamentary Procedure in Conducting Public Meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions and interpret situations according to parliamentary procedures. Rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full City Council.

**I. Make No Promises on Behalf of the Council in Unofficial Settings**

City Councilmembers will frequently be asked to explain a council action or give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and refer to City staff for further information. Overt or implicit promises of specific council actions, or to promise City staff will take some specific action are to be avoided.

**Section 4 – Council Conduct with Other Public Agencies**

**A. Be Clear About Representing the City or Personal Interests**

If any member of the City Council appears before another government agency or organization to give a statement on an issue, the member of the City Council must clearly state whether his or her statement reflects personal opinion or is the official stance of the City. Once a position has been taken on a particular subject it is the duty of a Councilmember to support the majority opinion.

**B. Representation of the City on an Outside Board, Commission, or an Agency**

If the member of the City Council is representing the City in an official capacity, the member of the City Council shall consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.

If an individual member of the City Council publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, that member of the City Council must clearly communicate the organization upon whose behalf they are speaking and, if appropriate, shall withdraw from voting as a member of the City Council upon any action that has bearing upon the conflicting issue. (City Charter Article VI, Section 17; Article VII, Section 6, Subsection B and Arizona Revised Statutes 38-503)

**C. Correspondence should be Equally Clear About Representation**

City Council letterhead shall be used only when the member of the City Council is solely representing and speaking on behalf of the City in an official capacity. A copy of official correspondence shall be given to the Mayor and City Council Executive Assistant to be maintained as a public record.

**D. Representation of the City on Intergovernmental Commissions and Other Outside Entities**

Members of the City Council serving on Boards or Commissions as the City representative on outside entities or agencies should properly communicate with other members of the City Council on issues pertinent to the City. At a minimum this includes providing a verbal report at the next Council meeting on topics discussed and votes taken.

**Section 5 – City Council Conduct with Boards and Commissions**

**A. Limit Contact with Board and Commission Members to Questions of Clarification**

Members of the City Council shall not contact a City Board or Commission member to lobby on behalf of an individual, business, or developer. Members of the City Council may contact City Board or Commission members in order to clarify a position taken by the City Board or Commission or a member of that City Board or Commission. Members of the City Council may respond to inquiries from City Board and Commission members. Communication should be informational only.

**B. If Attending a Board or Commission Meeting, be Careful to Only Express Personal Opinions**

Members of the City Council may attend any City Board or Commission meeting, which are always open to the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual business or developer – could be viewed as unfairly affecting the process.

**C. Remember That Boards and Commissions Serve the Community, Not Individual Members of the City Council**

The City Council appoints individuals to serve on City Boards and Commissions, and it is the responsibility of the City Boards and Commissions to follow policy established by the City Council. However, City Board and Commission members do not report to individual members of the City Council, nor should individual members of the City Council believe they have the power or right to threaten the City Board and Commission members with removal if they disagree about an issue.

**D. Be Respectful of Diverse Opinions**

A primary role of City Boards and Commissions is to represent many points of view in the community and to provide the City Council with advice based on a full spectrum of concerns and perspectives. Members of the City Council may have a closer working relationship with some individuals serving on City Boards and Commissions, but must be fair and respectful of all citizens serving on City Boards and Commissions.

**Section 6 – City Council Conduct with the Media**

**A. Expression of Positions on Issue**

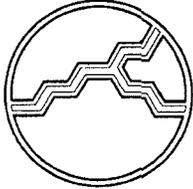
When communicating with the media, members of the City Council should clearly differentiate between personal opinions and the official position of the City of Yuma. All members of the City Council represent one vote of seven and until a vote on any issue is taken, the positions of each member of the City Council is merely their own. Once a vote is taken it is the responsibility of a Councilmember to support the majority decision.

**B. Speaking to the Media**

The Mayor is the ceremonial head of the City and will normally be the spokesman for the City Council. The Mayor may delegate this to other Councilmembers on a particular topic or in his absence.

**C. Discussions Regarding Staff Members**

The members of the City Council should not discuss personnel issues or other matters regarding individual City staff members in the media. Any issues pertaining to City staff should only be addressed directly to the City Administrator.



**OFFICE PROTOCOL  
CITY OF YUMA**

**City of YUMA**

**SECTION 1:**

**Mail Etiquette**

The Mayor and City Council Executive Assistant (Executive Assistant), or designated office staff, for the City Council will open all mail, date stamp it, and distribute the mail to the appropriate addressee.

Invitations received via mail will be scanned and emailed to the addressee by the Executive Assistant. The Executive Assistant will RSVP and add the event to the calendar for the invited member of City Council if that member decides to attend the event.

If four (4) or more members of the City Council decide to attend an event, meeting, social, etc.; the City Council will have a quorum present. Therefore, a courtesy public posting of the event should be done to avoid potential violations of the Open Meeting Law. It is imperative that the Executive Assistant be notified in a timely manner of all appointments that members of the City Council plan to attend.

**Calendar Scheduling**

The Executive Assistant has access to the calendar for each member of the City Council. Additionally, there is a resource calendar titled "Mayor & Council Event Calendar," which shows all appointments for the City Council. This feature allows the Executive Assistant to view all appointments on one calendar. The purpose is to ensure there are no double bookings, to view the availability for each member of City Council, and to watch for potential Open Meeting Law violations.

If/when invitations are delivered to personal residences, each member of City Council should refer them to the Executive Assistant for appropriate scheduling which may include adding an event to the calendar.

When members of City Council are appointed to specific committee appointments, the Executive Assistant will add the meeting dates and times to the calendar.

## **Emails**

The Executive Assistant for the office has access to the email account for each member of the City Council. The purpose is to ensure emails are delivered for "time sensitive" responses. Furthermore, access also permits the Executive Assistant to filter and delete any emails that may be advertisements, pornography, and spam as to protect and not subject each member of the City Council to these types of emails.

All email correspondence may be a public record. This includes email correspondence among City Council. Anyone can request a copy of email communication from any member of the City Council by completing a request for public records form located in the City Clerk's Office.

Please use caution when sending emails to each other. The City Attorney has briefed each member of the City Council that this can be a violation of the Open Meeting Law.

## **Council Inquiries**

All inquiries and complaints from constituents and any member of the City Council must be completed through the Executive Assistant. If inquiry is electronic or via email it will be tracked electronically. If not a *Council Information Request* form shall be completed and then presented to the City Administrator's office for response.

The purpose of handling the inquiries in this manner is to ensure that all City Council members have the same information. The Executive Assistant will track the issue for follow-up to ensure that each request is fulfilled.

## **Request for Copies**

Refer all requests for copies of public records to the City Clerk's Office. There is a process in place for the requests and it will assist the City Clerk to keep accurate records of all requests.

## **Travel**

When a member of the City Council will attend a conference or meeting requiring travel outside of the Yuma area, the information shall be submitted to the Executive Assistant as soon as possible for scheduling travel arrangements.

## **SECTION 2:**

### **General Office Information**

If any member of the City Council is in need of office supplies, notify the Executive Assistant.

## **Payday**

There are 26 paydays each year. Two (2) of those paydays are non-deductible paydays. Pay checks are distributed electronically every other Friday.

## **Agendas**

The City Clerk prepares the agendas for each City Council Meeting, Worksession and any other special meetings. City Council Agenda packets are distributed electronically for each City Councilmember on the Thursday prior to the meeting/worksession. In some cases, this schedule is not kept due to various reasons; therefore each member of the City Council may call to check when electronic file will be available.

## **Weekend Access**

Each member of City Council may access City Hall on the weekends with the prox card.

## **Fire Drills**

The City Administration Executive Assistant is the Evacuation Leader for the 3<sup>rd</sup> Floor of City Hall. City Council Executive Assistant is the backup Evacuation Leader.

Evacuation Procedures: If on the 3<sup>rd</sup> floor when the fire alarm is activated, each member of the City Council and guests are to exit the building immediately. The office door must be closed upon leaving. The City Council members may exit through the North stairwell and walk down the stairs to the 1<sup>st</sup> floor. If in the Council Chambers, walk around the back side of the Council Chambers exiting through the northwest side door that opens to the front parking lot. Go to the Northwest corner of the parking lot next to the dumpster and wait for further instructions from the Evacuation Leader.

**Town of Florence  
Town Council  
Rules of Procedure  
March 2, 2015**

**SECTION 1. RULES OF PROCEDURE/AUTHORITY**

**1.1 PROCEDURES**

The following are the basis for and are used in conjunction with these Rules of Procedure for meetings of the Town Council:

- A. Arizona Open Meetings Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. Town Code
- C. Town of Florence Parliamentary Procedures Simplified
- D. Roberts Rules of Order, as amended

**1.2 PARLIAMENTARIAN**

Town Council Meetings: The Town Attorney shall serve as Parliamentarian for all Town Council Meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney.

Boards/Commissions/Committees: The Council Liaison shall serve as Parliamentarian for each respective Board, Commission, or Committee.

**SECTION 2. DEFINITIONS**

**2.1 AGENDA**

As set forth in Section 6 below, an Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. The final Agenda must be posted at least 24 hours prior to the Town Council's meeting.

**2.2 COUNCIL PACKET**

The Town Council packet is comprised of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by Town Council, staff, and the public for more in-depth information than may be presented in an oral report. The Packet is organized as set forth in Section 6 below and is provided to the Town Council and made available to the public upon request.

**2.3 MEETINGS**

A Meeting is the gathering, in person or by technological devices, of a quorum of members, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the Town Clerk or departmental liaison will adjourn the meeting.

## **2.4 NEWSPAPER**

Typically, a daily or weekly publication of general circulation within the Town of Florence containing recent news, feature articles, editorials, and general advertisements.

## **2.5 NOTICE**

A formal announcement to the public that sets forth the name of the Town Council, date, time and place for which a meeting of the Town Council will be held. Giving formal notice of meetings is done as provided by Statute, Town Code, or other rules or regulations of the Town Council.

## **2.6 ORDINANCE**

An Ordinance is a Town Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include, but are not limited to, zoning issues, annexations, abandonments and Town laws. The Ordinance, in addition to being referenced by number in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town in a separate set of books. Effective dates of Ordinances shall be as provided by law.

## **2.7 PUBLIC BODY**

Town Council, all Boards, Committees, and Commissions of the Town, and any specially seated Board, Commission, Committee, or Sub-Committee of the Town whose members are appointed by the Mayor with the approval of the Town Council.

## **2.8 QUORUM**

A quorum is the minimum number of members of the Town Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

## **2.9 RESOLUTION**

A Resolution is a more formal type of motion normally utilized to set forth policy of the Town. The Resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the Town in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be as provided by law.

## **SECTION 3. PRESIDING OFFICER**

### **3.1 PRESIDING OFFICER**

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor is the Presiding Officer of all meetings of the Town Council.

In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. The council members present shall, by majority vote, select a Presiding Officer for that meeting.

Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the business immediately before the Town Council.

### **3.2 ROBERT'S RULES OF ORDER**

The Presiding Officer, or Town Council, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.

## **SECTION 4. MEETINGS**

### **4.1 REGULAR MEETINGS**

- A. The Florence Town Council shall hold Regular Meetings at 6:00 p.m. on the first and third Monday of each month, in the Council Chambers, located at 775 N. Main Street, or another place, date or time as determined by the Town Council. Meetings are held for the purpose of discussion or action of the Town Council on various issues deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Call to the Public."
- B. When the Regular Meeting of the Town Council falls on a legal holiday, no meeting shall be held on such holiday, but said meeting may be held at the same time and the same location on the next succeeding business day thereafter that is not a holiday or at such other time as designated by the Town Council. The Town Council will take appropriate action to publicly announce such a change and will instruct the Town Clerk to publish a notice in the newspaper stating such change.

### **4.2 ADJOURNED MEETINGS**

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular Town Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion. A motion to continue an item on the Council Agenda shall not be considered a motion to adjourn.

#### **4.3 SPECIAL MEETINGS**

- A. The Mayor or Town Manager may, or at the request of two (2) council members shall call a special meeting of the Town Council for a time not earlier than 24 hours after the later of (i) the notice being given to all council members or (ii) the Agenda being posted, except in the case of an actual emergency. In the case of an actual emergency, such notice as is practicable under the circumstances shall be given. Notice of all such Town Council meetings must be made pursuant to state law.
  
- B. Special Meetings are held for the purpose of presentations, discussion, citizen comment or formal action of the Town Council on various issues as deemed necessary to further the business of the Town.

#### **4.4 WORK SESSIONS**

Work Sessions are held for the purpose of presentations and discussions on issues that require more in-depth consideration of the Town Council than may be possible at a Regular Meeting. No formal action of the Town Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings shall not provide for "Public Comment." Work Session shall be held on Mondays of the month when necessary.

#### **4.5 EXECUTIVE SESSIONS**

The Town Council may hold an Executive Session pursuant to Arizona Revised Statute § 38-431.01 *et seq.*

#### **4.6 EMERGENCY MEETINGS**

As provided for in State Statutes, the Mayor and Town Council may call an Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting of the Mayor and Town Council will be posted within 24-hours following the holding of an Emergency Meeting. The notice will include the agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a "Public Comment."

#### **4.7 MEETINGS TO BE OPEN TO THE PUBLIC**

- A. With exception of Council Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions and Emergency Meetings of the Town Council shall be open to the public.
  
- B. All Public Meetings may be recorded or photographed by means of audio, video or photographic equipment provided; however, that there is no interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the Town's Staff.
  
- C. Public Comment is not provided for at Work Sessions or Emergency Meetings.

#### **4.8 MINUTES OF COUNCIL MEETINGS**

- A. The Town Clerk's office shall provide staff support at all Regular, Special, Work Session and Emergency Meetings of the Town Council for the purpose of taking notes and/or audio recordation of the Meeting.
- B. Written action minutes, instead of verbatim Minutes, shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. The minutes shall reflect council member attendance for the entire meeting (if a council member arrives late or leaves early then the minutes should reflect when the council member arrived/left).

Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained six months after being transcribed in accordance with the current Town of Florence/State of Arizona approved Records Retention and Disposition Schedules.

- C. All Minutes of the Town Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed minutes, or the audio or video recording of all Open Meetings of the Town Council, must be on file in the Office of the Town Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes, whichever is sooner.
- D. Minutes of Executive Sessions shall be confidential, are maintained and secured by the Town Clerk and may be accessed only as provided by Arizona Revised Statutes.

### **SECTION 5. NOTICE AND AGENDA**

#### **5.1 PREPARATION AND POSTING NOTICES**

- A. The Town Clerk shall prepare all Public Meeting Notices of the Town Council, and shall ensure posting of the meeting notices no less than 24 hours before the date and time set for said meetings, in accordance with Arizona Revised Statute. § 38-431.02.C.
- B. Meeting Notices shall, at a minimum, be posted in the following locations:
  - 1. Town Hall
  - 2. Town Library
  - 3. <http://www.florenceaz.gov>

#### **5.2 AGENDAS**

- A. The Town Clerk shall prepare the Agendas for all meetings of the Town Council as set forth in Section 6 below or as directed by the Mayor through the Town

Manager. Agendas of all meetings of the Town Council shall be available to the public no later than 24 hours prior to said meetings.

