TITLE 1
ADMINISTRATIVE

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CHAPTER 1-01
OFFICIAL CITY CODE

SECTIONS:

1-01-001-0001	**TITLE:**
1-01-001-0002	**ACCEPTANCE:**
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SECTION 1-01-001-0001 TITLE:

Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Flagstaff, pursuant to Article VII, Section 15 of the Flagstaff Council-Manager Charter. This City Code of ordinances shall be known and cited as the Flagstaff City Code, and it is hereby published by authority of the City Council and shall be kept up to date as provided in Section 1-01-001-0003 hereof. Any reference to the number of any section contained herein shall be understood to refer to the position of the safe number, its appropriate Chapter and Title heading and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal document.

SECTION 1-01-001-0002 ACCEPTANCE:

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-02-001-0001 of this City Code.

SECTION 1-01-001-0003 AMENDMENTS:

Any ordinance amending this City Code shall set forth the Title, Chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory or Charter requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

SECTION 1-01-001-0004 INTERPRETATIONS:

In the determination of the provisions of each section of this Code, the following rules shall be observed:

A. Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

B. Liability of Employers and Agents: When the provisions of any section of this City Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

SECTION 1-01-001-0005 CODE ALTERATION:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages shall be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of said Clerk.

Any person having in his custody an official copy of this City Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed so to do by order of the City Council.

CHAPTER 1-02
SAVING CLAUSE

SECTIONS:

1-02-001-0001 **REPEAL OF GENERAL ORDINANCES:**
1-02-001-0002 **PUBLIC UTILITY ORDINANCES:**
1-02-001-0003 **COURT PROCEEDINGS:**
1-02-001-0004 **SEVERABILITY CLAUSE:**

SECTION 1-02-001-0001 REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.

SECTION 1-02-001-0002 PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

SECTION 1-02-001-0003 COURT PROCEEDINGS:

No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued to claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

SECTION 1-02-001-0004 SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1978 Code)

CHAPTER 1-03
DEFINITIONS

SECTIONS:

1-03-001-0001 **CONSTRUCTION OF WORDS:**
1-03-001-0002 **DEFINITIONS, GENERAL:**
1-03-001-0003 **CATCHLINES:**

SECTION 1-03-001-0001 CONSTRUCTION OF WORDS:

Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend the page and effective dates of such original ordinances.

SECTION 1-03-001-0002 DEFINITIONS, GENERAL:

Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: The word "agent" as used in this Code shall mean a person acting on behalf of another.

CITY: The word "City" shall mean the City of Flagstaff, County of Coconino, State of Arizona.

COUNTY: The word "County" shall mean the County of Coconino, State of Arizona.

EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Flagstaff".

KNOWINGLY: The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The word "license" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

MISDEMEANOR: The word "misdemeanor" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law, and which is within the jurisdiction of the Police Court.[1]

NEGLIGENT: The word "negligent" as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE: The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect, on the property of another person or to the community.

OCCUPANT: The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Flagstaff".

OPERATOR: The word "operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.

ORDINANCE: When used herein shall also mean resolutions and resolutions having the effect of ordinances, where applicable or so far as practicable.

OWNER: The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: The word "person" shall be deemed to include any person, firm, association or corporation or any organization of any kind.

PERSONAL PROPERTY: The term "personal property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER: The word "retailer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

STATE: The word "State", unless otherwise indicated, shall mean the State of Arizona.

STREET: The word "street" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

TENANT: The word "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

WHOLESALER: The words "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WILFULLY: The word "wilfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another, or to acquire an advantage.

WRITTEN, IN WRITING: The terms "written" or "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

[1]A.R.S., Sec. 13-103

SECTION 1-03-001-0003 CATCHLINES:

The catchlines of the several sections of this City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1978 Code)

CHAPTER 1-04
GENERAL PENALTY

SECTIONS:

1-04-001-0001	**GENERAL PENALTY:**
1-04-001-0002	**LICENSE:**
1-04-001-0003	**APPLICATION OF PENALTY:**
1-04-001-0004	**LIABILITY OF OFFICERS:**

SECTION 1-04-001-0001 GENERAL PENALTY:

Unless otherwise provided or designated, any person convicted of a violation of any section of this City Code is guilty of a misdemeanor and shall be fined in a sum not to exceed two thousand five hundred dollars ($2,500.00) for any one offense, and a person may be confined in the County jail for a period not exceeding ninety (90) days.[1] Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided. (Ord. 1642, 11-7-89)

(Ord. No. 1642, Amended, 11/07/89)

[1]A.R.S. 9-240 subsection 28(b)

SECTION 1-04-001-0002 LICENSE:

When a person is convicted of a violation of any section of this City Code, any license previously issued to him by the City may be revoked by the Council or any proper court if there be reasonable relationship between the activities licensed and the offense charged.

SECTION 1-04-001-0003 APPLICATION OF PENALTY:

The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery of penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

SECTION 1-04-001-0004 LIABILITY OF OFFICERS:

No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1978 Code)

CHAPTER 1-05
CORPORATE SEAL

SECTIONS:

1-05-001-0001 **FACSIMILE OF SEAL:**

SECTION 1-05-001-0001 FACSIMILE OF SEAL:

The facsimile of the Corporate Seal of the City of Flagstaff is as hereinafter reproduced:

CHAPTER 1-06
CORPORATE LIMITS

SECTIONS:

1-06-001-0001 **CORPORATE LIMITS DESIGNATED:**

SECTION 1-06-001-0001 CORPORATE LIMITS DESIGNATED:

The corporate limits of the City of Flagstaff shall be as shown and designated on the official plat on file in the office of the County Recorder of Coconino County, said plat also on file in the office of the City Clerk; and the boundaries of said corporate limits shall be as designated by that certain map on file in the office of the City Clerk and by reference made a part hereof. (Ord. 70/10; 8-24-1900; 1978 Code)

CHAPTER 1-07
MAYOR AND COUNCIL

SECTIONS:

1-07-001-0001	**LEGISLATIVE POWERS:**
1-07-001-0002	**MEETINGS:**
1-07-001-0003	**DUTIES OF MAYOR:**
1-07-001-0004	**EMERGENCY POWERS OF MAYOR:**
1-07-001-0005	**SALARIES:**
1-07-001-0006	**FINANCIAL DISCLOSURES OF ELECTED OFFICIALS:**
1-07-001-0007	**TERMS OF OFFICE**

SECTION 1-07-001-0001 LEGISLATIVE POWERS:

All legislative powers of the City are vested in the Council and same shall be exercised by ordinance, resolution or order upon motion, recorded in the minutes of the governing body. (Ord. 70; 8-24-1900)

SECTION 1-07-001-0002 MEETINGS:

The Council shall hold its regular meetings at least once each month and all regular, special and adjourned meetings shall be held as directed by the Charter, Article II, sections 12 and 13.

SECTION 1-07-001-0003 DUTIES OF MAYOR:

The Mayor shall be the Chairman of the Council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings. He shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of martial law and shall have executive but no regular administrative duties. (1978 Code)

SECTION 1-07-001-0004 EMERGENCY POWERS OF MAYOR:

The Mayor shall have all those powers and duties delegated to him by Title 26, Section 26-301 and the following sections relating to Disaster Preparedness, of the Arizona Revised Statutes, including but not limited to the following powers:

A. Power to declare by proclamation an emergency or local emergency to exist as such terms are defined by A.R.S. section 26-301.

B. Power to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the City, including but not limited to:

   1. Imposition of curfews in all or portions of the City.

   2. Ordering the close of any business.

   3. Closing to public access any public building, street, or other public place.

4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the City limits for assistance.

C. Power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor. (Ord. 1065, 9-5-78)

SECTION 1-07-001-0005 SALARIES:

A. Effective upon the commencement of terms of office for those persons elected to the office of Mayor or Councilmember of the City of Flagstaff in City elections of 2008 and thereafter, the salary of the Mayor shall be thirty-six thousand dollars ($36,000) per year payable at three thousand dollars ($3,000) per month; the salary of Councilmembers shall be twenty-four thousand dollars ($24,000) per year payable at two thousand dollars ($2,000) per month.

B. Upon recommendation of a five-member citizen commission, the aforesaid salaries shall be reviewed and may be adjusted every other odd-numbered year (every fourth year) prior to an election year. The citizen commission shall be appointed one year, more or less, prior to the election year by the chairs of those city commissions that meet monthly and who are called together for the purpose of appointing the citizen commission by the City Manager, or his or her designee, who shall staff the meeting of the commission chairs, but shall have no vote. The citizen commission shall forward its recommendation to the City Council in the same year prior to the election year and by no later than August of the same year. The City Council shall immediately consider the recommendation of the citizen commission, and may adopt an ordinance raising the salaries of the Mayor and Council which shall take effect for those persons elected to the office of Mayor and Councilmember in the next succeeding election.

C. A like salary shall be paid to any person appointed to fill a vacancy in the office of Mayor or Councilmember for the balance of any term commencing in June, 2008, or thereafter.

D. Any person elected or appointed to the office of Mayor or Councilmember may, prior to commencement of their duties, elect to receive a lesser salary than herein provided if the salary provided herein imposes a hardship on that person by either disqualifying that person from receiving social security, pension, or retirement benefits or payments, or the like, or reducing the amount of such benefits or payments that person would otherwise receive. The City Manager, or his or her designee, shall determine if a hardship exemption applies in the particular circumstances.

E. In addition to the salaries above, the Mayor shall receive $210.00 per month and Councilmembers shall receive $150.00 per month to cover the expense of routine travel and meals. (Ord. 1733, 1-7-92). The Mayor and Councilmembers are eligible for employee and dependent health care insurance provided by the City on the same terms and conditions as any other City employee.

(Ord. 1733, 1-7-92; Ord. 2003-17, 11-4-03; Ord. 2007-43, 11-20-2007).

SECTION 1-07-001-0006 FINANCIAL DISCLOSURES OF ELECTED OFFICIALS:

A. Definitions:

1. "Compensation" means money, tangible things of value or financial benefit.

2. "Immediate family" means a spouse of a local public officer, and any minor child of whom he or she has legal custody.

3. "Local public officer" means a person holding an elective office in the City of Flagstaff.

B. Duty to File Financial Disclosure Statement; Exceptions:

1. In addition to other statements and reports required by law, each local public officer as a matter of public record shall file with the City Clerk, on a form prescribed by said City Clerk, a verified statement disclosing:[1]

a. His or her name, the name of each member of his or her immediate family, and all names under which they do business.

b. An identification of each employer and of each other source of compensation amounting to more than one thousand dollars ($1,000.00) annually received by the local public officer and his or her immediate family in their own names, or by any other person for the use or benefit of the local public officer and his or her immediate family and a brief description of the nature of the services for which the compensation was received, except that this paragraph shall not be construed to require the disclosure of information that may be privileged by law, nor the disclosure of individual items of compensation that constitute a portion of the gross income of the business or profession from which the local public officer and his or her immediate family derive compensation.

c. The name of every corporation, trust, business trust, partnership, or association in which the local public officer and his or her immediate family, or any other person for the use or benefit of the local public officer and his or her immediate family have an investment or holdings of over one thousand dollars ($1,000.00) at the fair market value as of the date of the statement, or in which the local public officer or his or her immediate family hold any office, or have a fiduciary relationship, together with the description of the investment, office or relationship, except that this paragraph does not require disclosure of the name of any bank or other financial institution with which the local public officer or member of his or her immediate family has a deposit or withdrawal share account.

d. All real property interests located within the limits of the City, including street address, specific location and approximate size or legal description, to which either the

local public officer or his or her immediate family hold legal title, or beneficial interest in, excluding his or her residence and property used primarily for personal recreation by the local public officer and his or her immediate family.

e. The names of all persons to whom the local public officer and his or her immediate family owe unsecured personal debts in excess of one thousand dollars ($1,000.00) and the names of all persons who owe the local public officer and his or her immediate family unsecured personal debts in excess of one thousand dollars ($1,000.00).

f. The source of each gift of more than five hundred dollars ($500.00) received by the local public officer and his or her immediate family in their own names during the preceding twelve (12) months, or by any other person for the use or benefit of the local public officer or his or her immediate family, except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from relatives. Political contributions shall not be construed as gifts.

g. A description of all of the professional, occupation and business licenses in which either a local public officer or his or her immediate family has an interest issued by the City, or by any Arizona State department, agency, commission, institution or instrumentality, which requires for its issuance the consideration of the application by the City Council, including the name under which the license is issued, the type of business or profession, and its location.

2. The statement required to be filed pursuant to this Section shall be filed by each local public officer on or before January 31 of each year hereafter.

C. Duty to File Final Financial Disclosure Statement by a Candidate for the Council: A candidate for a local public office shall file a financial disclosure statement containing the information required as set forth in subsection (B) hereof on a form prescribed by the City Clerk, at the time of filing his or her signed nomination papers.

D. Public Record: It is hereby declared that this Section is a public record within the meaning of Section 9-801, Arizona Revised Statutes, and the Charter of the City. (Res. 913, 12-18-74)

[1]Charter Art. II, sec. 6; A.R.S. 9-274

SECTION 1-07-001-0007 TERMS OF OFFICE

A. Term of Mayor. The term of office of the Mayor shall commence on the second meeting in June following the election, and shall be for two (2) years or until a successor is elected and inducted.

B. Term of Councilmembers. The term of office of Councilmembers shall commence on the second meeting in June following their election, and except as otherwise provided herein, shall be for four (4) years or until

their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.

