

CHAPTER 2: MAYOR, COUNCIL, AND APPOINTED BOARDS AND COMMISSIONS

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ARTICLE 2-1: COUNCIL

Section

- 2-1-1 Elected officers
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§ 2-1-1 ELECTED OFFICERS.

(A) The elected officers of the city shall be a Mayor and 6 Council members. 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 term of Office of the Mayor shall be 2 years, but nothing in this section precludes such person from serving as Mayor for more than one 2-year term after successive elections.

(C) Council members shall serve 4-year overlapping terms as in the case of the office of the Mayor, Council members are not limited to serving only one 4-year term.

(Prior Code, § 2-1-1)

§ 2-1-2 CORPORATE POWERS.

(A) The corporate powers of the city shall be vested in the Council and shall be exercised only as directed or authorized by law.

(B) All powers of the Council shall be exercised by ordinance, resolution, order or motion.

(Prior Code, § 2-1-2)

§ 2-1-3 DUTIES OF OFFICE.

Council members shall assume the duties of office once sworn in at the first regular business meeting in January following the general election or at a special meeting in January following the general election on a date selected by council. There shall be no interruption of a term of office even if council members are elected outright in the preceding August primary election.

(Ord. 1438, passed 10-18-2016)

§ 2-1-4 VACANCIES IN COUNCIL.

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason, but such appointee shall only fill the remainder of the term.

(Prior Code, § 2-1-4)

§ 2-1-5 COMPENSATION.

(A) The salary for the position of Mayor shall be paid at the rate of \$1,000 per month.

(B) The salary for the position of Vice Mayor shall be paid at the rate of \$900 per month.

(C) The salary for the position of Council member shall be paid at the rate of \$800 per month.

(Prior Code, § 2-1-5)

§ 2-1-6 OATH OF OFFICE.

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.

(Prior Code, § 2-1-6)

§ 2-1-7 BOND.

Prior to taking office, every Council member shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and faithful performance of his or her official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in such sum as shall be provided by resolution and the premium for the bonds shall be paid by the city. Nothing in this section shall preclude the city from obtaining a blanket bond pursuant to the provisions of A.R.S. § 9-302.

(Prior Code, § 2-1-7)

ARTICLE 2-2: MAYOR

Section

- 2-2-1 Selection of Mayor
- 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
- 2-2-7 Addressing the Council
- 2-2-8 Disruption of meeting

§ 2-2-1 SELECTION OF MAYOR.

The Mayor shall be directly elected by the qualified electors of the city.

(Prior Code, § 2-2-1)

§ 2-2-2 VICE MAYOR.

(A) At the same meeting at which the Mayor is sworn in at the beginning of the mayoral term, the Council shall select one of its members as Vice Mayor, who shall serve at the pleasure of the Council.

(B) The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

(Prior Code, § 2-2-2)

§ 2-2-3 ACTING MAYOR.

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to serve as acting Mayor who shall have all the powers, duties and responsibilities of the Mayor during such absence or disability.

(Prior Code, § 2-2-3)

§ 2-2-4 POWERS AND DUTIES OF THE MAYOR.

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

(A) Be the chief executive officer of the city;

(B) Be the Chairperson of the Council and preside over its meetings during which the making and seconding motions and having a voice and vote in all its proceedings;

(C) Execute and authenticate by signature such instruments as the Council, or any statutes, ordinances, resolutions or this Vol. I shall require;

(D) By proclamation, declaring a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or human-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the city. After declaration of the emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the city, including but not limited to:

(1) Imposition of a curfew in all or any portion of the city;

(2) Ordering the closing of any business;

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

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

(E) Performing other duties required by state statute and this Vol. I as well as those duties required as chief executive officer of the city.

(Prior Code, § 2-2-4)

§ 2-2-5 ABSENCE OF MAYOR.

The Mayor shall not absent himself or herself from the city for a greater period than 30 days without the consent of the Council.

(Prior Code, § 2-2-5)

§ 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 or her signature for 5 days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor, or in his or her absence, an acting Mayor to sign the ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

(Prior Code, § 2-2-6)

§ 2-2-7 ADDRESSING THE COUNCIL.

The public in accord with other provisions of Vol. I shall have the right to petition Council at the call to the public for 3 minutes.

(Prior Code, § 2-2-7)

§ 2-2-8 DISRUPTION OF MEETING.

It shall be unlawful to disturb or interrupt any regular or special meeting of the Council; any person violating this section, in

addition to being punishable under the disorderly conduct provisions of Arizona state law, shall be summarily ejected from the meeting and if refuses to leave, shall be arrested for disorderly conduct.

(Prior Code, § 2-2-8)

ARTICLE 2-3: COUNCIL ELECTION

Section

- 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
- 2-3-6 Initiative, referendum and recall special elections

§ 2-3-1 PRIMARY ELECTION.

Any candidate who receives the majority of the votes cast at the primary election as defined under A.R.S. § 9-821.01, as amended, shall be declared elected to the office for which he or she is a candidate, effective upon completion of the swearing-in ceremony held on such date as scheduled pursuant to Apache Junction City Code, Vol. I, Chapter 2: Mayor, Council, and Appointed Boards and Commissions, Article 2-1: Council, § 2-1-3 Duties of Office.

(Ord. 1438, passed 10-18-2016)

§ 2-3-2 NON-POLITICAL BALLOT.

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

(Prior Code, § 2-3-2)

§ 2-3-3 GENERAL ELECTION NOMINATION.

(A) If at any primary election there is any office for which no candidate is elected, the primary election shall be considered to be an election for nomination of candidates for such office, and a general municipal election shall be held to fill the office. Candidates to be placed on the ballot at the general election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office unless there be less than that number named on the primary election ballot.

(B) Persons who receive the highest number of votes for the respective offices at the primary election shall be the only candidates at such general 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 therefor, then all those persons receiving an equal number of votes shall likewise become candidates for that office.

(Prior Code, § 2-3-3)

§ 2-3-4 ELECTION TO OFFICE.

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

(Prior Code, § 2-3-4)

§ 2-3-5 CANDIDATE FINANCIAL DISCLOSURE.

Each candidate for the office of Council member shall file a financial disclosure statement on a form prescribed by the City Clerk when the candidate files a nomination paper. The statement shall contain that information as required by resolution of the Council.

(Prior Code, § 2-3-5)

§ 2-3-6 INITIATIVE, REFERENDUM AND RECALL SPECIAL ELECTIONS.

There is reserved to the qualified electors of the city the power of initiative, referendum, and recall as prescribed by the state constitution. When an initiative or referendum is required to be placed upon the ballot, the council shall do so at the next regularly scheduled general election, or at a special election on a date permitted under A.R.S. § 16-204, as amended. When a recall is required to be placed upon the ballot, the city clerk shall do so at the next regularly scheduled general election, or at a special election on a date permitted under A.R.S. § 16-204, as amended.

(Ord. 1445, passed 4-4-2017)

ARTICLE 2-4: COUNCIL PROCEDURE

Section

- 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

§ 2-4-1 REGULAR MEETINGS.

