



Staff Report

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- Agenda Item:** **WORKSESSION ON COUNCIL PROCEDURES AND PRACTICES**
– A worksession to discuss the Council’s procedures and practices.
- Sponsored By:** Mayor Von Gausig
- Prepared By:** Gayle Mabery, Town Manager
- Meeting Date:** July 22, 2008

Background: In June, 2004, the Council established a practice of holding an “orientation” as soon after the completion of a normal election cycle and seating of a new Council as possible. The orientation is meant to provide information and discussion regarding issues from Council meeting procedures, roles of the Mayor, Council, appointed officials and Town staff, relationships among those groups, appointment and interactions with Board and Commission members. A follow up and related item will be selection of Council representation on regional Boards and Commissions.

Many of the topics discussed at tonight’s worksession are outlined in other documents, such as the Clarkdale Town Code and Clarkdale’s Public Service Handbook. Some of those documents, or portions thereof, are attached as part of your Council packet tonight. Please note that the Clarkdale Public Service Handbook is currently under revision. The existing document grew out of a Board and Commission Handbook, and was primarily aimed as a tool for new Board and Commission Members. The revised edition will include information that is relevant not only to Boards and Commissions, but to members of the Council and staff as well.

The specific topics listed for discussion tonight include:

- a) Meeting and Worksession Procedures
- b) Mayor and Council Member Roles
- c) Council/Manager/Attorney/Staff Relationships
- d) Board and Commission Appointment Process
- e) Communication/Interaction with Boards and Commissions
- f) Communication/Interaction with the Public, the Media and with Outside Entities

Item A: Meeting and Worksession Procedures – This item will give the Council Members the opportunity to review the requirements for meeting procedures that are outlined in the Town Code, and to discuss how those procedures and other practices are implemented at our Regular and Special Council Meetings and during Council worksessions. - Town Code Chapter 2

Item B: Mayor and Council Member Roles - This item will give the Council Members the opportunity to review the duties prescribed in the Town Code for the Mayor, Vice Mayor and Council Members and to discuss how those procedures and other practices are implemented in

the day-to-day role for persons in those positions. - Town Code Chapter 2

Item C: Council/Manager/Attorney/Staff Relationships – Discussion under this item will focus on the importance of the relationships between the Council, the Town Manager, the Town Attorney and other members of the Town Staff, the references to these relationships in the Town Code, and how these relationships have been handled in the day-to-day functions of the Town. – Clarkdale Public Service Handbook

Item D: Board and Commission Appointment Process - Board and Commission appointments have been approached in a variety of ways in the past. Some Councils were comfortable simply making individual phone calls or appointments with applicants and not using a formal process. Currently, we have a Board and Commission Interview Commissioner where two Council members join with the staff liaison and, at times, the Chair or Vice Chair of the Board or Commission, to interview the applicants and make recommendations to the Council. This item will allow the Council to discuss this procedure and select the process that they are most comfortable with. The Town Code does not outline a specific process, and, as such, it is strictly the Council's prerogative on what process, if any, they want to use of appointments. – Clarkdale Public Service Handbook

Item E: Communication/Interaction with Boards and Commissions – This item will give the Council the opportunity to review the information contained in our Public Service Handbook, and discuss issues relating to communication and interaction with Board and Commission Members.

Item F: Communication/Interaction with the Public, the Media and with Outside Entities – Although none of our official guidelines have adopted regulations with regard to communications and interaction with the public, media and outside entity, this agenda item will give Council members the opportunity to discuss best practices in these situations, and the practical aspects of the importance of these communications.

Staff Recommendation – This agenda item is scheduled as a worksession only, and, therefore, no formal action needs to be taken by the Council.

Staff Contact Person: Gayle Mabery, Town Manager

CHAPTER 2 MAYOR AND COUNCIL

Article 2-1 COUNCIL

- 2-1-1 Elected Officers
- 2-1-2 Corporate Powers
- 2-1-3 Duties of Office
- 2-1-4 Vacancies in Council
- 2-1-5 Compensation
- 2-1-6 Oath of Office
- 2-1-7 Bond
- 2-1-8 Financial Disclosure Statement

Section 2-1-1 Elected Officers (1)

- A. The elected officers of the Town shall be four Council members and a Mayor. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.
- B. The Mayor shall serve an initial term of two years beginning in June 2002. At the 2004 election and each election thereafter, the regular term of the Mayor shall be four years and until the Mayor's successor is elected and qualified. Beginning June 2004 one council term will be for 2 years. At the 2006 election, and each election thereafter, the regular term of office for Council members shall be four years each and until their successors are elected and qualified.

Section 2-1-2 Corporate Powers

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

Section 2-1-3 Duties of Office (2)

The Council shall assume the duties of office at the regularly scheduled Council meeting next following the date of the general election. In the event that all offices are filled at the primary election, and a general election is therefore not necessary, then, the elected council shall assume the duties of office at the regularly scheduled Council meeting next following the date at which the general election would have occurred, had it been necessary.

(1) Section 9-231 and 9-301, A.R. S.

(2) Section 9-232, A.R.S.

CHAPTER 2 MAYOR AND COUNCIL

Section 2-1-4 Vacancies in Council (1)

A. The Council shall fill a vacancy that may occur by either of the following:

1. Appointment for the unexpired term. Discussion and consideration of appointments shall be held in public session.
2. Appointment until the next regularly scheduled council election if the vacancy occurs more than thirty (30) days before nomination petition deadline.

B. The member appointed shall meet the qualifications established in A.R.S. 9-232.

Section 2-1-5 Compensation (2)

The compensation of elective officers of the Town shall be fixed from time to time by resolution of the Council.

Section 2-1-6 Oath of Office (3)

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

Section 2-1-7 Bond (4)

Prior to taking office, the Mayor and every Council member shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the Town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section 38-260 of the Arizona Revised Statutes. Bond shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the Town.

Section 2-1-8 Financial Disclosure Statement (5)

The Mayor and each member of the Council shall file by January 31 of each year a financial disclosure statement on a form prescribed by the Clerk and with such information as provided by resolution of the Council and pursuant to state law.

- (1) *Section 9-235, A.R.S.*
- (2) *Section 9-232.01, A.R.S.*
- (3) *Section 38-231, A.R.S.*
- (4) *Section 9-302, A.R.S.*
- (5) *Section 38-545, A.R.S.*

CHAPTER 2 MAYOR AND COUNCIL

Article 2-2 Mayor

- 2-2-1 Repealed
- 2-2-2 Vice Mayor
- 2-2-3 Acting Mayor
- 2-2-4 Powers and Duties of the Mayor
- 2-2-5 Absence of Mayor
- 2-2-6 Failure to Sign Documents

Section 2-2-1 Repealed (1)

Section 2-2-2 Vice Mayor (2)

At the first Regular Meeting after the general election, the Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

Section 2-2-3 Absence of Mayor or Vice-Mayor

In the event of the temporary absence or disability of both the Mayor and Vice-Mayor, the Council may designate another of its members to serve as Acting Mayor, who shall have all powers, duties and responsibilities of the Mayor during such absence or disability. In the event of resignation or permanent absence or disability of the Mayor or Vice-Mayor, the Council may appoint another of its members to complete the term of office.

Section 2-2-4 Powers and Duties of the Mayor (2)

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

- A. He shall be the Chief Executive Officer of the Town.
- B. He shall be the chairman of the Council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the Council or any statutes, ordinances or this code shall require.

(1) *Repealed*

(2) *Section 9-236, A.R.S.*

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- E. He shall make such recommendations and suggestions to the Council as he may consider proper.

- F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat of occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the Town. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including but not limited to:
 - (1) Imposition of a curfew in all or any portion of the Town.
 - (2) Ordering the closing of any business.
 - (3) Closing to public access any public building, street or other public place.
 - (4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

- G. He shall perform such other duties required by state statute and this code as well as those duties required as Chief Executive Officer of the Town.

Section 2-2-5 Absence of Mayor

The Mayor shall not absent himself from the Town for a greater period than fifteen days without the consent of the Council.

Section 2-2-6 Failure to Sign Documents

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the members of the Council may, at any regular meeting, authorize the Vice Mayor or , in his absence, an acting Mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

CHAPTER 2 MAYOR AND COUNCIL

Article 2-3 COUNCIL ELECTION

- 2-3-1 Primary Election
- 2-3-2 Non-Political Ballot
- 2-3-3 General Election Nomination
- 2-3-4 Election to Office
- 2-3-5 Candidate Financial Disclosure

Section 2-3-1 Primary Election (1)

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

Section 2-3-2 Non-Political Ballot (1)

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

Section 2-3-3 General Election Nomination (1)

If at any primary election held as above provided there be any office or offices for which no candidate is 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 election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at 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 an equal number of votes shall likewise become candidates for such office.

(1) Section 9-821.01, A.R.S.

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Section 2-3-4 Election to Office (1)

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

Section 2-3-5 Candidate Financial Disclosure (2)

Each candidate for the office of Mayor or Council members shall file a financial disclosure statement on a form prescribed by the Clerk, when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the Council pursuant to state law.

Article 2-4 COUNCIL PROCEDURE

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings
- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Agenda
- 2-4-6 Order of Business
- 2-4-7 Committees and Commissions
- 2-4-8 Voting
- 2-4-9 Suspension of Rules

Section 2-4-1 Regular Meetings (1)

The Council shall hold regular meetings on the second Tuesday of each month at six o'clock p.m., provided that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be rescheduled by the Town Council. All regular meetings of the Council shall be held in the Clark Memorial Clubhouse, except for reasons of weather, scheduling, capacity or the convenience of the Council, the Town Clerk may select, from time to time, alternate locations, provided the location of said meeting is clearly set forth in the posting of the agenda for said meeting.

(1) Section 9-821.01, A.R.S.

(2) Section 38-545, A.R.S.

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Section 2-4-2 Special Meetings

- A. The Mayor, upon his own motion, or the Clerk upon the request of three members, may convene the Council at any time by notifying the members of the date, hour and purpose of such special meeting. Notice of such meeting shall be made pursuant to state law. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.**
- B. Additionally, a special meeting of the Council may be scheduled by the Mayor, or by majority vote of the Council.**

Section 2-4-3 Meetings to Be Public (2)

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

Section 2-4-4 Quorum

A majority of the Council shall constitute a quorum for transacting business, but a lesser number may recess or adjourn from time to time and compel the attendance of absent members.

Section 2-4-5 Agenda

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

(1) Section 9-233, A.R.S.

(2) Title 38, Chapter 3, Article 3.1, A.R.S.