(Ord. No. 1951; 9/16/1997)

CHAPTER 1-08
CITY MANAGER

SECTIONS:

1-08-001-0001	**APPOINTMENT OF MANAGER:**
1-08-001-0002	**QUALIFICATIONS:**
1-08-001-0003	**POWERS AND DUTIES:**
1-08-001-0004	**ACTING CITY MANAGER:**
1-08-001-0005	**REMOVAL OF MANAGER:**
1-08-001-0006	**ADMINISTRATIVE DEPARTMENTS:**

SECTION 1-08-001-0001 APPOINTMENT OF MANAGER:

The Council shall appoint an officer of the City who shall have the title of City Manager, and shall have the powers and perform the duties as in the Charter provided. No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term of office.

SECTION 1-08-001-0002 QUALIFICATIONS:

The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment he need not be a resident of the City or State, but during the tenure of his office he shall reside within the City.

SECTION 1-08-001-0003 POWERS AND DUTIES:

The City Manager shall:

A. Devote his entire time to the discharge of his official duties, prepare the agenda for and attend all meetings of the Council, unless excused therefrom by the Council or the Mayor;

B. See that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed;

C. Appoint and when necessary for the good of the service lay off, suspend, transfer, demote or remove all officers and employees of the City, except as otherwise provided by Charter, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such merit system regulations as the Council may adopt;[1]

D. Prepare the annual budget estimates and submit them to the Council and be responsible for the administration of the budget after adoption;

E. Keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently, if requested by the Council, of all the affairs of the City;

F. Act as purchasing agent for all divisions of the City, giving due consideration to the recommendations and counsel of department and division heads;

G. Have such other powers, duties and functions as the Charter of the City may prescribe, and such powers, duties and functions consistent with the Charter that the Council may prescribe.

H. The City Manager shall be entitled to a seat in the Council, except in matters involving his conduct or the performance of his duties, but shall have no vote therein. The City Manager shall have the right to take part in the discussion of all other matters coming before the Council.

[1]Charter Art. IV, sec 5

SECTION 1-08-001-0004 ACTING CITY MANAGER:

A. The City Manager shall designate, with the approval of the Council, a qualified administrative officer of the City to perform his duties during his temporary absence or disability.

B. If the City Manager is suspended by the Council, or if there is a vacancy in the office of the City Manager, the Council shall appoint an Acting City Manager to serve until the suspension ceases, or until another City Manager is appointed and qualifies, as the case may be. No Acting City Manager shall hold his position as such for more than four (4) months, and no appointment of an Acting City Manager shall be renewed. When there is a vacancy in the office, the Council shall fill the position within four (4) months of the creation of the vacancy.

SECTION 1-08-001-0005 REMOVAL OF MANAGER:

The Council shall appoint the City Manager for an indefinite term and may remove him by an affirmative vote of five (5) members of the Council. The City Manager may, within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the Council. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension and removal in the Council.

SECTION 1-08-001-0006 ADMINISTRATIVE DEPARTMENTS:

The administrative services of the City shall be divided into departments under the control of the City Manager in accordance with State law and the ordinances of the City. (1978 Code)

CHAPTER 1-09
CITY CLERK

SECTIONS:

1-09-001-0001	**CUSTODY OF RECORDS:**
1-09-001-0002	**CORPORATE SEAL:**
1-09-001-0003	**ADDITIONAL RESPONSIBILITIES:**
1-09-001-0004	**DEPUTIES:**
1-09-001-0005	**PUBLIC INSPECTION:**

SECTION 1-09-001-0001 CUSTODY OF RECORDS:

The City Clerk shall have the custody, care and control of and be responsible for all books, papers, records, files and ordinances belonging to the City and committed to the Clerk's custody, care and control. Said Clerk shall attest all ordinances, orders and resolutions and keep all official documents required by his office; keep all the books of ordinances and all other books with proper indexes; keep the minutes of the proceedings of the Council and have them properly signed by the Mayor and attested.

SECTION 1-09-001-0002 CORPORATE SEAL:

The City Clerk shall keep the corporate seal of the City and affix the same when required on all documents aforesaid.

SECTION 1-09-001-0003 ADDITIONAL RESPONSIBILITIES:

The Clerk shall have, do and perform such other duties and responsibilities which have been or may be ordered hereafter from time to time.

SECTION 1-09-001-0004 DEPUTIES:

The Clerk may appoint such deputies as may be required with the advice and consent of the City Manager.

SECTION 1-09-001-0005 PUBLIC INSPECTION:

The books, documents, records, papers and files and all books, papers, records or files and any and all other property of the City in the possession or control of the Clerk pertaining to said office shall be kept convenient for public inspection during his term of office, and the same may be inspected by any person under the supervision of said Clerk. (Ord. 113, 10-5-07)

CHAPTER 1-10
CITY TREASURER

SECTIONS:

1-10-001-0001 **RECEIVE MONEY:**
1-10-001-0002 **RECORDS:**
1-10-001-0003 **DEPUTIES:**

SECTION 1-10-001-0001 RECEIVE MONEY:

The City Treasurer shall receive and safely keep all moneys that shall come to the City by taxation, licenses, water rents or otherwise, and pay out the same when required upon warrants approved by the Council, but not otherwise.

SECTION 1-10-001-0002 RECORDS:

The Treasurer shall keep a separate record of each different fund provided by the Council or otherwise provided, keep a record of all warrants paid out and warrants presented but not paid, apportion the moneys received among the different funds as prescribed by the Council, keep a complete set of books showing every money transaction of the City, the state of each fund, from what source the money was derived and for what purposes expended, and make monthly reports to the Council of all the receipts, expenditures and disbursements and the balance in each fund.

SECTION 1-10-001-0003 DEPUTIES:

The Treasurer may appoint such deputies as may be required, with the consent of the City Manager. (Ord. 113; 10-5-07)

CHAPTER 1-11
CITY ATTORNEY

SECTIONS:

1-11-001-0001	**LEGAL COUNSELOR:**
1-11-001-0002	**DRAFT LEGAL DOCUMENTS:**
1-11-001-0003	**PROSECUTION AND DEFENSE:**
1-11-001-0004	**APPROVAL OF CONTRACTS; BONDS:**
1-11-001-0005	**ORDINANCES; RESOLUTIONS:**
1-11-001-0006	**REPORTS:**

SECTION 1-11-001-0001 LEGAL COUNSELOR:

It shall be the duty of the City Attorney, when appointed, to act as the legal counselor of the Council and to give his opinion in writing on all matters when requested so to do by the Council.[1]

[1]Charter Art. IV, Sec. 4

SECTION 1-11-001-0002 DRAFT LEGAL DOCUMENTS:

The Attorney shall draft all deeds, contracts, conveyances, ordinances and other legal instruments when required by the Council.

SECTION 1-11-001-0003 PROSECUTION AND DEFENSE:

The Attorney shall prosecute and defend all suits and actions to which the City is a party.

SECTION 1-11-001-0004 APPROVAL OF CONTRACTS; BONDS:

The Attorney shall approve in writing all drafts of contracts and the form of all official or other bonds submitted to him before final approval or acceptance thereof by the Council.

SECTION 1-11-001-0005 ORDINANCES; RESOLUTIONS:

The Attorney shall return all ordinances and resolutions submitted to him for consideration by the Council with his approval or disapproval noted thereon, with his reasons therefor.

SECTION 1-11-001-0006 REPORTS:

The Attorney shall make such reports of the affairs of his office as may be required of him from time to time by the Council. (Ord. 70, 3-24-1900; amd. 1978 Code)

CHAPTER 1-12
REPEALED

(Ord. No. 2010-26, 10/05/10)

CHAPTER 1-13
HOUSING AUTHORITY

SECTIONS:

1-13-001-0001	**CREATION OF HOUSING AUTHORITY**
1-13-001-0002	**BOARD OF COMMISSIONERS**
1-13-001-0003	**POWERS AND RESPONSIBILITIES**
1-13-001-0004	**USE OF FUNDS**

SECTION 1-13-001-0001 CREATION OF HOUSING AUTHORITY

The Council hereby finds, determines and declares, in pursuance of the Municipal Housing Law of the State of Arizona, that:

A. Unsanitary and unsafe inhabited dwelling accommodations exist in the City; and

B. There is a shortage of decent, safe and sanitary dwelling accommodations in the City available to persons of low incomes at rentals they can afford; and

C. There is a need for a Housing Authority in the City; therefore, there is hereby created as a section of the City, an authority to be known and designated as the City of Flagstaff Housing Authority ("CFHA").

SECTION 1-13-001-0002 BOARD OF COMMISSIONERS

A. Creation of Commission; Appointment of Commissioners. There is hereby created a Board of Commissioners of the CFHA ("Commission"). The Mayor, while rightfully holding that office, shall automatically be and act as a commissioner. (A.R.S. § 36-1404.B; Resolution 2006-63.) The Mayor shall appoint six (6) persons who are residents of Flagstaff to serve as commissioners of the CFHA. Except for the Mayor (if serving as a commissioner), a commissioner shall not hold any other office of, or employment with, the City of Flagstaff. (A.R.S § 36-1404.B) The Mayor shall appoint at least one (1) resident of CFHA housing or Section 8 housing assistance as a commissioner.

B. Resident Commission Member Eligibility. A person who is a citizen and elector of the City is eligible to be a resident commission member if the person:

1. Is directly assisted by the federal public housing or rental assistance programs administered by the City, either by being a resident of City public housing or by being a recipient of housing assistance in the City's tenant-based Section 8 program; and

2. Is expressly named in the lease for City public housing or for City-administered Section 8 tenant-based housing; and

3. Is eighteen (18) years of age or older; or

4. Meets the requirements set forth in the then-current Code of Federal Regulations, 24 CFR 964.410, as may be amended, if such requirements differ from those enumerated above.

C. Resident Commission Member Term and Removal. The Resident Commission Member shall serve a term of four (4) years, provided, however, that a member shall continue to serve until a successor has been duly appointed and qualified. The Resident Commission Member shall serve no more than two (2) consecutive terms on the Commission, but may be re-appointed after the lapse of three (3) years from the end of the previous term served. A Resident Commission Member who ceases to be directly assisted by the federal public housing or rental assistance programs administered by the City may not complete his or her current term on the Commission, and the Mayor shall appoint another eligible resident to serve the balance of the Resident Commission Member's term. The Resident Commission Member shall not hold any other office or employment with the City.

D. Resident Commission Member Duties. The Resident Commission Member is a full member of the Commission. The Resident Commission Member may not be excluded from participating in any matter before the Commission on the grounds that the Resident Commission Member's lease for City public housing, or the Resident Commission Member's status as a public housing resident or recipient of Section 8 tenant-based assistance, either results or may result in a conflict of interest, unless the matter is clearly applicable to the Resident Commission Member only in a personal capacity and applies uniquely to that member and not generally to residents or to a subcategory of residents.

E. Chairperson and Vice-Chairperson. The Mayor shall designate which of the commissioners shall be Chairperson and Vice-chairperson. (A.R.S. § 36-1404.C) The Mayor may not designate himself or herself as the Chairperson or Vice-chairperson. The terms of the Chair and Vice-Chair shall be for a period of one (1) year with eligibility for reappointment.

F. Commission Member Term and Removal. Commissioners first appointed upon creation of the CFHA shall be designated to serve for staggered terms of one (1), two (2) and three (3) years from the date of their appointment, but thereafter commissioners, except for the Mayor, if serving as a commissioner, shall be appointed for a term of office of four (4) years. Vacancies from causes other than expiration of term shall be filled for the unexpired term only. (A.R.S. § 36-1404.B) Commissioners may be removed only according to state law (A.R.S. § 36-1405).

G. Quorum. A majority of the authorized number of commissioners constitutes a quorum. If a meeting is duly noticed and a quorum is present, action may be taken on a vote of a majority of the commissioners present. (A.R.S § 36-1404.B) Commissioners who are recused due to a conflict of interest shall continue to be counted for purposes of establishing and maintaining a quorum.

H. Meetings. The Commission shall hold a minimum of eight (8) meetings each year.

SECTION 1-13-001-0003 POWERS AND RESPONSIBILITIES OF THE COMMISSIONERS

A. Powers. Pursuant to A.R.S. §36-1404(A), the Council delegates to the Commissioners the powers with regard to public housing projects of the City as set forth in this Chapter. "Housing project" is defined in A.R.S. § 36-1401(8), and may be designated in this ordinance as "Projects" or "Housing Projects." The Council does not delegate to the Commissioners the power to borrow money, issue bonds or acquire real property. Powers or responsibilities not specifically delegated by the Council to the Commissioners are reserved to the appropriate City officials as provided in the City's Charter. All City of Flagstaff Housing Authority employees are City employees and are subject to the supervisory authority of the City Manager, pursuant to the provisions of Article III, Section 3 of the City Charter. The Commissioners will follow all applicable City charter requirements, ordinances, policies and procedures, including but not limited to those regarding budget and finance, procurement, personnel, legal matters, risk management and open meetings. If there is a question about whether such requirements apply, it shall be resolved by the City Manager in consultation with the City Attorney, unless the matter is one strictly within the responsibilities of the City Attorney as the chief legal advisor of the City.

B. Commissioners' Responsibilities. The Commissioners shall:

1. Investigate living, dwelling and housing conditions and the means and methods of improving such conditions through public housing projects and make recommendations to the City Council regarding these matters including recommendations for increasing the number of low income housing opportunities and projects in the City.

2. Make studies and recommendations to the Council relating to the problem of clearing, planning, designing and reconstructing blighted areas, and the problem of providing dwelling accommodations for persons of low income.

