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## TITLE 2

### ADMINISTRATION

#### CHAPTER 2-1 – MAYOR AND COUNCIL

Article 2-1.01 – Qualifications No person shall be a Councilman, unless at the time of his election, he is eighteen (18) years of age, and a qualified elector of the City, residing within the City limits at the time of his election and has resided therein for one (1) year next preceding. Any person who has resided for at least one (1) year preceding an election in an area annexed at least thirty (30) days prior to such election by the City, shall also be qualified. (1961 Code/Amended 1988 Code)

Article 2-1.02 – Term of Office Every Councilman elected shall hold his office for the term of four (4) years, except the members of the Council first appointed, and before entering upon the duties of his office shall take and subscribe to the oath of Office. (1961 Code)

Article 2-1.03 – Election of Mayor Commencing with the City Council elections of 1992, the Mayor shall be directly elected by the qualified electors of the City. The term of office for the Mayor shall be two (2) years. (Ord. 890, 2007; Ord. 683 §2, 1990)

#### Article 2-1.04 – Duties of the Mayor

- (a) The Mayor shall be the Chief Executive Officer of the City of Williams and he shall preside over the meetings of the Council and shall perform such duties as may be required of him by law.
- (b) The Mayor shall appoint, by and with the advice and consent of the Council, all officers of the City whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in this same manner.
- (c) The Mayor shall have general supervisory functions over all of the executive officers and employees of the City.
- (d) The Mayor shall have the power and authority to inspect all books and records pertaining to the City affairs, kept by any officer or employee of the City.
- (e) Whenever a question or dispute should arise pertaining to the respective duties or powers of any appointed officer of the City, the question or dispute shall be settled by the Mayor with approval of the Council, and he shall have the power to delegate any appointed officer any duty which is to be performed when no specific officer has been directed to perform such duty. (1961 Code)

#### Article 2-1.05 – Rules of Council Procedure

- (a) The City Council of the City of Williams may prescribe rules of procedure for government of its proceedings. The following Rules of Procedure shall be applicable to all City Council actions and proceedings:

- (1) Rule 1. General Rules.
  - (A) Rules of Council. The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping of minutes of its proceedings. These minutes shall be a public record
  - (B) Written Rules, Order of Business and Procedure. The rules of business, and procedure of the Council shall be in writing and be available to all interested citizens.
- (2) Rule 2. Council Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by resolution. Special meetings may be held on the call of the mayor or of four (4) or more members. All meetings shall be public. Executive sessions may be held for the purposes allowed by law. Presessions or briefing sessions are permissible to brief councilmen on the items included on the agenda. All public meetings and proceedings shall conform to the requirements of Title 38, Article 3.1, Sections 38-431, 38-431.09, inclusive, Arizona Revised Statutes.
- (3) Rule 3. The Council Agenda. Staff Procedure. All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the Council shall be delivered to the City Clerk.
  - (A) The City Manager and Mayor shall review the agenda and background information material on the second day preceding the Council meeting (Tuesday, if the meeting is on Thursday). The Mayor may delete or add items to the agenda at his discretion, except those items specifically requested by three (3) Councilmen.
  - (B) Following the agenda review, the agenda with the additions, deletions or other corrections, shall be returned to the City Clerk who shall prepare the agenda in its final form.
  - (C) Copies of the agenda and background material shall be disseminated to the Mayor, City Council and City staff by the City Clerk.
  - (D) The agenda shall be made public in advance of the meeting both by posting of the regular public bulletin board at city hall. Such action shall be taken concurrently with the furnishing of the agenda to individual members of the City Council.
- (4) Rule 4. The Council Agenda. The agenda's order of business may contain the following items:
  - (A) Pledge of Allegiance;
  - (B) Invocation;
  - (C) Minutes:
    - A. Approval of Council meeting minutes,
    - B. Acceptance of committee and board meeting minutes;
  - (D) Reports and announcements:
    - A. Mayor's announcements,
    - B. Manager's announcements;
  - (E) Public Appearances and Participation. Five (5) minute time limit per citizen;
  - (F) Consent agenda:\*

- A. Miscellaneous,
  - B. Award of bids,
  - C. Ordinances for introduction,
  - D. Ordinances for adoption,
  - E. Resolutions,
  - F. Miscellaneous departmental reports;
- (G) Non-consent agenda:
- A. Miscellaneous,
  - B. Award of bids,
  - C. Ordinances for adoption,
  - D. Resolutions;
- (H) Manager's business and staff reports;
- (I) Councilmens' business and reports;
- (J) Executive session.
- \* Consent agenda items may be removed from the consent agenda and placed on the non-consent agenda at the request of any Councilperson.
- (5) Rule 5. Presiding Officer. The Mayor, or in his absence, the Vice-Mayor, shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The presiding officer shall serve as Council Parliamentarian. The Clerk shall enter in the minutes of the meeting the names of the members present.
- (6) Rule 6. Temporary Chairman. In case of the absence of the Mayor and the Vice-Mayor, the City Clerk shall call the Council to order. If a quorum is found to be present, the Council shall proceed to elect, by a majority vote of those present, a Chairman of the meeting.
- (7) Rule 7. Decorum and Order. The presiding officer shall preserve decorum and decide all questions or order, subject to appeal to Council.
- (A) During Council meeting, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the Rules of the Council. Every Councilman desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself to the question under debate and shall avoid all personalities and indecorous language.
- A Councilman, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order is raised by another Councilman. If a Councilman is called to order while he is speaking, he shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with the rules of the Council. Councilmen shall confine their questions to the particular issues before the Council. If the presiding officer fails to act, any member may move to require him to enforce the rules and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- (B) The presiding officer shall have the authority to preserve decorum in meetings as far as the audience, staff members and City employees are concerned. The City

Manager shall also be responsible for the orderly conduct and decorum of all City employees under his direction and control. Any remarks shall be addressed to the Chair and to any or all members of the Council. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

- (C) Citizens attending Council meetings shall also observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council, or while attending the Council meeting, shall be removed from the room if the Sergeant-at-Arms is so directed by the presiding officer. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who shall direct the Sergeant-at-Arms to remove such offenders from the room. Should the presiding officer fail to act, any member of the Council may move to require him to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act. Any member of the public desiring to address the Council must first prepare a "Citizen Information Card" in the form attached as Exhibit 1 to the ordinance codified in this Section and on file in the office of the City Clerk and give the card to the City Clerk. The City Clerk will give the "Citizen Information Cards" to the presiding officer for recognition of the public speaker. Any member of the public desiring to address the Council shall be recognized by the presiding officer, shall state his name and address in an audible tone for the record, and shall limit his remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all members of the Council and be limited to five (5) minutes.
- (8) Rule 8. Right of Appeal. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the presiding officer may briefly explain his ruling, but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained, otherwise it is overruled.
- (9) Rule 9. Limitation of Debate. No member of the Council or public shall be allowed to speak more than once upon any one subject, until all Councilmen have had an opportunity to speak, nor for a longer time than five (5) minutes, without the leave of the presiding officer. Citizen groups shall be represented in presentation to the Council by one of its members.
- (10) Rule 10. Roll Call Vote. If necessary, the roll shall be taken for yeas and nays upon any questions before Council. It shall be out of order for members to explain their vote during the roll call. There shall be no additional debate or speaking on the subject after the vote is taken.
- (11) Rule 11. Motions to be Stated by Chair - Withdrawal. When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

- (12) Rule 12. Motion to Adjourn, When Not in Order, Not Debatable. A motion to adjourn shall be in order at any time, except as follows:
  - (A) When repeated without intervening business or discussion;
  - (B) When made as an interruption of a member while speaking;
  - (C) When the previous question has been ordered; and
  - (D) While a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.
- (13) Rule 13. Motion to Lay on Table. A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority of the members present.
- (14) Rule 14. Division of Question. If the question contains two or more divisionable propositions, the presiding officer may, and upon request of a member, shall divide the same.
- (15) Rule 15. Amend an Amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- (16) Rule 16. Reconsideration. After the decision on any question any member who voted with the prevailing side may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all Councilmembers, whether present or not, not disqualified from voting by a conflict of interest, but in no event by less than four (4) affirmative votes.
- (17) Rule 17. Rescind. After the time for reconsideration has expired, any member who voted with the prevailing side may move to rescind any action. A motion to rescind shall require a majority vote of all Councilmembers, whether present or not, not disqualified from voting by a conflict of interest, but in no event by less than four (4) affirmative votes.
- (18) Rule 18. Suspend the Rules. These Rules may be suspended by a 2/3 vote of all Councilmen whether present or not.
- (19) Rule 19. Amend the Rules. These Rules may be amended with previous notice by a majority vote of all Councilmen whether present or not. A motion to amend these Rules without previous notice shall require a 2/3 vote of all Councilmen whether present or not.
- (20) Rule 20. What Other Rules Shall Govern. The rules of parliamentary practice, comprised in Robert's Rules of Order, latest edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules. (Ord. 890, 2007; Ord. 763, 1997)

Article 2-1.10 - Vacancies in Office The Council shall fill by appointment, for the unexpired term, a vacancy that may occur through death, resignation, removal from the City, or removal from office, of a member of the Council. The member appointed shall be a legal resident of the City at the time of taking office.

