

NOTICE OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE

In accordance with Resolution #215 of the Town of Clarkdale, and Section 38-431.02, Arizona Revised Statutes, **NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the Town of Clarkdale will hold a **REGULAR Meeting on Wednesday, October 26, 2016, at 6:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale.**

The undersigned hereby certifies that a copy of this notice was duly posted on the Town Hall bulletin board, located at 890 Main Street, Clarkdale, Arizona on the 17th day of October 2016 at 9:00 a.m.

Dated this 17th day of October 2016 by:



Stephanie Vocca
Community Development Technician

**ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION,
UNLESS OTHERWISE NOTED**

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PUBLIC COMMENT** – The Board of Adjustment invites the public to provide comments at this time that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE minutes.**
4. **MINUTES:** Consideration of the **Regular Meeting Minutes of July 22, 2015.**
5. **REPORTS:**
 - a. **Chairperson's Report**
 - b. **Staff Report**
6. **NEW BUSINESS:**
 - a. **WELCOME NEW BOARD MEMBERS**
 - b. **DISCUSSION/ACTION:** Discussion/action regarding the election of the Chair and Vice Chair.
 - c. **DISCUSSION/POSSIBLE ACTION:** Discussion/possible action regarding Board roles and regulations.
7. **FUTURE AGENDA ITEMS:**
8. **ADJOURNMENT:**

Reasonable accommodations may be requested by contacting the town hall at 634-9591 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, JULY 22, 2015, IN THE MEN’S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A **REGULAR Meeting** of the Board of Adjustment of the Town of Clarkdale was held on July 22, 2015, at 6:00 p.m. in the Men’s Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

Board of Adjustment:

Chairperson	Lee Daniels	Absent
Vice Chairperson	Rick Morris	Present
Board Members	Aaron Midkiff	Present
	John Kinnamon	Absent
	Peter deBlanc	Present

Staff:

Building Official	Paul Grasso
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Others in Attendance: Applicant - Town of Clarkdale Police Chief Randy Taylor and Mr. Rob Weisenberger, a representative from Creative Com. Applicant Jeffrey Swartz.

AGENDA ITEM: CALL TO ORDER: The Vice Chairperson called the meeting to order at 6:00 p.m.

AGENDA ITEM: ROLL CALL: The Building Official called roll.

AGENDA ITEM: PUBLIC COMMENT: The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to FIVE minutes. **There was no public comment.**

AGENDA ITEM: MINUTES: **Consideration of the Regular Meeting Minutes of June 24, 2015.** Board Member Midkiff motioned to approve the Regular Meeting Minutes of June 24, 2015. Board Member deBlanc seconded the motion. The motion passed unanimously.

AGENDA ITEM: REPORTS:

Chairperson’s Report: None.

Staff Report: Building Official Grasso mentioned that there were two Board Member terms expiring. The paperwork to renew was distributed to Board Members deBlanc and Midkiff.

NEW BUSINESS

AGENDA ITEM: PUBLIC HEARING: Discussion/Possible Action: A Variance request to reduce the 20-foot rear setback requirement to allow the placement of a patio cover involving parcel number 406-29-258 in the Town of Clarkdale. This parcel is located at 1960 Wildflower Lane and zoned R-1 Single-Family Residential. The variance request is to reduce the required 20-foot rear setback from the property line, per section 3-1-I of the Town of Clarkdale Zoning Code, to 10 feet from the rear of the property.

a. OPEN Public Hearing: The Vice Chairperson Morris opened the Public Hearing.

b. Staff Report:

Building Official Grasso stated that Mr. Swartz visited the Community Development Department several weeks ago to discuss the rear patio cover at his property. Upon reviewing the property file, it was determined that the rear setback followed exactly the shape of the existing rear patio cover. The design of the home with the patio exactly on the lot line would make it difficult for Mr. Swartz to improve the existing patio cover and to protect the rear portion of his home. The shape of the lot also appeared to be a factor.

Mr. Swartz completed the application for the Board of Adjustment. Once received, the newspaper notification was published, the property was posted, and the neighbors within 300' of the parcel were notified by mail. Two parties contacted the Community Development Department expressing that they had no issue with the variance request.

Background:

Jeffrey Swartz, the applicant and property owner of 1960 Wildflower Lane, would like to construct a patio cover in the backyard of the subject property.

The subject property is located in the Mingus View Estates subdivision. The single family home, approximately 2100 square feet, was constructed in 1999, and purchased by the applicant in 2004. The subject property is approximately 12,200 square-feet and located at the southwest corner of Wildflower Lane and Casner Drive.