- B. Agendas are made available through the Town's web site as a convenience and, upon request, will be provided at no charge to political subdivisions or educational institutions.

### **5.3 DISTRIBUTION OF NOTICES AND AGENDAS**

- A. The Town Clerk shall ensure that the Mayor and Town Council receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said meeting, not less than 24 hours prior to the meeting.
- B. The Town Clerk shall ensure that the Town Council meeting notices, agendas and documentation, as deemed necessary, are distributed to the Town Manager and the Town Attorney. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others upon request, no less than 24 hours prior to said meeting.
- C. The Town Clerk may amend a published agenda, but not less than 24 hours prior to the designated meeting and only upon receipt of direction from (i) the Mayor or two members of the Town Council acting through the Town Manager or (ii) the Town Manager, or to correct minor errors. Amended agendas will indicate the date amended.

## **SECTION 6. ORDER OF BUSINESS**

### **6.1 ORDER OF BUSINESS**

The Order of Business of each meeting shall be as contained in the agenda as prepared by the Town Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of business agenda items, including a dollar amount where appropriate, that shall be taken up for consideration.

### **6.2 REGULAR MEETINGS**

The typical form of the agenda shall be as follows and may be changed as necessary:

**CALL TO ORDER**

**ROLL CALL**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**RECOGNITION ITEMS (MAYOR'S PRESENTATIONS)**

**CALL TO THE PUBLIC** Topics are limited to items under the jurisdiction of the Florence Town Council (speaker must fill out a card and give to Town Clerk prior to meeting)

**CONSENT AGENDA** (including Minutes and Claims)

All items listed under consent are considered to be routine or have been previously reviewed by the Town Council, and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests; in which event the item will be removed from the Consent Agenda and considered in the normal sequence on the agenda.

**BUSINESS** (action or information items)

**ITEMS SUBMITTED BY PUBLIC/APPLICANTS**

**COUNCIL SUBMITTED ITEMS**

**MANAGER SUBMITTED ITEMS**

**MINUTES OF BOARDS AND COMMISSION\***

**DEPARTMENT REPORTS\*\***

**CALL TO THE PUBLIC** Topics are limited to items under the jurisdiction of the Florence Town Council (speaker must fill out a card and give to Town Clerk prior to meeting)

**CALL TO THE COUNCIL**

**EXECUTIVE SESSION**

**ADJOURNMENT**

\* Indicates first meeting of the month

\*\* Indicates second meeting of the month

All agendas will have the following statement placed at the bottom of the agenda:

DATE/TIME POSTED:

Any individual with a qualified disability may request a reasonable accommodation by contacting the ADA Coordinator at 520-868-7574 at least 72-hours prior to the Town Council meeting.

### **6.3 SPECIAL MEETINGS**

- A. If a Special Meeting is being held in place of a Regular Meeting, the agenda shall be as set forth for a Regular Meeting.
- B. For all other Special Meetings, the Agenda will typically be prepared in the following order:

**CALL TO ORDER**

**ROLL CALL**

**CALL TO THE PUBLIC** (must fill out a card and give to Town Clerk prior to meeting)

**BUSINESS**

**CALL TO THE PUBLIC** (Speaker must fill out a card and give to Town Clerk prior to meeting)

**CALL TO THE COUNCIL**

**EXECUTIVE SESSION**

**ADJOURNMENT**

#### **6.4 WORK SESSION MEETINGS**

Questions may be directed by the Town Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Unless otherwise designated by the Presiding Officer, the time for such response to questions or presentations shall be limited to three minutes per speaker. The Agenda will typically be prepared in the following order:

**CALL TO ORDER**

**ROLL CALL**

**AGENDA ITEMS FOR DISCUSSION:** No Action/Discussion only.

**ADJOURNMENT**

#### **6.5 ITEMS TO BE TAKEN IN ORDER**

- A. The Presiding Officer, or the members by consensus, may consider items out of sequence from the printed Agenda for the meeting.
  
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with Arizona Revised Statute § 38-431.02, as amended.

#### **6.6 ROLL CALL ATTENDANCE**

The Presiding Officer shall direct the Town Clerk to call the Roll, and the names of council members both present and absent shall be entered into the minutes.

#### **6.7 ACTION ITEMS**

**Scheduled Public Appearances** allow citizens to speak on a specific item before the Town Council, including presentation of petitions, according to the following process:

1. A written request shall be submitted to the Town Clerk for review by the Town Manager not less than 10 days prior to the Town Council meeting at which the person desires the item to be heard.
  
2. The Town Manager or designee shall research the issue to determine if it may be handled administratively or will require Town Council discussion. If it is determined that the matter should be placed before the Town Council, the Town Manager shall ensure that documentation, if any, is compiled and the material forwarded to the Town Clerk in the same manner as other issues presented to the Town Council.
  
3. If the Town Manager determines that the subject should not be placed on a Council Agenda, the Town Clerk shall notify the citizen that their request for action/input will not be placed on the agenda but forwarded to the appropriate department.

4. The Mayor, two members of the Town Council or the Town Manager may request that an item be placed on the Council's Agenda; the Town Clerk shall place the item on the next Regular Meeting Agenda and advise the citizen of the meeting date and time.

#### **6.8 CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR**

- A. Call to the Public/Agenda Items: Presentation of petitions, or public comments on Agenda issues are heard under the first "Call to the Public". All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council. However, the time limit may be waived by the Mayor or by consensus of the Town Council
- B. At the pleasure of the Mayor and Town Council, individuals may address the Town Council on any subject pertaining to or related to an item on the posted Agenda for that meeting.
- C. Call to the Public/Non Agenda Items: Presentation of petitions, or public comments on Non-Agenda issues are heard under "Call to the Public". All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council on a Non-Agenda item. However, the time limit may be waived by the Mayor or by consensus of the Town Council.
- D. All citizens and interested parties wishing to speak before the Town Council at "Call to the Public" shall complete a card located at the back of the Town Council chambers and submit the card to the Town Clerk, or designee.
- E. At the conclusion of all public comments, the Mayor or any council member may take any or all of the following actions:
  - 1) Respond to Criticism.
  - 2) Ask Staff to review the matter.
  - 3) Ask that the matter be put on a future Agenda.
  - 4) Thank the citizens for their comments.

#### **6.9 CONSENT AGENDA**

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be required or (ii) are included in the annual budget (iii) have been previously studied by the Town Council. These items may be adopted by a single motion, second and affirmative vote of a majority of the Town Council.
- B. There is no discussion on items listed under the Consent Agenda; however, a member of the Town Council may request that an item or items be removed for discussion.

- C. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided in Section 6.5 above.

#### **6.10 BUSINESS ITEMS**

- A. At the time each Business Item is presented to Town Council, the staff will give a brief summary of the item, and the applicant, if applicable, may speak. The Mayor will then provide for citizen input and comments as requested prior to the meeting.
- B. Those speaking before the Town Council will be allowed three minutes to address the Council; time limits may be waived upon consensus of the Town Council. Such three-minute limit shall not apply to the applicant's presentation.
- C. The purpose of all public comments is to provide information and the speaker's views for Town Council consideration. It is not appropriate for the speakers to question directly or debate the matter under consideration with staff, other speakers, the audience or members of the Town Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, council members may question the speakers, any applicant's representatives or Town staff. Except when answering a direct question from a council member, all remarks shall be addressed to the Town Council as a whole, and not to individual members; provided, however, that all responses shall be directed through the Presiding Officer.
- D. Proper decorum must be observed by council members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on council members, Town Staff or members of the public are not allowed. It is inappropriate to utilize the Public Hearing or other Agenda item for the purpose of making political speeches, including threats of political action. Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Council Chambers.
- E. Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:
  - 1. The Presiding Officer will announce the matter that is set forth for a Public Hearing and, if appropriate, ask the staff to provide a short summary of the matter.

2. The Presiding Officer will then ask the applicant, if appropriate, to speak.
  3. At the conclusion of the Staff Report and/or presentation by the applicant, the Presiding Officer will open the Public Hearing for comments from the public.
  4. After all public comments are heard, the Presiding Officer will close the Public Hearing and may ask staff or the applicant to respond to the comments.
  5. The Presiding Officer may then call for a motion and second, if applicable, and/or ask if Town Council wishes to discuss the motion/item. Town Council may then proceed to discuss the matter.
  6. Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
  7. Exhibits, letters, petitions and other documentary items presented or shown to the Town Council during a Public Hearing shall become part of the record of the Public Hearing and a copy thereof shall be submitted to the Town Clerk.
- F. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an Issue, the Presiding Officer may, upon consensus of the Town Council at the beginning of the hearing, limit testimony. Upon approval of the Town Council, persons may be allowed to speak longer than three minutes. Council members may ask the individual speaker questions, and the speaker may respond.
- G. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Town Council in this regard.

### **6.11 INFORMATION ITEMS**

Mayor and council members may present or discuss information items only if the specific matter is listed on the posted Agenda under "Discussion Items".

### **6.12 ADJOURNMENT**

The meeting is adjourned by a motion to adjourn, a second and an affirmative vote of the majority.

### **6.13 RECESS/BREAK**

The Presiding Officer may, or a member of council may call a recess/break if necessary during the course of a Public Meeting.

## **SECTION 7. AGENDA PREPARATION**

### **7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION**

Items may be placed on the Agenda for Town Council discussion and possible action by (i) the Mayor acting through the Town Manager, Members of Council acting through the Town Manager or (iii) the Town Manager.

### **7.2 AGENDA ITEM SUBMITTALS FOR TOWN COUNCIL EXECUTIVE SESSIONS**

Items may be placed on the Agenda for Council Executive Session discussion if in compliance with the Town Code and applicable State Statutes by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by (i) the Mayor acting through the Town Manager, (ii) two council members acting through the Town Manager or (iii) the Town Manager.
- B. The Town Attorney shall review all items submitted for Executive Session discussion, prior to placement on the Agenda, to ensure that the item is legally permissible to be discussed in Executive Session, pursuant to Arizona Revised Statute. § 38-431.03. If permissible, the Town Clerk shall place notice of such Executive Session discussion on the Agenda.

### **7.3 COUNCIL PACKETS**

Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications and any ordinances, agreements or resolutions to be acted upon including documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.

Full Packets for ALL noticed Town Council Meetings (except Executive Session documentation) are delivered to council members by the Town Clerk's Office. Every effort will be made to distribute full packets by the Thursday prior to each Regular Town Council Meeting and not less than 24 hours prior to any Special Town Council Meeting.

## **SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING**

### **8.1 CALL TO ORDER**

All meetings of the Town Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, the Vice-Mayor).

### **8.2 PARTICIPATION OF PRESIDING OFFICER**

The Presiding Officer may move, second, debate and vote from the Chair, subject only to such limitations of debate as are imposed on all council members, and he/she shall not be deprived of any of the rights and privileges of a council member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

### **8.3 QUESTION TO BE STATED**

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question was carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

### **8.4 MAINTENANCE OF ORDER**

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

## **SECTION 9. RULES/DECORUM/ORDER**

### **9.1 POINTS OF ORDER**

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any council member to appeal to the entire Town Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

### **9.2 ORDER AND DECORUM**

#### **A. Council Members:**

1. Any council member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition; however, the Presiding Officer may choose to not recognize similar or repetitive discussions or motions which would delay the meeting.
2. When two or more council members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
3. While a council member is speaking, no other council member shall interrupt except to make a point of order or point of personal privilege.
4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
5. The Town Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the Town Council, or the Presiding Officer, with the consensus of a majority of the Town Council, may announce time limits on any Agenda item.
6. Any council member may call for a previous question on any issues under debate. The call for previous question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the

previous question terminates all debate on the original motion. The Town Council shall immediately vote on such motion.

7. The Town Council will not tolerate harassment, personal attacks or discrimination against each other or by members of appointed Boards, Commissions or Committees. No one should be subject to un-welcomed verbal or physical conduct that shows hostility based upon gender, race, ethnicity, sexual orientation, religion, age, disability or national origin. Any Town Council appointee who violates this provision will be subject to removal.
  8. If a council member acts in violation of these rules, the Presiding Officer shall, or any council member may, call that council member to order. The council member so called shall immediately cease speaking, but may appeal to the Town Council. The Town Council shall decide the appeal without debate. If the appeal is granted, such council member may continue speaking on the matter. If the appeal is denied, such council member shall remain silent on the matter. Any council member acting in violation of these rules is subject to censure or other punishment as the Town Council, by a three quarters vote of the other council members present, deems just and proper under the law.
- B. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to members of the Town Council. The Town Manager shall ensure that all Town employees observe such decorum. Any staff members, including the Town Manager, desiring to address the Town Council or members of the public shall first be recognized by the Presiding Officer.
- C. Public: Members of the public attending the Town Council Meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender/s from the meeting.

### **9.3 ENFORCEMENT OF DECORUM**

Proper decorum is to be maintained during all meetings by the Town Council, staff and guests. It is the responsibility of the Mayor or other person acting as Presiding Officer of the meeting to ensure compliance with this Policy. A police officer may be directed by the Mayor or Presiding Officer to remove from the meeting, after a verbal warning, any person whose conduct is disorderly or disruptive.

### **9.4 PROCEDURES IN ABSENCE OF RULES**

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

### **9.5 RULINGS OF PRESIDING OFFICER ARE FINAL, UNLESS OVERRULED**

In presiding over Town Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. In making such determinations, the Presiding Officer may solicit the opinion of the Town Attorney, or other such person serving as the Parliamentarian of the Town Council.

### **9.6 APPEAL THE RULING OF THE PRESIDING OFFICER**

Any procedural decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, a motion and second to appeal the ruling can be made and the ruling can be overridden or suspended by a majority vote of the council members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

## **SECTION 10. ADDRESSING THE COUNCIL**

### **10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA**

During a Town Council Meeting, no person except Town Officials shall be permitted within the area in front of the Town Council dais without the invitation or consent of the Presiding Officer.

### **10.2 MANNER OF ADDRESSING THE COUNCIL**

- A. Any member of the public desiring to address the Town Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his//her name for the record.
- B. Within 48-hours advance notice, special assistance can be provided for any individual with a qualified disability. Please call the ADA Coordinator to request an accommodation to participate in this Public Meeting.

### **10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE**

After the motion has been made, or after a Public Hearing has been closed, public comment shall not be allowed without a request from a council member or the Presiding Officer.

### **10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS**

The making of oral communications to the Town Council by any member of the public during the "Call to the Public" or under an action item, shall be subject to the following limitations:

- A. The Presiding Officer may limit the number of speakers heard on Non-Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- B. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may limit the number of speakers.
- C. Oral communications during the Town Council Meeting may not be used to lodge charges or complaints against any employee of the Town, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints against employees shall be submitted during normal business hours to the Town Manager for appropriate action.
- D. By policy, the Town Council will refrain from commenting on the remarks given during "Public Comment" but may respond to criticism, direct staff to prepare a discussion or action agenda item at a future Town Council meeting.

