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CHAPTER 30: COUNCIL AND MAYOR

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COUNCIL

' 30.001 ELECTED OFFICERS.

(A) The elected officers of the town shall be seven Councilmembers, one of whom shall be designated as Mayor in accordance with ' 30.020. The Mayor and Councilmembers shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.

(B) The regular term of office for Councilmembers shall be four years.
(1991 Code, ' 2-1-1)

' 30.002 CORPORATE POWERS.

The corporate powers of the town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

(1991 Code, ' 2-1-2)

' 30.003 DUTIES OF OFFICE.

The Councilmembers shall assume the duties of office at the regularly scheduled Council meeting next following the date of the general election at which, or effective as of the date of which, the Councilmembers were elected.

(1991 Code, ' 2-1-3)

' 30.004 VACANCIES IN COUNCIL.

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason.

(1991 Code, ' 2-1-4)

' 30.005 COMPENSATION .

The compensation of elective officers of the town shall be fixed from time to time by ordinance or resolution of the Council; provided that the compensation of any officer may not be increased or decreased except in conformance with the provisions of the State Constitution, Article IV, Part 2, ' 17.

(1991 Code, ' 2-1-5)

' 30.006 OATH OF OFFICE.

Immediately prior to assumption of the duties of office, each Councilmember shall, in public, take and subscribe to the oath of office.

(1991 Code, ' 2-1-6)

' 30.007 BOND .

Prior to taking office, each Councilmember shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and faithful performance of his or her official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. ' 38-260. Bonds shall be in a sum as shall be determined by the Council, and the premium for the bonds shall be paid by the town.

(1991 Code, ' 2-1-7)

' 30.008 FINANCIAL DISCLOSURE STATEMENT.

Each Councilmember shall file, on or before January 31 of each year, a financial disclosure statement in a form and with the information as provided by resolution of the Council and pursuant to state law.

(1991 Code, ' 2-1-8)

MAYOR**' 30.020 SELECTION OF MAYOR.**

Within 20 days after election of the Council or at the first regular meeting after election, whichever occurs first, the Councilmembers shall choose a Mayor from among their number.
(1991 Code, ' 2-2-1)

' 30.021 VICE MAYOR.

At the same meeting at which the Mayor is selected, 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.
(1991 Code, ' 2-2-2)

' 30.022 ACTING MAYOR.

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to serve as acting Mayor who shall have all the powers, duties and responsibilities of the Mayor during the absence or disability.
(1991 Code, ' 2-2-3)

' 30.023 POWERS AND DUTIES OF THE MAYOR.

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

(A) He or she shall be the chief executive officer of the town;

(B) He or she shall be the chairperson of the Council and preside over its meetings;

(C) He or she shall enforce the provisions of this code;

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

(E) He or she shall make any recommendations and suggestions to the Council as he or she may consider proper;

(F) He or she may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or human-made calamity or disaster,

or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of the emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:

- (1) Imposition of a curfew in all or any portion of the town;
- (2) Ordering the closing of any business;
- (3) Closing to public access any public building, street or other public place; and

(4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

(G) He or she is authorized and empowered to sign his or her name officially for and in behalf of the town on all contracts, documents and papers to which the town is a party, and to require that the conditions in any instrument are faithfully performed; and

(H) He or she shall perform those other duties required by state statute and this code as well as those duties required as chief executive officer of the town.
(1991 Code, ' 2-2-4)

' 30.024 ABSENCE OF MAYOR.

The Mayor shall not absent himself or herself from the town for a greater period than 15 consecutive days without the consent of the Council.
(1991 Code, ' 2-2-5)

' 30.025 VACANCY IN OFFICE OF MAYOR.

In case of death, disability or resignation of the Mayor, the Council shall elect a Mayor, by a majority vote, to fill the vacancy for the remainder of the vacant term.
(1991 Code, ' 2-2-6)

' 30.026 FAILURE TO SIGN DOCUMENTS.

If the Mayor is absent or refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his or her signature for five days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor or, in his or her absence, a duly appointed acting Mayor to sign the ordinance, resolution,

contract, warrant, demand or other document or instrument which, when so signed, shall have the same force and effect as if signed by the Mayor.

(1991 Code, ' 2-2-7)

ELECTIONS

' 30.040 FILING OF NOMINATION PETITIONS; PRIMARY ELECTION.

(A) A person desiring to become a candidate and to have his or her name printed on the official ballot for municipal office shall file a nomination paper and other nomination materials not less than 75 days nor more than 105 days before the primary election date. All these nomination papers must be completed and filed with the Town Clerk by 5:00 p.m. on the last day for filing the papers.

(B) Any candidate 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 that candidate; provided that if more candidates receive a majority than there are offices to be filled, then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

(1991 Code, ' 2-3-1) (Ord. 35, passed 1-19-1976; Ord. 93-1995, passed 11-20-1995)

' 30.041 NON-POLITICAL BALLOT.

Nothing on the ballot in any election shall be indicative of the source of the candidacy or of the support of the candidate.

(1991 Code, ' 2-3-2) (Ord. 35, passed 1-19-1976)

' 30.042 GENERAL ELECTION NOMINATION.

(A) If at any primary election there is any office for which no candidate is elected, then as to that office, the election shall be considered to be a primary election for nomination of candidates for that office, and the second or general municipal election shall be held to vote for candidates to fill the office.

(B) Candidates to be placed on the ballot at a 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 is 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.

(C) If there is any person who, under the provisions of this subchapter, 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 therefor, then all the persons receiving an equal number of votes shall likewise become candidates for that office.

(1991 Code, ' 2-3-3) (Ord. 35, passed 1-19-1976)

' 30.043 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.

(1991 Code, ' 2-3-4) (Ord. 35, passed 1-19-1976)

' 30.044 CANDIDATE FINANCIAL DISCLOSURE.

Each candidate for the Office of Councilmember shall file a financial disclosure statement when the candidate files a nomination paper. The statement shall contain any information as required by resolution.

(1991 Code, ' 2-3-5) (Ord. 35, passed 1-19-1976)

COUNCIL PROCEDURE

' 30.060 REGULAR MEETINGS.

(A) The Council shall hold regular meetings on the second Tuesday of each month at 7:00 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 on a day and time designated by the Council.

(B) All regular meetings of the Council shall be held in the Town Hall or any other place as the Council may designate.

(1991 Code, ' 2-4-1) (Ord. 95-1996, passed 7-15-1996)

Editor=s note:

Ordinance 1, passed October 25, 1918, contained an earlier version of the material covered in this

subchapter, but which was updated in the prior codification except for ' 30.063.

' 30.061 SPECIAL MEETINGS.

The Mayor, or the Clerk upon the approval of four members of the Council, may convene the Council at any time by notifying the members of the date, hour, place and purpose of the special meeting. Notice of this meeting shall be made pursuant to state law.

(1991 Code, ' 2-4-2)

Editor =s note:

A note in the prior codification read thus: Ordinance 1 allows only the Mayor to call special meetings and does not include the reference to the open meeting law.

' 30.062 MEETINGS TO BE PUBLIC.

