

**TOWN OF FLORENCE
SPECIAL MEETING
AGENDA**

PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, JANUARY 26, 2015, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

2. ROLL CALL: Rankin __, Walter __, Woolridge__, Hawkins__,
Montaño __, Guilin __, Anderson__

3. WORK SESSION

- a. **Discussion on the use** of Community Facilities District Financing.
- b. **Discussion on Council** Rules of Procedures and possible amendments.
- c. **Discussion on Invocation** Policy.
- d. **Discussion on Administrative** Section of the Town Code.
- e. **Discussion on scheduling** for Formal Town Council Pictures.

4. CALL TO THE COUNCIL

5. ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. 38-431.03(A)(3).

POSTED THE 23rd DAY OF JANUARY 2015, BY LISA GARCIA, TOWN CLERK, AT 775 N. MAIN STREET, 1000 S. WILLOW, FLORENCE, ARIZONA AND WWW.FLORENCEAZ.GOV.

*****PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.*****



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 3a.

MEETING DATE: January 26, 2015

DEPARTMENT: Finance

STAFF PRESENTER: Mike Farina, Finance Director

SUBJECT: Work Session on Community Facilities District

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

No motion required. This item is to provide Town Council, as well as in their capacity as District Board members, background and educational information on the Merrill Ranch Community Facility Districts (CFDs).

BACKGROUND/DISCUSSION:

In addition to the information provided in this memo and the attachments, Mr. Mark Reader from Stifel Nicolaus, and Mr. Michael Cafiso from Greenberg Traurig, will be here to discuss in more detail and answer questions about the two CFDs located within the Town of Florence.

Town Council serves as the Board of the District. The Town Manager is the District Manager, the Town Clerk is the District Clerk and the Finance Director is the District Treasurer. The Town also provides an assessment manager and assessment specialist to the Districts. Stifel Nicolaus serves as an underwriter of bonds for the district and Greenberg Traurig serves as bond counsel.

In 2005, under Arizona Legislative Authority and following a petition made by developers, the Town Council formed two Community Facility Districts in Anthem at Merrill Ranch, having recognized the ability of a CFD to provide for the construction and/or acquisition of public infrastructure that might, otherwise, be more costly or not provided at all. The districts provide a mechanism to finance construction and/or acquisition of public infrastructure that benefits real property and the ultimate owners of property within the CFDs. Additionally, following acquisition/installation of the public improvements, the CFD can serve as a mechanism to provide for the operation and maintenance of those public improvements.

Under state statute, the CFDs may issue tax-exempt general obligation (GO) bonds and special assessment (SA) bonds from which proceeds are then used to construct or acquire public infrastructure as stated in the bond documents. Issuance of GO bonds must be approved by voters and are repaid from property tax levied by the districts. SA bonds are revenue bonds that are repaid through a special assessment collected on the

individual properties within the district. Bonds are issued by the districts and there is no Town liability for their repayment.

Merrill Ranch CFD GO bonds are repaid from a secondary property tax rate of \$3.25 per \$100 of secondary assessed valuation. There is also a secondary property tax rate of \$0.30 per \$100 of secondary assessed valuation for operations and maintenance. The SA bonds are repaid from a \$3,500 per lot special assessment. The \$3,500 is amortized over 25 years although some lot owners choose to pay the entire amount in full. The property tax is collected by Pinal County. Special assessments are also collected by the County; however, in some cases, the Town bills and collects the assessments directly.

The following table provides information on the current debt outstanding for each CFD.

Merrill Ranch Community Facility Districts Debt Schedule June 30, 2014					
Issue	Date of Issue	Date of Maturity	Original Principal Amount	Principal Repaid	Outstanding Principal - 6/30/2014
MRCFD #1 - GO Bond					
MRCFD #1	8/28/2008	7/15/2033	4,390,000	(435,000)	3,955,000
MRCFD #1 - SA Bonds					
MRCFD #1 - Area 1	6/15/2006	7/1/2030	2,464,000	(648,000)	1,816,000
MRCFD #1 - Area 2, Unit 54	9/16/2009	7/1/2034	353,500	(35,090)	318,410
MRCFD #1 - Area 3, 17A	10/4/2010	7/1/2035	290,500	(9,670)	280,830
MRCFD #1 - Area 4, Unit 18	1/25/2012	7/1/2036	318,500	(13,381)	305,119
MRCFD #1 - Area 5, Unit 17B	7/18/2012	7/1/2037	189,000	-	189,000
MRCFD #1 - Area 6, Units 2, 9A	7/18/2013	7/1/2038	413,000	-	413,000
MRCFD #1 - Area 7, Units 9B, 16, 17C	10/2/2014	7/1/2039	728,000	-	728,000
			4,756,500		4,050,359
MRCFD #2 - GO Bond					
MRCFD #2	11/30/2010	7/15/2035	3,560,000	(580,000)	2,980,000
MRCFD #2	12/19/2013	7/15/2038	1,850,000	-	1,850,000
			5,410,000	(580,000)	4,830,000
MRCFD #2 - SA Bonds					
MRCFD #2 - Area 1	6/15/2006	7/1/2030	2,555,000	(687,000)	1,868,000
MRCFD #2 - Area 2, Unit 29	9/16/2009	7/1/2034	301,000	(22,850)	278,150
MRCFD #2 - Area 3, Unit 40	9/16/2009	7/1/2034	528,500	(38,560)	489,940
MRCFD #2 - Area 4, Unit 20	2/25/2010	7/1/2035	203,000	(7,500)	195,500
MRCFD #2 - Area 5, Units 22A, 22B	5/22/2013	7/1/2038	565,500	-	565,500
			4,153,000	(755,910)	3,397,090
GO - general obligation					
SA - special assessment					
IP - installment purchase					

FINANCIAL IMPACT:

There is no fiscal impact as a result of discussing this document.

STAFF RECOMMENDATION:

No recommendation at this time.

ATTACHMENTS:

Introduction to Community Facilities Districts
Community Facilities District – Policy and Procedure

INTRODUCTION
TO
COMMUNITY FACILITIES DISTRICTS

WHAT IS A COMMUNITY FACILITIES DISTRICT?

- A political subdivision of the State
- Within the corporate limits of a City (or in the County but only to finance schools)
- Formed by the City council (or a County Board of Supervisors if in the County)
- On petition of property owners
- Following a hearing
- If approved at an election of:
 - property owners, and
 - qualified electors (if any)
- With authority to construct, acquire, operate and maintain public infrastructure (broadly defined)
- Finance construction and acquisition of public infrastructure with:
 - general obligation bonds (following election)
 - revenue bonds, or
 - special assessment bonds
- Finance operation and maintenance of public infrastructure with:
 - general obligation tax levy (following election)
 - special assessments, or
 - operating revenues
- Governed by:
 - the City Council (or Board of Supervisors, if applicable) or
 - An appointed board (if over 600 acres)

SUMMARY OF APPLICABLE PORTIONS OF
TITLE 48, CHAPTER 4, ARTICLE 6,
ARIZONA REVISED STATUTES

Outlined below is a summary of the Act pursuant to which community facilities districts are formed and operate.

FORMATION OF DISTRICT

The procedure for formation of a Community Facilities District is as follows:

1. Owners of at least 25% of the land area in a proposed District petition the council for formation.

2. A general plan for the District setting out a general description of the infrastructure and the areas to be improved is filed with the City or town clerk.

3. The council adopts a resolution declaring its intention to form the District.

4. Notice of intention to form the District is mailed to all owners within the proposed District. Notice is also published in a newspaper of general circulation. The notice must indicate the time and place of a public hearing for the formation of the District and inform the landowners of their right to object to the formation of the District.

5. Any party claiming an interest in real property within the proposed District may object in writing, stating the specific reasons for the objection.

6. At the hearing before the city council, evidence is presented and written objections are ruled on.

7. After the hearing, the city council may modify the District or the plan and, if deemed appropriate, order the District formed and a formation election to be conducted. The council will act as the District Board unless the area in the District is more than 600 acres, in which case the council, at its option, may appoint five (5) directors to act as the District Board. [Appointed directors cannot be an owner of more than 40 acres in the District, an elected official of the municipality or an agent or employee of the landowner or the municipality].

8. Formation of the District must be approved by a majority of votes cast by the owners of the land and qualified electors voting at an election. Landowners may vote if they are qualified electors of the state, executors, guardians, corporations, partnerships or trusts. Each landowner votes a number of

votes equal to the number of acres or portions of acres owned by that owner rounded upward to the nearest fifth of an acres.

9. Anyone who objected to the formation and is not satisfied with the result, has an opportunity to file a special action with the court of appeals contesting formation.

10. If approved by a majority of votes cast by the landowners voting at the election and not overturned by the court, the District will be formed. Thereafter, changes in the District's boundaries or the general plan require notice and a hearing.

11. Prior to construction of any project, the District Board must obtain a study of the feasibility and benefits of the project and hold hearings on the study.

12. By petition of 100% of the landowners, the notice, hearing and formation election requirements can be waived.

POWERS OF A COMMUNITY FACILITIES DISTRICT

Community Facilities Districts may:

1. Acquire, convert, renovate or improve;
 - (a) sanitary sewage systems;
 - (b) drainage and flood control systems;
 - (c) water systems (except new agricultural irrigation facilities);
 - (d) roadways and parking facilities;
 - (e) pedestrian, equestrian, bicycle or other non-motor vehicle paths and facilities;
 - (f) pedestrian malls, parks and open space' for entertainment, assembly and recreation;
 - (g) landscaping and water features;
 - (h) public buildings, public safety and fire facilities;
 - (i) lighting systems;
 - (j) traffic control systems;
 - (k) school sites (with school district consent); and

- (1) equipment, vehicles, furnishings and other personal property.
2. Acquire land;
3. Establish debt service reserves;
4. Fund capitalized interest;
5. Refund prior bond issues;
6. Spend moneys for public infrastructure;
7. Enter into intergovernmental agreements with the municipality on all aspects of creation, operation and maintenance of public infrastructure and provision of enhanced municipal services (described below);
8. Provide property to the City or school districts;
9. Operate, maintain and repair public infrastructure;
10. Charge and collect user fees;
11. Levy and collect special assessments;
12. Provide services outside the District if the City consents; and
13. Condemn land in the same manner and with the same limitations as a public utility.

ENHANCED MUNICIPAL SERVICES

By intergovernmental agreement, enhanced municipal services are provided by the City and paid for by the District. Enhanced municipal services are public services provided to the District at a higher level or to a greater degree than provided to the rest of the City. This may include, for example, police and fire services, street cleaning and landscape maintenance. Enhanced municipal services may be provided only in designated slum or blighted areas or in an urban core business district determined by the City to be in need of enhanced municipal services to encourage or preserve commenced development in the area.

BOND ISSUES

General Obligation Bonds. The District may sell general obligation bonds if approved at an election of qualified electors or landowners within the District. To be sold at public sale, the bonds must receive a minimum investment grade rating by a nationally recognized bond rating agency. This would likely mean that some form of credit enhancement would be necessary.

Revenue Bonds. If approved by the board following a public hearing, the District may issue revenue bonds backed by any revenues of the District or revenues to be collected by the City in trust for the District or returned to the District.

Special Assessment Bonds. The District may also comply with the procedures for city improvement districts to issue improvement bonds and spread the cost of the project by special assessments determined by benefit.

Bond Limit. The total amount of general obligation bonds and revenue bonds outstanding may not exceed the estimated costs of the public infrastructure improvements plus all costs connected therewith.

Debt Limit. Indebtedness for which the full faith and credit of the District are pledged shall not exceed 60% of the aggregate of the estimated market value of the property and the improvements in the District after completion of the public infrastructure plus the value of the public infrastructure.

Interest. District bonds may bear interest at fixed or variable rates and may be sold at public or private sale. Bonds may be additionally secured by credit enhancement such as bond insurance or letters of credit.

TAXES

The District may levy an ad valorem tax on all real and personal property in the District at a rate not exceeding the maximum rate approved at an election of the qualified electors of the District. The portion of the tax attributable to operations and maintenance (other than in a slum or blighted area or an urban core business district) may not exceed 30¢ per \$100 of assessed valuation unless approved in an election held not less than three years after formation. The maximum rate set in the ballot can be changed by later elections, but once established, cannot be reduced below the lesser of the amount the board determines is necessary to maintain the existing facilities or the actual rate then in effect. The majority of property owners may also petition to eliminate enhanced municipal services and thereby reduce the tax. To levy a tax, the District must prepare estimates, hold hearings and adopt a budget.

DISSOLUTION

Voluntary. The District may be dissolved by the District Board if the municipality will take over all the District's property and assume the District's obligations, if any, for operation, maintenance and repair.

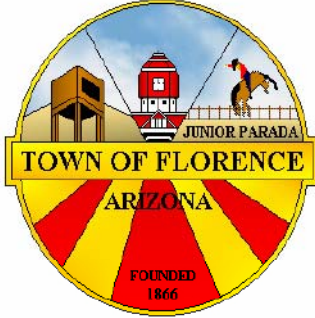
Mandatory. The District Board must dissolve the District if: (1) the municipality agrees to the above conditions; (2) the dissolution has been approved by a majority of the qualified electors of the District voting in an election or the municipality determines that the District has been inactive for at least five years and has no future purpose; and (3) the District Board adopts and records a resolution dissolving the District. The District Board may call such an election on its own and must call an election if petitioned to do so by 10% of the qualified electors of the District.

MISCELLANEOUS

1. The City can form more than one District or improvement district covering the same property.

2. The District cannot compete with electric or gas utilities without the consent of the utility.

3. The District must pay "just compensation" to any water service corporation in whose service area it operates.



TOWN OF FLORENCE

COMMUNITY FACILITIES DISTRICT Policy & Procedure

Finance Department
P.O. Box 2670
775 North Main Street
Florence, Arizona 85232
(520) 868-7500
www.town.florence.az.us

TOWN OF FLORENCE

RESOLUTION NO. 1091-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA ESTABLISHING AND DECLARING THE TOWN OF FLORENCE COMMUNITY FACILITIES DISTRICT POLICY AND PROCEDURES, TO BE A PUBLIC RECORD.

WHEREAS, it has been brought to the attention of the Mayor and Council that the Town is in need of updating the exiting Community Facilities District Policy and Procedure passed by Town Council the 15th day of November, 2004; and

WHEREAS, it is the intent of the Mayor and Council to establish a uniform and consistent manner for allowing developers to create Community Facilities Districts.

NOW THEREFORE, BE IT RESOLVED, there is hereby established a Community Facilities District Policy and Procedures for the Town of Florence effective this date and all Town employees are hereby directed to implement said policies and procedures, which is attached hereto and incorporated herein as if set forth in full.

BE IT FURTHER RESOLVED, that the Community Facilities District Policy and Procedure are hereby established as a public record, three (3) copies of which shall remain on file at Town Hall.

PASSED AND ADOPTED by a majority vote of the Mayor and Council the 19th day of November, 2007.



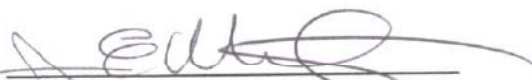
Tom J. Rankin, Mayor

ATTEST:



Lisa Garcia, Town Clerk

APPROVED AS TO FORM:



James E. Mannato, Town Attorney

**POLICY GUIDELINES AND APPLICATION PROCEDURES
FOR THE ESTABLISHMENT OF
COMMUNITY FACILITIES DISTRICTS**

In order to secure for the Town of Florence, Arizona (the "Town"), the public benefits of the Community Facilities Act (the "Act") originally enacted by the Arizona Legislature in 1988 and to promote the best interests of the Town, the following Policy Guidelines and Application Procedures are adopted by the Common Council. (All terms used herein and not otherwise defined shall have the meaning given to them in the Act.)

ARTICLE 1.

General Policies

- 1.1 A community facilities district ("CFD") provides a funding mechanism to finance construction and/or acquisition of public infrastructure that benefits the real property comprising the CFD (the "Property") and its ultimate owners and thereafter a mechanism to provide for the operation and maintenance of such infrastructure if necessary and can also be utilized by the Town to provide enhanced municipal services, benefiting the users of the real property within the CFD. The Town Council recognizes the ability of a CFD to provide for the construction and/or acquisition of public infrastructure that might otherwise be more costly or, in some instances, not be provided at all.
- 1.2 Recognizing that a CFD is a statutory special taxing district with borrowing powers created within the boundaries of the Town that has perpetual existence, the Town Council believes that the formation of each CFD should be considered carefully in order to ensure its lasting success.
- 1.3 CFDs should be utilized primarily in connection with the financing of public infrastructure for development of master planned communities or projects involving substantial commercial development.
- 1.4 Any public infrastructure financed by a CFD should be in conformance with the Town's General Plan in order to encourage orderly growth and development. Special consideration should be given to CFDs that provide an enhanced level of infrastructure amenities and/or municipal services.

Community Facilities districts may finance the following listed types of streets with CFD general obligation or assessment bonds:

1. Major arterials
2. Arterials
3. Major collectors
4. Collectors
5. Local Streets

The street and road designations listed above shall have the meanings as set forth in the Town of Florence, Arizona development code, rules and regulations. Major collectors and collectors will be financed with general obligation or assessment bonds only if the particular financed collector road has its two planned terminus points at an intersection with an arterial street or roadway. No Community Facilities District general obligation bond financing will be issued for local or residential streets, except de minimus GO Bonds issued for less than \$500,000 may be used for local or residential streets after all other uses are paid as identified in the Feasibility Report.

- 1.5 All costs incurred by the Town and/or the CFD in connection with the formation and subsequent activities of a CFD will be paid by the applicant/landowner/developer or successor thereto (such entity generically referred to herein as the "Applicant") through a series of monetary deposits as provided herein. Such deposits will be applied to pay amounts due for services rendered by the Town staff, CFD staff and outside consultants who may be retained by the Town and/or the CFD, including but not limited to bond counsel, financial advisors, engineers, appraisers and attorneys. The Town may use outside consultants as "staff" to review or confirm any analyses prepared in conjunction with an application for or financing by the CFD. If authorized by the district board of a CFD (the "Board"), exercising its sole discretion, all or part of such costs may be reimbursed to the Applicant from a CFD tax levy, CFD assessments, CFD revenues or CFD bond proceeds, provided such reimbursement is in conformance with federal law, State law and these guidelines.

