

ARIZONA STATE PARKS BOARD
CERTIFIED LOCAL GOVERNMENT PARTICIPANT AGREEMENT

This agreement is made and entered into by and between the ARIZONA STATE PARKS BOARD on behalf of the State of Arizona (STATE) through its STATE HISTORIC PRESERVATION OFFICER (OFFICER) and the CITY OF CHANDLER, the CERTIFIED LOCAL GOVERNMENT (CLG), whose address is 175 S. Arizona Avenue, Chandler, Arizona, 85225.

The OFFICER has authority to enter into this Agreement pursuant to U.S.C. 470 et sec. and A.R.S. §§41-511.04 and 41-511.05, and any successor statutes. The CLG has authority to enter into this agreement pursuant to Ordinance No. 4936 of the Chandler City Code.

PART I. CONTRACT TERM

The effective date of this agreement is the date the National Park Service concurs, and shall remain in effect until the CLG requests decertification as a CLG or is decertified by the OFFICER pursuant to the provisions of Section V, "Certified Local Government Program in Arizona," a copy of which is attached hereto as Exhibit A and is incorporated by reference as a part of this agreement.

PART II. CONSIDERATION

The consideration for this agreement is the mutual promises of the parties contained herein.

PART III COMPLIANCE

The parties shall comply with all applicable laws, rules and regulations pertaining to the execution and administration of the terms contained in Exhibit A to this agreement. The CLG and its agents shall be specifically subject to all applicable provisions of the *Historic Preservation Fund Grants Manual* as presently in effect or as may be promulgated during the period of this agreement. A copy of the *Historic Preservation Fund Grants Manual* is available for inspection at the Arizona State Parks Board Office, 1110 West Washington Street, Phoenix, Arizona 85007. The OFFICER will provide guidance on the provisions of the *Historic Preservation Fund Grants Manual*.

PART IV ENFORCEMENT OF LOCAL ORDINANCE

The CLG agrees to enforce its *Historic Preservation Ordinance*, a copy of which is attached as Exhibit B and incorporated by reference as a part of this agreement.

PART V NONDISCRIMINATION

During the term of this agreement, the parties agree to comply with the provisions of Executive Order 99-4 issued by the Governor of the State of Arizona relating to nondiscrimination in employment, a copy of which is attached hereto as Exhibit C and incorporated by reference as a part of this agreement.

PART VI AGREEMENT FOR ARBITRATION

If required pursuant to A.R.S. §12-1518, and any successor statute, the parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve all disputes arising out of this agreement.

PART VII CANCELLATION OF STATE CONTRACTS

Pursuant to A.R.S. §38-511, and any successor statute, the STATE may cancel this contract, without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on behalf of the STATE or any of its departments or agencies is, at any time while the contract or any extension of the contract is in effect, an employee of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. Such cancellation shall become effective upon written notification from the Governor of the State of Arizona.

The parties have executed this agreement as of the dates entered below.

CITY OF CHANDLER, ARIZONA CERTIFIED LOCAL GOVERNMENT

By _____
Kevin Hartke
Mayor
City of Chandler

Date _____

Chandler City Attorney
Approval as to Form

Signature *TA*

Date

Attachments:

Exhibit A – Certified Local Government Historic Preservation Program in Arizona

Exhibit B – Ordinance No. 4936, Chandler City Code

Exhibit C – Executive Order 99-4, Nondiscrimination in Employment

STATE OF ARIZONA ARIZONA STATE PARKS BOARD

By _____
Kathryn Leonard
State Historic Preservation Officer

Date _____

By _____
Robert Broscheid
Executive Director
Arizona State Parks Board

Date _____



CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAM IN ARIZONA

Section I. Introduction

- A. The national historic preservation program has operated as a decentralized partnership between the Federal government and the state of Arizona since its establishment, in 1970. The Federal government established a program of identification, evaluation and protection of historic properties which the states, primarily, carry out. . The success of that working relationship prompted Congress, in 1980, to expand the partnership to provide for participation by local governments (counties and incorporated cities and towns).
- B. The role of the "Certified Local Government*" in the partnership involves, at a minimum, (1) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for "certified local governments," and (2) responsibility for review and approval of nominations of properties to the National Register of Historic Places.
- C. The Federal law directs the State Historic Preservation Officer and the Secretary of the Interior to certify local governments. to participate in this partnership and specifies several requirements that the local government must meet.
- D. The following sections describe how the Federal-State-Local partnership works in Arizona.

Section II. Definitions

- A. A "CLG" means a certified local government.
- B. "Commission" means a historic preservation board, council or similar collegial body that is established by local legislation, composed of professionals and persons, appointed as specified in the legislation, with a demonstrated interest, experience or knowledge in disciplines such as history, planning, archaeology, architecture,architectural history, historic archaeology or other fields related to historic preservation, that must perform the duties and responsibilities specified in thelegislation.
- C. "HPF" means Historic Preservation Fund

- D. "Local government" means any incorporated city, town, or county.
- E. "National Register" means the National Register of Historic Places.
- F. "SHPO" Means the State Historic Preservation Officer.
- G. "Secretary" means the Secretary of the U.S. Department of the Interior.
- H. "Subgrantee" means the legal receiver of HPF funds through the SHPO.

Section III. Eligibility of a Local Government for Certification

- A. A local government that meets the criteria established in subsection B through F of this section may apply for certification under Section IV.
- B. A local government must enact and enforce an ordinance for the designation and protection of historic properties. The ordinance must, at a minimum, include the following provisions:
 - 1. Statement of purpose
 - 2. Definitions
 - 3. Establishment of a commission with specific membership and duties.
 - 4. Historic designation procedures for local resources and/or districts.
 - 5. Criteria for historic designation of local resources and/or districts.
 - 6. Provisions for public hearing on historic designation, with public notification.
 - 7. Mandatory review of alterations to, relocations or demolition of historic resources individually or within historic district boundaries and mandatory review of new construction within the boundaries of historic districts.
 - 8. Specific guidelines to be used by the Commission, such as (or based on) the *Secretary of the Interior's Standards for Rehabilitation*.
 - 9. Specific time frames and procedures for reviews and for consideration of appeals.
 - 10. Provisions for decision making, enforcing decisions, and a right of appeal.
- C. A local government must establish the Commission required by the ordinance provided under subsection B. The Commission must:
 - 1. Be composed of at least five members, all of whom have a demonstrated interest, experience or knowledge in at least one of the following: history, architectural history, architecture, historic interiors, historic architecture, planning, archaeology, historic archaeology, real estate, historic preservation law or other historic preservation related field. To the extent available in the community, at least two professionals from

the disciplines of architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines such as cultural geography or cultural anthropology must be members of the Commission. If a field is not represented by a Commission member, the Commission must obtain expertise in the field when considering National Register nominations and other actions that will impact properties that are normally evaluated by a professional in that field (e.g., archaeological sites should be evaluated by a professional archaeologist). Such expertise may be obtained through universities, private preservation groups or consultants, or other means approved by the SHPO. If a local government is to be certified without the minimum number of types of disciplines the local government must provide the SHPO with information, in writing, that it has made a reasonable effort to fill those positions.

2. Be composed of members who are appointed to serve staggered terms of office as specified by the ordinance.
3. Meet at least four times each year and follow the provisions of the Arizona Open Meetings Act, including providing for public notice and allowing the agenda, minutes, and meetings be open to the public.
4. Provide for rules of procedure that are made known to the public.
5. Make its decisions in an open forum and advise all interested persons of decisions.
6. Prepare a written annual report of commission activities that is submitted to the SHPO and is available to the public. The report must contain, at a minimum, minutes of meetings, decisions made, special projects and activities, the number and types of cases reviewed, revised resumes of Commission members, and member attendance records.
7. Ensure that vacancies on the Commission are filled within 60 days, unless extenuating circumstances require a longer period. An extension may be granted by the SHPO upon petition, in writing, of the chief official of the local government.
8. Encourage all members to attend any training sessions and review any orientation materials provided by the SHPO. The SHPO will make available such training and orientation materials to provide working knowledge of the roles and operations of the federal, state, and local preservation programs.