All proceedings of the Council shall be open to the public, except that, upon approval by a majority vote of the Council, the Council may meet in a closed executive session in the manner provided by state law.

(1991 Code, ' 2-4-3)

' 30.063 QUORUM .

A majority of the Council shall constitute a quorum for transacting business. If less than a quorum is present, no business shall be transacted.

(1991 Code, ' 2-4-4) (Ord. 1, passed 10-25-1918)

' 30.064 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 Manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda according to the order of business and furnish each Councilmember, the Mayor and the Attorney with a copy.

(1991 Code, ' 2-4-5)

' 30.065 ORDER OF BUSINESS.

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

(A) Call to order. The Mayor shall take the chair at the hour appointed for the meeting and shall 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 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 the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum and decide all questions of order.

(B) Pledge of allegiance. Immediately following the call to order, the Council shall recite the pledge of allegiance.

(C) Roll call. Before proceeding with the business of the Council, the Clerk or his or her deputy shall call the roll of the members, and the names of those members present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to ' 30.063.

(D) Consent agenda. When any item of business requires action by the Council, but is of a routine and noncontroversial nature, the item may be presented as part of a consent agenda.

(1) There shall be no debate or discussion by any member of the Council regarding any item on the consent agenda, beyond asking questions for simple clarification.

(2) Upon objection by any member of the Council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. The objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All these items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.

(3) Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.

(E) Minutes. The Clerk or his or her deputy shall read or present the minutes of the preceding Council meeting, which shall be approved if correct. Any errors noted shall be corrected.

(F) Committee reports and demands. Any reports of committees or demands against the town shall be presented. The demands shall be approved or disapproved by the Council.

(G) Call to the public. Petitions, remonstrances, communications and comment or suggestions from citizens present shall be heard by the Council. All these remarks shall be addressed to the Council as a whole, and not to any member thereof. The remarks shall be limited to five minutes, unless additional time is granted by the Council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked a Councilmember except through the presiding officer. Members of the Council may not discuss, consider or make decisions on matters other than to direct staff to investigate and respond to the petition or request the matter be scheduled for consideration at a future meeting.

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

(I) New business. The Council shall consider any business not heretofore considered, including the introduction of ordinances and resolutions.

(J) 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.

(1991 Code, ' 2-4-6)

' 30.066 COMMITTEES AND COMMISSIONS.

The Council may create any boards, committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform any duties as the Council may require and shall exist at the pleasure of the Council.

(1991 Code, ' 2-4-7)

' 30.067 VOTING .

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

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

(1991 Code, ' 2-4-8)

' 30.068 SUSPENSION OF RULES.

Any of the provisions of this subchapter may be temporarily suspended in connection with any matter under consideration by a recorded 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.

(1991 Code, ' 2-4-9)

ORDINANCES, RESOLUTIONS AND CONTRACTS

' 30.080 PRIOR APPROVAL.

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been reviewed as to form by the 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 objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

(1991 Code, ' 2-5-1)

' 30.081 INTRODUCTION .

Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the Attorney or the Manager may present ordinances, resolutions and other matters or subjects to the Council, and any member of the Council may assume sponsorship thereof by moving that the ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

(1991 Code, ' 2-5-2)

' 30.082 READING OF PROPOSED ORDINANCE.

Ordinances shall be read at least once, prior to adoption, but may be read by title only if the Council, in possession of printed copies of the ordinance, unanimously allows reading the title only.

(1991 Code, ' 2-5-3)

' 30.083 REQUIREMENTS FOR AN ORDINANCE.

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 that case, the title of the sections to be amended shall be included in the ordinance.

(1991 Code, ' 2-5-4)

' 30.084 EFFECTIVE DATE OF ORDINANCES.

(A) No ordinance, resolution or franchise shall become operative until 30 days after its passage by the Council and approval by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the town; 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) of this section, the 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) of this section shall be calculated from the date of passage by the Council and approval by the Mayor.

(1991 Code, ' 2-5-5)

' 30.085 SIGNATURES REQUIRED.

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Clerk.

(1991 Code, ' 2-5-6)

' 30.086 PUBLISHING REQUIRED.

Only those 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.

(1991 Code, ' 2-5-7)

' 30.087 POSTING REQUIRED.

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Clerk in three or more public places within the town and an affidavit of the person who posted the ordinance shall be filed in the office of the Clerk as proof of posting.

(1991 Code, ' 2-5-8)

CHAPTER 31: TOWN OFFICIALS

Section

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**INDEMNIFICATION OF OFFICERS, EMPLOYEES, COUNCILMEMBERS AND
MEMBERS OF COMMITTEES, COMMISSIONS AND BOARDS**

' 31.01 DEFINITIONS .

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Town officers, employees, the Mayor, Councilmembers and members of committees, commissions and boards of the town.

PROCEEDING. Any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administered or investigated.
(1991 Code, ' 2-6-1)

' 31.02 PERSONS TO BE INDEMNIFIED.

Any person made a party or threatened to be made a party to any proceeding by reason of the fact that the person is an officer, employee, Councilmember or member of a board or commission of the town shall be indemnified as hereinafter set forth.
(1991 Code, ' 2-6-2)

' 31.03 ACTION OTHER THAN BY OR IN THE RIGHT OF TOWN.

If the proceeding is one other than an action by or in the right of the town, the person shall be indemnified against his or her expenses, including attorney=s fees, and including judgments, fines, amounts paid in settlement actually and reasonably incurred by him or her in connection with the proceeding.
(1991 Code, ' 2-6-3)

' 31.04 CRIMINAL PROCEEDINGS.

If the proceeding is a criminal proceeding, the person shall be indemnified if he or she had no reasonable cause to believe his or her conduct was unlawful.
(1991 Code, ' 2-6-4)

' 31.05 NO PRESUMPTION CREATED.

With respect to indemnification under ' 31.03 or ' 31.04, a termination of the proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not by itself create a presumption that the person acted, or failed to act, other than in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interest of the town; and with respect to any criminal proceeding, shall not by itself create a presumption that the person had reasonable cause to believe that his or her conduct was unlawful.

(1991 Code, ' 2-6-5)

' 31.06 ACTION BY OR IN THE RIGHT OF TOWN.

If the proceeding is one by or in the right of the town to procure a judgment in the town's favor, the person shall be indemnified against his or her expenses, including attorney's fees, but excluding judgments and fines and, except as hereinafter set forth, amounts paid in settlement, actually and reasonably incurred by him or her in connection with the defense or settlement of the proceeding if he or she acted, or failed to act, in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the town.

(1991 Code, ' 2-6-6)

' 31.07 NEGLIGENCE AND MISCONDUCT.

No indemnification under ' 31.06 shall be made in respect of any claim, issue or matter as to which the person shall be adjudged to be liable for negligence or misconduct in the performance of his or her duty to the town.

(1991 Code, ' 2-6-7)

' 31.08 SUCCESS ON THE MERITS.

To the extent that a person covered by this subchapter has been successful on the merits or otherwise in defense of any proceeding covered by this subchapter or in the defense of any claim, issue or matter therein, he or she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection therewith.