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Section 2-4-6 Order of Business (1)

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

- A. Call to Order: The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.
- B. Roll Call: Before proceeding with the business of the Council, the Clerk or his deputy shall record the names of those present. If a quorum is not present, the members present may adjourn pursuant to Section 2-4-4 of this code.
- C. Minutes: The Clerk or his deputy shall read or present the minutes, which shall be approved if correct. Any errors noted shall be corrected.
- D. Public Comments: Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the Council. All such remarks shall be address to the Council as a whole, and not to any member thereof. Such remarks shall be limited to five minutes, unless additional time is granted by the Council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No questions shall be asked a Council Member except through the presiding officer.
- E. Reports by Officer: Town officials and committees shall present any reports required by the Council.
- F. Items for Discussion or Consideration:

(1) Section 9-234, A.R.S.

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Section 2-4-7 Committees and Commissions

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

Section 2-4-8 Voting

- A. The Mayor shall vote as a member of the Council.
- B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

Section 2-4-9 Suspension of Rules

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

Article 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS

- 2-5-1 Prior Approval
- 2-5-2 Introduction
- 2-5-3 Requirements for an Ordinance
- 2-5-4 Effective Date of Ordinances
- 2-5-5 Signatures Required
- 2-5-6 Publishing Required
- 2-5-7 Posting Required
- 2-5-8 Payment of Annexation Ordinance Costs

Section 2-5-1 Prior Approval

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

CHAPTER 2 MAYOR AND COUNCIL

Section 2-5-2 Introduction

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

Section 2-5-3 Requirements for an Ordinance

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-5-4 Effective Date of Ordinances (1)

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

Section 2-5-5 Signatures Required

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

Section 2-5-6 Publishing Required (2)

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by state statutes or expressly ordered by the Council.

Section 2-5-7 Posting Required (3)

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

- (1) *Section 19-142B, A.R.S. as to emergency clause.*
- (2) *Title 9, Chapter 7, Article 2, A.R.S.*
- (3) *Section 9-813, A.R.S.*

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Section 2-5-8 Payment of Annexation Ordinance Costs

- A. In the event that any property owner or other applicant requests the Town of Clarkdale to annex real property to the Town of Clarkdale, Arizona, then in that event the applicant shall pay to the Town all costs incurred by the Town by reason of said annexation procedure, including, but not limited to, filing fees, publications fees, engineering fees, survey fees, attorney's fees, and reimbursement of the cost of the Town's staff time, whether or not said Annexation Ordinance is passed by the Town. The attorney's fees chargeable shall include, but not be limited to, any attorney's fees incurred before or after consideration of the Annexation Ordinance by reason of any party contesting said annexation.

- B. The applicant shall file with the Town Clerk a written application requesting annexed, together with a plat of said real property, a statement of the names and addresses of the owners of record for each parcel contained in said area sought to be annexed and the specific reasons why annexation is sought.

- C. A deposit of \$5,000.00 shall be paid by the Applicant at the time of delivering the written application for Annexation to the Town, to be credited to the reimbursement of said costs to the Town. This deposit shall be replenished in a like amount each time as the previous deposit is consumed by the expenses incurred by the Town in processing the application for Annexation. This deposit is not applicable to Annexations initiated by the Town.

Article 2-6 (RENUMBERED)

Article 2-7 (RENUMBERED)

Article 2-8 (RENUMBERED)

Article 2-9 (RENUMBERED)

Town of Clarkdale



Board and Commissions Handbook

Town Council

Doug Von Gausig, Mayor
Jerry Wiley, Vice Mayor
Curt Bohall, Councilmember
Frank Sa, Councilmember
Pat Williams, Councilmember

Gayle Mabery, Town Manager
Joyce Driscoll, Town Clerk
Carlton Woodruff, Finance Director
Pat Haynie, Police Chief
Don Eberle, Fire Chief
Sherry Bailey, Community Development Director
Steve Burroughs, Public Works Director
Mike Baker, Building Inspector
Robert Pecharich, Town Attorney

INTRODUCTION

Welcome to Public Service!

While you will find that your role requires a commitment on your part, it also provides an opportunity for genuine public service. You will be able to help shape the future of Clarkdale and to make decisions affecting every citizen's satisfaction with the Town. The Town Council needs your personal resources and enthusiasm in order to maintain the qualities of the Town which are enjoyed by its residents.

As will be seen, a large share of community effort is accomplished by volunteers like yourself who serve as advisors to the Town Council in the formation of policy. The performance of public service brings with it the feeling of contribution and you will most likely develop a close relationship with other volunteers, all working towards a common end of providing for the community, its citizens and its future.

As a Board member/commissioner, you are essential to the Town's commitment to giving input on policies and services which reflect the needs and values of the community. In carrying out your responsibilities, you will work closely with your fellow Board members/commissioners, the Town Council, and staff - all of whom play a critical role in the Town organization. The Town Council may also appoint citizen committees to study particular, short-term issues.

The purpose of this handbook is to provide you with background information on the Town and its government and to introduce you to your role as a Board member/commissioner. It includes, first, a general history of the Town and a description of its government and administration. The majority of the handbook is directed specifically to Commission, operation procedures, and the responsibilities of Board members/commissioners. Finally, the handbook reviews Conflict of Interest laws and the Open Meeting Law.

We think that you'll enjoy your role as a Board member/commissioner and that, at the end of your term, you will find that you've played an important part in shaping Clarkdale's future.

Gayle Mabery
Town Manager

HISTORY OF CLARKDALE

The Early Days

The first mining claims in Jerome were filed in 1876 by several Irish men and women. In 1880, a consultant for Phelps Dodge Corporation came through Jerome and inspected the claims and decided it was not a good investment at that time. Seven years later, in 1887, the consultant revisited the mines and realized their great potential. When Phelps Dodge clients gave up the option to invest in the Jerome mines, William A. Clark of Montana stepped forward and picked it up.

Mr. Clark had the money to develop the United Verde into one of the largest copper mines in the world. The ore was rich and the market was ripe. But, the unique orebody led to problems with the mine and forced changes in the plant facilities. Clark decided to mine the ore by the open pit method, which necessitated relocation of the smelter and mine buildings.

Early planning for land acquisition and the siting of the smelter and Town was done quietly. Many properties near the Verde River and in the immediate foothills surrounding Jerome were to come under the control of the United Verde Copper Company or one of its subsidiaries. In 1913, the United Verde transferred almost 1200 acres of land to the Clarkdale Improvement Company. This land included the Town and the adjoining property.

Development of a "Planned Community"

William Andrews Clark was a man with three great ambitions in his lifetime. One of those ambitions, was to own a town which would be one of the most modern mining towns in the world. Clarkdale, a town which bore his name, would be such a town.

The town was designed to have every possible convenience. There were telephones, telegraph, sewer and electrical services and fine spring water. There were wide streets, buildings for all types of businesses and professionals, and subsidized homes.

Construction on the smelter began in 1912, and simultaneously the building of temporary structures to house a store and a post office. Later, three streets of homes were built for

the accommodation of those who sought low-cost living quarters. This area was known as Patio Town (much later as Patio Park Subdivision). The rest of the Town was divided into two sections that were designated as Clarkdale East and Clarkdale West, but now known only as Lower and Upper Town. The first single dwellings for employees were built along the streets close to Bitter Creek.

In laying out the streets of the town, names were sought which would aid newcomers or visitors in finding places. Main Street divides the town, running west from the river. In naming the parallel streets, the Salt Lake City method was adopted. Examples are First North Street, First South Street, Second North Street and so on.

Certain sections of the town were set aside for those who preferred to build their own residences. No lots were sold, but were leased. One such section was known as "Standard Oil Town" because it was near the Standard Oil's storage plant. The community of Centerville, south of Clarkdale, but really a suburb of that time, was on ground not owned by the United Verde. Another small group of houses was called "Butcherville" because employees of the town's meat market lived there.

The first construction in the main section of lower town was a two-story hotel that was built to accommodate employees; then dwellings were built.

In 1914, construction began in upper town, a business block was built, with accommodations including two-story buildings, for 10 businesses and offices. This is between Ninth and Tenth Streets on the south side of Main Street. The building of residences in upper town also began in 1914. Placement of the homes was alternated, each block has three smaller homes between two larger homes. Almost ninety years later, these houses sit solid and firm.

On October 19, 1927, the Clark Memorial Clubhouse and Memorial Library were formally opened. The original cost of the Clark Memorial Clubhouse, designed by Fitzhugh & Byron, was \$90,000. The Clark Memorial Clubhouse is now listed on the national Register of Historic Places and is the official meeting place of the Town Council.

Incorporation

In the mid-1930's, after the death of several members of the Clark family, Phelps Dodge Mining Corporation had the opportunity to buy the United Verde operation. Phelps Dodge operated the business from 1935 through 1953; both the company and the town

were run differently than they had been before. After 1953, Clarkdale was bought and sold by several different companies. The citizens of Clarkdale became dissatisfied with the various companies' management of the town and set about to incorporate in mid-1957. The Clarkdale Community Betterment Association was formed to promote incorporation. The Yavapai County Board of Supervisors approved incorporation the same year when 86% of the real property owners requested it.

Growth

The new government encouraged industry and population growth. In the Fall of 1959, the Phoenix Cement Company, west of Clarkdale, began operation. People moved into Clarkdale, buying the practically abandoned houses in Lower Town and remodeling them. Long-time residents were invited to purchase their homes, for as little \$2,500. Others bought houses for investment purposes.

Since the construction of the original townsite, several new areas of the Town have been developed. Subdivisions such as Black Hills, Verde Palisades, Foothills Terrace and Mingus Shadows have added to the population of the town.

The Town Council, commissions and staff are faced with development issues on a daily basis and planning for future needs is a constant challenge. Input from community is of vital importance and will continue to shape the history and the future of Clarkdale.

Special Thanks

Herb Young, Clarkdale resident and long-time employee of the United Verde Copper Company and Phelps Dodge Corporation, for providing the information contained in the "Development of a Planned Community" section.

Ryden Architects and the State of Arizona Historic Preservation Office for the information provided in the "Historic Resource Survey of Clarkdale, Arizona." This information was used throughout the History of Clarkdale chapter of this handbook.

TOWN GOVERNMENT

The Town of Clarkdale operates under a council-manager form of government, an organizational framework which has grown widely in popularity since its inception in the 1910's. It provides city governments with both public direction from the Town Council and professional administration through the Town Manager.

The Town Council

The Town Council acts as the governing body of the Town, with all the regulatory and corporate powers of a municipal corporation provided under the Arizona law. In general, the Council supervises the operations of town government by establishing Town policies and programs and appropriating funds for each Town department.