Removal from office shall be deemed to have occurred after the happening of any of the following events before the expiration of the term of office: death; insanity, when judicially determined; resignation, and the lawful acceptance thereof; judicial decree declaring removal; ceasing to be a resident of the City; absence from the City, without written permission from the Council, for three (3) consecutive months; ceasing to discharge the duties of office for a period of three (3) consecutive months; conviction of a felony or an offense, including a violation of his official duties; failure to file his official oath within the time prescribed by law; and judicial decree declaring his election or appointment void. (1961 Code / Amended 1988 Code)

Article 2-1.11 - Financial Statements

- (a) Definitions - Whenever the following words or terms are used in this Code, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said Article defines the terms differently.
  - (1) Compensation - The word "compensation" shall mean money, tangible things of value or financial benefit.
  - (2) Immediate Family - The term "immediate family" shall mean the spouse of a local public officer, and any minor child of whom he or she has legal custody.
  - (3) Local Public Officer - The term "local public officer" shall mean a person holding an elective office of the City of Williams.
- (b) Duty to File Financial Disclosure Statement Exceptions - In addition to other statements and reports required by law, each local public officer as a matter of public record shall file with the City Clerk, on a form prescribed by the City Clerk, a verified statement disclosing:
  - (1) The name of the public officer and the name of each member of his or her immediate family, and all names under which they do business.
  - (2) An identification of each employer and of each source of compensation amounting to more than one thousand (\$1,000) dollars annually received by the local public officer and his or her immediate family in their own names, or by any other person for the use or benefit of the local public officer and his or her immediate family, and a brief description of the nature of the services for which the compensation was received; providing however, that this paragraph shall not be construed to require the disclosure of information that may be privileged by law; nor the disclosure of individual items of compensation that constitute a portion of the gross income of the business or profession from which the local public officer and his or her immediate family derive compensation.
  - (3) The name of every corporation, trust, business partnership, or association in which the local public officer and his or her immediate family, or any other person for the use or benefit of the local public officer and his or her immediate family, have an investment

or holdings of over one thousand (\$1,000) dollars at the fair market value as of the date of the statement, or in which the local public officer or his or her immediate family holds any office, or have a fiduciary relationship, together with the description of the investment, office or relationship; providing, however, that this paragraph does not require disclosure of the name of any bank or other financial institution with which the local public officer or member of his or her immediate family has a deposit or withdrawal share account.

- (4) All Arizona real property interests, including street address, specific location, and approximate size or legal description, to which either the local public officer or his or her immediate family hold legal title, or beneficial interest; Specifically excluding however, his or her residence or property used primarily for personal recreation by the local public officer or his or her immediate family.
  - (5) The names of all persons to whom the local public officer and his or her immediate family owe unsecured personal debts in excess of one thousand (\$1,000) dollars. The names of all persons who owe the local public officer and his or her immediate family unsecured personal debts in excess of one thousand (\$1,000) dollars. Providing however, no disclosures shall be required of debts owed by the local public officer or his or her immediate family resulting from the following: the ordinary conduct of a business or a profession; debts on the residence of the local officer or his or her immediate family; debts arising out of secured transactions for purchase of consumer goods; debts secured by cash values or life insurance; and/or debts owed relatives.
  - (6) The source of each gift of more than five hundred (\$500) dollars received by the local public officer and his or her immediate family in their own names during the preceding twelve (12) months, or by any other person for the use or benefit of the local public officer or his or her immediate family, except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from relatives. Political contributions shall not be construed as gifts.
  - (7) A description of all of the professional, occupation and business licenses in which either a local public officer or his or her immediate family has an interest issued by the City of Williams or by any Arizona State department, agency, commission, institution or instrumentality, which requires for its issuance the consideration of the application by the City Council, including the name in which the license is issued, the type of business or profession, and its location.
  - (8) The verified statement required to be filed pursuant to this entire subsection shall be filed by each local public officer on or before January 31 of each year hereafter.
- (c) Duty to File Financial Statement by a Candidate or an Appointee to the Council - A candidate for the City Council of the City of Williams shall file a financial disclosure statement containing the information required in subsection (b) supra hereof on forms prescribed by the City Clerk, at the time of filing his or her signed nomination papers. An appointee to the City Council to fill a vacancy shall file the required statement within fifteen (15) days following the filling of such vacancy. Any public officer or candidate who fails to file a financial disclosure statement as required herein, or who knowingly and intentionally files an incomplete financial disclosure statement is guilty to an offense

punishable by a fine not less than three hundred (\$300.00) dollars and not more than one thousand (\$1,000.00) dollars or confinement in the County Jail up to thirty (30) days. (Ord. 890, 2007; Ord. 507, 1974)

Article 2-1.12 – Liability of Council A member of the Council under the provisions of this Chapter shall not be personally liable in damages or otherwise for an unlawful act of an officer or employee of the City, unless the act is committed by the authority of the member, or he has notice or knowledge thereof, or unless the act is committed under circumstances which would cause, or would have caused, a reasonable or prudent person to have knowledge of the act. (1961 Code)

Article 2-1.13 – Oath of Office Immediately prior to the assumption of the duties of office, each councilperson shall in public, take and subscribe the Oath of Office. (1961 Code)

Article 2-1.14 – Compensation of the Mayor and City Council Effective immediately after July 1, 2006, the salary of the Mayor shall be five hundred dollars (\$500.00) per month and the salary of each Councilperson shall be four hundred dollars (\$400.00) per month except that such salaries shall not apply to the Mayor or Councilperson unless or until the present Mayor and City Council stand for and are re-elected. (Ord. 890, 2007; Ord. 849 (part), 2006; Ord. 835, 2004; Ord. 822, 2001)

## CHAPTER 2-2 – APPOINTIVE OFFICERS

### Article 2-2.01 - General Policies

- (a) This Chapter sets forth the City Officers that shall be appointed either by the Mayor, with the advice and consent of the City Council, or by the City Manager.
- (b) The appointment of these officers may be accomplished by written contract between the City and appointees. However, it is not necessary for the City to enter into a written contract to hire any of the officers outlined in this Chapter.
- (c) In case of death, resignation, or removal of any appointive officer, the vacancy shall be filled by appointment in the same manner in which the original appointment was made.
- (d) Nothing in this Chapter shall be construed to prohibit one person from holding more than one appointive office. If a person holds more than one appointive office, that individuals shall exercise all the rights and responsibilities of each office, as set forth in the Arizona Revised Statutes and the Williams City Code. (Ord. 890, 2007; Ord. 811 (part), 2001: 1988 Code)