The regular meetings of the Council shall be scheduled for the first and third Tuesdays of each month at 7:00 p.m., in the Apache Junction City Hall Complex, 300 East Superstition Boulevard, Apache Junction, Arizona. However, when circumstances are such that there is no official business requiring Council consideration or that there will be no quorum of the Council present, the meeting may be cancelled by the Mayor after notifying all members of the Council, the City Manager and the City Clerk. Notice of cancellation of the meeting shall be posted at least 48 hours prior to the time originally scheduled for the meeting in at least 3 public places in the city. At no time, however, shall the Council meet less than once per month.

(Prior Code, § 2-4-1) (Am. Ord. 1267, passed 5-2-2006)

§ 2-4-2 SPECIAL MEETINGS.

The Mayor, City Manager or City Clerk, may convene the Council at any time by notifying the members of the Council of the date, hour and purpose of such special meeting. The public shall be given at least 24-hours' notice of any such special meeting by the posting of such notice in at least 3 public places and preparation of an agenda in accordance with applicable state law; except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate for the circumstances in accordance with applicable state law.

(Prior Code, § 2-4-2) (Am. Ord. 1267, passed 5-2-2006)

§ 2-4-3 MEETINGS TO BE PUBLIC.

(A) All official meetings of the Council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with applicable state law. Upon approval by a majority vote of the Council, the Council may meet in a closed executive session for a discussion of the following:

- (1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of the city, except that with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The city shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than 24 hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting;
- (2) Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law;
- (3) Discussion or consultation for legal advice with the City Attorney or other attorneys of the city;
- (4) Discussion or consultation with the City Attorney or other attorneys of the city in order to consider its position and instruct such attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation;
- (5) Discussions or consultations with designated representatives of the Council in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the city; and/or
- (6) Discussions or consultations with designated representatives of the Council in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

(B) Minutes of executive sessions shall be kept confidential except from members of the Council, officers, appointees or employees who were subject of discussion or consideration in executive session, or in case of an official investigation, from investigating officials, as authorized under applicable state law.

(C) No executive session may be held for the purpose of taking any final action or making any final decision.

(Prior Code, § 2-4-3) (Am. Ord. 1267, passed 5-2-2006)

§ 2-4-4 QUORUM.

(A) A majority of the Council members shall constitute a quorum for transacting business, but a lesser number may recess from time to time and compel the attendance of absent members, in such a manner and under such penalty as the Council may by ordinance have previously prescribed.

(B) Council members may appear for a meeting telephonically or by video conferencing and may cast votes during such proceeding.

(Prior Code, § 2-4-4)

§ 2-4-5 AGENDA.

(A) 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 City Manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents which are to be submitted to the Council, and shall prepare an agenda according to the order of business set forth below in Vol. I, § 2-4-6.

(B) A copy of the agenda and pertinent material, as approved by the City Manager, shall be furnished to the Mayor and Council, City Manager, and each pertinent department and the City Attorney by the City Clerk.

(Prior Code, § 2-4-5) (Am. Ord. 1267, passed 5-2-2006)

§ 2-4-6 ORDER OF BUSINESS.

The business of the Council shall be considered, numbered on the agenda and disposed of in the order listed below. However, the Council may change the order at the discretion of the Mayor.

(A) *Call to order.* The Mayor shall take the chair precisely at the hour set 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 City Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon 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 *Webster's New World Robert's Rules of Order*, Copyright 1999 by Robert McConnell Productions or as may be revised. Any conflict under these rules with state law shall render such rules unenforceable and state law and/or other local regulations may apply. The City Attorney may serve as parliamentarian or a parliamentarian may be appointed by the Council for regular and special meetings.

(B) *Invocation and pledge of allegiance.* The Mayor shall call upon the Vice Mayor, member of Council or a member of the public for an invocation and the pledge of allegiance.

(C) *Roll call.* Before proceeding further on the agenda, the City Clerk or Deputy City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members may adjourn pursuant to Vol. I, § 2-4-4.

(D) *Consent agenda.* The Council may, at this time, take single action on any or all items listed as consent agenda items. These items may include, but are not limited to, acceptance of agenda, acceptance of minutes, appointments, acceptance of resignations and adoption of certain resolutions and other items which do not require a public hearing. The consent agenda is a time saving device of which the Mayor and City Council is to receive documentation on these items from the City Manager for their review prior to the meeting. Any member of the Council may remove any item from the consent agenda for discussion and cause a separate vote on the matter later in the agenda.

(E) *Awards, presentations, proclamations, acknowledgment of distinguished guests and visitors, and staff presentation of receipt of grant or donated funds.* Awards, presentations from other organizations, proclamations issued by the Mayor, and acknowledgment of distinguished guests and visitors, and staff presentation of receipt of grant or donated funds are permitted at this time.

(F) *Announcement of current events.* The Mayor or any member of Council may at this time present a brief summary of current events. However, no discussion shall take place on such items except for clarifying comments related to substance, time and location.

(G) *City Manager's report.* The City Manager, members of city staff, or those individuals designated by the City Manager may present information pertinent to items under consideration or information related to the operation of the city. There shall, however, be no discussion at this time except for clarification inquiries.

(H) *Public hearings.* Public hearings required by applicable law shall be conducted by the Council and any person shall be given the opportunity to speak. All remarks shall be addressed to the Council as a whole and not to any member thereof. The remarks shall be limited to 5 minutes unless additional time is granted by the Mayor. This time limitation shall not apply to applicants and their agents appearing before the Council.

(I) *Old business.* The Council shall consider any business that has been previously considered and which is still

unfinished to include those items previously postponed or tabled. No member of the public shall be permitted to speak on these items unless invited to do so by the Mayor after first submitting a written "Request to Speak" form with the City Clerk.

(J) *New business.* The Council shall consider any business not yet considered. No member of the public shall be permitted to speak on these items unless invited to do so by the Mayor after first submitting a written "Request to Speak" form with the City Clerk.

(K) *Council direction to staff.* This item allows the Mayor and City Council to direct staff on specifically listed matters.

(L) *Call to the public.*

(1) At this time the public has the privilege of addressing the Council relating to city business that is not listed on the agenda with requests, communications, comments or suggestions. All speakers must submit a written "Request to Speak" form to the City Clerk no later than after the City Manager's Report portion of the agenda has concluded. All such remarks shall be addressed to the Council as a whole and not to any member thereof. The Mayor is authorized to ask a speaker to stop speaking and leave the podium or to adjourn the meeting if anyone becomes disorderly, uncivil, makes personal attacks or continues to speak about items that are not within the jurisdiction of the city after being warned such issues are beyond the jurisdiction of the city to act. The Council may not answer questions of the speaker or discuss their concerns with staff or other members of the Council, but may, at the conclusion of Call to the Public:

- (a) Respond to criticism by a speaker;
- (b) Ask staff to review a matter; and
- (c) Ask staff to place a matter on a future agenda.

(2) Each speaker must approach the podium, speak into the microphone, and provide his or her name and address. There is a 3 minute time limit per speaker.

(M) *Adjournment.* The Mayor shall at the conclusion of all items on the agenda, adjourn the meeting without the necessity of a vote.