3. Review and make recommendations to the Council with regard to applications for grants pertaining to public housing programs, programs under Section 8 of the U.S. Housing Act of 1937, as amended, and other programs for which the CFHA is authorized to apply.

4. Review and make recommendations to the City Manager regarding the annual budget for the CFHA.

5. Review and make recommendations to the City Manager and the Council regarding annual plans that must be submitted to HUD.

6. Review and adopt policies, procedures and operational plans that are required by law, regulations and/or HUD directives to be implemented by the CFHA. Examples of such actions include without limitation adopting HUD-mandated admissions and continued occupancy policies, adjusting Section 8 housing choice voucher payment standards if such adjustments are below ten percent (10%), establishing and revising utility allowances, and adopting and revising a resident handbook.

7. Review and make recommendations to the Council regarding the approval, adoption and implementation of policies, procedures and plans that are not required by law, regulations or HUD directives,

including without limitation those that are recommended by HUD, those that are referred to the Commission by the Council and those that allow for the exercise of discretion in approval, adoption and implementation. Examples of such actions include without limitation approval of management assessments, approving admissions and continued occupancy policies that are not mandated by HUD, and adjusting Section 8 housing choice voucher payment standards if such adjustments equal ten percent (10%) or more.

8. Review and make recommendations to the Council with regard to changes to the CFHA's form lease agreement when such changes involve terms and conditions materially affecting the lease arrangement and which are not required by law, regulations or HUD directives.

9. Exercise the responsibilities of a public housing authority Board of Commissioners with respect to resident grievances, as described in the Code of Federal Regulations, 24 CFR 966.57, as may be amended.

D. If there is a question about whether a matter is within the responsibilities of the Commission, the question shall be resolved by the City Attorney.

SECTION 1-13-001-0004 USE OF FUNDS

Any monies from HUD that are specifically designated for public housing purposes, programs under Section 8 of the U.S. Housing Act of 1937, as amended, and other programs which the CFHA is authorized to administer shall be used only for those purposes. Overhead charges and similar transfers of funds for other City Departments, Divisions and Sections shall not be assessed against, withdrawn from, or transferred from funds that are specifically designated for non-administrative functions. Such funds include without limitation Housing Assistance Program Payments designated for Section 8 landlords and that portion of capital funds that are designated for non-administrative expenses related to capital improvements.

(Amended Ord. No. 2010-19, 06/08/10)

CHAPTER 1-14
PERSONNEL SYSTEM

SECTIONS:

1-14-001-0001 **PERSONNEL SYSTEM ADOPTED**
1-14-001-0002 **HUMAN RESOURCES DIRECTOR**
1-14-001-0003 **APPLICABILITY OF RULES**
1-14-001-0004 **RIGHTS OF CITY RETAINED**
1-14-001-0005 **CITY RETIREMENT SYSTEMS**
1-14-001-0006 **EMPLOYEE ADVISORY COMMITTEE**
1-14-001-0006.1 **DEFINITIONS**
1-14-001-0006.2 **MISSION STATEMENT**
1-14-001-0006.3 **PURPOSE**
1-14-001-0006.4 **OBJECTIVES**
1-14-001-0006.5 **COMMITTEE STRUCTURE**
1-14-001-0006.6 **ELECTIONS AND MEMBERSHIPS**
1-14-001-0006.7 **MEETINGS**

SECTION 1-14-001-0001 PERSONNEL SYSTEM ADOPTED:

There is hereby established pursuant to Article IV, section 5, of the Charter of the City a personnel system based on the principles of merit and fitness to be known as the "Personnel Policies of the City of Flagstaff - 1980", which policies are hereby adopted by reference pursuant to Article VII, section 13, of the Charter of the City, and the same are hereby designated and declared to be a public record of the City. Three (3) copies of the "Personnel Polices of the City of Flagstaff - 1980" shall be filed in the office of the City Clerk and there retained available for the use and inspection by any interested person during normal business hours. The aforesaid rules and regulations shall be placed on file with the City Clerk immediately following the adoption and approval of this Chapter.

The City of Flagstaff hereby adopts the "2003 Amendments to the Personnel Policies of the City of Flagstaff," and by said adoption the City hereby augments and removes certain language contained in the Personnel Policies of the City of Flagstaff and hereby incorporates all of the provisions of the 2003 Amendments to the Personnel Policies of the City of Flagstaff into the Personnel Policies of the City of Flagstaff. (Ord. 2003-21, 11/08/03)

SECTION 1-14-001-0002 HUMAN RESOURCES DIRECTOR

The City Manager, or other such officer or employee as he may designate, shall be the Human Resources Director of the City and shall be charged with the proper and efficient administration and operation of the City of Flagstaff Personnel System.

SECTION 1-14-001-0003 APPLICABILITY OF RULES:

Nothing in the rules or policies adopted for their implementation shall be construed or interpreted to reduce or restrict any powers or duties provided for in the Charter of the City.

SECTION 1-14-001-0004 RIGHTS OF CITY RETAINED:

The City retains the exclusive right through the City Manager, subject to the provisions of the City Charter, applicable State law and the personnel regulations to:

A. Direct and supervise its employees;

B. Appoint, promote, classify, transfer, assign, retain, suspend, demote, discharge, or take disciplinary action against any employee;

C. Relieve from duty any employee because of lack of funds, lack of work, reorganization or for any other legitimate reason;

D. Maintain the efficiency of its governmental operations;

E. Determine the means, methods and personnel by which operations are to be conducted;

F. Take whatever actions may be necessary to carry out its responsibilities in situations of emergency. (Ord. 1116, 6-3-80)

SECTION 1-14-001-0005 CITY RETIREMENT SYSTEMS:

The City hereby participates in and adheres to the policies and procedures, rules and regulations of the Arizona State Employees Retirement System and Plan and the Arizona Public Safety Personnel Retirement System, as said Systems and Plan are applicable to officers and employees of the City.1 (1978 Code)

[1]Charter Art. IV, sec. 4

SECTION 1-14-001-0006 EMPLOYEE ADVISORY COMMITTEE

The Employee Advisory Committee (EAC) is hereby established.

Section 1-14-001-0006.1 Definitions

A. Regular member – eligible employee(s) elected to serve on behalf of their respective Division. Regular members shall serve three-year terms.

B. Alternate member – eligible employee(s) elected to serve on the EAC when the regular member is unable to attend. Alternate members shall serve three-year terms.

C. Eligible employee – any full-time tenured or exempt employees not identified as an "ineligible employee".

D. Ineligible employee – Any employee directly appointed by the City Council, Deputy City Managers, Division Directors, Section Heads, Human Resources personnel, probationary, part-time and temporary employees.

Section 1-14-001-0006.2 Mission Statement

The mission of the EAC is to form a body of elected members and alternates to represent individual employees, groups of employees, and divisions of the City of Flagstaff with fairness and impartiality.

Section 1-14-001-0006.3 Purpose

The purpose of the EAC is to foster on-going employee-employer relations by providing a process and forum for employees to recommend changes to employment-related policies and procedures, safety, compensation and benefits. The following employment related policies and procedures shall not be included in this ordinance: hiring, employee discipline, promotions, demotions, transfers, voluntary reassignments, suspensions, or dismissal.

The EAC is an administrative, recommending committee. Individual employment issues affecting any employee shall be processed through any of the City's established grievance or appeal procedures. Employees are encouraged to resolve any issue or employment related concern through the established administrative procedures.

Section 1-14-001-0006.4 Objectives

The objectives of the EAC are to:

A. Work together in the spirit of trust and cooperation in an attempt to reach consensus on matters under discussion.

B. Review and recommend to the City Manager any initiatives or changes to City's policies and procedures which are related to employment, safety, compensation, or benefits.

C. Provide a forum for the discussion of organizational issues.

D. Review and make recommendations to the City Manager on all additions, deletions, or amendments to the Personnel Ordinance prior to submission to the City Council for consideration.

E. Attend EAC meetings, work towards a consensus and regularly communicate with the employees being represented.

F. Attend, participate and/or provide input and recommendations at City Council budget meetings.

Section 1-14-001-0006.5 Committee Structure

A. The Employee Advisory Committee shall consist of the following members, by division, excluding ineligible employees except for the Human Resources Director, or designee, who shall serve as a non-voting member, and shall provide information to the EAC as needed:

1. Administrative Services - (City Manager’s Office, Legal, Human Resources, Risk Management, City Clerk’s Office, Real Estate, and Information Technology)- one (1) member

2. Management Services - (Finance, Sales Tax, Purchasing, Customer Service and Payroll)- two (2) members

3. Police – (Commissioned two members and Non-Commissioned one member) - three (3) members

4. Fire – two (2) members

5. Public Works – (Public Works Administration, Environmental Services, Streets, Parks, Fleet, Facility Maintenance, and Sustainability) - three (3) members

6. Community Development – (Planning & Development, Housing, and Engineering) - two (2) members

7. Utilities – two (2) members

8. City Court - one (1) member

9. Economic Vitality – (Convention & Visitors Bureau, Airport and Community Investment) – one (1) member

10. Community Enrichment Services – (Recreation and Library) – two (2) members

11. The Human Resources Director, or designee, is a permanent, non-voting member.

B. The number of representatives per division may be reviewed by EAC as required.

C. Members will serve a three-year term, except when elected to complete a previously nominated member's term. Memberships will be staggered.

D. Each division will have an equal number of regular and alternate members.

E. Alternate members are encouraged to attend all meetings; however, alternate members shall only vote when filling in for the regular member.

F. There will be two co-chairs who will serve a one year term. Alternate members are not eligible to serve as co-chair.

G. Any member of the EAC shall not act independently on behalf of EAC without prior approval of an EAC majority vote.

Section 1-14-001-0006.6 Elections and Membership

A. City-wide elections for membership shall be held annually by September 15, with terms starting October 1.

1. Eligible employees shall nominate regular and alternate members who will also be eligible employees as defined in the Employee Advisory Committee Ordinance Section 1-14-001-0006.1.

2. The eligible employee with the most votes will become the regular member and the employee with the next highest will become the alternate member. In the event of a tie, a ballot will be sent out to the division for a formal vote.

B. Elections for special appointments will be conducted during the first meeting in January.

1. Election of two co-chairs.

2. Elect an EAC member to take minutes of the meetings, with a back-up and/or rotation as deemed necessary.

3. Elect an EAC member to attend Budget Committee meetings when the Budget Committee is discussing any benefit and compensation issues and during the add-back and delete portion of the budget, in an ongoing effort to foster better communication and understanding.

4. Elect two EAC members to attend the Compensation Committee meetings.

5. EAC members may also be elected to serve on special committees and/or task forces concerning employment-related policies and procedures, safety, compensation and benefits.

(Amended Ord. No. 2009-10, 06/02/2009)

C. Newly elected regular and alternate members shall attend an orientation meeting with a co-chair and/or the Human Resources Director after annual elections between October and January.

D. EAC members who want to resign from service shall submit their requests in writing to the two co-chairs and the Human Resources Director.

E. When a regular member resigns from service an election will be held to determine who will complete the remaining portion of the three-year term.

Section 1-14-001-0006.7 Meetings

A. Meetings of the City EAC shall be on the second and fourth Wednesday of each month.

1. The members of the EAC will be allowed to attend the regular meetings, utilizing City time to the degree necessary to conduct EAC business.

2. Subcommittees may be formed to address specific EAC issues to bring to the full EAC for input and approval. Subcommittees are encouraged to meet for one (1) hour, two (2) times per month, with the cessation of the subcommittee once the issue is voted on by the full EAC. Each subcommittee, at its own discretion, may ask non-EAC members to participate.

B. Special meetings, when required, may be called by the co-chair(s). The co-chair(s) will inform the City Manager and employees of the meeting time and place.

C. Regular members shall notify the appropriate division alternate member, in a timely manner, when they are unable to attend a meeting. Members with three (3) consecutive unexcused absences may be removed by a vote of the EAC and will automatically be replaced by the appropriate alternate member.

D. Co-chairs may request a meeting with the City Manager. If after discussions with the City Manager an issue is not resolved to the satisfaction of the EAC, a co-chair shall address the City Council at a public meeting to review the issue, upon recommendation and majority vote of the EAC.

E. All votes regarding recommendations must be approved by a majority vote of the quorum. A quorum shall be one more than half of the voting membership of the EAC.

F. All votes that are not unanimous shall result in a roll call vote and will be recorded into the meeting minutes.

G. Employees, including ineligible employees, desiring an item to be discussed by the EAC shall contact their division’s regular member or any regular EAC member to place the item on the EAC's agenda.

1. Employees may request to keep their names confidential and it will not be part of the EAC’s discussion.

2. An employee with an item on the EAC agenda shall be notified by a co-chair of the meeting time and date. Time in attendance of said meeting shall constitute hours worked.

H. Time spent by EAC and subcommittee members attending EAC meetings shall constitute hours worked.

I. The members of the EAC may choose a representative to attend the portion of the leadership meetings when EAC agenda items are scheduled for discussion.

J. Agendas and minutes will be distributed to all employees. Minutes will be posted on the intranet and distributed to areas that do not have access once they have been reviewed, amended if necessary, and approved by the EAC. All EAC regular and alternate members will receive a copy of final, approved minutes. Each division representative will post minutes in their division posting area for use by all employees. If there is more than one representative in a division, only one representative will be responsible for posting the agendas and minutes, as determined by those representatives.