The Town Council consists of five (5) residents of Clarkdale elected at large to four year staggered terms. The Mayor is directly elected. The Mayor has no extra-legal authority than the other four members of the Council. The Council is the policy-making body of the Town and is held ultimately responsible for implementation of all programs and services provided by the Town. The Council approves all ordinances, resolutions and contracts. The Council reviews proposals for community needs, initiates actions for new programs and determines the ability to provide financing. The Council approves and modifies the budget as prepared by the Town Manager and staff. Council members in the Town of Clarkdale serve without pay.

Council meetings are held at 6:00 p.m. on the second Tuesday of each month in the Men's Lounge of the Clark Memorial Clubhouse. Special meetings are generally held on the fourth Tuesday of each month at 6:00 p.m.

Commissions and Boards

Commissions and Boards are standing bodies established by Town ordinance and appointed by the Town Council to provide ongoing citizen input on major policy areas. All appointments are for two years and terms are staggered to provide for continuity. The responsibilities of the members include:

1. Providing ongoing recommendations to the Town Council and staff regarding special program areas.

2. Holding public hearings to solicit community input on current issues.*
3. Identifying issues which the Commission believes should be addressed by the Town Council or staff. The Town Council benefits by using Commissions and Board in their decision-making process by relying on these bodies to:

Focus attention on specific issues.*

Encourage broad citizen participation through public hearings. *

Weigh community values in making recommendations to the Council.

Thoroughly research and review alternatives to accompany formal recommendations to the Council.

*** Though Boards and Commissions should solicit public input on issues, they should not advocate or promote a position on an issue.**

Staff

The Town Staff, under the direction of the Town Manager, is responsible for carrying out the policy of the Town Council and implementing programs and services. The Town Manager, Town Attorney, and Magistrate are appointed by and report to the Town Council. All other Department Heads and staff members are responsible to the Town Manager.

As the Town's Chief Executive Officer, the Town Manager oversees responsibilities for the day-to-day administrative affairs of the Town, including assigning Staff Liaisons to assist the various commissions, boards and committees. Commissions and boards work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the Town Manager.

ADMINISTRATIVE ORGANIZATION

The organizational chart on the following pages shows the relationship between the elected officials, appointed official, Town departments and Town commissioners. A general explanation of the responsibilities of the appointed officers and departments is provided below.

Town Manager

The Town Manager is appointed by the Council and serves for an indefinite period. The Manager is the administrative head of the Town Government and is subject to the direction of the Town Council. The Manager is responsible for the efficient administration of all the affairs of the Town which are under his/her control. The Town Manager's responsibilities include the following: enforcement of ordinances; responsibility and control over all employees; preparation and submittal of the annual budget, and chief advisor to the Town Council. The Town Manager serves at the pleasure of the Town Council and is a non-elected, salaried position. The Manager has the further responsibility to project future program needs and services and determine the financial, personnel and social impacts of these decisions.

Administrative Services Director/Town Clerk

The Administrative Services Director/Town Clerk, in addition to other duties, provides all of the activities designated to the Administrative Services Director/Town Clerk in accordance with Town Code and Arizona Revised Statutes. The Administrative Services Director/Town Clerk's Department provides the staff liaisons to the Parks and Recreation Board, the Library Board, the Fireman's Relief and Pension Board, the Police Pension Board and the Heritage Conservancy Board. He/She oversees Parks & Recreation programs, the municipal library, elections, media relations and has some Human Resource responsibilities.

Police Department

Under the direction of the Chief of Police, the function of the Police Department is to protect and serve the public and property within the Town. This responsibility is carried out by preventive patrol, traffic enforcement, criminal investigation and public relations programs. It is also responsible for crime prevention and educational programs.

Magistrate Court

The presiding officer of the magistrate's court is the Town Magistrate, who is appointed by the Town Council for two (2) year terms. The purpose of this department is to process and hear cases in accordance with applicable laws of the Town of Clarkdale and the State of Arizona.

Fire Department

The Fire Department provides the Town with emergency and fire services. A portion of this service is facilitated by reserve personnel. The Fire Department is responsible for suppressing fires, providing assistance in emergencies, and helping to prevent fires through inspections and public education.

Public Works Department

Under the direction of the Public Works Director, this department is composed of three divisions: Public Works, Wastewater and Water Utility.

Community Development Department

This department is comprised of three divisions: Planning, Building, Engineering and is under the direction of the Community Development Director.

Finance Department

Under the direction of the Finance Director, this department directs the town's budget process, payroll and accounts payable, utility billing, internal audits, risk management, workmen's compensation, annual tax levies, new employee orientation, purchasing and information technology services coordination.

Town Attorney

The Town Attorney is contracted by the Town Council to provide service on an hourly basis to the Town. The Attorney's services are coordinated at the management level. The Town Attorney also provides day-to-day information to the Town staff on legal matters and acts as the Town's representative in legal actions.

Town Engineer

The Town retains the services of an engineering firm as the Town Engineer. This is a private contract position and utilization of the service is dependent upon need. Periodically, additional services are required and they too are provided on a contract basis. Engineering services are available to all functions within the Town organization.

Personnel

The responsibility for compliance with appropriate hiring procedures and other employment laws lies with the Town Manager. The Council sets benefits and salary ranges; the Manager is responsible for overseeing the hiring, firing, promoting, disciplining and motivating Town employees. Day-to-day personnel actions are handled at the department level.

ORGANIZATION FOR POLICY-MAKING

In keeping with the Town's philosophy of citizen involvement, the Town Council appoints citizens to Commissions, committees, and Boards to assist in the formulation of Town policy. The strength and the success of Clarkdale Town Government is, to a large degree, reflective of the quality of service performed by these volunteers. While the nature of decision-making has required the separation of tasks to various commissions, it is viewed that all of the Town volunteers serve to a common end and are not restricted by departmentalization in their advice to the Council.

Council and Commission

A Commission's role is advisory to the Town Council. (The term "Commission" will hereafter refer to any Board or committee that is advisory to the Town Council.) There should be a two-way communication so that the Commissions are aware of the long and short term goals and policies which the Council has adopted, and so that the Council is receptive to new ideas which are presented by the Commissions.

At times, the Council may not always accept the recommendation of the Commission. If a recommendation is rejected, the Council most likely will let the Commission know why, and the Commission should go on with other business. Your input is most significant and will be weighed carefully with other information the Council may receive. The Town Council is not rejecting the quality of your work or your basic idea, but oftentimes the Council may have additional information or need to balance your Commission's recommendation against other Town priorities.

1. Commission members are appointed by the Town Council.
2. Each Commission member has an obligation to "vote his/her conscience" and will have to resolve conflicts he/she may have between a personal viewpoint and what is perceived the "public's interest".
3. The contact with the Council should always be open and never used to circumvent the staff or Commission.
4. The Commission should not willingly and openly embarrass the Council.
5. The Commission should assist the Council in developing public trust in the advisory commission system.

6. Should a controversy arise within the commission, guidance is available from the staff. However, it would be improper for an individual commissioner to attempt to influence or persuade the Council to assume a posture which may be in opposition to the commission's position as a whole.

Commission and Staff

There is one (1) staff person assigned to each advisory group to serve as liaison between the Commission and the Council and to research and investigate questions raised by the Commission. More than likely, staff will be responsible for letting the Commission know what is happening in the organization, what issues need Commission direction, and will probably suggest alternatives that the Commission may consider. Staff suggestions may not be accepted all the time, but it is important that good relationships exist between the Commission and staff so that, together, a reasonable solution can be derived. The following are some ways to avoid misunderstandings and to keep the channels of communication open:

1. Contacts should be with the staff member assigned to the Commission rather than to other staff.
2. Discussions with staff members should be related to the Commission's Policy and Goal Statement.
3. Commissioners should not ask for individual reports, favors, or special considerations.
4. Citizen complaints heard by Commissioners should be referred directly to the staff person assigned to the Commission.
5. Commissioners should realize that the assigned staff person who works with the Commission reports directly to a supervisor and may not be able to carry out every recommendation that the Commission may have.
6. If a Commission desires information or a report which will require an excessive amount of staff time, the Commission should request Council permission to pursue the project. Following this procedure will prevent staff being diverted from priority projects.

At the same time, staff has a responsibility to:

1. Keep the Commission informed. Staff does this by making sure that other employees and all Commission members know the purpose and goals of the organization. The staff person is also responsible for suggesting methods whereby the Commission can accomplish these goals.
2. Initiate suggestions so the Commission has an idea how to seek out information or resolution of problem.
3. Promote team spirit, so that all Commissioners can participate in a manner which will maximize their satisfaction in the organization. Recognizing Commissioner contributions and encouraging involvement are two ways to let everyone know that their ideas are welcome.
4. Take the initiative to inform Commissioners about activities, projects and work that is taking place elsewhere in the organization and among other Commissions.

Appointment of Commissioners

In order to qualify to for appointment to Boards and Commissions of the Town, persons must be a resident of the Town. Town Commissions terms begin in July of each year and are composed of five (5) to seven (7) members appointed by the Town Council for two (2) year staggered terms. The selection of Commission members starts in April of each year when incumbent commissioners are asked if they wish to be considered for reappointment.

Application forms for seats on all Commissions are available from the Town Clerk and may be completed at any time. The Town Council will **normally** avoid appointing more than one (1) member of the same family to the same Commission, or one (1) person to more than one (1) Commission.

If there are vacancies, the Council, after reviewing the applications, chooses members by majority vote to complete the vacated term.

Role of Commissioners

Commissioners find themselves peculiarly situated in the government organization. They are found somewhere between Council, staff and the public. Commissioners are appointed, not elected, and they may not represent an identifiable constituency. In some cases, they have considerable authority and their recommendations can be easily implemented by staff, while in other areas their function as advisors to Council must be strictly respected. To further confuse the issue, Commissioners are sometimes asked to participate in a volunteer capacity for a departmental program, while at other times they may be asked to “let staff do it”.

The Town’s Commissions exercise the authority delegated to them by the Town Council as set forth in the Town’s ordinances. The zoning ordinance, in particular, depends upon the Planning Commission for implementation and administration.

An important role of the Town Commissions is to provide opportunities for increased citizen participation in the development of Town policies and operating procedures. The following may answer some of your questions about proper etiquette in the Commission forum.

A Commission’s role is to advise the Council about policies and programs. In the course of business, the Commission:

1. Should define a situation;
2. Establish a plan to investigate, research and gather data;
3. Analyze the results of the investigation that staff has prepared;
4. Develop some conclusion based on the results;
5. Develop a recommendation or set of alternatives to present to the Council.

Design Review Board

The Design Review Board reviews the exterior design of proposed new buildings, proposed alterations to buildings, excluding single-family residences, and major development or redevelopment projects, to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the Town. This Board currently meets on the second Wednesday of each month.