(Prior Code, § 2-4-6) (Am. Ord. 1267, passed 5-2-2006; Am. Ord. 1342, passed 7-7-2009)

§ 2-4-7 COMMITTEES AND COMMISSIONS.

The Council may create such committees, boards and commissions: standing, advisory or special, as it deems necessary. The committees, boards and commissions 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. No employee or appointed officer of the city may serve as a voting member of any such committee, board or commission.

(Prior Code, § 2-4-7) (Am. Ord. 1267, passed 5-2-2006)

§ 2-4-8 VOTING.

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

(B) The ayes and nays upon all questions shall be taken and entered in the minutes by roll call.

(Prior Code, § 2-4-8) (Am. Ord. 1267, passed 5-2-2006)

ARTICLE 2-5: ORDINANCES, RESOLUTIONS AND COUNCIL ACTIONS

Section

- 2-5-1 Prior approval
- 2-5-2 Reading of ordinance
- 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

§ 2-5-1 PRIOR APPROVAL.

(A) All ordinances, resolutions and contract documents shall, before formal presentation to the Council, have been reviewed as to form by the City Attorney.

(B) When there are substantive matters of administration involved, all ordinances, resolutions and contract documents shall be referred to the person who will be charged with the administration of such ordinance, resolution or contract.

(C) The person shall have an opportunity to present comments, suggestions and objections, if any, prior to the passage

of the ordinance, resolution or acceptance of the contract.

(Prior Code, § 2-5-1) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-2 READING OF ORDINANCE.

(A) Unless requested to be read in full by a majority vote of Council members present, the City Clerk shall read the proposed ordinance by title only.

(B) Upon completion of the vote on reading by title only, the Mayor and Council shall vote on the text after the main motion is seconded.

(Prior Code, § 2-5-2) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-3 REQUIREMENTS FOR AN ORDINANCE.

Each ordinance may have only one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to Volume I or II of the city code or to an existing ordinance and, in such case, the title of the chapter, article and section proposed to be amended shall be included in the ordinance.

(Prior Code, § 2-5-3) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-4 EFFECTIVE DATE OF ORDINANCES.

(A) No ordinance, resolution or franchise shall become operative until 30 calendar days after its passage by the Council and signature by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the city.

(B) 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 3/4 of all the members elected to the Council taken by ayes and nays.

(Prior Code, § 2-5-4) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-5 SIGNATURES REQUIRED.

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

(Prior Code, § 2-5-5) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-6 PUBLISHING REQUIRED.

Only such ordinance, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by applicable federal or state law, city code or expressly ordered by the Council.

(Prior Code, § 2-5-6) (Am. Ord. 1267, passed 5-2-2006)

§ 2-5-7 POSTING REQUIRED.

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the City Clerk in 3 or more public places within the city and an affidavit of the person who posted the ordinance shall be filed in the office of the City Clerk as proof of posting.

(Prior Code, § 2-5-7) (Am. Ord. 1267, passed 5-2-2006)

ARTICLE 2-6: RESERVED

[RESERVED]

ARTICLE 2-7: LIBRARY BOARD

Section

- 2-7-1 Creation
- 2-7-2 Membership and terms of office
- 2-7-3 Salaries and personal expenses
- 2-7-4 Officers
- 2-7-5 Meetings
- 2-7-6 Vacancies

2-7-7 Removal of members

2-7-8 Duties

§ 2-7-1 CREATION.

There is hereby established the Apache Junction Public Library, to be governed by 7 trustees, in compliance with A.R.S. §§ 9-411 to 9-419, those sections of statutes being adopted by reference just as if copied fully herein, the city reserving the right to levy taxes for the support of the library as provided by law.

(Prior Code, § 2-7-1)

§ 2-7-2 MEMBERSHIP AND TERMS OF OFFICE.

(A) The Library Board shall consist of 7 trustees who shall be appointed by the Mayor and approved by the Council. Ex-officio trustee, without voting privileges, may be designated by the Mayor with the approval of the Council.

(B) The terms of the trustees shall be for 3 years and shall commence on November 1 of each year and end on October 31 three years thereafter or until their successors are duly appointed by the Mayor and City Council. The terms shall be so staggered that the terms of no more than 3 trustees shall conclude in any given year. Ex-officio members shall serve for a term not to exceed 1 year.

(C) All trustees and ex-officio members shall be residents of the City of Apache Junction.

(Prior Code, § 2-7-2) (Am. Ord. 1328, passed 10-27-2008)

§ 2-7-3 SALARIES AND PERSONAL EXPENSES.

The trustees of the Library Board shall receive no salaries or other remuneration for their services in such capacity and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent and purposes and amount such expense is first authorized and approved by the Council.

(Prior Code, § 2-7-3)

§ 2-7-4 OFFICERS.

(A) The officers of the Board shall include a President, Vice-President and Secretary who shall be elected by the members at the first meeting of the Board following October 31 of each year. Those officers shall serve until October 31 of the next succeeding year.

(B) In the absence of the President, the Vice-President shall preside at meetings. In the absence of the Vice-President, the Secretary shall serve in that capacity.

(Prior Code, § 2-7-4) (Am. Ord. 1370, passed 1-4-2011)

§ 2-7-5 MEETINGS.

(A) The Board shall establish a regular meeting day and time once a month for meetings relating to regular business purposes. Special meetings may also be called but on an as needed basis.

(B) A quorum shall consist of 4 voting members for the transaction of all business.

(Prior Code, § 2-7-5)

§ 2-7-6 VACANCIES.

Vacancies shall be filled by the Council in accordance with Vol. I, §2-7-2 for the unexpired term of the member affected.

(Prior Code, § 2-7-6)

§ 2-7-7 REMOVAL OF MEMBERS.

Members of the Board serve at the pleasure of the Council and may be removed by the Mayor with the concurrence of the Council. A member shall not be absent from Library Board regular meetings for more than 3 consecutive times without a reasonable excuse. After the absence of 3 consecutive meetings, the remaining trustees of the Library Board shall vote to retain or recommend to the Council that the absentee trustee be relieved of his or her duties on the Board.

(Prior Code, § 2-7-7)

§ 2-7-8 DUTIES.

(A) The Board, through the City Manager, shall recommend regulations and policy for the governing, control and improvement of the Apache Junction Library.

(B) The Board may interview, evaluate and recommend to the Council the best qualified applicant for the position of library director from those candidates provided by the personnel officer.

(C) To submit annually to the Council by the first Monday in July an overall evaluation of the library system.

(Prior Code, § 2-7-8)

ARTICLE 2-8: PARKS AND RECREATION COMMISSION

Section

- 2-8-1 Creation
- 2-8-2 Membership and terms of office
- 2-8-3 Salaries and personal expenses
- 2-8-4 Officers
- 2-8-5 Meetings
- 2-8-6 Vacancies
- 2-8-7 Removal of members
- 2-8-8 Duties

§ 2-8-1 CREATION.

A Parks and Recreation Commission of the City of Apache Junction is hereby created.

(Prior Code, § 2-8-1)

§ 2-8-2 MEMBERSHIP AND TERMS OF OFFICE.