(Ord.1738, Enacted, 06/09/92; Ord. 1982, Amended, 09/15/98; Ord. 2000-20, Amended, 09/05/2000; Ord. 2003-15, Repealed/Replaced, 09/16/2003; Ord. No. 2009-10 Repeal/Replaced, 06/02/2009)

CHAPTER 1-15
MUNICIPAL COURT

SECTIONS:

1-15-001-0001	**MUNICIPAL COURT ESTABLISHED**
1-15-001-0002	**MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS**
1-15-001-0003	**DOCKET**
1-15-001-0004	**TRIAL BY JURY**
1-15-001-0005	**SENTENCING**
1-15-001-0006	**DISBURSEMENT OF FINES**
1-15-001-0007	**JUDGMENT**
1-15-001-0008	**FEES TO BE CHARGED BY THE CITY COURT**
1-15-001-0009	**ESTABLISHMENT OF FUNDS AND ALLOCATION OF FEES**
1-15-001-0010	**AUTHORITY TO SET FEE AMOUNTS**
1-15-001-0011	**CIVIL ENFORCEMENT PROCEDURES**

SECTION 1-15-001-0001 MUNICIPAL COURT ESTABLISHED

A Municipal Court, having power and jurisdiction to hear and adjudicate all criminal misdemeanors, civil traffic offenses occurring within the City limits, City ordinances, orders of protection, hearings to keep the peace, harassment injunctions, and the issuance of summonses and arrest warrants with the authority coming from State statutes and this City Code, this Court is hereby established.[1] The Municipal Court is part of the judicial branch of government and is and shall remain independent from other branches as provided for in the Arizona Constitution, Article III, and Article IV, Sections I and III. (Ord. 1761, 07-21-92)

(Ord. No. 1761, Amended, 07-21-92)

[1]Charter Art. XI, Sec. 2

SECTION 1-15-001-0002 MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS

A. Municipal Judge: All Municipal Judges shall serve a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Municipal Judge may be removed only for cause. All Municipal Judges shall be appointed by the Council. (Ord. 1808, 06/28/93)

B. Presiding Magistrate: Appointed by the Council, presides over a court calendar as well as having administrative authority to hire, supervise, discipline, and terminate its non-appointed court employees. (Supreme Court Administrative Orders 83-11, 90-3, and Rule I, Uniform Rules of Practice of the Superior Court, and the principle of judicial independence under the doctrine of separation of powers as defined in the State Constitution, Article III). The Presiding Magistrate shall follow all Personnel Policies adopted and amended by the City Council. Further, the Presiding Magistrate shall utilize the Personnel Board created by Ordinance No. 971 and appointed by the City Council. The findings and recommendations of the Personnel Board shall be forwarded to the Presiding Magistrate for action. The Presiding Magistrate shall accept in whole or in part, or reject, said findings and recommendations.

C. Additional Municipal Judges: In conformance with Paragraph A of this Section, the City Council may appoint one (1) or more additional Judge(s).

1. On-Call: This position will be paid on an hourly basis for each hour worked at a rate determined by the City Council at the time of appointment. This position will not have a set schedule and will work only at such times as required by the Presiding Magistrate when other Municipal Judges are not available.

2. Part-Time: This position will be paid on an hourly basis for each hour worked at a rate and for a specific number of hours per week as determined by the City Council at the time of appointment. The Presiding Magistrate will schedule actual times and days of work. Additional Judges working twenty (20) hours per week or more, as authorized by the City Council, will also be eligible for full health, life and dental insurance benefits.

D. Civil Traffic Hearing Officers: The Council may appoint Hearing Officers to preside over civil traffic violation cases as provided in Arizona Revised Statutes, section 28-1055, as amended. Hearing Officers shall serve under the supervision of the Presiding Municipal Judge, for a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Hearing Officer may be removed only for cause. (Ord. 1860, 02/07/95)

(Ord. No. 1721, Amended, 11/19/91; Ord. No. 1761, Amended, 07-21-92; Ord. No. 1808, Amended, 06/28/93; Ord. No. 1860, Amended, 02/07/95)

SECTION 1-15-001-0003 DOCKET

A court docket shall be maintained of all proceedings conducted. Each case entry shall show the name of the defendant, the proceedings held, plea entered and/or judgment set forth, and sentence. (Ord. 1761, 07-21-92)

(Ord. No. 1761, Amended, 07-21-92)

SECTION 1-15-001-0004 TRIAL BY JURY

A defendant shall have the right to a jury trial for the following offenses: Driving While Under the Influence (DUI), Theft/Shoplifting, and Sex Related Crimes. The granting of a jury trial for an offense other than those listed above shall be within the sole discretion of the Judge. (Ord. 1761, 07-21-92)

(Ord. No. 1721, Rep&ReEn, 07-21-92)

SECTION 1-15-001-0005 SENTENCING

Sentencing for criminal misdemeanors shall be within the limits as prescribed by Title 13 of the Arizona Criminal Code. (Ord. 1761, 07-21-92)

(Ord. No. 1761, Rep&ReEn, 07-21-92)

SECTION 1-15-001-0006 DISBURSEMENT OF FINES

Fines collected shall be deposited into the General Fund account with mandatory surcharges being disbursed into appropriate accounts. (Ord. 1761, 07-21-92)

(Ord. No. 1761, Rep&ReEn, 07-21-92)

SECTION 1-15-001-0007 JUDGMENT

In all actions arising under any provisions of this Code for the enforcement thereof or the recovery of any fine, penalty or forfeiture thereunder, the first process shall be a warrant for the arrest of the offender, or summons to appear, and in all such actions execution may be issued against the estate of the defendant for the amount of any fine, penalty or forfeiture, with costs and accruing costs; provided, that this Section shall not be construed to prevent a judgment of a fine.

SECTION 1-15-001-0008 FEES TO BE CHARGED BY THE CITY COURT

A. The following fees are hereby established to be collected by the City Court:

Jail Reimbursement Fee
Court Improvement Fee
Probation Client Fee
Warrant Fee
Suspension Fee
Default Fee
Time Payment Fee

B. Jail Reimbursement Fee - Any person who has been convicted of a misdemeanor criminal offense in the City Court and sentenced to a term of incarceration in the county jail, or any other detention facility authorized by law, may as a part of any fine imposed by the City Court in connection with the sentencing, be required to reimburse the City for all or any part of the actual expenses the City has or will incur to the county or other authorized detention authority by reason of the incarceration. The maximum amount ordered for reimbursement under this Section shall not exceed the number of days the misdemeanant is actually incarcerated in the county jail or detention facility, multiplied by the prevailing per diem rate, plus the booking fee, charged to the City at the time that the misdemeanant is incarcerated.

C. Court Improvement Fee - The City Court shall collect a court improvement fee which shall be applied by the City Court on all fines, sanctions, penalties and assessments imposed by the City Court. The improvement fee shall also apply to fees collected for court authorized diversion programs. "Court authorized diversion program," as used in this Section, means a program in which an individual charged with any civil, criminal, or petty offense is not prosecuted for the offense on successful completion of an authorized diversion program and it includes authorized defensive driving courses.

D. Probation Client Fee - Any person who has been convicted of a criminal misdemeanor, petty offense, or local code violation in the City Court and sentenced to a term of probation, may as part of any fine imposed by the City Court in connection with the sentencing be required to pay a user fee to the City to help defray the cost of probation services as provided by City Court. The minimum amount ordered for reimbursement on summary

or supervised probation under this Section shall be established on a per month basis for each month or part thereof that the defendant is sentenced to probation.

E. Warrant Fee - The City Court shall collect a warrant fee for each warrant issued by the court. Any person who has a warrant issued by the court for failure to appear, failure to comply with a court order, or any other warrant from the bench shall be required to pay this fee to the City for the cost of issuing and servicing the warrant.

F. Suspension Fee - The City Court shall collect a suspension fee for each suspension on a driver's license issued by the court. Any person who has had a suspension issued by the court for failure to pay a civil traffic fine or for any other reason shall be required to pay this fee to the City for the cost of issuing and servicing the suspension. This fee shall be applied to each suspension issued.

G. The City Court shall collect a default fee for each default judgement entered on a civil traffic violation because the person cited failed to respond to the citation or summons. Any person who has had a default judgement entered against them for failure to respond to a civil traffic citation shall be required to pay this fee to the City for the cost of issuing and servicing the default judgement. This fee shall be applied to each default issued.

H. In addition to any other assessment authorized by law, the court shall collect a time payment fee on each person who pays a court ordered penalty, fine, or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments. A time payment basis shall be any penalty, fine, or sanction not paid in full on the date the court imposed the fine, penalty, or sanction.

I. If a person has been found by the City Court to be indigent, the City Court magistrate may reduce the amount of any fee set forth in this Section based upon the individual's ability to pay.

J. In addition to any other remedies which may be allowed by law, the City Attorney is authorized to institute civil legal proceedings in any court of competent jurisdiction to recover any fee owing under this Section.

(Ord. No. 1761, Repealed, 07-21-92; Ord. No. 1939, Rep&ReEn, 04/15/97)
(Ord. 2002-13, Amended, 09/03/2002; Ord. Ord. 2002-01, Amended, 03/27/2002)

SECTION 1-15-001-0009 ESTABLISHMENT OF FUNDS AND ALLOCATION OF FEES

A. City Court Improvement Fund - There is hereby established a City Court Improvement Fund, which shall be used exclusively to enhance the technological, operational, and security capabilities of the City Court. The Court Improvement Fund shall be established as a designated fund account with the City Treasurer. The City Court shall collect the court improvement fees as defined in this Section and deposit them in the Court Improvement Fund account. The City Treasurer shall invest the monies in the fund in the same manner as City funds. Interest earned on fund monies shall be deposited in the fund.

B. City Court Collection Fund - There is hereby established a City Court Collection Fund, which shall be used exclusively to enhance the

technological, operational and security capabilities of the City Court, especially, but not exclusively in regards to collection programs. The Court Collection Fund shall be established as a designated fund account with the City Treasurer. The City Court shall collect warrant and suspension fees as defined in this Section and deposit them in the Court Collection Fund account. The City Treasurer shall invest the monies in the fund in the same manner as City funds. Interest earned on fund monies shall be deposited in the fund.

C. Allocation of Fees - All fees not designated to be deposited in a specific fund as defined in this Section are to be deposited in the City general fund account as reimbursement for costs of court operations.

(Ord. No. 1761, Repealed, 07-21-92; Ord. No. 1939, Rep&ReEn, 04/15/97)

SECTION 1-15-001-0010 AUTHORITY TO SET FEE AMOUNTS

A. The amount to be charged by City Court for all fees set forth in this section is to be set by the Presiding Magistrate of City Court who will inform the City Council in writing of the fees set.

B. If the City Council desires changes in the fee schedule submitted by the Presiding Magistrate, the Presiding Magistrate may resubmit a new fee schedule as often as deemed necessary. The most recent fee schedule will remain in effect until a new fee schedule is submitted by the Presiding Magistrate.

(Ord. No. 1761, Repealed, 07-21-92; Ord. No. 1939, Rep&ReEn, 04/15/97)
(Ord. 2002-13, Amended, 09/03/2002)

SECTION 1-15-001-0011 CIVIL ENFORCEMENT PROCEDURES

A. Scope

These Rules shall apply in all proceedings involving the adjudication of civil violations of the Flagstaff City Charter, Flagstaff City Code, or Flagstaff City Ordinance(s) bearing a civil sanction or penalty.

B. Definitions

1. For the purposes of these rules, a “civil violation” means any violation of the City Charter or City Code wherein the enforcement action undertaken may result in the imposition of a civil sanction or penalty.

2. “City” means the City of Flagstaff.

3. “City Code” means the Charter and City Code of the City of Flagstaff.

4. “Civil Parking Violation” means any violation of the City Code or City Ordinances which regulate the time, place or method of parking.

5. “Court” means the Municipal Court of the City of Flagstaff.

6. “Respondent” means the person or entity charged with a violation of the City Code.

C. Civil Violation and Civil Parking Violation; Complaint and Summons; Citation

1. Civil violation actions, except civil parking violation actions, shall be commenced either by citation or civil complaint. Any City employee responsible for the enforcement of any provision of the City Charter, City Code, or City Ordinance bearing a civil sanction or penalty may issue a citation. Alternatively, the city attorney may file a civil complaint with the court. Upon receipt of the complaint, the court shall issue a summons.

2. The citation or civil complaint and summons may be served by any method authorized by the Arizona Rules of Civil Procedure, except that service may not be by publication. If service is made by certified mail, the return receipt shall be prima facie evidence of service.

3. The citation or civil complaint and summons shall direct the respondent to appear not more than twenty-five (25) calendar days after personal service or mailing, if service is made by certified mail.

4. The citation or civil complaint and summons shall contain at least the following information: The time, date, and place of the alleged violation; reference to the City Ordinance or Code provisions violated; the time, date, and place for the respondent to appear; an affirmation signed by the citing official that the violation took place; and warning of default in the event of failure to appear.

5. Civil parking violations shall be commenced in accordance with current City Ordinance regulating such actions including manner of notice and time frames for response.

D. Cases to be Heard by Magistrate, Part-Time Magistrate or On-Call Magistrate

1. A Magistrate, Part Time Magistrate, On-Call Magistrate, or other judicial position established by City Charter or City Ordinance shall hear and dispose of civil violations, and may make such orders as may be necessary and proper to such dispositions.

2. Cases shall be heard without a jury.

E. Sufficiency of the Complaint

No complaint shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific violation which the respondent is alleged to have committed if the complaint contains either a written description of the violation or the section of the City Code alleged to have been violated.

F. Amending the Complaint

1. The court shall permit a citation or complaint to be amended at any time before judgment if no additional or different violation is charged and if substantial rights of the respondent are not prejudiced.