The plot plan of lot 63 shows that the original placement of the home is up against the rear setback. This prohibited the original patio cover to be rectangular, instead being designed to match the required rear setback.

The applicant would like to replace the substandard existing patio cover, which has an open lattice design that has outlived its usefulness, with a new properly constructed solid roof. The applicant is asking the Board grant this variance request to allow for a rectangular patio cover, thereby reducing the 20' rear setback to 10'.

Staff Comments:

The Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including, according to Town Code, Section 17-2-2C:

“To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property’s location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:

- 1. SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which is not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

Staff comment: It appears that the original placement of the home was done due to the odd shape at the rear corner, and the placement of the septic tank and leech lines. Historically, corner lots prove to be challenging, as competing setbacks come into play.

- 2. UNDUE HARDSHIP:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.

Staff comment: This property would not be rendered unusable should this application be denied.

- 3. PUBLIC HEALTH, SAFETY AND WELFARE:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.

Staff comment: If this variance is granted, the new patio cover would be constructed in full compliance with the building code.

4. ADEQUATE FINANCIAL RETURN: The applicant’s need for an adequate financial return on investment shall not be considered justification for the granting of a variance.

Staff Comment: As stated in the applicant’s letter of intent, the Swartz family desires to improve the use of their backyard for the enjoyment and safety of their family.

5. SELF-IMPOSED SPECIAL CIRCUMSTANCES: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

Staff Comment: It appears that the special circumstance that impacts this property was created when the subdivision was platted.

6. USE VARIANCE: A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district).

Staff Comment: No use variance is being requested.

The Board must consider the findings listed above in any variance approval, and must be able to make the findings that are required by law.

Also, according to ARS 9-462.06, “Any variance granted is subject to such conditions as will assure 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.”

Summary:

Per section 17-2-3 of the Town of Clarkdale Town Code, notification of this hearing was published once in the Verde Independent on July 8, 2015 In addition notice was posted on the subject property, and letters were mailed to those property owners within 300 feet of the subject property notifying them of the requested variance.

Two property owners contacted the office by phone stating that they had no objection to the granting of this variance.

c. Applicant Presentation:

Mr. Swartz spoke to the group explaining that the irregular shape of the patio cover made it difficult to protect the two rear doors of his home; so much so that he had to replace both doors at great expense. He explained that the patio cover should be replaced with a properly constructed one that would enhance the use of the area without creating a nuisance for his neighbors. He also stated that his neighbors expressed agreement to the proposed change in the design of the patio and the extension into the setback.

d. Invite Public to speak:

No members of the public were present.

e. CLOSE Public Hearing: The Vice Chairperson Morris closed the Public Hearing.

f. Discussion:

Vice Chairperson Morris asked Building Official Grasso whether the site had special circumstances that could have been prevented when the home was originally built. Mr. Grasso explained that it appeared that the location and shape of the lot and the placement of the septic tank and leech lines made it appear that the home was located without taking advantage of the front setback. The homes along Wildflower are staggered along the front setback, with this parcel being placed more to the rear than the neighboring parcel. Board Members deBlanc and Midkiff asked if the rear lot line adjustment was all encompassing and if a variance were to be approved, could Mr. Swartz or a future owner modify other portions of the structure to 10' from the property line. Vice Chairperson Morris also stated that he felt that if approved, the Town should be clear exactly what could and couldn't be constructed.

Building Official Grasso explained that the Board could approve a variance with the stipulation that the approval was for the patio cover only. The wording of the approval would be specific and become part of the permanent property file. Mr. Swartz commented that he had no issue with the stipulations.

Board Member Midkiff commented that the action the Board would like to take would be an encroachment to the rear property setback and not a blanket approval to the adjustment of the rear property setback. Vice Chairperson Morris and Board Member deBlanc agreed.

ACTION: Board Member Midkiff motioned to approve an encroachment of ten feet into a portion of the rear yard setback for the construction of a patio cover at 1960 Wildflower Lane as requested, based on Special Circumstances.

Board Member deBlanc seconded the motion. Vice Chairperson Morris called the matter to vote with the motion passing unanimously.