(A) The Parks and Recreation Commission shall consist of 7 members who shall be appointed by the Mayor and approved by the Council. Ex-officio members, without voting privileges, may be designated by the Mayor with the approval of the Council.

(B) Commission members shall all serve for a term of 3 years or until their successors are duly appointed by the Mayor and Council. Terms of members shall be so staggered that the terms of no more than 3 members shall expire in any 1 year and, in accordance with this section, all such terms shall expire on October 31 of the applicable year. If a reduction in membership is ever approved by the Mayor and Council, the terms of office due to expire or unfilled at the time of amendment shall remain so and no future appointments shall be made to replace those members.

(C) All members shall be residents of the City of Apache Junction.

(Prior Code, § 2-8-2) (Am. Ord. 1328, passed 10-27-2008)

§ 2-8-3 SALARIES AND PERSONAL EXPENSES.

The members of the Parks and Recreation Commission shall receive no salaries or other remuneration for their services in such capacity, and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent and purposes and amount such expense is first authorized and approved in advance by the Council.

(Prior Code, § 2-8-3)

§ 2-8-4 OFFICERS.

The Commission shall elect a Chairperson, Vice Chairperson and Secretary from their members to serve for a period of 1 year. The Vice Chairperson shall preside at meetings in the absence of the Chairperson.

(Prior Code, § 2-8-4)

§ 2-8-5 MEETINGS.

The Commission shall establish a regular meeting day and time at least once a month. Special meetings may be called as required. A quorum shall consist of 4 voting members for the transaction of all business.

(Prior Code, § 2-8-5)

§ 2-8-6 VACANCIES.

Vacancies shall be filled by the Council in accordance to Vol. I, §2-8-2 for the unexpired term of the member affected.

(Prior Code, § 2-8-6)

§ 2-8-7 REMOVAL OF MEMBERS.

Members of the Commission serve at the pleasure of the Council and may be removed by the Mayor with the concurrence

of the Council. A member shall not be absent from Parks and Recreation Commission regular meetings for more than 3 consecutive times without a reasonable excuse. After the absence of 3 consecutive meetings the remaining members of the Parks and Recreation Commission shall vote to retain or recommend to the Council that the absentee member be relieved of his or her duties on the Commission.

(Prior Code, § 2-8-7)

§ 2-8-8 DUTIES.

The Commission through the Director of Community Services shall recommend regulations and policy for the government, control and improvement of the public parks of the City of Apache Junction. The Commission shall also recommend fees for the use of public park facilities and recommend full time or seasonal employees as necessary for the efficient management of the city parks and recreation program.

(Prior Code, § 2-8-8)

ARTICLE 2-9: PUBLIC ART COMMISSION

Section

- 2-9-1 Creation
- 2-9-2 Membership and terms of office
- 2-9-3 Duties
- 2-9-4 Officers
- 2-9-5 Meetings
- 2-9-6 Vacancies
- 2-9-7 Removal of members
- 2-9-8 Appropriateness of public art

§ 2-9-1 CREATION.

The Public Art Commission (hereinafter the "Art Commission" of the City of Apache Junction is hereby created.

(Ord. 1478, passed 9-17-2019)

§ 2-9-2 MEMBERSHIP AND TERMS OF OFFICE.

(A) The Art Commission shall consist of 7 members who shall be appointed and approved by the Mayor and City Council.

(B) (1) Membership shall be comprised as follows:

(a) Two members: practicing artists (either resident or not) from the visual, public, and performing arts discipline);

(b) Two members: a person (either resident or not) with an interest in visual, performing arts, architecture or urban design;

(c) One member: practicing professional (either resident or not) from the field of design, or architecture. Should an eligible applicant not apply, an additional practicing artist shall fill this seat;

(d) One member: a person (either resident or not) with an interest in the history of Apache Junction, the State of Arizona, and/or the surrounding area; and

(e) One member: a regional business representative from an organization that supports the arts and culture.

(2) The Commission shall have, at a minimum, 4 Apache Junction city residents represented. In the event a practicing profession or a person with an interest in history does not apply for the Commission, an additional practicing artist shall be considered.

(C) The appointments shall be staggered so that the terms of no more than 3 members will expire in any given year. The initial appointments for 3 members shall be terms beginning on November 1, 2019, and expiring on October 31, 2022 and for 4 members with terms beginning on November 1, 2019 and expiring on October 31, 2023.

(D) Upon expiration of the initial terms of office, all new appointments shall be made by the Mayor and Council for full 3-year terms and all such terms shall expire on October 31 of each year, except that in the event of death or resignation of a member, the vacancy shall be filled by appointment by the Mayor and Council for the unexpired term. The term of all members shall extend until their successors are qualified.

(E) Art Commission members shall receive no salaries or other remuneration for their services in such capacity, and they shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent that such expenses are authorized and approved in advance by the City Manager or his or her designee.

(Ord. 1478, passed 9-17-2019)

§ 2-9-3 DUTIES.

It shall be the duty of the Art Commission to:

- (A) Promote and encourage diverse citizen participation in public art;
- (B) Assist corporations, commercial developments, and other private and governmental entities to incorporate public art;
- (C) Recommend the operating and capital improvement program budgets for the public art program;
- (D) Conduct the request for qualifications process for all public art installations;
- (E) Review gifts of art offered to the city for artistic and cultural purposes;
- (F) Provide information, recommendations and advise City Council and staff on public art policies and initiatives relating to the city's mission and vision statements for all art;
- (G) Serve as recommending body on public art projects relating to art in public places;
- (H) Serve as the recommending body on public art projects relating to art in private development.

(Ord. 1478, passed 9-17-2019)

§ 2-9-4 OFFICERS.

The Art Commission shall elect a Chairperson and a Vice Chairperson from among its membership to serve for each year of their term. The Vice Chairperson shall preside at Commission meetings in the absence of the Chairperson.

(Ord. 1478, passed 9-17-2019)

§ 2-9-5 MEETINGS.

The Art Commission shall establish a regular meeting day and time to be convened in the City of Apache Junction Council chambers in compliance with the Arizona open meeting laws. Special meetings may be called as required.

(Ord. 1478, passed 9-17-2019)

§ 2-9-6 VACANCIES.

Vacancies shall be filled by the Council in accordance to Apache Junction City Code, Vol. I, §2-9-2 for the unexpired term of the member affected.

(Ord. 1478, passed 9-17-2019)

§ 2-9-7 REMOVAL OF MEMBERS.

Art Commission members shall serve at the pleasure of the Council and may be removed by Council without the necessity of notice or a public hearing. A member shall not be absent from Art Commission meetings for more than 3 consecutive times without a reasonable excuse. After the absence of 3 consecutive meetings, the senior staff person designated by the City Manager to manage the Commission shall formally recommend to Council that the member be relieved of his or her duties.

(Ord. 1478, passed 9-17-2019)

§ 2-9-8 APPROPRIATENESS OF PUBLIC ART.