Heritage Conservancy Board

The Heritage Conservancy Board advises the Council and staff regarding the preservation, conservation, and promotion of natural, cultural and historical resources. In addition to meetings, members accept and archive historical documents and artifacts, research records for the public and town personnel, design displays for the library and other forums and duplicate photos, plans and other documents for the public. This Board currently meets on the third Wednesday of each month.

Library Advisory Board

The Library Advisory Board advises the Council and staff regarding the Clark Memorial Library. In addition to meetings, members participate in two (2) main fundraising events for the library each year – a Fourth of July ice cream social and a book sale in December. This Board currently meets on the first Thursday of each month.

Parks and Recreation Commission

The Parks and Recreation Commission is an advisory body to the Town Council on park development, recreational activities, programming, and community services. In addition to meetings, members participate with the Fourth of July festivities, Halloween and Christmas events, and approximately eight (8) concerts in the park each year. This Commission currently meets on the second Monday of each month.

Planning Commission

The Planning Commission is an advisory Commission that makes recommendations to the Town Council. The Commission reviews all long-range plans for the Town, including the General Plan, specific plans, and rezoning. It also bears the primary responsibility for the initial review of larger developments, including applications for preliminary plats. Furthermore, the Commission makes recommendations to the Town Council on planning policies. This Commission currently meets on the third Monday of each month.

Board of Adjustment

The Board of Adjustment is a judicial body which has powers and duties prescribed by law and ordinance including: 1) To hear and decide appeals to administrative decisions; 2) To interpret the boundaries of zoning districts; 3) To hear and decide variances; 4) To permit the extension of nonconforming uses. This Board currently meets on the fourth Wednesday of each month.

OPERATING PROCEDURES

General Guidelines

Regular Commission meetings are held according to an adopted schedule once a month. Special meetings may be called when needed for the transaction of business. The calling of all meetings must satisfy the requirements of the Open Meeting Law, and meetings will be run using The Riggins Rules, or Robert's Rules of Order. Business may only take place at special or regular meetings if a quorum of the Commission members are present. The Commission shall have such powers, duties and obligations as are prescribed by the Town Code.

Procurement

Donation accounts are sometimes available from which purchases may be made for items relating to the Goal and Policy Statement of the Commission. Once a majority of the commissioners at a meeting votes in favor of the expenditure, the purchase must be approved by Town staff. This helps assure that the funds, which are Town funds, are expended in accordance with applicable laws and Town financial procedures.

Distribution of Fliers Policy

There are many occasions when the Town distributes information to citizens through fliers. The Town usually uses fliers, in conjunction with other media, to provide information to a specified area or target group.

Regardless of the reason for distribution, there are a few important things to remember when distributing fliers as a representative of the Town of Clarkdale. First and foremost, the fliers should always contain information that identifies that the flier was distributed by the Town of Clarkdale (or any branch thereof) and a phone number (and preferable a name of a person) to contact for additional information.

The Commission's staff liaison is to review fliers (or other media materials) prior to their distribution.

Copies of any fliers distributed should be filed with the Town Clerk's office in order to comply with public records laws. Fliers should contain factual information and be presented in a professional manner. Fliers that are left at homes should be secured in some manner so that they do not blow away and litter the area. Federal regulations prohibit the distribution of fliers in post office receptacles (unless they have been mailed.)

Open Meeting Law and Conflict of Interest

Commissioners are highly encouraged to read "You as a Public Official" which is provided by the League of Arizona Cities and Towns. This publication is available from the Town Clerk and is given to commissioners at the beginning of their terms.

Public Records

In general, 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. Please provide these documents, or copies, to your Commission liaison who will forward them to the Town Clerk.

E-Mail Policy

Commissioners may communicate with each other via e-mail concerning Town business using the following guidelines:

§ Since these communications are Town records, the Commissioners are to e-mail a copy to the Town records e-mail box, records@clarkdale.az.us. The Town Clerk will preserve the communication and make it available for public inspection.

- § E-mail cannot be used as a means of discussion of Town business between all or a quorum of Commissioners.
- § E-mail cannot be used to facilitate or form a “hub and spoke” communication whereby one commissioner acts as a go-between disseminating communications between other commissioners.
- § E-mail cannot be used as a means of taking straw polls on town issues.
- § In summary, communications by e-mail cannot be used as a means of circumventing the open meeting laws.
- § A commissioner may use e-mail to distribute informational material to all other members. However, such distributions should not be made with the intent to initiate responses from other commissioners. Any discussion of such informational communications should be reserved for public meetings. E-mail of informational material should be preserved in the manner provided above.
- § Confidential messages should never be sent electronically for two reasons, 1) messages may be sent to the wrong addressee, and 2) e-mail should always be used with the assumption that messages will be read by someone other than the intended recipient. Should E-mail communications to or from the Town Attorney concerning pending litigation, or legal advice occur, they should contain a warning in the Subject heading stating: “confidential Attorney-client privileged”. A corresponding copy of the email should also be sent to the Town Clerk. The Town Clerk will make a hard copy of the e-mail and maintain it in a confidential non-public file.

Public Information/Input vs. Advocating a Position

The Town Council has chosen to have Commissions in order to receive recommendations on certain types of topics. Commissions are encouraged to obtain public input prior to making recommendations. However, Commissions, and commissioners in their official capacity, must be careful not to promote their position, whether “for” or “against” an issue. Information given to the public should also be neutral.

Agendas

Written agendas for all Commission meetings are prepared in advance of the meeting at the direction of the Town Clerk. These agendas are available at least 24 hours in advance of the meeting. At regular meetings, members of the public may address the Commission during the "Public Comment" agenda item.

Meeting Attendance

Commissioners are expected to attend all meetings. If a member misses three (3) regular meetings, or seven (7) meetings in a fiscal year, he or she will automatically be removed from the Board or Commission. It is the duty of the chairperson to notify the Staff Liaison when this occurs. If commissioners are unable to continue to serve due to health, business requirements, or personal reasons, they should submit a formal letter of resignation to the Town Council.

Minutes

A record of resolutions, transactions, findings and other determinations is kept by the Commission secretary, or liaison. Commission meetings are sometimes taped to facilitate the preparation of minutes. The minutes are the official record of the proceedings. Tapes are retained for only six (6) months. Minutes of both regular and special meetings must be prepared.

The minutes must contain the following: the members of Commission and staff who were present; the time the meeting convenes and adjourns; a description of the items discussed; the name and addresses of the people who have spoken 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. The minutes of all meetings must be reviewed and approved by the commissioners at their next regular meeting.

Public Hearing Procedures

Public hearings may be held at any commission meeting, but most commonly take place at Planning Commission meetings. The rules for public hearings listed below have been prepared to give you guidance in conducting a Public Hearing.

The Council recommends that if a commissioner misses all or part of a public hearing, the commissioner should abstain from voting on the matter unless he/she has become familiar with all the evidence presented at the hearing. It is suggested that the member

listen to a tape recording of the hearing (if available), examine all written materials, and state at the meeting that he/she has done so and feels competent to vote on the item.

Role of the Chair

The Chair is the key to the proper functioning of a Commission. The Chair has the important responsibilities of ensuring that the meetings operate efficiently and he or she maintain the unity of the Commission. Consequently, the election of the Chair should be viewed as an important Commission task. In Clarkdale, the Chair and Vice Chair are elected from among the members for a one (1) year term by the Commission at its first meeting in July.

There are some general rules for an effective Chair:

1. The Chair must ensure that the meetings are run by Riggin's Rules or Robert's Rules of Order and that they move along without delay, but be fair and open enough to allow individuals to speak without being unfairly restricted or cut off in an arbitrary way.
2. The Chair should see that the Commission considers the major issues and does not become sidetracked by insignificant concerns.
3. The Chair should attempt to educate the public as to the process and policies of the Town.
4. The Chair should attempt to bridge the differences that may exist among the opinions of the commissioners in order to reach a consensus, however, non-consensus should not be allowed to delay voting on items indefinitely.
5. The Chair should be the last member to give his/her opinion after all others have spoken.
6. The Chair should be capable of representing the Commission effectively to other groups.

It is also important that the Vice Chair be an effective leader, since he/she will run the meetings in the Chair's absence.

Running a Public Hearing

1. The Chair states the purpose of the Public Hearing.
2. The staff gives an oral report explaining the action requested, the facts and issues, and the staff report.
3. The Chair acknowledges any correspondence about the application which has been received.
4. The Public Hearing is opened, the applicants and/or their representatives present their case.
5. Members of the public are heard. All interested speakers are given an opportunity to speak once before speakers are heard a second time.
6. Applicants and members of the public are given the opportunity to rebut earlier comments.
7. The public hearing is closed.

Action is not taken during Public Hearings. A separate action item must be placed on the agenda for consideration.

Suggestions for Speakers

1. **Names.** All speakers will be expected to state their name and address for the record. If a number of speakers are present, each speaker may be asked to file a written statement of their concerns with the Town Staff.
2. **Questions.** Questions for Commission members, other people in the audience, and the staff should be directed through the Chair.
3. **Brief Presentations.** As much as possible, speakers should express their comments concisely and briefly. The Chair may designate a specific amount of time for each speaker, such as three (3) minutes. If the number of people wishing to speak necessitates, groups may be asked to designate a spokesperson for the group.

RESPONSIBILITIES OF COMMISSION MEMBERS

To be selected as an active member of a Town Commission is an honor and provides an opportunity for genuine public service. Although the duties of each of Clarkdale's Commissions vary widely, there are certain responsibilities that are common to all Commission members. The following is a summary of the important responsibilities of Commission members:

Understand the Role and Responsibilities of the Commission

One of the first responsibilities of a new member is to understand the Commission's scope of responsibility and operating procedures. This information may be obtained by referring to the Town Code excerpts and Policy and Goals Statements included in the appendices of this handbook.

The department heads responsible for the programs within each Commission's scope of interest and/or the Commission Liaison are available to assist new members in becoming familiar with their roles and duties. They also will provide information about Town policies, minutes of past meetings, and other helpful data.

Be Careful to Represent the Entire Commission

Individual members should refrain from representing their views or recommendations as those of the Commission, unless the Commission has officially voted to approve the recommendation. Commission members making recommendations or expressing views not approved by the majority of the Commission should indicate that they are representing only themselves as individuals. When making statements to the press, members should indicate which actions are only recommendations and indicate when final action will be taken by the Town Council or the Commission.

If the vote on an agenda item is not unanimous, a minority report may be submitted to the Town Council by individual members of a Commission. The disagreement should be stated in the minutes and a copy of the minority report should be placed in the Commission's records. If the Commissioner was absent at the time action was taken, he/she may state the desire for a minority report at the next meeting. If time does not allow, the commissioner should submit his/her concerns to the next appropriate body, stating that he/she is speaking as an individual and not for the Commission as a whole.