AGENDA ITEM: PUBLIC HEARING: Discussion/Possible Action: A variance from Section 3-11.C.6 of the Town of Clarkdale Zoning Code restricting the height of a wireless communication tower to a 65 foot maximum This variance is being requested to allow the installation of a 2.72 inch diameter public safety repeater antenna to exceed the maximum permitted height by approximately 60 inches (5 feet). This property is located at 1450 SR 89A, assessor parcel number 406-26-010Y.

a. OPEN Public Hearing: The Vice Chairperson Morris opened the Public Hearing.

b. Staff Report:

Building official Grasso explained the history of the CUP by the Planning Commission, and the approval by the Town of Clarkdale Town Council. Also, the fact that the Clarkdale Fire District, and the Clarkdale Police department had hoped to use part of the approved tower for a public safety antenna. Mr. Grasso also reported that the property had been posted with notice, the surrounding property owners within a 300' radius were notified by mail, and the newspaper publication was made.

Background:

Pursuant to Section 3-11 of the Town of Clarkdale Zoning Code, initially the Town of Clarkdale received a Conditional Use Application requesting permission to install a 65-foot cellular tower and a supporting facilities building on Yavapai County Parcel Number 406-26-010Y at 1450 SR 89A in Clarkdale.

Notices of the public hearing regarding the CUP application were mailed to 108 property owners within 1,000 feet of the subject property. Per state statute, the Town is required to notify property owners within 300 feet. The Community Development Department policy is to extend the notification distance to 1,000 feet for all public hearing items. The public hearing notices were mailed on Wednesday, February 11, 2015.

Included with the public hearing notice was information regarding the neighborhood meeting hosted by the applicant on Tuesday, February 17, 2015.

Two legal notices of the public hearing were published in the Verde Independent on February 15 and March 1, 2015. The Zoning Code requires only one legal notice be published.

In addition, the property was posted at two locations on February 27, 2015 with information regarding the public hearing.

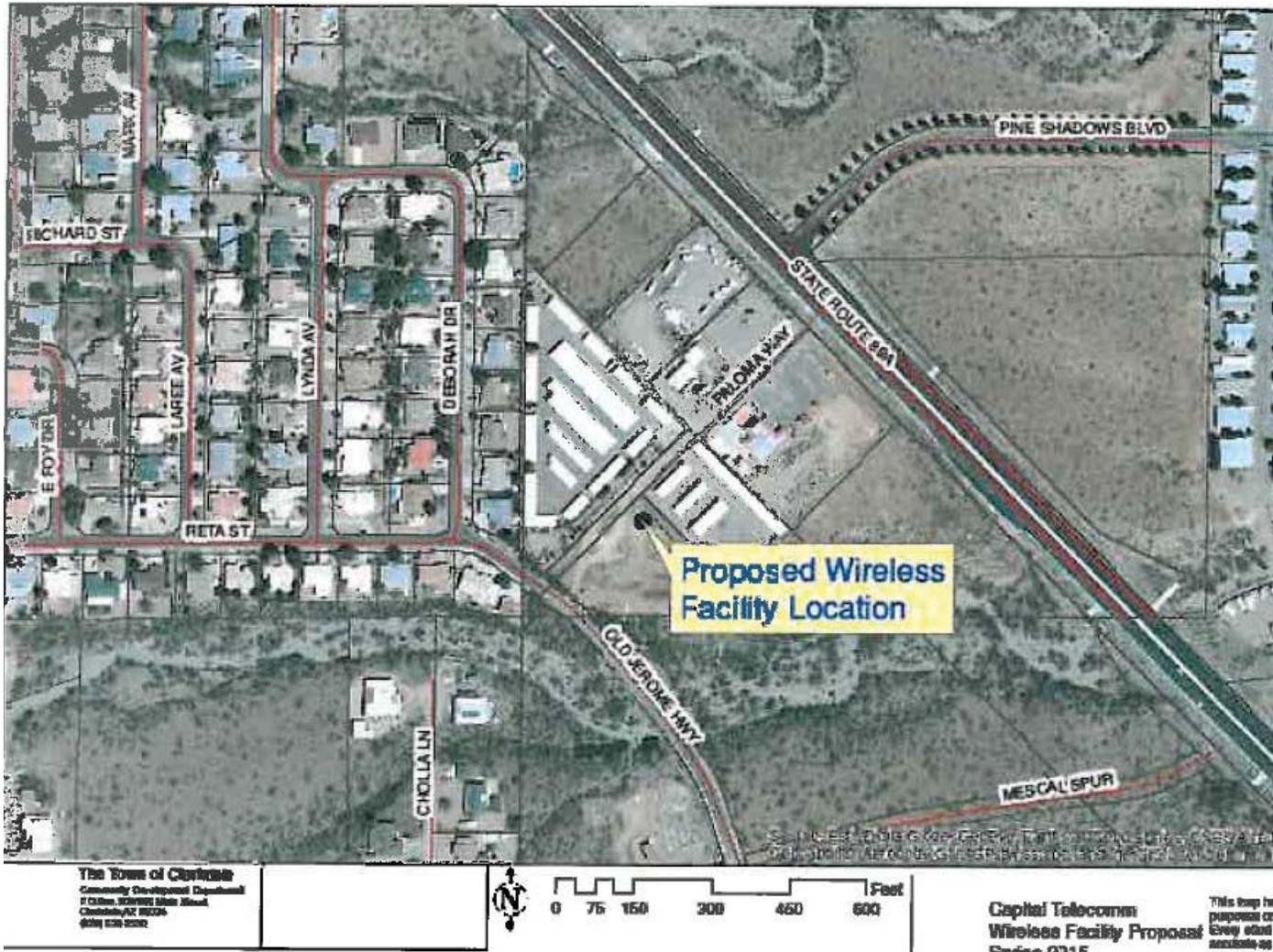
On February 17, 2015, the Planning Commission conducted a site visit of the requested location to view a balloon installed on the location at a height and of a dimension to approximate the visual impact of the cell tower being proposed.