Public art shall:

- (A) Infuse art, culture, and creativity through a community-engaged design which plays on the community's heritage;
- (B) Build on the community's built environment and distinctive attributes which will highlight the community and provide a sense of place;
- (C) Collaborate and create partners with the local government, arts groups, artists, and the community;
- (D) Create city and neighborhood landmarks which connects people to place;
- (E) Address cultural and environmental appropriateness;
- (F) Preserve archaeological, historical, and cultural resources; and
- (G) Consider design principles, materials, and maintenance.

(Ord. 1478, passed 9-17-2019)

ARTICLE 2-10: INDEMNIFICATION OF OFFICERS, EMPLOYEES AND COUNCIL

MEMBERS

Section

- 2-10-1 Definitions
- 2-10-2 Indemnification
- 2-10-3 Action other than by or in the right of city
- 2-10-4 Criminal proceeding
- 2-10-5 No presumption created
- 2-10-6 Action by or in the right of city
- 2-10-7 Negligence and misconduct
- 2-10-8 Success on the merits
- 2-10-9 Determination by Council
- 2-10-10 Payment of expenses in advance
- 2-10-11 Indemnification not exclusive remedy

§ 2-10-1 DEFINITIONS.

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

PERSON. Includes officers, appointees, employees and Council members of Apache Junction.

PROCEEDINGS. Includes any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administered or investigated.

(Prior Code, § 2-10-1)

§ 2-10-2 INDEMNIFICATION.

Any person made a party or threatened to be made a party to any proceeding by reason of the fact that the person is an officer, employee, appointee, or Council member of Apache Junction shall be indemnified by the city as hereinafter set forth.

(Prior Code, § 2-10-2)

§ 2-10-3 ACTION OTHER THAN BY OR IN THE RIGHT OF CITY.

If the proceeding is one other than an action by or in the right of the city, the person shall be indemnified against his or her expenses, including attorneys fees, and including judgments, fines, amounts paid in settlement actually and reasonably incurred by him or her in connection with the proceeding.

(Prior Code, § 2-10-3)

§ 2-10-4 CRIMINAL PROCEEDING.

If the proceeding is a criminal proceeding, the person shall be indemnified if he or she had no reasonable cause to believe his or her conduct was unlawful.

(Prior Code, § 2-10-4)

§ 2-10-5 NO PRESUMPTION CREATED.

With respect to indemnification under Vol. I, §§2-10-3 or 2-10-4, a termination of a proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, by itself, create a presumption that the person acted, or failed to act, other than in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interest of the city; and with respect to any criminal proceeding, had reasonable cause to believe that his or her conduct was unlawful.

(Prior Code, § 2-10-5)

§ 2-10-6 ACTION BY OR IN THE RIGHT OF CITY.

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

(Prior Code, § 2-10-6)

§ 2-10-7 NEGLIGENCE AND MISCONDUCT.

(A) No indemnification under Vol. I, § 2-10-6 shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the city except that such person may apply to the court in which the proceeding was brought and request a determination that the person is fairly and reasonably entitled to indemnity for the expenses when the court shall deem proper.

(B) The court in which any such proceeding was brought may determine upon application that, in view of all circumstances of the case, indemnity for amounts paid in settlement is proper and may order indemnity for the amounts so paid in settlement and for the expenses, including attorneys fees, actually and reasonably paid in connection with the application, to the extent the court deems proper.

(Prior Code, § 2-10-7)

§ 2-10-8 SUCCESS ON THE MERITS.

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

(Prior Code, § 2-10-8)

§ 2-10-9 DETERMINATION BY COUNCIL.

Any indemnification made pursuant to this article, unless ordered by a court, shall be made by the city only as authorized in the specific case upon a determination that indemnification of the officer, appointee, employee or Council member is proper in the circumstances because he or she has met the applicable standard of conduct set forth in this article. The determination shall be made by any of the following:

(A) By the Council by majority vote of a quorum consisting of Council members who were not part to the proceeding;

(B) If a quorum is not obtainable, then in a written opinion of independent legal counsel acquired by majority of the disinterested Council members for that purpose; and

(C) If there are no disinterested Council members, by the court or other body before which the proceeding was brought or in the court of competent jurisdiction upon the approval of an application by any person seeking indemnification, in which case indemnification may include the expenses, attorneys fees, actually and reasonably paid in connection with the application.

(Prior Code, § 2-10-9)

§ 2-10-10 PAYMENT OF EXPENSES IN ADVANCE.

Expenses, including attorneys fees, incurred in defending a civil or criminal proceeding may be paid by the city in advance of the final disposition of the proceeding as authorized in the manner provided in Vol. I, § 2-10-9 upon receipt of an undertaking by or on behalf of the officer, employee or Council member to repay the amount unless it shall ultimately be determined that he or she is entitled to be indemnified by the city as authorized by this article.

(Prior Code, § 2-10-10)

§ 2-10-11 INDEMNIFICATION NOT EXCLUSIVE REMEDY.

The indemnification provided by this article shall not be deemed exclusive of any other rights to which those indemnity may be entitled.

(Prior Code, § 2-10-11)

ARTICLE 2-11: HEALTH AND HUMAN SERVICES COMMISSION

Section

- 2-11-1 Creation
- 2-11-2 Membership and terms of office
- 2-11-3 Compensation and expenses
- 2-11-4 Officers
- 2-11-5 Duties
- 2-11-6 Meetings
- 2-11-7 Vacancies

§ 2-11-1 CREATION.

(A) The Health and Human Services Commission of the City of Apache Junction, Arizona, is hereby created.

(B) Staff responsibilities shall be assigned through the City Manager's office.

(Prior Code, § 2-11-1)

§ 2-11-2 MEMBERSHIP AND TERMS OF OFFICE.

(A) The Health and Human Services Commission shall consist of 5 members who shall be appointed and approved by the Council.

(B) (1) The appointments to this Commission shall be for terms of 3 years each, with the terms of members so staggered that the terms of no more than 3 members shall expire in any given year.

(2) Upon expiration of the term of office, all new appointments shall be made by the Mayor and Council for full 3-year terms and all such terms shall expire on October 31, except that in the event of death or resignation of a member, the vacancy shall be filled by appointment of the Mayor and Council for the unexpired term.

(C) At least 3 of the 5 members shall be residents of the city, with no more than 2 being non-residents from within the zone of influence.

(D) No individual shall be appointed to the Commission if the individual has received funding from the city either as an individual, or if such person has served on the board of any agency or been the employee of any agency that has received funding from the city at any time during the preceding 12 months.

(E) No former member of the Health and Human Services Commission shall make application to the city for funding as an individual or as the employee or representative of any agency within 12 months after they have ceased to be a member of the Commission.

(Prior Code, § 2-11-2) (Am. Ord. 1328, passed 10-27-2008)

§ 2-11-3 COMPENSATION AND EXPENSES.

The members of the Health and Human Services Commission shall receive no salaries or other remuneration for their services as members of the Commission and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent, purposes and amount such expense is first authorized and approved in advance by the Council.

(Prior Code, § 2-11-3)

§ 2-11-4 OFFICERS.

The Commission shall elect a Chairperson and Vice Chairperson from among its members to serve for a period of 1 year. The Vice Chairperson shall preside at Commission meetings in the absence of the Chairperson.