### Article 2-2.02 – City Manager

- (a) Creation of the Office. The office of City Manager is hereby created.
- (b) Appointment of City Manger.
  - (1) The City Manager shall be appointed by a majority vote of the City Council for an indefinite term. The City Manager shall be chosen by the Council on the basis of the candidate's executive and administrative qualifications and knowledge of the duties of the office as set forth in this Article.
  - (2) No member of the City Council is eligible to become the City Manager during the term for which he or she shall have been elected.
  - (3) A candidate for the position of City Manager need not be a resident of the City of Williams or of the State of Arizona at the time of his selection for the position. However, if a candidate accepts the position of City Manager, he must reside in the City throughout his tenure.
  - (4) The City Manager is an "AT WILL " employee and serves at the pleasure of the City Council.
- (c) Removal of City Manager. The City Manager may be removed by the Council without liability at any time, for any reason not unlawful whatsoever or for no reason by a majority vote of its members.
- (d) Duties and Authority of City Manager. The City Manager shall be the executive officer and head of the administrative branch of the City. The City Manager is responsible to the City Council for proper administration of all affairs of the City. The City Manager has the following powers and duties:

- (1) General administrative supervision and control of the business and employment affairs of the City, including supervision of the other appointive officers and all employees. The City Manager shall have full authority to employ, terminate, suspend and utilize any and all available employment-related action affecting all employees. In the cases of termination or suspension of all employees, except temporary, the City Council shall retain authority to ratify or reject actions by the City Manager through the appeal process hereby directed to be included in the Human Resource Department rules and regulations.
- (2) Attend meetings of the City Council. The City Manager, in his discretion, may report to the City Council on the affairs of the various departments, boards, services or activities under his supervision. The City Manager also has the discretion to delegate to the heads of the various departments the obligation to report to the City Council on the affairs of that department.
- (3) Institute proceedings to suspend or discharge any appointive officer. The decision to suspend or remove any appointive officer must be approved by a majority vote of the City Council.
- (4) Suspend or discharge any classified employee(s), subject to the provisions of the Personnel Regulations.
- (5) Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the City government including:
  - (A) Ensuring compliance with the policies, rules, regulations and ordinances adopted by the City and the various departments, boards or divisions of the City.
  - (B) Reviewing, recommending changes to, and approving any policies and procedures proposed for adoption by any department, board or division of the City.
- (6) The City Manager shall require each department, board, division or service to submit estimates of the annual expenditures required for salaries, wages, capital outlays and miscellaneous operating costs. The estimates from the various departments, divisions, boards and services will be used by the City Manager in the preparation of the preliminary budget for the City Council. The City Manager will submit an annual preliminary budget to the City Council on the date specified by the Council.
- (7) Supervise the expenditures of all departments, divisions or services of the City government and act as purchasing agent for all supplies, goods, wares, merchandise, equipment and material which may be required for any such departments, divisions or services.
- (8) Analyze and supervise the functions, duties and activities of the various departments, boards and services of the City government and of all employees thereof, and make such recommendations to the City Council that will result, if made effective, in the highest degree of efficiency in the overall operation of the City government.
- (9) Develop and organize improvement projects and programs, and aid and assist the City Council and the various departments and boards in carrying the same through to a successful conclusion.

- (10) Serve as public relations officer of the City government, which includes investigating and handling all written and signed citizen complaints filed against any employee, department or service thereof, with the goal that the City is properly acting on their behalf with the highest degree of efficiency.
- (11) Cooperate with community organizations whose aim and purpose it is to advance the best interests of the City and its residents, and provide them with reasonable assistance obtainable through the City government within the limitations of law and reasonable capabilities of the City.
- (12) Keep an up-to-date inventory of all personal property owned by the City and, whenever appropriate, recommend to the City Council the purchase of new machinery, equipment and supplies taking into consideration trade-in value of then-owned machinery and equipment.
- (13) Perform, or have performed, studies and surveys of the duties, responsibilities and work of the personnel in the various departments and services of the City government, and, if appropriate, recommend to the City Council abolition, consolidation or reorganization of positions if such action would increase efficiency in the administration of the City government.
- (14) Ensure that all laws and ordinances of the City of Williams are duly enforced.
- (15) Devote his or her entire time during work hours to the discharge of official duties.
- (16) Perform such other duties as may be required by the City Council, not inconsistent with the laws of the State of Arizona, or the ordinances of the City of Williams.

(e) Restrictions.

- (1) The City Manager shall not exercise any policymaking or legislative functions, except as otherwise set forth in the Williams City Code.
- (2) It is not intended by this Code to grant any authority to, or impose any duty on, the City Manager, that is vested in or imposed by general law or City ordinances on City Council or any other City commission, board, officer or employee, except as set forth in the City ordinances.

(f) Public Relations. In the discharge of his duties as City Manager shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in contacts with the public and with all City boards, departments and employees and shall establish and maintain a harmonious relationship between all personnel employed in the government of the City of Williams, to the end that the highest possible standards of public service shall be continuously maintained.

(g) Compensation. The City Manager shall receive such compensation as the City Council shall fix from time to time. (Ord. 890, 2007; Ord. 850 (part), 2006; Ord. 811 (part), 2001; Ord. 583, 616)

Article 2-2.03 – City Clerk

(a) Creation of Office. The office of City Clerk is hereby created, to be appointed by and serve at the pleasure of the Mayor and Council.

(b) Maintenance and Records.

- (1) The City Clerk shall keep a true and correct record of all business transactions of the City Council, and any other records that pertain to the business of the City or that the Council directs. The Clerk shall number and plainly label, and file separately in a suitable category, all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.
- (2) In maintaining the records of the City of Williams, the City Clerk shall comply with Arizona statutes on the preservation of public records, and any rules, regulations or manuals for municipal records promulgated by the Arizona Department of Library, Archives and Public Records. Nothing in this ordinance prohibits the City Clerk from disposing of records that no longer have "sufficient legal or fiscal value" and/or disposing of records pursuant to a records retention and disposition schedule established by the Arizona Department of Library, Archives and Public Records.

(c) Public Inspection. The Clerk shall keep convenient for public inspection all public records and documents under his control as provided by State statute, or rules, regulations or manuals for municipal records promulgated by the Arizona Department of Library, Archives and Public Records.

(d) Preparation of Agenda. The Clerk shall collect from the City officers and employees for the agenda such monthly reports prepared in such a manner and to include such information as may be directed by Council.

(e) Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings, consistent with the method chosen by the Council in the City Ordinances for the recordation of the minutes, and shall insure their correctness and accuracy.

(f) Posting. 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.

(g) Treasurer. The Clerk shall hold the office of ex officio City Treasurer. However, the responsibilities for issuing purchase orders, the City's accounting records, payroll, and other financial functions will be handled by the City's Finance Director, whose responsibilities are set forth in Article 2-2.13.

(h) Election Official. The Clerk shall be the City 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 statutes or this Code.

(j) Responsibilities and Duties. The Clerk shall be responsible for the duties of the Human Resources Director as described in the Human Resources Ordinance. The Clerk shall perform or cause to be performed, those administrative responsibilities and duties that are conferred upon him by the Council, in addition to those as specified in this Code.

(k) Deputy Clerk. The Clerk may appoint such Deputy Clerks as are necessary to fulfill the functions and responsibilities contained herein. (Ord. 890, 2007; Ord. 811 (part), 2001: 1961 Code/Amended 1988 Code)

#### Article 2-2.04 – City Attorney

- (a) Creation of Office. The office of city attorney is hereby created. It shall consist of the City Attorney and such assistants as may be authorized by the Council.
- (b) Appointment of City Attorney. The City Attorney shall be appointed by a majority vote of the City Council for an indefinite term. He shall serve under the direct supervision and control of the Council as its legal advisor. The City Attorney shall hold office for and at the pleasure of the Council. Nothing in the Article, however, shall be construed as a limitation on the power of authority of the Council to enter into any supplemental agreement with the City Attorney delineating additional terms and conditions of employment.
- (c) Removal of City Attorney - The City Attorney may be removed by the Council by a majority vote of its members, without right of hearing, unless such hearing is required by State or Federal law.
- (d) Retainment of Other Counsel - The Council may retain or employ other attorneys, assistants, or special counsel as may be needed to take charge of any litigation or legal matters or to assist the City Attorney herein.
- (e) Compensation - The City Attorney shall receive such compensation and expense allowance as the City Council shall from time to time determine, and such compensation shall be a proper charge against such funds of the City, as the Council shall designate.
- (f) Duties of City Attorney - The duties and functions of the City Attorney shall be as follows:
  - (1) Advise the Council and all city officers in all matters of law pertaining to their office.
  - (2) Furnish legal service at all meetings of the Council, except when excused or disabled, and give advice or opinions on the legality of all matters under consideration by the Council or by any of the boards or commissions or officers of the City.
  - (3) Prepare and/or approve all ordinances, resolutions, agreements, contracts, and other legal instruments as shall be required for the proper conduct of the business of the City.
  - (4) Prosecute and defend all suits, actions or causes wherein the City is a party.