Be Representative of the Whole Town

Although Commission members may be selected, in part, because they represent clearly defined groups, once selected each Commission member should represent the entire public interest of the Town and not just his/her respective group interest. The question, "What is best for the entire community?" should take precedence over "What is best for my interest group?"

Keep the Lines of Communication Open

As an influential member of the community, a commissioner is in the unique position of serving as a liaison between the Town and the general public in helping to reconcile contradictory viewpoints and building a consensus around common goals and objectives. A commissioner must serve as a link between the community, staff and Town, by presenting Town programs and recommendations and also providing a channel for citizen expression. A primary role of the Commission is to determine the attitudes of the citizens concerning Town programs.

Do your Homework and Be Thorough in your Recommendations

Commission members, in connection with their role, may spend hours in research on a particular problem. Commissioners should be familiar with the portions of the General Plan, the Town Code, and the Zoning Code applicable to their area of responsibility and should thoroughly review staff reports, plans, and materials submitted by the applicant in advance of meetings. The Town Council recommends that Commission members not vote on any matter affecting specific property unless they have actually toured and inspected the site. Observations made during field trips must be reported at a public meeting of the Commission.

Be Conscious of your Relationship to the Town Council, Other Town Commissions, and Town Staff

Relations with the Town Council and Town Staff are basic for successful operation of any Commission. The Commission is not a substitute for regularly constituted government. The responsibility for allocating scarce public resources rests with the community's elected representatives, the Town Council, and cannot be designated to an outside group, however capable and interested it might be.

Commissions should review Town policies related to programs under their scope of interest and make recommendations for changes to the Town Council. However, Commissions must adhere to the policies approved by the council as expressed in the General Plan, the Town Code and other official documents. To ensure that the policies of the Commissions and Council are understood by each other, the Council recommends that each Commission meet with the Council in a worksession annually, or more often if necessary.

The Town Staff works for the Town Manager, and through him/her, for the Town Council. Staff does not work for Commission members. It is therefore not appropriate for commissioners to direct staff, or to become involved in the administrative or operational concerns of the Town Departments. While the Staff can provide routine information on-going projects, a formal request to the Town Manager must be made for Staff involvement in projects. If commissioners have questions, or are concerned with Staff services provided to the Commission, the Town Manager should be contacted immediately to review the matter.

Town Staff is required by the Town Council to make individual professional recommendations which may, or may not, agree with those of the Commission. The Staff is required to present fairly the Commission's recommendations and explain them, but will not defend them if in disagreement. When appropriate, the Commission Chair or delegated representative, may be present at the Town Council meeting to report on the Commission's recommendations.

Establish a Good Working Relationship with other Commission Members

On many occasions, the success or failure of the efforts of a Commission member is largely dependent on the degree of cooperation among the individual members of the Commission. To help build a consensus around common goals and objectives, Commission members will often have to reconcile contradictory viewpoints.

Each Commission member should do his/her part to ensure that meetings proceed in an orderly and constructive manner. The chair is primarily responsible for seeing that consideration of items on the agenda move along without delay, but with reasonable time allocated to each item. Each Commission member can assist the Chair by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing any presentations he/she makes to the Commission.

Political Participation

No restriction is placed on commissioners' participation in political activities at all levels of the government, whether local, state, or federal. If commissioners use the title of their appointed office when participating in these activities, they must make it clear that they are not representing or speaking for the Commission, but rather using the title for identification.

MEETINGS AND HOW TO RUN THEM EFFECTIVELY

Advisory groups operate by meeting and discussing issues. The trick is to make sure that meetings are not unnecessarily scheduled and discussions not unduly long-winded. Everyone has something valuable to contribute, but knowing when and how to control discussions can make the difference between a side-tracked dialogue or an insightful observation. Public meetings are the place where most commissioners spend the majority of their working time and where their public reputations are made. All too often, the impressions the public gets are negative because Commissions commit one or more of the four (4) cardinal sins of running a public meeting. They are:

Not Controlling the Meeting - If many people want to speak in a limited time, speaking time should be rationed so all may be heard. A helpful method is requesting a show of hands of those who wish to speak on a particular subject, then making a time allocation and holding to it. It is not necessary to permit individuals second and third opportunities. However, a statement concerning this should be made at the onset.

Appearing to Seem Unfair - Commissioners should not bring up the pros and cons of an agenda item before all testimony and evidence have been presented. Then the discussion should stay on the facts presented, not on the presenters.

Failing to Bring Issues to a vote - Many commissioners get so bogged down in petty details, endless searches for new data and procedural distractions that matters brought before the commissioners never seem to get resolved. Some Commissions have taken so long to make a decision that, by the time a decision reaches the next level of government, conditions have changed the affected proposal and, therefore, the recommendations are obsolete.

Wasting People's Time - Don't ever make people who have come for a 7:00 p.m. hearing wait hours to be heard or, worse yet, make them come back again because there was not time. Try to stick to the schedule listed on the agenda. Since the Commission usually has the time to make decisions after the public hearing, don't fear holding the Commission discussion over until the next meeting. Schedule an extra meeting now and then to clear any backlog of items that need to be considered. This is far better than trying to make everyone stay up until wee hours of the morning to watch the Commission heroically fight off sleep as it tries to finish an overlong list of agenda items.

An additional word of advice: Avoid the appearance of impropriety. Currently, there appears to be less trust in government than ever before. Commissioners who have business or financial interest, or who have relatives or close friends which would stand to profit from a decision obviously should not participate in the decision-making and should absent themselves from the entire hearing so no opportunity exists for them to appear to influence their colleagues.

APPENDIX

General Policies and Goals

These General Policies and Goals apply to the Heritage Conservancy Board, the Parks and Recreation Commission, the Design Review Board, the Planning Commission, and Board of Adjustment:

Membership

1. Members are voluntary and serve without pay.
2. The appointments are for a period of two a (2) years each. The terms of office have been staggered so that two (2) appointments are made one (1) year and then (3) three appointments are made the next year. Terms will end on June 30th and begin July 1st.
3. In the event of death, resignation, or removal of any member, the Town Council will appoint a new member to serve for the unexpired portion of the term vacated. If any regular member shall be absent for three (3) consecutive meetings or seven (7) meetings in a fiscal year, that office is to be automatically vacated and a new member will be appointed by the Town Council.

Officers

At the first meeting in July of each year, the Boards and Commissions shall elect among themselves a Chairperson and a Vice-Chairperson. The Town of Clarkdale will provide a Staff person to record the minutes of the meeting. The minutes of the meeting will be available to the public. The Board may appoint special committees as needs arise.

Meetings

All Boards and Commissions appointed by the Town Council are subject to the provisions of the Arizona Open Meeting Law.

A majority of the members of the Board or Commission shall constitute a quorum. A majority of the vote of the members present shall be required to adopt a motion. All members present shall vote on every question presented to the Board or Commission,

unless a member has a conflict of interest with respect to said question, in which event, that member shall make known such interest publicly for the record and refrain from voting upon or otherwise participating in any manner on said question. Under no circumstance is any member or professional staff member to take any action or make any statement committing the Board or Commission as a whole, unless given authority to do so by the majority vote of the Board or Commission.

Rules of Procedure

Town Boards and Commissions shall conduct its meeting in accordance with Riggin's Rules or Robert's Rules of Order.

Town Boards and Commissions shall incur no debts nor make any purchases nor enter into any contracts binding the Town of Clarkdale except when using the Board or Commissions donation or fund-raiser monies, or monies budgeted by the Council for their use.

Open Meeting Law

All Boards and Commissions appointed by the Town Council are subject to the provisions of the Open Meeting Law. Special committees may be appointed by order of the Board or Commission as needs arise.

Clarkdale Heritage Conservancy Board

Statement of Policy and Goals

History

On October 29, 1982, the property known as Clark Memorial Clubhouse was placed on the National Register of Historic Places.

It was then the desire of the Town Council to encourage restoration of the historic Town-owned buildings. The Council therefore established the Town of Clarkdale Restoration Commission. The purpose of this Commission was to study the needs, define problems, establish priorities, and present a plan of action for the restoration of the historic buildings in Clarkdale.

On August 8, 1989, the Council established the Heritage Conservancy Board to address a broader scope of issues than the Restoration Commission addressed. The function of the Heritage Conservancy Board is to advise the Town Council and Staff regarding the preservation, conservation and promotion of natural, cultural and historical resources.

Membership

The Heritage Conservancy Board shall consist of five (5) members. The members of the Board shall be appointed by the Mayor and Common Council.

Meetings

One regular meeting is held each month. Special meetings and work sessions are held at such times as the Board may determine. An agenda will be posted at least 24 hours prior to any meeting.

Rules of Procedure

The Town Council shall have full and final authority on all Heritage Conservancy issues, and no issues shall be concluded by anyone else unless so directed by the Town Council.

The issues of the Heritage Conservancy, including proposals and suggestions, shall be prepared written form and presented to the Town Manger to be placed on the Town Council agenda to be discussed and acted upon by the Town Council.

Powers and Duties

The Heritage Conservancy shall have the following powers and duties:

- A. To assist the Council in establishing general priorities relating to historic preservation.
- B. To study the needs, define the problems, establish priorities, and present a plan of action for the restoration of the historic buildings in the Town of Clarkdale.
- C. To advise the Town Council and Staff regarding the preservation, conservation and promotion of natural, cultural and historical resources.
- D. To suggest/promote fees and/or fund-raising ideas to finance projects in relation to the Heritage Conservancy Board.
- E. Board members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Town Council or the Town Manager.
- F. The function of the Board is to assist the Council. The final decisions are made by the Town Council after consideration of all recommendations and inputs from all sources.

Advisory Board for Clark Memorial Public Library

Statement of Policy and Goals

Philosophy

The Library Advisory Board is an advisory body to the Town Council , Town Manager, and Library Manager for the purpose of giving input regarding all phases of library operations. The primary purpose is seen as giving varied opinions representative of the majority of the population in our municipality as opposed to a singular set of ideas regarding types of books, hours of operation and planning for the future of the Clark Memorial Library. It is imperative that we continually evaluate the efforts of the Library to meet the needs and wishes of our community. Any other policy would be viewed as destructive and inconsistent with the overall plan for the library as a whole.

Membership

The Library Board shall consist of seven (7) members, appointed by the Town Council.

Meetings

One regular meeting is held each month. Special meetings and work sessions are held at such times as the Board may determine. An agenda will be posted at least twenty-four (24) hours prior to any meeting.