(1991 Code, ' 2-6-8)

' 31.09 DETERMINATION BY COUNCIL.

(A) Any indemnification made pursuant to this subchapter shall be made by the town only as authorized in the specific case upon a determination that indemnification of the officer, employee or

Councilmember is proper in the circumstances because he or she has met the applicable standard of conduct set forth in this subchapter.

(B) This determination shall be made by any of the following:

(1) By the Town Council by majority vote of a quorum consisting of Councilmembers who were not party to the proceeding;

(2) If a quorum is not obtainable, then by a written opinion of independent legal counsel acquired by majority of the disinterested Councilmembers for that purpose; or

(3) If there are not disinterested Councilmembers, then by a declaratory judgment action brought in the Superior Court, declaring the rights of the officer, employee or Councilmember to be indemnified pursuant to this subchapter.
(1991 Code, ' 2-6-9)

' 31.10 INDEMNIFICATION NOT EXCLUSIVE REMEDY.

The indemnification provided by this subchapter shall not be deemed exclusive of any other rights to which those indemnified may be entitled. The indemnification provided by this subchapter shall be supplemental to and excess to any valid and collectible insurance coverage.

(1991 Code, ' 2-6-10)

OFFICERS IN GENERAL

' 31.25 OFFICERS .

There are hereby created the Offices of Town Manager, Town Clerk, Town Attorney, Chief of Police and Fire Chief who shall be appointed by and serve at the pleasure of the Council. The Police Chief, Town Clerk and Town Attorney are supervised by the Town Manager. There is further hereby created the Office of Town Engineer who shall be appointed by and serve at the pleasure of the Manager. In addition, there is hereby created the Office of Town Magistrate who shall be appointed by and may be removed by the Town Council in the manner provided in ' 36.15.

(1991 Code, ' 3-1-1) (Ord. 164-2011, passed 5-10-2011)

' 31.26 ADDITIONAL OFFICERS.

The Council may appoint and remove from time to time any other officers as may be deemed necessary and that are not provided for in this code or state statute.

(1991 Code, ' 3-1-2)

' 31.27 BOND .

The Council may require each officer of the town to give bond for the due discharge of his or her duties in sums and with security as it may direct and approve as determined by resolution. The town shall pay the costs of this bond.
(1991 Code, ' 3-1-3)

' 31.28 VACANCIES ; HOLDING MORE THAN ONE OFFICE.

Any vacancy that shall occur in any town office, except the Town Council, shall be filled by appointment, provided that one person may hold more than one office and that, at the discretion of the Council, the functions of a town official may be validly performed and discharged by a deputy or another town official, or an otherwise qualified employee of the town.
(1991 Code, ' 3-1-4)

' 31.29 ADDITIONAL POWERS AND DUTIES.

In addition to any powers and duties prescribed in this code, each officer shall have any further powers, perform further duties and hold any other office as may be directed by the Town Manager or Town Council through ordinance, resolution or order.
(1991 Code, ' 3-1-5)

OFFICERS

' 31.40 TOWN MANAGER.

(A) Office created. The Office of the Town Manager is hereby created and established. The Town Manager shall be appointed by the Council wholly on the basis of administrative and executive ability and qualifications and shall hold office for and at the pleasure of the Council.

(B) Bond. The Town Manager shall furnish a corporate surety bond to be approved by the Council in a sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. Any premium for the bond shall be a proper charge against the town.

(C) Compensation. The Manager shall receive compensation as the Council shall fix from time to time.

(D) Removal procedure. The Manager may be removed from office by a majority vote of the Council, with or without cause. If the removal is for cause and if requested, the Council shall grant the individual a public hearing within 30 days following notice of removal. If the removal is without cause, it shall become operative 30 days from the date of the notice of removal. During the interim, the Council may suspend the Manager from duty but shall continue his or her salary for three months following the removal date; provided, however, that the Manager shall have been in the service of the town for at least one calendar year.

(E) Powers and duties. The Town Manager shall be the administrative head of the town government under the direction and control of the Council, except as otherwise provided in this chapter. The Manager shall be responsible to the Council for the proper administration of all affairs of the town. In addition to the Manager's general powers as administrative head and not as a limitation thereof, it shall be the duty of the Manager and he or she shall have the powers set forth in the following divisions:

(1) Appoint and, when necessary for the good of the town, suspend or remove all officers and employees of the town not appointed by the Council. He or she may authorize the head of a department or office to appoint, suspend or remove subordinates in the office or department;

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

(3) Prepare and submit to the Council at the end of each fiscal year a complete report on the finances and administrative activities of the town during the preceding year;

(4) Keep the Council advised of the financial condition and future needs of the town and make recommendations as he or she may deem desirable;

(5) Recommend to the Council a standard schedule of pay for each position in the town service, including minimum and maximum rates, and determine employee compensation according to that standard schedule of pay. Authorize the payment of overtime pay for employees as may work in excess of a normal work period. These rates of pay and periods of work shall be in conformity with wages and salaries enacted by the Council;

(6) Recommend to the Council from time to time adoption of any measures which he or she may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services;

(7) Attend all meetings of the Council unless excused therefrom and take part in the discussion of all matters coming before the Council. He or she shall be entitled to notice of all regular and special meetings of the Council;

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

(9) Investigate the affairs of the town and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the town government 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; and

(10) Perform any other duties as may be required by the Council, not inconsistent with state law or town ordinances.

(F) Council not to interfere with appointments or removals. With regard to officers and employees appointed by the Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or his or her removal or suspension from that office by the 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 town. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager.

(1991 Code, ' 3-2-1)

' 31.41 TOWN CLERK.

(A) Records. The 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 town or that the Council directs. The Clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.

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

(C) Monthly reports. The Clerk shall prepare and collect from town officers and employees monthly reports prepared in a manner and to include any information as may be directed by the Council.

(D) Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

(E) Ordinances, resolutions, budgets and notices. The 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.

(F) Duties as Treasurer. The Clerk shall hold the Office of Town Treasurer and receive and safely keep all monies that shall come to the town and pay out the same when authorized by the Council. He or she shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing: every money transaction of the town, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he or she shall make monthly reports to the Council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year he or she shall make a full and detailed statement of the receipts and expenditures of the town during the year, specifying the different sources of revenue and the amount received from each, all appropriations

made by the Mayor and Council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand.

(G) Term expirations. The Clerk shall notify the appointing authority of the impending expiration of the term of office of a member of any board or commission at least 30 days before the expiration of the term.

(H) Election Official. The Clerk shall be the Town Election Official and perform those duties required by state statute.

(I) Licenses. The Clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.

(J) Claims. All claims against the town must be filed in writing with the Clerk. Claims must present a full account of the items and must contain verification under oath by the claimant to the effect that the claim is correct, reasonable and just and that no part of the claim has been paid. The Council must approve all claims before payment can be made.

(K) Damages. All claims for damages against the town must be filed with the Town Clerk pursuant to A.R.S. ' 12-821.

(L) Administrative duties. The 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.

(1991 Code, ' 3-2-2)

' 31.42 POLICE CHIEF.

The Chief of Police shall perform duties as may be required of him or her by " 32.01 through 32.05 and the laws of this state.