#### Article 2-2.05 – Magistrate Court and City Magistrate

- (a) Establishment of Court - The Magistrate Court is hereby established in the City. (1961 Code)
- (b) Jurisdiction - The Magistrate Court shall have jurisdiction over all violations of this Code, and concurrent jurisdiction with Justices of the Peace of precincts in the City, of violations of laws of the State, committed within the limits of the City.
- (c) Presiding Officer - The presiding officer of the Magistrate Court shall be the City Magistrate, who shall be appointed by the Council. The City Magistrate shall be

appointed for a term of two (2) years. The term shall commence \_\_\_\_\_ and terminate \_\_\_\_\_. During such term, the Magistrate may only be removed for cause.

- (d) Duties of City Magistrate - The City Magistrate shall have the following powers and duties:
- (1) The powers and duties set forth and conferred upon him under the provisions of the State Constitution and Statutes, this Code, and the Ordinances and Resolutions of the City.
  - (2) The keeping of a docket in which shall be entered each action of the proceedings of the Court, therein.
  - (3) The responsibility for fixing and receiving all bonds and bills, all fines, penalties, fees and other monies as provided by law and collected by the Court; and the payment of such to the Treasurer.
  - (4) The submission of a monthly report to the Council summarizing the Court activities for that month; and the preparation of schedule of traffic violations, not involving the death of a person, listing the specific bail for each violation.
  - (5) The designation of a deputy other than a law enforcement officer, and a specific location at which the deputy shall, during the hours when the Court is not open, set the amount of bail in accordance with the foregoing schedule; and collect such bail or accept proper bail bonds, in lieu thereof, for and on behalf of the Court.
- (e) Proceedings - Proceedings of the Magistrate Court shall be conducted in accordance with the State Constitution, and the applicable State statutes and rules of the State Supreme Court pertaining to police courts. The proceedings shall 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 City are not in conflict therewith.
- (f) Employees - The City Magistrate shall be authorized to employ such Court Clerks and other auxiliary personnel as is necessary for the proper functions of the Magistrate Court. Said Court Clerks and other personnel shall be responsible for those duties lawfully assigned to them by the City Magistrate. (1961 Code/Amended 1988 Code)

#### Article 2-2.06 – Chief of Police

- (a) Chief Law Enforcement Officer. The Chief of Police shall be the Chief Law Enforcement Officer of the City.
- (b) Appointment of Chief of Police. The Chief of Police is appointed to his office by the Mayor and City Council, at whose pleasure he serves.
- (c) Removal of Chief of Police. The Chief of Police may be removed from his office by the City Manager, upon institution of dismissal proceedings, subject to approval of the Mayor and the Council.
- (d) Writs and Processes. The Chief of Police shall, by himself or Deputy, execute all writs and processes issued under the authority of this Code.

- (e) Keep The Peace. The Chief of Police or his Officers shall strictly suppress all riots, disturbances and peace, and shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as any Peace Officer in similar cases.
- (f) Arrests. The Chief of Police or his Officers shall arrest, with or without warrant, upon view of any person violating or charged with violating any of the provisions of this Code.
- (g) Additional Aid. The Chief of Police or his Officers shall have the power to call to his assistance, deputies, or in case of emergency, any number of citizens needful to effect an arrest, quell a riot, keep good order, or preserve the peace, and any person who shall refuse to assist the Chief of Police or his Officers when called upon, shall be deemed guilty of a misdemeanor.
- (h) Police Officers. The Chief of Police may appoint such Officers as may be necessary, and such appointments shall become effective when approved by the City Manager.
- (i) Duties of the Chief of Police.
  - (1) The Chief of Police shall keep, or cause to be kept, records and make, or cause to be made, such reports concerning the activities of his Department as may be required of him by the City Manager.
  - (2) He shall be responsible for the performance of the Police Department and all of its functions; all persons who are members of the Police Department shall serve as classified or unclassified personnel in accordance with the pertinent Personnel Ordinance for the City of Williams.
  - (3) Provide reports, as requested by the City Manager, regarding the functioning of the Police Department. Provide such information as may be requested by the City Manager to carry out his duties and responsibilities to the Council including, but not limited to, providing an inventory of personal property in the departments that he supervises; making recommendations to the City Manager for purchases of new equipment, machinery or supplies; or providing information to the City Manager for the completion of personnel studies or surveys.
  - (4) Issue general orders and policies for the Police Department. Any general orders or policies that are inconsistent with the any City Ordinance are void and of no effect. Because of the evolving nature of the constitutional, statutory and common law applicable to police officers, all general orders and policies shall be submitted to the City Attorney for legal approval before they go into effect. Any general order or policy that could potentially subject the City to civil liability may, in the discretion of the Chief of Police, be presented to the Council for its approval. (Ord. 890, 2007; Ord. 811 (part), 2001: Ord. 613; Ord. 614; 1988 Code)

#### Article 2-2.07 – Fire Chief

- (a) Election of Officers. The Fire Chief shall be elected by the member of the Fire Department, with the approval of the Mayor and Council. Other officers are elected by the members of the fire department.

- (b) Supervision. The Fire Chief shall be head of the Fire Department and have supervision over all officers and members thereof.
- (c) Duties and Responsibilities of Fire Chief. The Fire Chief shall keep such records and make such reports concerning the activities of his department as may be required by the statute or by the Mayor and Council. He shall be responsible for the performance of the Fire Department and of its functions, and all persons who are members of the Fire Department shall serve subject to his orders. He shall be responsible for the control and custody of all Fire Department property and equipment and shall have the authority of a law enforcement officer while actively engaged in fighting a fire, or en route to or from a fire. (1961 Code)

Article 2-2.08 – City Engineer

- (a) A competent Civil Engineer shall be appointed by the City Manager, with the advice and consent of the Council. The City Engineer will receive such fees for his services as the Council may prescribe.
- (b) It shall be the duty of the City Engineer to perform such duties as from time to time may be required of him in locating the grades of the streets and sidewalks of the City; handling engineering questions regarding the City's sewers and water works; participating as a member of the Planning and Zoning Commission; providing legal descriptions for property and easements; inspections, as needed, for construction projects by the City or infrastructure to be dedicated to the City; and such other duties as may be required by him by the Council or the City Manager. (Ord. 890, 2007; Ord. 811 (part), 2001; 1961 Code)

Article 2-2.09 – Public Works Director

- (a) Creation of Office. The Office of Public Works Director is hereby created.
- (b) Appointment of Public Works Director. The Public Works Director will be appointed by the City Manager and will be appointed for an indefinite term.
- (c) Removal of Public Works Director. The Public Works Director may be removed by the City Manager.
- (d) Duties of Public Works Director. The Public Works Director shall act as an administrator of various municipal departments and shall:
  - (1) Supervise and coordinate the work performed by the following departments:
    - (A) Streets;
    - (B) Maintenance;
    - (C) Water;
    - (D) Sanitation;
    - (E) Maintenance;
    - (F) City shop;
    - (G) Golf course; and
    - (H) Youth Center and recreation activities.