The Town of Florence reserves the right to levy a bond administration fee of 1% for each CFD bond issuance, with a minimum amount of \$5,000 and a maximum amount of \$50,000 for administration and consulting costs.

- 1.6 To provide ease of administration and the largest tax/revenue base possible, the Town will encourage an area to be governed by as few CFDs as possible, and a preference will be given to one master CFD for a single development. (It should be noted that the decision to form a CFD shall be a decision of the Town Council exercised in its sole and absolute discretion.)
- 1.7 Each CFD will be governed by the Board, which will be comprised of the members of the Town Council, *ex officio*. The day-to-day administrative responsibilities of the CFD will be performed pursuant to a contract by outside personnel or by the Town staff. For all CFD's, at the option of the Board, advisory committees may be utilized.
- 1.8 Unless otherwise agreed to by the Town, the CFD must be self-supporting from the standpoint of financing, operations and maintenance; no Town funds will be used for CFD purposes. Notwithstanding anything contained herein, none of the property, the credit nor the taxing power of the Town shall be pledged to or otherwise secure the payment of any CFD obligation or indebtedness.

- 1.9 After review of the project feasibility report, property appraisals and other required pertinent information, the Board will determine, in its sole and absolute discretion, the amount, timing and form of financing to be used by a CFD.
- 1.10 All public infrastructure constructed or acquired by a CFD will utilize statutory public procurement procedures in accordance with applicable laws, rules and regulations and as would be applied by the Town in a construction project for the Town.

All new anticipated CFD constructed or acquired public infrastructure improvements will be identified and forwarded to the Town of Florence for consideration of inclusion in the annual CFD budget by March 1 of the fiscal year.

- 1.11 The CFD will not use bond proceeds or other CFD funds to purchase public rights-of-way or other real property to be used for public infrastructure improvements if such real property would be required to be dedicated and conveyed to the Town by the Applicant upon development of the Property.
- 1.12 Unless otherwise agreed to by the Town, all costs of administration and operation of the CFD and the operation and maintenance of public infrastructure provided by the CFD including replacement reserves, if appropriate, shall be the responsibility of the CFD, the Applicant, applicable homeowners associations, or any combination of the foregoing, as may be acceptable to the Board.
- 1.13 These Policy Guidelines and Application Procedures may be modified from time to time by the Town. An Applicant will be given the opportunity to propose alternative approaches to those provided herein, with the understanding that concerns of the Town must be adequately addressed before the staff of the Town will recommend approval of a CFD to the Town Council.

ARTICLE 2. Contents of Applications

An "Application" for the formation of a CFD must be completed prior to any determination that a CFD will be formed. The Application shall, at a minimum, contain the following information and be organized in the manner described below.

Applicant Information

- 2.1 General Description. A general description of the Applicant, including the corporate and organizational structure of the entity or individual making the Application to form a CFD. This description should include the names of all officers and/or corporate directors directly related or associated with the proposed development of the Property and the proposed CFD.
- 2.2 Contact(s). The name, address, phone number and other relevant information of the primary contact for the Applicant. This information should list the names (and other

relevant information) of any legal representatives, engineers, architects, financial consultants and/or other consultants significantly involved with the Application.

- 2.3 Experience. A general description of the Applicant's experience with similar types of projects as development of the Property.
- 2.4 Financial Capability. Evidence demonstrating the Applicant's ability and capacity (including financial statements if necessary) to undertake the proposed development. The fact that an Applicant may be a private corporation or other privately owned entity shall not be a basis for refusal to provide information requested by Town Staff or the Board which relates to Applicant's financial capacity to undertake and complete the proposed development or to Applicant's financial capacity to provide debt service.

Proposed CFD and Public Infrastructure Description

- 2.5 General Description. A general description of the proposed CFD, its purpose, proposed public infrastructure and/or services to be provided, and a statement describing the overall community benefit or enhanced public services to be derived from the CFD. This description should include a statement of how the proposed CFD meets the existing development objectives of the Town, including the degree to which the CFD is consistent with the goals of the Town's General Plan for promoting orderly development, consistent with growth management policies and zoning requirements and the degree to which the land use plan for the CFD is consistent with the Town's General Plan.
- 2.6 Location. A description of the proposed CFD's general location within the Town; an area site map illustrating the proposed boundaries and a legal description of the proposed boundaries. This description must include an analysis of the appropriateness of the CFD boundaries.
- 2.7 Ownership Interests. The identity and address of all persons or entities with any interest in the property including lienholders and purchasers under pending sales contracts and the names and addresses of any qualified electors located within the proposed boundaries of the CFD. A certificate from the Pinal County Assessor or, if not accurate, a current title report and certificate from the Pinal County Elections Department shall be submitted as evidence of names or persons with any interest in the land and qualified electors, respectively.
- 2.8 Operating Plan. An operating plan for the CFD, describing the functions of the CFD and how the operation and maintenance of the public infrastructure will be provided.
- 2.9 Status of Entitlements and Source of Water, Sewer Treatment and Other Utilities/Services. The status of all entitlements with respect to the Property as well as the plan for providing water, sewer treatment and other utilities and services (fire, police, education, etc.) to the Property.

Proposed Improvements

- 2.10 Description of Public Infrastructure. A detailed description of the types of public infrastructure to be financed and/or acquired by the CFD. This description should include a proposed project schedule for commencement and completion of (a) public infrastructure and (b) the private development.
- 2.11 Estimated Costs. An estimate of the construction and/or acquisition costs of the public infrastructure to be completed by the CFD. This information shall include a detailed list of the estimated cost of each component of the public infrastructure.
- 2.12 Development Timetable. A detailed timetable describing the scheduling, timing or phasing of the public infrastructure. This schedule should include a timetable for constructing/acquiring both the public and private components of the overall development with respect to the Property. Each phase of the development should be shown separately.

Financing Plan

- 2.13 Description of Financial Plan. A detailed description of the capital financing plan for the public infrastructure and the private development with respect to the Property, including both public and private components of such development. This description should include the proposed types of tax-exempt/taxable bonds to be issued for the public infrastructure as well as the financing plan of the Applicant for the private development and the sources of the proposed financing including any debt or equity.
- 2.14 Sources and Uses of Funds. A detailed sources and uses of funds for the public infrastructure with respect to the Property. This schedule should include the description of components of the public infrastructure that will be financed by the type of bonds to be issued.
- 2.15 Financial Feasibility. A 20-year financial feasibility study for the entire project being developed on the Property including both the public infrastructure and the private development. This feasibility study should include, if possible, a preliminary market absorption study for the private development.
- 2.16 Fiscal Impact. An analysis of the tax, assessment and utilities fee impact on the users/residents within the CFD, specifically, projected property tax rates and levies, special assessments, fees, charges and any other costs to be borne by the CFD. A comparative analysis of such taxes, assessments and fees of similar or adjoining areas and/or CFDs should also be provided
- 2.17 Value-to-Lien Ratio Analysis. Based on the estimated value of the Property including after acquisition and/or construction of the public improvements, an analysis of the value-to-lien ratios of the proposed public financing if in the form of general obligation or assessment bonds. A value-to-lien ratio of less than 4 to 1 will generally be unacceptable.

- 2.18 Operation and Maintenance Costs. A detailed description and a financial pro-forma of the estimated annual operation and maintenance costs of the public infrastructure, including for replacement reserves, if appropriate. The Application must clearly detail the specific entities such as CFD, Homeowners Associations, Applicant, Town, etc that will be responsible for funding the on-going operation and maintenance costs for all CFD improvements, including for replacement reserves, if appropriate. This section should also provide a description of the revenue source of each.

Miscellaneous Information

- 2.19 Marketing Plan. A detailed description of the proposed marketing plan to be used by the Applicant to market property within the CFD. This information may include comparisons of the proposed CFD to similar CFDs in the area.
- 2.20 Disclosure to Prospective Property Owners. Information regarding the proposed disclosure form that will be used to describe to prospective buyers the potential tax, assessment and fee implications of the CFD. Such forms shall have provisions for the signed acknowledgement of receipt of such disclosure form. (Landowners/developers are required to describe in their promotional materials the financial and other relative impacts in the development being in a CFD and should note that acknowledged disclosure forms will be required to be filed with the Clerk of the Town.)
- 2.21 Equity Contribution. Evidence of at least \$0.25 in infrastructure or community improvements benefiting the Property for each \$1.00 of debt to be issued by a CFD to finance public infrastructure purposes. If agreed to by the Board, in its sole and absolute discretion, prior infrastructure and community improvements constructed or acquired by the Applicant and benefiting the Property may be included in calculating the Applicant's compliance with this requirement.
- 2.22 Development Agreements. As an appendix, any Development Agreements entered into between the Town and the Applicant relating to this proposed development.

ARTICLE 3.

Application Procedures

- 3.1 Ten copies of the Application for the formation of a CFD shall be submitted to the Manager of the Town who will coordinate an inter-departmental analysis of the Application.
- 3.2 At the time of submission of the Application, the Applicant shall pay a non-refundable Application fee of \$50,000 and shall deposit an additional \$10,000 as a deposit on account to be applied by the Town in its sole discretion to the costs incurred in connection with processing and reviewing the Application and the formation and administration of the CFD. When such \$10,000 (and each subsequent \$10,000 amount hereinafter described) is expended, an accounting will be made to the Applicant for all

costs incurred by the Town and an additional \$10,000 will be requested and must be paid forthwith.

- 3.3 After the Application fee and deposit are submitted, the Manager of the Town shall arrange a pre-application conference with the appropriate Town staff, for the purpose of reviewing the Application for conformity with Town policies.
- 3.4 If, following the pre-application conference or at any other time during the application process Town staff requests additional information, the Applicant shall provide any and all supplemental information requested prior to proceeding to the next step of the review process.
- 3.5 The review, analysis and implementation of the Application will be generally conducted in four sequential phases.
 - a. Phase 1 will consist of a preliminary review of the Application to identify missing or incomplete information and to identify and discuss any initial concerns prior to the Town undertaking a more complete review of the Application.
 - b. Phase 2 will consist of a detailed review of the Application, as amended. The review will include, but will not be limited to, examining the feasibility, financing analyses and evaluation of community benefits relating to the CFD. This phase may include several iterations of review, comment and re-review. Under the direction of the Town, a report may be prepared including recommendations related to the CFD and an analysis of the impact of the formation of the CFD and its effects on the Town. This report may provide a recommended disposition of the Application and any additional requirements that will be placed on the Applicant and/or the CFD.
 - c. Phase 3, if undertaken, will consist of the planning, development, creation, financing and bond issuance for the CFD.
 - d. Phase 4, if necessary, will consist of the continuing administration, oversight and management of the CFD.
- 3.6 If the requirements of 3.2 are then being satisfied and the Application meets the qualifications provided herein, the Application, along with any report and recommendations by Town staff, will be forwarded to the Town Council.
- 3.7 If the Town Council approves an Application, the Applicant and the staff of the Town shall coordinate a schedule of events for formation of the CFD. Simultaneously with formation of the CFD, the Applicant and the Town shall enter into a development agreement incorporating the requirements of any report, recommendations of the Town staff relating to such CFD, the requirements of these policy guidelines and any other restrictions, provisions and agreements required by the Town. If there are existing agreements with the Applicant for the provision of public infrastructure proposed to be

furnished by the CFD, then those agreements will be amended to reflect the agreements and conditions pertaining to the CFD by the means of such development agreement.

ARTICLE 4.

CFD Financial Operations and Debt Financing

- 4.1 Upon formation of a CFD, the Applicant shall deposit with the CFD a nonrefundable administrative expense fee in the amount of \$75,000. The administrative expense fee shall be applied by the CFD in its sole discretion to the costs and expenses incurred in connection with the formation, review of any feasibility study, election costs, administration, operation and maintenance with respect to the CFD or its public infrastructure. From time to time, upon depletion of the administrative expense fee and provision of an accounting of the uses of such amount, the CFD may request, and the Applicant shall promptly deposit with the CFD, additional \$10,000 deposits to be applied to the purposes contemplated herein.
- 4.2 The Board may require the imposition of an ad valorem property tax upon the CFD taxable property in order to provide for the CFD to be self-supporting for its administrative, operation and maintenance expenses and replacement reserve purposes, if appropriate. Failure to cooperate with the imposition of such tax will relieve the Town and the CFD from undertaking any obligations or operations.
- 4.3 The amount of debt of a CFD may not have any substantial direct or indirect negative impacts on the debt or financing capabilities of the Town, and the debt imposed on the CFD may not impose an unreasonable financial burden on future CFD residents.
- 4.4 Each feasibility report for financing by a CFD shall describe any economic advantage or the estimated savings, if any, to residents in the form of reduced purchase prices, enhanced public services and/amenities, additional community benefits, etc. that are projected to result from such CFD financing.
- 4.5 Proceeds of the sale of each revenue and assessment bond issue shall, to the extent limited by applicable law, be applied to fund a debt service reserve fund in the maximum, permissible amount or an acceptable reserve fund surety bond, insurance policy or other guarantee shall be provided in lieu thereof.
- 4.6 If general obligation bonds are to be issued by the CFD, those general obligation bonds will be secured by an unlimited ad valorem tax on all taxable property located within the CFD. Prior to the issuance of general obligation bonds by the CFD, the Applicant shall describe in the project feasibility report, in addition to the statutory requirements, the following:
 - a. The current direct and overlapping tax and assessment burden on the Property and the full cash value and assessed valuation of the Property as shown on the most recent assessment roll. (In connection with any general obligation or assessment financing, the Applicant shall provide a current appraisal of the fair market value

of the Property that is to be taxed or assessed, prepared by a person who is designated as a Member Appraisal Institute (“MAI”) and a certified general real estate appraiser (such person hereafter referred to as an “MAI Appraiser”), such appraisal to be in form and substance acceptable to the Board, in its sole discretion. Generally, the appraisal shall be based on the wholesale, bulk value of the Property. The appraisal shall not be required if the sizing of the debt issuance is based on existing assessed values or if sufficient collateral is to be provided by the Applicant so that land value is not a determinative issue.)

- b. The amount and timing of CFD general obligation bonds to be issued.
- c. The expected market absorption of development within the CFD.
- d. The effect of the CFD bond issuance on CFD property tax rates, calculated over the entire period of time that the proposed general obligation bonds are estimated to be outstanding or based on the phasing of the public infrastructure to be financed, as applicable.
- e. Any mechanism to limit the total tax rate of the CFD. If the debt service tax rate determined by the Board is not sufficient to produce amounts to pay the entire debt service necessary with respect to the general obligation bonds when due, the Applicant or other entity acceptable to the Board will be required to provide collateral sufficient to pay the difference between the revenues produced by such pre-established tax rate and the actual debt service coming due in that fiscal year in the form of a cash contribution, standby contribution agreement or other acceptable form of security or any combination of the foregoing, which shall be bankruptcy proof, as required by the Board. A cash flow schedule illustrating the amount and the time period required to cover such shortfall will be required to be submitted as part of the feasibility report. Such amount shall be required to remain fully funded until such time as the Board, exercising its sole discretion, determines sufficient assessed valuation has been created that the debt service will be self-supporting. At that time, the Board, exercising its sole discretion, will determine whether the collateral will be released in whole or in part. Parameters for the foregoing will be included in the development agreement described in 3.7.
- f. The marketing plan for the sale of the bonds.

Publicly offered bonds must be rated in one of the four highest investment grade ratings from Standard & Poor’s Corporation, a division of the McGraw-Hill Companies (“S&P”), Moody’s Investors Services (“Moody’s”), or other nationally recognized bond rating service. Pursuant to state statutes, the CFD will not sell non-investment grade bonds in a public offering.

Bonds not publicly offered need not be rated. However, purchasers of such bonds must be similar to those acceptable pursuant to Rule 144A of the Securities Exchange Commission (“Qualified Buyers”) and must agree to hold the bonds for their own account and not to resell the bonds except to Qualified Buyers.

4.7 Revenue bonds shall be payable from a specified revenue source. The Applicant must describe in each project feasibility report, along with the statutory requirements, the following:

- a. The revenue source from which bonds will be payable. The Board reserves the right to require that independently prepared financial feasibility studies or reports be provided as it deems necessary to confirm the amount and availability of revenues.
- b. The expected market absorption of development within the CFD.
- c. The amount and timing of CFD revenue bonds to be issued.
- d. The financial impact of the proposed issue(s) on prospective residents.
- e. Any plan for subsidizing revenues to meet obligations with respect to the bonds.
- f. The marketing plan for sale of the bonds.

Publicly offered bonds must be rated in one of the four-highest investment grade ratings from S&P, Moody's or other nationally recognized bond rating service. Pursuant to state statutes, the CFD will not sell non-investment grade bonds in a public offering.

Bonds not publicly offered need not be rated. However, purchasers of such bonds must be Qualified Buyers and must agree to hold the bonds for their own account and not to resell the bonds except to Qualified Buyers.

4.8 Assessment bonds shall be secured by first lien (subject only to the lien for general taxes and prior special assessments) on the property benefited. The Applicant must describe for assessment bonds in each project feasibility report, along with the statutory requirements, the following:

- a. The current direct and overlapping tax and assessment burdens on real property to comprise the CFD and the full cash value and assessed valuation of that property as shown on the most recent assessment roll. (In connection with any general obligation or assessment financing, the Applicant shall provide a current appraisal of the fair market value of the Property that is to be taxed or assessed, prepared by a person who is designated as a Member Appraisal Institute ("MAI") and a certified general real estate appraiser (such person hereafter referred to as an "MAI Appraiser"), such appraisal to be in form and substance acceptable to the Board, in its sole discretion. Generally, the appraisal shall be based on the wholesale, bulk value of the Property. The appraisal shall not be required if sufficient collateral is to be provided by the Applicant so that land value is not a determinative issue.)
- b. The amount and timing of CFD assessment bonds to be issued.