(1991 Code, ' 3-2-3)

' 31.43 TOWN ENGINEER.

The Engineer shall perform those duties as may be required of him or her by law and any other duties as the Council or Manager may direct.

(1991 Code, ' 3-2-4)

' 31.44 TOWN ATTORNEY.

The Attorney shall act as the legal counselor and advisor of the Council and other officials and, as such, shall give his or her opinion in writing when requested. He or she shall draft all deeds, contracts,

conveyances, ordinances, resolutions and other legal instruments when required by the Manager. 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. He or she shall return, within ten days, all ordinances and resolutions submitted to him or her for consideration by the Manager, with his or her approval or disapproval as to form noted thereon, together with his or her reasons therefor. He or she, or a designee retained with the approval of the Manager, shall prosecute and defend all suits, actions or causes where the town is a party, and shall report to the Council, when required, the condition of any suit or action to which the town is a party.

(1991 Code, ' 3-2-5)

' 31.45 TOWN MAGISTRATE.

The Town Magistrate shall be the presiding officer of the Magistrate=s Court and shall perform those functions necessary to the maintenance of the Magistrate=s Court as provided by state statute.

(1991 Code, ' 3-2-6)

CHAPTER 32: TOWN ORGANIZATIONS AND DEPARTMENTS

Section

Police Department

- 32.01 Created; composition
- 32.02 Departmental rules and regulations
- 32.03 Duties of the Police Department
- 32.04 Answering calls outside the town
- 32.05 Reserve officers

Fire Department

- 32.20 Created
- 32.21 Officers
- 32.22 Duties of the Chief
- 32.23 Equipment
- 32.24 General provisions
- 32.25 Providing fire protection outside the town

Planning and Zoning Commission

- 32.40 Established
- 32.41 Membership
- 32.42 Officers
- 32.43 Duties of Commission
- 32.44 Rules; meetings
- 32.45 Quorum
- 32.46 Fee schedules

- 32.99 Penalty

Editor=s note:

The provisions of Ordinance 21 for the Police and Fire Departments was substantially updated in the prior codification.

POLICE DEPARTMENT**' 32.01 CREATED ; COMPOSITION.**

There is hereby created a Police Department for the town which shall consist of a Chief of Police and as many police officers as may from time to time be deemed necessary by the Council for the safety and good order of the town.
(1991 Code, ' 4-1-1)

' 32.02 DEPARTMENTAL RULES AND REGULATIONS.

The Chief of Police may make or prescribe any departmental rules and regulations as he or she shall deem advisable. The rules and regulations shall be binding on members of the Police Department. The rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried and all other similar matters necessary or desirable for the better efficiency of the Department. The rules and regulations shall have final approval by the Council.
(1991 Code, ' 4-1-2)

' 32.03 DUTIES OF THE POLICE DEPARTMENT.

It is the duty of the Police Department, under the direction of the Chief of Police, to:

(A) Enforce this code and the statutes of the state within jurisdictional limits as conferred by law and to arrest and charge the violators thereof;

(B) Deliver any persons who may be confined in the jail upon conviction of a crime committed under the jurisdiction of the Magistrate=s Court to the Police Chief or any officer of the town authorized by him or her who shall at any time demand the prisoners. Any authorized person receiving the prisoners shall work the prisoners on the streets or alleys of the town or on any and all authorized work as may be determined by the Manager;

(C) Render an account of the Police Department, its duties and receipts as may be required by the Council;

(D) Enforce the traffic regulations of the town as specified in Title VII of this code and enforce the traffic laws of the state within the limits of the town;

(E) Inspect and ascertain the condition of traffic-control devices of every description which have been erected within the town on the authority of the Council and to notify the Manager of any defects found therein; and

(F) To respond, if available for fire duty, to all fire alarms and assist the Fire Department in the protection of life and property, in regulating traffic, maintaining order and in enforcing the provisions of " 32.20 through 32.26.

(1991 Code, ' 4-1-3) (Ord. 21, passed 10-21-1957)

' 32.04 ANSWERING CALLS OUTSIDE THE TOWN.

The members of the Police Department of the town are duly authorized to answer calls for aid and assistance beyond the corporate limits of the town, whenever the Police Chief, in his or her discretion, shall deem it necessary to protect lives and property, and pursuant to mutual aid agreements and state statutes.

(1991 Code, ' 4-1-4) (Ord. 17, passed 12-15-1952)

' 32.05 RESERVE OFFICERS.

The town may establish a police reserve officer program. Members of the police reserve shall serve the town subject to the rules and procedures specified by the town.

(1991 Code, ' 4-1-5)

FIRE DEPARTMENT

' 32.20 CREATED .

There is hereby created a Volunteer Fire Department for the town for the prevention of fire and the protection of life and property within the limits of the town. The Department will be governed by the bylaws approved by the Department. The bylaws are adopted by reference as if set out in full. A copy of the bylaws can be found in the office of the Town Clerk.

(1991 Code, ' 4-2-1) (Ord. 21, passed 10-21-1957)

' 32.21 OFFICERS .

(A) The Department shall consist of a Fire Chief, one Assistant Chief and other officers as may be deemed necessary by the Fire Chief for the effective operation of the Department.

(B) The Fire Chief shall be appointed by the members of the Department for an indefinite period of time, and his or her tenure of office shall depend upon his or her good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command firefighters and hold their respect and confidence. He or she shall be removed only for just cause and after a public hearing before the Council.

(C) The Chief shall be held accountable to the Council only and shall make written and verbal reports thereto as the Council may require. All other Department and company officers shall be accountable to the Chief only. The Fire Chief shall be the Authority having jurisdiction for the town.

(1991 Code, ' 4-2-2) (Ord. 21, passed 10-21-1957; Ord. 138-2005, passed 10-11-2005) Penalty, see ' 32.99

' 32.22 DUTIES OF THE CHIEF.

(A) The Chief shall formulate a set of rules and regulations to govern the Department and shall be responsible to the Council for the personnel, morale and general efficiency of the Department.

(B) The Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of those companies to alarms.

(C) The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the town, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(D) The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

(E) The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the Chief.

(F) The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.

(G) The Chief shall report monthly to the Council the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; the number of members responding to each fire or other run; and any changes in membership.

(H) The Chief shall make a complete annual report to the Council within one month after the close of the fiscal year. The report shall include the information specified in division (F) of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

(1991 Code, ' 4-2-3) (Ord. 21, passed 10-21-1957)

' 32.23 EQUIPMENT .

(A) The Fire Department shall be equipped with apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

(B) Recommendations concerning apparatus and equipment needed shall be made by the Fire Chief, and, after approval by the Council, the apparatus and equipment shall be purchased in a manner as may be designated by the Council.

(C) All equipment of the Department shall be safely and conveniently housed in places as may be designated by the Council. The places shall be heated during the winter season.

(D) Suitable arrangements or equipment shall be provided for citizens to turn in an alarm and for notifying all members of the Department so that they may promptly respond.

(E) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Fire Department.

(F) No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by or having special permission of an officer or authorized member of the Fire Department.