9. Carry out its responsibilities in coordination with SHPO responsibilities as outlined in 36 CFR 61.4(b) and ensure that its responsibilities are complementary to the SHPOs.
- D. A local government must maintain a system for the survey and inventory of historic properties.
1. A CLG must begin or continue a process for identifying historic properties within its jurisdiction that is approved by the SHPO.
 2. A CLG must maintain a detailed inventory, under the jurisdiction of the Commission, of the designated historic districts, sites, buildings, structures or objects.
 3. All survey and inventory efforts and materials must be coordinated and compatible with the State's survey and inventory program (including the standards, guidelines and forms) of the SHPO. This will ensure that the information is in a format suitable for integration into the state historic preservation planning process. The SHPO will make available all appropriate materials and information to the CLG.
 4. All inventory materials must be accessible to the public, updated periodically, and available, through duplicates, to the SHPO.
- E. A local government must provide for adequate public participation in the local historic preservation programs, including the process of recommending properties for nomination to the National Register.
1. All meetings of the Commission must be open meetings as required by the Open Meetings Act (A.R.S. Section 38-431, *et sec.*). The Commission should encourage public comment on agenda items.
 2. All reports submitted to the SHPO must detail how public comment was solicited and received.
- F. A local government must satisfactorily perform the responsibilities specified in subsections B through E above and any other responsibilities specifically delegated to it. The SHPO may, by written agreement with a CLG, delegate additional responsibilities such as environmental review projects if the CLG has adequate qualified staff.

Section IV. Process for Certification of Local Governments in Arizona

- A. The chief elected official of the local government must request certification from the SHPO. The request for certification must include.

1. A written assurance by the chief elected official that the local government fulfills and will continue to fulfill all the standards for certification outlined in Section III.
 2. A copy of the local historic preservation ordinance.
 3. A list and accompanying maps of the areas designated at that time as historic districts or individual historic resources.
 4. Resumes for each of the members of the Commission including, where appropriate, credentials of member expertise in fields related to historic preservation.
- B. The request for certification will be reviewed by the SHPO for accuracy, completeness, and compliance with the provisions of this document.
 - C. The SHPO will respond to the chief elected official within 60 days of the receipt of an adequately documented written request for certification.
 - D. If a certification request is approved, the SHPO will prepare a written certification agreement that lists the responsibilities of the CLG. The list of responsibilities will include those listed in Section III, any additional responsibilities delegated to all CLGs in the State and any other delegated responsibilities. Such a certification agreement, once approved, may be amended with approval of the National Park Service, Western Regional Office.
 - E. The SHPO certification of a local government to participate in the national historic preservation program constitutes certification by the Secretary, provided the Secretary has approved the State process and does not take exception to the request for certification and the certification agreement within 15 working days after receiving a complete CLG application and certification agreement from the SHPO.
 - F. Once a local government is certified, it remains certified without further action unless, after substantive review, the SHPO recommends and proceeds with decertification or the CLG requests that it no longer be certified.
 - G. A local government may appeal to the Secretary any SHPO decisions to deny certification or to decertify.

Section V. Process for Monitoring and Decertification of a CLG

- A. The SHPO will conduct a periodic review at least annually and monitor each CLG to assure that each government is fulfilling its responsibilities, as set forth in this document and the written certification agreement in a manner that is consistent and coordinated with the

identification, evaluation and preservation• priorities of the .comprehensive state historic preservation planning process.

B. The SHPO, in his/her review:

1. Study the annual reports submitted by the CLG,• records of the administration of HPF funds allocated to the CLG, and other pertinent documents of the CLG .requested by the SHPO.
2. Evaluate the CLG's performance of •the responsibilities specified in this document and the written certification agreement and other responsibilities delegated to it.
3. Recommend to the CLG specific steps to bring its performance up to an acceptable level, if necessary.

C. The Standards for evaluating the CLG's performance will include adequate preparation of all required reports, including the annual report, proper expenditure of HPF funds as adequately documented in required reports, and documented compliance. with .all requirements of this program and .the written certification agreement.

D. A CLG may take up to 180 days from the date the SHPO notifies the CLG, in writing, of the recommended steps, to implement the specific steps recommended.

E. If the SHPO determines that sufficient improvement has not occurred after the 180 day period, the SHPO will recommend decertification of the CLG to the Secretary, citing specific reasons for the recommendation.

F. A CLG may, voluntarily and without penalty, request decertification in writing addressed to the SHPO.

G. If a CLG is decertified, the SHPO will terminate any financial assistance received by, the CLG from the HPF allocation and will conduct a closeout review of the CLG funds received from the SHPO in accordance with the procedures set forth in the National Register Programs Manual.

Section VI. Transfer of HPF Monies to CLGs

A. In order to be eligible to receive a portion of the local share of the State HPF allocation, a CLG must:

1. Have adequate financial management systems that meet Federal standards of the Office of Management and Budget Circular A-102 and Attachment G "Standards for

Grantee Financial Management Systems”, are auditable in accordance with the General Accounting Office *Standards for Audit of Governmental Organization Programs, Activities, and Functions*, and are evaluated annually by the SHPO or designee.

2. Adhere to all requirements of the National Register Programs Manual or successor manual. These requirements include the following:
 - a. Indirect costs may be charged as part of the CLG grant only if the CLG meets the requirements of the Manual.
 - b. Unless the CLG has a Federally approved, current indirect cost rate only direct cost may be charged.
 3. Adhere to any requirements and special conditions mandated by Congress pertaining to the HPF.
- B. At least 10% of the State's HPF allocation will be made available, on a competitive basis, to CLGs, on a matching basis, for historic preservation activities and projects eligible for HPF assistance as follows:
1. **Operations**
 - a. CLGs receiving HPF. funds from the CLG share shall be considered subgrantees of the State.
 - b. Transferred monies shall not be applied as matching share for any other Federal grant, except as permitted under the National Register Programs Manual.
 - c. CLG requirements shall be included in the State's written grant agreement . with the local government.
 - d. Any State directed specific uses of HPF funds are to be for activities that . are eligible for HPF assistance.
 - e. Any State directed specific uses of HPF funds are to be consistent with the State comprehensive historic preservation planning process.
 - f. The State will be responsible, through financial audit, for the proper . accounting of HPF CLG share monies in accordance with the Office of Management and Budget Circular A-102, Attachment P, “Audit Requirement”.

2. **Notification**

- a. Within 30 days after notification by the Department of the Interior of the State's projected annual allocation, the SHPO will notify CLGs, in writing, of the amount of funds available for transfer and solicit applications for that funding.
- b. Within 60 days after the date of the written notice required by subdivision a, the SHPO must receive the funding applications from the CLGs.
- c. Within 30 days after the SHPO receives the formal obligation of funds from the Department of the Interior, the SHPO will notify the CLGs of any grant awards.

3. **Funding Priorities:** The SHPO will award funds competitively to CLGs based on the following, and after consideration of the proposal and the status of the CLGs historic preservation program:

- a. Administration of a local preservation program with emphasis on survey.
- b. Administration of a local preservation program with emphasis on nomination.
- c. Administration of a local preservation program with emphasis on . protection activities.
- d. Administration of a local preservation program with emphasis on integrating historic preservation goals with the community's planning process.
- e. Administration of a local preservation program with emphasis on increasing the effectiveness of the local government in addressing historic preservation issues and needs.
- f. Administration of a local preservation program with emphasis on increasing the community's awareness and understanding of historic preservation values.

4. **Eligibility:** Every CLG is eligible to receive funding, but no CLG will automatically receive funding.

5. **Criteria for Selection:** The SHPO and State Parks Board will evaluate and select projects based on the following criteria:

- a. An application must clearly state a specific goal or goals that are measurable and attainable within the funding period.