2. The citation or complaint shall be amended to conform to the evidence adduced at hearing if no addition or different violation is charged and if substantial rights of the respondent are not hereby prejudiced.

3. All amendments to a citation or complaint shall relate back to the date of violation.

G. Appearance and Entry of Plea

1. The respondent or respondent's attorney may admit the allegations of the citation or compliant by appearing in person or, for those violations with a fixed fine amount, by mail received by the court within twenty-five (25) calendar days admitting responsibility for the violation and paying the prescribed fine.

2. The respondent or respondent's attorney may deny the allegations of the complaint by appearing in person. The respondent or the respondent’s attorney may also deny the allegations of the complaint by delivering to the court a written denial signed by the respondent or respondent's attorney. Upon denial, the court shall set the matter for hearing and notify the respondent and the City of the date, time and place for the hearing in writing. The respondent's notice shall be sent to the address set forth on the complaint unless a different address is provided to the court in writing by the respondent or respondent's attorney.

H. Notice of Counsel

1. If a hearing is set on the citation or complaint, the court shall promptly provide the respondent written notice that the right to be represented by counsel is waived unless the respondent notifies the Court and City in writing at least ten (10) calendar days prior to the hearing date of their election to be represented by counsel. Such notice shall specify the appropriate place and manner for filing the notice of counsel.

2. Absent extraordinary circumstances, if a notice of appearance by a respondent’s counsel is not received by the court at least ten (10) calendar days prior to the hearing, a respondent’s right to counsel is deemed waived.

I. Representation of the City

The City need not be represented by counsel at the hearing on a complaint or citation. The City’s right to be represented by counsel at the hearing is waived unless the City notifies the court and the respondent or the respondent’s attorney of its election to be represented by counsel. Absent extraordinary circumstances notice must be made at least ten (10) calendar days prior to the hearing date, or within ten (10) calendar days of receipt of notice that the respondent will be represented by counsel, whichever is later.

J. Discovery

1. Pretrial discovery is not required.

2. Immediately prior to the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which have been prepared and may be offered at the hearing. Failure to comply with this Rule may result, in the court's discretion, in the granting of a recess or continuance to permit such inspection or the exclusion of evidence not so exchanged.

3. Either party may subpoena witnesses as provided by A.R.S. 13-4072. Such witnesses are not entitled to fees for appearing in connection with a civil violation or civil parking violation proceeding.

K. Consolidated Cases

If civil and criminal cases are based on the same conduct or are otherwise connected together in their commission, the cases may be consolidated at any point in the proceedings on the motion of any party, or on the court's own motion. At the trial of any consolidated case, the Rules governing the criminal case shall apply, except that the civil case shall be tried to the court and the standard of proof in the civil case shall be by a preponderance of the evidence.

L. Continuances

The court may, upon motion of any party or on its own motion, continue or reschedule the hearing on a civil violation for a period not exceeding thirty (30) days, if it appears that the interests of justice so require.

1. Absent extraordinary circumstances, any motion to continue or reschedule a hearing shall be filed no less than five (5) calendar days prior to the scheduled hearing.

2. A motion to continue or reschedule does not excuse a party or party representative from attending the hearing while the motion remains pending.

M. Oath

All testimony shall be given under oath or affirmation.

N. Questioning of Witnesses

1. The court may, on its own motion, call and examine witnesses present at the hearing, including the respondent in cases other than those consolidated pursuant to Subsection K, above.

2. No person may be examined or cross-examined at the hearing except by the court, an attorney for a party, the respondent or their attorney.

O. Rules of Evidence

The Arizona Rules of Evidence shall not apply in civil violation proceedings. Any evidence offered shall be admitted subject to a determination by the Magistrate, Part-Time Magistrate, On-Call magistrate, or other judicial position established by City Charter or City Ordinance that the offered evidence is relevant and material, not cumulative and has some probative value as to a fact at issue. Nothing

in this Rule is to be construed as abrogating any statutory provision relating to privileged communications.

P. Witnesses

All witnesses for the City's case-in-chief, other than the respondent, shall be required to testify prior to the respondent being required to testify or produce any evidence. A witness not called to testify in the City's case-in-chief may be called to testify in rebuttal.

Q. Order of Proceedings

The order of proceedings shall be as follows:

1. Testimony of City's witnesses.

2. Testimony of respondent’s witnesses.

3. Testimony of City's rebuttal witnesses, if any.

4. Testimony of respondent’s surrebuttal witnesses, if any.

5. Argument of the parties or their counsel if permitted by the court.

6. Ruling by the court based on the preponderance of the evidence.

R. Record

A record of the proceeding shall be made by digital recording, video recording, court reporter, or by any other method of accurately reproducing what occurred at the proceedings which is approved by the Supreme Court.

S. Default by the Respondent

1. If the respondent fails to appear as required, the allegations of the complaint or citation shall be deemed admitted, and the court shall enter judgment for the City and impose a civil sanction.

2. If it appears that the respondent was in the active military service on the date of violation, no default judgment may be entered. In such cases, the court may notify the respondent's commanding officer, if known, of the respondent's failure to appear.

3. If a default is entered and a civil sanction imposed the respondent may also be subject to an administrative default fee as determined by the court.

T. Default by the City

If no witness for the City, excluding the respondent, appears at the time set for hearing on a civil violation, the court shall dismiss the complaint without prejudice, unless the court, for good cause shown, continues the hearing to another date. This Rule shall not apply to those instances (such as civil parking violations) where the citation constitutes prima facie evidence of the civil parking violation.

U. Findings and Judgment.

1. If the court finds in favor of the City, the court shall enter judgment for the City and impose a civil sanction.

2. If the court finds in favor of the respondent, the court shall enter a finding of not responsible.

3. If appropriate the court shall enter an order of abatement and a date for compliance with that order.

V. Setting Aside Default Judgment

1. For good cause shown, and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear. A motion to set aside a default judgment shall be made in writing with thirty (30) calendar days after the entry of the default judgment.

2. At any time, the court may set aside a judgment entered upon a failure to appear, if it appears that the respondent was not served with a copy of the complaint or citation as provided by law, or for any other reason where necessary to prevent a manifest injustice.

W. Right to Appeal

1. Any party may appeal to the Superior Court from a final order or judgment in a civil violation case, with the exception of civil parking violations, as provided by law. Any appeal shall be governed by the Superior Court Rule of Appellate Procedure - Civil, except that the appeal shall be on the record unless the Superior Court adjudges the record insufficient or not in proper condition to enable the Court to adjudicate the issues, in which case a trial de novo may be granted.

2. Immediately following judgment and imposition of a civil sanction after hearing, the Court shall notify the respondent in writing of the right to appeal. Such notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal, and shall refer the respondent to the Rules governing the appeal process.

3. A respondent who admits responsibility waives the right to appeal

X. Consolidated Appeals

When an appeal is taken in both civil and criminal cases consolidated for trial, the Rules governing criminal appeals shall apply.

Y. Appeal; How Taken

1. An appeal shall be taken by filing a written notice of appeal with the lower court within ten (10) calendar days after the entry of the order or judgment appealed from.

2. The notice of appeal shall identify the order or judgment appealed from. It shall be signed by the appellant or appellant's attorney, if any, and shall contain the names, addresses and telephone number of all parties and their attorneys.

3. When a party appeals, the lower court shall send a copy of the notice of appeal to the other party or the other party's attorney, if any.

4. The appealing party shall be responsible for all fees and bonds unless a waiver or deferral is granted by the lower court.

5. Within five (5) calendar days after a notice of appeal is filed the appellant shall make arrangements with the lower court to pay for the record. The lower court shall notify the Superior Court and the appellant if the appellant fails to make satisfactory arrangements within the prescribed time. The Superior Court may dismiss the appeal ten (10) calendar days after receipt of such notification.

6. Upon notice that the appellant has made arrangements to pay for the record the lower court shall within sixty (60) calendar days prepare and transmit the record to the Superior Court.

Z. Administrative Provisions

1. This Rule shall be prospective in its application effective after approval by the Supreme Court of Arizona. The implementation date is to be established by the Presiding Magistrate, and no case filed on or before such date shall in any way be effected by the provisions hereof.

2. The Presiding Magistrate of the Municipal Court of the City of Flagstaff may, from time to time, adopt such administrative Rules, regulations, or orders as may be necessary to assist the court's administrative staff in the administration and implementation of the Rule.

(Amended Ord. No. 2010-09, 09/07/2010)

CHAPTER 1-16
CITY ELECTIONS

SECTIONS:

1-16-001-0001	**ELECTION DATES**
1-16-001-0002	**VOTING PRECINCTS:**
1-16-001-0003	**VOTING:**
1-16-001-0004	**VOTER REGISTRATION:**

SECTION 1-16-001-0001 ELECTION DATES

A. Primary Election. In the event more than two candidates file nominating petitions for each vacancy in office, the Primary Election shall beheld on the second Tuesday in March.

B. General Election. The General Election shall be held on the third Tuesday in May of each even-numbered year.

(Ord. No. 1951; 9/16/1997)

SECTION 1-16-001-0002 VOTING PRECINCTS:

The precinct boundaries for use in City elections shall be as described in the Public Record established by Resolution No. 1716 and as currently used by Coconino County.

Minor adjustments to said boundaries may be accomplished by resolution of the Council so long as said adjustments are consistent with the precinct boundaries contained within the City of Flagstaff corporate limits in use by Coconino County at that time. (Ord. 1695, 6-10-91)

(Ord. No. 1695, Rep&ReEn, 06/10/91)

SECTION 1-16-001-0003 VOTING:

From and after the effective date of this Chapter, all qualified voters legally residing within the corporate limits of the City shall vote in the precinct within which they legally reside, as described in Section 1-16-001-0001 of this Chapter.

(Ord. 1028, 9-20-77)

SECTION 1-16-001-0004 VOTER REGISTRATION:

Any person who has resided in the City for a period of at least thirty (30) days prior to the date of any City election and who has been a qualified elector of the County of Coconino, Arizona, as of twenty-nine (29) days prior to the date of election, shall be deemed to be registered to vote in said City. For purposes of voting at City elections, registration will be closed on the twenty-ninth day next preceding the City elections. (Ord. 957, 9-23-75)

(Ord. 2007, Amended, 12/02/1999)

CHAPTER 1-17
CITY FINANCES

SECTIONS:

1-17-001-0001	**CASH BASIS FUND:**
1-17-001-0002	**CLAIMS AND DEMANDS:**
1-17-001-0003	**INVESTMENTS FROM CITY FUNDS:**
1-17-001-0004	**MAXIMUM LIMIT OF FORCE WORK:**
1-17-001-0005	**PROCEDURES FOR PURCHASING FROM MAYOR AND COUNCIL:**
1-17-001-0006	**PROCEDURES FOR FILING AND REVIEWING CLAIMS FOR DIMINUTION IN VALUE PURSUANT TO A.R.S § 12-1134.**

SECTION 1-17-001-0001 CASH BASIS FUND:

There is hereby established a permanent revolving fund to be known as the "Cash Basis Fund" for the purpose of putting the payment of the running expenses of the City on a cash basis, pursuant to the provisions of the City Charter.[1]

From the money collected from the annual tax levy and from the money received from other sources, a sum equal to not less than two and one-half cents ($0.025) on each one hundred dollars ($100.00) of assessed value of said property shall be placed in said Fund until the accumulated amount of such Fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months or other necessary period of the succeeding fiscal year.

The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds as nearly as possible on a cash basis.

(Ord. 466, 9-8-59)

[1]A.R.S. 38-741 et seq; 38-841 et seq.

SECTION 1-17-001-0002 CLAIMS AND DEMANDS:

A. Procedure Established: There is hereby established a procedure for the processing of claims and demands, other than salaries, for indebtedness against the City as follows:[1]

1. Every person having a claim against the City, except for salaries, shall present such claim in writing for payment to the City Manager. The claim will state in detail what the claim is for, specifying each item payment is claimed for and the amount and date of City's indebtedness. The City Manager may require such additional forms and information as he deems necessary and as approved by the Council.

2. No demand shall be allowed in favor of any person who is indebted to the City without first deducting such indebtedness.

3. Upon the payment of such indebtedness by warrant or check, the recipient or assignee thereof, upon endorsing the warrant or check acknowledges that he has received payment for that which the check or warrant is intended to make payment, less any authorized retention of funds which might be retained by the City.

4. Upon presentation of the claim by the City Manager to the Treasurer, warrant shall be issued by the Treasurer in favor of the claimant. Claims presented as provided by preceding sections shall be filed with the Treasurer.

5. A City warrant shall be delivered to the payee or his assignee, executor or administrator, and shall be considered as a check upon the City depository for the amount therein specified. No funds shall be drawn from the City depository except upon a warrant duly signed and endorsed. When same is returned from the depository as paid, they shall be filed by the Treasurer in the records of his office and shall constitute a credit in his favor for amount therein stated in all settlements of accounts within the City. (Ord. 480, 12-8-59)

B. Salaries Not Included: Nothing herein shall be held to apply to demands for official salaries which shall be considered as due and payable upon approval of the department and/or division heads' time sheet as approved by the City Manager. (Ord. 480, 12-8-59; amd. Ord. 1463, 8-19-86)

[1]Charter Art. VI, sec. 3

SECTION 1-17-001-0003 INVESTMENTS FROM CITY FUNDS:

A. Definitions:

1. ACTIVE DEPOSIT means a public deposit payable or withdrawable in whole or in part on demand including, but not limited to, a checking account.

2. INACTIVE DEPOSIT means a public deposit which is not payable on demand including, but not limited to, the deposit of City funds in certificates of deposit.