(G) No fire apparatus shall be hired out or permitted to leave the fire station, except in response to a call for aid at a fire within the corporate limits of the town, or in response to a call for aid at a fire in an area authorized for fire protection service or mutual aid under the provisions of ' 32.26.
(1991 Code, ' 4-2-5) (Ord. 21, passed 10-21-1957)

' 32.24 GENERAL PROVISIONS.

(A) In accordance with the provisions of state law, all motor equipment of the Fire Department shall have right-of-way over all other traffic when responding to an alarm.

(B) No person shall drive any vehicle over a fire hose except upon specific orders from the Fire Chief or other member of the Fire Department where the hose is used.

(C) No unauthorized person shall park any vehicle or otherwise cause any obstruction to be placed within 20 feet of the entrance to any fire station or other place where fire apparatus is stored and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance or within 15 feet of any fire hydrant.

(D) No unauthorized vehicle shall follow within 500 feet of any apparatus belonging to the Fire Department or park within 300 feet of a fire.

(E) It is unlawful for any person knowingly to turn in or cause to be turned in a false alarm. (1991 Code, ' 4-2-6) (Ord. 21, passed 10-21-1957) Penalty, see ' 32.99

' 32.25 PROVIDING FIRE PROTECTION OUTSIDE THE TOWN.

(A) The Council may enter into agreements or contracts to furnish fire protection outside the town or enter into mutual aid agreements, and the Fire Department is authorized to render firefighting service pursuant to the terms of the agreements or contracts.

(B) Whenever the Fire Chief, or in his or her absence his or her authorized representative, shall deem it necessary to protect lives or property, the Fire Department is authorized to answer fire alarms and fight fires outside the corporate limits of the town.

(C) (1) No apparatus shall be hired out or permitted to leave the fire station, except in response to a call for aid at a fire in a neighboring community, without the consent of the Chief or in his or her absence the Assistant Chief.

(2) The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with division (A) of this section, and in other cases only when the absence of that equipment will not jeopardize protection in the town. (1991 Code, ' 4-2-7) (Ord. 21, passed 10-21-1957)

PLANNING AND ZONING COMMISSION

' 32.40 ESTABLISHED .

The Planning and Zoning Commission of the town is hereby established. (Ord. 26, passed 4-21-1969)

' 32.41 MEMBERSHIP .

(A) All members shall be appointed for full three-year terms, except that, in the event of death or resignation of a member, the vacancy may be filled for the unexpired term. The term for all members shall extend until their successors are qualified; provided, however, three successive unexcused or unexplained absences for any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice and that action shall be final.

(B) All members shall serve without pay. However, members of the Commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of the expenditures by the Town Council.
(Ord. 26, passed 4-21-1969)

' 32.42 OFFICERS .

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one year and until their successors are elected and qualified. The Chairperson shall preside at all meeting and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to administer oaths and to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter=s absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.
(Ord. 26, passed 4-21-1969)

' 32.43 DUTIES OF COMMISSION.

It shall be the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as APlanning and Zoning@ to 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 town and in cooperation with adjacent areas; to recommend to the governing body revision in plans which, in the opinion of the Commission, are for the best interest of the citizens of the town; to promulgate rules of procedure and to supervise the enforcement of rules so promulgated by the Commission and approval by the governing body.
(Ord. 26, passed 4-21-1969)

' 32.44 RULES ; MEETINGS.

The Commission shall provide in its rules for its meetings; provided, however, that special meetings may be called by the Chairperson or, in his or her absence, the Vice Chairperson. In addition, any three members of the Commission may make written request to the Chairperson for a special meeting and in the event the meeting is not called, the members may call the special meeting in a manner and form as may be provided in the Commission rules.
(Ord. 26, passed 4-21-1969)

' 32.45 QUORUM .

Four members shall constitute a quorum. The affirmative vote of four members shall be required for passage of any matter before the Commission. In this connection, the minutes of the meetings shall

reflect the vote of each member present. A member may abstain from voting only upon a declaration that he or she has a conflict of interest, in which case that member shall take no part in the deliberations on the matter in question.

(Ord. 26, passed 4-21-1969)

' 32.46 FEE SCHEDULES.

The Planning and Zoning Commission shall be authorized to establish a uniform schedule of fees for services with all receipts to be paid into the General Fund of the town. These fee schedules shall become effective upon approval by the Town Council.

(Ord. 26, passed 4-21-1969)

' 32.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found guilty of violating any provision of ' 32.21 shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. 138-2005, passed 10-11-2005)

CHAPTER 33: PURCHASING

Section

- 33.01 In general
- 33.02 Exclusive service
- 33.03 Bidding
- 33.04 Determination of lowest responsible bidder
- 33.05 Performance bond
- 33.06 Emergency purchases
- 33.07 Forms
- 33.08 Professional services
- 33.09 Cooperative purchasing
- 33.10 Purchases from Mayor or Councilmembers

' 33.01 IN GENERAL.

(A) The Town Manager shall be the purchasing agent for the town. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the town, shall be made by the purchasing agent, or any officer, employee or agent of the town, except in the manner set forth in this chapter, and unless the purchase is in accordance with the adopted town budget.

(B) (1) Under \$1,000. Whenever any contemplated purchase or contract for services is for the sum of less than \$1,000, the purchasing agent may order the item as needed without further formality.

(2) \$1,000 to \$4,999 inclusive. Whenever any contemplated purchase or contract for services is for the sum of at least \$1,000 but not more than \$4,999, the purchasing agent shall solicit at least three bids for the item or service. The solicitation may be orally obtained by him or her, and he or she may then award the purchase or contract of service to the lowest responsible bidder.

(3) \$5,000 to \$14,999 inclusive. Whenever any contemplated purchase or contract for services is for the sum of more than \$5,000 but less than \$14,999, the purchasing agent shall solicit at least three written bids for the item or service on bid forms and award the purchase or contract of services to the lowest responsible bidder.

(4) \$15,000 and over. Whenever any contemplated purchase or contract for services, except for professional services as defined in ' 33.08, is for the sum of \$15,000 or more, the purchasing agent

shall cause to be published in two issues of a newspaper of general circulation, a notice inviting bids, which notice shall be published at least five days prior to the date set for the receipt of the bids. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing agent shall post a notice inviting bids in the Town Hall and may also mail to responsible prospective suppliers a copy of the notice inserted in the newspaper.

(5) No contract of \$15,000 or more shall be let except by the Council. Whenever any contemplated purchase or contract for services is for the sum of \$15,000 or more, the purchasing agent shall present the bids to the Council for approval and advise the Council of the advantages or disadvantages of contract and bid proposals.

(1991 Code, ' 3-4-1) (Ord. 126-2004, passed 2-17-2004)

' 33.02 EXCLUSIVE SERVICE.

In the event that there is only one firm or company or individual capable of providing particular service or commodity and the services or commodities cannot be secured from other persons or companies, ' 33.01 shall not be applicable, and the services or commodities can be secured without bidding.

(1991 Code, ' 3-4-2)

' 33.03 BIDDING .