Rules of Procedure

The issues of the Library Board which need action by the Town Council shall be prepared in written form and presented to the Town Manager to be placed on the Town Council agenda to be discussed and acted upon by the Town Council.

Powers and Duties

The Library Board shall have the following powers and duties:

- A. To assist the Council in establishing general priorities relating to the operations of the Clark Memorial Public Library.
- B. To study the needs, define the problems, establish priorities, and present a plan of action for the operations and needs of the Library.

- C. **The appointed Library Manager is the administrative officer of the library. The Library Manager manages and operates the library and its staff under direction of the Town Manager and Town Council, with advice from the Library Board.**
- D. **To suggest/promote fees and/or fund-raising ideas to finance projects in relation to the library operations.**
- E. **Board members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Town Council or the Town Manager.**
- F. **The function of the Board is to assist the Council. The final decisions are made by the Town Council after consideration of all recommendations and input from all sources.**
- G. **This Board shall exercise such powers and duties as are assigned to it by state law, local ordinance and the governing body of which it is a part.**

Clarkdale Parks and Recreation Commission

Statement of Policy and Goals

Philosophy

The need for open space for parks and recreation is becoming more paramount. The Parks and Recreation Commission should make recommendations to the Town Council to provide valuable open space, avenues for individual, group and family participation in a wide variety of activities and special community events.

The challenge, then, before the Parks and Recreation Commission is to provide and maintain sufficient and attractive parks and special recreational facilities for leisure time activities, and to be a positive and responsive service agency in providing a wide variety of wholesome recreation opportunities.

The various recreation programs are charged with providing a creative and responsive service to the community, and developing events and activities to meet its ever changing needs and desires by providing opportunities for recreational participation. The weight of these needs and desires must be measured constantly in relation to existing programs, facilities and services, as well as their benefit to the total Clarkdale citizenry.

Membership

The Parks and Recreation Commission shall consist of five (5) members appointed by the Mayor and Council.

Meetings:

One regular meeting is held each month. Special meetings and work sessions are held at such times as the Commission may determine. An agenda will be posted at least 24 hours prior to any meeting.

Powers and Duties:

The Parks and Recreation Commission shall have the following powers and duties:

- A. To assist, counsel and aid the Town Council in the purchase, sale, lease or other method of acquiring or disposing of lands, structures, and facilities for use as

parks or recreational centers. This would include the responsibility to consider land purchases, sales and donations, recommending construction of recreation centers and planning for future park needs.

- B. To assist the Council in establishing general priorities relating to park development and recreation programs. To assist in establishing a continuing plan for the Town's park system involving research, comments, and/or recommendations on parks and recreation-related matters.
- C. To assist the Town Council on the policies, rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the town for use as parks and recreation centers.

Included:

- propose measures to repair or expand facilities to accommodate greater use.
 - propose signing, fencing, or other measures the Town may undertake to prevent the facilities from being damaged or destroyed by unauthorized uses.
- D. To assist the Town Council in establishing priorities at budget time relating to park acquisition, development and recreation programs. Assist in the preparation of the annual budget.
 - E. Suggest/propose fees and/or fund raising ideas to finance expansion of development of facilities.
 - F. Make recommendations to the Town Council to receive, accept and acquire by gift, bequest or devise real and personal property of every kind, nature and description in the name of the Town for park and recreational purposes, subject to the terms of such gift.
 - G. Commission members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Town Council or the Town Manager.
 - H. The function of the Commission is to assist the Council. The final decisions are made by the Town Council after consideration of all recommendations and input from all sources.

Clarkdale Planning Commission Statement of Policy and Goals

Introduction

The Planning Commission is an advisory and recommending body to the Common Council. The purpose of the Planning Commission is to promote orderly growth and development that fits the needs and character of the community.

Principal Activities include:

1. It is the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as “Planning and Zoning”.
2. To make or cause to be made, a continuous study of the best present and future use to which land and buildings shall be put within the Town and in cooperation with adjacent areas.
3. To recommend to the governing body revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town.
4. To establish rules of procedure if such rules are approved by the governing body.

Procedural Guidelines

The procedural guidelines for the Town of Clarkdale Planning Commission are intended to clarify and facilitate processes of the Commission as established in the Town Code and authorized by ARS.

Planning Commissions in Arizona must operate within the limits set by State Laws - The Arizona Revised Statutes: Title 9, Cities and Towns; Chapter 4, General Powers: Article 6, Municipal Planning; Article 6, Municipal Zoning. Municipal Subdivisions Regulations; and Open Space Conservation and all other related statutes.

Membership

The Planning Commission consists of five (5) members who are appointed by the Mayor and Common Council.

Meetings

Regular Planning Commission meetings are held once a month. Special meetings and work sessions are held at such times as needed. An agenda will be posted 24 hours before any meeting.

Questions by the Commissioners are allowed at all stages of a hearing and/or a meeting. The secretary or liaison shall make public all official information regarding Commission actions. It shall be the policy of the Commission to visit sites as a group where it is deemed necessary. These visits constitute a meeting under the Open Meeting Law and must be posted.

Powers and Duties

The Planning Commission shall have the following powers and duties:

- A. The basic duty of a Planning Commission is to advise the Town Council about the General Plan and to recommend to them a course of action for most rezoning requests and changes to the zoning ordinance.
- B. The Commission will also review and comment on subdivision plats, site plans, Planned Area Developments, zoning requests, variances, special plans and specific plans.
- C. The Planning Commission must hold a public hearing on certain items as regulated by ARS.
- D. A commission member should be familiar with the General Plan, Zoning Code, Sign Code, etc.
- E. Review Capital Improvement Programs.
- F. Maintain and recommend ways to implement the General Plan.

- G. Report annually on the General Plan.
- H. Promote public interest and understanding of the General Plan.
- I. Consult with and advise public officials, utility companies, civic, professional and educational organizations; and citizens in general about carrying out the General Plan.
- J. Commission members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Planning Administrator. In the event that there is no Planning Administrator, all suggestions and complaints will be directed through the Town Council or the Town Manager.
- K. The function of the Commission is to assist the Town Council. The final decisions are made by the Town Council after consideration of all recommendations and input from all sources.

Clarkdale Board of Adjustment Statement of Policy and Goals

Philosophy

The Board of Adjustment is a quasi-judicial body which interprets the meaning and spirit of the Zoning Ordinance, or other ordinances as specified by the Town Council, as enacted by the Town Council. It acts as a fact finding body whose decisions are final unless appealed to Superior Court. Each request for interpretation, or grant of variance, is considered unique, is decided on it's own merits and previous decisions do not set a precedent for later cases.

Membership

- A. The Board of Adjustment has five (5) members.
- B. At least one (1) member should be experienced in the field of architecture or building construction.
- C. At least one (1) member should be experienced in the field of engineering.
- D. At least one (1) member should be experienced in the field of law.

Meeting

The Board of Adjustment currently meets on the fourth Wednesday of each month. The Board of Adjustment shall also meet as often as necessary to conduct business depending on applications as put before the Town. Written notice of meetings shall be posted as required by Arizona Revised Statutes.

Proceedings of Meetings

Meetings of the Board of Adjustment shall be conducted in general conformance with Riggins's Rules or Robert's Rules of Order and shall proceed as follows:

- 1. Call to Order.
- 2. Quorum and Roll Call - A quorum shall consist of a minimum of three (3) members of Board of Adjustment.

3. Approval of Minutes - Review, revise and approve minutes of previous meeting(s).
4. Communications and Reports.
5. New Business - Consideration of new items on the agenda.
 - A. Chair opens Public Hearing.
 - B. Staff report and opportunity for Board members to question staff.
 - C. Applicant presentation and Board questions of applicant.
 - D. Public comment on the issues, either pro or con.
 - E. Rebuttal - opportunity for staff and/or applicant to respond to public comments.
 - F. Close of Public Hearing.
 - G. Findings of Fact - A Board member moves to adopt specific Findings of Fact based on the review criteria. After a motion second and discussion, if any, the Findings of Fact are adopted by affirmative vote of a majority of the quorum.
 - H. Board Decision - A Board member moves to approve, approve with conditions, deny or continue the agenda item. After a second on the motion the Board may discuss the motion and make amendments if desired. A decision is reached by the affirmative vote of a majority of the quorum.
 - I. Old Business - Consideration of items tabled from a previous meeting.
 - J. Adjournment.

Powers and Duties

Upon application, the Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including those more specifically set forth as follows:

- A. To hear and decide appeals in which it is alleged, by the applicant, there is an error in any order, requirement or decision made by an administrative official based on the enforcement of the Zoning Code or the Town Code.
- B. To interpret the boundaries of the zoning districts as depicted on the Zoning Map.
- C. To hear and decide on requests for variances from 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 of the Board of Adjustment shall be based upon the review of the application in conformance with the following criteria:

1. **SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which are 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 it's 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.
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:** Pursuant to Arizona Revised Statutes 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.)

Each item on the agenda which requires review pursuant to the adopted criteria shall be considered in the context of such criteria. The Board shall adopt findings based on the criteria when taking action on such agenda items. A written copy of said findings shall be placed in the case file and a separate copy shall be forwarded to the applicant within ten (10) working days of the date of the Board's decision.

Applicant Procedure

An application for appeal to the Board of Adjustment shall be made in writing, on forms prescribed by the Board of Adjustment, and shall include supporting documentation and materials as required by the Community Development Director.

Town of Clarkdale

Town Code

Chapter 17

Boards and Commissions

CHAPTER 17 BOARDS AND COMMISSIONS

Article 17-1 PLANNING COMMISSION (1)

- 17-1-1 Creation
- 17-1-2 Membership
- 17-1-3 Officers
- 17-1-4 Duties
- 17-1-5 Meetings
- 17-1-6 Conduct of Business
- 17-1-7 Fees
- 17-1-8 Public Hearings

Section 17-1-1 Creation

The Planning Commission of the Town of Clarkdale is hereby established to carry out the purpose of Title 9, Chapter 4, Article 6.1, Arizona Revised Statutes.

Section 17-1-2 Membership

- A. The Commission shall be composed of a total of five members who shall be residents of the Town. The members of the Commission shall be appointed by the Council. These appointments shall be for a period of two years each, with the terms of members so staggered that the terms of no more than three members shall expire in any one year. In the event of death or resignation of a member, the vacancy may be filled for the unexpired term. The term of all members shall extend until their successors are qualified.

- B. The Commission members shall serve without compensation.

- C. If any member shall be absent for three (3) consecutive regular meetings, or seven (7) meetings throughout the fiscal year, he/she shall automatically cease to hold membership on the Planning Commission, without further action being taken by either the Commission or Town Council. It shall be the responsibility of the Chairperson of the Commission to so notify the Town Council immediately upon the creation of a vacancy pursuant to this section.