- c. The expected market absorption of development within the CFD.
- d. The estimated assessment amount to be placed on prospective assessed parcels.
- e. Whether the assessments will be paid upon sales of lots by the Applicant or will remain on the property after sale.
- f. The marketing plan for sale of the bonds.

Publicly offered bonds must be rated in one of the four highest investment grade ratings from S&P, Moody's or other nationally recognized bond rating service, or an appraisal of the Property to be encumbered, prepared by an MAI Appraiser and in form and substance acceptable to the Board, in its sole and absolute discretion, shall indicate a minimum land value to debt ratio of 4 to 1, on an assessed parcel by assessed parcel basis, prior to the issuance of debt.

Bonds not publicly offered need not be rated. However the purchasers of such bonds must be Qualified Buyers and agree to hold the bonds for their own account and not to resell the bonds except to Qualified Buyers. Further, in connection with the sale of unrated bonds, the Board must have received an appraisal of the land to be encumbered, prepared by an MAI Appraiser and in form and substance acceptable to the Board, in its sole and absolute discretion, indicating a minimum land value to debt ratio of 4 to 1, on an assessed parcel by assessed parcel basis, prior to the issuance of debt. If a 4 to 1 ratio is not achieved, a scaling down of the proposed debt and phasing of the infrastructure is expected.

ARTICLE 5. Financing Considerations

- 5.1 The Applicant (or such other third party acceptable to the CFD) shall indemnify the Town and the CFD and their agents, officers, and employees and shall hold the Town and the CFD and their agents, officers and employees harmless for, from and against any and all liabilities, claims, costs and expenses, including attorneys' fees, incurred with respect to the formation, operation, or administration of the CFD, the offer and sale of CFD bonds, the levying by the CFD of any tax, assessment or charge and the operation and maintenance of public infrastructure financed or owned by the CFD.

In addition, if such insurance is not otherwise available from another source, the Applicant shall be responsible for the cost of a Director's and Officers (D&O) insurance policy to cover all actions and activities taken by the Board and officers of the CFD relating to the CFD formation, financing, administrative actions and other related activities and for depositing the amount of any deductible in escrow with the CFD or for providing a plan for providing for such deductible. The amount of the D&O coverage will be determined by the CFD at the time of formation.

- 5.2 Unless otherwise provided to the CFD pursuant to other requirements, prior to CFD financing and acquisition of any public infrastructure, the CFD will be provided with an independent environmental report or assessment of any real property which will be dedicated to or otherwise owned, leased or operated by the Town or the CFD with respect to any public infrastructure, if necessary, and a proposed form of indemnity agreement with respect to all environmental law liability.



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 3b.

MEETING DATE: January 26, 2015

DEPARTMENT: Administration

STAFF PRESENTER: Lisa Garcia
Deputy Town Manager/Town Clerk

SUBJECT: Rules of Procedure Update

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

Information only, action will be brought back at a future date.

BACKGROUND/DISCUSSION:

After each election, Council is given the opportunity to review and amend the Rules of Procedure. Attached are the 2012 amendments for discussion. Staff has highlighted in green areas that one or more member of Council has raised as a possible issue.

The following changes were made in 2012:

1.2 PARLIAMENTARIAN: The Council Liaison shall serve as Parliamentarian for each respective Board, Commission, or Committee.

4.1 REGULAR MEETINGS: Excludes the last meeting of December as a regular meeting.

6.2 REGULAR MEETINGS: Moment of Silence/Prayer/Invocation added before the Pledge of Allegiance and adding a second Call to the Public at the end of the meeting.

6.3. SPECIAL MEETINGS: Adding a second Call to the Public at the end of the meeting.

6.6 ROLL CALL ATTENDANCE. Remove; the Mayor may then ask for a motion to excuse those council members absent, if any.

6.13 RECESS/BREAK: A member of Council may call a recess/break if necessary.

Item highlighted in green will be discussed with Council, as well as any topic that Council would like to address.

FINANCIAL IMPACT:

There is no fiscal impact to discussing the item

STAFF RECOMMENDATION:

No recommendation at this time.

ATTACHMENTS:

Rules of Procedure

**Town of Florence
Town Council
Rules of Procedure
Adopted September 17, 2012**

SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these Rules of Procedure for meetings of the Town Council:

- A. Arizona Open Meetings Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. Town Code
- C. Town of Florence Parliamentary Procedures Simplified
- D. Roberts Rules of Order, as amended

1.2 PARLIAMENTARIAN

Town Council Meetings: The Town Attorney shall serve as Parliamentarian for all Town Council Meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney.

Boards/Commissions/Committees: The ~~Chairperson~~ Council Liaison shall serve as Parliamentarian for each respective Board, Commission, or Committee.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in Section 6 below, an Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. The final Agenda must be posted at least 24 hours prior to the Town Council's meeting.

2.2 COUNCIL PACKET

The Town Council packet is comprised of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by Town Council, staff, and the public for more in-depth information than may be presented in an oral report. The Packet is organized as set forth in Section 6 below and is provided to the Town Council and made available to the public upon request.

2.3 MEETINGS

A Meeting is the gathering, in person or by technological devices, of a quorum of members, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the Town Clerk or departmental liaison will adjourn the meeting.

2.4 NEWSPAPER

Typically, a daily or weekly publication of general circulation within the Town of Florence containing recent news, feature articles, editorials, and general advertisements.

2.5 NOTICE

A formal announcement to the public that sets forth the name of the Town Council, date, time and place for which a meeting of the Town Council will be held. Giving formal notice of meetings is done as provided by Statute, Town Code, or other rules or regulations of the Town Council.

2.6 ORDINANCE

An Ordinance is a Town Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include, but are not limited to, zoning issues, annexations, abandonments and Town laws. The Ordinance, in addition to being referenced by number in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town in a separate set of books. Effective dates of Ordinances shall be as provided by law.

2.7 PUBLIC BODY

Town Council, all Boards, Committees, and Commissions of the Town, and any specially seated Board, Commission, Committee, or Sub-Committee of the Town whose members are appointed by the Mayor with the approval of the Town Council.

2.8 QUORUM

A quorum is the minimum number of members of the Town Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

2.9 RESOLUTION

A Resolution is a more formal type of motion normally utilized to set forth policy of the Town. The Resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the Town in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be as provided by law.

SECTION 3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor is the Presiding Officer of all meetings of the Town Council.

In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. The council members present shall, by majority vote, select a Presiding Officer for that meeting.

Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the business immediately before the Town Council.

3.2 ROBERT'S RULES OF ORDER

The Presiding Officer, or Town Council, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.

SECTION 4. MEETINGS

4.1 REGULAR MEETINGS

- A. The Florence Town Council shall hold Regular Meetings at 6:00 p.m. on the first and third Monday of each month, ~~excluding the last meeting in December~~ in the Council Chambers, located at 775 N. Main Street, or another place, date or time as determined by the Town Council. Meetings are held for the purpose of discussion or action of the Town Council on various issues deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Call to the Public."
- B. When the Regular Meeting of the Town Council falls on a legal holiday, no meeting shall be held on such holiday, but said meeting may be held at the same time and the same location on the next succeeding business day thereafter that is not a holiday or at such other time as designated by the Town Council. The Town Council will take appropriate action to publicly announce such a change and will instruct the Town Clerk to publish a notice in the newspaper stating such change.

~~C. The Council will hold one Regular Meeting in the month of December, all business before for the Month of December will be heard at this meeting. The Council will not hold a meeting on the third Monday in December.~~

4.2 ADJOURNED MEETINGS

Rules of Procedure
Adopted by Resolution No.1360-12
Page 3 of 29

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular Town Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion. A motion to continue an item on the Council Agenda shall not be considered a motion to adjourn.

4.3 SPECIAL MEETINGS

- A. The Mayor or Town Manager may, or at the request of three (3) council members shall call a special meeting of the Town Council for a time not earlier than 24 hours after the later of (i) the notice being given to all council members or (ii) the Agenda being posted, except in the case of an actual emergency. In the case of an actual emergency, such notice as is practicable under the circumstances shall be given. Notice of all such Town Council meetings must be made pursuant to state law.

- B. Special Meetings are held for the purpose of presentations, discussion, citizen comment or formal action of the Town Council on various issues as deemed necessary to further the business of the Town.

4.4 WORK SESSIONS

Work Sessions are held for the purpose of presentations and discussions on issues that require more in-depth consideration of the Town Council than may be possible at a Regular Meeting. No formal action of the Town Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings shall not provide for "Public Comment." Work Session shall be held the second or fifth Monday of the month when necessary.

4.5 EXECUTIVE SESSIONS

The Town Council may hold an Executive Session pursuant to Arizona Revised Statute § 38-431.01 *et seq.*

4.6 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor and Town Council may call an Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting of the Mayor and Town Council will be posted within 24-hours following the holding of an Emergency Meeting. The notice will include the agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a "Public Comment."

4.7 MEETINGS TO BE OPEN TO THE PUBLIC

- A. With exception of Council Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions and Emergency Meetings of the Town Council shall be open to the public.

- B. All Public Meetings may be recorded or photographed by means of audio, video or photographic equipment provided; however, that there is no interference in the

orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the Town's Staff.

C. Public Comment is not provided for at Work Sessions or Emergency Meetings.

4.8 MINUTES OF COUNCIL MEETINGS

A. The Town Clerk's office shall provide staff support at all Regular, Special, Work Session and Emergency Meetings of the Town Council for the purpose of taking notes and/or audio recordation of the Meeting.

B. Written action minutes, instead of verbatim Minutes, shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. The minutes shall reflect council member attendance for the entire meeting (if a council member arrives late or leaves early then the minutes should reflect when the council member arrived/left).

Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained six months after being transcribed in accordance with the current Town of Florence/State of Arizona approved Records Retention and Disposition Schedules.

C. All Minutes of the Town Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed minutes, or the audio or video recording of all Open Meetings of the Town Council, must be on file in the Office of the Town Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes, whichever is sooner.

D. Minutes of Executive Sessions shall be confidential, are maintained and secured by the Town Clerk and may be accessed only as provided by Arizona Revised Statutes.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

A. The Town Clerk shall prepare all Public Meeting Notices of the Town Council, and shall ensure posting of the meeting notices no less than 24 hours before the date and time set for said meetings, in accordance with Arizona Revised Statute. § 38-431.02.C.

B. Meeting Notices shall, at a minimum, be posted in the following locations:

1. Town Hall
2. Town Library
3. <http://www.florenceaz.gov>

Rules of Procedure

Adopted by Resolution No.1360-12

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Convenience copies will be provided for posting to the Anthem Communication Coordinator. Upon request, copies will be provided to any homeowner's association group for posting.

5.2 AGENDAS

- A. The Town Clerk shall prepare the Agendas for all meetings of the Town Council as set forth in Section 6 below or as directed by the Mayor through the Town Manager. Agendas of all meetings of the Town Council shall be available to the public no later than 24 hours prior to said meetings.
- B. Agendas are made available through the Town's web site as a convenience and, upon request, will be provided at no charge to political subdivisions or educational institutions.

5.3 DISTRIBUTION OF NOTICES AND AGENDAS

- A. The Town Clerk shall ensure that the Mayor and Town Council receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said meeting, not less than 24 hours prior to the meeting.
- B. The Town Clerk shall ensure that the Town Council meeting notices, agendas and documentation, as deemed necessary, are distributed to the Town Manager and the Town Attorney. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others upon request, no less than 24 hours prior to said meeting.
- C. The Town Clerk may amend a published agenda, but not less than 24 hours prior to the designated meeting and only upon receipt of direction from (i) the Mayor or three members of the Town Council acting through the Town Manager or (ii) the Town Manager, or to correct minor errors. Amended agendas will indicate the date amended.

SECTION 6. ORDER OF BUSINESS

6.1 ORDER OF BUSINESS

The Order of Business of each meeting shall be as contained in the agenda as prepared by the Town Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of business agenda items, including a dollar amount where appropriate, that shall be taken up for consideration.

6.2 REGULAR MEETINGS

The typical form of the agenda shall be as follows and may be changed as necessary:

CALL TO ORDER

ROLL CALL

MOMENT OF SILENCE/PRAAYER/INVOCATION

Rules of Procedure

Adopted by Resolution No.1360-12

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PLEDGE OF ALLEGIANCE

RECOGNITION ITEMS (MAYOR'S PRESENTATIONS)

CALL TO THE PUBLIC Topics are limited to items under the jurisdiction of the Florence Town Council (speaker must fill out a card and give to Town Clerk prior to meeting)

CONSENT AGENDA (including Minutes and Claims)

All items listed under consent are considered to be routine or have been previously reviewed by the Town Council, and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests; in which event the item will be removed from the Consent Agenda and considered in the normal sequence on the agenda.

BUSINESS (action or information items)

ITEMS SUBMITTED BY PUBLIC/APPLICANTS

COUNCIL SUBMITTED ITEMS

MANAGER SUBMITTED ITEMS

MINUTES OF BOARDS AND COMMISSION*

DEPARTMENT REPORTS**

CALL TO THE PUBLIC Topics are limited to items under the jurisdiction of the Florence Town Council (speaker must fill out a card and give to Town Clerk prior to meeting)

CALL TO THE COUNCIL

EXECUTIVE SESSION

ADJOURNMENT

* Indicates first meeting of the month

** Indicates second meeting of the month

All agendas will have the following statement placed at the bottom of the agenda:

DATE/TIME POSTED:

Any individual with a qualified disability may request a reasonable accommodation by contacting the ADA Coordinator at 520-868-7574 at least 72-hours prior to the Town Council meeting.

6.3 SPECIAL MEETINGS

- A. If a Special Meeting is being held in place of a Regular Meeting, the agenda shall be as set forth for a Regular Meeting.
- B. For all other Special Meetings, the Agenda will typically be prepared in the following order:

CALL TO ORDER

ROLL CALL

CALL TO THE PUBLIC (must fill out a card and give to Town Clerk prior to meeting)

BUSINESS

CALL TO THE PUBLIC; Speaker must fill out a card and give to Town Clerk prior to meeting

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**CALL TO THE COUNCIL
EXECUTIVE SESSION
ADJOURNMENT**

6.4 WORK SESSION MEETINGS

Questions may be directed by the Town Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Unless otherwise designated by the Presiding Officer, the time for such response to questions or presentations shall be limited to three minutes per speaker. The Agenda will typically be prepared in the following order:

CALL TO ORDER

ROLL CALL

AGENDA ITEMS FOR DISCUSSION: No Action/Discussion only.

ADJOURNMENT

6.5 ITEMS TO BE TAKEN IN ORDER

- A. The Presiding Officer, or the members by consensus, may consider items out of sequence from the printed Agenda for the meeting.

- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with Arizona Revised Statute § 38-431.02, as amended.

6.6 ROLL CALL ATTENDANCE

The Presiding Officer shall direct the Town Clerk to call the Roll, and the names of council members both present and absent shall be entered into the minutes. ~~The Mayor may then ask for a motion to excuse those council members absent; if any.~~

6.7 ACTION ITEMS

Scheduled Public Appearances allow citizens to speak on a specific item before the Town Council, including presentation of petitions, according to the following process:

- 1. A written request shall be submitted to the Town Clerk for review by the Town Manager not less than 7 days prior to the Town Council meeting at which the person desires the item to be heard.

2. The Town Manager or designee shall research the issue to determine if it may be handled administratively or will require Town Council discussion. If it is determined that the matter should be placed before the Town Council, the Town Manager shall ensure that documentation, if any, is compiled and the material forwarded to the Town Clerk in the same manner as other issues presented to the Town Council.
3. If the Town Manager determines that the subject should not be placed on a Council Agenda, the Town Clerk shall notify the citizen that their request for action/input will not be placed on the agenda but forwarded to the appropriate department.
4. The Mayor, three members of the Town Council or the Town Manager may request that an item be placed on the Council's Agenda, the Town Clerk shall place the item on the next Regular Meeting Agenda and advise the citizen of the meeting date and time.

6.8 CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

- A. Call to the Public/Agenda Items: Presentation of petitions, or public comments on Agenda issues are heard under the first "Call to the Public". All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council. However, the time limit may be waived by the Mayor or by consensus of the Town Council
- B. At the pleasure of the Mayor and Town Council, individuals may address the Town Council on any subject pertaining to or related to an item on the posted Agenda for that meeting.
- C. Call to the Public/Non Agenda Items: Presentation of petitions, or public comments on Non-Agenda issues are heard under "Call to the Public". All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council on a Non-Agenda item. However, the time limit may be waived by the Mayor or by consensus of the Town Council.
- D. All citizens and interested parties wishing to speak before the Town Council at "Call to the Public" shall complete a card located at the back of the Town Council chambers and submit the card to the Town Clerk, or designee.
- E. At the conclusion of all public comments, the Mayor or any council member may take any or all of the following actions:
 - 1) Respond to Criticism.
 - 2) Ask Staff to review the matter.
 - 3) Ask that the matter be put on a future Agenda.
 - 4) Thank the citizens for their comments.

6.9 CONSENT AGENDA

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be required or (ii) are included in the annual budget (iii) have been previously studied by the Town Council. These items may be adopted by a single motion, second and affirmative vote of a majority of the Town Council.
- B. There is no discussion on items listed under the Consent Agenda; however, a member of the Town Council may request that an item or items be removed for discussion.
- C. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided in Section 6.5 above.

6.10 BUSINESS ITEMS

- A. At the time each Business Item is presented to Town Council, the staff will give a brief summary of the item, and the applicant, if applicable, may speak. The Mayor will then provide for citizen input and comments as requested prior to the meeting.
- B. Those speaking before the Town Council will be allowed three minutes to address the Council, time limits may be waived upon consensus of the Town Council. Such three-minute limit shall not apply to the applicant's presentation.
- C. The purpose of all public comments is to provide information and the speaker's views for Town Council consideration. It is not appropriate for the speakers to question directly or debate the matter under consideration with staff, other speakers, the audience or members of the Town Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, council members may question the speakers, any applicant's representatives or Town staff. Except when answering a direct question from a council member, all remarks shall be addressed to the Town Council as a whole, and not to individual members; provided, however, that all responses shall be directed through the Presiding Officer.
- D. Proper decorum must be observed by council members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on council members, Town Staff or members of the public are not allowed. It is inappropriate to utilize the Public Hearing or other Agenda item for the purpose of making political speeches, including threats of political action. Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer will be grounds for ending a speaker's time at the podium or, at

the direction of the Presiding Officer, for removal of any disruptive person from the Council Chambers.