On March 17, 2015, the Planning Commission then considered the CUP application in a Public Hearing. At that meeting 19 members of the public spoke in opposition to the application. 3 members of the public were in support of the application. The Planning Commission recommended the application move forward to the Town Council for consideration with the following stipulations:

1. A building permit be issued prior to construction of the facility
2. No lighting other than motion sensor emergency lighting described in the staff report be installed.
3. All components of the facility shall be removed at the expense of the applicant/property owner if the facility is decommissioned and not used for 180 consecutive days.
4. Any substantial change to the project dimensions by more than 10 percent of the design of the facility as approved will require an additional Conditional Use Permit application.
5. The applicant will grant an easement to public safety entities for placement of repeaters on the tower to enhance communications. The applicant, at their expense will prewire the proposed cell tower for ease of future installation of these repeaters. Design and installations shall be coordinated with a vendor designated by the Clarkdale Police Department
6. The applicant will participate in facilitating broadband infrastructure development in the Verde Valley as opportunity arises.
7. The applicant shall improve the Town right-of-way along the western boundary of the subject property including engineering, design, and installation of a finished road.

On May 12, 2015 the Clarkdale Town Council considered this application in public hearing. Notices were sent out to the 108 surrounding property owners within 1000 feet of the subject property. Twenty seven members of the public spoke with 3 people for the approval and 24 against.

The Town Council unanimously approved the CUP with the stipulations presented. The Town of Clarkdale Police Department and the Clarkdale Fire District have been granted space for a repeater antenna on the approved tower by Capital Telecom as stipulated by Town Council. The proposed antenna would be installed at the top of the monopole so as to not interfere with the equipment Capital Telecom is installing. Because the overall height of the tower including the antenna exceeds the maximum height allowed per section 3-11.c.b of the Town of Clarkdale Zoning Code, the application for a variance is before the Board of Adjustment for consideration.



Staff Comments:

The Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including, according to Town Code, Section 17-2-2 C:

“To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property’s location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:

- 1. SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which is not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics

of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

Staff comment: This location is the only currently proposed cell tower site located within the Town of Clarkdale town boundaries, and additional public safety cellular support would be provided with the installation of this antenna.

2. UNDUE HARDSHIP: If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.

Staff comment: This property would not be rendered unusable should this application be denied.

3. PUBLIC HEALTH, SAFETY AND WELFARE: A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.

Staff comment: The addition of this antenna will improve the communications capability for public safety organizations supporting Clarkdale.

4. ADEQUATE FINANCIAL RETURN: The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.

Staff Comment: As stated in the applicant's letter of intent, the antenna proposed by Town of Clarkdale would enhance the safety of the public. There is no additional financial return Capital Telecom with the installation of this antenna.

5. SELF-IMPOSED SPECIAL CIRCUMSTANCES: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

Staff Comment: There are no self-imposed special circumstances in regard to this property or applicant.

6. USE VARIANCE: A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district).

Staff Comment: No use variance is being requested.

The Board must consider the findings listed above in any variance approval, and must be able to make the findings that are required by law.