Section 17-1-3 Officers

The Commission shall elect officers from among its own members, who shall serve until their successors are elected and qualified. The Commission shall prescribe the duties of such officers.

CHAPTER 17 BOARDS AND COMMISSIONS

Section 17-1-4 Duties

It is the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "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 Town and in cooperation with adjacent areas; to recommend to the governing body revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town; to promulgate rules of procedure if such rules are approved by the governing body.

(1) *Section 9-813, A.R.S.*

Section 17-1-5 Meetings

The Commission shall provide in its rules for its meetings; provided, that special meetings may be called by the Chairman or, in his absence, the Vice-Chairman. In addition, any three 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.

Section 17-1-6 Conduct of Business

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

Section 17-1-7 Fees

The Commission may be authorized to establish a uniform schedule of fees for the services with all receipts to be paid into the general fund of the Town. Such fee schedules shall become effective upon approval by the Council.

CHAPTER 17 BOARDS AND COMMISSIONS

Section 17-1-8 Public Hearings

The Planning Commission shall hold a public hearing on any zoning ordinance. Notice shall be given of said public hearing as provided by Section 9-462.04, A.R.S. After the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the Council and shall include the reasons for the recommendation.

Article 17-2 BOARD OF ADJUSTMENT

- 17-2-1 Creation
- 17-2-2 Powers
- 17-2-3 Appeals to the Board of Adjustment
- 17-2-4 Date of Hearing and Notice
- 17-2-5 Meetings
- 17-2-6 Appeals From the Board of Adjustment

Section 17-2-1 Creation

The Common Council of the Town of Clarkdale does hereby create a Board of Adjustment to be composed of five (5) residents of the Town of Clarkdale. The Common Council of the Town of Clarkdale shall serve as the Board of Adjustment until such time as they are replaced by private citizens. The Board of Adjustment shall elect a Chair and Vice-Chair from among its members. The appointments to the Board of Adjustment shall be for a term of two (2) years each, with the terms of members so staggered that no more than three (3) member’s terms expire in any given year. In the event of death or resignation of a member, the Common Council shall appoint a replacement to serve the unexpired portion of the term. Members shall serve without compensation.

- A. “If any member shall be absent for three (3) consecutive regular meetings, or a cumulative total of seven (7) meetings throughout the fiscal year, he or she shall automatically cease to hold membership without further action being taken by either the Commission or the Town Council. It shall be the responsibility of the Chairperson of the Board or Commission to so notify the Town Council immediately upon the creation of a vacancy pursuant to this section.”

Section 17-2-2 Powers

Upon application, the Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including those more specifically set forth as follows:

CHAPTER 17 BOARDS AND COMMISSIONS

- A. To hear and decide appeals in which it is alleged, by the applicant, there is an error in an order, requirement or decision made by an administrative official based on the enforcement of the Zoning Code or Chapter 7 of the Town Code.
- B. To interpret the boundaries of the zoning districts as depicted on the Zoning Map.
- 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 are 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 it's 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.
 - 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.

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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).
- D. To permit the extension of a nonconforming use throughout an existing structure or parcel subject to such conditions as the Board of Adjustment shall deem just and proper. Any extension of a nonconforming use shall comply with all bulk standards of the Zoning Ordinance and all development standards of other codes adopted by the Town of Clarkdale.

Section 17-2-3 Appeals to the Board of Adjustment

Appeals to the Board of Adjustment may be taken by any owner of property, any person having a contract or an option to purchase the subject property, or any agent of the above persons who may be aggrieved by a decision of any administrative officer made in the enforcement of the Zoning Ordinance or Chapter 7 or Article 12-4 of the Town Code as adopted by the Town of Clarkdale. Appeals to the Board of Adjustment may also be taken by any administrative officer, department, commission or board of the Town of Clarkdale affected by the granting, or refusal, of a permit or other decision of an administrative officer in the course of administration or enforcement of the Zoning Code or Chapter 7 of the Town Code as adopted by the Town of Clarkdale. Appeals to the Board of Adjustment must be made in writing, on forms approved by the Board of Adjustment must be made in writing, on form approved by the Board, and filed with the Planning Director within 60 days of the date of the act, or failure to act, or decision which is the cause of appeal. Every application for appeal, or variance, shall refer to the specific provision of the Ordinance from which an appeal is requested, and shall specifically set forth the interpretation which is claimed; or in the case of a variance request how and why the review criteria set forth in Section 17-2-2 above justifies the granting of a variance. An appeal stays all enforcement proceedings until a final decision is reached by the Board of Adjustment. Decisions of the Board shall be filed by case number, under one of the following headings, appeals or variances; and case files shall be kept in the Planning Department.

Section 17-2-4 Date of Hearing and Notice

All hearings of the Board of Adjustment upon any appeal shall be held no sooner than 20 days from the date of application for appeal. Notification of the hearing shall be published once in a newspaper of general circulation in the area not less than fifteen (15) days prior to the date of hearing. In addition, notice shall be posted on the property affected, when applicable, in a manner readily visible to the general public.

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Section 17-2-5 Meetings

Meetings of the Board of Adjustment shall be conducted in the manner prescribed in the most current "Bylaws-Board of Adjustment" as adopted by the Board of Adjustment and approved by the Common Council of the Town of Clarkdale.

Section 17-2-6 Appeals From the Board of Adjustment

Any person aggrieved by a decision of the Board of Adjustment may, at any time within thirty (30) days after the Board has rendered a final decision, file a complaint with the Superior Court, Yavapai County, State of Arizona, to review the decision of the Board of Adjustment. Filing a complaint does not stay any proceedings on the decision sought to be reviewed, but the court may, upon petition by the applicant, grant a stay. On final decision the Superior Court may approve or reverse, whether in whole or in part, or may modify the decision of the Board.

Article 17-3 PARKS AND RECREATION COMMISSION

- 17-3-1 Creation
- 17-3-2 Organization
- 17-3-3 Duties
- 17-3-4 Authority To Remove Members

Section 17-3-1 Creation

There is hereby created a Clarkdale Parks and Recreation Commission which shall consist of five (5) members who are residents of the Town and who serve without compensation.

Section 17-3-2 Organization

- A. The Parks and Recreation Commission shall be composed of five (5) residents of the Town of Clarkdale serving staggered two-year terms. The Commission shall elect a Chair and Vice-Chair at their Regular meeting in October each year.
- B. Vacancies of the Commission shall be appointed by the Mayor and Town Council.
- C. If any member shall be absent for three (3) consecutive regular meetings, or a cumulative total of seven (7) meetings throughout the fiscal year, he or she shall

CHAPTER 17 BOARDS AND COMMISSIONS

automatically cease to hold membership without further action being taken by either the Commission or the Town Council. It shall be the responsibility of the Chairperson of the Board or Commission to so notify the Town Council immediately upon the creation of a vacancy pursuant to this section.

Section 17-3-3 Duties

It shall be the duty of the Clarkdale parks and Recreation Commission to:

- A. To assist, council and aid the Town Council in the purchase, sale, lease or other method of acquiring or disposing of lands, structures and facilities for use as parks or recreational centers. This would include the responsibility to consider land purchases, sales and donations, recommending construction of recreation centers, lease of Town owned buildings, (Clark Memorial Clubhouse, pool and ballparks) or property by others and future planning for park needs.
- B. Elect a Chair and Vice-Chair at the Regular meeting in October each year.
- C. Meetings of the Clarkdale Parks and Recreation Commission shall be held at least once each month, provided, however, that special meetings may be called at any time by the chairman or by three (3) members of the Commission.
- D. To assist the Council in establishing general priorities, relating to park development and recreation programs. To assist in establishing a continuing plan for the Town's park system involving research, comments and/or recommendations on parks and recreation-related matters.
- E. To assist the Town Council on the policies, rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the Town for use as parks and recreation centers, including:
 1. Propose measures to repair or expand facilities to accommodate greater use.
 2. Propose signing, fencing, or other measures the Town may undertake to prevent the facilities from being damaged or destroyed by unauthorized uses.
- F. To assist the Town Council in establishing priorities at budget time relating to park acquisition, development and recreation programs. To assist in the preparation of the annual budget.

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- G. Suggest/propose fees and/or fund raising ideas to finance expansion of development of facilities.
- H. Make recommendations to the Town Council to receive, accept and acquire by gift, bequest or devise real and personal property of every kind, nature and description in the name of the Town for park and recreational purposes, subject to the terms of such gift.
- I. Commission members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Town Council or the Town Manager.
- J. The function of the Commission is to make recommendations to the Council. The final decisions are made by the Town Council after consideration of all recommendations and input from all sources.

Section 17-3-4 Authority To Remove Members

The Council by majority vote shall have the authority to remove from office any member of the Clarkdale Parks and Recreation Commission whenever, in its discretion, the best interest of the Town shall be served thereby.

Article 17-4 DESIGN REVIEW

- 17-4-1 Establishment of Design Review Board
- 17-4-2 Purpose
- 17-4-3 Definitions
- 17-4-4 Applicability
- 17-4-5 Preliminary/Final Review
- 17-4-6 Application Procedure
- 17-4-7 Filing Fee
- 17-4-8 Review Criteria
- 17-4-9 Expiration of Design Review Board Approval
- 17-4-10 Violations and Enforcement
- 17-4-11 Appeals
- 17-4-12 Severability

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Section 17-4-1 Establishment of Design Review Board

The Design Review Board shall serve at the appointment of the Town Council. The Board will consist of five (5) members, each serving alternating two (2) year terms, after existing terms.

- A. When vacancies occur replacement members shall be appointed by the Mayor and Town Council who shall serve the unexpired portion of the vacated term.
- B. Members of the Design Review Board who are appointed following the effective date of this ordinance (March 25, 1998) shall be required to reside within the corporate limits of the Town of Clarkdale.
- C. Elect a Chair and Vice-Chair at the Regular meeting in October each year.
- D. "If any member shall be absent for three (3) consecutive regular meetings, or a cumulative total of seven (7) meetings throughout the fiscal year, he or she shall automatically cease to hold membership without further action being taken by either the Commission or the Town Council. It shall be the responsibility of the Chairperson of the Board or Commission to so notify the Town Council immediately upon the creation of a vacancy pursuant to this section."

Section 17-4-2 Purpose

The purpose of the Design Review Board is to review the exterior design of proposed new buildings, proposed alterations to buildings and major development or redevelopment projects which do not include new buildings within the Town of Clarkdale, in order to insure that new development or redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale, as applicable.