B. Award of Active Deposit of City Funds:

1. The City Treasurer shall provide for the deposit of the active funds of the City of Flagstaff in one or more corporations located either within or without the corporate limits, which is authorized to engage in the banking business pursuant to A.R.S., section 6-201.

2. The Treasurer shall submit an annual report to the City Council indicating the name or names of the banking institutions where City funds are on active deposit. (Res. 1014, 1-18-77)

C. Award of Inactive Deposit of City Funds:

1. The Treasurer shall give notice to each public depository within the corporate limits and, in his discretion, to any other public depository in the State of the amount of City funds available for inactive deposit, the period of time such funds will be deposited and the time bids will be accepted. Such notice shall be in writing unless the Treasurer determines that the amount of time necessary to prepare and transmit such notice in writing may result

in a loss of interest earnings, in which case notice shall be by telephone or other appropriate means.

2. The Treasurer shall award the bid to the public depository offering the highest rate of interest provided such interest rate is not less than rates available on other eligible investments of like term.

3. If the depository offering the highest rate of interest has bid or is eligible for only a portion of the funds, the Treasurer shall award that portion to such depository and the remaining portion shall be awarded to the depository bidding the next highest rate of interest.

4. In the case of tie bids, the Treasurer shall award the inactive deposit to the financial institution with the lowest ratio of public deposits in relation to its capital structure. The public depository shall be responsible for submitting documentation of such ratio and the Treasurer shall have the right to rely on the accuracy of such documentation.

5. The Treasurer shall prepare a report on each award of inactive deposits specifying the public depositories notified, the rate of interest bid by each and the depository or depositories to which the deposit was awarded and shall submit the report to the City Manager.

6. The Treasurer may invest and reinvest inactive deposits in securities and deposits as provided in this Section. The Treasurer shall determine the length of time for inactive deposits. Eligible investments are:

   a. Certificate of deposit in eligible depositories.

   b. Securities acceptable as collateral for public deposits per section 35-323, Arizona Revised Statutes, with the specific exception of first mortgages and trust deeds which are not eligible investments.

   c. Repurchase agreements secured by eligible investments.

   d. Deposits in the local government investment pool operated by the Treasurer of the State.

7. The Treasurer shall keep in his possession, for not less than two (2) years, all bids received.

8. The Treasurer shall require collateral for all deposits as provided in section 35-323, Arizona Revised Statutes.

9. The City Council reserves the right through its Treasurer to reject any and all bids.

10. Nothing in this Section shall be interpreted in such a manner that would prohibit the City from receiving the highest rate of interest on investments as long as the bidding and collateral requirements are met. (Ord. 1363, 5-7-85)

SECTION 1-17-001-0004 MAXIMUM LIMIT OF FORCE WORK

The maximum amount of a single construction improvement to be performed directly for one project for the City is fifteen thousand dollars ($15,000.00), and as stated by the City Charter, such project is exempt from the notice and bidding requirements. This limit of fifteen thousand dollars ($15,000.00) applies only to the labor and overhead cost where materials used are purchased by competitive bids. (Ord. 1156, 5-19-81)

SECTION 1-17-001-0005 PROCEDURES FOR PURCHASING FROM MAYOR AND COUNCIL

A. The following procedures are prescribed for purchasing supplies, materials and equipment from the Mayor and any member of the City Council:

During each fiscal year commencing with the 1986-87 fiscal year the City may purchase supplies, materials and equipment from the Mayor or any member of the Council without using competitive public bidding procedures if the amount of a single transaction does not exceed three hundred dollars ($300.00). The separate, individual total of any transactions in the fiscal year for each member of the Council or for the Mayor shall not exceed one thousand dollars ($1,000.00).

B. In this Section, "purchasing agent" means the person authorized by the Manager to act on behalf of the City when procuring supplies, materials and equipment for public use.

The purchasing agent shall keep separate, up-to-date records of all purchasing transactions with the Mayor and each member of the Council. These records shall be public and shall include the date, amount and nature of each transaction. The purchasing agent shall be responsible for ensuring that the cost of a single transaction made pursuant to this Section does not exceed three hundred dollars ($300.00) and that the total of such transactions in any fiscal year with the Mayor or each individual Councilmember does not exceed one thousand dollars ($1,000.00). Any purchasing transaction with the Mayor or a member of the Council that exceeds these limits shall only be made by public competitive bidding procedures.

C. The provisions of this Section shall be cumulative and supplemental to the provisions of the City Charter or ordinances governing purchases. (Ord. 1465, 9-16-86)

SECTION 1-17-001-0006 PROCEDURES FOR FILING AND REVIEWING CLAIMS FOR DIMINUTION IN VALUE PURSUANT TO A.R.S. § 12-1134

A. Purpose: The purpose of this section is to provide procedures for claims for compensation made pursuant to A.R.S. § 12-1134.

B. Definitions: As used in this section, unless the context requires otherwise:

1. “Affected property” means the private real property or any interest therein that is alleged to have suffered a reduction in fair market value as a result of a land use law and for which a property owner seeks just compensation.

2. “City” means the City of Flagstaff.

3. “Claimant” means the present owner or owners of the affected property or any interest therein who submits a claim for compensation under Subsection 1-17-001-0006(C).

4. “Fair market value” means the most likely price estimated in terms of money which the land would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all the uses and purposes to which it is adapted and for which it is capable.

5. “Just compensation” means the sum of money that is equal to the reduction in fair market value of the property resulting from the enactment of the land use law as of the date of enactment of the land use law.

6. “Land use law” means any statute, rule, ordinance, resolution or law enacted by the City that regulates the use or division of land or any interest in land that regulates accepted farming or forestry practices.

7. “Owner” means the holder of fee title to the subject real property.

C. Claims for Compensation: Within 180 days of a land use law’s effective date, an owner of an affected property wishing to make a claim against the City under A.R.S. § 12-1134 shall first submit a written demand for compensation to the City Clerk. A written demand for compensation shall comply with all the notice of claim requirements of A.R.S. § 12-821.01 and shall include:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, or any other information that identifies the property;

2. The name and contact information of the person making the claim, the date the claimant acquired ownership of the property or interest therein.

3. Identification of the land use law that is alleged to restrict the use of the affected property;

4. The amount claimed as compensation and the basis for such amount, including the fair market value of the property both before and after enactment of the land use law alleged to restrict the use of the affected property.

D. Staff Recommendation: City staff shall prepare a report analyzing the claim. The staff report shall be reviewed by the Community Development Director and the City Manager before being submitted to the City Council. Staff may discuss options with the claimant and may enter into a settlement agreement with the claimant as to actions within staff’s authority. Staff may agree with claimant that staff will recommend a particular course of action the City Council if staff lacks authority to commit to the action.

E. City Council Determination: Within 90 days of filing the claim the City, the City Council shall make a determination whether to deny the claim, pay

compensation, modify or rescind the land use law or its application to the claimant’s property. The Council’s determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an affected property shall be recorded against the property in the Coconino County Recorder. If the City Council fails to make a determination on the claim, the claim shall be deemed denied.

(Ord. No. 2010-12, Amended 05/19/2010.)

CHAPTER 1-18
ADMINISTRATIVE DEPARTMENTS

SECTIONS:

1-18-001-0001 DEPARTMENTS AND DIVISIONS ORGANIZED
1-18-001-0002 DEFINITIONS
1-18-001-0003 CITY MANAGER'S AUTHORITY TO REORGANIZE

SECTION 1-18-001-0001 DEPARTMENTS AND DIVISIONS ORGANIZED

DEPARTMENT HEADS: There will be two (2) departments and ten divisions in the City government and the respective department heads shall be deputy city managers who report directly to the City Manager. The two (2) departments shall be:

A. UTILITIES, SERVICE, SERVICE AND SAFETY

B. COMMUNITY ENHANCEMENT

The ten (10) divisions shall be:

A. FIRE, headed by the Fire Chief.

B. POLICE, headed by the Police Chief.

C. PUBLIC WORKS, headed by the Public Works Director.

D. MANAGEMENT SERVICES, headed by the Management Services Director.

E. UTILITIES, headed by the Utilities Director.

F. COMMUNITY DEVELOPMENT, headed by the Community Development Director. (Ord. 1930, 02/04/97)

G. Economic Vitality, headed by the Economic Vitality Director.

H. Community Enrichment, headed by the Community Enrichment Director.

I. Information Technology, headed by the Information Technology Director.

J. Human Resources, headed by the Human Resources Director.

(Ord. No. 1578, Amended, 08/02/88; Ord. No. 1692, Amended, 04/16/91; Ord. No. 1930, Amended, 02/04/97; Ord. No. 1930, Amended, 02/04/97; Ord. No. 1947, Amended, 07/01/97; Ord. No. 2008-23, Amended 08/05/2008)

SECTION 1-18-001-0002 DEFINITIONS

CHARTER OFFICES are those City functions specifically identified in the City Charter, and currently include the offices of the City Manager, City Attorney, City Clerk, City Treasurer, and Police Judges.

CITY OFFICIALS are those city employees holding Charter Offices, currently include the City Manager, City Attorney, City Clerk, City Treasurer, and Judges.

CITY MANAGER CABINET is a group of employees from a variety of offices, department, divisions, sections, and programs across the organization assembled for the purpose of addressing cross-organizational issues.

DEPARTMENT is the first branch of the City's organization reporting to the City Manager.

DEPARTMENTAL CABINET is a group of employees from a variety of divisions, sections, and programs with a Department assembled for the purpose of addressing departmental issues.

DEPUTY CITY MANAGER is a City employee who heads, manages, and supervises a Department

DIRECTOR is a City employee who manages and supervises a division.

DIVISION is the first level subordinate administrative unit of a Department.

PROGRAM is the first level subordinate administrative unit of a Section.

PROGRAM MANAGER is a City employee who manages and supervises a Program.

SECTION is the first level subordinate administrative unit of a Division.

SECTION HEAD is a City employee how manages and supervises a Section.

1-18-001-0003 City Manager's Authority to Reorganize

The City Council hereby delegates to the City Manager the power to change the names of City Departments and Divisions and to move Divisions from one Department to another, so long as no Departments or Divisions are eliminated and no new ones are created.

The City Council further delegates to the City Manager the power to reorganize, create, alter, consolidate, transfer, or abolish City Manager Cabinets, Departmental Cabinets, assistants to the City Manager and Deputy City Managers, Sections, Programs, and all administrative units reporting to Directors or their subordinates, as well as the reporting and supervisory structure of all employees other than the Department Heads, Division Heads, the Office of the City Attorney, and the Police Judges, subject to approval of any additional positions and salaries through the annual budgeting process.

(Amended, Ord. No. 2008-23, 08/05/2008)

CHAPTER 1-20
CONTRACTS AND PROPERTY TRANSACTIONS

SECTIONS:

1-20-001-0001 **ORDINANCE REQUIRED FOR CERTAIN TRANSFERS OF PROPERTY:**
1-20-001-0002 **WHEN CONTRACTS REQUIRED:**
1-20-001-0003 **SALE OF CITY PROPERTY:**
1-20-001-0004 **DETERMINATION OF RESPONSIBILITY OF BIDDERS:**

SECTION 1-20-001-0001 ORDINANCE REQUIRED FOR CERTAIN TRANSFERS OF PROPERTY:

In accordance with Article VII, Section 5 of the Flagstaff City Charter, an ordinance shall be required where the City desires to acquire, sell or exchange public real property valued in excess of five thousand dollars ($5,000.00), or to sell personal property valued in excess of two thousand five hundred dollars ($2,500.00).

SECTION 1-20-001-0002 WHEN CONTRACTS REQUIRED:

A. Pursuant to Article VIII, Section 2(b) of the Flagstaff City Charter, any City improvements costing more than five thousand dollars ($5,000.00) or any purchase costing more than fifteen thousand dollars ($15,000.00) shall be executed by a contract, except where exempted by said Charter provision.

B. Pursuant to Article VIII, Section 2(c) of the Flagstaff City Charter, any contract or purchase exceeding fifty thousand dollars ($50,000.00) shall require the prior approval of Council; and all other contracts or purchases may be made at the direction of the City Manager.

C. Pursuant to Article VIII, Section 2(d), alterations in any contract may be made when authorized by the Council, upon the written recommendation of the City Manager.

SECTION 1-20-001-0003 SALE OF CITY PROPERTY:

Pursuant to Article VIII, Section 10 of the Flagstaff City Charter, the City Manager may sell or otherwise dispose of any personal property having a value of five hundred dollars ($500.00) or less without published notice, but written advice of such sale or disposal shall be given to the Council. Personal property valued in excess of said amount shall be sold in accordance with Article VIII, Section 10 1. of the Flagstaff City Charter. (Ord. 1194, 2-2-82)

SECTION 1-20-001-0004 DETERMINATION OF RESPONSIBILITY OF BIDDERS:

A. For purposes of administering the provisions of Sections 2, 9, and 10 of Article VIII of the Flagstaff City Charter with respect to an Enumerated Contract, as hereinafter defined, and such other contracts as the City shall deem appropriate in accordance with the provisions of this Section 0004, no bidder shall be determined to be "responsible" if that Person is a Habitual Violator, as defined herein.

B. For purposes of this Section 0004, the masculine shall include the feminine and/or neuter and the singular the plural, and vice-versa, as sense shall require, and the following capitalized terms shall have the meaning set forth in this Subsection B, as follows:

1. "Person" means any individual, corporation, partnership, association, unit of government, or legal entity, however organized.