- b. A CLG must demonstrate an understanding of State and local preservation priorities.
 - c. A CLG must assure an acceptable matching share.
 - d. The funds awarded to an applicant will be sufficient to generate effects directly as a result of the funds transfer. Furthermore, the requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the CLG share.
 - e. Reasonable efforts will be made to distribute funds among the maximum number of eligible CLGs and between urban and rural areas of the State. If there are multiple eligible CLGs, no CLG will receive a disproportionate share of the HPF allocation.
 - f. The SHPO will make available, upon request, the rationale for the applicants selected and the amounts awarded.
6. **Procedure:** The chief elected official of a CLG shall submit to the SHPO an annual application, developed by the SHPO for CLG Share Funds, which outlines the proposed activity and the budget, including the source of match. Application materials will also include a copy of the jurisdiction's last audit which discusses, in part, adequacy of financing. The SHPO will develop the application forms.

Section VII. CLG Participation in the National Register Nomination Process

A. CLGs must participate in the National Register Nomination Process, as follows:

1. The SHPO will forward a copy of completed National Register nominations within the CLG's jurisdiction with a summary sheet to the CLG's chief elected official, the property owner and the Chair of the Commission, within 30 days after receipt of the nomination. It will be the responsibility of the Commission Chair to disseminate this information to the Commission members.

The Commission shall provide for a reasonable opportunity for public comment prior to preparing a report. After receipt of such report and recommendation, or if no such report and recommendation are received within 60 days, the SHPO may make the nomination pursuant to Section 101(a) of the National Historic Preservation Act of

1966, as amended. The SHPO may expedite such process with the concurrence of the CLG.

2. Within 60 days of receipt of the nomination and summary sheet, the CLG's chief elected official shall transmit the Commission's report and the official's recommendation to the SHPO, regarding the eligibility of the property. If the Commission and the chief elected official do not agree, both opinions will be forwarded to the SHPO and property owner(s). The reports may indicate that no opinion is given.
 3. If both the Commission and the chief local elected official recommend that a property not be nominated to the National Register, the SHPO shall take no further action, unless within 30 days of the receipt of such recommendation by the SHPO an appeal is filed with the State. If such an appeal is filed, the SHPO will follow the established procedures set forth in the National Historic Preservation Act of 1966, as amended (Section 101 (a)). Any report and recommendations made under this subsection shall be included with any nomination submitted by the State to the Secretary.
- B. Upon written agreement between the CLG and the SHPO, the CLG may elect to assume responsibility for notification of property owners and the public throughout the nomination process. In this case, the CLG must meet the public notice requirements specified by the National Register nomination procedures of the Department of the Interior. If a CLG assumes the notification responsibilities, the SHPO will provide guidelines regarding persons to be contacted and the content and timing of the notification letters.

December, 1990

Arizona State Historic Preservation Office

Exhibit B

ORDINANCE NO. 4936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED "2020 CODE AMENDMENTS – HISTORIC PRESERVATION" TO BE A PUBLIC RECORD; AMENDING CHAPTER 35 (ZONING), BY AMENDING SECTION 35-3205 (ARCHITECTURAL PLAN REVIEW); ADDING ARTICLE XXXIV HISTORIC PRESERVATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, A.R.S. § 9-462.01 authorizes a legislative body to establish districts of historical significance requiring that special permission be obtained for any development within the district; and

WHEREAS, A.R.S. § 9-462.01 further authorizes a legislative body to adopt overlay zoning districts and regulations applicable to particular buildings, structures, and land within individual zoning districts; and

WHEREAS, the City Council has determined that property owners within the City of Chandler should be afforded the opportunity to preserve and protect properties, districts, and sites that represent aspects of Chandler's historic, architectural, and cultural heritage.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document known as "2020 Code Amendments – Historic Preservation," one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in "2020 Code Amendments – Historic Preservation," said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for 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 thereof.

Section 5. Providing for Penalties.

A violation of this ordinance is a class 1 misdemeanor and upon conviction shall be punishable as provided for in Chandler City Code Sections 1-8 and 35-2700.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona this 15 day of October, 2020.

ATTEST:

Dana R. DeHoy
City Clerk

Kevin Hartke
Mayor Kevin Hartke

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this 2 day of November, 2020.

ATTEST:

Dana R. DeHoy
City Clerk

Kevin Hartke
Mayor Kevin Hartke

APPROVED AS TO FORM:

J. J. Winkler for JFW
City Attorney

PUBLISHED in the Arizona Republic on November 6 and November 13, 2020.



2020 Code Amendments – Historic Preservation
{Public Record for Ordinance No. 4936}

Chapter 35 of the Chandler City Code is hereby amended as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

35-3205. - Architectural plan review.

- A. *Approval required:* Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding twenty (20) percent of a building's or structure's existing floor area; or any sign installation that does not fully comply with the standards and requirements set forth in section 39-9.18 of the Chandler City Code; the property owner or agent shall secure approval of the building or structure exterior from the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION, except where design of the exterior has been approved as part of the use permit approval obtained under section 35-3204 above.
- B. *Reasonable repair and minor alteration:* Approval is not required for customary maintenance of building exteriors, such as repainting to the same color, crack sealing/patching, and structural repair, any or all of which is clearly for the purpose of retaining an existing appearance.
- C. ~~*Organization:* There is hereby created an Architectural Review Committee whose jurisdiction is limited solely to this District. The Architectural Review Committee shall consist of five (5) members. The membership shall consist of one (1) member of the Planning and Zoning Commission; one (1) member of the Planning and Development Department; and three (3) public members, at least one (1) of whom shall be either a person whose business or property is located within this District or a member of the Downtown Chandler Community Partnership, and at least one (1) of whom shall be an architect, landscape architect, historian, or an individual otherwise qualified by design background, training, or experience. The members shall be selected by the Mayor with the approval of the City Council. The terms of the members shall be for three (3) years and shall be so staggered that the terms of at least one (1), but not more than two (2) members, shall conclude in any given year. All members shall serve without compensation.~~
- D. ~~*Operation:* The Architectural Review Committee shall establish rules and procedures as are necessary for the performance of its duties; provided, that the rules and procedures shall not be in conflict with the provisions of this chapter, or any applicable local, state or federal laws. Meetings shall be open to the public and shall be at the call of the chairman or as may otherwise be established in the rules of the Committee. Minutes of the Committee's proceedings and actions shall be kept and filed in the Planning and Development Department. Three (3) members shall constitute a quorum of the Committee and three (3) affirmative votes shall be required to approve an application.~~

- ~~E.-C.~~ *Decision:* Approval or denial by the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION for such architectural plans shall be based solely on design considerations such as building materials, colors, forms, masses, fixtures, and features, for consistency with the existing Early Twentieth Century Commercial style of architecture.
- ~~F.-D.~~ *Appeal:* The decision of the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION on an application presented before it shall be final on the date it is made, unless, within ~~thirty~~ (30) calendar days from the date of the ~~Committee's~~ COMMISSION'S decision, the applicant, the ~~Planning and Development~~ SERVICES Department Director with the consent of the City Manager, or any member of the City Council, appeals the decision by filing written notice of the appeal with the City Clerk. The City Clerk shall schedule the appeal for a City Council agenda, not more than ~~forty~~ (40) nor less than ~~twenty~~ (20) days following the submittal of the appeal. Notice of the appeal and the date of its consideration by City Council shall be sent by mail to the applicant and published once, not less than seven (7) days prior to the City Council meeting at which the appeal is to be heard. At its meeting, the City Council shall uphold, modify or over-rule the decision of the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION. The decision of the City Council shall be final.
- ~~G.-E.~~ *Expiration of approval:* Any approval granted herein shall expire and become null and void one (1) year from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of the approval. A one-time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void.
- ~~H.-F.~~ *Building permit check:* Prior to issuance of a building permit, the ~~Planning and Development~~ SERVICES Department shall ascertain that the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION has approved the exterior design plans which are in conformance with those presented with the building permit application and that the time limitations imposed by this Code or BY the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION have not lapsed.

ARTICLE XXXIV HISTORIC PRESERVATION

35-3401. PURPOSE.