## **SECTION 11. MOTIONS**

### **11.1 PROCESSING OF MOTIONS**

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker has the right to modify his/her motion as he/she pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw his/her second.
- C. If a modification to a motion made by another council member is accepted by the maker of the motion, then the council member who seconded the unmodified motion shall be requested to reaffirm his/her second after modification. If the council member refuses to reaffirm his/her second, the second is presumed made by the suggestor of the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered lost.

### **11.2 DIVISION OF QUESTION**

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a council member, divide the propositions into separate question.

### **11.3 PRECEDENCE OF MOTIONS**

When a motion is before the Town Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- A. Fix the time to adjourn
- B. Adjourn

- C. Recess
- D. Raise a question of Privilege
- E. Table (temporarily)
- F. Move the Previous Question
- G. Close, limit or extend discussion
- H. Continue to a certain time and date
- I. Commit (Refer or remand to a Committee)
- J. Amend
- K. Table/Postpone Indefinitely
- L. Main Motion

#### **11.4 MOTION TO POSTPONE INDEFINITELY**

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

#### **11.5 MOTION TO TABLE**

A motion to table enables the Town Council to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next Regular Meeting; provided, however, that such item is included on the duly posted Agenda of the Town Council.

#### **11.6 MOTION TO CLOSE, LIMIT OR EXTEND DISCUSSION**

Such a motion shall be used to limit or close debate on, or further amend the main motion. This is referred to as “Call For The Question” and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion. It requires a two-thirds vote. The vote on a motion to call for the question to terminate discussion shall be by roll call. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

#### **11.7 MOTION TO AMEND**

- A. A Motion to Amend shall be debatable only as to the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- C. A substitute motion on the same subject shall be acceptable and shall be voted on before a vote on the amendment.

D. Amendments shall be voted on first, then the main motion as amended.

### **11.8 MOTION TO CONTINUE**

Motions to Continue to a definite time shall be amendable and debatable only as to propriety of postponement and the time set.

## **SECTION 12. VOTING PROCEDURE**

### **12.1 CASTING A VOTE**

- A. In acting upon every motion, the vote shall be taken by casting an aye/nay vote by voice, roll call or any other method as determined by the Presiding Officer from which the vote of each council member can be clearly ascertained.
- B. If a council member has declared a Conflict of Interest he/she must abstain during the roll call vote.
- C. If the roll call method of voting is used, the Town Clerk shall call the names of all members with the Presiding Officer called last. Council members shall respond "Aye" or "Nay". It shall be out of order for members to explain their vote during the roll call. Comments should be made during the discussion. There shall be no additional debate or speaking on the subject after the vote is taken.

### **12.2 FAILURE TO VOTE**

All members of the Town Council in attendance at a duly called meeting that requires formal Town Council action are required to vote, unless the issue involves the conduct of that council member or a matter upon which that council member has declared a conflict of interest. In all other cases, a failure to vote shall be entered in the Minutes as an affirmative vote.

### **12.3 RECONSIDERATION**

Any council member who voted with the majority may move for reconsideration of any action at the same or the next available Town Council Meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council.

### **12.4 TIE VOTES**

On a tie vote, a motion requiring a majority vote for adoption is a lost motion. When all council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Town Council takes other action to further consider the matter.

## **SECTION 13. CONFLICT OF INTEREST**

### **13.1 INTRODUCTION**

Occasionally, a council member may find himself/herself in a situation which requires that council member abstain in voting on a matter before the Town Council. This situation exists when the council member has a “conflict of interest” as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives.

### **13.2 PURPOSE OF CONFLICT OF INTEREST LAWS**

The purpose of Arizona’s Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official’s decision, as well as to discourage deliberate dishonesty.

### **13.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW**

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by council members.

### **13.4 DISCLOSURE OF INTEREST**

Any council member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State law. Any council member who has a Conflict of Interest in any decision must disclose that interest, and declare the existence of the conflict. Minutes containing Conflict of Interest disclosures will be on file in the Clerk’s Office. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a Conflict of Interest by a council member.

### **13.5 RULE OF IMPOSSIBILITY**

In the unlikely situation the majority of council members have a conflict of interest and the Town Council is unable to act in its official capacity, members may participate in the Town Council’s decision after making known their conflicts of interest in the official records.

### **13.6 IMPROPER USE OF OFFICE FOR PERSONAL GAIN**

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

### **13.7 SANCTIONS FOR VIOLATIONS**

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in state law.

### **13.8 NON-STATUTORY CONFLICTS OF INTEREST**

Occasionally, a council member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the Town Council to

encourage council members to adhere to strongly held ethical values which are exercised in good faith. However, Council encourages participation in the decision making process unless the matter involves the council member's personal conduct or a conflict of interest set forth by Statute. Therefore, failure to vote on a matter for any reason other than a conflict of interest under state law shall be considered a vote in favor of such matter.

#### **SECTION 14. ELECTION OF VICE MAYOR**

The Town Council shall designate one of its members as Vice-Mayor who shall serve in such capacity for a four-year term at the pleasure of the Town Council. The Vice-Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor.

#### **SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES**

The Town Council may create such boards, commissions and committees as it deems necessary to assist in the conduct of the operation of Town government.

##### **15.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES**

- A. All boards, commissions and committees of the Town shall be classified as a regularly scheduled or unscheduled boards, commissions and committees. Regularly scheduled boards, commissions and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions and committees meet on an as called basis.
- B. Regularly scheduled boards, commissions and committees include:
  1. Art and Culture Commission
  2. Historic District Advisory Commission
  3. Library Advisory Board
  4. Parks and Recreation Advisory Board
  5. Planning and Zoning Commission
- C. Unscheduled boards, commissions and committees:
  1. Board of Adjustment
- D. Other separate legal entities that also address the needs of the Town, including:
  1. Industrial Development Authority
- E. Any board, commission or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created (ii) when

abolished by a majority vote of the Town Council or (iii) as dictated by the Town Code.

## **15.2 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- A. The Mayor may appoint an appointing committee. This appointing committee shall be made up of three members (from members of the council or appropriate board/commission). The Mayor may appoint himself/herself to this committee. If no such committee is appointed, the entire Town Council shall conduct interviews and appoint citizens to the various boards, commissions and committees.
- B. The purpose of this appointing committee is to interview applicants and recommend to the Town Council possible candidates as described in 15.3.

## **15.3 SELECTION OF BOARD, COMMISSION OR COMMITTEE MEMBERS**

- A. A call for applications to fill vacant seats to boards, commissions and committees shall be duly published for at least one week via newspaper advertising, website and other means as available to the Town.
- B. Individuals applying for boards, commissions or committees must fill out and submit the Town application form to the Town Clerk by the published deadline. The Town Clerk will forward the applications to the appropriate staff liaison.
- C. The Town Clerk will review the applications and prepare support materials for the Appointing Committee. Staff will schedule an appropriate time for an open meeting in order that the committee may interview in person, or via telephone, applicants for the open seat(s) to any Town board, commission or committee.
- D. After review and consideration, the appointing committee members shall announce a recommendation and prepare a memorandum recommending candidates to fill the vacancies. This memorandum shall include copies of all the applications received.
- E. The Town Clerk shall prepare an Agenda item for the next appropriate Town Council Meeting after the appointing committee has announced its recommendation(s) to fill open board, commission or committee seat(s).
- F. The Town Clerk will notify the appointees in writing as to their appointment and the next meeting date of the new member's board, commission or committee scheduled meeting. Included in this notification is any official literature, agendas, minutes or other materials specific to the committee, board, or commission appointment.

## **15.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS**

- A. All members of boards, commissions and committees shall meet the following minimum qualifications upon their appointment to any board, commission or committee. Each member must be:
  - 1. Eighteen years of age or older, except for members appointed to any board, commission or committee seats designated by Town Council for youth representation.
  - 2. A registered voter, except those under 18 years of age.
- B. Town employees or appointed officers shall not be eligible for appointment to any boards, commissions, and committees but may be requested to provide staff support thereto.

### **15.5 TERMS, VACANCIES, REMOVAL**

- A. All members of unscheduled boards, commissions and committees shall serve a term of up to three years, or until the board, commission or committee is dissolved, unless terms are specifically designated by Town Council action, Town Code or Arizona Revised Statutes.
- B. For boards, commissions and committees having five (5) members or less, the terms of office shall be staggered so that no more than two (2) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- C. For those boards, commissions and committees having more than five (5) members but less than eight (8) members, the terms of office shall be staggered so that no more than three (3) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- D. A vacancy on a board, commission or committee shall be deemed to have occurred upon the following:
  - 1. Death or resignation of a member of a board, commission or committee.
  - 2. A member ceasing to be a Florence resident unless the Town Council has provided that such member may be a non-resident.
  - 3. Three consecutive unexcused absences by a member from board, commission or committee meetings.
  - 4. Convictions of a felony or an offense involving a violation of his official duties.
- E. Whenever a vacancy has occurred on one board, commission or committee, the Subcommittee for Board, Commission and Committee Appointments shall meet

to recommend a candidate to complete the remainder of the term. Procedures described in 15.3 above will be used to generate applicants interview applicants, and make a recommendation.

- F. An incumbent member of a board, commission or committee seeking reappointment shall submit a new application under the provisions set forth in Section 15.3 above and shall be considered for appointment by the Town Council in the same manner as all other applicants for such position.

### **15.6 ALTERNATES**

The Town Council may appoint alternates to serve on boards, commissions and committees in the event of vacancy. Such alternates may attend meetings of the board, commission or committee but shall not participate until such time as a vacancy has occurred and the alternate has filled such vacancy. If the Town Council appoints more than one alternate for a particular board, commission or committee, the Town Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission or committee, the first alternate shall fill such vacancy without the need for further Town Council action.

### **15.7 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW**

All boards, commissions and committees are subject to the Arizona Open Meeting Law.

### **15.8 RESIDENCY REQUIREMENTS**

Members shall be residents of the Town of Florence. All members shall be bona fide residents of the municipality, unless a motion, resolution or ordinance creating a board, commission or committee specifies otherwise, and shall serve without pay or compensation, except that a member shall reimbursed for his actual and necessary expenses incurred in the performance of this official duties, provided that such expense are approved by the Council prior to being incurred.

## **SECTION 16. COUNCIL BUDGET, EXPENSES AND TRAVEL**

- A. Council members shall adhere to the adopted Town of Florence travel policy except as otherwise set forth herein.
  
- B. The Town Council shall adopt, as part of the annual budget, specific travel budget amounts for each council member. The Town Council may also establish a fund from which an individual member may draw additional travel funds upon approval of the Town Council acting upon an item listed upon a duly published agenda and taking place an Open Public Meeting

## **SECTION 17. CODE OF ETHICS**

Council/Board/Commission members shall conduct themselves so as to bring credit upon the Town as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the Town as a whole.

Council members should likewise do everything in their power to ensure impartial application to the law to all citizens, and equal treatment of each citizen before the law, without regard to race, religion, national origin, sex, social standing or economic position. This Code assures public confidence in the integrity of local government and its effective and fair operations, and therefore the members will:

- A. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern. Members will work for the common good of the people of the Town of Florence and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Town Council, commissions, boards and committees.
- B. Comply with the Law. Members will comply with the laws of the nation, the State of Arizona and the Town of Florence in the performance of their public duties. These laws include, but are not limited to, the United States and Arizona Constitutions, the Florence Town Code and Policies, laws pertaining to conflicts of interest, election campaigns, financial disclosure and the Public Open Meeting Law.
- C. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, commissions, boards, committees, staff and the public.
- D. Respect for Process. Members will perform their duties in accordance with the processes and rules of order established by the Town Council and commissions, boards and committees governing the deliberation of public policy issues, meaningful involvement of the public in public hearings, and implementation of policy decisions of the Town Council by Town staff.
- E. Conduct of Public Meetings. Members will prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of business.
- F. Decisions Based on Merit. Members will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- G. Communication. Members will publicly share substantive information that is relevant to a matter under consideration by the council, commissions, boards or committees, which they may have received from sources outside of the public decision-making body.

- H. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members will not use their official positions to influence government decisions in which they have a material financial interest or a relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision making when conflicts may exist.

Members will abstain from participating in deliberations and decision-making where conflicts may exist as defined under Arizona Statutes. Members should discuss any issues of conflict of interest with the Town Attorney.

- I. Gifts and Favors. Members will not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which is not available to the public in general. They will refrain from accepting any gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.
- J. Confidential Information. Members will respect the confidentiality of information concerning the property, personnel or affairs of the Town. They will not disclose confidential information without proper legal authorization or Council majority approval. They will not use such information to advance their personal, financial or other private interests.
- K. Use of Public Resources. Members will not use public resources unavailable to the public in general, such as Town staff time, equipment, supplies or facilities for private gain or personal purposes.
- L. Representation of Private Interests. In keeping with their role as stewards of the public interest, council members will not appear on behalf of private interests of third parties before the Council or any commission, board or committee or proceeding of the Town, nor will members of commissions, boards and committees appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- M. Advocacy. Members will represent the official policies or positions of the Town Council, commissions, boards or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members will explicitly state they do not represent the Town of FLORENCE, nor will they infer that they do.
- N. Policy Role of Members. Members will respect and adhere to the Council-Manager structure of government as outlined in the FLORENCE Town Code. In this structure, the Town Council determines the policies of the Town with the

advice, information and analysis provided by the public, commissions, boards, committees and staff. Except as provided by the FLORENCE Town Code, members therefore will not interfere with the administrative functions of the Town or the professional duties of Town staff, nor will they impair the ability of staff to implement Council policy decisions.

- O. Independence of Commission, Boards and Committees. Because of the value of the independent advice of commissions, boards, and committees to the public decision-making process, council members will refrain from using their position to unduly influence the deliberations or outcomes of commission, board and committee proceedings.
- P. Positive Work Place Environment. Members will support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members will recognize that their special role dealing with Town employees is not to create the perception of inappropriate direction to staff.
- Q. Public Speaking. The Members of Council shall declare they are speaking as a council member, but it is their individual opinion, and may or may not be the opinion of the majority Council.
- R. Implementation. As an expression of the standards of conduct for members expected by the Town, the FLORENCE Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

Members entering office shall sign a statement affirming they read and understood the Town of Florence Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the Town Council, boards and commissions, and the Town Council shall consider recommendations from boards and commissions and update as necessary.

- S. For this reason, ethical standards will be included in the regular orientations for candidates for Town Council, applicants to boards, commissions and committees, and newly elected and appointed officials.

### **17.1 COMPLIANCE AND ENFORCEMENT**

This standard of conduct is expected for members of the FLORENCE Town Council, commissions, boards, and committees. Members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of this resolution are brought to their attention. They will find out more details about the alleged

conduct and present the Town Council with a memo detailing the findings. Any Town council member may then ask that the item be placed on the Council agenda.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restrictions.

A violation of this resolution will not be considered a basis for challenging the validity of Council, commission, board, committee decisions, or removal.