- E. Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:
1. The Presiding Officer will announce the matter that is set forth for a Public Hearing and, if appropriate, ask the staff to provide a short summary of the matter.
 2. The Presiding Officer will then ask the applicant, if appropriate, to speak.
 3. At the conclusion of the Staff Report and/or presentation by the applicant, the Presiding Officer will open the Public Hearing for comments from the public.
 4. After all public comments are heard, the Presiding Officer will close the Public Hearing and may ask staff or the applicant to respond to the comments.
 5. The Presiding Officer may then call for a motion and second, if applicable, and/or ask if Town Council wishes to discuss the motion/item. Town Council may then proceed to discuss the matter.
 6. Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
 7. Exhibits, letters, petitions and other documentary items presented or shown to the Town Council during a Public Hearing shall become part of the record of the Public Hearing and a copy thereof shall be submitted to the Town Clerk.
- F. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an Issue, the Presiding Officer may, upon consensus of the Town Council at the beginning of the hearing, limit testimony. Upon approval of the Town Council, persons may be allowed to speak longer than three minutes. Council members may ask the individual speaker questions, and the speaker may respond.
- G. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Town Council in this regard.

6.11 INFORMATION ITEMS

Mayor and council members may present or discuss information items only if the specific matter is listed on the posted Agenda under "Discussion Items".

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6.12 ADJOURNMENT

The meeting is adjourned by a motion to adjourn, a second and an affirmative vote of the majority.

6.13 RECESS/BREAK

The Presiding Officer may, or a member of council may call a recess/break if necessary during the course of a Public Meeting.

SECTION 7. AGENDA PREPARATION

7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION

Items may be placed on the Agenda for Town Council discussion and possible action by (i) the Mayor acting through the Town Manager, Members of Council acting through the Town Manager or (iii) the Town Manager.

7.2 AGENDA ITEM SUBMITTALS FOR TOWN COUNCIL EXECUTIVE SESSIONS

Items may be placed on the Agenda for Council Executive Session discussion if in compliance with the Town Code and applicable State Statutes by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by (i) the Mayor acting through the Town Manager, (ii) three council members acting through the Town Manager or (iii) the Town Manager.
- B. The Town Attorney shall review all items submitted for Executive Session discussion, prior to placement on the Agenda, to ensure that the item is legally permissible to be discussed in Executive Session, pursuant to Arizona Revised Statute. § 38-431.03. If permissible, the Town Clerk shall place notice of such Executive Session discussion on the Agenda.

7.3 COUNCIL PACKETS

Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications and any ordinances, agreements or resolutions to be acted upon including documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.

Full Packets for ALL noticed Town Council Meetings (except Executive Session documentation) are delivered to council members by the Town Clerk's Office. Every effort will be made to distribute full packets by **the Thursday** prior to each regular Town Council Meeting and not less **than 72 hours prior to any** Special Town Council Meeting.

SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING

8.1 CALL TO ORDER

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All meetings of the Town Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, the Vice-Mayor).

8.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, debate and vote from the Chair, subject only to such limitations of debate as are imposed on all council members, and he/she shall not be deprived of any of the rights and privileges of a council member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

8.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question was carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

8.4 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

SECTION 9. RULES/DECORUM/ORDER

9.1 POINTS OF ORDER

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any council member to appeal to the entire Town Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

9.2 ORDER AND DECORUM

A. Council Members:

1. Any council member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition; however, the Presiding Officer may choose to not recognize similar or repetitive discussions or motions which would delay the meeting.
2. When two or more council members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
3. While a council member is speaking, no other council member shall interrupt except to make a point of order or point of personal privilege.

4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
 5. The Town Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the Town Council, or the Presiding Officer, with the consensus of a majority of the Town Council, may announce time limits on any Agenda item.
 6. Any council member may call for a previous question on any issues under debate. The call for previous question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the previous question terminates all debate on the original motion. The Town Council shall immediately vote on such motion.
 7. The Town Council will not tolerate harassment, personal attacks or discrimination against each other or by members of appointed Boards, Commissions or Committees. No one should be subject to un-welcomed verbal or physical conduct that shows hostility based upon gender, race, ethnicity, sexual orientation, religion, age, disability or national origin. Any Town Council appointee who violates this provision will be subject to removal.
 8. If a council member acts in violation of these rules, the Presiding Officer shall, or any council member may, call that council member to order. The council member so called shall immediately cease speaking, but may appeal to the Town Council. The Town Council shall decide the appeal without debate. If the appeal is granted, such council member may continue speaking on the matter. If the appeal is denied, such council member shall remain silent on the matter. Any council member acting in violation of these rules is subject to censure or other punishment as the Town Council, by a three quarters vote of the other council members present, deems just and proper under the law.
- B. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to members of the Town Council. The Town Manager shall ensure that all Town employees observe such decorum. Any staff members, including the Town Manager, desiring to address the Town Council or members of the public shall first be recognized by the Presiding Officer.
- C. Public: Members of the public attending the Town Council Meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer may, after issuing a verbal warning to persons

causing such disturbances, direct a police officer to remove such offender/s from the meeting.

9.3 ENFORCEMENT OF DECORUM

Proper decorum is to be maintained during all meetings by the Town Council, staff and guests. It is the responsibility of the Mayor or other person acting as Presiding Officer of the meeting to ensure compliance with this Policy. A police officer may be directed by the Mayor or Presiding Officer to remove from the meeting, after a verbal warning, any person whose conduct is disorderly or disruptive.

9.4 PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

9.5 RULINGS OF PRESIDING OFFICER ARE FINAL, UNLESS OVERRULED

In presiding over Town Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. In making such determinations, the Presiding Officer may solicit the opinion of the Town Attorney, or other such person serving as the Parliamentarian of the Town Council.

9.6 APPEAL THE RULING OF THE PRESIDING OFFICER

Any procedural decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, a motion and second to appeal the ruling can be made and the ruling can be overridden or suspended by a majority vote of the council members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

SECTION 10. ADDRESSING THE COUNCIL

10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA

During a Town Council Meeting, no person except Town Officials shall be permitted within the area in front of the Town Council dais without the invitation or consent of the Presiding Officer.

10.2 MANNER OF ADDRESSING THE COUNCIL

- A. Any member of the public desiring to address the Town Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his//her name for the record.

- B. Within 48-hours advance notice, special assistance can be provided for any individual with a qualified disability. Please call the ADA Coordinator to request an accommodation to participate in this Public Meeting.

10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After the motion has been made, or after a Public Hearing has been closed, public comment shall not be allowed without a request from a council member or the Presiding Officer.

10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

The making of oral communications to the Town Council by any member of the public during the "Call to the Public" or under an action item, shall be subject to the following limitations:

- A. The Presiding Officer may limit the number of speakers heard on Non-Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- B. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may limit the number of speakers.
- C. Oral communications during the Town Council Meeting may not be used to lodge charges or complaints against any employee of the Town, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints against employees shall be submitted during normal business hours to the Town Manager for appropriate action.
- D. By policy, the Town Council will refrain from commenting on the remarks given during "Public Comment" but may respond to criticism, direct staff to prepare a discussion or action agenda item at a future Town Council meeting.

SECTION 11. MOTIONS

11.1 PROCESSING OF MOTIONS

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker has the right to modify his/her motion as he/she pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw his/her second.
- C. If a modification to a motion made by another council member is accepted by the maker of the motion, then the council member who seconded the unmodified motion shall be requested to reaffirm his/her second after modification. If the council member refuses to reaffirm his/her second, the second is presumed made by the suggestor of the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered lost.

11.2 DIVISION OF QUESTION

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a council member, divide the propositions into separate question.

11.3 PRECEDENCE OF MOTIONS

When a motion is before the Town Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- A. Fix the time to adjourn
- B. Adjourn
- C. Recess
- D. Raise a question of Privilege
- E. Table (temporarily)
- F. Move the Previous Question
- G. Close, limit or extend discussion
- H. Continue to a certain time and date
- I. Commit (Refer or remand to a Committee)
- J. Amend
- K. Table/Postpone Indefinitely
- L. Main Motion

11.4 MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

11.5 MOTION TO TABLE

A motion to table enables the Town Council to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next Regular Meeting; provided, however, that such item is included on the duly posted Agenda of the Town Council.

11.6 MOTION TO CLOSE, LIMIT OR EXTEND DISCUSSION

Such a motion shall be used to limit or close debate on, or further amend, the main motion. This is referred to as "Call For The Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion. It requires a two-thirds vote. The vote on a motion to call for the question to terminate discussion shall be by roll call. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

11.7 MOTION TO AMEND

- A. A Motion to Amend shall be debatable only as to the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- C. A substitute motion on the same subject shall be acceptable and shall be voted on before a vote on the amendment.
- D. Amendments shall be voted on first, then the main motion as amended.

11.8 MOTION TO CONTINUE

Motions to Continue to a definite time shall be amendable and debatable only as to propriety of postponement and the time set.

SECTION 12. VOTING PROCEDURE

12.1 CASTING A VOTE

- A. In acting upon every motion, the vote shall be taken by casting an aye/nay vote by voice, roll call or any other method as determined by the Presiding Officer from which the vote of each council member can be clearly ascertained.
- B. If a council member has declared a Conflict of Interest he/she must abstain during the roll call vote.
- C. If the roll call method of voting is used, the Town Clerk shall call the names of all members with the Presiding Officer called last. council members shall respond "Aye" or "Nay". It shall be out of order for members to explain their vote during the roll call. Comments should be made during the discussion. There shall be no additional debate or speaking on the subject after the vote is taken.

12.2 FAILURE TO VOTE

All members of the Town Council in attendance at a duly called meeting that requires formal Town Council action are required to vote, unless the issue involves the conduct of that council member or a matter upon which that council member has declared a conflict of interest. In all other cases, a failure to vote shall be entered in the Minutes as an affirmative vote.

12.3 RECONSIDERATION

Any council member who voted with the majority may move for reconsideration of any action at the same or the next available Town Council Meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council.

12.4 TIE VOTES

On a tie vote, a motion requiring a majority vote for adoption is a lost motion. When all council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Town Council takes other action to further consider the matter.

SECTION 13. CONFLICT OF INTEREST

13.1 INTRODUCTION

Occasionally, a council member may find himself/herself in a situation which requires that council member abstain in voting on a matter before the Town Council. This situation exists when the council member has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives.

13.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

13.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by council members.

13.4 DISCLOSURE OF INTEREST

Any council member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State law. Any council member who has a Conflict of Interest in any decision must disclose that interest, and declare the existence of the conflict. Minutes containing Conflict of Interest disclosures will be on file in the Clerks Office. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a Conflict of Interest by a council member.

13.5 RULE OF IMPOSSIBILITY

In the unlikely situation the majority of council members have a conflict of interest and the Town Council is unable to act in its official capacity, members may participate in the Town Council's decision after making known their conflicts of interest in the official records.

13.6 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

13.7 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in state law.

13.8 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a council member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the Town Council to encourage council members to adhere to strongly held ethical values which are exercised in good faith. However, Council encourages participation in the decision making process unless the matter involves the council member's personal conduct or a conflict of interest set forth by Statute. Therefore, failure to vote on a matter for any reason other than a conflict of interest under state law shall be considered a vote in favor of such matter.

SECTION 14. ELECTION OF VICE MAYOR

The Town Council shall designate one of its members as Vice-Mayor who shall serve in such capacity for a four-year term at the pleasure of the Town Council. The Vice-Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor.

SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES

The Town Council may create such boards, commissions and committees as it deems necessary to assist in the conduct of the operation of Town government.

15.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES

A. All boards, commissions and committees of the Town shall be classified as a regularly scheduled or unscheduled boards, commissions and committees. Regularly scheduled boards, commissions and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions and committees meet on an as called basis.

B. Regularly scheduled boards, commissions and committees include:

1. Art and Culture Commission
2. Historic District Advisory Commission
3. Library Advisory Board
4. Parks and Recreation Advisory Board
5. Planning and Zoning Commission
6. Redevelopment Advisory Commission

C. Unscheduled boards, commissions and committees:

1. Board of Adjustment

D. Other separate legal entities that also address the needs of the Town, including:

1. Industrial Development Authority

E. Any board, commission or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created (ii) when abolished by a majority vote of the Town Council or (iii) as dictated by the Town Code.

15.2 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

A. The Mayor may appoint an appointing committee. This appointing committee shall be made up of three members (from members of the council or appropriate board/commission). The Mayor may appoint himself/herself to this committee. If no such committee is appointed, the entire Town Council shall conduct interviews and appoint citizens to the various boards, commissions and committees.

B. The purpose of this appointing committee is to interview applicants and recommend to the Town Council possible candidates as described in 15.3.

15.3 SELECTION OF BOARD, COMMISSION OR COMMITTEE MEMBERS

A. A call for applications to fill vacant seats to boards, commissions and committees shall be duly published for at least one week via newspaper advertising, website and other means as available to the Town.

B. Individuals applying for boards, commissions or committees must fill out and submit the Town application form to the Town Clerk by the published deadline. The Town Clerk will forward the applications to the appropriate staff liaison.

C. The Town Clerk will review the applications and prepare support materials for the Appointing Committee. Staff will schedule an appropriate time for an open meeting in order that the committee may interview in person, or via telephone, applicants for the open seat(s) to any Town board, commission or committee.

D. After review and consideration, the appointing committee members shall announce a recommendation and prepare a memorandum recommending candidates to fill the vacancies. This memorandum shall include copies of all the applications received.

E. The Town Clerk, shall prepare an Agenda item for the next appropriate Town Council Meeting after the appointing committee has announced its recommendation(s) to fill open board, commission or committee seat(s).

- F. The Town Clerk will notify the appointees in writing as to their appointment and the next meeting date of the new member's board, commission or committee scheduled meeting. Included in this notification is any official literature, agendas, minutes or other materials specific to the committee, board, or commission appointment.

15.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

- A. All members of boards, commissions and committees shall meet the following minimum qualifications upon their appointment to any board, commission or committee. Each member must be:
 - 1. Eighteen years of age or older, except for members appointed to any board, commission or committee seats designated by Town Council for youth representation.
 - 2. A registered voter, except those under 18 years of age.
- B. Town employees or appointed officers shall not be eligible for appointment to any boards, commissions, and committees but may be requested to provide staff support thereto.

15.5 TERMS, VACANCIES, REMOVAL

- A. All members of unscheduled boards, commissions and committees shall serve a term of up to three years, or until the board, commission or committee is dissolved, unless terms are specifically designated by Town Council action, Town Code or Arizona Revised Statutes.
- B. For boards, commissions and committees having five (5) members or less, the terms of office shall be staggered so that no more than two (2) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- C. For those boards, commissions and committees having more than five (5) members but less than eight (8) members, the terms of office shall be staggered so that no more than three (3) terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- D. Individuals may serve as a voting member on more than one regularly scheduled or unscheduled boards, commissions and committees at one time.
- E. A vacancy on a board, commission or committee shall be deemed to have occurred upon the following:

1. Death or resignation of a member of a board, commission or committee.
2. A member ceasing to be a Florence resident unless the Town Council has provided that such member may be a non-resident.
3. Three consecutive unexcused absences by a member from board, commission or committee meetings.
4. Convictions of a felony or an offense involving a violation of his official duties.

F. Whenever a vacancy has occurred on one board, commission or committee, the Subcommittee for Board, Commission and Committee Appointments shall meet to recommend a candidate to complete the remainder of the term. Procedures described in 15.3 above will be used to generate applicants interview applicants, and make a recommendation.

G. An incumbent member of a board, commission or committee seeking reappointment shall submit a new application under the provisions set forth in Section 15.3 above and shall be considered for appointment by the Town Council in the same manner as all other applicants for such position.

15.6 ALTERNATES

The Town Council may appoint alternates to serve on boards, commissions and committees in the event of vacancy. Such alternates may attend meetings of the board, commission or committee but shall not participate until such time as a vacancy has occurred and the alternate has filled such vacancy. If the Town Council appoints more than one alternate for a particular board, commission or committee, the Town Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission or committee, the first alternate shall fill such vacancy without the need for further Town Council action.

15.7 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All boards, commissions and committees are subject to the Arizona Open Meeting Law.

15.8 RESIDENCY REQUIREMENTS

Members shall be residents of the Town of Florence. All members shall be bona fide residents of the municipality, unless a motion, resolution or ordinance creating a board, commission or committee specifies otherwise, and shall serve without pay or compensation, except that a member shall be reimbursed for his actual and necessary expenses incurred in the performance of this official duties, provided that such expense are approved by the Council prior to being incurred.

SECTION 16. COUNCIL BUDGET, EXPENSES AND TRAVEL

A. Council members shall adhere to the adopted Town of Florence travel policy except as otherwise set forth herein.

B. The Town Council shall adopt, as part of the annual budget, specific travel budget amounts for each council member. The Town Council may also establish

a fund from which an individual member may draw additional travel funds upon approval of the Town Council acting upon an item listed upon a duly published agenda and taking place an Open Public Meeting

SECTION 17. CODE OF ETHICS

Council/Board/Commission members shall conduct themselves so as to bring credit upon the Town as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the Town as a whole.

Council members should likewise do everything in their power to ensure impartial application to the law to all citizens, and equal treatment of each citizen before the law, without regard to race, religion, national origin, sex, social standing or economic position. This Code assures public confidence in the integrity of local government and its effective and fair operations, and therefore the members will:

- A. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern. Members will work for the common good of the people of the Town of Florence and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Town Council, commissions, boards and committees.
- B. Comply with the Law. Members will comply with the laws of the nation, the State of Arizona and the Town of Florence in the performance of their public duties. These laws include, but are not limited to, the United States and Arizona Constitutions, the Florence Town Code and Policies, laws pertaining to conflicts of interest, election campaigns, financial disclosure and the Public Open Meeting Law.
- C. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, commissions, boards, committees, staff and the public.
- D. Respect for Process. Members will perform their duties in accordance with the processes and rules of order established by the Town Council and commissions, boards and committees governing the deliberation of public policy issues, meaningful involvement of the public in public hearings, and implementation of policy decisions of the Town Council by Town staff.
- E. Conduct of Public Meetings. Members will prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will refrain from interrupting other speakers,

making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of business.