- 1) THIS ARTICLE IS ADOPTED TO AFFORD PROPERTY OWNERS WITHIN THE CITY OF CHANDLER THE OPPORTUNITY TO PRESERVE AND PROTECT PROPERTIES, DISTRICTS, AND SITES THAT REPRESENT ASPECTS OF CHANDLER'S HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL AND CULTURAL HERITAGE. THE PURPOSES OF THIS ARTICLE INCLUDE:

- a. PRESERVE AND PROTECT PROPERTIES, DISTRICTS AND SITES THAT REPRESENT ASPECTS OF CHANDLER'S HISTORIC, ARCHITECTURAL AND CULTURAL HERITAGE;
 - b. ENCOURAGE THE RESTORATION AND UPKEEP OF HISTORIC PROPERTIES;
 - c. ENCOURAGE CIVIC PRIDE IN THE ACCOMPLISHMENTS OF THE PAST;
 - d. PROMOTE NEIGHBORHOOD PRESERVATION AND REVITALIZATION;
 - e. GUIDE ALTERATIONS OF DESIGNATED HISTORIC STRUCTURES TO MAINTAIN THE HISTORIC INTEGRITY OF THE STRUCTURES AND APPLICABLE DISTRICTS;
 - f. DISCOURAGE DEMOLITION OR INAPPROPRIATE ALTERATION OF BOTH DESIGNATED AND QUALIFYING HISTORIC PROPERTIES; AND
 - g. DOCUMENT AND RECOGNIZE LOCATIONS THAT REPRESENT EVENTS OR INDIVIDUALS SIGNIFICANT TO CHANDLER'S HISTORY OR NATIONAL HISTORY.
- 2) UNDER A.R.S. § 9-462.01(A)(10), MUNICIPALITIES MAY ESTABLISH DISTRICTS OF HISTORICAL IMPORTANCE AND REGULATIONS APPLICABLE TO BUILDINGS, STRUCTURES AND LAND WITHIN INDIVIDUAL DISTRICTS. A HISTORIC PRESERVATION DISTRICT IS A SPECIAL ZONING DISTRICT THAT INCLUDES REGULATIONS THAT MODIFY REGULATIONS IN ANOTHER ZONING DISTRICT WITH WHICH THE OVERLAY DISTRICT IS COMBINED. THE PURPOSE OF THESE REGULATIONS IS TO PROTECT HISTORIC PROPERTIES IN THE DISTRICT FROM DEMOLITION OR INAPPROPRIATE ALTERATIONS.
 - 3) THE CITY MAY ALSO DESIGNATE PROPERTIES AND SITES AS LANDMARKS, CONSERVATION DISTRICTS AND HERITAGE SITES, AS DEFINED IN THIS ORDINANCE, TO PROMOTE THE PURPOSES OF HISTORIC PRESERVATION.
 - 4) THE INCLUSION OF A SPECIFIC REGULATION OR REFERENCE TO CITY CODE IN THIS CHAPTER DOES NOT IMPLY THE EXCLUSION OF ANY OTHER APPLICABLE LAW.

35-3402. USES PERMITTED.

THE HISTORIC PRESERVATION DISTRICT OVERLAY DOES NOT CHANGE, ALTER, EXPAND, DIMINISH OR OTHERWISE AFFECT ANY USES PERMITTED AS A MATTER OF RIGHT, OR IN ANY OTHER MANNER, IN ANY UNDERLYING ZONING DISTRICT FOR PROPERTY TO WHICH THE HISTORIC PRESERVATION DISTRICT OVERLAY APPLIES.

35-3403. DEFINITIONS.

THE FOLLOWING WORDS, TERMS, AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT

WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING. WORDS NOT DEFINED SHALL BE GIVEN THEIR NORMAL, ORDINARY MEANING.

AGGRIEVED PERSON: A PERSON OWNING PROPERTY WITHIN 600 FEET OF A HISTORIC PROPERTY, A REGISTERED NEIGHBORHOOD ORGANIZATION LOCATED WITHIN ONE-QUARTER MILE OF A HISTORIC PROPERTY, A CITY OR OTHER GOVERNMENT OFFICIAL WHO DISAGREES WITH AN ACTION OF THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION COMMISSION CONCERNING DESIGNATION, DEMOLITION OF OR ALTERATIONS TO A HISTORIC PROPERTY.

ALTERATION: ANY AESTHETIC, ARCHITECTURAL, MECHANICAL, OR STRUCTURAL CHANGE TO THE EXTERIOR OF A DESIGNATED PROPERTY.

ARCHAEOLOGICAL RESOURCES: ANY MATERIAL REMAINS OF PAST HUMAN LIFE, ACTIVITIES, OR HABITATION THAT ARE OF PRE-HISTORIC OR HISTORIC SIGNIFICANCE, SUCH AS SETTLEMENT AND STRUCTURE REMNANTS, ARTIFACTS, TOOLS, IMPLEMENTS, ARTWORK, OR GRAVES.

CERTIFICATE OF APPROPRIATENESS: AN OFFICIAL DIGITAL OR PAPER DOCUMENT OF THE CITY STATING THAT PROPOSED WORK ON A HISTORIC PROPERTY IS COMPATIBLE WITH THE HISTORIC CHARACTER OF THE PROPERTY AND THEREFORE MAY BE COMPLETED AS SPECIFIED IN THE CERTIFICATE AND AUTHORIZING THE ISSUANCE OF ANY REQUIRED CONSTRUCTION PERMITS FOR THE PROPOSED WORK.

CERTIFICATE OF NO EFFECT: AN OFFICIAL DIGITAL OR PAPER DOCUMENT OF THE CITY STATING THAT PROPOSED WORK ON A HISTORIC PROPERTY WILL HAVE NO DETRIMENTAL EFFECT ON THE HISTORIC CHARACTER OF THE PROPERTY AND THEREFORE MAY PROCEED AS SPECIFIED IN THE CERTIFICATE WITHOUT OBTAINING ANY FURTHER AUTHORIZATION UNDER THIS ORDINANCE AND AUTHORIZING THE ISSUANCE OF ANY REQUIRED CONSTRUCTION PERMITS FOR THE PROPOSED WORK.

CHANDLER HISTORIC PROPERTY REGISTER: THE OFFICIAL CITY REGISTRY OF HISTORIC PROPERTIES AND DISTRICTS MAINTAINED BY THE HISTORIC PRESERVATION OFFICER THAT LISTS PROPERTIES AND DISTRICTS DESIGNATED BY THE CITY COUNCIL AS HISTORIC AND OTHER HISTORIC RESOURCES.

CONTRIBUTOR OR CONTRIBUTING PROPERTY: A BUILDING, PROPERTY, OR STRUCTURE WITHIN A HISTORIC PRESERVATION OR HISTORIC CONSERVATION DISTRICT WITH SUFFICIENT HISTORIC INTEGRITY THAT IT CONTRIBUTES TO THE HISTORIC CHARACTER OF THE DISTRICT.

DEMOLITION: AN ACT OR PROCESS WHICH DESTROYS IN WHOLE OR IN PART A HOUSE, BUILDING, OR OTHER STRUCTURE OTHER THAN SOLELY INTERIOR ELEMENTS.

DEMOLITION APPROVAL: AUTHORIZATION FOR REMOVAL OF ALL OR PART OF A STRUCTURE WHICH IS LOCATED WITHIN A HISTORIC PRESERVATION DISTRICT OR AN AREA UNDER CONSIDERATION FOR A HISTORIC PRESERVATION DISTRICT OVERLAY OR LANDMARK DESIGNATION.

HERITAGE SITE: A LOCATION OF A PAST EVENT, STRUCTURE, OR DISTRICT THAT NO LONGER PHYSICALLY EXISTS THAT WAS SIGNIFICANT TO THE HISTORY OF CHANDLER. A HERITAGE SITE CAN RECEIVE RECOGNITION BY SIGNAGE, PLAQUES, OR PYLONS.

HISTORIC CONSERVATION DISTRICT: AN AREA OF THE CITY DESIGNATED BY THE CITY COUNCIL AND DEFINED BY DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY SREETES, CANALS, PLATS, OR OTHER PROPERTY LINES THAT CONTAINS ONE OR MORE HISTORIC PROPERTIES, HISTORIC ELIGIBLE PROPERTIES, OR HISTORIC PRESERVATION DISTRICTS OR IS ASSOCIATED WITH SIGNIFICANT EVENTS OR PERSONS OF THE CITY'S PAST WHERE PRESERVATION AND CONSERVATION OF THE REMAINING HISTORIC STRUCTURES AND CONTEXT IS ENCOURAGED.