## Model of Excellence Member Statement

As a member of the Florence Town Council or of a Florence board or commission, I agree to uphold the Code of Ethics for elected and appointed officials adopted by the Town and conduct myself by the following model of excellence. I will:

Recognize the worth of individual member and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, Town staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interest of Florence;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the Town of Florence Code of Ethics.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Speakers Request Form  
For  
Public Comment  
Call to the Public**

Meeting Date: \_\_\_\_\_ Topic: \_\_\_\_\_

Full Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
(Please Print)

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

I am a spokesperson for: \_\_\_\_\_  
(self, business, religious group, non-profit, govt. agency)

TITLE: \_\_\_\_\_

I am representing (Number of people) \_\_\_\_\_

I wish to address the Council:  Elected Official  
 In Favor of the Topic  
 Opposed to the Topic

-----  
(Tear here: keep information below for reference)

**Please give this form to the Town Clerk. Forms may be submitted at any time before or during the meeting.**

**How to address the Council:**

- Must speak directly about an item on the agenda.
- The Mayor or Presiding Officer will call your name when it is your turn to speak.
- Citizens must limit comments to 3 minutes\*.
- Groups wishing to speak should elect a spokesperson to represent the views of the group.
- The Mayor may limit the number of speakers heard on non-agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.

**\* Prior approval is required for presentations longer than Three minutes.**



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** Adopt resolution revising the City of Elk Grove City Council Norms and Procedures Manual

**MEETING DATE:** March 11, 2015

**PREPARED BY  
DEPARTMENT HEAD:** Jason Lindgren, City Clerk

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**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt a resolution revising the City of Elk Grove City Council Norms and Procedures Manual (Norms and Procedures) to include guidelines for implementing a Review Panel for the Key to the City program, outline processes for making vacancy appointments of local elected officials, and establishing District web pages for Council Members.

**BACKGROUND INFORMATION:**

At the City Council meeting of February 11, 2015, the City Council provided direction to revise the Norms and Procedures. Set forth are the topics discussed for revision.

**Key to the City Program:** The Key to the City Program is being revised to submit nominations to the City Manager, who will then convene a Review Panel to make recommendations to the City Council on the nomination requests. The Review Panel will consist of members from other public agencies and/or the public drawn from an eligibility pool approved by the Mayor. The Review Panel meetings would be public meetings, similar in nature to the Mayor's Volunteer Awards Program. The Review Panel's recommendations would be submitted for formal City Council approval. The Key to the City Program is recommended to also be revised so that Key to the City presentations will occur at scheduled City functions (either a regular meeting or at a City sponsored event), in order to save costs.

**Vacancy of Elected Official Position:** A new section has been added in Chapter 5 *Administrative Matters* that states a preference to fill vacancies of elected official positions by special election, but reserves the City

Council's ability to address vacancies by appointment. The appointment process utilized would follow the process conducted during the December 2014 appointment process, but would provide the option to commence the recruitment earlier, after the close of the election nomination period in August, with consideration of the appointment as early as the first meeting in November.

**Council Member Web Page:** A new section has been added in Chapter 5 *Administrative Matters* to implement creation of Council Member web pages (one citywide for the mayor, and four district pages) to provide general information and updates on district matters, and providing individual members' biography, upcoming meeting scheduling, and contact information.

**FISCAL IMPACT:**

It is anticipated that the cost for convening the Review Panel for the Key to the City Program would primarily be staffing time accommodated in the City Manager's department.

Vacancy appointment costs consisting of an application solicitation process only, with review and consideration during a regular or special meeting, would be accounted for on an annual basis by the Office of the City Clerk. Costs for Elk Grove elections "from" district when consolidated with Sacramento County for the general election were approximately \$75,000 in 2014, and quotes received for a standalone special election for an Elk Grove "from" district election were in the range of \$390,000 to \$780,000. If Elk Grove considers "by" district elections, it is anticipated that future general election costs will be approximately \$101,000, and a standalone special election for an Elk Grove "by" district election would be in the range of \$100,000 to \$200,000 (special election costs for filling a vacancy of the directly elected mayor would still be citywide, at the cost range of \$390,000 to \$780,000).

It is anticipated that the cost for the creation and maintenance of district specific web pages would primarily be staff time (a one-time set up fee to establish the pages and approximately an hour per month updating the pages) that could be accommodated in the City Council's department.

**ATTACHMENT:**

1. City of Elk Grove City Council Norms and Procedures Manual  
(version dated June 26, 2013, with draft, proposed changes)

**ATTACHMENT 1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING THE REVISED CITY OF ELK GROVE CITY COUNCIL NORMS  
AND PROCEDURES MANUAL FOR IMPLEMENTING A REVIEW PANEL FOR THE  
KEY TO THE CITY PROGRAM, OUTLINING PROCESSES FOR MAKING VACANCY  
APPOINTMENTS OF LOCAL ELECTED OFFICIALS, AND ESTABLISHING  
DISTRICT WEB PAGES FOR COUNCIL MEMBERS**

**WHEREAS**, the City Council previously adopted the "City of Elk Grove City Council Norms and Procedures Manual" (Norms and Procedures) on September 8, 2010; and

**WHEREAS**, the City Council modified the Norms and Procedures on February 23, 2011, October 26, 2011, December 12, 2012, and June 26, 2013, and

**WHEREAS**, the City Council wishes to amend the Norms and Procedures to include guidelines for implementing a Review Panel for the Key to the City program, outlining processes for making vacancy appointments of local elected officials, and establishing District web pages for Council Members, as set forth in the document attached to this Resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove adopts the revised City of Elk Grove City Council Norms and Procedures Manual dated March 11, 2015, attached to this Resolution as Exhibit A.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11<sup>th</sup> day of March 2015.

\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

# Elk Grove City Council

## Norms & Procedures Manual



Adopted by the Elk Grove City Council on ~~June 26,~~  
2013 March 11, 2015

*[proposed changes shown in are shown in red markup]*

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## CHAPTER 1 - INTRODUCTION

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A *Norms and Procedures Manual* may assist the City Council by documenting currently accepted practices and procedures for the effective conduct of City business. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council members in their actions. It is anticipated that this *Norms and Procedures Manual* will be reviewed every two years and may be revised from time to time.

## CHAPTER 2 - ROLES

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It is important to recognize that the City Council acts as a body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Council members may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Council members who held a minority opinion on an issue.

### MAYOR & VICE MAYOR

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The Mayor is elected by the voters of the City of Elk Grove and serves a two-year term. The Vice Mayor is selected annually by the City Council and serves a one-year term.

The Mayor is the presiding officer at all meetings of the City Council and performs duties consistent with the ceremonial office as may be delegated by the City Council. Neither the Mayor nor Vice Mayor possesses the power of veto or any other policy making authority beyond that of the other Council members. As presiding officer at City Council meetings, the Mayor, or the Vice Mayor in his/her absence, is to faithfully communicate the will of the Council majority in matters of policy. The Mayor, or the Vice Mayor in his/her absence, is the official head of the City and recognized spokesperson for ceremonial purposes. Consistent with State law governing general law cities, the Mayor makes appointments to boards and commissions, subject to confirmation by the full Council.

The Mayor, whenever available, shall sign all ordinances, and other documents that have been adopted and authorized by the City Council and require an official signature; except when the City Manager or another City Official has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor shall sign in the Mayor's absence.

## CHAPTER 3 - COUNCIL MEETINGS

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### REGULAR MEETINGS

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Rules of meeting conduct and procedure are adopted by resolution and amended from time to time. Regular meetings of the Elk Grove City Council shall be held the second and fourth Wednesdays of the month at 6 p.m. at 8400 Laguna Palms Way. No new business of the Council shall be considered after 10 p.m. unless by a vote of the Council. Any new business of the City Council shall be carried over to the next regular City Council meeting or the meeting may be adjourned to a date specific at Council's direction. All regular Council meetings are televised when possible and available for viewing on the City's website.

### SPECIAL MEETINGS & EMERGENCY MEETINGS

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Special meetings and emergency meetings of the City Council may be called by the Mayor or majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act. Any special meeting called pursuant to this section shall not be scheduled unless a majority of the City Council has confirmed their availability.

To be respectful of the public, in the event business agendized for special meetings of the City Council scheduled immediately prior to regularly scheduled meetings is not completed prior to the regular meeting time, unfinished business of the special meeting should be suspended until adjournment of the regular meeting.

### CLOSED SESSIONS

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The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.

## DECORUM

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The Elk Grove City Council has established the code of ethics and values to be followed by City Council members, City employees, officers, commissioners, and elected or appointed officials (Res. No. 2005-119). Council members value and recognize the importance of the trust vested in them by the public to accomplish the business of the City. All Council members shall accord the utmost courtesy and professionalism toward each other, to City employees, and to the public appearing before the City Council. At all times, Council members in the minority on an issue shall respect the decision and authority of the majority. The use of cellular telephones, portable computing devices, and the like are discouraged during council meetings in order to remain attentive to members of the public, staff or others as they are speaking to the Council.

## PUBLIC HEARINGS

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Public hearings may be required on certain items as prescribed by the Elk Grove Municipal Code or by state or federal law. The general procedure for public hearings is as follows:

1. Staff presents its report. Council members may ask questions of staff.
2. The Mayor opens the public hearing.
3. The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her rebuttal case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
6. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
7. Council deliberates and takes action.

When the City Council acts in an adjudicatory or quasi-judicial capacity, the agenda shall reflect that each member must (1) disclose on the record the general nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

## VOTING

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All members of the council, when present, must vote. If a member of the council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote unless, however, the council member abstains from voting by reason of his/her interest in the matter before the council and that reason is stated at the meeting.

## CHAPTER 4 - AGENDA

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The following rules for the preparation of the agenda for the City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called upon to act. The City Council relies upon the members of the City staff to perform research, review potential courses of action, furnish technical information and recommend solutions to various problems of City Government, and recognizes that proper, thorough research and investigation requires time to ensure that the City Council has sound background information before it takes action.

### ORDER OF THE AGENDA

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The Elk Grove City Council has established the order of business for City Council meetings (Res. No. 2010-24). Consideration of the public's interest shall be prioritized when considering the order of business on the agenda. When feasible, topics anticipated to be of greatest interest to the public will be placed at the beginning of the agenda.

### DEVELOPMENT OF AGENDA

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A "draft agenda" document is prepared by the City Clerk and is provided to staff and the Mayor every Friday. A copy of the draft agenda is reviewed by the City Manager, City Attorney, and other Executive Staff (Assistant City Manager, Police Chief, Human Resources Director, and Finance Director) at a standing meeting held each Monday morning.

City staff is required to submit reports for a Wednesday Council meeting:

- To the City Clerk by 5:00 p.m. on Wednesday **the week prior to the meeting;**
- To the City Manager by 5:00 pm on Monday **two weeks prior to the meeting;**
- To the Finance Department by 5:00 pm on Wednesday **three weeks prior to the meeting.**

Based on these deadlines, staff usually requires at least a month to properly prepare a matter for a Council agenda.

Agenda packets are ready for the Council on the Friday preceding regularly scheduled meetings.

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the *Agenda Preparation & Staff Report Guidelines for City Council Meetings*.

Once the agenda packet has been delivered to the City Council, items may be added to an agenda only upon the concurrence of the Mayor and only as authorized by the Ralph M. Brown Act.

#### EXTERNAL AGENDA REQUESTS

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A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council members. Upon approval by a majority of Council, the item will be agendaized and a staff report prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate. Again, based on the Finance Department, City Attorney, and City Clerk deadlines, staff usually requires at least a month to prepare a matter for a Council agenda.

#### COUNCIL MEMBER AGENDA REQUESTS

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A Council member may request an item be considered on a future agenda and, upon agreement by a majority of Council, staff will prepare a staff report. Council members may make requests verbally during a meeting or may submit written requests. If the item is raised during the Council member comment section of a regular meeting, the City Manager shall prepare, for consideration at the next regular meeting, a brief staff report that provides a general outline of the steps to be taken. Before implementation of the steps, the full Council will then provide direction pursuant to that agenda item.

#### PRESENTATIONS

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Most requests for presentations by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored as feasible and appropriate and placed under the "Presentations" segment of the agenda. All

ceremonial/special presentations will be calendared and coordinated with the Mayor, through the City Clerk's Office, and planned not to exceed 10 minutes at each Council meeting.

The "Presentations/Announcements" section of the Council Agenda is for the purpose of allowing a brief (5 to 10 minutes each) opportunity at the beginning of a Council meeting to recognize individuals, organizations, and businesses for their achievements and contributions to the community or for Council to receive information from outside agencies or Council appointed Boards, Commissions or Committees. It is not meant for a topic that would require lengthy deliberation, debate, or action. Items can be placed on the presentation section of the agenda at the request of Council or City staff with the City Manager's concurrence. Approval to place a presentation on the agenda that has been requested by a community member must be obtained through the City Manager's Office.

#### PROCLAMATIONS AND CERTIFICATE OF RECOGNITION/APPRECIATION

All requests should be submitted to the Mayor, through the City Clerk's Office, for consideration. The subject or recipient should be Elk Grove-related. It is within the Mayor's discretion whether to prepare such a document and/or place it on the agenda.

#### KEY TO THE CITY

The "Key to the City" is a symbolic gesture of appreciation and welcome to a person or entity. Because it is one of the City of Elk Grove's highest honors, the Key will only be presented in a manner that is consistent with the City's vision, mission, and goals.

A Review Panel shall be convened by the City Manager on an as needed basis upon the receipt of nominations under the "Key to the City" Program. The Review Panel shall consist of members from other public agencies and/or the public drawn from an eligibility pool approved by the Mayor. Meetings of the Review Panel will be open and public meetings, subject to the Brown Act. The Review Panel shall submit recommendations to the City Council for final approval.

The Mayor, or his/her designee, presents the "Key to the City" to the recipient at a City function.

The "Key to the City" of Elk Grove Program is intended to honor:

- An Elk Grove resident or entity with significant accomplishments in one or more of the following categories:
  - Professional or amateur sports
  - The entertainment industry

- Military service
- Public service
- Humanitarian efforts
- An Elk Grove resident reaching the age of 100 years
- A person who performed an act of heroism while in the City Limits
- A dignitary or celebrity visiting the City

All requests for a Key to the City nomination should be submitted to the City Manager for consideration. Requests for a Key to be presented in recognition of circumstances other than those listed above will be considered by the Review Panel on a case-by-case basis.

## CHAPTER 5 - ADMINISTRATIVE MATTERS

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### ADMINISTRATIVE SUPPORT

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General staff and administrative support to members of the City Council is provided through the City Manager's Office. Administrative services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Please note that individuals may have other work assigned with high priority.

### MAIL, DELIVERIES

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Members of the City Council receive a large volume of mail and other materials from the public and staff. The City Manager's Office maintains an office inbox for each member. In addition, a city courier may deliver materials to the homes of Council members when materials are time sensitive. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

All mail received and specifically addressed to the Mayor or a Council member shall be placed in their office without first being opened. The envelope of each communication shall be date-stamped as to its receipt. Each Council member shall be responsible for providing correspondence to the City Clerk that requires inclusion with agenda materials, as set forth in the Brown Act.

### E-MAIL

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The City of Elk Grove encourages the public to send correspondence to the entire City Council, either by traditional post or by e-mail.