- (1) However, the heads of the foregoing departments shall be responsible for arranging for the work schedules for the employees in those departments, and the personnel decisions in those departments. Personnel decisions will be coordinated by the department heads and the City Manager.
- (2) Advise the City Manager and City Engineer of issues that require the expertise of an engineer.
- (3) At the request of the City Manager or City Engineer, supervise construction or repair work that is done on behalf of the City of Williams, obtain and provide such factual information as may be required by the City Manager to properly perform his functions to oversee municipal projects and to enter into contracts on behalf of the City, and obtain and provide such factual information as may be required by the City Engineer to properly perform his functions.
- (4) Provide such information as may be requested by the City Manager to carry out his duties and responsibilities to the Council, including but not limited to providing an inventory of personal property in the departments that he supervises; making recommendations to the City Manager for purchases of new equipment, machinery or supplies; or providing information to the City Manager for the completion of personnel studies or surveys.
- (5) Insure that the City Manager has information from the various departments that will allow the City Manager to submit a preliminary annual budget to the City.
- (6) Provide information to the City Manager as may be required for the City Manager to report to the Council as required by these Ordinances.
- (7) Attend Council meetings as necessary and provide a report to the Council as requested by the City Manager. (Ord. 890, 2007; Ord. 811 (part), 2001: 1988 Code)

#### Article 2-2.10 – Building Official

- (a) Creation of Office. The office of building inspector, who shall be known as Building Official, is hereby created.
- (b) Appointment of Building Official. The Building Official shall be appointed by and under the general control of the City manager.
- (c) Duties of Building Official. It shall be the duties of the Building official to enforce all laws relating to the construction, alteration, repair, removal and demolition of buildings and structures. To the extent that the Building Official and the Fire Chief have overlapping duties, they shall act jointly. The Building Official, or his designee, shall also act as the Plumbing and Electrical Inspector, Fire Marshal, and Code Enforcement Officer.
- (d) For purposes of personnel actions, the Building Official shall be a "classified" employee. (Ord. 890, 2007; Ord. 811 (part), 2001: 1961 Code/Amended 1988 Code)

#### Article 2-2.11 – Street Superintendent

- (a) Creation of Office. The office of Street Superintendent is hereby created.

- (b) Appointment of Street Superintendent. The City Manager shall be responsible for selecting the Street Superintendent with the advice and consent of the City Council. The compensation of the Street Superintendent shall be fixed by the City Manager.
- (c) Duties of Street Superintendent. The duties of the Street Superintendent shall be to improve, maintain and supervise the improvement of maintenance of the streets, alleys and public ways of the City; together with such other duties as are specified by law, including but not limited to those enumerated in title 48, chapter 4 of the Arizona Revised Statutes (§§ 48-501 to 48-691), and such other duties as may be from time to time prescribed by the Mayor and Council.
- (d) For purposes of personnel actions, the Street Superintendent shall be a "classified" employee. (Ord. 890, 2007; Ord. 811 (part), 2001: 1988 Code)

#### Article 2-2.12 – Water Superintendent

- (a) Creation of Office. The office of Water Superintendent is hereby created.
- (b) Appointment of Water Superintendent. The City Manager shall be responsible for the selection and hiring of the Water Superintendent. The compensation of the Water Superintendent shall be fixed by the City Manager.
- (c) Duties of Water Superintendent. The Water Superintendent shall be responsible for the supervision of all work and activities of the Water and Wastewater Departments, including but not limited to improvement, maintenance, repair and installation of water mains, water services, water meters, sanitary sewers, wastewater treatment plant and facilities, storage facilities, fire hydrants, and other related equipment and facilities as well as such other duties as may from time to time be prescribed by the Mayor and Council.
- (d) For purposes of personnel actions, the Water Superintendent shall be a "classified" employee. (Ord. 890, 2007; Ord. 811 (part), 2001: 1988 Code)

#### Article 2-2.13 – Finance Director

- (a) Creation of Office. The office of Finance Director is hereby created.
- (b) Appointment of Finance Director.
  - (1) The Finance Director shall be appointed by a majority vote of the City Council for an indefinite term. The Finance Director shall be chosen by the Council on the basis of his financial, accounting, executive and administrative qualifications, and his knowledge of the duties of his office that are set forth in this Chapter.
  - (2) A candidate for the position of Finance Director need not be a resident of the City of Williams or of the State of Arizona at the time of his selection for the position. However, if a candidate accepts the position of Finance Director, he must reside in the City.
  - (3) The Finance Director is an "AT WILL" employee, who serves at the pleasure of the City Council.

- (c) Removal of Finance Director. The Finance Director may be removed by the Council by a majority vote of its members.
- (d) Duties of Finance Director. The Finance Director shall be an executive officer of the City. The Finance Director shall:
  - (1) Report directly to the City Manager regarding the financial matters of the City.
  - (2) Manage and supervise payroll for the City and its employees.
  - (3) Be responsible for payment of all purchase orders and the issuance of purchase orders.
  - (4) Manage the bookkeeping and accounting records for the City.
  - (5) Assist in any audits performed on the City's financial records.
  - (6) Assist the City Manager in the preparation of the annual budget.
  - (7) Prepare revenue and expenditure reports, and the check register, and make presentations to the City Council on these items.
  - (8) Draft rules and regulations for the accounting department, including rules and regulations governing reimbursement requests and documentation, if any, needed for properly paying reimbursement requests. Any rules and regulations drafted on reimbursement requests shall provide, however, for the right of the Mayor or a member of the Council to have a denial of any reimbursement request appealed to the Council within forty-five (45) days of the date of the decision. In the event of an appeal, the reimbursement issue will be decided by a majority vote of the Council.
  - (9) Attend meetings of the City Council.
  - (10) Perform such other duties as may be requested by either the Council or the City Manager. (Ord. 890, 2007; Ord. 811 (part), 2001)

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## CHAPTER 2-3 – BOARDS AND COMMISSIONS

The following Boards and Commissions shall consist of seven (7) members each, appointed by the Mayor and Council of the City of Williams:

Planning and Zoning Commission  
Board of Adjustments  
Golf Committee  
Historic Preservation Commission  
Airport Advisory Committee

- (a) Each Board and Commission shall have as ex-officio member, the Mayor and one additional Councilperson appointed or designated by the City Council.
- (b) The term of each member appointed to the enumerated Boards and Commissions shall expire July 1, of the year of the Council elections, commencing in 1990.
- (c) At the first meeting of the newly elected City Council, each Council member shall have the courtesy of nominating one (1) individual for appointment to each of the enumerated Boards and Commissions.
- (d) Each member appointed to any Board, Committee or Commission, including those enumerated above and those listed in Articles 2-3.01 and following, shall have attained the age of eighteen (18) years and shall have resided in the City of Williams at least one (1) year on the date of such appointment, except that no more than three (3) members of the Golf Committee and no more than three (3) members of the Airport Advisory Committee may reside outside the City of Williams.

### Article 2-3.01 - Planning and Zoning Commission (1961 Code/Amended)

- (a) Establishment. The planning and Zoning Commission of the City of Williams is hereby established.
- (b) Chairman and Vice Chairman. The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.
- (c) Powers and Duties. It shall be the duty of said Commission to formulate, create and administer any lawful plan duly adopted by the City Council for the present and future growth of the City, 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"; 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 City and in cooperation with adjacent areas; to recommend to the City Council revisions in such

plans which, in the opinion of the said Commission, are for the best interest of the citizens; to promulgate rules of procedure and to supervise the enforcement of rules so promulgated by said Commission and approved by the City Council.