HISTORIC ELIGIBLE: A PROPERTY, STRUCTURE, SITE, BUILDING, LANDMARK, OR DISTRICT THAT APPEARS TO MEET THE CRITERIA FOR DESIGNATION UNDER THIS ARTICLE.

HISTORIC PRESERVATION COMMISSION: THE COMMISSION AUTHORIZED BY THIS ARTICLE AND APPOINTED BY THE CITY COUNCIL TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

HISTORIC PRESERVATION DISTRICT: A ZONING OVERLAY OF AN AREA OF THE CITY DEFINED BY DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY STREETS, CANALS, PLATS, OR OTHER PROPERTY LINES AND CONTAINING AT LEAST ONE HISTORIC PROPERTY, STRUCTURE, SITE, BUILDING, OR LANDMARK, THAT IS SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

HISTORIC PRESERVATION OFFICER: AN OFFICER OR EMPLOYEE OF THE CITY WHOM THE CITY MANAGER DESIGNATES TO ADMINISTER THIS ARTICLE AND MAINTAIN THE CHANDLER HISTORIC PROPERTY REGISTER.

HISTORIC PROPERTY: A PROPERTY, STRUCTURE, SITE, BUILDING, LANDMARK, OR DISTRICT DESIGNATED AS HISTORIC UNDER THIS ARTICLE.

INTEGRITY: THE ABILITY OF A PROPERTY TO CONVEY ITS HISTORIC SIGNIFICANCE.

LANDMARK: A STRUCTURE OR SITE THAT CONTAINS AN OUTSTANDING OR UNIQUE EXAMPLE OF AN ARCHITECTURAL STYLE; IS ASSOCIATED WITH A MAJOR HISTORIC EVENT, ACTIVITY OR PERSON; IS A SITE OR STRUCTURE OF UNIQUE VISUAL QUALITY AND IDENTIFICATION; OR IS OF HISTORICAL OR CULTURAL IMPORTANCE TO THE COMMUNITY AND IS EITHER LOCATED IN A

HISTORIC PRESERVATION DISTRICT OR MEETS ALL CRITERIA FOR DESIGNATION AS A HISTORIC PRESERVATION DISTRICT.

MINOR WORK: ANY CHANGE THAT MODIFIES, RESTORES, REHABILITATES, RENOVATES, SURFACES, OR RESURFACES THE FEATURES OF A HISTORIC PROPERTY THAT DOES NOT MATERIALLY CHANGE THE HISTORIC CHARACTERISTICS OF THE PROPERTY.

NON-CONTRIBUTING PROPERTY: A BUILDING, PROPERTY, OR STRUCTURE WITHIN A HISTORIC PRESERVATION DISTRICT OR CONSERVATION DISTRICT THAT DOES NOT CONTRIBUTE TO THE HISTORIC CHARACTER OF THE DISTRICT.

NON-INCOME PRODUCING PROPERTY: AN OWNER-OCCUPIED SINGLE FAMILY DWELLING OR INSTITUTIONAL PROPERTY THAT DOES NOT GENERATE RENT OR OTHER FINANCIAL BENEFIT TO THE OWNER. A CITY-APPROVED HOME OCCUPATION IN AN OWNER-OCCUPIED SINGLE FAMILY DWELLING IS CONSIDERED A NON-INCOME PRODUCING PROPERTY FOR THE PURPOSES OF THIS ARTICLE.

NATIONAL REGISTER OF HISTORIC PLACES: THE NATIONAL REGISTER OF HISTORIC PLACES AS ESTABLISHED BY THE HISTORIC SITES ACT OF 1935 (16 U.S.C. § 461 *ET SEQ.*) AND EXPANDED BY THE NATIONAL HISTORIC PRESERVATION ACT OF 1966, (16 U.S.C. § 470 *ET SEQ.*), AS AMENDED.

PROFESSIONAL HISTORIAN: A PERSON WITH A DEGREE OR SIGNIFICANT COURSEWORK FROM AN ACCREDITED UNIVERSITY IN A DISCIPLINE OF HISTORICAL STUDY RELATED TO HISTORIC PRESERVATION, OR A PERSON WHO HAS ENGAGED IN ACTIVITIES RELEVANT TO HISTORIC PRESERVATION, SUCH AS PUBLISHING ARTICLES ON HISTORIC PRESERVATION, ACTIVELY REHABILITATING HISTORIC STRUCTURES, OR CONDUCTING RELEVANT STUDIES.

REPLACEMENT/REUSE PLAN: A PLAN FOR REDEVELOPMENT WITHIN A HISTORIC PRESERVATION DISTRICT THAT COMPLIES WITH EXISTING ZONING, THE GENERAL PLAN, HISTORIC PRESERVATION DESIGN GUIDELINES, AND MEETS THE CITY'S REQUIREMENTS FOR DEVELOPMENT AND REDEVELOPMENT.

WORKMANSHIP: THE PHYSICAL EVIDENCE OF THE CRAFTS OF A PARTICULAR CULTURE OR PEOPLE DURING ANY GIVEN PERIOD OF HISTORY OR PRE-HISTORY.

35-3404. HISTORIC PRESERVATION COMMISSION.

- 1) *HISTORIC PRESERVATION COMMISSION; ESTABLISHMENT; MEMBERS.* THE CHANDLER HISTORIC PRESERVATION COMMISSION IS HEREBY ESTABLISHED IN ACCORDANCE WITH ARTICLE VI OF THE CHANDLER CITY CHARTER. THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS WHO ARE RESIDENTS OF THE CITY AT LARGE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL. UPON ADOPTION OF THIS ORDINANCE, FOUR OF THE SEVEN SEATS SHALL BE FILLED BY THE THEN-SERVING PUBLIC MEMBERS OF THE ARCHITECTURAL REVIEW COMMITTEE, EACH OF WHOM SHALL SERVE THE REMAINDER OF THEIR TERM ON THE HISTORIC PRESERVATION COMMISSION. THE REMAINING THREE MEMBERS SHALL BE FILLED BY RESIDENTS OF THE CITY OF CHANDLER QUALIFIED AS SET FORTH IN THIS SECTION AND APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL.

THE TERMS OF THE MEMBERS SHALL BE FOR THREE YEARS AND SHALL BE STAGGERED SO THAT THE TERMS OF AT LEAST ONE, BUT NOT MORE THAN TWO, MEMBERS SHALL CONCLUDE IN ANY GIVEN YEAR. ANY VACANCY DURING A TERM SHALL BE FILLED BY THE MAYOR WITH THE APPROVAL OF THE COUNCIL FOR THE REMAINDER OF THE TERM. ALL MEMBERS SHALL SERVE WITHOUT COMPENSATION.

THE CHANDLER MUSEUM ADMINISTRATOR SHALL SERVE AS AN EX OFFICIO MEMBER OF THE COMMISSION.

THE MAYOR MAY APPOINT ADVISORY MEMBERS TO THE COMMISSION WITH THE APPROVAL OF THE CITY COUNCIL. ADVISORY AND EX OFFICIO MEMBERS MAY PARTICIPATE IN ALL DISCUSSIONS WHICH COME BEFORE THE COMMISSION BUT SHALL NOT VOTE ON ANY MATTER.