Any e-mail sent or received may constitute a public record and may be disclosable upon request. Council members have no reasonable expectation of privacy in any e-mail correspondence received by them at their City of Elk Grove domain e-mail address.

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available

for public inspection at the time of the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/ filed date by the City Clerk.

E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's office up to the close of business (5:00 p.m.) on the date of the meeting and will be provided to Council members via "green sheet". The Mayor will allow his/her e-mail to be automatically forwarded to the City Clerk in order to ensure that all such public records will be handled in accordance with Government Code section 54957.5.

#### CITY ISSUED EQUIPMENT

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To enhance Council members' ability to communicate with staff and the public, city-purchased equipment can be provided.

The use of technological devices to communicate with a majority of other Council members on any official action to be taken falls within the provisions of the Brown Act. Technological devices include, but are not limited to, phones, faxes, computer e-mail, public access cable TV and video if they are used to pass information for the purpose of developing concurrence on action to be taken. Such actions outside of public meetings are prohibited by State law. E-mail may also be considered public information.

Council members may be connected from their home to the City's computer network. Information Technology Services staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications.

#### REORGANIZATION

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The Council is to be reorganized at the first regular meeting in December. The installation of the Mayor (in a year in which the Mayor is elected) and the selection of the Vice Mayor shall occur as the first items of business following roll call, the Pledge of Allegiance, and the observed Moment of Silence. Council shall then recess for a brief reception honoring the outgoing and incoming or re-elected Mayor and Council members.

Upon reconvening the meeting following the reception described above, the newly elected Mayor and selected Vice Mayor shall begin his/her duties at that time.

The seating of newly elected Council members shall occur at the same meeting that the Council reorganizes as follows:

1. The Mayor shall be seated in the center seat.
2. The Vice Mayor shall be seated to the immediate left of the Mayor.
3. The seat to the left of the Vice Mayor shall be occupied by the Council member for the lowest number district not selected as Mayor or Vice Mayor. For example, if the Council member for District 1 is selected as Mayor or Vice Mayor, the Council member for District 2 shall be seated in this seat.
4. The seat to the immediate right of the Mayor shall be occupied by the Council member for the next lowest number district not selected as Mayor or Vice Mayor. For example, if the Council member for District 2 is selected as Mayor or Vice Mayor, the Council member for District 3 shall be seated in this seat.
5. The seat to the far right of the Mayor shall be occupied by the Council member of the highest number district not selected as Mayor or Vice Mayor.

#### APPOINTMENT OF ELECTED OFFICIAL VACANIES

Government Code Section 36512(b) addresses vacancies of elected officers of a general law city. The City Council has a preference to fill vacancies of elected official positions by special election, if cost were not a factor. Taking cost and any other relevant factor into account, the City Council may also fill the vacancy of an elected official position by appointment, as permitted by state law.

If current standing members of the City Council participate as candidates in the General Election for any seat other than their incumbent position, the City Clerk will present an item at the meeting in August after the close of the election nomination period to open an application process in anticipation of potential vacancies. Based on the results of the General Election, if a pending vacancy is apparent, the City Council can consider appointment as early as the first meeting in November, or such other time as the City Council deems appropriate. A special meeting can be convened to consider the conditional appointment as needed to await final, certified election results, with the objective to install the appointed member at the first meeting in December.

The appointment process commences with opening a recruitment and permitting time for community vetting of candidates. At the meeting to consider an appointment, each candidate will have the opportunity to give an opening statement of 5 minutes, and answer questions posed by the City Council. The standing City Council will participate in the appointment decision pursuant to applicable statutes of Government Code section 36512(e).

## COUNCIL ANNUAL RECESS

The City Council annually recesses from its regularly established meeting schedule the first meeting of August, and the second regularly scheduled meetings of November and December.

## ATTENDANCE ON LEGISLATIVE ADVOCACY VISITS

The Mayor and the Vice-Mayor shall be designated as the City Council's sole representatives on the annual Federal legislative advocacy visit made exclusively to solicit federal aid on behalf of the City of Elk Grove. If either is unavailable the Mayor shall solicit alternates to attend.

This provision shall not apply to participation in the Sacramento Metro Chamber's annual "Capitol to Capitol" advocacy visit, which shall be available to all Council members.

## REGIONAL BOARDS AND COMMISSIONS

Whenever a member of the City Council is unable to attend a regional board or commission to which he or she is designated as the City's representative, he or she shall notify the alternate, if any.

## COUNCIL ACTIVITIES CALENDAR

A two-month calendar is maintained by the City Manager's Office identifying all standing meetings, workshops, special events, and holidays of interest. The calendar will be provided to Members as part of their weekly correspondence. The City Manager highly encourages that all functions, events or meetings to be attended by individual Council members are included on the master calendar.

## COUNCIL WEB PAGES

Each member of the City Council shall have a dedicated web page on the city website providing general information and updates on the district they represent, and providing individual members' biography, upcoming meeting scheduling, and contact information.

## CHAPTER 6 - RELATIONSHIP AND CONDUCT

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### RELATIONSHIP AND CONDUCT WITH CITY MANAGER

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The City Council and the City Manager are a team:

- The City Council *establishes policies for the overall operation of the City.*
- The City Manager *directs and is responsible for the day-to-day operations of the city* (see appendix for ICMA's *Council Manager Form of Government: Frequently Asked Questions*).

To facilitate a productive relationship with the City Manager, City Council is asked to:

- 1) Except for the purpose of requesting information or assistance, deal with the administrative service under the City Manager solely through the City Manager. Neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. Alternately, contact may be made directly with the Executive Staff (as defined in Chapter 4), department head (Planning Director, Public Works Director, Chief Building Official, Economic Development Director) or division head (such as the Integrated Waste Manager, Community Enhancement Manager, and Transit Manager) so long as a copy of communication is forwarded to the City Manager. The Executive Staff shall inform the City Manager of all Council contact;
- 2) Direct the City Manager to implement the Council's policy decisions through the administrative functions of the City;
- 3) Treat staff professionally and refrain from publicly criticizing or belittling individual employees;
- 4) Avoid involvement in personnel issues except during City Council Closed Sessions regarding City Council-appointed staff (City Manager, City Attorney or City Clerk), including hiring, firing, promoting, disciplining and other personnel matters;
- 5) Discuss directly with the City Manager, any displeasure with a department or staff;
- 6) Request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk or department heads prior to the meeting whenever possible;
- 7) Understand that all written informational material requested to be prepared for individual Council members shall be submitted to all Council members;
- 8) Refer complaints to the City Manager for further processing. Staff shall be given adequate time to investigate and respond to such complaints;
- 9) Receive from the City Manager timely information regarding unusual events that the public would be concerned about; i.e. anyone wounded by gunfire, area cordoned off by police or fire, significant event, etc.

## RELATIONSHIP AND CONDUCT WITH CITY ATTORNEY

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In all matters, the City Attorney represents the City of Elk Grove and is the legal advisor to the City Council, City Manager and department heads. The general legal responsibilities of the City Attorney are to:

- 1) Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- 2) Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings;
- 3) Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared;
- 4) Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is very important to note that the City Attorney does not represent individual members of Council, but the City and the City Council as a whole. An attorney representing a corporation, including a municipal corporation, does not automatically have an attorney-client relationship with the organization's individual constituents (officers, directors, shareholders, employees). There is no individual attorney-client privilege between a corporation's attorney and individuals within the corporation unless there is a clear showing that the individual consulted the corporate counsel in the officer's individual capacity.

## RELATIONSHIP AND CONDUCT WITH CITY CLERK

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The City Clerk works at the pleasure of the Council and performs statutorily mandated duties and tasks as assigned by the City Council. The general responsibilities of the City Clerk are to:

- 1) Serve as the Elections Official of the City;
- 2) Protect and preserve the legislative record of the City Council and other various records;
- 3) Facilitate delivery of records consistent with the provisions of the Public Records Act;
- 4) Receive filings on behalf of the City;
- 5) Facilitate the preparation, duplication, preservation and delivery of Council agenda materials;
- 6) Advise City departments about best practices for records management.

## RELATIONSHIP AND CONDUCT WITH STAFF

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City staff seeks to provide Council members free access to information from the City and to ensure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council members must avoid intrusion into those areas which are the responsibility of staff. This is necessary to protect staff from undue influence and pressure from individual Council members, and to allow staff to execute priorities given by management and the Council as a whole.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council members for information or assistance. Requests of the City Attorney's office are to be submitted to the Attorney. Requests of the Clerk's office are to be submitted to the Clerk. All other requests of staff are to be submitted through the City Manager's office.

Individual members of the City Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon a majority of the Council to do so as a matter of Council policy.

Individual Council members, as well as the Council as whole, shall receive the full cooperation and candor of staff in being provided with any requested information. Again, requests of staff (other than the City Attorney and City Clerk) are to be submitted through the City Manager's office.

The City Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council as a body and in keeping the Council informed. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influence recommendations.

## REQUESTS FOR RESEARCH OR INFORMATION

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In general, Council members should inform the City Manager prior to communicating directly with any employee below the Executive Staff. A Council member may request directly from department and division heads answers to routine questions or information on a given topic when it will require little or no research and have little or no impact to City operations. The Council member should also advise the City Manager of this request. City staff shall inform the City Manager of all Council contact.

Requests for information or research by either Council members or members of the public (except those otherwise governed by law, such as Public Records Act Requests) that are anticipated to take staff more than two hours to complete will be brought to the full Council at a regular meeting for consideration and approval by a majority of the Council members. All written documents produced as a result of these information or research requests, including the requests themselves, shall be shared with the full Council.

All Council requests dealing with policy and those requests which may be construed as direction shall be directed to the City Manager except for routine general inquiries or questions that will not disrupt city operations, in which case, the City Council may go to the department heads or the City Manager's Office. Members may also contact the City Attorney or City Clerk.

Any request from City Council requiring funding must be addressed with the City Manager. The City Manager shall respond in a timely manner.

To assist the City Manager, requests for information are best tracked if submitted in writing, either in memorandum form or through e-mail. And to ensure proper responsiveness, Council members are asked to copy both the department head and the City Manager on all correspondence with staff.

## CHAPTER 7 - COMMUNICATION & REPRESENTATION

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### REPRESENTING MAJORITY VS. INDIVIDUAL OPINION

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A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

### CORRESPONDENCE FROM COUNCIL MEMBERS

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Members of the City Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents in response to inquiries or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate either in correspondence or verbally that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Council title, and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for any personal or political purposes.

Council members are often asked to prepare letters of recommendation for students and others seeking employment or appointment. It is appropriate for individual Council members to utilize City letterhead and their Council titles for such letters.

All Council member correspondence using City resources shall be copied to the full Council, the City Manager, the City Attorney, and the City Clerk.

## PERSONAL CORRESPONDENCE

City Council members will be provided individual stationery and envelopes for use in communications reflecting their personal positions, not the position of the full Council. These communications will be prepared and sent at the expense of individual Council members. Council members may utilize the City's outgoing mail service; however, postage will be at the Council member's expense.

## SPEAKING FOR "THE CITY"

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole taken in open session. Of course, a member may clarify their vote on a matter by stating "While I voted against 'X', the City Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

## CITY COUNCIL POLICY ON EXPRESSION OF CITY OR CITY COUNCIL POSITIONS

The Mayor and individual Council members are not authorized to speak on behalf of the City or the City Council with regard to City or City Council policy or positions, except when such policy or position has been clearly established or when the Mayor or Council member has been designated as a spokesperson on a given subject.

Periodically the City Council is requested to formally support or oppose state or federal legislation. In considering whether or not to take such action, it is City Council policy to determine first if the legislation involves matters pertaining directly to the City of Elk Grove or its residents as a whole. If the subject matter does not relate directly to City business or to local residents, then the City or City Council can decline to take a position. If the legislation could be expected to affect the City or its residents, then the Mayor and Council members may elect to take a position.

All correspondence articulating the City's position on state and federal legislation shall be handled in a manner consistent with the City Council's adopted goals and policies.

## CAMPAIGNING

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The City Council Chamber cannot be used as a location for taking campaign photos. The use of photos with current City staff and City Council candidates in election materials is prohibited.

## REPRESENTATION AT CEREMONIAL FUNCTIONS

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### A. City Sponsored Events.

The Mayor, or Vice Mayor in his/her absence, shall represent the Council at ceremonial functions organized by the City. The Mayor or Vice Mayor may, at his/her own discretion, ask another Council member to represent the Council at that function when neither is available.

In addition, the Council member in whose district an event occurs shall also be included in any agenda or program for ceremonial functions. Staff shall also include any Council member who has promoted a project or event in any program or agenda for such a function.

### B. Non-City Sponsored Events.

Staff shall invite all Council members to attend non-City sponsored events. As a general rule, the Mayor, or Vice Mayor in his/her absence, shall represent the Council at these functions. If neither the Mayor nor the Vice Mayor is available to attend a non-City sponsored event, any Council member may represent the Council. Nothing in this provision is meant to preclude a Council member from representing the Council at a ceremonial function where the event organizer has requested that a specific Council member attend the function.

## REPRESENTATION AT REGIONAL BOARDS

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If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the City Council.

## PARTICIPATION IN COMMUNITY ACTIVITIES

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From time to time, Council members may choose to participate in community activities, committees, events, and task forces. When a Council member participates in these types of activities, the Council member is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Council member as its representative for the matter.

## CHAPTER 8 – ADVISORY BODIES

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Staff support and assistance is provided to advisory bodies, but those bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/board/committee are responsible for the functions of the advisory body.

Staff support includes preparation of an agenda, and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate back up materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a group wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done.

## CHAPTER 9 - STANDING AND AD HOC COMMITTEES

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At its first regular meeting in December, the Mayor shall appoint Council members to standing and ad hoc committees as required to accomplish the work of the Council, subject to the approval of the full Council. The Council shall make certain that all Council Committees are properly instructed on their responsibilities, direction, and performance expectations. The responsibilities of each committee include:

- informing the Council about its work and progress during the Council Comments portion of each regular Council meeting; and
- making and submitting recommendations to the Council for consideration and/or vote.

Staff will work with and support Council committees as required.

The City Council may form ad hoc committees of up to two Council members to address limited and specific issues consistent with the Brown Act. At its first regular meeting in November, the City Council will review each Council ad hoc committee to determine the need to renew or terminate the committee at its first regular meeting in December.



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Stuart Yocum, Council Member

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Limit time for Council Meetings

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**SUMMARY:**

The general feeling is that the amount of time it takes for Council Meetings has gotten out of control. Council Member Yocum would like discussion and possible action on putting a time limit on how long Council Meetings last.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff would appreciate it but this is a Council call.

**REVIEWERS:**

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	1/21/2016 - 4:25 PM
City Attorney	Cooper, Carl	Approved	1/22/2016 - 4:52 PM
City Manager	Dougherty, John	Approved	1/21/2016 - 4:25 PM



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Public Works

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Direction on proposed concession agreement at the Powerhouse

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**SUMMARY:**

Staff was approached by Wild West Coffee about placing a kiosk for the sale of drinks and snacks inside the Powerhouse. Under a proposed concession agreement, they would pay 10% of their sales to the city on a monthly basis.