- (d) Meetings - The Commission shall provide in its rules for its meetings; provided, however, that special meetings may be called by the Chairman or in his absence the Vice-Chairman. In addition, any three (3) members of the Commission may make written request to the Chairman for a special meeting and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in the Commission rules.
- (e) Quorum - Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Commission. In this connection, the minutes of the meeting shall reflect the "ayes" and "nays" cast on particular shall and the reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.
- (f) Assessment of Fees - 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 City of Williams. Such fee schedules shall become effective upon approval by the City Council.
- (g) Appeals - Any person who has been aggrieved by a decision of the Planning and Zoning Commission may appeal to the City Council for hearing within thirty (30) days from such decision. (Ord. 890, 2007; Ord. 502)

#### Article 2-3.02 - Library Board

- (a) Establishment - The Library Board for the City of Williams is hereby established.
- (b) Members and Compensation - The City Council shall appoint six (6) residents of the City of Williams as Trustees of its library. They shall hold office for three (3) years beginning July 1 in the year of their appointment, unless sooner removed for good cause. Upon the first appointment of trustees they shall, at their first meeting, divide themselves by lot into three (3) classes, one-third (1/3) to serve for one (1) year; one-third (1/3) to serve for two (2) years; and one-third (1/3) to serve for three (3) years. The office shall be honorary and without compensation.
- (c) Meetings - The Trustees shall meet for business purposes on the first Monday before the second Tuesday of each month, and at such other times as they shall appoint, at a place to be provided for the purpose. They may elect from their body a President and a Secretary, and may adopt an official seal. The Secretary shall keep a full statement and account of all property, receipts and expenditures, and a record of the proceedings of the Board. The Trustees shall have charge of the library and all library property and may appoint a Librarian, who shall be a resident of the City.
- (d) Power of Trustees - The Trustees, by a majority vote of their members recorded in the minutes with the "ayes" and "nays" at length, may:

- (1) Make and enforce all rules, regulations and by-laws necessary for the administration and government of the library and all library property;
  - (2) Exercise and administer any trust declared or created for the library or reading room;
  - (3) Define the powers and prescribe the duties of Officers and elect and remove at will, Officers and Assistants;
  - (4) Purchase necessary books, journals, publications and other personal property;
  - (5) Order the drawing and payment, upon properly authenticated vouchers, certified by the President and Secretary, of money out of the library fund for any liability authorized;
  - (6) Fix the salary of the Librarian; and
  - (7) By and with the consent and approval of the City Council, purchase real property and erect and equip buildings as may be necessary for the Library and reading room(s).
- (e) Warrants - The warrant of the Trustees, when made and authenticated, shall be verified and audited by the auditing officer, and paid by the Treasurer of the City from the Library Fund.
- (f) Annual Report - The Trustees, on or before the first Monday of July of each year, shall make a report to the City Council containing:
- (1) A full statement of all property and money received, where derived and its use and expenditure;
  - (2) The number of books, journals, and other publications on hand, the number added by gift, purchase or otherwise during the year, the number lost or missing and the number and kind of those loaned;
  - (3) Such other statistics, information and suggestions as may be of general interest; and
  - (4) A financial report, showing all receipts and disbursements of money, shall be made by the Secretary of the Board of Trustees and shall be verified by oath.
- (g) Receipt of Gifts - The City of Williams may receive, hold or dispose of gifts made to them for library purposes and may apply them in a manner which will best promote the uses of the library, subject to the terms of the gift. (1961 Code)

Article 2-3.03 - Board of Adjustments (Ord. 890, 2007; Ord.503)

- (a) Established - The Board of Adjustments of the City of Williams is hereby established.
- (b) Chairman and Vice-Chairman - The Board shall elect a Chairman and a Vice-Chairman from among its own members, who shall serve for one (1) year and until their Successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

- (c) Powers and Duties - It shall be within the power and the duty of the Board to:
- (1) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of the Zoning Ordinance;
  - (2) Hear and decide appeals for variances from the terms of the Zoning Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
  - (3) Reverse or affirm, wholly or partly, or modify the order requirement or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.
- (d) Powers Not Granted - The Board of Adjustments may not:
- (1) Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance provided the restriction in this section shall not affect the authority to grant variances pursuant to this Chapter; or
  - (2) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
- (e) Meetings - The Board shall provide in its rules for its meetings; provided, however, that special meetings may be called by the Chairman or in his absence the Vice-Chairman. In addition, any three (3) members of the Board may make written request to the Chairman for a special meeting and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in Board rules.
- (f) Quorum - Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Board. In this connection, the minutes of the meeting shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.
- (g) Assessment of Fees - The Board of Adjustments shall be authorized to establish a uniform schedule of fees for services with all receipts to be paid into the General Fund of the City of Williams. Such fee schedules shall become effective upon approval by the City Council.
- (h) Judicial Review - Any person aggrieved by any act or decision of the Board of Adjustments may appeal to the Superior Court, Coconino County, Arizona, within thirty (30) days from the decision or action from which the appeal is taken.

Article 2-3.04 – Golf Committee

- (a) Establishment - The Golf Committee of the City of Williams is hereby established.
- (b) Membership – The Golf Professional of Williams Elephant Rocks Golf Course shall automatically be appointed as a member of the Golf Committee.
- (c) Chairman - The members of the Committee shall meet the first Monday of every July to elect members to serve as Chairman and as Vice-Chairman for a term of one (1) year from July 1st through June 30th. The Chairman shall preside at all meetings and exercise all the rights, duties and prerogatives of the head of any similar organization. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.
- (d) Quorum - Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Committee. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.
- (e) Duties and Powers - The Golf Committee is not constituted as an agency of the City Council, but is created to assist and aid the Council in its operation, regulation and supervision of the City of Williams Elephant Rocks Golf Course in accordance with the Arizona Revised Statutes.
- (f) The Committee shall be responsible to negotiate, review, recommend to and advise the Council on all matters relating to the conduct of the Williams Elephant Rocks Golf Course, and the same shall be in writing. Rules and regulations may be proposed by the Committee, but such rules and regulations shall be enacted only by the City Council.
- (g) No real property shall be disposed of by the Committee by sale, lease or otherwise, but the Committee shall advise the Council on such matters. The Committee may negotiate to lease space, area or improvements and the granting of concessions for aeronautical purposes or purposes incidental thereto, and advise the Council in writing of their recommendations.

Article 2-3.05 - Housing Authority

- (a) Established - The Housing Authority of the City of Williams is hereby established, as an agent of the City pursuant to Arizona Revised Statutes Section 36-1404; and delegated to the Housing Authority is the power to construct, maintain, operate and manage a housing project or projects, and also any or all of the powers conferred on the City by A.R.S. Section 36-1401 et seq., except the power to borrow money, issue bonds and acquire real property.
- (b) Members and Compensation - The Mayor shall appoint five (5) persons as Commissioners of the Authority. Commissioners first appointed shall be designated to serve terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointment, but thereafter Commissioners shall be appointed for a term of office of five (5) years. A Commissioner of the Authority shall not hold any other office or employment of the City. A Commissioner shall hold office until his successor

has been appointed and is qualified. A certificate of appointment or reappointment of a Commissioner shall be filed with the Clerk and a certificate shall be conclusive evidence of the due and proper appointment of the Commissioner. A Commissioner shall receive no compensation for his services, but shall be entitled to reimbursement for necessary expenses, including travel, incurred in the discharge of his duties.

- (c) Secretary and Executive Director - The Housing Authority is authorized to employ a secretary who shall also act as Executive Director and shall be authorized to employ technical experts and such other officers, attorneys, agents and employees, permanent and temporary, as the Authority requires, to determine their qualifications, duties and compensation, and to delegate to one or more of them such powers or duties as the Authority deems proper.
- (d) Powers and Quorum; Chairman and Vice-Chairman - The powers delegated by the City to the Housing Authority shall be vested in the Commissioners. Three (3) Commissioners shall constitute a quorum for all purposes including conducting the business of the Authority and exercising its powers. Action may be taken by the Authority upon a vote of a majority of the Commissioners present. The Mayor shall designate which of the Commissioners shall be Chairman and Vice-Chairman, respectively. (Res. 593)

Article 2-3.06 – Airport Advisory Committee (Ord. 890, 2007; Ord.637)

- (a) Establishment - The Airport Advisory Committee of the City of Williams is hereby established.
- (b) Chairman - The members of the Committee shall meet the first Monday of every July to elect members to serve as Chairman and as Vice-Chairman for a term of one (1) year from July 1st through June 30th. The Chairman shall preside at all meetings and exercise all the rights, duties and prerogatives of the head of any similar organization. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.
- (c) Quorum - Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Committee. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.
- (d) Duties and Powers - The Airport Advisory Committee is not constituted as an agency of the City Council, but is created to assist and aid the Council in its operation, regulation and supervision of the City of Williams Municipal Airport in accordance with the Arizona Revised Statutes.
- (e) The Committee shall be responsible to negotiate, review, recommend to and advise the Council on all matters relating to the conduct of the Williams Municipal Airport, and the same shall be in writing. Rules and regulations may be proposed by the Committee, but such rules and regulations shall be enacted only by the City Council.