Also, according to ARS 9-462.06, “Any variance granted is subject to such conditions as will assure 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.”

Summary:

Per section 17-2-3 of the Town of Clarkdale Town Code, notification of this hearing was published once in the Verde Independent on July 8, 2015 In addition notice was posted on the subject property and letters were mailed to those property owners within 300 feet of the subject property notifying them of the requested variance.

c. Applicant Presentation:

Clarkdale Police Chief Taylor explained the need for both better and expanded coverage for not only his department, but to communicate with surrounding municipalities.

d. Invite Public to speak:

No public was present. Building Official Grasso stated that one citizen who was notified by mail called to ask if the Cottonwood Airport had been notified of the variance request and if so, were they opposed or for the variance to add the antenna.

e. CLOSE Public Hearing: The Vice Chairperson Morris closed the Public Hearing.

f. Discussion:

Vice Chairperson Morris asked why the original CUP and Council approval hadn't included the public safety antenna on top of the tower. Mr. Weisenburger explained that although the antenna was part of the process all along, the placement at the top and the height of the proposed antenna was not known. Board Member Midkiff commented that the CUP had a stipulation that if the approved height was modified more than 10%, that the change would have to be brought back to the Planning Commission. The Board agreed that the 5' change in height was less than the 10% of the approved tower height of 65'. Vice Chairperson Morris asked if the question posed from the citizen about the airport had been answered. Both Chief Taylor and Mr. Weisenburger stated that Mr. Morgan Scott from the Cottonwood Airport had no issue with the placement of the antenna at the proposed location.

ACTION: Board Member deBlanc motioned to approve the addition of a 60” tall antenna to the approved 65’ cell tower located at 1450 SR 89A as requested, based on Special Circumstances.

Board Member Midkiff seconded the motion. The motion passed unanimously. Vice Chairperson Morris called the matter to vote with the motion passing unanimously.

AGENDA ITEM: FUTURE AGENDA ITEMS: None at this time.

AGENDA ITEM: ADJOURNMENT: Board Member deBlanc motioned to adjourn the meeting. Board Member Midkiff seconded the motion. The motion passed unanimously. The meeting adjourned at 7:10 p.m.

APPROVED BY:

SUBMITTED BY:

Rick Morris
Vice Chairperson

Paul Grasso
Building Official



Staff Report

BOARD OF ADJUSTMENT

Agenda Item: Election of Chairperson and Vice Chairperson

Staff Contact: Paul Grasso

Meeting Date: October 26, 2016

Background: The members of the Board of Adjustment elect a Chairperson and Vice Chairperson. The duties of the Chairperson is to run the meetings. The duties of the Vice Chairperson is to run the meetings in the absence of the Chairperson.

Possible motion: I move to elect _____ as Chair of the Board of Adjustment.
I move to elect _____ as Vice Chair of the Board of Adjustment

Staff comments: Motion to elect _____ as Chair and
_____ as Vice Chair approved.



Staff Report

BOARD OF ADJUSTMENT

Agenda Item: Introduction of Board duties to Members.

Staff Contact: Paul Grasso

Meeting Date: October 26, 2016

Background: The Board of Adjustment consists of 5 (five) members. Its duties are to determine whether the Town of Clarkdale Zoning or Building codes can be modified due to certain circumstances. Below are the criteria:

The Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including, according to Town Code, Section 17-2-2C:

“To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property’s location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:

- 1. SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which is not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.
- 2. UNDUE HARDSHIP:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.
- 3. PUBLIC HEALTH, SAFETY AND WELFARE:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.



Staff Report

BOARD OF ADJUSTMENT

4. **ADEQUATE FINANCIAL RETURN:** The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.

5. **SELF-IMPOSED SPECIAL CIRCUMSTANCES:** A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

6. **USE VARIANCE:** A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district).

The Board must consider the findings listed above in any variance approval, and must be able to make the findings that are required by law.

Also, according to ARS 9-462.06, "Any variance granted is subject to such conditions as will assure 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."

Staff comments: No action is necessary on this item.

Board and Commission Training October 26, 2016

A Roundtable Discussion



Introductions

Please state your name

Public Officials

Page 7 - PSH

- “Public Officials” includes the Town Council, boards, commissions, volunteers, and employees.
- The Town Council sets policy for the Town by establishing Town ordinances and programs and appropriating funds for each Town department.
- Council-Manager form of government provides towns with policy direction from the Council and professional administration through the Town Manager.