It has been determined that the kiosk would need to be connected to water and sewer and higher voltage power. The only location accessible to water and sewer is upstairs between the museum entrance and the photo gallery. This would also require the kiosk to be lifted into place upstairs. The kiosk consists of three units, approximately three feet wide by ten feet long, and weighing 500 pounds each.

Staff received quotes for the required work ranging from approximately \$4,000.00 to \$8,000.00

Staff is requesting direction from council on whether to proceed with the concession agreement, and authorization to spend city funds to complete the required work to allow the kiosk.

**FISCAL IMPACT:**

Up to \$10,000 for required work.  
Potential monthly revenue from kiosk sales.

**STAFF RECOMMENDATION:**

Staff recommends against utilizing city funds for the required improvements.

**ATTACHMENTS:**

Description  
Draft Agreement  
Revenue Projection  
Kiosk Photo  
Powerhouse Space

**REVIEWERS:**

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	1/27/2016 - 12:09 PM

City Attorney  
City Manager

Cooper, Carl  
Dougherty, John

Approved  
Approved

1/27/2016 - 2:10 PM  
1/27/2016 - 1:14 PM

# CITY OF KINGMAN CONCESSION AGREEMENT

**This agreement between the City of Kingman, Arizona, a Municipal Corporation (City) and Wild West Coffee, (Licensee).**

In consideration of the promises and covenants contained herein, it is agreed:

**1. Grant of Use of Premises.** City hereby grants to Licensee the right to use the premises herein described for the purposes of managing a concession stand. This includes the right to sell food, non-alcoholic beverages, and items normally associated with a coffee cart. Licensee may not use the premises for any other purposes without the prior written consent of City. Licensee shall not allow the use of the premises by any other persons other than members of the Licensee's organization without the express, written consent of the City. The City may disapprove use if the proposed use violates City rules and regulations, violates City policy, violates any municipal, state or federal law, is not within the theme or character of the Powerhouse Visitor Center, or sacrifices public health, safety and welfare, or for any other reason that infringes on the public good and enjoyment.

**2. Description of Premises.** The premises which are the subject of this agreement consist of the facility described on attachment A.

**3. Term.** The term of this Agreement shall commence on \_\_\_\_\_, 2016, and end \_\_\_\_\_, 2016. This Agreement may be extended upon mutual written agreement of both parties. The terms and conditions of the Agreement for such extended period shall be those of the original Agreement as contained herein.

**4. License Fee.** In consideration of the license for the use of the premises by the Licensee, Licensee hereby covenants and agrees pay to City as a license for said premises the sum of 10% of the gross receipts on a monthly basis accompanied by an accounting report summarizing the calculation of gross receipts. Such payment shall be due no later than the 15<sup>th</sup> of the following month.

**5. City's Obligations.**

a. The City will provide the following:

1. Ingress and egress for Licensee, its members, and its employees in performance of their obligations and duties.
2. Maintain the City's equipment at the facility.
3. Maintain the exterior of the facility.
4. Supply the electric and water for activities that are directly related to the operation of the coffee cart.
5. Garbage dumpsters.

**6. Licensee's Obligations.** Licensee will provide the following:

- a. Shall monitor the activities of its patrons and make all reasonable efforts to prevent harm to either the patrons or the Premises.
- b. Shall make the coffee cart available to the public during normal business hours.

c. May furnish additional equipment, subject to written City approval and shall maintain all equipment, furniture, fixtures, and accessories necessary to operate the concession.

d. Shall maintain, provide a copy to the City, and display at all times all relevant food permits, business licenses, and certifications required by City, County, and State rules, laws and regulations; including but not limited to: City Business License, Food Handler's Permit from the Mohave County Health Department,.

e. Shall maintain and provide all records necessary for City audit purposes. Comply with all Federal, State, and Local laws that would arise out of this agreement; including but not limited to sales tax collection.

#### **7. Improvements.**

a. No substantial changes shall be made to the Premises without the written consent of the City. The City has absolute discretion to refuse consent if improvement is not within the theme or character of the Powerhouse Visitor Center, or sacrifices public health, safety and welfare, or for any other reason that infringes on the public good and enjoyment.

b. Title to all trade fixtures, equipment, signs, appliances, furniture, and other personal property of any nature at any time installed by or for Licensee on the Premises, shall be and remain in Licensee and none of such items shall be deemed a part of the realty. At the expiration of this agreement, any of such items may be removed from the demised premises.

#### **8. Signs and Advertising.**

a. Subject to the limitations hereinafter expressed, Licensee, at its expense, shall have the right to place, construct and maintain on the premises, signs advertising its business at the premises and no other signs. No such signs, billboard, poster or similar device shall be erected, displayed or maintained on the site or the premises until City has approved, in writing, the number of signs, the size, form, content, color, materials, design and location thereof; and any such sign, billboard, poster or other similar device which City determines that Licensee has erected, displayed, or maintained in violation of such approval, maybe removed by City at the expense of Licensee.

b. The installation or use of any floodlights, neon lights, colored lights or other means of lighting shall be subject to approval in writing by City and shall comply with City's design standards.

c. City will have the right, without liability of any kind to Licensee, its members, agents or employees, to make still photographs, take motion pictures of, televise, or otherwise reproduce in any manner it deems desirable, the premises or any portion or phase thereof. It may use any of the same any time during the term of this License or thereafter, for any purpose, commercial or otherwise, and any of the same may include the name of Licensee or any phase of Licensee's business, project or exhibit. Any use of the foregoing will conform with general standards of good taste. Licensee will assist City with obtaining releases, clearances, or other suitable instruments from any of its employees in the event City uses any photographs, motion pictures, or television shows or exercises any other rights provided above.

**9. Temporary Cessation of Performance.** At its sole discretion, the Licensee may temporarily suspend operation in the event a condition representing unreasonable risk or discomfort to the public occurs. In such event, City shall immediately be notified and operations shall be commenced as soon as possible following the termination of the condition causing the unreasonable risk or discomfort to the public. At its sole discretion, City may temporarily suspend operations of Licensee in the event that it is determined that Licensee's operation presents an unreasonable risk or discomfort to the public. In such event, the Licensee shall immediately be notified, and shall suspend operations until the agency that directed suspension of operations is satisfied that the future conduct of the operations shall not pose an unreasonable risk or discomfort to the public.

**10. Inspection.** City shall have the right to designate inspectors and such inspectors shall have the right at all reasonable times to inspect any property and any activities of Licensee on the Premises and Licensee shall give said inspectors free access to any space used or occupied by Licensee, and will, upon request of such inspector, operate or demonstrate any machinery or electrical appliances in the possession of Licensee on the Premises, or demonstrate or operate any process or activities being carried on by Licensee.

**11. No Title Vested.** This agreement is not intended to and shall not vest in the Licensee any title in the real estate, fixtures, or any personal property belonging to City now located or which may hereinafter be located in or around the premises to be occupied by the Licensee.

**12. Use of Building.** The parties hereto expressly agree that the license granted herein shall be for the use and benefit of the public frequenting the Powerhouse Visitor Center. Licensee shall not use the premises for any purpose other than as designated in this agreement. Licensee shall comply with the Rules and Regulations of the City as promulgated from time to time by the City, which rules and regulations are hereby made a part hereof and by this reference incorporated herein. The City reserves the right to make reasonable amendments to the Rules and Regulations for the safety, care and cleanliness, for the preservation of good order therein, and for the comfort, quiet enjoyment and convenience of other concessionaires and the public.

**13. Insurance Requirements.**

Provide the City with a liability insurance policy and endorsement naming the City as co-insured for the operation of the concession and other services performed under this agreement.

Liability limits shall be as follows:

General Liability      \$1,000,000 each occurrence/\$2,000,000 Aggregate  
(Including Premises/Operations, Products/Completed Operations, Personal Injury/Advertising Injury, Contractual Liability, Independent Contractors, and Stop Gap/Employers Liability)

Commercial Crime      \$250,000

Automobile Liability \$300,000 combined single limit

The General, Personal Injury shall be written on an occurrence base form. Additionally, no policy listed above shall have a deductible greater than \$25,000 per occurrence.

Worker's Compensation Insurance in compliance with Arizona and any applicable federal statute.

The Licensee is responsible for any insurance on their personal property kept on-site. The Licensee hereby releases the City from any claim arising in any way from loss or damage to Licensee's personal property.

**14. Waiver of Performance.** The failure of City to insist in any instance on strict performance of any provision or condition of this agreement or to exercise any right herein shall not have the effect of or be construed as a waiver of such condition or right in any other instance.

**15. Indemnification.** The Licensee assumes full responsibility for the acts and conduct of all participants, spectators, and others utilizing or attending that portion of the facility being used by the Licensee. Licensee shall indemnify, and hold City and all its officers, agents and employees harmless from, and shall defend them against all claims for injury to persons, including, but not limited to, injuries to members of Licensee, participants, customers, and spectators, and claims for damage to property arising from the use of the facility by Licensee, Licensee's employees, persons attending the facility, or for contract damages or any other losses.

**16. Release.** City assumes no responsibility for the loss or damage of Licensee's property or improvements placed on or in the facility, and Licensee hereby expressly releases and discharges City from any and all liability for loss to such property or improvements. City shall not be liable for any financial loss incurred by Licensee due to unforeseen or uncontrollable events which cause failure of any or all of the facilities to operate during the term hereof.

**17. Fire.** If the facilities or any equipment thereon owned by City necessary to the use of the facility shall be damaged or destroyed by fire, act of God, or other unforeseen circumstances, and City does not, within 30 days after such casualty, commence repair or replacement of said equipment and thereafter diligently continue the same to completion, then in that event this agreement shall terminate and each party shall be released from further obligation hereunder.

**18. Assignment.** Licensee shall not assign any rights under this contract nor delegate any of its duties without prior written approval by the City.

**19. Default.** Upon failure of Licensee to either provide adequate service to the public or to comply with any provision, stipulation, or condition of this lease, including the payment of any fee or charge as herein agreed, this agreement may be suspended or cancelled at the sole discretion of City.

**20. Termination Rights.** City reserves the right to terminate this agreement in the event any of the following circumstances should occur:

- a. Licensee becomes insolvent;
- b. Licensee is adjudged bankrupt;
- c. Licensee abandons or vacates the Premises (failure to occupy and operate the Premises for fifteen (15) consecutive days during this agreement, shall be deemed an abandonment or vacation); or
- d. Licensee fails to make the payments covered by this agreement as and when due to City, if the failure continues for ten (10) days after notice has been given to Licensee. Should any of the foregoing circumstances occur, it shall be lawful for City, its agents, servants, and employees, with or without process of law, to enter upon and take possession of said premises, including all improvements thereon, declare this lease terminated and the interest of the Licensee forfeited.

**21. Expiration of Agreement.** Upon the expiration of this agreement and any extension thereof, the Licensee shall have the right to remove all personal property belonging to it; provided that if said removal causes any damage to the premises, the Licensee will repair the same in a proper and satisfactory manner at its expense. All personal property, fixtures, and equipment belonging to the Licensee, but left on the premises after the expiration of this contract, shall become the property of City.

**22. Surrender of Premises:** At any termination of this agreement, Licensee covenants and agrees to yield and deliver peaceably to City, possession of the Premises and the improvements erected thereon by Licensee, in good condition, ordinary wear and tear excepted. Licensee shall perform all restoration made necessary by the removal of Licensee's personal property that remains on the premises at expiration of this lease. If Licensee fails to surrender the premises to City by the time stated, Licensee shall hold City harmless from all damages resulting from Licensee's failure to surrender the premises, including, but not limited to, claims made by a succeeding licensee resulting from Licensee's failure to surrender the Premises.

**23. Taxes.** Licensee shall pay and discharge as they become due, promptly and before delinquency, all governmental taxes, of whatever name, nature or kind, which may be assessed or imposed against the Licensee herein.

**24. Laws.** The Parties shall each be fully responsible for compliance with all statutes, ordinances, codes, regulations, rules, court decrees or other laws (hereinafter collectively "Laws") applicable. This Agreement shall not relieve either Party of any obligation or responsibility imposed upon it by Laws.

**25. NOTICE.** Any notice that is necessary shall be in writing and given by telefax, personal delivery, by deposit with an overnight express delivery service such as Federal Express, or by deposit in the United States Mail, certified mail-return receipt requested, postage prepaid, addressed to a Party at the address set forth below, or such other address as a Party may designate in writing by prior notice. The date notice is given shall be the date on which the notice is delivered if notice is given by personal delivery or overnight express delivery service, or three (3) days from the date of deposit in the Mail, if the

notice is sent through the United States Mail. Notice shall be deemed to have been received on the date on which the notice is delivered, if notice is given by personal delivery or overnight express delivery service, or three (3) days following the date of deposit in the mail, if notice is sent through the United States Mail.

CITY:  
Mail or Deliver To:  
John Dougherty  
City Manager  
310 N 4th St  
Kingman, Arizona 86401

LICENSEE  
Mail or Deliver To:  
See Attachment A

**26. Severability.** The terms of this Agreement are severable. Any waiver by the Parties of any provision herein shall not impair the right of any Party to enforce any other provision of the Agreement. Such provision of this Agreement shall be interpreted in a manner as to be effective and valid under applicable Laws. Such provision shall be ineffective solely to the extent of such prohibition or invalidity. Such prohibition or invalidity shall not invalidate the remainder of the provisions or any other provision.

**27. Voluntary Execution.** The Parties acknowledge having read the Agreement in its entirety and voluntarily sign the Agreement with the intended purpose that it be fully binding as set forth.

**28. Arbitration.** In the event of a dispute, the Parties agree to use arbitration only to the extent it is required by A.R.S. § 12-1518 or otherwise required by Arizona Rules of Civil Procedure. The Parties shall agree to fully exhaust administrative remedies before filing litigation

**29. No Implied Authority.** This Agreement shall not be considered to imply authority to perform any tasks, accept any responsibility, or to do any other thing in relation hereto, not expressly set forth herein.

**30. Construction of Contract.** This agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of or against the party drafting this agreement. The parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this agreement.

**31. Legal Arizona Workers Act.** In compliance with A.R.S. § 41-4401, the Parties hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the Parties' employment of their employees, and with the E-Verify requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). The Parties shall further ensure that each subcontractor who performs any work for the Parties under this Agreement likewise complies with the State and Federal Immigration Laws.

The Parties agree and warrant that the Parties shall each have the right at any time to inspect the books and records of the other Parties and any subcontractor in order to verify

such party's compliance with the State and Federal Immigration Laws. The Parties agree that any act by another Party or subcontractor that results in the impediment or denial of access of the books and records of the Parties or subcontractor shall be a material breach of this Agreement on the part of the that Party.

Nothing herein shall make the Parties or subcontractor an agent or employee of any of the other Parties. Nothing herein shall act to establish privity of contract between any of the Parties and any subcontractor.

Any breach of the Parties' or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Agreement subjecting the offending Party to penalties up to and including suspension or termination of this Agreement. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, the Party shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor, subject to each Parties' approval as soon as possible so as not to delay project completion and at no additional expense to the other Parties. Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of the offending Party.