- (f) No real property shall be disposed of by the Committee by sale, lease or otherwise, but the Committee shall advise the Council on such matters. The Committee may negotiate to lease space, area or improvements and the granting of concessions for aeronautical purposes or purposes incidental thereto, and advise the Council in writing of their recommendations.

Article 2-3.07 - Historic Preservation Commission

(a) MEMBERSHIP

- (1) The Williams Historic Preservation Commission is hereby established. Appointed members shall have demonstrated interest, experience or knowledge in one of the following: history, architecture, planning, archaeology, historic archaeology, real estate, historic preservation, law or a related field. If expertise in one of the above mentioned fields/disciplines is not available locally, then the Commission must obtain expertise in that field when considering National Register nominations and other actions that will impact historic properties.
- (2) The Historic Preservation Commission shall meet at least four (4) times each year and follow the provisions of the Arizona Open Meeting Law.
- (3) Chairman and Vice Chairman. The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

(b) STATEMENT OF THE COMMISSION'S POWERS

Unless otherwise specified herein, the powers and duties of the Historic Preservation Commission shall be as follows:

- (1) The Historic Preservation Commission shall be advisory to the Mayor and Council in all matters regarding historic preservation in the City of Williams.
- (2) Adopt criteria consistent with the National Register of Historic Places for the identification of historic districts.
- (3) Prepare, or cause to be prepared, a comprehensive inventory of historic buildings and districts in the City of Williams.
- (4) Increase public awareness of the value of historic, architectural, archaeological and cultural preservation by developing and participating in public information programs.
- (5) Make recommendations to the Mayor and Council concerning the utilization of grants from federal and state agencies, private groups and individuals on the utilization of budgetary appropriations to promote historic preservation in Williams. The Commission shall raise funds as necessary to promote its programs and activities.

- (6) Make known to the owners of historic properties and the public standards for architectural review and appoint three (3) members of the Historical Commission to sit on the Development Review Board when review of preservation projects occurs.
- (7) Evaluate and comment Upon decisions by other public agencies affecting the physical development and land use patterns in historic districts as appropriate.
- (8) Hold public hearings as specified in this ordinance.
- (9) Any other functions which may be designated by resolution or motion of the Council.

(d) REPORTING AND NOTIFICATION PROCEDURES

- (1) The Commission shall follow notification procedures under the Arizona Open Meeting Law as well as those discussed in this Article.
- (2) The Commission shall keep written, public minutes.
- (3) The Commission shall prepare a written annual report of Commission activities that is provided to the Mayor and Council, the State Historic Preservation Officer and is available to the public.

Article 2-3.08 – Parks and Recreation Commission

- (a) There is hereby established a Parks an Recreation Commission of the City of Williams to serve in an advisory capacity to the Mayor and Council on Parks and Recreation matters such as:
  - (1) Citizens' requests for park and recreation improvements, facilities and programs;
  - (2) Coordinating City/school/County functions;
  - (3) Coordination with special interest activities such as Little League, youth football, softball tournaments, tennis tournaments and other activities;
  - (4) The planning and promotion of recreation facilities, programs and activities.
- (b) The Mayor and Council shall strive to appoint members to the Commission that have a broad range of recreation interest and experience such as golf, skiing, youth sports and adult sports. The Parks and Recreation Director shall be an ex officio member of the Parks and Recreation Commission.
- (c) The Parks and Recreation Commission shall establish its rules of procedure, and shall establish regular meeting dates. (Ord. 890, 2007; Ord. 690 §1, 1990)
- (d) Chairman and Vice Chairman. The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

## CHAPTER 2-4 – ELECTIONS

Article 2-4.01 – Date of Elections If necessary, there shall be a general election for mayor and members of the City Council, held on the third (3rd) Tuesday in May every two (2) years. A primary election for members of the City Council shall be held on the second (2nd) Tuesday in March, immediately preceding the general election. (Ord. 793 §2, 1999: Ord. 745 §2, 1995: Ord. 594)

Article 2-4.02 – Hours of Polls On the day of any Municipal election, the polls shall be opened at 6:00 A.M. and closed at 7:00 P.M. (1961 Code)

Article 2-4.03 – Election Procedure The manner of conducting and voting at elections in the City, of keeping poll lists, counting and canvassing the votes, certifying the returns, declaring the results and notifying the persons elected, contesting the election, and all acts relating to the election, shall conform to the provisions of law relating to the general election of County officers as nearly as possible, except that the returns shall be made to the Clerk of the City, and the City Council shall canvass the returns, declare the results and issue the certificates of the election. (1961 Code)

Article 2-4.04 – Primary Election Any candidate who shall receive at the primary election, a majority of the votes cast, shall be declared elected to the office for which he is a candidate, effective as of the date of the general election, and no further election shall be held as to said candidate; except that in the case where more candidates than number of offices being elected, receive a majority of the votes cast, only the number of candidates equal to the number of offices being filled shall be so declared elected. In that event, those candidates receiving the highest number of votes shall be declared elected. Nothing on the ballot in any primary election shall be indicative of the source of the candidacy or of the support of the candidate. (Ord. 591)

Article 2-4.05 – General Election If at any primary election held as above, provided there be any office or offices for which no candidate was elected, then as to such office or offices said election shall be considered to be a primary election for nomination of candidates for such office or offices, and the second or general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be placed on the ballot at such second or general municipal elections shall be those not elected at such first elections, and 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 such first election shall be the only candidates at such second election, provided that if there be any person, who under the provisions of this article, 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, then all such persons receiving said equal number of votes shall likewise become candidates for such office. (1961 Code)

Article 2-4.06 – Elected Candidates The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said election shall be declared elected to such office. (1961 Code)

Article 2-4.07 – Compliance The provisions of this Chapter shall apply to the primary election to be held in the year of 1962 and to each primary election thereafter. (1961 Code)

## CHAPTER 2-5 - ORDINANCES

### Article 2-5.01 - Proposed Ordinances

- (a) Every proposed ordinance introduced to the Council shall be in writing, and shall be entitled with the subject of the proposed ordinance.
- (b) Before any action may be taken on the ordinance, the Council shall determine the method for presentation of the proposed ordinance. Upon motion, the Council may elect to:
  - (1) Have the ordinance read in its entirety just once or more than one time;
  - (2) Read the ordinance in its entirety and then refer to the proposed ordinance just by title and number; or
  - (3) Dispense with the reading of the ordinance in its entirety and just refer to the ordinance by title and number.
- (c) The City of Williams may adopt by reference uniform codes or any law that the Arizona Legislature mandates the City of Williams to adopt.
- (d) A proposed ordinance may be presented to the Council by the City Clerk, the City Attorney, the City Manager, the Finance Director or any other member of the City staff so directed by the Council.
- (e) If, after consideration of a proposed ordinance, amendments are made to it, before the ordinance is finally passed by the Council the ordinance should be re-read with the amendments. If the ordinance was not initially read in its entirety, any amendments must be read in their entirety, indicating the specific subsections of the proposed ordinance that were amended. (Ord. 812, 2001: 1961 Code)

Article 2-5.02 - Passage Before any ordinance shall become of force, it must pass the Council by a vote of the majority of the members of such Council, and such vote shall not be taken until the proposed Ordinance has been read as provided herein, when the same has passed by the required vote, the same shall be presented to the Mayor and signed by him and attested by the City Clerk, and the Corporate Seal of the City placed thereon. (1961 Code)

Article 2-5.03 - Filing Every Ordinance after its final passage as provided in the foregoing Articles, shall be filed by the Clerk in the Archives of the City, and the same shall not be removed therefrom save upon the order of the Council. The clerk shall record all Ordinances passed in a well bound book with his certificate of correctness of such record, which record shall be used for all purposes the same as the original Ordinances, and shall be open at all reasonable hours to the public. (1961 Code)

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## CHAPTER 2-6 - FINANCE

Article 2-6.01 - Purchasing System The City manager, or his appointed designee, shall contract for and purchase or issue purchase authorizations for all supplies, materials, equipment and services for the offices, departments and agencies of the City.