2. "Violation" means any one of the following actions or an equivalent action by any regulatory agency, court, or other competent authority as a result of or in connection with a Covered Matter:

   a. Final administrative order imposing monetary penalties, or otherwise requiring payments, in excess of $100,000;

   b. Final permit revocation or suspension;

   c. Fine or civil judgment imposing monetary penalties, or otherwise requiring payments, in excess of $100,000;

   d. Judgment of conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere or no contest;

   e. Finding of contempt of any court order enforcing the provisions of any federal or state law pertaining to a Covered Matter;

   f. Settlement agreement or consent order imposing monetary penalties, or otherwise requiring payments, in excess of $100,000; and

   g. Debarment or equivalent exclusionary action by any public agency or instrumentality.

3. "Covered Matter" means any of the following:

   a. Any offense indicating a lack of business integrity or honesty which affects the present responsibility of a bidder, including but not limited to:

      (i) Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement;

      (ii) Bribery, embezzlement, false claims, false statements, falsification or destruction of records, forgery, obstruction of justice, receiving stolen property, or theft; or

      (iii) Unlawful price fixing between competitors, allocation of customers between competitors, bid rigging, or any other violation of any federal or state antitrust law that relates to the submission of bids or proposals.

b. Violation of the terms of a public agreement so serious as to affect the present responsibility of a bidder, including but not limited to:

(i) a willful or material failure to perform under one or more public agreements; or

(ii) a willful or material violation of a statutory or regulatory provision or requirement applicable to a public agreement.

c. Failure to pay a debt (including disallowed costs and overpayments) owed to any government agency or instrumentality, provided that the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted.

d. Violation of any law or regulation pertaining to the protection of public health or the environment.

4. "Parent" means any Person who owns or controls any other corporation, partnership, association, or legal entity, however organized.

5. "Subsidiary" means any corporation, partnership, association, or legal entity, however organized, owned or controlled by another Person.

6. "Affiliate": Persons are Affiliates of one another if, directly or indirectly, one owns, controls, or has the power to control the other, or a third Person owns, controls, or has the power to control both.

7. "Control" means the power to exercise, directly or indirectly, a controlling influence over the management, policies, or activities of a Person, whether through the ownership of stock or securities, through one or more intermediary Persons, or otherwise. For purposes of this Paragraph B.7, a Person who owns or has the power to vote, directly or indirectly, more than fifty percent (50%) of the outstanding voting securities of another Person, or more than fifty percent (50%) of value of the other Person. Such presumption may be rebutted by clear and convincing evidence. Other indicia of control shall include, but be not limited to: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; or the power to appoint or actual appointment of directors or managers. For purposes of this Paragraph B.7, a person shall be treated as owning all stock and securities owned by: his siblings, spouse, and lineal descendants and ancestors; any trust of which such person or a member of such person's family is the grantor; and any corporation or other business entity in which such person or member of such person’s family owns more than fifty percent (50%) of the value or voting power of such entity.

8. "Habitual Violator" means any bidder who has incurred, or any of whose Parent, Subsidiary, or other Affiliates have incurred, in the

aggregate, more than two Violations within five (5) years preceding the bid opening date.

9. "Enumerated Contract" shall mean any contract by which the City purchases services to be performed, which by its terms cannot be performed in less than one (1) year and which requires the payment of a stated sum of more than One Hundred Thousand Dollars ($100,000), but shall not include contracts for the provision of professional services (such as legal, accounting, architectural or engineering) or for the construction, improvement or repair of City buildings or other public improvements.

C. For purposes of this Section 0004, any administrative action or order, judgment or criminal conviction that has been ruled on appeal in favor of the bidder by a final decision of a competent authority will not be considered to be a Violation. If the bidder has an appeal pending, the outcome of which will affect the determination of whether the bidder is a responsible bidder, the City shall not determine the bidder to be a responsible bidder until a final decision on the appeal is rendered.

D. Along with its bid or proposal documents, each Person bidding or proposing for an Enumerated Contract, or for any other contract for which the City shall choose to apply the provisions of this Section 0004 by due notice in the bid solicitation or request for proposals for such contract, shall provide such information as shall be necessary and appropriate for the evaluation of a bidder under the provisions of this Section 0004, substantially in the form attached hereto as an Exhibit (Bidder Disclosure Form).

E. If information provided by the bidder or otherwise available to the City shows that the bidder, or its Parent, Subsidiary, or other Affiliates, have incurred in the aggregate more than two Violations within five (5) years preceding the bid opening date, the City shall notify the bidder that the bidder appears to be a Habitual Violator within the meaning of this Section 0004. Upon receipt of the notification, the bidder shall have ten (10) days to produce clear and convincing evidence to the City that the bidder is not a Habitual Violator within the meaning of this Section. If the City finds that the evidence, if any, produced by the bidder is not clear and convincing evidence that the bidder is not a Habitual Violator, the City shall determine the bidder to be a Habitual Violator. If the City finds that the evidence produced by the bidder is clear and convincing evidence that the bidder is not a Habitual Violator, the City shall determine that the bidder is not a Habitual Violator. Notwithstanding anything to the contrary contained herein, the City may, but shall not be required to, deem a bidder not to be a Habitual Violator, or may waive, in whole or in part, the requirements of this Section 0004, if the City, in its sole discretion, shall determine that:

1. there is no other bidder reasonably capable of performing the subject contract;

2. an emergency exists such that the expeditious award of the contract is essential to the public health, safety or welfare; or

3. a change of ownership, management or control of the bidder demonstrates, by clear and convincing evidence, as determined by a

vote of five (5) at any Council meeting duly held, that the history of the bidder is not indicative of its current business practices.

F. Any bidder who intentionally provides false information, or intentionally fails to provide complete information, to the City in accordance with the requirements of Subsection D hereof shall be determined to be not a responsible bidder within the meaning of Sections 2, 9, and 10 of Article VIII of the Flagstaff City Charter.

G. For purposes of administering the provisions of Sections 2, 9, and 10 of Article VIII of the Flagstaff City Charter, if a bidder is not a Habitual Violator, the City may consider any other information available to the City in determining whether a bidder is responsible. The City's Purchasing Director or his designee may establish further specific criteria of responsibility with respect to particular solicitations or requests for proposals, which criteria shall be set forth in such solicitation or request for proposals. Further, the City's Purchasing Director or his designee may choose to apply some or all of the provisions of this Section 0004 to any contract other than an Enumerated Contract if the nature of such contract or other circumstances indicate that the contractor's responsibility is or may be material in the performance or administration of such contract, provided that the application of such provisions shall be noted in the bid solicitation or request for proposals for such contract.

H. Any determination that a bidder is not responsible shall be made in writing and shall set forth the grounds for such determination. A copy of such determination shall be promptly sent to such bidder.

I. Nothing in this Section 0004 shall be construed to limit the right of the City to find any bidder or proposer not responsible for purposes of Sections 2, 9, and 10 of Article VIII of the Flagstaff City Charter for any sufficient reason not enumerated herein, with respect to any City contract, whether or not the requirements of this Section 0004 are applicable to such contract.

J. If, during the course of administration or performance of any contract to which the requirements of this Section 0004 are applicable (whether by the terms hereof or by action of the City’s Purchasing Director, as set forth in Subsection G hereof), either:

1. the City shall discover that the contractor made a material omission or false statement in the course of providing the information required by Subsection D hereof; or

2. the contractor shall commit a Violation as defined herein, which, in conjunction with other Violations committed by the contractor or any Affiliate, would make it a Habitual Violator hereunder;

then the City may terminate such contract forthwith, without penalty or further obligation (other than those as may already have accrued under the terms of the contract), except as may be otherwise expressly provided in such contract. (Ord. 1945, 05/20/97)

(Ord. No. 1894, Enacted, 10/17/95; Ord. No. 1945, Amended, 05/20/97)
(Ord. 1945, Amended, 05/20/1997)

CHAPTER 1-21
FLAGSTAFF REGISTER OF HISTORIC PROPERTIES

SECTIONS:

1-21-001-0001	**NAME OF REGISTER:**
1-21-001-0002	**ADMISSION OF HISTORIC PROPERTIES:**
1-21-001-0003	**ELIGIBILITY FOR INCLUSION IN REGISTER:**
1-21-001-0004	**NOMINATIONS, FORM PROVIDED:**
1-21-001-0005	**NOTIFICATION OF PROPERTY'S NOMINATION:**
1-21-001-0006	**WITHDRAWAL FROM REGISTER:**
1-21-001-0007	**GUIDELINES FOR NOMINATION:**
1-21-001-0008	**NOTIFICATION OF PROPERTY OWNERS WITHIN PROPOSED DISTRICT:**
1-21-001-0009	**SUBMISSION OF NOMINATION FORMS, REVIEW BY COMMISSION:**
1-21-001-0010	**ADMINISTRATIVE PROCEDURES:**

SECTION 1-21-001-0001 NAME OF REGISTER:

The Local Historic Register shall be named the Flagstaff Register of Historic Properties.

SECTION 1-21-001-0002 ADMISSION OF HISTORIC PROPERTIES:

All buildings and districts listed on the National Register of Historic Places or the State of Arizona Register of Historic Places, shall automatically be admitted to the City of Flagstaff Register of Historic Properties with the concurrence of the property owners.

SECTION 1-21-001-0003 ELIGIBILITY FOR INCLUSION IN REGISTER:

All buildings, sites or districts, which possess significant historical and/or architectural significance to the City and are at least fifty (50) years old, shall be deemed eligible for inclusion in the Register.

A. Where strong justification or special significance exists and their historical and/or architectural significance can be shown to be of a special nature, properties less than fifty (50) years old shall be considered for admission to the Register.

SECTION 1-21-001-0004 NOMINATIONS, FORM PROVIDED:

Nominations to the City of Flagstaff Register of Historic Properties may be made by any person or group of persons, said nomination shall be made on a form provided by the City and shall include:

A. A current photograph of the property.

B. The property name and location.

C. The owner's name and address.

D. A physical description.

E. A statement of significance.

F. Additional documentation that may be required by the Flagstaff Historic Sites Commission to establish the merits of an individual property.

SECTION 1-21-001-0005 NOTIFICATION OF PROPERTY'S NOMINATION:

If the nomination is made by someone other than the property owner, the property owner shall be notified in writing of the property's nomination. If a property is owned by more than one person, all owners will be notified of the nomination and the desires of a simple majority of the owners will be considered, unless a legal instrument agreed to among the owners or otherwise binding on the owners provides to the contrary, then in that event the legal instrument shall control in considering the property for nomination.

A. The property shall not be placed on the Local Register until the property owners respond in writing that they desire their property to be placed on said Register.

B. If the written response is not received within sixty (60) days, the nomination will be considered withdrawn.

SECTION 1-21-001-0006 WITHDRAWAL FROM REGISTER:

A property may be withdrawn from the Register at any time by the property owner, provided that a written notice is submitted to the Planning and Development Section.

A. The Historic Sites Commission will be notified of the withdrawal of all properties at their next regular meeting.

B. The owner may renominate the property at any time thereafter and the nomination will be considered in accordance with Section 1-21-001-0009 of this Chapter.

C. Any person or group of persons, may renominate the property or district after a six (6) month waiting period.

SECTION 1-21-001-0007 GUIDELINES FOR NOMINATION:

Any person or group may nominate a group of properties for inclusion in the Register as a historic district using the following guidelines:

A. A historic district shall be comprised of a minimum of fifty percent (50%) of properties which are deemed to contribute to the historic significance of the district.

B. The Secretary of Interiors Standards for evaluating structures within registered historic districts shall be used as the admission criteria.

1. A structure contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.

2. A structure not contributing to the historical significance of a district is one that does not add to the district's sense of time and place and historical development; or one where the integrity of the original design or individual architectural features or spaces have been irretrievably lost; or one where physical deterioration and/or structural damage has made it not reasonably feasible to rehabilitate the building.

3. Ordinarily, structures that have been built within the last fifty (50) years shall not be considered eligible unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than fifty (50) years old.

SECTION 1-21-001-0008 NOTIFICATION OF PROPERTY OWNERS WITHIN PROPOSED DISTRICT:

All property owners within the proposed district shall be notified in writing of the nomination. For properties with multiple owners, they shall collectively be considered one owner.

A. Should a minimum of fifty percent (50%) of the property owners respond in writing that they support the inclusion of their property in the district the nomination may then be considered.

B. Should fifty one percent (51%) of the property owners file a written protest within twenty one (21) days of receipt of notification, the nomination shall be considered withdrawn.

C. Any person, or group of persons, may renominate the district after a six (6) month waiting period.

D. All rights of withdrawal in Section 1-21-001-0006 shall apply to any property within a historic district.

E. If a property is withdrawn from a historic district, said district will be reviewed by the Historic Sites Commission. The Commission shall make a recommendation to the City Council as to whether the district still possesses the necessary historical and/or architectural significance, or whether the properties should be considered in accordance with Sections 1-21-001-0004 and 1-21-001-0005 for individual inclusion in the Register.

SECTION 1-21-001-0009 SUBMISSION OF NOMINATION FORMS, REVIEW BY COMMISSION:

All completed nomination forms shall be submitted to the City of Flagstaff Historic Sites Commission for consideration at a regularly scheduled meeting. The Commission shall:

A. Appoint a three (3) member subcommittee, for a term of one year, to review all nominations.

1. The subcommittee will report on each nomination at the next regularly scheduled Commission meeting regarding the nominee's

compliance with criteria for admission to the City of Flagstaff Register of Historic Properties.

2. The Commission shall at that time vote on each application, either to recommend that the City Council accept it for admission or reject it.

   a. A simple majority vote of members present shall prevail.

   b. Rejected applications may be resubmitted after a twelve (12) month waiting period.

   c. A nomination may be returned to the applicant for additional information prior to action by the Commission.