Board and Commissions

Page 8 - PSH

- Are an integral part of the Town Government structure, working with Town Council, staff, and the public.
- Focus attention on specific issues and weigh community values in making recommendations to the Town Council.
- Thoroughly research and review alternatives to accompany formal recommendations to the Town Council.

Board and Commissions

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- Advisory to the Council, except:
 - The Design Review Board has the authority to make binding decisions without Town Council input or direction.
 - The Board of Adjustment has a quasi-judicial role in which they possess the power to hold hearings and make final decisions on disputed matters between a private person and the Town in the general manner of a court.

Board and Commission Membership

Page 9 - PSH

- Appointments are made by the Council.
- Appointments (unless filling a vacant term) are for 2 years.
- Terms begin on October 1st of each year for two year staggered terms.
- All interested parties, whether new or an incumbent, must apply for the positions.
- Board/Committee members must reside within the Town limits.

Board and Commission Responsibilities

Page 9 - PSH

- Learn the scope of responsibility and operating procedures.
- A commission's role is to advise the Town Council about policies and programs.
- There should be reciprocal communication between the Town Council and commissions.
- Provide opportunities for increased citizen participation in the development of Town policies and operating procedures.

Attendance

Page 10 - PSH

- Regular meetings are held each month an applicant has requested a hearing.
- Commissioners are expected to attend all meetings.
- If any representative misses three consecutive regular meetings or a cumulative total of seven meetings throughout the fiscal year, he or she shall automatically cease to hold membership.
- It is the duty of the chairperson to notify the staff liaison when this occurs.

Staff Liaison Role

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- There is one person appointed as the liaison between the Board/Commission, the Council and other staff.
- Acts as parliamentarian
- Prepares agendas and minutes
- Regulates Conflict of Interest & Open Meeting Laws
- Researches and investigates questions raised.
- Informs Board/Commission of issues needing direction & methods to accomplish those goals.

Public Official Protocols

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- Demonstrate honesty and integrity in every action and statement.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Clarkdale government.
- Work for the common good, not personal interest.
- Prepare in advance of meetings and be familiar with issues on the agenda.

Public Official Protocols

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- Fully participate in meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Participate in scheduled activities to increase effectiveness.
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.

Public Official Protocols

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- Respect the proper roles of elected and appointed officials and Town staff in ensuring open and effective government.
- Provide contact information to the Town Clerk, your staff liaison or your immediate supervisor in case an emergency or urgent situation arises while you are out of town.

Conduct with One Another

Page 16 - PSH

- Treat others as you would like to be treated.
- Treat each other as professionals.
- Channel communications through the appropriate town staff.
- Depend upon the staff to respond to citizen concerns and complaints.
- Respect the role of council/commissions representatives as policy makers for the town.

Conduct During Public Meetings

Page 18 - PSH

- Use formal titles if requested by chair.
- Practice civility and decorum in discussions and debate.
- Honor the role of the presiding officer in maintaining order and equity.
- Demonstrate effective problem-solving approaches.
- Be respectful of other people's time.
- Agenda questions

Regular vs. Special Meetings

➤ Regular Meetings

- Held on the same day of each month at the same time and place. If it falls on a holiday it is the following working day. Minutes are usually approved only at Regular meetings. Changes to Regular meeting date/time must be on an agenda and posted accordingly.

➤ Special (or Worksession) Meetings

- Any meetings or worksession that are held at a different date and/or time than a Regular meeting. These meetings may be called at any time.

Conflict of Interest

Page 18 - PSH

- Public officials are prohibited from using or attempting to use their official position to secure valuable things or benefits to themselves, pursuant to A.R.S. §38-504(C).
- Actions taken which are a conflict of interest can render the action void. A member who participates with a conflict of interest can be removed by the court as a Board/Commission member.

Conflict of Interest

Page 19 - PSH

- The conflict of interest law distinguishes between interests that are “remote” and those that are “substantial”.
- Remote interests are so minor that they do not constitute illegal conflicts of interest, and that any interest which is not remote, as detailed in state law, is a substantial interest.

Declaration of Conflict of Interest

Page 19 - PSH

- Any conflict of interest must be declared and filed with the Town Clerk in writing.
- If you have a conflict, you must refrain from participation (except under the Doctrine of Impossibility).
- For questions on whether a proposed activity amounts to a conflict of interest, check with the Town Manager, Town Clerk or your Liaison , for your own protection, and for the protection of the Town.