The purchasing agent and all parties contracting with the town, except those parties contracting for professional services as defined in ' 33.08, shall follow the procedure set forth in this section in relation to all bids required under ' 33.01(B)(4).

(A) All notices and solicitation of bids shall state the time and place for opening.

(B) All bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope.

(C) All bids shall be opened in public at the time and place stated in the public notice.

(D) A tabulation of all bids received shall be posted in the Town Hall for public inspection.

(E) The purchasing agent under ' 33.01(B)(1), (2) and (3) and the Council under ' 33.01(B)(4) shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.

(1991 Code, ' 3-4-3)

' 33.04 DETERMINATION OF LOWEST RESPONSIBLE BIDDER.

(A) Unless the Council or purchasing agent shall exercise the right of rejection as provided by ' 33.03, the purchase or contract shall be made from and with the lowest responsible bidder for the entire purchase or contract or for any part thereof.

(B) In determining the lowest responsible bidder, the Council and purchasing agent shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) Whether the bidder can perform the contract or provide the services promptly or within the specified time, without delay or interference;

(3) The quality of performance of previous contracts;

(4) The previous and existing compliance by the bidder with laws and ordinances of the town;

(5) The financial resources and ability of the bidder to perform the contract; and

(6) The quality, availability and adaptability of the supplies or services.

(1991 Code, ' 3-4-4)

' 33.05 PERFORMANCE BOND.

The purchasing agent shall have the authority to require a performance bond, in cash or otherwise, for an amount as he or she may deem sufficient to secure the execution of the contract for the best interest of the town.

(1991 Code, ' 3-4-5)

' 33.06 EMERGENCY PURCHASES.

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, the Mayor shall be empowered to authorize the purchasing agent to purchase or secure services without complying with the procedures of this chapter. A full report in writing of the circumstances of any emergency purchase shall be filed by the purchasing agent with the Town Council at its next meeting.

(1991 Code, ' 3-4-6)

' 33.07 FORMS .

The purchasing agent shall prescribe and maintain forms as he or she shall find necessary for the operation of the provisions of this chapter.
(1991 Code, ' 3-4-7)

' 33.08 PROFESSIONAL SERVICES.

Unless required by the Council, the provisions of this chapter shall not apply to professional services. These services shall include but not be limited to the following: physicians, attorneys, engineers and similar professions.
(1991 Code, ' 3-4-8)

' 33.09 COOPERATIVE PURCHASING.

This chapter shall not apply to purchases made by, through or with the state or its political subdivisions. The town may make purchases or award contracts for services without a formal bidding process whenever other governmental units have done so for the same item or service if, in the opinion of the purchasing agent, a separate bidding process is not likely to result in a lower price for those items or services.
(1991 Code, ' 3-4-9)

' 33.10 PURCHASES FROM MAYOR OR COUNCILMEMBERS.

Pursuant to A.R.S. ' 38-503(C), the town, through its Council, may purchase supplies, materials and equipment not to exceed an amount as the Council may set by resolution from time, from the Mayor or any member of the Council without using competitive public bidding procedures according to an annually adopted town policy.
(1991 Code, ' 3-4-10)

CHAPTER 34: EMERGENCY MANAGEMENT

Section

General Provisions

- 34.01 Purposes
- 34.02 Definitions
- 34.03 Civil preparedness organization
- 34.04 Powers and duties
- 34.05 Mutual aid
- 34.06 Immunity of town and representatives thereof
- 34.07 Enforcement of orders, rules and regulations
- 34.08 Violations

Emergency Operations Plan

- 34.25 Emergency Operations Plan adopted by reference

Editor=s note:

Editor=s note from the prior codification read thus: Ordinance 23, passed August 17, 1959 created

a civil defense organization. This is an updated version of that ordinance.

GENERAL PROVISIONS

' 34.01 PURPOSES .

The purposes of this chapter are to:

(A) Reduce vulnerability of people and the community to damage, injury and loss of life and property resulting from natural or human-made catastrophes, riots or hostile military or paramilitary action;

(B) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster;

(C) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(D) Clarify and strengthen the roles of the Mayor, Council, Manager and town agencies in prevention of, preparation for and response to and recovery from disasters;

(E) Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery;

(F) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this town, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate; and

(G) Provide a disaster management system embodying all aspects of pre-disaster preparedness and post-disaster response.

(1991 Code, ' 3-5-1)

' 34.02 DEFINITIONS .

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL PREPAREDNESS. The organization, administration, trained manpower, facilities, equipment, material, supplies, programs, emergency plans, ability to execute emergency plans and all other measures necessary and incidental thereto relating to disaster prevention preparedness response and recovery by all governmental and private sector agencies to protect or save health, life or property.

DIRECTOR. The Director of Civil Preparedness.

DISASTER. The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property or extreme peril to the safety of persons or property, resulting from any natural or human-made causes, including but not limited to fire, flood, earthquake, wind, storm, blight, drought, famine, infestation, air contamination, epidemic, explosion, riot or other acts of civil disobedience which endanger life or property, or hostile military or paramilitary action.

EMERGENCY. The existence of a disaster within the town limits requiring immediate action by the emergency forces of the town.

EMERGENCY FORCES. All town governmental and private sector agencies, volunteers, facilities, equipment, trained manpower and other resources required to perform civil preparedness functions.

LOCAL EMERGENCY. The existence of a disaster within the town limits, and the situation is or is likely to be beyond the capability and resources of the town as determined by the Mayor and which requires the combined efforts of other political subdivisions.

REGULATIONS. The orders, rules and emergency procedures deemed essential for civil preparedness.

STATE OF EMERGENCY. The duly proclaimed existence of a disaster within the state except a disaster resulting in a state of war emergency which is or is likely to be beyond the capabilities and resources of any single county, city or town and requires the combined efforts of the state and the political subdivision.

STATE OF WAR EMERGENCY. The situation which exists immediately whenever this nation is attacked, or upon receipt by this state of a warning from the federal government indicating that an attack is imminent.
(1991 Code, ' 3-5-2)

' 33.03 CIVIL PREPAREDNESS ORGANIZATION.

The Town Manager is hereby authorized and directed to create a civil preparedness organization. The Director of Civil Preparedness shall be appointed by the Town Manager.
(1991 Code, ' 3-5-3)

' 33.04 POWERS AND DUTIES.

(A) The Council.

(1) Shall have the power to make, amend and rescind regulations, not inconsistent with regulations promulgated by the governor, necessary for civil preparedness, which regulations shall have the full effect of this chapter when a copy is filed in the office of the Clerk. Existing ordinances and regulations, or ordinances and regulations issued under authority of A.R.S. Title 26, Chapter 2, in conflict therewith, are suspended during the time and to the extent that they are in conflict;

(2) May appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil preparedness purposes;

(3) In the absence of specific authority in state emergency plans and procedures, the Council shall take emergency measures as deemed necessary to carry out the provisions of A.R.S. Title 26, Chapter 2; and

(4) In a state of war emergency the Council may waive procedures and formalities required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the Council determines and declares that strict compliance with these procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. The

town shall be exempt during the emergency from budget limitations prescribed by Article 9, Section 20 of the State Constitution.

(B) The Mayor.