- (a) Purchases without Bids. The City Council hereby authorizes the City Manager to make purchases of individual budgeted items for less than two thousand five hundred dollars (\$2,500.00), exclusive of taxes, by purchase order without requiring said City Manager to obtain written bids or quotations.
- (b) Informal Quotations Required. Where purchases or contracts exceed two thousand five hundred dollars and one cent (\$2,500.01), and are less than twenty-five thousand dollars (\$25,000.00), informal quotations shall be required. The City Manager shall be required to obtain written informal quotations when available for any contract, City improvement or purchase from two thousand five hundred dollars and one cent (\$2,500.01) to twenty-five thousand dollars (\$25,000.00), inclusive, but not including taxes. The City Manager shall request or obtain, when available, written quotations from at least three (3) qualified persons and keep a record of the quotations and of the award of contracts and purchases for public examination and inspection. The City Council shall accept and award every such contract or purchase exceeding the sum of two thousand five hundred dollars and one cent (\$2,500.01) to the lowest qualified bidder who has the highest quality item with the best service. In determining whether a bidder is a "qualified and responsible bidder," the City Council may take into consideration the past performance record of the bidder. The award may be made to other than the lowest bid. The City Council expressly reserves the right to reject all quotations. Any work that constitutes building, alteration, addition or alterations within the scope of A.R.S. §34-201(C) may be exempt from the requirement of obtaining three informal bids.
- (c) Formal Bidding by Advertisement - Formal bidding by advertisement shall be required for any City improvement or structure costing more than twenty-five thousand dollars and one cent (\$25,000.01) and shall be executed by contract, except where such improvement is authorized by the Council to be performed directly by a City department in conformity with detailed plans, specifications and estimates. The Council shall accept and award those bids and written quotations for every such contract of purchase exceeding the sum of twenty-five thousand dollars and one cent (\$25,000.01) to the lowest qualified and responsible bidder who has the highest quality item with the best service. In determining whether a bidder is a "qualified and responsible bidder," the City Council may take into consideration the past performance record of the bidder and change order history. The City Council expressly reserves the right to reject all quotations. Formal bidding is not required, however, for
  - (1) buildings, structures, additions or alterations within the scope of A.R.S. §34-201(C), including any adjustments made by the State of Arizona to the maximum amount for such projects;
  - (2) any street road, bridge, water or sewer work, excluding water or sewer treatment plants or buildings within the scope of A.R.S. §34-201(D), including any adjustments made by the State of Arizona to the maximum amount for such projects;

- (3) construction, reconstruction, installation or repair of a natural gas or electric utility distribution system owned or operated by' the City, if such work is performed by employees regularly employed by the City, A.R.S. §34-201(E);
  - (4) contributions by the City, if any, for public infrastructure made pursuant to a development agreement and up to the maximum amount allowed pursuant to A.R.S. §34- 201(F), including any adjustments made by the State of Arizona to such amount; or
  - (5) any projects that qualify for design-bid-build, construction manager at risk, or job-order contracting pursuant to A.R.S. §34-602 et seq.
- (d) Advertisement and Publication – Advertisements for bids shall distinctly and specifically state the character of the City improvement contemplated and/or the kind of supplies, materials, equipment and services required. Such advertisement shall be published at least once in a newspaper of general circulation in the City, not less than five (5) days prior to the opening of bids. Bidding will be by sealed proposals only and under such regulations as may be prescribed by the Council.
  - (e) Services Exempt - This Code shall not be construed to apply to the hiring of professional consultants, or the awarding of liability insurance, contracts or computer services and other professional services which by custom are normally not awarded by competitive bidding.
  - (f) Interdepartmental Transfer - The City Manager may transfer to or between offices, departments and agencies, supplies, materials and equipment subject to such regulations as the Council may prescribe. Claim must state in detail what the claim is for, specifying each item payment is claimed for and the amount and date of the City's indebtedness. The Office of the City Clerk may require such additional forms and information as deemed necessary and as approved by the Council.
  - (g) State Purchases - No part of this Code shall be construed to prevent the City from purchasing any items through the State of Arizona. Where the State has already established open end contracts or procedures for purchasing items at quantity discounts, the City may, without bidding or obtaining quotes, make purchases through the State for those items.
  - (h) Purchases at Auctions - Nothing in this Code shall be construed to prevent the City Manager, or his designee, from purchasing items at auction. If there are items for sale at auction that the City wishes to obtain, the City Council shall approve participation in the auction, the item(s) to be purchased, and the maximum amount to be bid for such item(s).
  - (i) Purchases of Used Materials or Equipment - Nothing in this Code shall be construed to prevent the City Manager, or his designee, from purchasing used items for sale. If a used item is offered for sale for less than five thousand (\$5,000.00), exclusive of taxes, the City Manager may purchase the item without prior approval of the Council. If there are used items for sale that the City wishes to obtain and the price of the used item is in excess of five thousand dollars and one cent (\$5,000.01), the City Council shall approve the purchase of the item(s), the item(s) to be purchased, and the amount to be paid for

such item(s), exclusive of taxes. (Ord. 819, 2001; Ord. 790, 1999; Ord. 499/Amended 1988 Code)

#### Article 2-6.02 - Claims and Demands

- (a) Claims - Every person, firm, or corporation having a claim against the City, except for salaries, shall present such claims in writing for payment to the Office of the City Clerk. The Claim must state in detail what the claim is for, specifying each item payment is claimed for and the amount and date of the City's indebtedness. The Office of the City Clerk may require such additional forms and information as deemed necessary and as approved by the Council.
- (b) Indebtedness to be Deducted - No demand shall be allowed in favor of any person who is indebted to the City without first deducting such indebtedness.
- (c) Acknowledgment of Payment - Upon payment of such indebtedness by warrant or check, the recipient or assignee thereof, upon endorsing the warrant or check acknowledges that he has received payment for that which the warrant or check is in-tended to make payment, less any authorized retention of funds which might be retained by the City.
- (d) Warrants - Upon presentation of properly documented claims, a warrant properly signed, may be issued by the City in favor of the claimant. A City warrant shall be delivered to the payee of his assignee, executor or administrator, and shall be considered as a check upon the City depository for the amount therein specified. No funds shall be drawn from the City depository except upon a warrant duly signed and endorsed.
- (e) Claim for Damages - No claim for damages shall be paid by the City and no suit for damages shall be filed against the City unless such claim has first been presented in writing to the Council. All such claims shall be acted upon within a reasonable time after such presentation. (1961 Code)

#### Article 2-6.03 - Court Fees

- (a) The Williams City Court shall collect an eighteen dollars (\$18.00) per count, Court Enhancement Fee for each case in which a fine, sanction, penalty or assessment is imposed by the Williams City Court and cause it to be placed monthly in the Court Enhancement Fee Account. The enhancement fee shall not apply to any violation that is dismissed by the Court or through the motion of any prosecution agency or for any violation that is resolved through the Defendant's participation in a certified defensive driving program that does not become more than ninety (90) days delinquent on court imposed fees, sanctions, penalties or assessments. This fee shall be in addition to any other fine imposed, and shall be collected from any individual or business for each account.
- (b) All funds collected shall be used to supplement, not supplant, the funding levels provided the Court in current and future fiscal years.
- (c) The fee for the Public Defender per defendant shall be one hundred dollars (\$100.00). If the judge of the Williams City Court or a duly appointed judge pro tempore determines

that a person appearing before the Court is indigent, the Court may reduce the amount of this fee.

- (d) The judge of the Williams City Court shall annually submit a written plan proposing how the Justice Enhancement Funds will be used for the following year. This plan shall be submitted routinely, coinciding with the annual budget preparation.
- (e) Warrant fees shall be seventy-five dollars (\$75.00). Driver's license suspension fees shall be twenty dollars (\$20.00). (Ord. 890, 2007; Ord. 851 (part), 2006; Ord. 848, 2005)