Records

Page 21 - PSH

- “Records” means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics...made or received by any governmental agency in pursuance of law or in the transaction of public business. *A.R.S.41-1350*
- A Record is the final version of any document that an office has created or received in the course of performing it’s official duties, functions, and responsibilities.

Records

Page 22 - PSH

- Records created or received by Commissioners (regardless of their form) concerning town business or town related issues are public records and must be available to the public for review.
- Requests for a public record should go to the Clerk.
- To relieve the responsibility of knowing confidentiality laws and retention schedules of records, provide any records, or copies, to your liaison who will forward them to the Town Clerk.

Records

Page 21 - PSH

- A.R.S. 41-1347 – Establishes that all records made or received by public officials and employees are property of the State.
- A.R.S. 38-421 – States that any public official that destroys, hides, or secretes public records without approval from the State Library and Archives is guilty of a felony.
- A.R.S.1351 – States that the State Library shall determine whether municipal records have any legal, administrative, historical, or other value and when municipal records shall be disposed of.
- The Town follows the State Retention/Destruction laws.

E-Mail Policy

Page 21-23 - PSH

- Representatives may communicate with each other via e-mail concerning Town business using the following E-mail guidelines:
- Communications should also be copied to your staff liaison.
- Cannot be used as a means of discussion of town business between all, or a quorum, of members.
- Cannot be used to facilitate or form a “hub and spoke” communication.

E-Mail Policy

Page 21-23 - PSH

- Cannot be used as a means of taking straw polls on town issues.
- May distribute informational material to all other representatives. Distributions should not be made with the intent to initiate responses.
- Confidential messages should never be sent electronically.

E-Mail Policy

Page 21-23 - PSH

- E-mails are considered public records even though they are on a personal computer.
- Received and sent e-mail should be copied to records@clarkdale.az.gov.
- The electronic version may be deleted after the record is transferred to a proper recordkeeping system.
- Retention or disposition of electronic mail messages relates to the information they contain or the purpose they serve.

E-Mail Policy

Page 21-23 - PSH

- Instant messages, text messages, voice mail messages, voice over IP messages, blogs, wikis, twitter, facebook, and other related applications have the same rules as e-mail and are considered public records and have retention schedules.

Electioneering

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- A public official of the Town may not use their authority to influence an election or nomination for office.
- Representatives may not solicit nor use the services of Town employees for political purposes, or to influence an election.
- Likewise, employees may not use their authority or influence to affect an election or nomination.

Open Meeting Law

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- The Legislature enacted the Open Meeting Law “to open the conduct of the business of the government to the scrutiny of the public and to ban decision making in secret.”
- Individuals elected or appointed to public office shall review Chapter 7 at least one day before taking office.
- The Chair/Liaison should make sure that items which are not on the agenda are not discussed.

Open Meeting Law – Agendas

Liaison responsibility

- Required by Law to Contain:
 - Date, time and place of meeting.
 - Topics to be discussed/considered and information as reasonably necessary to inform the public of the matters to be discussed or decided.
 - Must be posted at least 24 hours before the meeting, except in matters of true emergency and can not be changed less than 24 hours before the meeting.

Open Meeting Law – Agendas

Liaison Responsibility

- Wording of agendas is especially important.
- You must have a clear understanding as to what the objective of the agenda item is in order to correctly word your agenda.
- **“Approval of”** is usually used in listing consent agenda items. It assumes that there will be ‘approval’ of the item.
- **“Discussion of”** means that the public body is only discussing the item and cannot make a decision.
- **“Discussion and consideration of”** means that the public body is discussing and considering the item and can make a decision (action).
- **“Worksession”** a worksession agenda item is similar to a discussion item, in that no action may be taken. However worksessions are usually less formal and are used to work through detailed information or brainstorm ideas.

Open Meeting Law

Page 29 - PSH

- Attempts to build a consensus outside of a meeting violates the open meeting law.
- You must not meet with other Board Members, neither with a majority, nor one-by-one, to discuss items on the agenda.
- You cannot discuss in person or by telephone or email communications, issues that are likely to come up on future agendas.

Open Meeting Law - Quorums

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- Quorum is the majority of appointed members, including vacant positions.
- When the Town is aware in advance that a quorum of a Board or Commission may be at an event, social gathering, meeting or workshop a Quorum Notice must be posted at least 24 hours in advance.
- Notice states time, date, place, known topics, and clear statement that no Clarkdale business will be conducted, and no decisions will be made.