- 2) *QUALIFICATIONS OF MEMBERS.* MEMBERS OF THE COMMISSION SHALL BE PERSONS WHO HAVE DEMONSTRATED SPECIAL INTEREST, KNOWLEDGE, OR EXPERIENCE IN HISTORY AND HISTORIC PRESERVATION AND ARE OTHERWISE QUALIFIED BY BACKGROUND, TRAINING, EDUCATION, OR EXPERIENCE AS A PROFESSIONAL HISTORIAN, DESIGN PROFESSIONAL, ARCHITECT, LANDSCAPE ARCHITECT, REGISTERED ENGINEER, OR REAL ESTATE PROFESSIONAL. AT LEAST ONE MEMBER SHALL BE A PERSON WHO OWNS A HISTORIC PROPERTY OR A HISTORIC ELIGIBLE PROPERTY OR OPERATES A BUSINESS LOCATED IN A HISTORIC PROPERTY IN THE CITY OF CHANDLER. ONE MEMBER SHALL BE A MEMBER OF THE PLANNING AND ZONING COMMISSION. ONE MEMBER SHALL BE EITHER A PERSON WHOSE BUSINESS OR PROPERTY IS LOCATED WITHIN THE CITY CENTER DISTRICT OR A MEMBER OF THE DOWNTOWN CHANDLER COMMUNITY PARTNERSHIP.

- 3) *OFFICERS; MEETINGS; ADMINISTRATION OF OATH; QUORUM.* THE REGULAR COMMISSION MEMBERS SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG THEIR MEMBERSHIP DURING THE FIRST MEETING OF THE COMMISSION IN THE CALENDAR YEAR. MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC AND SHALL BE SCHEDULED AS NEEDED AT THE REQUEST OF THE CHAIR, THE HISTORIC PRESERVATION OFFICER, OR THE CITY MANAGER. AT LEAST ONE MEETING SHALL BE HELD IN EACH CALENDAR YEAR. THE CITY CLERK SHALL ADMINISTER OATHS. THE HISTORIC PRESERVATION OFFICER SHALL BE STAFF LIAISON TO THE COMMISSION. THE DEVELOPMENT SERVICES DIRECTOR SHALL APPOINT A STAFF MEMBER TO SERVE AS RECORDING SECRETARY TO THE COMMISSION. A MAJORITY OF THE REGULAR COMMISSION MEMBERS SHALL CONSTITUTE A QUORUM AT ANY MEETING.
- 4) *POWERS AND DUTIES.* THE POWERS AND DUTIES OF THE COMMISSION SHALL BE AS FOLLOWS:
- a. REVIEW AND RECOMMEND STANDARDS FOR THE DESIGNATION OF HISTORIC PROPERTIES TO THE CITY COUNCIL.
 - b. REVIEW APPLICATIONS FOR HISTORIC DESIGNATION AND MAKE RECOMMENDATIONS TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL ON THE DESIGNATION OF HISTORIC PRESERVATION DISTRICTS, HISTORIC CONSERVATION DISTRICTS, LANDMARKS, AND HERITAGE SITES.
 - c. CONDUCT PUBLIC HEARINGS TO DISCUSS AND ACT UPON APPLICATIONS FOR DESIGNATION.
 - d. SERVE AS AN APPEALS BOARD FOR REVIEW OF CERTIFICATES OF APPROPRIATENESS AND DEMOLITION REQUESTS.
 - e. PROVIDE ENCOURAGEMENT AND TECHNICAL GUIDANCE ON HISTORIC PRESERVATION AND DESIGNATIONS TO PROPERTY OWNERS AND CITY STAFF.
 - f. ADVISE THE CITY COUNCIL AND CITY STAFF ON HISTORIC PRESERVATION INITIATIVES AND PROGRAMS.
 - g. ACT AS COMMUNITY ADVOCATES TO ENCOURAGE PRESERVATION AND DESIGNATION OF HISTORIC PROPERTIES.
 - h. ACT AS A LIAISON WITH HISTORIC PRESERVATION COMMISSIONERS AND STAFF FROM OTHER MUNICIPALITIES.
 - i. ACT AS A LIAISON WITH THE STATE HISTORIC PRESERVATION OFFICE AS NEEDED.
 - j. RECOMMEND DESIGN GUIDELINES APPLICABLE TO THE ALTERATION OF THE EXTERIOR OF A DESIGNATED PROPERTY, INCLUDING, BUT NOT LIMITED TO, REHABILITATION OF OR ADDITIONS TO HISTORIC STRUCTURES AND NEW CONSTRUCTION ON VACANT LAND LOCATED IN HISTORIC PRESERVATION DISTRICTS TO THE CITY COUNCIL. DESIGN GUIDELINES MAY MODIFY THE STANDARDS SET FORTH IN CHAPTER 39 OF THE CITY

CODE FOR SIGNS THAT ARE CONSIDERED HISTORIC OR A HISTORIC FEATURE OF A HISTORIC STRUCTURE, BUT SHALL NOT AFFECT THE SAFETY OR PERMIT PROVISIONS OF THAT CHAPTER.

- k. REVIEW ARCHITECTURAL PLANS SUBMITTED FOR APPROVAL UNDER SECTION 35-3205.
 - l. UPON RECOMMENDATION OF THE HISTORIC PRESERVATION OFFICER, THE COMMISSION MAY INITIATE THE DESIGNATION PROCESS FOR A HISTORIC PROPERTY THAT APPEARS TO MEET THE CRITERIA FOR DESIGNATION AND IS IN IMMINENT DANGER OF DEMOLITION OR ALTERATION.
- 5) *RULES, REGULATIONS, AND RECORDS.* THE COMMISSION SHALL MAKE AND PUBLISH RULES AND REGULATIONS, WITH THE APPROVAL OF THE CITY COUNCIL, TO GOVERN ITS PROCEEDINGS AND TO CARRY OUT THE PROVISIONS OF THIS CODE. THE RECORDING SECRETARY SHALL KEEP MINUTES OF THE PROCEEDINGS SHOWING THE VOTE ON EVERY QUESTION, OR IF A MEMBER IS ABSENT OR FAILS TO VOTE, INDICATING THAT FACT, AND SHALL KEEP RECORDS OF THE COMMISSION'S EXAMINATIONS AND OTHER OFFICIAL ACTIONS. MINUTES OF THE COMMISSION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK. THE MINUTES SHALL BE A PUBLIC RECORD.

35-3405. HISTORIC PRESERVATION OFFICER.

THE POSITION OF HISTORIC PRESERVATION OFFICER IS HEREBY CREATED. THE HISTORIC PRESERVATION OFFICER SHALL BE APPOINTED BY THE CITY MANAGER AND WORK UNDER THE DIRECTION OF THE CITY MANAGER OR DESIGNEE. THE HISTORIC PRESERVATION OFFICER SHALL HAVE SOME BACKGROUND AND EXPERIENCE IN HISTORIC PRESERVATION AND MAY BE A PLANNER, ARCHITECT, ENGINEER, OR OTHER INDIVIDUAL DEEMED QUALIFIED BY THE CITY MANAGER TO PERFORM THE DUTIES OF THE POSITION. THE OFFICER SHALL:

- A. PERFORM ADMINISTRATIVE ACTS AS REQUIRED BY THE HISTORIC PRESERVATION ORDINANCE.
- B. SERVE AS STAFF LIAISON TO THE HISTORIC PRESERVATION COMMISSION.
- C. DEVELOP FORMS AND PROCEDURES FOR THE PROCESSING OF HISTORIC PRESERVATION DESIGNATION APPLICATIONS.
- D. MAINTAIN THE CHANDLER HISTORIC PROPERTY REGISTER.
- E. PROVIDE TECHNICAL AND POLICY RECOMMENDATIONS ON HISTORIC PRESERVATION MATTERS TO THE CITY MANAGER AND STAFF, HISTORIC PRESERVATION COMMISSION, PLANNING AND ZONING COMMISSION, AND CITY COUNCIL.
- F. REVIEW APPLICATIONS FOR HISTORIC PRESERVATION DESIGNATION AND MAKE RECOMMENDATIONS TO THE HISTORIC

- PRESERVATION COMMISSION, PLANNING AND ZONING COMMISSION, AND CITY COUNCIL.
- G. REVIEW APPLICATIONS FOR ALTERATION AND DEMOLITION OF DESIGNATED HISTORIC PROPERTIES AND PROPERTIES UNDER CONSIDERATION FOR HISTORIC DESIGNATION AND ISSUE APPROVALS, DENIALS, CERTIFICATES OF NO EFFECT, OR CERTIFICATES OF APPROPRIATENESS.
 - H. DEVELOP AND ADMINISTER, UNDER THE GUIDANCE OF THE CITY MANAGER AND HISTORIC PRESERVATION COMMISSION, PROGRAMS TO PROMOTE AND INCENT HISTORIC PRESERVATION.
 - I. ACT AS A LIAISON WITH THE STATE HISTORIC PRESERVATION OFFICE.