- F. Decisions Based on Merit. Members will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- G. Communication. Members will publicly share substantive information that is relevant to a matter under consideration by the council, commissions, boards or committees, which they may have received from sources outside of the public decision-making body.
- H. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members will not use their official positions to influence government decisions in which they have a material financial interest or a relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision making when conflicts may exist.

Members will abstain from participating in deliberations and decision-making where conflicts may exist as defined under Arizona Statutes. Members should discuss any issues of conflict of interest with the Town Attorney.

- I. Gifts and Favors. Members will not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which is not available to the public in general. They will refrain from accepting any gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.
- J. Confidential Information. Members will respect the confidentiality of information concerning the property, personnel or affairs of the Town. They will not disclose confidential information without proper legal authorization or Council majority approval. They will not use such information to advance their personal, financial or other private interests.
- K. Use of Public Resources. Members will not use public resources unavailable to the public in general, such as Town staff time, equipment, supplies or facilities for private gain or personal purposes.
- L. Representation of Private Interests. In keeping with their role as stewards of the public interest, council members will not appear on behalf of private interests of third parties before the Council or any commission, board or committee or proceeding of the Town, nor will members of commissions, boards and committees appear before their own bodies or before the Council on behalf of the

private interests of third parties on matters related to the areas of service of their bodies.

- M. Advocacy. Members will represent the official policies or positions of the Town Council, commissions, boards or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members will explicitly state they do not represent the Town of FLORENCE, nor will they infer that they do.
- N. Policy Role of Members. Members will respect and adhere to the Council-Manager structure of government as outlined in the FLORENCE Town Code. In this structure, the Town Council determines the policies of the Town with the advice, information and analysis provided by the public, commissions, boards, committees and staff. Except as provided by the FLORENCE Town Code, members therefore will not interfere with the administrative functions of the Town or the professional duties of Town staff, nor will they impair the ability of staff to implement Council policy decisions.
- O. Independence of Commission, Boards and Committees. Because of the value of the independent advice of commissions, boards, and committees to the public decision-making process, council members will refrain from using their position to unduly influence the deliberations or outcomes of commission, board and committee proceedings.
- P. Positive Work Place Environment. Members will support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members will recognize that their special role dealing with Town employees is not to create the perception of inappropriate direction to staff.
- Q. Public Speaking. The Members of Council shall declare they are speaking as a council member, but it is their individual opinion, and may or may not be the opinion of the majority Council.
- R. Implementation. As an expression of the standards of conduct for members expected by the Town, the FLORENCE Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

Members entering office shall sign a statement affirming they read and understood the Town of Florence Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the Town Council, boards and commissions, and the Town Council shall consider recommendations from boards and commissions and update as necessary.

- S. For this reason, ethical standards will be included in the regular orientations for candidates for Town Council, applicants to boards, commissions and committees, and newly elected and appointed officials.

17.1 COMPLIANCE AND ENFORCEMENT

This standard of conduct is expected for members of the FLORENCE Town Council, commissions, boards, and committees. Members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of this resolution are brought to their attention. They will find out more details about the alleged conduct and present the Town Council with a memo detailing the findings. Any Town council member may then ask that the item be placed on the Council agenda.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restrictions.

A violation of this resolution will not be considered a basis for challenging the validity of Council, commission, board, committee decisions, or removal.



Model of Excellence Member Statement

As a member of the Florence Town Council or of a Florence board or commission, I agree to uphold the Code of Ethics for elected and appointed officials adopted by the Town and conduct myself by the following model of excellence. I will:

Recognize the worth of individual member and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, Town staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interest of Florence;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the Town of Florence Code of Ethics.

Signature

Date



**Speakers Request Form
For
Public Comment
Call to the Public**

Meeting Date: _____ Topic: _____

Full Name: _____ Phone Number: _____
(Please Print)

Physical Address: _____

Mailing Address: _____

I am a spokesperson for: _____
(self, business, religious group, non-profit, govt. agency)

TITLE: _____

I am representing (Number of people) _____

- I wish to address the Council:
- Elected Official
 - In Favor of the Topic
 - Opposed to the Topic


(Tear here: keep information below for reference)

Please give this form to the Town Clerk. Forms may be submitted at any time before or during the meeting.

How to address the Council:

- Must speak directly about an item on the agenda.
- The Mayor or Presiding Officer will call your name when it is your turn to speak.
- Citizens must limit comments to 3 minutes*.
- Groups wishing to speak should elect a spokesperson to represent the views of the group.
- The Mayor may limit the number of speakers heard on non-agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.

*** Prior approval is required for presentations longer than Three minutes.**

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 3c.
MEETING DATE: January 26, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia Deputy Town Manager/Town Clerk SUBJECT: Administration Section of Town Code		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Information only, after Council discussion, the requested changes will be brought for action at a future meeting.

BACKGROUND/DISCUSSION:

The administrative section of the Town Code is reviewed and modified each time a new Council is elected. The administrative section of the Town Code may be modified based upon policy decision discussed at the January 26, 2015 meeting. Code changes require two readings and will be brought back to the Town Council at a later date.

FINANCIAL IMPACT:

No recommendation at this time.

STAFF RECOMMENDATION:

No recommendation at this time.

ATTACHMENTS:

Administration Section of the Town Code

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN COUNCIL**
- 31. TOWN OFFICIALS**
- 32. TOWN ORGANIZATIONS**
- 33. DISASTER PREPAREDNESS, EMERGENCY SERVICES AND THE LIKE**
- 34. PERSONNEL**
- 35. TAXATION**

CHAPTER 30: TOWN COUNCIL

Section

General Provisions

- 30.01 Composition
- 30.02 Terms
- 30.03 Powers, duties of Mayor
- 30.04 Compensation of Mayor and Council
- 30.05 Election of Mayor
- 30.06 Vice Mayor
- 30.07 Temporary presiding officer

Rules of Order and Procedure

- 30.20 Suspension of rules
- 30.21 Regular meetings
- 30.22 Location of meetings
- 30.23 Special meetings
- 30.24 Agenda
- 30.25 Order of business
- 30.26 Adjournment
- 30.27 Voting

Ordinances and Contracts

- 30.45 Prior approval by staff
- 30.46 Reading of proposed ordinance
- 30.47 Requirements for ordinances
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Elections

- 30.70 Primary election
- 30.71 General election nomination
- 30.72 Election to office

- 30.73 Date of general election
- 30.74 Initiative and referendum
- 30.75 Circulation of initiative and referendum petitions

GENERAL PROVISIONS

§ 30.01 COMPOSITION.

The Town Council consists of a Mayor and six Council members.
(Prior Code, Ch. 2, Art. II, § 2-26) (Ord. 16, passed 11-15-1979)

Statutory reference:

Size of Town Council, see A.R.S. § 9-231

§ 30.02 TERMS.

Council members hold office for staggered terms of four years each and until their successors are elected and qualified.

(Prior Code, Ch. 2, Art. II, § 2-27) (Res. 78, passed 11-15-1979)

Statutory reference:

Authority to so provide, see A.R.S. § 9-232.02

§ 30.03 POWERS, DUTIES OF MAYOR.

The powers and duties of the Mayor shall include the following:

(A) He or she shall be the Chairperson of the Council and preside over its meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings.

(B) He or she shall execute and authenticate, by his or her signature, the instruments as the Council, or any statutes, ordinances or this code shall require.

(C) He or she shall make the recommendations and suggestions to the Council as he or she may consider proper.

(D) He or she shall perform the other duties required by state statute and this code as well as those duties required as chief executive officer of the municipality.

(Prior Code, Ch. 2, Art. II, § 2-30)

Statutory reference:

Duties of Mayor, see A.R.S. § 9-236

§ 30.04 COMPENSATION OF MAYOR AND COUNCIL.

(A) The Mayor and each Council member shall receive the following compensation on a monthly basis:

- (1) The Mayor shall receive \$650 for each month of service.
- (2) Each Council member shall receive \$450 for each month of service.

(B) In addition to monthly compensation, each Council member shall, without prior approval of the Council, be reimbursed on the same basis as town employees for necessary expenses incurred in the attendance of up to three, in-state but out-of-county meetings each fiscal year. Each Council member may also, by prior Council approval, attend and be reimbursed for such out-of-state or excess in-state meetings and/or out-of-pocket expenses as are deemed beneficial to the town and as allowed by the annual budget.

(Prior Code, Ch. 2, Art. II, § 2-31) (Res. 181, passed 7-2-1984; Ord. 178-94, passed 4-4-1994; Ord. 395-05, passed 7-19-2005; Ord. 560-11, passed 6-6-2011; Ord. passed 3-5-2012)

§ 30.05 ELECTION OF MAYOR.

(A) *Direct election of the Mayor.* Beginning with the election to be held on March 26, 1996, the Mayor of the Town of Florence shall be directly elected by the qualified electors of the town.

(B) *Term of office.* The term of office of the Mayor shall be four years.
(Prior Code, Ch. 2, Art. II, § 2-32) (Ord. 175-94, passed 2-7-1994)

Statutory reference:

Similar provisions, see A.R.S. § 9-232.03

§ 30.06 VICE MAYOR.

At the same meeting at which the Mayor is seated, the Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

(Prior Code, Ch. 2, Art. II, § 2-28)

§ 30.07 TEMPORARY PRESIDING OFFICER.

(A) In the absence or disability of both the Mayor and Vice Mayor, the Council meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary presiding officer. The Council members present shall, by majority vote, select a

temporary presiding officer for that meeting, who shall have all the powers, duties and responsibilities of the Mayor during his or her the absence or disability.

(B) Upon arrival of the Mayor or Vice Mayor, the Vice Mayor or temporary presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the Town Council.

(Prior Code, Ch. 2, Art. II, § 2-29) (Ord. 381-05, passed 5-16-2005)

Statutory reference:

Town Council generally see A.R.S. §§ 9-232.039-231 et seq.

RULES OF ORDER AND PROCEDURE

§ 30.20 SUSPENSION OF RULES.

Any of the provisions of this subchapter may be temporarily suspended in connection with any matter under consideration by a roll-call vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

(Prior Code, Ch. 2, Art. II, § 2-41)

§ 30.21 REGULAR MEETINGS.

The Council shall hold regular meetings on the first and third Monday of each month at 6:00 p.m., provided that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, the meeting shall be held at the same hour on the next succeeding day not a holiday.

(Prior Code, Ch. 2, Art. II, § 2-42) (Ord. 44, passed 5-5-1983; Ord. 66, passed 2-13-1985; Ord. 201-95, passed 8-21-1995; Ord. 305-01, passed 4-16-2001; Ord. 496-08, passed 12-1-2008)

Statutory reference:

Authority to prescribe rules of order, see A.R.S. § 9-234

Regular meeting time to be established by ordinance, see A.R.S. § 9-233

§ 30.22 LOCATION OF MEETINGS.

All Council meetings, whether regular or special, shall be held in the Town Hall unless the Council shall determine that it is necessary or expeditious to hold a meeting in another location, in which case the date, hour, agenda and location of the meeting shall be posted in accordance with A.R.S. Title 38, Chapter 3, Art. 3.1, §§ 38-431 *et seq.*

(Prior Code, Ch. 2, Art. II, § 2-43) (Ord. 66, passed 2-13-1985)

Statutory reference:

Place of meetings to be determined by ordinance, see A.R.S. § 9-233

§ 30.23 SPECIAL MEETINGS.

(A) The Mayor or the Town Manager, or at the request of three Council members, may call a special meeting of the Town Council for a time not earlier than 24 hours after the later of:

(1) The notice being given to all Council members; or

(2) The agenda is posted, except in the case of an actual emergency. In the event of an actual emergency, such notice as is practicable under the circumstances shall be given. Notice of all the Town Council meetings must be made pursuant to state law.

(B) Special meetings are held for the purpose of presentations, discussion, citizen comment or action of the Town Council on issues deemed necessary to further the business of the town.

(Prior Code, Ch. 2, Art. II, § 2-44) (Ord. 15, passed 10-12-1979; Ord. 381-05, passed 5-16-2005)

Statutory references:

Authority of Mayor to call meeting, see A.R.S. § 9-233

Notice of meetings, see A.R.S. § 38-431.02

§ 30.24 AGENDA.

Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Town Clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Council member, the Mayor and the Town Attorney with a copy.

(Prior Code, Ch. 2, Art. II, § 2-45)

§ 30.25 ORDER OF BUSINESS.

The business of the Council shall be taken for consideration and disposition in the following order.

(A) *Call to order.* The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Town Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, The Vice Mayor or acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and conduct of the meeting, using as a guideline only the parliamentary rules contained in town's adopted rules of order, or *Robert's Rules of Order*, or the *Town of Florence Council Rules of Procedure*. Strict adherence to *Robert's Rules of Order* is not necessary.

(B) *Roll call.* Before proceeding with the business of the Council, the Town Clerk, or his or her deputy, shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members present must adjourn.

(C) *Invocation.* An invocation may include a reflective moment of silence, prayer, or a short solemnizing message.

(D) *Call to the public.* Oral comments or suggestions from the citizens of the town who are present at Council meetings and wish to comment on issues before the Council involving the establishment of policies, procedures, programs, the expenditure of public funds and acquisition, use and maintenance of public facilities and improvements, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and shall be limited to three minutes per person, unless additional time is granted by the Mayor or by consensus of the Council. No person other than the individual recognized by the Council shall be allowed to speak either in person or by proxy through the reading of written documents. However, the Council shall receive and later consider, at its discretion, any and all written petitions or communications which any member of the public wishes to present to it. At the conclusion of all public comments, the Mayor or any Council member may:

- (1) Respond to citizen criticism;
- (2) Ask staff to review the matter;
- (3) Ask the matter be placed on a future Council agenda; and
- (4) Thank the individual for his or her comments.

(E) *Consent agenda.* Routine matters requiring Council, approval, but which do not require discussion, may be approved during the portion of the meeting by one all encompassing motion; provided, however, that any item may be removed from the consent agenda and shall be separately heard at the start of the old or new business agenda. If any member of the Council or public requests.

(F) *Unfinished business.* The Council shall consider any business that has been previously considered and which is still unfinished.

(G) *New business.* The Council shall consider any business not heretofore considered, including introduction of ordinances.

(H) *Reports by officers.* Municipal officials and committees shall present any report required by the Council.

(I) *Call to the public.* Oral comments or suggestions from the citizens of the town who are present at Council meetings and wish to comment on issues within the jurisdiction of the Town Council, shall

be heard by the Council. All remarks shall be addressed to the Council as a whole and shall be limited to three minutes per person, unless additional time is granted by the Mayor or by consensus of the Council. No person other than the individual recognized by the Council shall be allowed to speak either in person or by proxy through the reading of written documents. However, the Council shall receive and later consider, at its discretion, any and all written petitions or communications which any member of the public wishes to present to it. At the conclusion of all public comments, the Mayor or any Council member may:

- (1) Respond to citizen criticism;
- (2) Ask staff to review the matter;
- (3) Ask the matter be placed on a future Council agenda; and
- (4) Thank the individual for his or her comments.

(J) *Call to the Council.* Oral comments or suggestions from individual Council members reading items or staff action will be allowed at this time. This is not intended to allow discussion or action on any item, but merely to provide the Council a chance to express its opinions regarding the need for future action by Council or staff.

(Ord. 585-12, passed 9-17-2012)

§ 30.26 ADJOURNMENT.

The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.
(Prior Code, Ch. 2, Art. II, § 2-47)

§ 30.27 VOTING.

(A) The Mayor shall vote as a member of the Council.

(B) Upon the request of any member of the Council, the ayes and nays upon any question shall be taken and entered in the minutes.

(C) All members of the Council in attendance at a duly called meeting that requires formal Council action must vote, unless the issue involves the conduct of that Council member or a matter in which that Council member has declared a conflict of interest. In all other cases, a failure to vote shall be recorded as an affirmative vote.

(D) Any member of the Council who voted with the majority may move for reconsideration of any action at the same or next available Council meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.

(E) On a tie vote, a motion requiring a majority vote for adoption is a lost motion. When all members of Council are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of the appeal, unless the Council takes other action to further consider the matter. (Prior Code, Ch. 2, Art. II, § 2-48) (Ord. 381-05, passed 5-16-2005)

Statutory reference:

Similar provisions, see A.R.S. § 9-234

ORDINANCES AND CONTRACTS

§ 30.45 PRIOR APPROVAL BY STAFF.

All ordinances, resolutions and contract documents shall, before presentation to the Council, be reviewed by the Town Manager and, as to form by the Town Attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. The person shall have an opportunity to present his or her comments, suggestions and objections, if any, to the passage of the ordinance, resolution or acceptance of the contract.

(Prior Code, Ch. 2, Art. II, § 2-61) (Ord. 161, passed 7-15-1991)

§ 30.46 READING OF PROPOSED ORDINANCE.

No ordinance, except those that are budgetary, statutorily required, or those declared to be an emergency, shall be put on its final passage on the same day on which it was introduced. All ordinances, except those that are budgetary, statutorily required, or those declared to be an emergency, shall have two separate readings. The first and second reading shall never be made on the same day. Each ordinance shall be read by title only, unless a majority of the Council votes to read an ordinance in full. (Prior Code, Ch. 2, Art. II, § 2-63) (Ord. 161, passed 7-15-1991; Ord. 381-05, passed 5-16-2005; Ord. 548-10, passed 11-1-2010)

§ 30.47 REQUIREMENTS FOR ORDINANCES.

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance. (Prior Code, Ch. 2, Art. II, § 2-64) (Ord. 161, passed 7-15-1991)

§ 30.48 EFFECTIVE DATE OF ORDINANCES.