The Parties shall advise each subcontractor of the Parties' rights and the subcontractor's obligations under this Article by including a provision in its contract with each subcontractor in the following form:

"SUBCONTRACTOR hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to SUBCONTRACTOR's employees, and with the requirements of A.R.S. § 23-214 (A). SUBCONTRACTOR further agrees that the Parties may inspect the SUBCONTRACTOR'S books and records to insure that SUBCONTRACTOR is in compliance with these requirements. Any breach of this paragraph by SUBCONTRACTOR will be deemed to be a material breach of this contract subjecting SUBCONTRACTOR to penalties up to and including suspension or termination of this contract."

**32. Non-Discrimination.** The Parties will not discriminate on the grounds of age, race, color, national origin, religion, sex, disability, familial status or any other protected basis in the selection, treatment and retention of employees, subcontractors or in the procurement of materials and leases of equipment. The Parties also will not participate, either directly or indirectly, in any type of discrimination prohibited by any federal, state, or local law, including but not limited to Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Executive Orders 99-4 and 2000-4 (including any amendments thereto).

**IN WITNESS WHEREOF**, the Parties have signed this Agreement on the dates set forth below. This Agreement shall be effective as of the date first above written, and upon being fully executed.

**CITY OF KINGMAN, a municipal corporation of the State of Arizona**

\_\_\_\_\_ By \_\_\_\_\_  
Date Signed John Dougherty, City Manager

LICENSEE;

\_\_\_\_\_ By \_\_\_\_\_  
Date Signed

\_\_\_\_\_ By \_\_\_\_\_  
Date Signed

DRAFT

# Power House Walk-in Count

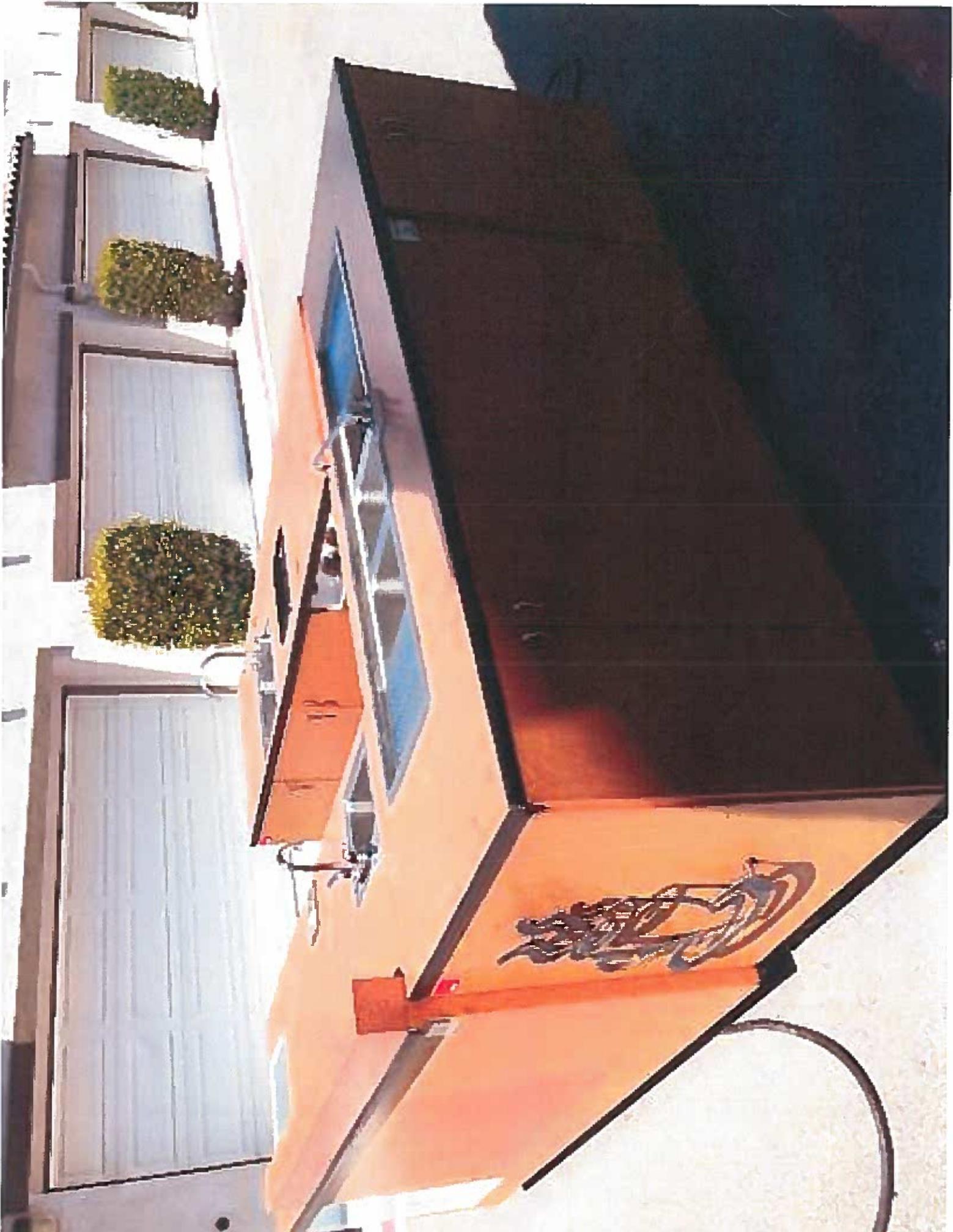
**\* Year 2015 \***

	Count	10% Sales	Gross Sales	Power House Percentage	Totals
<b>July</b>	12,993	1,299	5,001.15	500.12	500.12
<b>Aug.</b>	14,921	1,492	5,744.20	574.42	1,074.54
<b>Sept.</b>	11,040	1,104	4,250.40	425.04	1,499.58
<b>Oct.</b>	9,894	989	3,809.19	380.92	1,880.50
<b>Nov.</b>	5,502	550	2,118.27	211.83	2,092.33
<b>Dec.</b>	4,665	467	1,796.03	179.60	2,271.93
<b>Jan.</b>	5,854	586	2,256.10	225.61	2,497.54
<b>Feb.</b>	6,967	697	2,683.45	268.35	2,765.89
<b>March</b>	9,606	961	3,699.85	369.99	3,135.88
<b>April</b>	8,945	895	3,445.75	344.56	3,480.44
<b>May</b>	13,299	1,330	5,120.50	512.05	3,992.49
<b>June</b>	9,734	974	3,749.90	374.99	4,367.48
<b>12 Months</b>	<b>113,420</b>	<b>11,344</b>	<b>43,674.79</b>		<b>4,367.48</b>

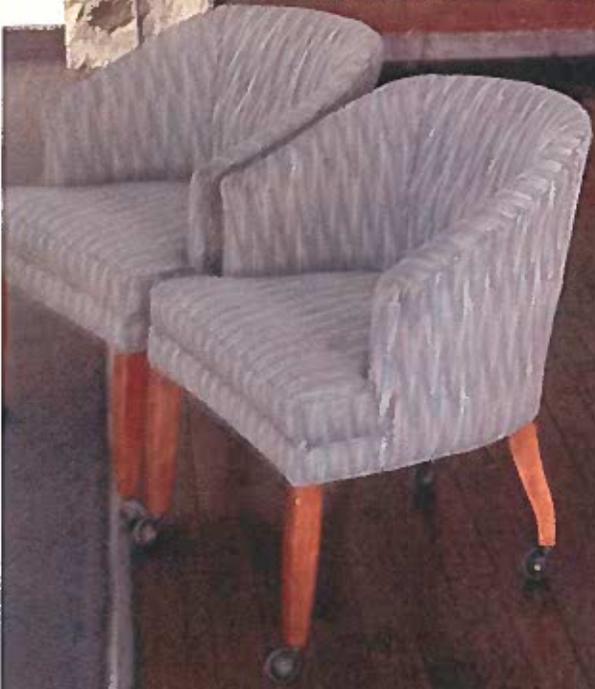
*The projected goal for Wild West Coffee is to increase the customer base by 20% within six (6) months*

**\*\* Sign Advertising**

**\*\* Flyers**



Carlos Elmer's  
Joshua View





**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Jack Plaunty-Street Department

**MEETING DATE:** February 2, 2016

**AGENDA SUBJECT:** Reclassification of City Electrician

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**SUMMARY:**

This is a request to reclassify the City Electrician 1 position to a City Electrician 2. This will help recruiting to fill a position recently vacated by the retirement of Rick Pierce. The first recruitment was unsuccessful due to the current compensation plan for the position.

**FISCAL IMPACT:**

The financial impact this year will be minor due to surplus funds in the salaries account for the Street Department. This is due to savings from a long term vacant position. The Street Department will not exceed its salaries account this year with the reclassification of the position.

**STAFF RECOMMENDATION:**

Staff recommends the reclassification of the City Electrician 1 to City Electrician 2.

**ATTACHMENTS:**

Description

Reclassification Memo and comparable positions.

**REVIEWERS:**

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	1/27/2016 - 6:58 PM
City Attorney	Cooper, Carl	Approved	1/28/2016 - 8:50 AM
City Manager	Dougherty, John	Approved	1/27/2016 - 7:00 PM



# City of Kingman Public Works

3700 E ANDY DEVINE AVE • KINGMAN • ARIZONA • 86401 • (928)757-7467  
[www.cityofkingman.gov](http://www.cityofkingman.gov)

TO: Rob Owen-Public Works Director  
FROM: Jack Plaunty-Streets Superintendent  
DATE: January 27, 2016  
RE: City Electrician (Signals and lighting Tech)

Rob,

The City Electrician 1 position was recently vacated due to the retirement of Rick Pierce. We recruited for this position and received only 4 applications with only one applicant having experience maintaining traffic signals. Unfortunately we were unsuccessful in recruiting this individual due to our benefits package and the salary scale for the position. I would like to request two actions which will help us currently and ensure the safety of motorists and pedestrians in the future. The first request is to reclassify the current City Electrician to a City Electrician 2. The second request would be to add an Electrician 1 in the future. I have provided justification for both of these requests below.

The City Electrician is responsible for overseeing and completing maintenance and repair of signals and street lights, both routine and emergency, within the City of Kingman. The only exception to this is the signals which are located in ADOT's right of way. There is a high amount of liability associated with the traffic signals due to the number of motorists and pedestrians which utilize them on a daily basis. Certain sections of Stockton Hill Road see in excess of 30,000 daily users which pass through multiple signals. The City Electrician is a highly technical position with a high degree of responsibility. The Electrician completes preventative maintenance and repairs to maintain safe and efficient operation of the signals and lighting as well as peripheral duties on city facilities. The City Electrician is also responsible for completing betterment projects for grants such as the LED street lighting and countdown pedestrian signals installations.

Reclassifying this position will help in a number of ways both now and in the future. Reclassifying this position would allow us more flexibility in our recruitment efforts. We were unable to recruit from within Kingman due to the compensation plan for this position. It will be even more difficult to recruit individuals especially from out of town or out of state to this position at the current salary range. I have included job descriptions and salary ranges for comparable position from other cities for review. An increased salary range will also incentivize more qualified technicians to apply for the position.

In the future the City Electrician 2 will be responsible for overseeing operation and maintenance of multiple people. Currently there is only one City Electrician responsible for signals and lighting. This creates difficulties in operations since some activities require more than one maintenance worker and general maintenance crews are not qualified to work the types of situations presented when working with electricity and traffic signals. With a single signals technician there is no opportunity for development of personnel to replace these types of technical positions. Having an Electrician 1 and 2 would allow for development of individuals, with an electrical background, into signal technicians under the supervision of the Electrician 2.

Most traffic signal damage or malfunction repairs cannot be delayed until normal working hours which results in after-hours call outs. It is not uncommon during certain times of the year or holidays to see gaps in coverage due to having a single City Electrician. Having more than one City Electrician will help ensure coverage of the City's signals and lighting systems after hours.

The additional cost for the Electrician 2 would be accommodated this year with surplus funds in the salaries account due to a long term unfilled position. The future increase in base salary expenditures could be up to \$7,659 depending on the hire in range of the selected candidate. This cost is based upon the difference in salaries of the top step of each position in their respective classifications. The salary expenditures would increase in the future with the addition of the Electrician 1 and would be relative to the classification pay ranges at the time of hire.

Taking these two proposed steps will ensure the safety, efficiency and reduced liability for the City of Kingman related to traffic signals and lighting systems which are maintained by the Street Department.

If you have any questions or would like additional information please feel free to give me call.

Thank you,

Jack Plaunty  
City of Kingman  
Streets Superintendent  
(928)692-3135  
[jplaunty@cityofkingman.gov](mailto:jplaunty@cityofkingman.gov)

SALARY STRUCTURE - FY 2016  
Market Range Spreads - Scale Adjustment 3%

CLASSIFICATION	BUDGETED FTE	UNFUNDED FTE	FLSA EXEMPT	Salary Grade	Entry Level	Step Two	Step Three	Step Four	Step Five	Step Six	Step Seven	Step Eight	Step Nine
OPEN				210	38231	40828	42958	45533	48285	51181	54231	57444	60819
GRADE				209	36410	38595	40910	43365	45967	48725	51649	54740	57999
IS-Weekly Hourly					1400.3907	1484.1141	1573.4790	1667.8977	1767.3610	1874.8396	1986.4809	2101.3110	2220.3555
					17.5049	18.5652	19.6885	20.8498	22.0995	23.4355	24.8310	26.2810	27.7810
Accountant	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Administrative Assistant II	3			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Area Sales Coordinator	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Building Inspector	0			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Building Maintenance Technician	2			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Call Enforcement Officer	4			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Communications Specialist	11			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Electrician	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Employee Safety Coordinator	0			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Engineering Technician	4	2		209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Equipment Mechanic	6			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Equipment Operator A	12	1		209	36410	38595	40910	43365	45967	48725	51649	54740	57999
GIS Technician	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Human Resources Technician	1.5			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Lab Control Technician	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Laboratory Technician	0	2		209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Survey Instrument Technician	2			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Waterworks Collection A	2			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Waterworks Treatment P1 Op II	2			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Water Technician A	2	1		209	36410	38595	40910	43365	45967	48725	51649	54740	57999
Welder	1			209	36410	38595	40910	43365	45967	48725	51649	54740	57999
GRADE				208	34678	36757	38962	41300	43778	46405	49189	52030	54936
IS-Weekly Hourly					1333.7054	1413.7277	1498.5514	1588.4645	1683.7723	1784.7987	1891.8968	1995.4189	2104.8166
					16.8713	17.8716	18.7319	19.5558	21.0472	22.3100	23.6496	25.0619	26.5436
Evidence Technician	1			208	34678	36757	38962	41300	43778	46405	49189	52030	54936
Facilities Technician	1			208	34678	36757	38962	41300	43778	46405	49189	52030	54936
Waterworks Collection B	0			208	34678	36757	38962	41300	43778	46405	49189	52030	54936
Waterworks Treatment P1 Op I	0			208	34678	36757	38962	41300	43778	46405	49189	52030	54936
Water Technician B	0	1		208	34678	36757	38962	41300	43778	46405	49189	52030	54936
OPER				207	33026	35007	37107	39333	41693	44196	46847	49647	52597
GRADE				206	31452	33340	35340	37469	39768	42250	44931	47816	50811
IS-Weekly Hourly					1208.7101	1282.2627	1365.2303	1440.7841	1527.2372	1616.9669	1710.9969	1809.4616	1911.4166
					15.1214	16.0287	16.9904	18.0098	19.0904	20.2368	21.4500	22.7316	24.0736
Administrative Assistant	18	2		206	31452	33340	35340	37469	39768	42250	44931	47816	50811
Call Taker - Felon	0	1		206	31452	33340	35340	37469	39768	42250	44931	47816	50811
Equipment Operator B	20	5		206	31452	33340	35340	37469	39768	42250	44931	47816	50811
Transit Operator	9	1		206	31452	33340	35340	37469	39768	42250	44931	47816	50811

BAND B  
SKILLED / PARA-PROFESSIONAL OCCUPATIONS





**ANNOUNCEMENT OF EMPLOYMENT OPPORTUNITY  
TRAFFIC SIGNAL SPECIALIST OR  
TRAFFIC SIGNAL SPECIALIST TRAINEE  
Public Works Department**

**Pay Grade: 61 Specialist Pay Range: \$19.72 to \$28.30 per hour plus benefits  
Trainee Pay Range: \$17.93 to \$19.71 per hour plus benefits**

New employees usually start at beginning level of salary range. Candidate of choice must pass a drug test prior to being placed in the position, possess a valid Arizona driver's license and successfully pass a background check. This position may be filled at either the Traffic Signal Specialist or Traffic Signal Specialist Trainee level depending on experience, training and/or education.