(Prior Code, § 2-11-4)

§ 2-11-5 DUTIES.

The Health and Human Services Commission is hereby charged with the following duties:

(A) To conduct public hearings to determine the needs of city residents with regard to public health needs, provision of human services and care of the elderly, handicapped and developmentally disabled;

(B) To enhance the development of the public health through public forums, seminars and work with other agencies;

(C) To review requests submitted by health and human service providers (non-profit agencies) for city funding and to make recommendations to the Council regarding that funding;

(D) To assist in the development of health care facilities; and

(E) To make recommendations to the Council regarding elderly health care and emergency transportation programs.

(Prior Code, § 2-11-5)

§ 2-11-6 MEETINGS.

(A) The Commission shall establish a regular meeting date which shall be placed on file in the office of the City Clerk.

(B) Special meetings may be called by the Chairperson.

(C) A quorum shall consist of 3 members for the transaction of all business.

(Prior Code, § 2-11-6)

§ 2-11-7 VACANCIES.

Vacancies shall be filled in accordance with the provisions of Vol. I, §2-11-2 for the unexpired term of the member affected.

(Prior Code, § 2-11-7)

§ 2-11-8 REMOVAL OF MEMBERS.

(A) Members of the Commission serve at the pleasure of the Council and may be removed from office by the majority of the Council.

(B) A member of the Commission shall not be absent from more than 3 consecutive meetings.

(C) If such an absence occurs, the remaining members of the Commission shall vote to retain or recommend to the Council that the absentee member be relieved of his or her duties on the Commission.

(Prior Code, § 2-11-8)

ARTICLE 2-12: RESERVED

[RESERVED]

ARTICLE 2-13: FINANCIAL DISCLOSURE

Section

2-13-1 Definitions

2-13-2 Duty to file financial disclosure statement

2-13-3 Duty to file financial disclosure statement by a candidate for the Council

§ 2-13-1 DEFINITIONS.

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

COMPENSATION. Money, tangible things of value or financial benefit.

IMMEDIATE FAMILY. A spouse of a local public officer, and any minor child of whom he or she has legal custody.

LOCAL PUBLIC OFFICER. A person holding an elective office in the City of Apache Junction, Arizona.

(Prior Code, § 2-13-1)

§ 2-13-2 DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT.

(A) In addition to other statements and reports required by law, each local public officer as a matter of public record shall file with the City Clerk, on a form prescribed by the City Clerk, a verified statement disclosing:

(1) His or her name, the name of each member of his or her immediate family, and all names under which they do business;

(2) An identification of each employer and of each other source of compensation amounting to more than \$1,000 annually received by the local public officer and his or her immediate family in their own names or by any other person for the use or benefit of the local public officer and his or her immediate family, and a brief description of the nature of the services for which the compensation was received, except that this division shall not be construed to require the disclosure of information that may be privileged by law, nor the disclosure of individual items of compensation that constitute a portion of the gross income of the business or profession from which the local public officer and his or her immediate family derive compensation;

(3) The name of every corporation, trust, business trust, partnership or association in which the local public officer and his or her immediate family, or any other person for the use or benefit of the local public officer and his or her immediate family, have an investment or holding of over \$1,000 at the fair market value as of the date of the statement, or in which the local public officer or his or her immediate family hold office, or have a fiduciary relationship together with the description of the investment, office or relationship, except that this division does not require disclosure of the name of any bank or other financial institution with which the local public officer or member of his or her immediate family has a deposit or withdrawal share account;

(4) All real property interests located within the limits of the City of Apache Junction, Arizona, including street address, specific location, and approximate size or legal description, to which either the local public officer or his or her immediate family hold legal title, or beneficial interest in, excluding his or her residence and property used primarily for personal recreation by the local public officer or his or her immediate family;

(5) The names of all persons to whom the local public officer and his or her immediate family owe unsecured personal debts in excess of \$1,000 and the names of all persons who owe the local public officer and his or her immediate family unsecured personal debts in excess of \$1,000;

(6) The source of each gift of more than \$500 received by the local public officer and his or her immediate family in their own names during the preceding twelve months, or by any other person for the use or benefit of the local public officer or his or her immediate family, except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from relatives. Political contributions shall not be construed as gifts;

(7) A description of all of the professional, occupational and business licenses in which either a local public officer or his or her immediate family has an interest issued by the City of Apache Junction, Arizona, or by any Arizona State Department, agency, commission, institution or instrumentality, which requires for its issuance the consideration of the application by the Mayor and Council, including the name in which the license is issued, the type of business or profession, and its location; and

(8) A description of all professional, occupational and business licenses in which either a public officer or his or her immediate family has an interest, issued by any Arizona State Department, agency, commission, institution or instrumentality, including the name in which the license is issued, the type of business, or profession, and its location.

(B) The statement required to be filed pursuant to this section shall be filed by each local public officer on or before January 31, of each year hereafter.

(Prior Code, § 2-13-2)

Statutory reference:

Related state law provisions, see A.R.S. §§ 38-452et seq.

§ 2-13-3 DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT BY A CANDIDATE FOR THE COUNCIL.

A candidate for a local public office shall file a financial disclosure statement containing the information required as set forth in Vol. I, § 2-13-2 on forms prescribed by the City Clerk, at the time of filing his or her signed nomination papers.

(Prior Code, § 2-13-3)

ARTICLE 2-14: REQUESTS FOR FINANCIAL ASSISTANCE

Section

2-14-1 Requests for non-profit funding

2-14-2 Requests for financial assistance

§ 2-14-1 REQUESTS FOR NON-PROFIT FUNDING.

(A) *Required documentation.* Any non-profit agency submitting a request for an allocation or grant of city funds shall submit to the city specific documentation including, but not limited to, the following: A copy of the agency's most recent audit report; a certified copy of the agency's most recent financial statement; detailed expenditure statements in order to provide a detailed accounting of all funds previously received from the city; complete information on the source and amount of funding received from all other sources such as non-governmental agencies, membership fees and dues, and private contributions; client service information as it applies to residents of the city; proof of non-profit status as determined by the Internal Revenue Service; proof of corporate status to include copies of by-laws and articles of incorporation; the source and amount of funding received from other governmental agencies; the names and addresses of current board members; and any other documentation as may be deemed necessary by the city.

(B) *Reporting requirements.* Any non-profit agency receiving an allocation or grant of city funds shall be required to submit to the city, on a quarterly basis, a detailed accounting of the expenditure of city funds for the previous quarter, a written report outlining the agency's performance and accomplishments within the scope of work outlined in their contractual agreement with the city, and any other documentation as may be deemed necessary by the city in order to determine the agency's compliance with the provisions of the contract.

(C) *Contract required; procedure for distribution of funds.*

(1) All city funds allocated or granted to any non-profit agency shall be by means of a written contract based upon services to be provided to or work to be performed on behalf of the city and its residents in compliance with the provisions of Arizona Revised Statutes regarding the use of public funds.