(A) No ordinance, resolution or franchise shall become operative until 30 days after its passage by the Council, except measures necessary for the immediate preservation of the peace, health or safety of the municipality, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays.

(B) In addition to the provisions of division (A) above, the Town Clerk shall certify the minutes of any Council meeting at which an ordinance, resolution or franchise, except an emergency measure, is passed. The 30-day period specified in division (A) above shall be calculated from the date of passage by the Council and approved by the Mayor.

(Prior Code, Ch. 2, Art. II, § 2-65) (Ord. 161, passed 7-15-1991; Ord. 381-05, passed 5-16-2005)

§ 30.49 SIGNATURES REQUIRED ON ORDINANCE.

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor, approved as to form by the Town Attorney, and attested by the Town Clerk.
(Prior Code, Ch. 2, Art. II, § 2-66) (Ord. 161, passed 7-15-1991; Ord. 381-05, passed 5-16-2005)

§ 30.50 PUBLISHING.

Only the orders, ordinances, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by state statutes or expressly ordered by the Council.
(Prior Code, Ch. 2, Art. II, § 2-67) (Ord. 161, passed 7-15-1991)

§ 30.51 POSTING OF ORDINANCE.

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Town Clerk in three or more public places within the municipality and an affidavit of the person who posted the ordinance shall be filed in the office of the Town Clerk as proof of posting.
(Prior Code, Ch. 2, Art. II, § 2-68) (Ord. 161, passed 7-15-1991)

ELECTIONS

§ 30.70 PRIMARY ELECTION.

Any candidate for a municipal office who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he or she is a candidate, effective as of the date of the general election, and no further election shall be held as to the candidate. Nothing on the ballot in any election shall be indicative of the support of the candidate.
(Prior Code, Ch. 6, § 6-1)

Statutory reference:

Authority to so provide, see A.R.S. § 9-821.01

§ 30.71 GENERAL ELECTION NOMINATION.

If at any primary election held as provided in § 30.70, there be any office or offices for which no candidate is elected, then as to the office or offices, the election shall be considered to be a primary election for nomination of candidates for the office or offices, and the second or general municipal election shall be held to vote for candidates to fill the office or offices. Candidates to be placed on the ballot at the second or general municipal election shall be those not elected at the first election, shall be

equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at the first election shall be the only candidates at the second election, provided that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, all the persons receiving an equal number of votes shall likewise become candidates for the office.

(Prior Code, Ch. 6, § 6-2)

§ 30.72 ELECTION TO OFFICE.

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

(Prior Code, Ch. 6, § 6-3)

§ 30.73 DATE OF GENERAL ELECTION.

Commencing with the year 1998, the primary election of the municipality shall be held on the second Tuesday in March; the general election of the municipality shall be held on the third Tuesday in May and every second year thereafter; provided, however, that whenever the election date falls upon a legal holiday, the election shall be held on the next succeeding business day.

(Prior Code, Ch. 6, § 6-4) (Ord. 242-97, passed 7-21-1997)

Statutory reference:

Authority to establish election date, see A.R.S. § 9-231

§ 30.74 INITIATIVE AND REFERENDUM.

This section shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include A.R.S. §§ 19-124 and 19-141 and other relevant sections as they may apply.

(A) *Power reserved; time of election.* There is reserved to the qualified electors of the town, the power of the initiative and the referendum as prescribed by the state Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council.

(B) *Time of filing.*

(1) Initiative petitions shall be filed at least 120 days prior to the election at which they are to be voted upon.

(2) Referendum petitions shall be filed within 30 days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance

or resolution at the time of the application for an official number or on the same business day of the application, the 30 day period shall be calculated from the date the ordinance or resolution is available.

(C) *Sample ballots and publicity pamphlets.* The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

(1) A publicity pamphlet, containing the entire text of the official ballot, shall be mailed by the Town Clerk to each household within the town in which a registered voter resides, not less than ten days prior to the election to which the sample ballot pertains.

(2) The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.

(3) Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the office of the Town Clerk not less than 90 days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

(a) Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.

(b) Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or opposition to the proposition.

(c) Arguments may not exceed 300 words in length.

(d) Arguments must be signed by the person submitting them. Arguments submitted by organizations shall be signed on behalf of the organization by one executive officer of the organization authorized to take the action, or if a political committee, by the Chairperson or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.

(e) No person or organization shall submit more than one argument for each proposition to be voted upon.

(f) Each argument shall be accompanied by a deposit to offset proportional costs of printing. This requirement shall not be waived on any account. For deposit amount, see Town of Florence Schedule of Fees.

(Prior Code, Ch. 6, § 6-5) (Ord. 334-03, passed 3-3-2003)

§ 30.75 CIRCULATION OF INITIATIVE AND REFERENDUM PETITIONS.

(A) No person shall circulate an initiative or referendum petition relating to a municipality issue unless that person is a qualified elector within the municipality.

(B) In determining the number of signatures required to file an initiative petition, the computation shall be based upon the total number of electors of the municipality registered to vote on the date that the initiative petition is filed with the municipality Town Clerk.

(Prior Code, Ch. 11, Art. I, § 11-3) (Ord. 263-98, passed 9-21-1998) Penalty, see § 10.99

CHAPTER 31: TOWN OFFICIALS

Section

General Provisions

- 31.001 Offices created
- 31.002 Vacancies; holding more than one office
- 31.003 Additional powers and duties

Town Clerk

- 31.020 Records generally
- 31.021 Public inspection of records
- 31.022 Monthly reports
- 31.023 Minutes
- 31.024 Ordinances, resolutions, budgets and notices
- 31.025 Election official
- 31.026 Administrative duties

Town Attorney

- 31.045 Duties generally
- 31.046 Drafting, approval of documents
- 31.047 Recommendations on legislation
- 31.048 Litigation

Town Manager

- 31.065 Office created
- 31.066 Appointment and qualifications
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GENERAL PROVISIONS**§ 31.001 OFFICES CREATED.**

There are hereby created the Offices of Town Clerk, Town Attorney, Magistrate, Associate Magistrate and Town Manager.

(A) The following position(s) shall be appointed by the Council and shall serve "at will" at the pleasure of the Council and shall have only the rights and benefits as established in their individual employment contracts and as otherwise established under state and federal law and town ordinance.

- (1) Town Manager;
- (2) Town Magistrate;
- (3) Town Attorney; and
- (4) Town Clerk.

(B) The following position(s) shall be appointed and removed by the Town Manager and shall perform the duties of the office under the direction and supervision of the Magistrate. These positions shall have no term of office, shall be "at will", and shall report directly to the Magistrate: Associate Magistrate.

(C) The Council may create other offices as it may deem necessary and that are not provided for in this code or state statutes.

(Prior Code, Ch. 2, Art. III, § 2-86) (Ord. 29, passed 5-21-1981; Ord. 192-95, passed 4-17-1995; Ord. 340-03, passed 6-2-2003; Ord. 381-05, passed 5-16-2005; Ord. 439-06, passed 8-21-2006; Ord. 452-06, passed 1-2-2007; Ord. 506-09, passed 5-18-2009)

§ 31.002 VACANCIES; HOLDING MORE THAN ONE OFFICE.

Any vacancy that shall occur in any municipal office shall be filled by appointment by the Council, provided that one person may hold more than one office and that at the discretion of the Council, the functions of a municipal official may be validly performed and discharged by a deputy or another

municipal official, or an otherwise qualified individual not holding office but employed at the pleasure of the Council.

(Prior Code, Ch. 2, Art. III, § 2-87)

§ 31.003 ADDITIONAL POWERS AND DUTIES.

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

(Prior Code, Ch. 2, Art. III, § 2-88)

TOWN CLERK

§ 31.020 RECORDS GENERALLY.

The Town Clerk shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the municipality or that the Council directs. The Town Clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.

(Prior Code, Ch. 2, Art. III, § 2-101)

§ 31.021 PUBLIC INSPECTION OF RECORDS.

The Town Clerk shall keep convenient for public inspection all public records and public documents under his or her control, as provided by state statute.

(Prior Code, Ch. 2, Art. III, § 2-102)

Statutory reference:

Inspection of public records, see A.R.S. § 39-121

§ 31.022 MONTHLY REPORTS.

The Town Clerk shall prepare and collect from municipal officers and employees, the monthly reports prepared in the manner and to include the information as may serve the Council.

(Prior Code, Ch. 2, Art. III, § 2-103) (Ord. 381-05, passed 5-16-2005)

§ 31.023 MINUTES.

The Town Clerk shall prepare, or cause to be prepared, all minutes of Council proceedings and ensure their correctness and accuracy.

(Prior Code, Ch. 2, Art. III, § 2-104)

Statutory reference:

Council journal required, see A.R.S. § 9-234

§ 31.024 ORDINANCES, RESOLUTIONS, BUDGETS AND NOTICES.

The Town Clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the Council.

(Prior Code, Ch. 2, Art. III, § 2-105)

Statutory reference:

Publication of proceedings and ordinances, see A.R.S. §§ 9-811 et seq. and 39-204

§ 31.025 ELECTION OFFICIAL.

The Town Clerk shall be the municipal election official and perform those duties required by state statute.

(Prior Code, Ch. 2, Art. III, § 2-107)

§ 31.026 ADMINISTRATIVE DUTIES.

The Town Clerk shall perform those administrative responsibilities and duties that are conferred upon him or her by the Council in addition to those specified in this code.

(Prior Code, Ch. 2, Art. III, § 2-109)

TOWN ATTORNEY**§ 31.045 DUTIES GENERALLY.**

The Town Attorney shall act as the legal counselor and advisor of the Council and other municipal officials, and shall give his or her opinion in writing when requested.

(Prior Code, Ch. 2, Art. III, § 2-131)

§ 31.046 DRAFTING, APPROVAL OF DOCUMENTS.

The Town Attorney shall draft or approve all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the Council. He or she shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council.

(Prior Code, Ch. 2, Art. III, § 2-132)

§ 31.047 RECOMMENDATIONS ON LEGISLATION.

The Town Attorney shall return, within ten days, all ordinances and resolutions submitted to him or her for consideration by the Council with his or her approval or disapproval as to form noted thereon, together with his or her reasons thereof.

(Prior Code, Ch. 2, Art. III, § 2-133) (Ord. 381-05, passed 5-16-2005)

§ 31.048 LITIGATION.

The Town Attorney shall prosecute and defend all suits, actions or causes where the municipality is a party, and shall report to the Council, when required, the condition of any suit or action to which the municipality is a party.

(Prior Code, Ch. 2, Art. III, § 2-134)

TOWN MANAGER

§ 31.065 OFFICE CREATED.

The Office of Town Manager is created.

(Prior Code, Ch. 2, Art. III, § 2-156) (Ord. 230-97, passed 2-10-1997)

§ 31.066 APPOINTMENT AND QUALIFICATIONS.

The Town Manager shall be appointed by a majority vote of the Town Council for an indefinite term. He or she shall be chosen by the Council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in or his or her knowledge of accepted practices in respect to the duties of his or her office hereinafter set forth. At the time of his or her appointment, he or she need not be a resident of the municipality or the state, but during his or her tenure of office he or she shall reside within the municipality. No Council member shall receive the appointment during the term for which he or she shall have been elected.

(Prior Code, Ch. 2, Art. III, § 2-157) (Ord. 230-97, passed 2-10-1997; Ord. 381-05, passed 5-16-2005)

§ 31.067 OFFICIAL BOND.

The Town Manager shall furnish a surety bond in the sum as fixed by the Council. To be approved by the Council, the bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the municipality.

(Prior Code, Ch. 2, Art. III, § 2-158) (Ord. 230-97, passed 2-10-1997)

Statutory reference:

Town Manager authorized, see A.R.S. § 9-303

§ 31.068 COMPENSATION.

The Town Manager shall receive the compensation as the Council shall fix from time to time. (Prior Code, Ch. 2, Art. III, § 2-159) (Ord. 230-97, passed 2-10-1997)

§ 31.069 COUNCIL INTERFERENCE WITH APPOINTMENTS OR REMOVALS.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his or her removal from, office by the Town Manager or any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the municipality under the jurisdiction of the Town Manager. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager and neither the Council nor any Member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

(Prior Code, Ch. 2, Art. III, § 2-160) (Ord. 230-97, passed 2-10-1997)

§ 31.070 REMOVAL OF TOWN MANAGER.

The Town Council may remove the Town Manager at any time by a majority vote of its members without cause. The Town Manager has the right per A.R.S. § 38-431.03(A)(1) to have the matter heard in a public meeting. The Town Council shall give the Town Manager seven days written notice of the meeting.

(Prior Code, Ch. 2, Art. III, § 2-161) (Ord. 381-05, passed 5-16-2005)

§ 31.071 POWER AND DUTIES OF TOWN MANAGER.

(A) The Town Manager shall be the chief administrative officer of the town, may head one or more departments and shall be responsible to the Town Council for the proper administration of all affairs of the town.

(B) To that end, the Town Manager shall have the power and shall be required to:

(1) Appoint and, when necessary for the good of the public, suspend or remove all officers and employees of the town pursuant to § 31.001. The Town Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in the department or office. All appointments and removals of officers and employees shall be based solely on the merit, qualifications or disqualifications of the official concerned without regard to political beliefs or affiliations;

(2) Oversee the preparation of the budget annually and submit it to the Town Council together with a message describing the important features and be responsible for its administration after adoption;

(3) Prepare and submit to the Town Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Town Council for the preceding year;

(4) Keep the Town Council advised of the financial condition and future needs of the town, and make recommendations as may be deemed desirable;

(5) Recommend to the Town Council a standard schedule of pay for each appointed office and position in the town service, including minimum, intermediate and maximum rates;

(6) Recommend to the Town Council, from time to time, adoption of the measure as may be deemed necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services;

(7) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by ordinance or law;

(8) Consolidate or combine offices, positions, departments or units under his or her jurisdiction, with the approval of the Town Council;

(9) Attend all meetings of the Town Council unless excused there from and take part in the discussion of all matters coming before the Town Council. The Town Manager shall be entitled to notice of all regular and special meetings of the Town Council;

(10) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget, let contracts necessary for operation or maintenance of the town services for amounts identified in the town's purchasing policy;

(11) See that all laws and ordinances are duly enforced;

(12) Investigate the affairs of the town or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the town, and in regard to service maintained by the public utilities in the town, and see that all franchises, permits and privileges granted by the town are faithfully observed;

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(13) Devote his or her entire time to the discharge of all official duties; and

(14) Perform other duties as may be required by the Town Council, not inconsistent with law or ordinances.

(C) Authority to receive criminal justice record information:

(1) The Town Manager or designee is authorized to request and receive criminal history information from the Arizona Department of Public Safety, as provided in A.R.S. § 41-1750, for the purpose of evaluating the fitness of any and all prospective employees, contract employees and for town volunteers.

(2) Each candidate for any paid town position, prospective town employee, contract employee and town volunteers who work at on-site town locations and have duties that include working with youths or potentially vulnerable populations, or who may have access to confidential information or town assets, shall submit a full set of fingerprints to the town for the purpose of obtaining a state and federal criminal records check, pursuant to A.R.S. § 41-1750 and Pub. Law 92-544, being 86 Stat. 1115. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. The contract employees and volunteers to which this section applies are those who will provide services at on-site town locations and/or will have duties that include working with youth or potentially vulnerable populations, or who may have access to confidential information or town assets.

(3) The Town Manager or designee shall submit the fingerprints of the individuals for whom criminal history is sought to the Arizona Department of Public Safety, along with any and all prescribed fees. The Florence Police Department shall assist, as necessary, in obtaining the fingerprints required by this section.

(4) The town will comply with any relevant state and federal laws, rules and regulations that may relate to the dissemination of the criminal history information, which is the subject of this section. (Prior Code, Ch. 2, Art. III, § 2-162) (Ord. 381-05, passed 5-16-2005; Ord. 458-07, passed 2-20-2007; Ord. 582-12, passed 8-20-2012)

§ 31.072 EMERGENCY EXPENDITURES.

In case of a circumstance creating a public emergency, the Town Manager may award contracts and make purchases for the purpose of meeting the emergency, but the Town Manager shall file promptly with the Town Council a report showing the emergency and the necessity for the action, together with an itemized account of all expenditures.

(Prior Code, Ch. 2, Art. III, § 2-163) (Ord. 381-05, passed 5-16-2005)

§ 31.073 ABSENCE OF TOWN MANAGER.

To perform his or her duties during his or her temporary absence or disability, the Town Manager may designate by letter filed with the Town Clerk, and distributed to Council, a qualified administrative officer of the town. In the event of failure of the Town Manager to make the designation, the Council may, by resolution, appoint any administrative officer of the town to perform the duties of the Town Manager until he or she shall return or his or her disability shall cease.

(Prior Code, Ch. 2, Art. III, § 2-164) (Ord. 381-05, passed 5-16-2005)

§ 31.074 VACANCY.

Any vacancy in the Office of the Town Manager shall be filled within 90 days after the effective date of the vacancy.

(Prior Code, Ch. 2, Art. III, § 2-165) (Ord. 381-05, passed 5-16-2005)

CHAPTER 32: TOWN ORGANIZATIONS

Section

General Provisions

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Florence - Administration***Parks and Recreation Advisory Board***

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- 32.120 Membership
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Cross-reference:

Board of Adjustment, see § 150.008

GENERAL PROVISIONS**§ 32.001 POWERS OF COUNCIL.**

(A) The Council may create the boards, commissions and committees, standing or special, as it deems necessary. In addition, the Council may provide aid and assistance from the administrative staff of the municipality to any board, commission or committee as may be necessary.

(B) Any board, commission and committee created by the Council shall be responsible to the Council and shall function in an advisory capacity to the Council.

(C) Any board, commission and committee created by the Council shall serve at the will of the Council and may be dissolved by the Council at any time that the Council determines that the board, commission or committee has fulfilled the function for which it was created or that its advice and service is no longer needed by the Council.

(D) There shall be the following boards, commissions and committees:

- (1) Library Advisory Board;

- (2) Redevelopment Commission;
- (3) Historic District Advisory Commission;
- (4) Parks and Recreation Advisory Board; and
- (5) Planning and Zoning Commission.