**Qualifications:** **TRAFFIC SIGNAL SPECIALIST:** Education, training and/or experience equivalent to four (4) years full time journeyman level professional traffic signal maintenance, construction or operation. The successful candidate will possess an International Municipal Signal Association (IMSA) Traffic Signal Level I certification and obtain a Traffic Signal Level II within one (1) year of hiring date. **TRAFFIC SIGNAL SPECIALIST TRAINEE:** Education, training and/or experience equivalent to three (3) years full time professional traffic signal maintenance, construction or operation; roadway construction or electrical experience. The successful candidate will obtain an IMSA Traffic Signal Level I certification within one (1) year of hire date and a Level II certificate within two (2) years of hire date.

The Specialist/Trainee must obtain a Class A Commercial Drivers License with Tanker Endorsement within 6 months of hire date.

**Responsibilities:** Performs scheduled periodic maintenance functions, maintains written logs of work performed, and uses a personal computer (PC) for record keeping and diagnostic troubleshooting of signal operations. Performs skilled traffic signal and roadway lighting troubleshooting and response to emergency call outs (sometimes off duty). Performs construction of traffic signals and inspects the work of contractors to verify that the work meets City of Prescott, Occupational Safety and Health Administration (OSHA), Manual on Uniform Traffic Control Devices (MUTCD), National Electric Code (NEC), and any other applicable state and federal guidelines. Operates a motor vehicle and other equipment which may include a boom/auger truck, bucket truck, forklift, backhoe, and pickup truck. Operates power-driven machinery such as a jackhammer or tamper. Uses common hand tools. Cleans work area and equipment. Works with cleaning fluids and agents, chemicals, and paints using routine protective equipment. Sets up barricades and traffic cones to route traffic past work area. Works in a variety of conditions, sometimes extreme, while performing normal job duties and responding to emergency calls. Performs other tasks as needed.

**Knowledge, Skills, and Other Characteristics:**

- Knowledge of basic PC operations.
- Knowledge of reading blueprints, intersection as-builts, and schematic drawings.
- Knowledge of the City's governmental organization, policies and procedures.
- Knowledge of public relations/customer service principles, practices and techniques.
- Knowledge of the procedures used in the Blue Stake Utility Locating Program.
- Knowledge of the installation and maintenance of traffic signal control systems.
- Knowledge of optical pre-empt devices, including telemetry equipment.
- Knowledge of MUTCD, Institute of Transportation Engineers (ITE), National Electrical Manufacturer's Association (NEMA), and NEC standards for signal equipment.
- Knowledge of the hazards and safety precautions involved in working with electricity.
- Skill in understanding and following oral and written directions and ability to communicate with the general public and other City employees.
- Skill in effectively using various testing instruments such as an amp meter, volt-ohm meter, and utility locators.
- Skill in maintaining microprocessor-based instruments and TSII Type I and TSI Type II cabinets.
- Ability to work at elevated levels of approximately 40 feet in a bucket truck.
- Ability to distinguish colors to maintain proper continuity of wires in cabinet and field wires and to differentiate traffic signal lenses.
- Ability to detect traffic sounds when working near moving traffic and backup warning devices when working around moving equipment.
- Sufficient strength to move objects weighing 100 pounds or more for distances of up to 150 feet.

**Physical and Visual Ability:** Sufficient to effectively and safely perform required duties and to safely operate required equipment and City vehicles as needed.

**Hearing and Speaking Ability:** Sufficient to clearly, concisely and effectively communicate in person, over the radio and the telephone. Free from mental disorders which would interfere with performance of duties as described.

**Deadline: Applications must be received by 5:00 p.m. June 5, 2014.**

**Send application/resume to:** City of Prescott, Human Resources, 201 S. Cortez St., Prescott AZ 86303  
(928) 777-1284 (928) 777-1263 (800) 748-6205 TDD (928) 777-1100 Fax: (928) 777-1213  
**Email:** [hr@prescott-az.gov](mailto:hr@prescott-az.gov) **Visit our website at** [www.prescott-az.gov](http://www.prescott-az.gov) **Posted:** April 2, 2014

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**MAJOR BENEFITS FOR A FULL-TIME REGULAR EMPLOYEES:** Fourteen (14) days paid time off; Ten (10) paid holidays; Employee Health and Life Insurance; Short Term Disability; Long Term Disability and Retirement benefits; Deferred Compensation Plans; Social Security benefits; other optional benefits. **PROBATION:** An established probationary period must be satisfactorily served by each employee. **NOTE:** When advised, reasonable accommodations will be made in order for an "otherwise qualified applicant" with a disability to participate in any phase of the selection process.





# TRAFFIC SIGNAL SPECIALIST (Public Works - Transportation)

Class Code:  
B-2-3

CITY OF SURPRISE  
Revision Date: Feb 21, 2007

## SALARY RANGE

\$22.89 - \$29.76 Hourly

**The hiring salary range is \$22.89- \$26.34 per hour**

### **Job Title: TRAFFIC SIGNAL SPECIALIST**

**Class Title:** Maintenance & Operations Specialist

**Department:** Transportation

**Reports To:** Maintenance & Operations Supervisor (Traffic Field Supervisor)

**FLSA Status:** Non-Exempt

**Job Status:** Full-time; Classified

**Salary Grade:** B-2-3

### **SUMMARY**

Incumbents perform journey level skilled activities and quality control activities related to traffic signals, fiber optics, and various maintenance tasks. Incumbents may operate and train others to operate equipment and machinery. Incumbents may perform as lead worker, providing daily work assignments and reviewing work completed, acting as a technical resource to other city employees.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

The list of duties and responsibilities is illustrative only, and is not a comprehensive listing of all the duties and responsibilities performed by positions in this class.

- Serves as a lead to staff to include assigning and monitoring work and providing direction on tasks assigned
- Completes a variety of logs, documents, and/or simple reports regarding quantity of materials handled, equipment operations, miles driven, fuel and oil used, and/or other related information
- Monitors and maintains materials, inventory, and supplies; authorizes the purchase of materials and supplies within established guidelines
- Responds to and resolves customer complaints or safety concerns as directed
- Responds to emergency calls for assistance
- Trains employees who may work in the traffic signaling and pavement area
- Assists in the construction of new signalized intersections including installation of underground conduit and pull boxes, preparation and installation of pole foundations, mast arms and luminaries as well as monitor and observe contractors
- Posses the ability to wire cabinets, signal heads, pedestrian heads and terminal boxes as required
- Performs concrete work involved in signal installation and repair, such as pole

- foundations, cabinet bases and capping pole bases
- Performs Blue Stake locating at traffic signal intersection as per regulations and laws of the State of Arizona and OSHA
  - Repair or replace traffic signal equipment in the field on an emergency basis including storm damage, accidental damage, faulty equipment, burned out lamps or other electrical or equipment problems
  - Upkeep of streetlights
  - Respond to call-out emergencies
  - Operate equipment as directed such as platform trucks, bucket trucks, electric test meters and other test equipment needed in the performance of the work
  - Installs overhead signs, banners, lights, etc.
  - Ensures public safety on city streets
  - Assists in preparing bid documents for the purchase of signal equipment
  - Participates with traffic counts and other necessary duties under the supervision of the Traffic Engineer
  - Maintains regular attendance and punctuality
  - Performs other duties of a similar nature or level

### **SUPERVISORY RESPONSIBILITIES**

None

### **QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and /or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

Knowledge of:

- Local, state, and federal codes and regulations related to assignment
- Procedures and methods related to area of assignment
- Tools, equipment, and materials relevant to area of assignment
- Safety procedures
- Inventory principles
- Recordkeeping principles
- Safe work practices

Skill in:

- Using applicable tools and equipment related to area of assignment
- Performing journey level trades maintenance activities
- Prioritizing and assigning work
- Reading blueprints, schematic drawings, and/or construction drawings
- Troubleshooting systems related to area of assignment
- Preparing and maintaining a variety of maintenance records

Ability to:

- Read and interpret documents such as safety rules, operating and maintenance instruction and procedure manuals
- Write routine reports and correspondence
- Speak effectively before groups of clients, employees or organizations
- Calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area circumference and volume
- Do basic mathematics, add, subtract, multiply and divide whole numbers, fractions, decimals and percentage
- Establish and maintain effective working relationships with supervisors, employees

and the public

- Solve practical problems and deal with a variety of concrete variables in a situation where only limited standardization exists
- Interpret a variety of instructions furnished in written and oral form
- Set up traffic control, if needed
- Request City of Surprise police department to direct traffic, if needed
- Perform maintenance as directed
- Prepare repair tags for defective equipment and return both to shop for repairs
- Submit work request to signal supervisor for work required
- Communicate and use interpersonal skills to interact with coworkers, supervisor, the general public, etc. to sufficiently exchange or convey information and to receive work direction

### **EDUCATION and/or EXPERIENCE**

Vocational Degree and two years of specialized maintenance experience directly related to the area of assignment; or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

### **CERTIFICATION**

Must have at the time of hire and be able to maintain a valid Arizona driver license.

### **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Very Heavy Work: Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects.

### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to moving mechanical parts, high precarious places, fumes or airborne particles, outside weather conditions of extreme heat and sun, dust, cold, strong winds and rain. The employee is occasionally exposed to toxic or caustic chemicals, risk of electrical shock and vibrations. The noise level in the work environment is usually very loud.



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# TRAFFIC SIGNALS/LIGHTING TECHNICIAN 2(Job Id 20282)

**Post Date:** 12/21/2015

**Close Date:** 01/04/2016

**Category:** ENGINEERS/ARCHITECTS/SURVEYORS

**Grade:** S6

**Location:** YUMA

**Salary:** 33,199.00-61,642.00

## Description

### ARIZONA DEPARTMENT OF TRANSPORTATION

To learn more about ADOT click [here](#).

#### TRAFFIC SIGNALS/LIGHTING TECHNICIAN 2

ITD/ Prescott District / Western Region Traffic

Work Location: 2243 E Gila Ridge Rd. Yuma AZ. 85365-2101

#### POSITION SUMMARY

This position is responsible for ensuring that the ADOT traffic signal and highway lighting systems are operating efficiently and safely for the traveling public. This position performs routine and emergency maintenance, and new construction of signal systems. The employee will produce in this position a safe, effective and efficient highway system for the general public with essential traffic signal and lighting systems monitored and maintained at a safe operational level as required by MUTCD and the NEC. Overnight travel throughout the District and State may be required. Performs other related work as required. They will also ensure emergency response on off duty hours, nights holidays and weekends. Some overnight travel for training or District business may be required.

#### Major Responsibilities:

- Routine preventative maintenance of traffic signal and/or illuminations systems. Operation of State vehicle during the course of state work is required.
- Revamp/installation of traffic signal and illumination systems (betterment).
- Non-routine prevention maintenance of traffic signal and or illumination.
- Perform during emergency maintenance of traffic signal and illumination systems.
- Processing requirements for projects (labor, materials, equipment)
- Guiding in shop maintenance
- Overseeing user maintenance / operation of vehicular equipment.

#### KNOWLEDGE, SKILLS AND ABILITIES

##### **Knowledge of:**

- Foreman level in electrical construction and maintenance
- Principles of job and work site safety
- Traffic signal/lighting design techniques
- All mathematics through algebra
- Intermediate knowledge of circuit integration
- Electrical cost estimating

##### **Skill in:**

continued...

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- Interpersonal relationship management
- Variances in area utility requirements

#### **Ability to:**

- Ability to assess, determine the extent, maintenance required and time to accomplish a specific repair to replace a malfunction with an operable system.
- Reinterpret plans as field conditions change.
- Ability to perform emergency field changes with minimum public impairment.

#### **PREFERRED REQUIREMENTS**

- Mathematics, Drafting
- Basic Surveying
- Communication Technologies
- 1 to 2 years experience preferred to perform job satisfactorily
- Level 1 International Municipal Signal Association (IMSA) certification

*level 2*

#### **PRE-EMPLOYMENT REQUIREMENTS**

An Arizona CDL (Class "A") permit is required prior to start date or an Arizona Class "A" Commercial Drivers license (CDL) for a manual transmission (no automatic only restriction) is required prior to the start date.

This position requires possession of a valid Arizona Class D Driver License. Candidates for this position must complete page 7 and sign the Driver Form on page 8 of the State of Arizona Application for Employment at the time of interview, which will allow ADOT to obtain the candidate's motor vehicle record (MVR). The most recent 39-month period shown on the MVR will be reviewed in accordance with A.A.C. R2-10-207.12 (H) and (I). The review must show an acceptable driving record prior to any offer of employment being made by ADOT. Employment is contingent upon an acceptable MVR.

#### **BENEFITS**

The State of Arizona provides an excellent comprehensive benefits package including:

- Affordable medical, dental, life, and short-term disability insurance plans
- Top-ranked retirement and long-term disability plans
- Accrued vacation pay and sick days
- 10 paid holidays per year
- Deferred compensation plan
- Wellness plans

Please visit [http://www.azdot.gov/Inside\\_ADOT/HR/Employment.asp](http://www.azdot.gov/Inside_ADOT/HR/Employment.asp) to learn more about benefits given to ADOT employees.

All newly hired employees will be subject to the E-Verify Employment Eligibility Verification Program.

ADOT supports a diverse multi-cultural workforce that reflects the community, promotes equal opportunity at all levels of the Agency, and creates an inclusive work environment that enables all individuals to perform to their fullest potential free from discrimination.

For more information call (602) 712-7425