Open Meeting Law - Quorums

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- If a quorum of Town Council or commission representatives appear at a public meeting, and there is no Quorum Notice posted, the third (e.g. 5 member board or commission) representative and any subsequent representatives appearing at the meeting will voluntarily absent themselves from the meeting in order to insure that Open Meeting Laws are complied with.

Open Meeting Law - Quorums

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- Individual representatives must not represent their views or recommendations as those of the Council/commission unless the Council/commission has officially voted to approve the recommendation.
- Representatives making recommendations or expressing views not approved by the majority of the Council/commission should indicate that they are representing only themselves as individuals.

Controlling Meetings

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- All too often, the impressions the public gets are negative because Boards/Commissions commit one or more of the following:
 - Not Controlling the Meeting.
 - Appearing to Seem Unfair.
 - Failing to Bring Issues to a Vote
 - Wasting People's Time.

Role of the Mayor/Chair

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- Ensure that meetings operate efficiently and that decorum is maintained.
- Work closely with the staff liaison to develop agendas and review the requested agenda items.
- Ensure that the meetings are run as closely as practical by Robert's Rules of Order and that they move along without delay.
- Be open enough to allow individuals to speak without being unfairly restricted.

Role of the Mayor/Chair

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- Make sure that items which are not on the agenda are not discussed, even under future agenda items.
- See that the Council/commission considers the major issues and does not become sidetracked by insignificant concerns.
- Attempt to educate the public as to the process and policies of the Town.

Role of the Mayor/Chair

Page 31 - PSH

- Attempt to bridge the differences that may exist among the opinions of the Council/commissioners in order to reach a consensus.
- Build an atmosphere where it is okay to disagree, as long as you are not disagreeable.
- Be the last representative to give his/her opinion after all others have spoken.

Call To Public

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- The call to the public is subject to a limited response from the Board/Commission.
- May respond to criticism but may not discuss or take action. That requires the item to be placed on a future agenda.
- May make a motion and vote to open an agenda item for public comment. Closes public comment when comments are finished.

Suggestions for Speakers

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- All speakers will be expected to state their name for the record.
- Questions for Council/commission representatives, other people in the audience, and the staff should be directed through the chair.
- The mayor/chair may designate a specific amount of time for each speaker, such as 3 minutes

Parliamentary Procedure

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- Calling the Question - If debate has dragged on longer than warranted, a representative can “call the question”, at which time the chair must immediately ask the Council/commission to vote to determine whether or not debate should be cut off or continue.
- Tie Votes - In all cases of tie votes the motion fails.
- Abstentions - If one representative abstains, then there are only 4 voters, three must vote in favor for a motion to pass.

Parliamentary Procedure

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- Point of Order - Can be made by any representative of the Council/commission if they feel that proper procedure is not being followed in the conduct of the meeting.
- Discussing and Voting on Your Own Motion - If you make a motion you cannot speak against that motion. You can, however, vote against your own motion.

Motions

- The Chair should repeat the motion and who made it, who seconded, call for the vote and give the results of the vote. The chair also votes and can make motions and second motions.
- To be valid it must have a second and pass by the majority, unless a supermajority is required
- Should be complete with specific information included.

Motions

- Motion to Amend - to add to, subtract from, change the original motion before a vote is taken.
- Motion to Withdraw – can be made any time before a vote to take the motion away.

Public Hearings

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- Public Hearings are an opportunity for the public to give input.
- No decisions are to be made by the Board/Commission during a Public Hearing agenda item.
- Consideration of the item (action) must be a separate agenda item on the same agenda or a later agenda.
- The Chair can place a time limit, ask for only one representative to speak for a group, etc.

Minutes

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- Written minutes are the official record after they are reviewed and approved.
- Minutes ARE NOT a word for word transcript.
- The Chair will be asked to sign minutes once they have been approved.
- Minor corrections, such as 'typos' do not have to be corrected in the public meeting. Please let the Liaison know if you notice something that needs correcting.

Minutes

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- Required by law to contain:
 - the representatives of the council/commission and staff who were present; the time the meeting convened and adjourned; a description of the items discussed; the names of the people who spoke at the meeting and their opinion for or against a decision, if expressed; all motions made and the votes taken; and any statement of the reason for abstentions and "no" votes.

Minutes

Liaison Responsibility

- Staff Liaison must have action Minutes posted on the Web Site within 72 hours.
- Draft minutes are to be open to public inspection no later than three working days after the meeting.
- Staff Liaison must have approved Minutes posted on the Web Site within two working days.