(Prior Code, Ch. 6, Art. V, § 2-211) (Ord. 99, passed 9-21-1987; Ord. 381-05, passed 5-16-2005)

§ 32.002 MEMBERSHIP.

(A) All boards, commissions and committees of the municipality shall have five members unless a motion, resolution or ordinance creating the board, commission or committee specifies a different number of members.

(B) Each board, commission or committee shall as nearly as possible have an integrated or balanced membership with representatives of each race, sex and geographical area of the municipality.

(C) The Council shall, in making the appointment, take into consideration each person's knowledge, background, interest, experience and availability to perform the work and duties of the board, commission or committee. The applicant's political affiliation shall also be considered in making the appointment.

(D) A member of any board, commission or committee may concurrently serve on any other board, commission or committee of the municipality provided that there is no conflict created by the concurrent service, or unless a motion, resolution or ordinance creating the board, commission or committee specifies otherwise.

(E) All members shall be bona fide residents of the municipality and a registered voter, if 18 years of age or older, unless a motion, resolution or ordinance creating a board, commission or committee specifies otherwise, and shall serve without pay or compensation, except that a member shall be reimbursed for his or her actual and necessary expenses incurred in the performance of his or her official duties, provided that the expenses are approved by the Council prior to being incurred. Town employees or appointed officers shall not be eligible for appointment to any board, commission and committee, but may be requested to provide staff support thereto.

(Prior Code, Ch. 6, Art. V, § 2-212) (Ord. 99, passed 9-21-1987; Ord. 266-98, passed 10-19-1998; Ord. 381-05, passed 5-16-2005)

§ 32.003 APPOINTING COMMITTEE AND APPOINTMENTS.

(A) The Mayor may create an Appointing Committee, and designate a Chairperson for board, commission and committee appointments. This subcommittee shall be made up of three members of the Council or appropriate board, commission or committee. The Mayor may appoint himself or herself to the Appointing Committee. The purpose of the Appointing Committee is to interview applicants and recommend candidates to the Council.

(B) If no subcommittee is created, the Council shall conduct interviews and appoint individuals to the appropriate board, commission or committee. All members of boards, commissions and committees created under this subchapter shall be appointed by members of the Council.

(C) Upon a vacancy occurring on any board, commission or committee for any reason, a new member shall be appointed by the Council to fill only the unexpired term.

(D) The Council may appoint alternates to serve on boards, commissions and committees when a vacancy occurs. Alternates may attend meetings but shall not participate until the times as a vacancy has occurred and the alternate has filled the vacancy. If the Council appoints more than one alternate for a particular board, commission or committee, the Council shall designate the alternates as first alternate, second alternate, and so on, such that immediately upon a vacancy, the first alternate shall fill the vacancy without the need for further Council action.

(Prior Code, Ch. 6, Art. V, § 2-213) (Ord. 99, passed 9-21-1987; Ord. 381-05, passed 5-16-2005)

§ 32.004 TERM OF OFFICE.

(A) Unless otherwise stated in the resolution, minutes or ordinance creating a board, commission or committee under this subchapter, an appointment shall be for a term of three years, and the term for appointment shall commence on January 1 of the applicable year. Any member of a board, commission or committee may be removed at any time before the expiration of his or her term upon the majority vote of the Council of the municipality at any regular or special Council meeting at which a quorum is present, and the removal was placed upon the agenda as a regular item for consideration and voted upon at the meeting.

(B) Notwithstanding the provisions of division (A) above and unless the motion, resolution or ordinance creating the board, commission or committee says otherwise, the Council shall initially appoint members to each board, commission or committee of the municipality so that members shall have overlapping terms; that is, an odd number of members, in the case of a five member board, three members, on the board, commission or committee shall be appointed so that their term will expire on January of one year and two members on January of the subsequent year.

(C) Each member shall serve until his or her successor is duly appointed and qualified.

(D) Before the Council shall appoint any new member to any board, commission or committee, the board, commission or committee shall recommend to the Appointing Committee, or if no Appointing Committee is created by the Mayor, the Council, for its consideration, at least one qualified person for each vacant position. The recommendations shall be advisory only and shall not bind the Council to make the appointment. Each board, commission or committee shall make recommendations in writing prior to 30 days before the expiration of a regular member's term or within 30 days after a vacancy otherwise occurs, and in the event that the board, commission or committee shall fail or neglect to make the recommendation within the periods, then the Council shall be free to appoint any qualified person to fill the vacancy on the board, commission or committee.

(Prior Code, Ch. 6, Art. V, § 2-214) (Ord. 99, passed 9-21-1987; Ord. 381-05, passed 5-16-2005)

§ 32.005 REMOVAL FROM OFFICE.

Any one of the following shall constitute the resignation of a member and authorize the appointment of a new member to fill the unexpired portion of the term so vacated:

- (A) Absence from three consecutive regular meetings of the board, commission or committee;
 - (B) Ceasing to be a resident of the municipality;
 - (C) Insanity when judicially determined;
 - (D) Conviction of a felony or an offense involving a violation of his or her official duties; and
 - (E) A violation of the town's Code of Ethics.
- (Prior Code, Ch. 6, Art. V, § 2-215) (Ord. 99, passed 9-21-1987; Ord. 381-05, passed 5-16-2005)

§ 32.006 DUTIES.

(A) Each board, commission or committee shall have the powers and duties as prescribed by the statutes and laws of the state pertaining to the board, commission or committee, this chapter and as prescribed by the Council.

(B) When a public hearing is conducted by a board, commission or committee, it shall make a written report and recommendation on the matters to the Council, within 15 days after completing its hearing, provided that if the Council requests an immediate report, the board, commission or committee shall make its report within seven days after the request.

(C) The Council shall not take any action on any matter within the jurisdiction of any board, commission or committee until after the receipt from the board, commission or committee of its report and recommendations; provided, however, the recommendations shall not be binding upon the Council and are advisory only.

(D) The Mayor, Council or Town Manager of the municipality shall have the right to refer matters within the jurisdiction of the board, commission or committee for consideration, report and recommendation.

(Prior Code, Ch. 6, Art. V, § 2-216) (Ord. 99, passed 9-21-1987; Ord. 381-05, passed 5-16-2005)

§ 32.007 OFFICERS.

Each board, commission or committee shall elect its own Chairperson, Vice Chairperson and officers at the first meeting following January 1 of each year, unless state law or town ordinance established an alternate procedure for a specific board, commission or committee. The Chairperson, or a designate of choice, shall report in person to the Council each March on matters of public interest and need in relation to resources, services or activities. Members shall not serve as the same officer of the board, commission or committee for more than two consecutive years.

(Prior Code, Ch. 6, Art. V, § 2-217) (Ord. 381-05, passed 5-16-2005)

§ 32.008 TEMPORARY PRESIDING OFFICER.

(A) In the absence or disability of the chairperson or vice chairperson on any board, commission or committee, the meeting shall be called to order by the staff liaison, whereupon, the staff liaison shall immediately call for the selection of a temporary presiding officer. The board, commission or committee members present shall, by majority vote, select a temporary presiding officer for that meeting, who shall have all the powers, duties and responsibilities of the chairperson during the absence or disability.

(B) Upon arrival of the chairperson or vice chairperson, the vice chairperson or presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the board, commission or committee.

(Prior Code, Ch. 6, Art. V, § 2-218) (Ord. 381-05, passed 5-16-2005)

§ 32.009 MEETINGS.

(A) All boards, commissions and committees may be called by the chairperson or in his or her absence the vice chairperson, or at the request of three board, commission or committee members shall call a special meeting for a time not earlier than 24 hours after the later of:

- (1) The notice being given to all board, commission or committee members; or
- (2) The agenda is posted.

(B) Notice of all the meetings must be made pursuant to state law.

(Prior Code, Ch. 6, Art. V, § 2-219) (Ord. 381-05, passed 5-16-2005)

§ 32.010 VOTING.

(A) A board, commission and committee member may abstain from voting only upon a declaration that he or she has a conflict of interest, in which case the member shall take no part in the deliberations on the matter in question.

(B) All members of boards, commissions and committees in attendance at a duly called meeting that requires formal action must vote, unless the issue involves the conduct of that board, commission or committee member or a matter which that member has declared a conflict of interest. In all other cases, a failure to vote shall be recorded as an affirmative vote.

(C) The Chairperson shall preside over the meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings.

(Prior Code, Ch. 6, Art. V, § 2-220) (Ord. 381-05, passed 5-16-2005)

§ 32.011 AGENDA.

At least 24 hours prior to each board, commission or committee meeting, the agenda shall be distributed to members and posted in accordance with all state and town laws.
(Prior Code, Ch. 6, Art. V, § 2-221) (Ord. 381-05, passed 5-16-2005)

§ 32.012 FEES.

Boards, commissions and committees shall be authorized to establish and recommend to the Council a uniform schedule of fees for the services within their jurisdiction with all receipts to be paid into the general fund of the municipality. The fee schedules shall become effective upon approval by the Council.
(Prior Code, Ch. 6, Art. V, § 2-222) (Ord. 381-05, passed 5-16-2005)

LIBRARY ADVISORY BOARD**§ 32.030 ESTABLISHED.**

There is established a Library Advisory Board.
(Prior Code, Ch. 6, Art. V, § 2-226) (Ord. 140, passed 3-5-1990)

§ 32.031 MEMBERSHIP.

(A) Members of the Library Advisory Board shall reside within the Florence Unified School District. Members are appointed by the Council, subsequent to review and recommendation by the Florence Unified School District, and shall serve for a period of two years with the option of a two year renewal of their term.

(B) The Florence Unified School District Superintendent, the Director of the Florence Community Library, the Florence High School principal and an elected member of the Council will serve as ex-officio members of the Library Advisory Board.
(Prior Code, Ch. 6, Art. V, § 2-227) (Ord. 140, passed 3-5-1990; Ord. 157, passed 3-4-1991; Ord. 381-05, passed 5-16-2005)

§ 32.032 POWERS AND DUTIES.

The powers and duties of the Library Advisory Board shall be:

(A) Adopt the rules and regulations necessary for the conduct of its business, provided the rules and regulations are not in conflict with the state law or municipal ordinance;

(B) Advise and consult through the Board Chairperson with the Library Director as to items to be included on the agenda of the meeting of the Board prior to preparation and distribution of the agenda by the Library Director. Any item timely requested by any Board member shall be included on the agenda.

(C) Review and approve the official minutes of all Library Advisory Board meetings;

(D) Advise the Council, through the Library Director, concerning essential library policies, including hours of operation, standards of service, book selection, charges, use of facilities and other related matters;

(E) Advise and assist the Library Director in the formulation of library system goals and objectives and to monitor and evaluate progress toward these goals and objectives;

(F) Monitor community needs, population and readership changes, and advise on policies necessary to adjust to the changes and to meet periodically with community groups and individuals to ensure that established goals meet and reflect community needs;

(G) Assist and advise the Library Director in establishing priorities in the budget for those items, other than administrative functions, relating to library policy. The recommendations of the Board shall be forwarded to the Council through the Library Director when the tentative budget is presented. The recommendation shall reflect the approval or disapproval of a majority of the members of the Board; and

(H) Establish, support and participate in a planned public relations program to better inform the general public of the services offered by the public library. This public relations program shall be a continuous and ongoing project of the Library Advisory Board.

(Prior Code, Ch. 6, Art. V, § 2-230) (Ord. 140, passed 3-5-1990; Ord. 381-05, passed 5-16-2005)

§ 32.033 MEETINGS.

(A) Except when not practical, all meetings will be conducted in the public library.

(B) Regularly scheduled meetings of the Board shall be held monthly at a time to be fixed by the Board. At the discretion of the Board, meetings may be suspended during the months of June, July and August.

(Prior Code, Ch. 6, Art. V, § 2-229) (Ord. 140, passed 3-5-1990; Ord. 176-94, passed 3-7-1994; Ord. 381-05, passed 5-16-2005)

REDEVELOPMENT COMMISSION

§ 32.050 ESTABLISHED.

The Town Council has established a Redevelopment Commission pursuant to A.R.S. §§ 36-1476 *et seq.*

(Prior Code, Ch. 6, Art. V, § 2-271) (Ord. 306-01, passed 5-7-2001; Ord. 381-05, passed 5-16-2005)

§ 32.051 MEMBERSHIP.

(A) The Mayor, by and with the advice and consent of the Town Council, shall appoint a five member Redevelopment Commission.

(B) The Mayor shall designate a Chairperson and Vice Chairperson from among the Commissioners at the first Council meeting of each year.

(C) Commissioners may or may not be residents of the municipality, and may or may not be serving concurrently on another town boards, commissions or committees.

(D) Appointees will comprise a balanced cross-section of the greater Florence community as well as possess the knowledge, skills, background, interest, experience and availability to perform the work and duties of a Redevelopment Commission as prescribed in A.R.S. §§ 36-1476 *et seq.*, the city downtown redevelopment plan and as provided in § 32.050.

(E) Commission members shall be appointed for a term of office of four years, ending on December 31 of the respective year. Any commission member whose term has expired and who is willing to hold over shall continue to serve until his or her successor is appointed.

(Prior Code, Ch. 6, Art. V, §§ 2-272 and 2-274) (Ord. 306-01, passed 5-7-2001; Ord. 381-05, passed 5-16-2005)

§ 32.052 POWERS AND DUTIES.

The Redevelopment Commission shall be an agent of the town for exercise of powers prescribed in A.R.S. § 36-1476.

(Prior Code, Ch. 6, Art. V, § 2-273) (Ord. 306-01, passed 5-7-2001; Ord. 381-05, passed 5-16-2005)

*HISTORIC DISTRICT ADVISORY COMMISSION***§ 32.070 DISTRICT ADVISORY COMMISSION.**

(A) *Composition.* Upon designation of the First Historic District, the Council shall appoint seven residents of the community to an Advisory Commission. This Commission shall contain at least four property owners from the designated district. Three or fewer places on the Commission may be filled by individuals with qualifications in one of the following areas: historic preservation, architecture, planning, history, archaeology or a related field. Three or fewer places on the Commission may also be filled by elected or appointed representatives of the municipality and its various commissions and authorities. Finally, three or fewer places on the Commission may be filled by at-large residents of the municipality.

(B) *Duties.* The Historic District Advisory Commission shall review all building and demolition permit applications for the Historic District for the modification, addition, alteration, movement, demolition or new construction of all existing or proposed structures within the district.

(1) No building or demolition permit application for the Historic District shall be granted by the municipality until the Historic District Advisory Commission has had the opportunity to review the permit application. However, this review shall occur within 30 days of the date of the building or demolition permit application, or a favorable recommendation shall be deemed to have been given to the application. In considering the application, the Advisory Commission shall consider the purpose of the proposal, the architectural features of the proposal, the architectural character of structures in the immediate vicinity, the views from the site of the proposal, the height of existing structures, the prevailing setbacks, the proportion of the structure and surrounding structures in the immediate vicinity, the rhythm of these structures, the site utilization present in the immediate vicinity and other criteria which the Commission considers relevant.

(2) After reviewing the application for a building or demolition permit, the Advisory Commission may accept, reject or accept with conditions, the proposal. If the Commission accepts the application, the building or demolition permit may be issued if all other municipal requirements have been met.

(3) If the Commission rejects the application, the building or demolition permit shall not be issued. The Commission shall forward to the applicant and to the Town Manager a letter stating that the application has been rejected.

(4) If an application for a building or demolition permit is rejected by the Commission, the applicant may appeal this decision to the Council. If the applicant appeals the Commission's rejection, the following procedure shall be utilized:

(a) The applicant for a building or demolition permit files an appeal with the Town Manager within five days of receiving notice that the Advisory Commission has rejected the application.

(b) This appeal shall be placed by the Town Manager on the agenda of the next regularly scheduled Council meeting.

(c) Prior to this Council meeting, both the applicant for a building or demolition permit and a representative of the Advisory Commission shall prepare statements outlining their positions concerning the issue. These statements shall be supplied to the Council prior to its meeting.

(d) Upon receipt of these statements, the Council shall uphold, modify or reverse the decision of the Historic District Advisory Commission. It shall also direct the Town Manager concerning the issuance of a building or demolition permit.

(5) If the Historic District Advisory Commission accepts with conditions an application for either a building or demolition permit within a historic district, the applicant may either accept these conditions or may appeal them to the Council using the procedure described above. If the applicant accepts the conditions, these conditions shall become a part of the building or demolition permit application.

(6) The duties of the Historic District Advisory Commission shall not be limited to the originally designated Historic District. Instead, if this district is ever enlarged or decreased in size or if additional districts are ever formed, only one Historic District Advisory Commission shall be appointed by the Council.

(7) The Historic District Advisory Commission may also prepare or have prepared cultural or architectural resource surveys and inventories of the community or parts of it. It may also review and comment on applications for enlarging or decreasing the size of the original historic district or on the creation of new historic districts.

(8) Finally, it may apply for, receive and expend funds for which it is eligible which will enhance the objective of preserving the unique historical character of the municipality.

(C) *Exemptions to Commission review.* The following improvements shall not require review by the Historic District Advisory Commission in order to obtain a building or demolition permit:

(1) Emergency repairs which are needed to preserve the structural integrity of the structure. This exception will, however, only be granted in the case of an actual emergency as certified by the Town Manager.

(2) Emergency demolitions which are required to preserve the health, safety and welfare of the citizens of the municipality. These emergencies shall also be certified by the Town Manager.

(D) *Additional requirements.* In addition to the requirements for plans and other details which the municipality has for issuing a building or demolition permit, the Historic District Advisory Commission may require the following:

(1) A plan, drawn to scale, which shows the location of all existing structures on the property and the location of all proposed changes, a plan showing the location of all existing and proposed parking areas, driveways, easements and/or rights-of-way and other information deemed necessary by the Commission.

(2) Drawings showing one or more elevations of the proposed changes.