Section 17-4-3 Definitions

- Applicant:** The developer, property owner or their agent.
- Building:** A structure designed, built or occupied as a shelter, a roofed area for persons or property, including lunch wagons, dining cars, camp cars, mobile homes and other roofed structures used for residential, business, mercantile, storage, commercial and industrial purposes.
- Board:** The Design Review Board.

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Contemporary

Clarkdale: An area in which architectural features shall include traditional textures and colors in harmony with more contemporary materials, textures and colors.

Council: The Mayor and Council of the Town of Clarkdale.

Developer: The applicant, property owner or their agent.

Easement: A right which the public or an individual has to use the lands of another.

Enclosures: To include, but, not be limited to fences, walls, or hedges.

General

Plan: An official policy statement of the desired future physical, social and economic character of the Town of Clarkdale.

Historic

Clarkdale: An area in which architectural features and details shall be preserved with original or traditional textures and colors.

Lots: A parcel of land separated from other parcels by description, as on a subdivision plat, for the purpose of sale, lease or development.

Redevelopment: Reconstruction, conversion, structural alteration, relocation or enlargement of any building or extension of the use of land.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention and/or direction of the public and not including decorative or protective coating or non-advertising murals on a building or structure.

Structure: Anything constructed or erected which requires location on, in or under the ground or attached to something having location on the ground including, but not limited to, mobile homes, signs, fences and walls.

Subdivider: The individual, firm, corporation, partnership, association, syndication, trust or other legal entity which files the application and initiates proceedings for the subdivision of land in accordance with A.R.S. Section 9-463-02; said subdivider need not be the owner of the land.

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Subdivision

Regulations: As adopted by the Town of Clarkdale, Chapter 12 of the Town Code.

Traditional

Clarkdale: An area in which architectural features, materials and details shall include traditional textures and colors.

Zoning

Code: Shall mean the Zoning Code as adopted by the Town of Clarkdale.

Section 17-4-4 Applicability

- A. This ordinance shall apply to all new buildings and redevelopment as defined in this ordinance or the Town of Clarkdale Zoning Ordinance, except single family dwellings and accessory uses that are not a part of a developer-controlled subdivision. Structures (other than buildings), signs, landscaping, parking areas and enclosures will be reviewed by the Design Review Board if a part of new building development or building redevelopment.
- B. Staff and one member of the Board (to be appointed on a rotating basis) shall have the authority to review and approve, approve with conditions or disapprove applications for structures (excluding buildings), signs, landscaping, parking areas and enclosures. Final decisions by staff and the one Board member, on these applications, shall be subject to review by the Town Council and/or the Design Review Board, either of whom may request, within (15) fifteen working days, that such applications be forwarded to the full Board for review and consideration.
- C. The Town Council, or the Planning Administrator, at their discretion, may request that structures, signs, landscaping, parking areas and enclosures be reviewed by the Board if, in their opinion, the proposed development may not be compatible with the character of the Town of Clarkdale. The Board will act upon the request the same as in the provisions as set forth in this ordinance.

Section 17-4-5 Preliminary Review

Prior to the preparation of final designs, working drawings and specifications, applicants shall prepare preliminary scale drawings, photographs, specifications, color samples and material samples, and shall present these items to the Zoning Administrator for review and discussion. The Zoning Administrator shall then notify the Chairman of the Design Review Board, and the item shall be placed on the Agenda of a Special Meeting of the Design Review Board within thirty (30) days of filing the application for preliminary review. The purpose of these reviews

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shall be to acquaint the applicant with the standards of design that are required.

The Design Review Board may, if the preliminary drawings and other data are sufficiently clear and explicit, grant final approval at the preliminary review session, provided all other standards of this section are met.

When required by the Design Review Board to submit additional or revised materials for final approval, the applicant shall do so in accordance with the standards of this section.

Section 17-4-6 Application Procedure

- A. Applications for design review shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:
 - 1. The plot plan or site layout, including, but not limited to, a north arrow, name and address of owner, address of property and legal description, all property lines dimensioned and marked as property lines, site contours, existing structures, and enclosures, all proposed development, name of proposed development, easements, and other developments abutting property, proposed parking areas, all improvements affecting the appearances, such as walls, walks, terraces, landscaping, accessory buildings and lights.
 - 2. Plans and exterior elevations, drawn to scale, on one or more sheets of paper with sufficient detail to show, as far as they are related to exterior appearances, the design, the proposed materials, textures and colors.
 - 3. Building material and color samples.
 - 4. Any other information which the Board may find necessary to establish compliance with this section.

- B. An application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:
 - 1. Legible photograph showing all sides of the building or structure for which the application is made.
 - 2. Legible photograph showing the adjoining properties.

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3. Any other information which the Board may find necessary to establish compliance with this section.
- C. If requested by the Town Council, Design Review Board or the Zoning Administrator an application for approval of a proposed new sign shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:
1. Plans to scale with sufficient detail to show the size, design, lighting, materials, textures, colors, and placement of the sign.
 2. If applicable, legible photograph showing the face of the building on which the sign is to be mounted or vicinity photograph for a free standing sign.
 3. Any other information which the Board may find necessary to establish compliance with this section.
- D. Upon receipt of a complete application for final approval, the Zoning Administrator shall forward it to the Chairman of the Design Review Board. The application shall be placed on the Agenda at a Special Meeting of the Design Review Board within sixty (60) days of filing the application for final approval, the Zoning Administrator shall notify the applicant of the time and place of the meeting and shall also provide the applicant with a copy of the staff report and recommendations to the Board.

Section 17-4-7 Filing Fee

The application for design review shall be accompanied by a non-refundable filing fee in an amount established by resolution of the Town Council.

Section 17-4-8 Review Criteria

A. The Design Review Board shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or structures and shall have the power to approve, conditionally approve, or disapprove all such requests. The decisions will be based on the following criteria:

1. **ARCHITECTURAL MERIT:** The architecture and design shall be

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visually compatible with the buildings, structures and places to which it is related.

2. **PROPORTION:** The relationship of the width of the building or structure to it's height shall be visually compatible with the buildings, structures and places to which it is related or shall be maintained as original whenever feasible.
3. **OPENINGS:** The relationship of the width of the windows and doors, to the height of windows and doors in the building shall be visually compatible with buildings, structures and places to which it is related.
4. **PATTERN:** The relationships of solids to voids in a facade of a building or structure shall be visually compatible with buildings, structures and places to which they are related.
5. **SPACING:** The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible to the buildings, structures and places to which it is related.
6. **ENTRANCES, PORCHES AND PROJECTIONS:** The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a building shall be visually compatible to the buildings, structures and places to which it is related.
7. **MATERIAL, TEXTURE AND COLOR:** The materials, textures and colors of the facade of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related.
8. **ROOFS:** The roof shape and materials of a building shall be visually compatible with the buildings to which it is related.
9. **ARCHITECTURAL DETAILS:** Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
10. **ACCESSORY FEATURES:** Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with buildings and structures to which they are related.
11. **LANDSCAPING:** Landscaping shall be visually compatible with the

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landscaping around the buildings, structures and places to which it is related.

12. **LIGHTING:** Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.
- B. The Design Review Board may review applications for design approval of signs and shall have the power to approve, conditionally approve, or disapprove all such requests based on the following criteria:
1. The sign shall be in appropriate scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site.

Section 17-4-9 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within one (1) year of the date of final approval. The Board may grant an extension of approval provided the applicant files for an extension within the one (1) year approval period.

Section 17-4-10 Violations and Enforcement

- A. Prior to the issuance of a building permit, the Building Official shall determine that the plans presented with the building permit application conform with the design approved by the Board and that approval has not expired.
- B. The Building Official shall insure that development occurs in conformance with the conditions of design approval. In the event of a violation, the Building Official shall notify the permittee by registered or certified mail that he is in violation of the conditions of design approval. If the permittee does not comply with the conditions of design approval within ten (10) days after receipt of notification, the building permit may be revoked and all construction activity shall cease.

Section 17-4-11 Appeals

The applicant or any member of the Town Council may appeal any decision of the Design Review Board, to the Town Council, by filing written notice of appeal and any applicable fees with the Town Clerk within fifteen (15) working days of the date of the Design Review Board's

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action. The Town Clerk shall set the date for hearing of the appeal within sixty (60) days of the appeal being filed.

Section 17-4-12 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Article 17-5 HERITAGE CONSERVANCY BOARD

17-5-1	Creation
17-5-2	Organization
17-5-3	Duties
17-5-4	Authority to Remove Members

Section 17-5-1 Creation

There is hereby created a Clarkdale Heritage Conservancy Board which shall consist of five members who shall serve without compensation.

Section 17-5-2 Organization

- A. Members shall be appointed by the Mayor and Common Council of the Town of Clarkdale and shall serve two year terms of office.
- B. Vacancies of the Board shall be appointed by the Mayor and Common Council.
- C. Members of the Heritage Conservancy Board who are appointed following the effective date of this ordinance (November 13, 1997) shall be required to reside in the corporate limits of the Town of Clarkdale.
- D. "If any member shall be absent for three (3) consecutive regular meetings, or a cumulative total of seven (7) meetings throughout the fiscal year, he or she shall automatically cease to hold membership without further action being taken by either the Commission or the Town Council. It shall be the responsibility of the Chairperson of the Board of Commission to so notify the Town Council immediately upon the creation of a vacancy pursuant to this section."

Section 17-5-3 Duties

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- A. Elect a Chair and Vice-Chair at the Regular meeting in October each year..
- B. Hold meetings at least once each month, provided, however, that special meetings may be called at any time by the Chair or by three members of the Board.
- C. To advise and consult with the Council in establishing general priorities relating to the preservation, conservation and promotion of natural, cultural and historical resources of Clarkdale.
- D. To study the needs, define the problems, establish priorities, and present a plan of action for the restoration of the historic buildings in the Town of Clarkdale.
- E. To advise and consult with the Council in defining the policies, rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the Town for historic purposes.
- F. Suggest/propose fees and/or fund raising ideas to finance preservation, expansion or development of facilities and programs.
- G. Advise and consult with the Town Council in establishing priorities at budget time relating to projects with historic significance.
- H. Make recommendations to the Town Council to receive, accept and acquire by gift, bequest or devise real and personal property of every kind, nature and description in the name of the Town for historic preservation purposes, subject to the terms of such gift.
- I. The function of the Board is to make recommendations to the Council. The final decisions are made by the Town Council after input from the Board, who have considered input from all appropriate sources.
- J. Commission members will have no authority over nor give any direction to any Town employee. All suggestions or complaints will be directed through the Town Council or Town Manager.

Section 17-5-4 Authority to Remove Members

The Council, by majority vote, shall have the authority to remove from office any member of the Board whenever, in its discretion, the best interest of the Town shall be served thereby.