35-3406. DESIGNATION OF HISTORIC PROPERTY.

- 1) *CRITERIA FOR DESIGNATION.* A PROPERTY THAT MEETS THE FOLLOWING CRITERIA SHALL BE ELIGIBLE FOR DESIGNATION AS A HISTORIC PROPERTY:
 - a. SIGNIFICANCE:
 - 1. THE PROPERTY OR DISTRICT IS LISTED ON THE ARIZONA REGISTER OF HISTORIC PLACES AND HAS MAINTAINED ITS INTEGRITY; OR
 - 2. THE PROPERTY IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES AND HAS MAINTAINED ITS INTEGRITY; OR
 - 3. THE PROPERTY IS ASSOCIATED WITH EVENTS OR PERSONS SIGNIFICANT TO CHANDLER'S HISTORY OR NATIONAL HISTORY; OR
 - 4. THE PROPERTY INCLUDES EXAMPLES OF SIGNIFICANT ARCHITECTURAL STYLES OR CONSTRUCTION METHODS ASSOCIATED WITH THE PAST; OR
 - 5. THE PROPERTY HAS YIELDED OR IS LIKELY TO YIELD INFORMATION IN THE UNDERSTANDING OF THE HISTORY OR PRE-HISTORY OF THE CITY.
 - b. AGE:
 - 1. THE PROPERTY IS AT LEAST 50 YEARS OLD; OR
 - 2. THE PROPERTY HAS ACHIEVED SIGNIFICANCE IN THE PAST 50 YEARS IF THE PROPERTY IS OF EXCEPTIONAL IMPORTANCE.
 - c. INTEGRITY: THE PROPERTY RETAINS SUFFICIENT INTEGRITY OF LOCATION, DESIGN, SETTING, MATERIALS, WORKMANSHIP, FEELING, OR ASSOCIATION TO CONVEY SIGNIFICANCE.

- 2) *HISTORIC PRESERVATION DISTRICT AND HISTORIC CONSERVATION DISTRICT BOUNDARIES.* WHEN APPLYING THE CRITERIA FOR DESIGNATION SET FORTH IN THIS SECTION, THE HISTORIC PRESERVATION COMMISSION SHALL APPLY THE BOUNDARIES OF A HISTORIC PRESERVATION DISTRICT OR HISTORIC CONSERVATION DISTRICT TO ENSURE:
- a. THE DISTRICT CONTAINS DOCUMENTED HISTORIC, ARCHITECTURAL, OR ARCHAEOLOGICAL RESOURCES; AND
 - b. THE DISTRICT BOUNDARIES GENERALLY COINCIDE WITH DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY STREETS, CANALS, PLATS, OTHER PROPERTY LINES, OR OTHER BOUNDARIES; AND
 - c. OTHER DISTRICT BOUNDARIES COINCIDE WITH APPROPRIATE PHYSICAL OR MANMADE FEATURES THAT REFLECT RECOGNIZED NEIGHBORHOOD OR AREA BOUNDARIES; AND
 - d. OTHER NON-HISTORIC RESOURCES AND/OR VACANT LAND ARE INCLUDED WHERE NECESSARY TO CREATE APPROPRIATE BOUNDARIES FOR THE DISTRICT.

35-3407. PROCEDURE FOR DESIGNATING A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE.

- 1) *APPLICATION.* THE CITY OR A PROPERTY OWNER OR AUTHORIZED DESIGNEE SHALL FILE AN APPLICATION TO DESIGNATE A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE AS DIRECTED BY THE HISTORIC PRESERVATION OFFICER. THE APPLICATION SHALL INCLUDE THE FOLLOWING:
- a. FOR A HISTORIC CONSERVATION DISTRICT CONTAINING MORE THAN ONE PROPERTY, IDENTIFY BOTH CONTRIBUTING AND NON-CONTRIBUTING STRUCTURES.
 - b. FOR A HERITAGE SITE, IDENTIFY THE PAST EVENT, STRUCTURE, OR DISTRICT THAT NO LONGER PHYSICALLY EXISTS THAT WAS SIGNIFICANT TO THE HISTORY OF CHANDLER.
- 2) *REVIEW AND RECOMMENDATION.* THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE APPLICATION AND DEVELOP A REPORT WITH A RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION.
- 3) *PUBLIC HEARING.* THE HISTORIC PRESERVATION COMMISSION SHALL SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE MAILED TO ALL PROPERTY OWNERS WITHIN THE PROPOSED DISTRICT AND TO THE APPLICANT AT LEAST 30 CALENDAR DAYS BEFORE THE HEARING. NOTICE OF THE HEARING SHALL BE POSTED AT LEAST 15 CALENDAR DAYS PRIOR TO THE HEARING ON OR NEAR THE PROPERTY OR WITHIN THE PROPOSED DISTRICT IN ONE OR MORE

LOCATIONS, AS DETERMINED BY THE HISTORIC PRESERVATION OFFICER. THE NOTICE SHALL BE ON A FOUR FOOT BY EIGHT FOOT WOODEN SIGN CLEARLY VISIBLE TO PERSONS LIVING IN OR PASSING THROUGH THE NEIGHBORHOOD OR PROPOSED DISTRICT.

- 4) *COMMISSION DETERMINATION.* THE HISTORIC PRESERVATION COMMISSION SHALL EVALUATE EACH APPLICATION AND MAKE A DETERMINATION AND RECOMMENDATIONS IN THE PUBLIC HEARING BASED ON THE CRITERIA FOR DESIGNATION.
- 5) *COUNCIL ACTION.* FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL TRANSMIT TO THE CITY COUNCIL ITS DECISION AND RECOMMENDATION. THE CITY COUNCIL MAY ADOPT BY RESOLUTION THE RECOMMENDATIONS OF THE HISTORIC PRESERVATION COMMISSION.
- 6) *HISTORIC PROPERTY REGISTER.* CONTRIBUTING PROPERTIES WITHIN A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE SHALL BE ADDED TO THE CHANDLER HISTORIC PROPERTY REGISTER.
- 7) *REVERSION.* THE CITY OR AN OWNER OF PROPERTY WITHIN A HISTORIC CONSERVATION DISTRICT CAN INITIATE REVERSION OF A HISTORIC CONSERVATION DISTRICT DESIGNATION BY FILING AN APPLICATION FOR THAT PURPOSE. THE APPLICATION SHALL FOLLOW THE PROCEDURES FOR HEARING AND DETERMINATION SET FORTH IN THIS SECTION. REASONS FOR REVERSION MAY INCLUDE LOSS OF INTEGRITY, DEMOLITION, DESTRUCTION, AND/OR OWNER DESIRE TO REMOVE HISTORIC CONSERVATION DISTRICT DESIGNATION.

35-3408. PROCEDURE FOR ESTABLISHING HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION.

- 1) *APPLICATION.* AN OWNER OR AUTHORIZED DESIGNEE SHALL FILE AN APPLICATION TO ESTABLISH HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR TO DESIGNATE A LANDMARK AS DIRECTED BY THE HISTORIC PRESERVATION OFFICER. THE APPLICATION SHALL INCLUDE THE FOLLOWING:
 - a. IDENTIFY BOTH CONTRIBUTING AND NON-CONTRIBUTING STRUCTURES WITHIN THE PROPOSED HISTORIC PRESERVATION DISTRICT.
 - b. FOR LANDMARK DESIGNATION, DOCUMENTATION OF THE UNIQUENESS AND SIGNIFICANCE OF THE BUILDING OR SITE THAT JUSTIFIES DESIGNATION.