(3) A cost and/or benefit analysis of a proposed project or demolition which contains:

(a) An estimate of the dollar value of the subject property, both real and personal;

(b) A review of the requirements for making any existing historic structures structurally sound;

(c) A qualified estimate of the cost of rehabilitating the structures, if any, existing on the subject property; and

(d) An analysis of the return which would be required on the subject project which would be needed to make rehabilitation of the existing structure economically attractive.

(4) The requirements for this information will be defined by the Commission, in writing, to the applicant for a building or demolition permit at least ten days prior to the meeting at which the application will be reviewed. Failure by the applicant to provide this information will be sufficient bases for denying the application. This information shall become part of the Commission's record of the meeting and may be used to establish conditions for the issuance of a building or demolition permit. (Prior Code, Ch. 6, Art. V, § 2-275) (Ord. 381-05, passed 5-16-2005)

PARKS AND RECREATION ADVISORY BOARD

§ 32.085 ESTABLISHED.

There is hereby established a Parks and Recreation Advisory Board. (Prior Code, Ch. 6, Art. V, § 2-290) (Ord. 381-05, passed 5-16-2005)

§ 32.086 MEMBERSHIP.

The Board shall elect a Chairperson and a Vice Chairperson. The Parks and Recreation Director will serve as an information resource only and not as a voting member of the Board. (Prior Code, Ch. 6, Art. V, § 2-291) (Ord. 381-05, passed 5-16-2005)

§ 32.087 POWERS AND DUTIES.

The powers and duties of the Parks and Recreation Advisory Board shall be:

(A) Advise the Council and Parks and Recreation Director on the rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the municipality for use as parks and recreational centers;

(B) Advise the Council and assist the Parks and Recreation Director in the development of a continuing plan for the municipal park system and its recreation program. The Town Manager, through the Director, shall, from time to time, send the plans and programs to the Board for its review. The results of the reviews shall be forwarded to the Council;

(C) Advise the Council and the Parks and Recreation Director in establishing general priorities at budget time for those items, other than administrative functions, relating to park development and recreation programs; and

(D) Receive, accept and acquire, subject to the final action by the Council, by gift, bequest or devise, real and personal property of every kind, nature and description in the name of the municipality, for park and recreational purposes subject to the terms of the gift.
(Prior Code, Ch. 6, Art. V, § 2-292) (Ord. 381-05, passed 5-16-2005)

§ 32.088 MEETINGS.

(A) The Parks and Recreation Advisory Board shall hold quarterly meetings.

(B) A special meeting may be called by the Director of the Parks and Recreation Department or by a majority of the Parks and Recreation Advisory Board members.
(Prior Code, Ch. 6, Art. V, § 2-293) (Ord. 381-05, passed 5-16-2005)

PLANNING AND ZONING COMMISSION

§ 32.105 ESTABLISHED.

The Planning and Zoning Commission of the municipality is hereby established.
(Prior Code, Ch. 6, Art. V, § 2-301) (Ord. 381-05, passed 5-16-2005)

Statutory reference:

Planning Agency authorized, see A.R.S., §§ 9-461.01

§ 32.106 POWERS AND DUTIES.

It shall be the duty of the Planning and Zoning Commission to:

(A) Formulate, create and administer any lawful plan duly adopted by the Council for the present and future growth of the municipality pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as “planning and zoning”;

(B) Make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the municipality and in cooperation with adjacent areas; and

(C) Recommend to the Council revisions in the plans which, in the opinion of the Commission, are for the best interest of the citizens of the municipality.

(Prior Code, Ch. 6, Art. V, § 2-302) (Ord. 381-05, passed 5-16-2005)

ARTS AND CULTURE COMMISSION**§ 32.120 MEMBERSHIP.**

To carry out the responsibilities and duties set forth herein, there is hereby created an Arts and Culture Commission to consist of five voting members and one alternate. The Commission shall strive to include one Florence business owner, one Florence resident who is a visual artist, and three Florence residents of the town at large.

(A) The members of the Arts and Culture Commission shall be appointed and shall serve for a term of office pursuant to the requirements of § 32.004. If a vacancy occurs on the Commission, the Town Council shall appoint the alternate member to complete the unexpired term. The unexpired term does not count against total appointment time. Members shall serve until their successors have been appointed.

(B) The initial chairperson of the Commission shall be appointed by the Mayor and Town Council for a term of one year. Subsequent chairpersons shall be elected by the members of the Commission pursuant to the requirements of § 32,007. No member shall serve on the Commission for more than two consecutive three-year terms. All officers shall be elected from among the membership of the Commission.

(C) Three of the five members of the Commission shall constitute a quorum for conducting Commission business, and action may be had upon a majority vote of the quorum.

(D) The Commission may organize committees and adopt rules and procedures necessary to accomplish its purpose.
(Ord. 621-14, passed 9-2-2014)

§ 32.121 DUTIES.

The Commission shall act as an advisory body to the Town Council and make recommendations regarding, but not limited to:

- (A) Policies, priorities and plans for promoting, advancing and maintaining public art in Florence;
- (B) Allocation and budgeting of funds for public art through the annual public art project plan;
- (C) Encouraging the promotion of Arizona artists in town art projects by setting annual goals to be identified in the annual public art project plan and approved by Town Council;
- (D) Encouraging citizen input and involvement in the design and selection of public art;
- (E) Coordinating with the private sector and other governmental agencies in promoting arts and cultural excellence as a tool for the encouragement of economic development, business relocation, and tourism; and
- (F) Organizing and promoting public art that celebrates the town and its unique cultural heritage.
(Ord. 621-14, passed 9-2-2014)

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Florence - Administration

CHAPTER 33: DISASTER PREPAREDNESS, EMERGENCY SERVICES AND THE LIKE

Section

General Provisions

33.01 Emergency declaration

Emergency Operations Plan

33.15 Emergency Operations Plan; adopted by reference

33.16 Scope, status of plan

33.17 Immunity

GENERAL PROVISIONS

§ 33.01 EMERGENCY DECLARATION.

The Mayor may, by proclamation, declare that an emergency or local emergency exists pursuant to A.R.S. § 26-311(A).

(Prior Code, Ch. 5, Art. I, § 5-2)

Statutory reference:

Authorized action upon declaration of emergency, see A.R.S. § 26-311(B)

EMERGENCY OPERATIONS PLAN

§ 33.15 EMERGENCY OPERATIONS PLAN; ADOPTED BY REFERENCE.

The Town of Florence's Emergency Operations Plan is hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, Ch. 5, Art. II, § 5-26) (Ord. 104, passed 1-18-1988)

Statutory reference:

Adopted by reference, see A.R.S. §§ 9-801 et seq.

§ 33.16 SCOPE, STATUS OF PLAN.

The emergency plan adopted by the Council in this subchapter will be the immediate basis for the conduct and coordination of emergency operations in the municipality under the following disaster conditions:

(A) Upon declaration of a state of war by the President of the United States;

(B) Upon declaration of a state of emergency in an area, including the municipality, by the Governor of the state; or

(C) Upon the order of the Mayor or his or her authorized representative, provided that the existence or threatened existence of a local emergency has been duly proclaimed in accordance with all applicable laws and ordinances.

(Prior Code, Ch. 5, Art. II, § 5-27) (Ord. 104, passed 1-18-1988)

§ 33.17 IMMUNITY.

The municipality, its officers, agents, employees and volunteers duly enrolled or registered with the municipal emergency services, and unregistered persons placed into service during a state of war emergency, are immune from liability as provided in A.R.S. § 26-314.

(Prior Code, Ch. 5, Art. II, § 5-28) (Ord. 104, passed 1-18-1988)

CHAPTER 34: PERSONNEL

Section

General Provisions

- 34.01 Bargaining, strikes and work interruptions prohibited

Personnel System

- 34.15 Creation and scope
34.16 Conditions of employment
34.17 Rules and regulations
34.18 Political contributions

GENERAL PROVISIONS

§ 34.01 BARGAINING, STRIKES AND WORK INTERRUPTIONS PROHIBITED.

(A) The municipality shall not bargain collectively with any municipal employee, group of municipal employees, municipal employee organizations or any representative of any municipal employee organization with respect to wages, hours, working conditions or any other employee related matter.

(B) It is hereby declared to be contrary to the public interest and a threat to the public health and safety and unlawful for any municipal employee, municipal employee organization or non-municipal employee (representing a labor union), directly or indirectly, to instigate, institute, encourage, authorize or participate in a strike, cessation of work, slowdown, speed-up or other form of job action or work interruption and any municipal employee who participates in any way in the activity shall automatically be deemed to have abandoned his or her position and shall be deemed terminated from his or her employment and shall no longer hold the position or be entitled to any of the rights or emoluments thereof, except as to any rights already vested in any municipal or state employee retirement program. Neither the employee's supervisor, Town Manager, nor Council shall reinstate an employee if the employee has in fact engaged in conduct prohibited by this section. Violations of this section are punishable as provided in § 10.99.

(C) Those employees whose job includes supervisory responsibilities are prohibited from joining the same collective bargaining unit as non-supervisory employees. Employees whose jobs include supervisory responsibilities shall be those positions set forth as management personnel in municipal Res. 84, including but not limited to police sergeants, who are hereafter designated by the Council as supervisors and management personnel. Violations of this subsection are punishable as provided in § 10.99.

(Prior Code, Ch. 14, Art. I, § 14-2) (Ord. 34, passed 10-19-1981) Penalty, see § 10.99

PERSONNEL SYSTEM

§ 34.15 CREATION AND SCOPE.

There is hereby adopted a merit system for the classified employees of the municipality, the provisions of which shall apply to all employees of the municipality except elected officials, officers of the municipality appointed by, and who shall serve "at will", at the pleasure of the Council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firefighters and volunteer personnel who receive no regular compensation from the municipality.

(Prior Code, Ch. 14, Art. II, § 14-31) (Ord. 192-95, passed 4-17-1995)

§ 34.16 CONDITIONS OF EMPLOYMENT.

(A) The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned.

(B) No employee or applicant for employment shall be discriminated against on the basis of race, color, national origin, age, handicap, religion, sex or political affiliation.

(Prior Code, Ch. 14, Art. II, § 14-32)

Statutory reference:

Employment discrimination prohibited, see A.R.S. § 41-1463

§ 34.17 RULES AND REGULATIONS.

The Council may adopt, by resolution, rules and regulations to give effect to this subchapter, which may be modified or changed from time to time, but the rules and regulations shall follow the generally accepted principles of good personnel administration.

(Prior Code, Ch. 14, Art. II, § 14-33)

§ 34.18 POLITICAL CONTRIBUTIONS.

No officer, official or employee of the municipality shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

(Prior Code, Ch. 14, Art. II, § 14-34) Penalty, see § 10.99

CHAPTER 35: TAXATION


Section

35.01 Privilege licence tax; adopted by reference

§ 35.01 PRIVILEGE LICENCE TAX; ADOPTED BY REFERENCE.

The Town of Florence's privilege licence tax and any amendments thereto is hereby adopted by reference and incorporated herein as if set out in full. A copy of this document is on file in the Town Clerk's office.

(Ord. 454-07, passed 1-2-2007; Ord. 511-09, passed 8-3-2009)

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 3d.
MEETING DATE: January 26, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia Deputy Town Manager/Town Clerk SUBJECT: Resolution No. 1361-12: Invocation Policy		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Review the Invocation Policy so that staff may make necessary changes and bring back to Council at a later date for adoption.

BACKGROUND/DISCUSSION:

As a result of the discussions held at the July 23, 2012 Council Work Session, amendments to the Town Council Rules of Procedure were made which included an invocation at the beginning of Regular Council Meetings.

The attached Invocation Policy establishes policy, criteria, guidelines and procedures for allowance of an invocation at regularly scheduled Town Council Meetings. The Town Clerk is responsible for the implementation and updates of this policy. Town Council is responsible for the enforcement of this policy. The procedures as established are ideal, but not easily manageable.

The Policy allows for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message. The invocation shall be voluntarily delivered by an eligible member of the clergy in the incorporated limits of the Town of Florence. No invocation speaker will receive compensation for his or her service. No invocation speaker shall openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or groups. No invocation may disparage the religious faith or non-religious views of others. Invocation shall not exceed three minutes in length.

This policy is not intended to affiliate the Town Council with, nor express the Council's preference for, any faith or religious denominations. Rather, this policy is intended to acknowledge and express the Town Council's respect for the diversity of both organized and unorganized religious denomination, as well as other faiths represented and practiced among the citizens of the Town of Florence.

FINANCIAL IMPACT:

There is no fiscal impact as a result of discussing this policy.

STAFF RECOMMENDATION:

No recommendation at this time.

ATTACHMENTS:

Invocation Policy

Town of Florence



POLICY TITLE: INVOCATION AT PUBLIC MEETINGS	EFFECTIVE DATE:
RESPONSIBLE DEPARTMENT: TOWN CLERK'S OFFICE	AP / RESOLUTION No.: RESOLUTION NO .
APPROVAL: <input type="checkbox"/> TOWN MANAGER SIGNATURE: _____ <input checked="" type="checkbox"/> TOWN COUNCIL DATE APPROVED: <u>(DATE OF APPROVAL)</u>	REFERENCES: COUNCIL RULES OF PROCEEDURE

1.0 Purpose

To establish a policy, criteria, guidelines and procedures for allowance of an invocation at regularly scheduled Town Council Meetings.

2.0 Scope

This policy affects elected officials and the regular meeting schedule of the Florence Town Council.

3.0 Responsibilities

The Town Clerk is responsible for the implementation and update of this policy. The Town Council is responsible for the enforcement of this policy.

4.0 Policy

- 4.1 It is the policy of the Florence Town Council to allow for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message. An invocation shall be offered before the Regular Town Council meetings
- 4.2 No member of the Town Council, employee of the Town, or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.
- 4.3 The invocation shall be voluntarily delivered by an eligible member, as outlined in Section 5.2, of the clergy in the incorporated limits of the Town of Florence, Arizona. To ensure that the invocation speaker is selected from the congregation list, on a rotating basis, the invocation speaker shall be selected according to the procedure in Section 5.1.
- 4.4 No invocation speaker shall receive compensation for his or her service.

- 4.5 No invocation speaker shall proselytize or otherwise openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or groups; or openly advance any faith, belief, doctrine, or dogma. No invocation may disparage the religious faith or non-religious views of others.
- 4.6 Invocation shall not exceed 3 minutes in length.
- 4.7 This policy is not intended, and shall not be implemented or construed in anyway, to affiliate the Town Council with, nor express the Council's preference for, any faith or religious denominations. Rather, this policy is intended to acknowledge and express the Town Council's respect for the diversity of both organized and unorganized religious denomination, as well as other faiths represented and practiced among the citizens of the Town of Florence.
- 4.8 Anyone violating section 4.5 of the policy is subject to disqualification from offering future invocations and will be removed from the database of religious congregations eligible to give the invocation.

5.0 Procedures

5.1 Selection Process

- 5.11 A Congregation List is compiled and used as part of the selection process for the purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to participate in the invocation process.
- 5.12 The Town Clerk's Office compiles and maintains a database of religious congregations with an established presence in the Town of Florence. Any religious congregation that may not be established, such as home-based religious organizations or congregations of limited parishioners, but falls under authenticity guidelines outlined in Section 5.2, may contact the Town Clerk's Office to establish a position on the Congregation List.
- 5.13 The List may include the Town of Florence Police or Fire Department Chaplain.
- 5.14 The Congregation List is updated by November 1, each year.
- 5.15 An invitation to perform the invocation is distributed by November 15, each year.
- 5.16 A random drawing that is open to the public is completed by December 15, of each year to select the meeting date(s) the invocation will be offered.

5.17 A schedule of meeting dates showing religious leaders for the year will be maintained in the Clerk's Office.

5.2 Authenticity of Religious Congregation

5.21 Should a question arise as to the authenticity of a religious congregation, the staff shall refer to criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for I.R.C. §501 (c) (3) tax-exempt status.

6.0 Definitions

Congregation: An assembled body of a specific religious group who regularly worship at a church, synagogue, or dedicated structure or location.

Invocation: The act or an instance of invoking, especially an appeal to a higher power for assistance.

Moment of silence: Three minute of silence, during which participants may typically bow their heads and refrain from speaking or moving places for the duration. A person officiating or presiding over the gathering will be responsible for the declaring and timing of the period of silence.

Prayer: An address (as a petition) to God, deity, spirit, or higher power in word or thought.

7.0 Supplement

7.1 Sample Letter

SAMPLE INVITATION

Date

Name

Address

City/Town and Zip

Dear religious leader,

The Florence Town Council, as matter of policy, invites members of the clergy in Florence to voluntarily offer an invocation before the beginning of its meetings. As the leader of one of the religious congregations within an established presence in the Town, you are invited to provide this important service at an upcoming meeting of the Town Council.

If you are willing to assist the Town Council in this regard, please send a written reply at your earliest convenience to the Florence Town Clerk's Office, PO Box 2670, Florence, Arizona, 85132. Clergy who respond by November 1, 2012 will be invited to a meeting in which a drawing will be held and meeting dates issued for the 2013 calendar year.


This opportunity is voluntary and you are free to offer the invocation according to the dictates of your own conscience; however, please do not exceed five minutes in your presentation. To maintain a spirit of respect for all, the Town Council requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Florence Town Council, I thank you in advance for considering this invitation.

Sincerely,

Lisa Garcia

Deputy Town Manager/Town Clerk

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 3e.
MEETING DATE: January 26, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia Deputy Town Manager/Town Clerk SUBJECT: Council Pictures		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Staff is working with a local photographer to take formal pictures of Council for the Town website.

BACKGROUND/DISCUSSION:

Town staff has reached out to a local photographer and requested a date and time for Council pictures. Council will take individual pictures as well as group pictures. We are requesting the photographer be available at a regular scheduled meeting in February.

New members of Council should provide a biography to be uploaded to the website with the picture. Please provide biography to the Town Clerk by February 2, 2015. Councilmembers who have their biography listed on the website should provide any necessary modifications by February 2, 2015.

FINANCIAL IMPACT:

Quote has not been received at this time.

STAFF RECOMMENDATION:

No recommendation at this time.

ATTACHMENTS:

No attachments