(1) In addition to the powers granted by other provisions of the law or town ordinance, the Mayor may, by proclamation, declare an emergency or a local emergency to exist. The proclamation may be rescinded by a majority of the Council after 24 hours.

(2) During an emergency or local emergency, the Mayor shall govern by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the town, including but not limited to:

(a) Imposition of curfews in all or in a portion of the town;

(b) Ordering the closing of any business;

(c) Closing to public access any public building, street or other public place; and

(d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance.

(C) The Director.

(1) The Director is responsible in non-emergency periods to act on behalf of the Mayor and Council to develop a readiness plan for the town=s civil preparedness and for coordinated operations in disaster situations.

(2) During emergencies, the Director shall act as the principal advisor or aide to the Mayor on emergency operations. His or her major responsibility is to assure coordination among emergency forces and with higher and adjacent governments, by assuring that the emergency operation center functions effectively. He or she shall assist the Mayor in the execution of operations, plans and procedures required by the emergency.

(3) The Director shall prepare a comprehensive disaster basic plan, which shall be adopted and maintained by resolution of the Council upon the recommendations of the Director. In the preparation of this plan as it pertains to town organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent.

(4) The disaster plan shall be considered supplementary to this chapter and have the effect of law whenever emergencies, as defined in this chapter, have been proclaimed.
(1991 Code, ' 3-5-4)

' 34.05 MUTUAL AID.

In periods of local emergency as declared pursuant to this chapter, the town is hereby granted full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor. The town may request from state agencies mutual aid including personnel, equipment and other available resources to assist the town during the local emergency in accordance with emergency plans or at the direction of the governor.

(1991 Code, ' 3-5-5)

' 34.06 IMMUNITY OF TOWN AND REPRESENTATIVES THEREOF.

(A) The town shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of the town or any employee of the town, except willful misconduct, gross negligence or bad faith of any employee, in carrying out the provisions of A.R.S. Title 26, Chapter 2.

(B) The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability worker=s compensation and other benefits which apply to the activity of officers, agents or employees of the town when performing their respective functions within the limits of the town shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this chapter, excepting willful misconduct, gross negligence or bad faith.

(C) Volunteers duly enrolled or registered for services in a local emergency, a state of emergency or a state of war emergency in carrying out, complying with or attempting to comply with, any regulations issued pursuant to A.R.S. Title 26, Chapter 2 or any local ordinance, or performing any of their authorized functions or duties, or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy immunities as officers and employees of the state and its political subdivisions performing similar work.

(1991 Code, ' 3-5-6)

' 34.07 ENFORCEMENT OF ORDERS, RULES AND REGULATIONS.

The Town Police Department shall enforce regulations issued pursuant to this chapter.

(1991 Code, ' 3-5-7)

' 34.08 VIOLATIONS .

It is unlawful for any person to violate any provision of this chapter or to refuse or willfully neglect to obey any lawful regulation or order issued as provided in this chapter. This provision, however, does

not apply to the refusal of any private organization or members thereof to participate in an emergency, local emergency or state of emergency as defined by this chapter.
(1991 Code, ' 3-5-8) Penalty, see ' 10.99

EMERGENCY OPERATIONS PLAN

' 34.25 EMERGENCY OPERATIONS PLAN ADOPTED BY REFERENCE.

The Emergency Operations Plan of the town is adopted by reference and incorporated as if set out in full. A copy of the plan can be found in the office of the Town Clerk.

CHAPTER 35: TAXATION

Section

- 35.01 Adoption of Model Tax Code
- 35.02 Ad valorem taxes

- 35.99 Penalty

' 35.01 ADOPTION OF MODEL TAX CODE.

The Town Tax Code adopted by Ordinance 57 and amendments thereto is hereby adopted by reference and made a part of this code as if fully set forth herein. Three copies of the Code are on file with the Town Clerk and available for public inspection.

(1991 Code, Art. 9-1) (Ord. 57, passed 3-9-1987; Ord. 67, passed 5-21-1990; Ord. 83-1993, passed 8-16-1993; Ord. 87-1995, passed 1-23-1995; Ord. 92-1995, passed 6-19-1995; Ord. 94-1996, passed 4-15-1996; Ord. 96-1996, passed 11-19-1996; Ord. 105-1998, passed 5-19-1998; Ord. 115-1999, passed 10-19-1999; Ord. 120-2001, passed 11-20-2001; Ord. 123-2003, passed 4-15-2003; Ord. 129-2004, passed 10-12-2004; Ord. 137-2005, passed 10-11-2005; Ord. 143-2006, passed 2-14-2006; Ord. 147-2006, passed 11-14-2006; Ord. 148-2006, passed 12-19-2006; Ord. 150-2007, passed 1-11-2007; Ord. 153-2008, passed 3-18-2008; Ord. 155-2009, passed 5-12-2009; Ord. 156-2009, passed 8-11-2009; Ord. 163-2011, passed 4-12-2011; Ord. 165-2011, passed 6-14-2011; Ord. 166-2011, passed 7-12-2011)

' 35.02 AD VALOREM TAXES.

(A) There is hereby levied on each \$100 of the assessed value of property, both real and personal, property as may not be lawfully exempt from taxation, a primary property tax rate sufficient to raise a sum as determined by Council from time to time for each fiscal year. If the sum exceeds the maximum levy allowed by the law, the Board of Supervisors of the county is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the town.

(B) Failure by the county officials to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any title conveyed by any tax fees; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or her or pursuant thereto, the validity of the assessment or levy of taxes or of the judgment of same by which the

collection of the same may be enforced shall not affect the lien of the town of overcharges as to part of taxes or the foreclosure: and all acts of officers de facto shall be valid as if performed by officers de jure.

(Ord. 135-2005, passed 5-10-2005)

' 35.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found guilty of violating any provision of the code adopted in ' 35.01, as amended, shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. 57, passed 3-9-1987; Ord. 67, passed 5-21-1990; Ord. 83-1993, passed 8-16-1993; Ord. 87-1995, passed 1-23-1995; Ord. 92-1995, passed 6-19-1995; Ord. 94-1996, passed 4-15-1996; Ord. 96-1996, passed 11-19-1996; Ord. 105-1998, passed 5-19-1998; Ord. 115-1999, passed 10-19-1999; Ord. 120-2001, passed 11-20-2001; Ord. 123-2003, passed 4-15-2003; Ord. 137-2005, passed 10-11-2005; Ord. 143-2006, passed 2-14-2006; Ord. 148-2006, passed 12-19-2006; Ord. 150-2007, passed 1-11-2007; Ord. 153-2008, passed 3-18-2008; Ord. 155-2009, passed 5-12-2009; Ord. 156-2009, passed 8-11-2009; Ord. 163-2011, passed 4-12-2011; Ord. 166-2011, passed 7-12-2011)

CHAPTER 36: MUNICIPAL COURT

Section

General Provisions

- 36.01 Municipal Court established; jurisdiction
- 36.02 Proceedings of Court; conduct of business

Presiding Officer

- 36.15 Appointment; compensation
- 36.16 Powers and duties
- 36.17 Hearing Officers

Duties of Manager and Council

- 36.30 Duties of Town Manager
- 36.31 Town Council duties

GENERAL PROVISIONS

' 36.01 MUNICIPAL COURT ESTABLISHED; JURISDICTION.