(2) All city funds allocated or granted under the provisions of this section shall be released in equal quarterly installments or quarterly payments based upon a schedule of anticipated expenses which has been approved by the Mayor and Council. No subsequent quarterly allocation or grant shall be released until such time that the receiving agency has provided all of the required documentation for the previous quarter and has provided satisfactory evidence of compliance with the scope of work stipulated in their contract with the city.

(D) *Submittal of requests for funding.* All funding requests submitted by non-profit agencies for the allocation or grant of

city funds shall be submitted to the City Clerk's office during the month of January of each year. Requests so submitted shall not be subject to city funding unless approved by the Council and only following adoption of a final budget for the subsequent fiscal year.

(Ord. 659, passed 11-3-1998)

§ 2-14-2 REQUESTS FOR FINANCIAL ASSISTANCE.

All requests for financial assistance shall comply with the following stipulations and conditions:

(A) All requests shall be filed by or on behalf of a valid, non-profit organization as qualified by the Internal Revenue Service and as registered with the Arizona Secretary of State, Arizona Corporation Commission or other appropriate state office. The registration shall be current and documentation of such status and registration shall be provided at the time of the request. This article shall not apply to governmental or quasi-governmental jurisdictions;

(B) All requests shall be submitted to the City Clerk during the month of January of each year in order to be eligible for consideration in conjunction with the subsequent fiscal year budget;

(C) All requests received in accordance with division (B) above shall be referred to the appropriate city board or commission for purposes of review and recommendation to the Council; and

(D) In those instances where a request is due to catastrophic circumstances or when the public health, safety and welfare is at risk, the requirements of this article may be waived by action of the Council. It is preferable, however, even in such instances, for the request to receive a review and recommendation from the appropriate city board or commission.

(Prior Code, Art. 2-14)

ARTICLE 2-15: INDUSTRIAL DEVELOPMENT AUTHORITY

Section

- 2-15-1 Creation
- 2-15-2 Membership and terms of office
- 2-15-3 Officers
- 2-15-4 Vacancies
- 2-15-5 Quorum

§ 2-15-1 CREATION.

There is hereby established an industrial development authority, hereinafter referred to as "authority," which shall perform all duties reserved to industrial development authorities as contained in state and federal regulations.

(Prior Code, § 2-15-1)

§ 2-15-2 MEMBERSHIP AND TERMS OF OFFICE.

(A) The industrial development authority shall consist of 7 members who shall be appointed by the Council.

(B) After the expiration of initial appointments, the terms of members shall be as follows: 2 members with terms beginning from their appointment and expiring 6 years from the date of appointment by the Mayor and Council; 3 members with terms beginning from their date of appointment and expiring 6 years from the date of appointment by the Mayor and Council; and 2 members with terms beginning from their date of appointment and expiring 6 years from the date of appointment by the Mayor and Council. All member terms shall be for a period of 6 years, and shall be so staggered that the term of no more than 3 members shall expire in any given year. All terms shall expire on October 31.

(Prior Code, § 2-15-2) (Am. Ord. 1328, passed 10-27-2008)

§ 2-15-3 OFFICERS.

The authority shall elect a Chairperson and Vice Chairperson from among its members. The Vice Chairperson shall preside at meetings in the absence of the Chairperson. All officers shall serve until their successors are elected.

(Prior Code, § 2-15-3)

§ 2-15-4 VACANCIES.

Vacancies shall be filled in accordance with Vol. I, §2-15-2 by the Council for the unexpired term of the member affected.

(Prior Code, § 2-15-4)

§ 2-15-5 QUORUM.

A quorum shall consist of 4 voting members for the transaction of all business.

ARTICLE 2-16: EMERGENCY POWERS AND AUTHORITY

Section

- 2-16-1 Definitions
- 2-16-2 Powers
- 2-16-3 Duties of the City Manager
- 2-16-4 Enforcement
- 2-16-5 Immunity
- 2-16-6 Conditions of enactment

§ 2-16-1 DEFINITIONS.

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

EMERGENCY FUNCTIONS. Warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, public works and engineering, search or rescue, health and medical services, law enforcement, firefighting, mass care, resource support, urban search or rescue, hazardous materials, food and energy information and planning and other activities necessary or incidental thereto.

EMERGENCY SERVICES. The preplanning necessary to carry out emergency functions, other than functions for which military force of federal agencies are primarily responsible, to prevent or minimize the loss of lives or property caused by disasters of every kind.

LOCAL EMERGENCY. The existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Apache Junction, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city as determined by the Council and which require the combined efforts of other political subdivisions.

PRIVATE SECTOR. All industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level.

STATE OF EMERGENCY. The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the state and the political subdivision.

STATE OF WAR EMERGENCY. The condition which exists immediately whenever this nation is attacked or upon receipt by this state of warning from the federal government indicating that such an attack is imminent.

(Prior Code, § 2-16-1)

§ 2-16-2 POWERS.

(A) The Council, pursuant to the provisions of A.R.S. § 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions and regulations, but such shall not be inconsistent with orders, rules and regulations promulgated by the governor of this state. Those orders, rules or regulations shall be effective when a copy is filed in the office of the City Clerk. Existing resolutions, rules and regulations in conflict with A.R.S. §§ 26-301 *et seq.* and hereafter amended, are suspended during the time of emergency and to the extent that they may conflict.

(B) Pursuant to A.R.S. § 26-307(C) as amended, a state of war emergency, the Council may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the Council determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency.

(C) In the absence of specific authority in state emergency plans and programs, the Council will take emergency measures as deemed necessary to carry out the provisions of A.R.S. § 26-307(D) and as hereafter amended.

(D) This article constitutes authority, pursuant to the provisions of A.R.S. § 26-311, for the Mayor to declare an emergency and, during the emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the city including, but not limited to:

- (1) Imposition of curfews in all or portions of the city;
- (2) Ordering the closing of any business;

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

(4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County of Pinal for assistance.

(E) Pursuant to A.R.S. § 26-311(C), in periods of local emergency, including an emergency declared by the Mayor, the city has full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor.

(Prior Code, § 2-16-2)

§ 2-16-3 DUTIES OF THE CITY MANAGER.

(A) The City Manager, subject to the direction and control of the Council, shall be responsible for the organization, administration and operation of the City of Apache Junction Emergency Services. In accordance with the provision of A.R.S. § 26-312, the City Manager may, on behalf of the city, accept for purposes of emergency services an offer of the federal government or an agency thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan.

(B) There is hereby granted to the City Manager the authority:

(1) During non-emergency periods to:

(a) Coordinate city emergency service plans, procedures, programs and other emergency services activities with federal agencies, the State of Arizona, adjoining county agencies, political subdivisions and municipalities of the state and with the private sector;

(b) Ensure compliance with the provisions of A.R.S. §§ 26-301*et seq.*;

(c) Ensure conformance with state emergency plans and procedures;

(d) Achieve adequate operational readiness, adequacy of training programs and proper utilization of emergency equipment and supplies;

(e) Make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the city for emergency services, and to plan for the most efficient use thereof; and

(f) Recommend to the Mayor, for delegation to the various departments and agencies of the city, appropriate emergency services responsibilities, and to coordinate the emergency activities of all such departments and agencies.