SECTION 1-21-001-0010 ADMINISTRATIVE PROCEDURES:

A. The Planning and Development Section shall be in charge of maintaining all the local historic register documents and shall record all accepted local historic properties with the County Recorder within thirty (30) days of acceptance by the City Council.

B. The Planning and Development Section shall include notification to the Development Review Board and prospective developers that a particular property is on the Local Historic Register. (Ord. 1290, 12-6-83)

CHAPTER 1-22
FLAGSTAFF EMERGENCY SERVICES

SECTIONS:

1-22-001-0001	**DEFINITIONS:**
1-22-001-0002	**POWERS:**
1-22-001-0003	**DUTIES OF CITY MANAGER:**
1-22-001-0004	**ENFORCEMENT:**
1-22-001-0005	**IMMUNITY:**
1-22-001-0006	**SEVERABILITY:**

SECTION 1-22-001-0001 DEFINITIONS:

In this Chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

EMERGENCY FUNCTIONS: Warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, engineering, search, rescue, health, law enforcement, firefighting, and other activities necessary or incidental thereto.

EMERGENCY SERVICES: The preplanning necessary to carry out emergency functions, other than functions for which military force or Federal agencies are primarily responsible to prevent or minimize the loss of lives or property caused by disasters of every kind.

LOCAL EMERGENCY: The existence of condition of disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Flagstaff, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the City as determined by the city of Flagstaff City Council and which require the combined efforts of other political subdivisions.

PRIVATE SECTOR: All industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level.

STATE OF EMERGENCY: The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the State caused by air pollution, fire, flood, or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the State and the political subdivision.

STATE OF WAR EMERGENCY: The condition which exists immediately whenever this nation is attacked or upon receipt by this State of warning from the Federal government indicating that such an attack is imminent.

SECTION 1-22-001-0002 POWERS:

A. The City of Flagstaff City Council, pursuant to the provisions of Arizona Revised Statutes section 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions and regulations but such shall not be inconsistent with orders, rules and regulations promulgated by the governor of this State. Such orders, rules or regulations shall be effective when a copy is filed in the office of the City Clerk of the City of Flagstaff, County of Coconino. Existing resolutions, rules and regulations in conflict with Arizona Revised Statutes section 26-301, et. seq. and hereafter amended, are suspended during the time of emergency and to the extent that they may conflict.

B. Pursuant to Arizona Revised Statutes section 26-307C. as mended, a state of war emergency, the City of Flagstaff City Council may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials, and facilities and appropriating and expending public funds when the City of Flagstaff City Council determines and declares that strict compliance with such procedures and formalities may pre vent, hinder or delay mitigation of the effects of the state of war emergency.

C. In the absence of specific authority in State emergency plans and programs, the City of Flagstaff City Council will take emergency measures as deemed necessary to carry out the provisions of Arizona Revised Statutes section 26-301 et. seq., and as hereafter amended.

D. This Chapter, upon its adoption, constitutes authority, pursuant to the provisions of Arizona Revised Statutes section 26-311, for the Mayor of the City to declare an emergency and, during such emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the City including, but not limited to:

1. Imposition of curfews in all, or portions of, the City.

2. Ordering the closing of any business.

3. Closing to public access any public building, street, or other public place.

4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County of Coconino for assistance.

In periods of local emergency, including an emergency declared by the Mayor of the City, pursuant to Arizona Revised Statutes section 26-311(A), the City has full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor.

SECTION 1-22-001-0003 DUTIES OF CITY MANAGER:

The City Manager of the City, subject to the direction and control of the City of Flagstaff City Council, shall be responsible for the organization, administration and operation of the City emergency services. In accordance with the provision of Arizona Revised Statutes section 26-312, the City Manager may, on behalf of the City accept for purposes of emergency services an offer of the Federal government or an agency thereof, or an offer of any person of services, equipment, supplies, material, or funds, whether by gift, grant, or loan.

There is hereby granted to the City Manager the authority:

A. During Non-emergency Periods:

1. To coordinate City emergency service plans, procedures, programs, and other emergency services activities with Federal agencies, State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State and with the private sector.

2. To ensure compliance with the provisions of Arizona Revised Statutes section 26-301, et. seq.

3. To ensure conformance with State emergency plans and procedures.

4. To achieve adequate operational readiness, adequacy of training programs and proper utilization of emergency equipment and supplies.

5. To make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the City for emergency services, and to plan for the most efficient use thereof.

6. To recommend to the Mayor, City of Flagstaff, for delegation to the departments and agencies of the City, appropriate emergency services responsibilities; and to coordinate the emergency activities of all such departments and agencies.

B. During Declared Emergencies:

1. To coordinate the emergency activities of City departments and agencies.

2. To coordinate the emergency activities of City, with Federal agencies, State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State, and with the private sector, to achieve the most effective use of personnel, equipment, services, facilities, and other existing available resources.

3. To utilize the services, resources and facilities of existing departments and agencies of City government; and, when necessary to create new agencies or call upon the private sector to perform emergency tasks and functions unavailable in departments and agencies of the City.

SECTION 1-22-001-0004 ENFORCEMENT:

The law enforcement of the City shall enforce all orders, rules, and regulations issued pursuant to this Chapter.

SECTION 1-22-001-0005 IMMUNITY:

The City, its officers, agents, employees, and volunteers duly enrolled or registered with the City emergency services, and unregistered persons placed into service during a state of war emergency, are immune from liability as provided in Arizona Revised Statutes section 26-314.

SECTION 1-22-001-0006 SEVERABILITY:

It is intended that the provisions of this Chapter are severable. If any part thereof is declared invalid for any reason, such determination shall not affect the remaining provisions thereof. (Ord. 1369, 6-4-85)

CHAPTER 1-23
CITY OFFICERS AND EMPLOYEES

SECTIONS:

1-23-001-0001 **LIABILITY FOR ACTS OF CITY OFFICERS AND EMPLOYEES:**

SECTION 1-23-001-0001 LIABILITY FOR ACTS OF CITY OFFICERS AND EMPLOYEES:

A. Definitions. In this Section, unless the context otherwise requires:

CITY: The City of Flagstaff, a municipal corporation organized under the laws of the State of Arizona.

EMPLOYEE: All persons who are not public officers who are employed on a full or part-time basis by the City, and are receiving, or will be entitled to receive, benefits normally accruing to City employees, and shall include officially recognized City volunteers who would normally be covered under the City's insurance policies and are engaging in City activities on behalf of the City, but shall not include persons, partnerships, associations, or corporations:

1. Contracted by the City to render specified consulting services, or

2. Awarded a contract pursuant to Article VIII of the Flagstaff Charter or Title 34 of the Arizona Revised Statutes.

PUBLIC OFFICER: Any person elected to the office of Mayor or Councilmember at an election held for that purpose pursuant to Article IX of the Flagstaff Charter, any person elected by the City Council to fill a vacancy on the City Council pursuant to Article II, section 10 of the Flagstaff Charter, or any person appointed by the City Council to any City office created or authorized by the Charter or ordinances of the City of Flagstaff, or by the laws of the State of Arizona.

WRONGFUL ACTS: Any actual or alleged error, mistake, act or omission, neglect or breach of duty including misfeasance, malfeasance and nonfeasance, committed by any public officers or employees, individually or collectively, in the discharge of their duties with the City, or any matter claimed against them by reasons of their being, or having been, public officers or employees of the City.

B. Defense and Indemnity: Except as provided in subsection (C), the City shall defend any suit against any public officers or employees of the City for acts performed on behalf of the City. In any such suit, the City shall bear the costs for such defense, and shall indemnify its public officers or employees for any amount in damages assessed against them on account of their wrongful acts. The City shall make such investigations and settlement of any such claim or suit as it deems expedient. Where insurance carried by the City covers said wrongful act(s), the provisions of this Section shall only apply to amounts in excess of insurance policy coverage.

C. Exclusions: The City shall not be liable to defend or indemnify its public officers or employees under the following circumstances:

1. Where a judgment or other final adjudication adverse to the public officer or employee shall establish that acts of active or deliberate dishonesty or fraud committed by such public official or employee was material to the cause of action so adjudicated.

2. Where the public officer or employee gained any personal profit or advantage to which they were not legally entitled, including remuneration paid in violation of law, as determined by a court of competent jurisdiction.

3. Where the cause of action was based upon or attributable to a conflict of interest of the public officer or employee which said public officer or employee either knew of, or should have known of through the exercise of reasonable prudence.

4. Upon the filing of a criminal complaint or indictment unless the act or omission giving rise to the complaint or indictment was required by or authorized under the public officer's or employee's duties and responsibilities, as determined by the City Council.

D. Application of Regulations: The provisions of this Section apply to all public officers and employees of the City for their wrongful acts, except as provided in subsection (C) of this Section, whether the claim is filed during or subsequent to the public officer's or employee's term of office or employment.

E. Abrogation: This Section shall not abrogate any local, State or Federal laws or regulations. (Ord. 1396, 11-19-85)

(Ord. 1396, Amended, 11/19/1985)

CHAPTER 1-24
INSURANCE

SECTIONS:

1-24-001-0001	**PURPOSE**
1-24-001-0002	**DEFINITIONS**
1-24-001-0003	**SELF-INSURANCE TRUST FUND**
1-24-001-0004	**TRUSTEES ADVISORY TO CITY COUNCIL**
1-24-001-0005	**RISK MANAGEMENT DIRECTOR OR CONSULTANT**
1-24-001-0006	**CITY ATTORNEY SALARY EXPENSE**
1-24-001-0007	**SETTLEMENT OF CLAIMS**
1-24-001-0008	**EXCESS INSURANCE**
1-24-001-0009	**TRUST FUND NOT SUBJECT TO BUDGET LAW**

SECTION 1-24-001-0001 PURPOSE

A fund shall be established for the purpose of paying benefits, losses, and claims. The funds shall be placed in a trust fund in an amount determined appropriate by the City Council. The fund shall be administered in accordance with A.R.S. § 11-981.

(Ord. No. 2010-13, Amended 05/18/2010)

SECTION 1-24-001-0002 DEFINITIONS

In this Chapter unless the context otherwise requires:

CITY: The City of Flagstaff, Arizona, including public officials, boards, commissions, employees and supervised volunteers, while performing duties for the City within the scope of employment.

LIABILITY LOSS: Defense and damages for losses to persons or property for which the City is liable.

PROPERTY LOSS: Damage to tangible City-owned property by an accidental event but not property of public officials, boards, commissions, employees or volunteers.

UNEMPLOYMENT COMPENSATION LOSSES: Those charges imposed upon the City by Federal and State unemployment compensation laws.

WORKERS COMPENSATION LOSSES: Those losses for which the City is liable subject to title 23 of the Arizona Revised Statutes.

(Ord. No. 2010-13, Amended 05/18/2010).

SECTION 1-24-001-0003 SELF-INSURANCE TRUST FUND

The Self-Insurance Trust Fund shall provide defense and payment of benefits, insurance premiums, losses, and claims for property, liability, unemployment compensation, worker's compensation losses, health, accident, life, disability or other benefits for the employees and officers of the City and their dependents, and payment of insurance premiums subject to the following exceptions:

A. Claims or punitive damages arising, out of the willful violation of a penal statute or ordinance.

B. Claims arising out of acts of bad faith and/or fraud.

C. Other items deemed inappropriate by the City Manager.

(Ord. No. 2010-13, Amended 05/18/2010).

SECTION 1-24-001-0004 AUDIT COMMITTEE ADVISORY TO CITY COUNCIL

The City of Flagstaff's Audit Committee, with the exception of the Management Services Director, shall serve as trustees for the Self Insurance Trust Fund, provided that all members of the Audit Committee are residents of the City, no more than one (1) member of the Audit Committee is a member of the City Council, and no more than one (1) member of the Audit Committee is an employee of the City. The Audit Committee shall administer the self insurance program of the City in the manner prescribed by A.R.S. § 11-981 and shall perform such other duties as may be delegated by the City Council from time to time.

(Ord. No. 2010-13, Amended 05/18/2010).

SECTION 1-24-001-0005 RISK MANAGEMENT DIRECTOR OR CONSULTANT

The City shall designate a risk management director or consultant who shall be licensed pursuant to Title 20, Chapter 2, Arizona Revised Statutes. The director or consultant shall provide such advice and assistance as the City Manager shall request.

SECTION 1-24-001-0006 CITY ATTORNEY SALARY EXPENSE

The direct cost of salary expense for the City Attorney in matters of litigation shall be an eligible charge to the Loss Trust Fund.

SECTION 1-24-001-0007 SETTLEMENT OF CLAIMS

The City Manager or designee, shall have the authority to settle and authorize payment of claims against the City up to the amount of twenty-five thousand dollars ($25,000.00). Any claim in excess of this amount shall require approval of the City Council. The Council shall be notified of all claim settlements. (Ord. 1984, 10/06/98)

(Ord. No. 1984, Amended, 10/06/98; Amended Ord. 2008-27, 10/07/2008)

SECTION 1-24-001-0008 EXCESS INSURANCE

The City shall purchase excess insurance above the risk retention limit approved by the City Council.

SECTION 1-24-001-0009 TRUST FUND NOT SUBJECT TO BUDGET LAW

Expenditures during the fiscal year from the trust fund and monies in the trust fund at the close of the fiscal year shall not be subject to the provisions of Title 42, Chapter 2, Article 4, Arizona Revised Statutes. An Audit shall be performed annually by an external auditor and said report shall be kept on file for a minimum of five (5) years. (Ord. 1463, 8-19-86)