There is hereby established in the town a Municipal Court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with Justices of the Peace of precincts in which the town is located, of violations of laws of the state committed within the limits of the town. The Municipal Court is established pursuant to the State Constitution and A.R.S. ' 22-402.

(1991 Code, Art. 5-1) (Ord. 64, passed 2-20-1989)

' 36.02 PROCEEDINGS OF COURT; CONDUCT OF BUSINESS.

The proceedings of the Court shall be conducted in accordance with the State Constitution, the applicable state statutes and rules of the State Supreme Court pertaining to police courts. The proceedings shall also be conducted in accordance with the Rules of Criminal Procedure for the Superior Court, unless otherwise prescribed, and providing this code and resolutions of the town are not in

conflict therewith. The Municipal Court shall at all times be open for transaction of business except on nonjudicial days.

(1991 Code, Art. 5-3) (Ord. 64, passed 2-20-1989)

PRESIDING OFFICER

' 36.15 APPOINTMENT ; COMPENSATION.

The Municipal Court shall be composed of a presiding Municipal Court Judge and any other judges as determined by the Council. The Council shall appoint and may remove for cause the presiding judge and additional judges appointed. All judges shall be appointed for a period of two years, with their compensation to be determined by the Council.

(1991 Code, ' 5-2-1) (Ord. 64, passed 2-20-1989)

' 36.16 POWERS AND DUTIES.

(A) Each Municipal Judge shall exercise powers, duties and responsibilities as provided by the Constitution and laws of this state, this code and town ordinances.

(B) The powers and duties of the Municipal Judge shall include but are not necessarily limited to the following:

(1) Scheduling assignments of all judges;

(2) Submitting all reports required by the Constitution and the laws of the state, this code and ordinances of the town;

(3) Reporting the activities of the Town Court as reasonably required by the Council;

(4) The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law; and

(5) The payment of all fines, penalties, fees and other monies collected by the Court to the Town Treasurer.

(1991 Code, ' 5-2-2) (Ord. 64, passed 2-20-1989)

' 36.17 HEARING OFFICERS.

The Council may appoint one or more Hearing Officers to preside over civil traffic violation cases when the appointment of the Hearing Officers is necessary to assure prompt disposition of civil traffic

violation cases. Hearing Officers may hear and dispose of civil traffic violation cases which are appealable to the Superior Court pursuant to A.R.S. Title 22, Chapter 2, Article 4 under the supervision of the presiding officer of the Magistrate Court.
(1991 Code, ' 5-2-3)

DUTIES OF MANAGER AND COUNCIL

' 36.30 DUTIES OF TOWN MANAGER.

The duties of the Town Manager include:

(A) Organize, administer, supervise and plan for all nonjudicial Municipal Court operations, including personnel, payroll and insurance administration;

(B) Review Municipal Court schedule to ensure maximum utilization of town resources and recommend changes to the Judge and to the Council to improve that utilization; and

(C) Collection and safekeeping of all monies, i.e., fines, penalties and fees collected in the Municipal Court, except as otherwise provided by law. These monies are to be kept safe until transferred to the Town Treasurer.

(1991 Code, Art. 5-4) (Ord. 64, passed 2-20-1989)

' 36.31 TOWN COUNCIL DUTIES.

The duties of the Town Council include to provide for the financial, physical, personnel and consulting requirements of the Municipal Court. The Council may adopt those additional ordinances which are deemed necessary for the consistent implementation of this section.

(1991 Code, Art. 5-4) (Ord. 64, passed 2-20-1989)

CHAPTER 37: TOWN POLICIES

Section

Personnel System

- 37.01 Personnel policies
- 37.02 Conditions of employment
- 37.03 Political contributions
- 37.04 Safety and loss prevention program

Cross-reference:

Arizonans with Disabilities Act, amending the 2009 International Building Code, see ' 150.01

PERSONNEL SYSTEM

' 37.01 PERSONNEL POLICIES.

The town may adopt personnel policies, the provisions of which shall apply to all employees of the town except elected officials, officers of the town appointed by 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 town.

(1991 Code, ' 3-3-1) (Ord. 79-1992, passed 10-19-1992)

' 37.02 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. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, age, political affiliation or disability. Also consistent with its commitment to provide equal employment opportunities, the town will not tolerate any form of employee harassment, including sexual harassment, harassment based upon race, gender, national origin, religion, age or disability.

(B) (1) Sexual harassment. **SEXUAL HARASSMENT** is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of the conduct by an individual is used as the basis for

employment decisions affecting those individuals or the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(2) Other harassment. Any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidation, hostile or offensive work environment, based on that individual's race, gender, national origin, religion, age or disability, is also unlawful and will not be tolerated.

(3) Education. The Personnel Director shall be responsible for formally notifying all employees, department directors, elected or appointed officials and volunteers of this policy. Periodic training on the topic of offensive behavior and harassment may be conducted and offered to all employees, elected and appointed officials and others.

(4) Reporting possible harassment. Any employee who feels he or she has been harassed should immediately contact either the director of the department in which he or she works, the Personnel Director or Manager to report the situation. All other employees, including supervisors or directors who become aware of possible harassment of an employee, either as a result of having received a complaint directly from the employee or from any other reliable source of information, or from his or her personal observations, should report the situation to the Personnel Director or the Manager.

(5) Implementation and no reprisals. The Manager and the department directors are responsible for creating a productive work environment in which offensive conduct or harassment is completely out of place, taking immediate and appropriate corrective action in response to any confirmed violation of this policy, and assuring that no reprisals are taken against those who complain or against corroborating witnesses.

(6) Enforcement and investigation. The town is committed to thoroughly investigate each complaint and take immediate and appropriate corrective action on all confirmed violations of this policy. The Personnel Director is responsible for the operation of this policy, providing counsel and resolving any unsettled questions which may arise from this policy. The Manager/Personnel Director, the appropriate department director or the Council is responsible for thoroughly investigating and resolving any complaints. The Personnel Director shall be responsible for overseeing the investigation of any complaint of harassment. The goal will be to investigate any complaint promptly and thoroughly. Furthermore, to the extent possible, a harassment complaint, as well as the investigation of any complaint, shall be kept confidential. Following the investigation, the Personnel Director shall take (or recommend, if appropriate) appropriate corrective action on all violations of this policy against harassment.

(C) Penalties. Any violation of this policy will result in appropriate discipline being taken. The appropriate action to be taken necessarily will depend on consideration of all the circumstances in a particular situation.

(1991 Code, ' 3-3-2) (Ord. 91-1995, passed 4-17-1995)

' 37.03 POLITICAL CONTRIBUTIONS.

No officer, official or employee of the town 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.
(1991 Code, ' 3-3-3)

' 37.04 SAFETY AND LOSS PREVENTION PROGRAM.

The Town Manager may implement a safety and loss prevention program applicable to all employees of the town.
(1991 Code, ' 3-3-4)