(2) During declared emergencies to:

(a) Coordinate the emergency activities of all city departments and agencies;

(b) Coordinate the emergency activities of the city with federal agencies, the State of Arizona, adjoining county agencies, political subdivisions and municipalities of the state and with the private sector to achieve the most effective use of personnel, equipment, services, facilities and other existing available resources; and

(c) Utilize the services, resources and facilities of existing departments and agencies of the city, and when necessary to create new agencies or call upon the private sector to perform emergency tasks and functions unavailable in departments and agencies of the city.

(Prior Code, § 2-16-3)

§ 2-16-4 ENFORCEMENT.

The law enforcement authorities of the city shall enforce all orders, rules and regulations issued pursuant to this article.

(Prior Code, § 2-16-4)

§ 2-16-5 IMMUNITY.

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

(Prior Code, § 2-16-5)

§ 2-16-6 CONDITIONS OF ENACTMENT.

The emergency plan, as adopted by the Council, will be the immediate basis for the conduct and coordination of emergency operations in the city under the following disaster conditions:

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

(B) When the governor of the State of Arizona has proclaimed a state of emergency in an area including this city; or

(C) Upon the order of the Mayor or his or her authorized representative, provided that the existence or threatened

existence of a local emergency has been duly proclaimed in accordance with the provisions of the emergency services of this city.

(Prior Code, § 2-16-6)

ARTICLE 2-17: RESERVED

[RESERVED]

ARTICLE 2-18: RESERVED

[RESERVED]

ARTICLE 2-19: RESERVED

[RESERVED]

ARTICLE 2-20: RESERVED

[RESERVED]

ARTICLE 2-21: BOARD OF ADJUSTMENT AND APPEALS/MUNICIPAL PROPERTY CORPORATION/PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

Section

- 2-21-1 Board of Adjustment and Appeals
- 2-21-2 Municipal Property Corporation
- 2-21-3 Public Safety Personnel Retirement Board

§ 2-21-1 BOARD OF ADJUSTMENT AND APPEALS.

There is hereby created, as provided by law, a Board of Adjustment for the city. The Board of Adjustment shall be composed of 7 members, each of whom shall be a resident of the city. The members of the Board shall be appointed for terms of 3 years each, unless sooner removed by the Mayor and Council, either with or without cause, except that initially 2 members shall be appointed for a term of 1 year each, commencing July 1, 1979; 3 members shall be appointed for a term of 2 years each, commencing July 1, 1979; and 2 members shall be appointed for a term of 3 years each, commencing July 1, 1979. Thereafter, members shall be appointed for terms of 3 years. Such terms shall expire on October 31. The procedures and powers of the Board of Adjustment shall be as set forth in Vol. II, Article 1-11.

(Ord. 1328, passed 10-27-2008)

§ 2-21-2 MUNICIPAL PROPERTY CORPORATION.

Resolution No. 90-16, passed on July 19, 1990, is incorporated herein by reference. The resolution approved the articles of incorporation and bylaws of the Municipal Property Corporation ("MPC") and appointed the incorporators and initial board of directors. There are 5 directors. Each term shall be 3 years and shall have an expiration date of October 31 of the year it is scheduled to terminate.

(Ord. 1328, passed 10-27-2008)

§ 2-21-3 PUBLIC SAFETY PERSONNEL RETIREMENT BOARD.

Pursuant to A.R.S. § 38-847(A), the city has previously established a local board to administer public safety personnel retirement matters under Title 38, Chapter 5, Article 4 (A.R.S. § 38-841 et seq.) Under A.R.S. § 38-847 (B), a term for any appointed member shall have an expiration date of October 31 of the year it is scheduled to terminate.

(Ord. 1328, passed 10-27-2008)

ARTICLE 2-22: PLANNING AND ZONING COMMISSION

Section

- 2-22-1 Established
- 2-22-2 Membership
- 2-22-3 Officers
- 2-22-4 Duties

2-22-5 Meetings

2-22-6 Voting

2-22-7 Fees

§ 2-22-1 ESTABLISHED.

The Planning and Zoning Commission of the City of Apache Junction is hereby established.

(Prior Code, § 11-1-1)

§ 2-22-2 MEMBERSHIP.

(A) The Planning and Zoning Commission shall be composed of a total of 7 members who shall be residents of the city. The members of the Commission shall be appointed by the Mayor and Council. These appointments shall be for a period of 3 years, unless sooner removed by the Mayor and Council, either with or without cause. The terms of the members shall be so staggered that the terms of no more than 3 members shall expire in any one year. The appointments shall be for 2 members with terms beginning on July 1, 1983, and expiring on June 30, 1986; for 2 members with terms beginning on July 1, 1982, and expiring on June 30, 1985; and 3 members with terms beginning July 1, 1981 and expiring on June 30, 1984. Thereafter, upon expiration of the term of office, all new appointments shall be made by the Mayor and Council for full 3-year terms, and all terms shall expire October 31, except that in the event of the death or resignation of a member, the vacancy shall be filled by appointment of the Mayor and Council for the unexpired term. The term of all members shall extend until their successors are qualified; except that 3 successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the Mayor and Council without the necessity of a hearing or notice and such action shall be final.

(B) All members shall serve without pay. Members of the Commission may be reimbursed for actual expenses incurred in connection with their duties upon prior authorization or ratification by the Commission and approval of the expenditures by the Council.

(Prior Code, § 11-1-2) (Am. Ord. 1328, passed 10-27-2008)

§ 2-22-3 OFFICERS.

(A) The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for 1 year and until their successors are elected and qualified.

(B) The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization.

(C) The Chairperson shall have the power to administer oaths and to take evidence.

(D) The Vice Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson.

(E) Vacancies created by any cause shall be filled for the unexpired term by a new election.

(Prior Code, § 11-1-3)

§ 2-22-4 DUTIES.

It shall be the duty of the Commission to:

(A) Formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the city pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "Planning and Zoning;"

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

(C) To recommend to the governing body revisions in the plans which, in the opinion of the commission, are for the best interest of the citizens of the city; and

(D) To promulgate rules of procedure and to supervise the enforcement of rules so promulgated by the Commission and approved by the governing body.

(Prior Code, § 11-1-4)

§ 2-22-5 MEETINGS.

The Commission shall provide in its rules for its meetings; provided, that special meetings may be called by the Chairperson or in his or her absence the Vice Chairperson. In addition, any 3 members of the Commission may make written request to the Chairperson for a special meeting and in the event the meeting is not called, the members may call the special meetings in such manner and form as may be provided in the Commission rules.

(Prior Code, § 11-1-5)

§ 2-22-6 VOTING.

(A) Four voting members shall constitute a quorum.

(B) A simple majority of the quorum voting shall be required for passage of any matter before the Commission.

(C) 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.

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

(Prior Code, § 11-1-6)

§ 2-22-7 FEES.

(A) The Commission shall be authorized to establish a uniform schedule of fees for service with all receipts to be paid into the general fund of the city.

(B) These fee schedules shall become effective upon approval by the Council.

(Prior Code, § 11-1-7)