- c. A DECLARATION AND WAIVER IN A FORM PRESCRIBED BY THE HISTORIC PRESERVATION OFFICER SIGNED BY THE RECORD OWNERS OF AT LEAST 90 PERCENT OF THE CONTRIBUTING PROPERTIES IN THE PROPOSED DISTRICT.
 - d. CONTRIBUTING PROPERTIES WITHIN A HISTORIC PRESERVATION DISTRICT FOR WHICH THE RECORD OWNER HAS NOT SIGNED A DECLARATION AND WAIVER SHALL BE EXEMPT FROM REGULATION UNDER THIS SECTION.
 - e. THE RECORD OWNER OF AN EXEMPT CONTRIBUTING PROPERTY WITHIN A HISTORIC PRESERVATION DISTRICT MAY APPLY TO HAVE THE EXEMPTION REMOVED BY FILING AN APPLICATION IN A FORM PRESCRIBED BY THE HISTORIC PRESERVATION OFFICER. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE THE APPLICATION FOR A HEARING BEFORE THE HISTORIC PRESERVATION COMMISSION. FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL ISSUE ITS WRITTEN RECOMMENDATION AND REPORT TO THE CITY COUNCIL. THE CITY COUNCIL MAY ADOPT THE COMMISSION'S RECOMMENDATION BY ORDINANCE.
- 2) *REVIEW AND RECOMMENDATION.* THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE APPLICATION AND DEVELOP A REPORT WITH A RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION.
 - 3) *CITIZEN REVIEW PROCESS.* AN APPLICATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION SHALL FOLLOW THE CITIZEN REVIEW PROCESS AS SET FORTH IN CODE SECTION 35-2601.1. THE HISTORIC PRESERVATION OFFICER SHALL DISCHARGE THE DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR.
 - 4) *PUBLIC HEARING.* THE HISTORIC PRESERVATION COMMISSION SHALL SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE PROVIDED AS SET FORTH IN CODE SECTION 35-2602(A).
 - 5) *COMMISSION DETERMINATION.* THE HISTORIC PRESERVATION COMMISSION SHALL EVALUATE EACH APPLICATION AND MAKE A DETERMINATION AND RECOMMENDATION IN THE PUBLIC HEARING BASED ON THE CRITERIA FOR DESIGNATION. FOR LANDMARK DESIGNATION, THE COMMISSION SHALL ADOPT A SET OF FINDINGS THAT DOCUMENT THE UNIQUENESS AND SIGNIFICANCE OF THE BUILDING OR SITE.
 - 6) *PLANNING AND ZONING COMMISSION.* FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL TRANSMIT ITS DECISION AND RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION. THE PLANNING AND ZONING COMMISSION SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE

PROVIDED AS SET FORTH IN CODE SECTION 35-2602(A). AFTER THE HEARING, THE PLANNING AND ZONING COMMISSION SHALL RENDER ITS DECISION IN THE FORM OF A WRITTEN REPORT AND RECOMMENDATION TO THE CITY COUNCIL.

- 7) *COUNCIL ACTION.* THE CITY COUNCIL MAY ADOPT BY ORDINANCE THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION.
- 8) *HISTORIC PROPERTY REGISTER AND ZONING MAP.* PROPERTIES GRANTED HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION SHALL BE ADDED TO THE CHANDLER HISTORIC PROPERTY REGISTER AND THE ZONING MAP MAINTAINED BY THE CITY.
- 9) *REVERSION.* THE CITY OR AN OWNER OF PROPERTY WITHIN A HISTORIC PRESERVATION DISTRICT CAN INITIATE REVERSION OF THE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING BY FILING AN APPLICATION FOR THAT PURPOSE. THE APPLICATION SHALL FOLLOW THE PROCEDURES FOR HEARING AND DETERMINATION SET FORTH IN THIS SECTION. REASONS TO REMOVE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING MAY INCLUDE: LOSS OF INTEGRITY, DEMOLITION, DESTRUCTION, OR OWNER'S DESIRE TO REMOVE THE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING.

35-3409. DEMOLITION OR ALTERATION OF STRUCTURES ON PROPERTIES LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER OR PROPERTIES THAT ARE THE SUBJECT OF A PENDING APPLICATION FOR DESIGNATION.

- 1) *IDENTIFICATION.* THE HISTORIC PRESERVATION OFFICER SHALL DIRECT THAT THE PARCEL NUMBERS AND ADDRESSES OF PROPERTIES LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER, AND PROPERTIES THAT ARE THE SUBJECT OF A PENDING APPLICATION FOR A HISTORIC CONSERVATION DISTRICT, HERITAGE SITE, HISTORIC PRESERVATION DISTRICT OVERLAY ZONING, OR LANDMARK DESIGNATION BE NOTED AS SUCH IN THE CITY'S PERMIT DATABASE.
- 2) *MANDATORY REVIEW AND CONSULTATION.* THE BUILDING OFFICIAL SHALL REFER ALL APPLICATIONS FOR DEMOLITION OR CONSTRUCTION PERMITS ASSOCIATED WITH A PROPERTY LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER OR A PROPERTY THAT IS THE SUBJECT OF A PENDING APPLICATION FOR A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE TO THE HISTORIC PRESERVATION OFFICER FOR REVIEW AND CONSULTATION. WITHIN TEN BUSINESS DAYS AFTER RECEIVING THE REFERRAL, THE HISTORIC PRESERVATION OFFICER SHALL DETERMINE, USING THE DESIGNATION CRITERIA SET FORTH AT SECTION 35-3406, WHETHER THE STRUCTURE HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE OR IS ESSENTIAL TO THE HISTORIC FEATURES OF THE AREA

SUCH THAT FURTHER CONSULTATION PRIOR TO APPROVAL OF DEMOLITION OR CONSTRUCTION IS WARRANTED.

- a. IF THE HISTORIC PRESERVATION OFFICER DETERMINES THAT NO FURTHER CONSULTATION IS WARRANTED, HE SHALL DIRECT THE BUILDING OFFICIAL TO PROCEED WITH THE PROCESSING OF THE PERMIT.
 - b. IF THE HISTORIC PRESERVATION OFFICER DETERMINES THAT FURTHER CONSULTATION IS WARRANTED, THEN PRIOR TO ANY FURTHER PROCESSING OF THE PERMIT HE SHALL ACT PROMPTLY TO CONSULT WITH THE APPLICANT REGARDING ALTERNATIVES TO THE PROPOSED DEMOLITION OR OTHER SCOPE OF WORK THAT MAY MINIMIZE THE EFFECT ON THE HISTORIC FEATURES OF THE BUILDING OR PRESERVE SOME ASPECT OF IT. THE HISTORIC PRESERVATION OFFICER SHALL CONCLUDE CONSULTATION AND DIRECT SUCH FURTHER PROCESSING OF THE PERMIT AS IS APPROPRIATE 90 DAYS AFTER INITIATING CONSULTATION WITH THE APPLICANT.
- 3) *STAY OF DEMOLITION OR ALTERATION OF PROPERTIES UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR LANDMARK DESIGNATION.* NO PERMIT FOR DEMOLITION OR ALTERATION OF STRUCTURES ON PROPERTIES UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR LANDMARK DESIGNATION SHALL ISSUE WHILE AN APPLICATION FOR DESIGNATION IS PENDING EXCEPT AS FOLLOWS.
- a. *REVIEW.* THE BUILDING OFFICIAL SHALL REFER ALL APPLICATIONS FOR DEMOLITION OR CONSTRUCTION PERMITS ASSOCIATED WITH THE PROPERTY TO THE HISTORIC PRESERVATION OFFICER FOR REVIEW AND DETERMINATION USING THE CRITERIA FOR DESIGNATION SET FORTH IN SECTION 35-3406.
 - b. *DETERMINATION; CONDITIONS FOR APPROVAL.* THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A WRITTEN DETERMINATION ON THE DEMOLITION OR CONSTRUCTION PERMIT WITHIN 20 BUSINESS DAYS AFTER THE DATE THE BUILDING OFFICIAL RECEIVES THE APPLICATION.
 1. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE DEMOLITION PERMIT APPROVAL IF THE BUILDING DOES NOT HAVE HISTORIC OR ARCHITECTURAL SIGNIFICANCE, IS NOT ESSENTIAL TO THE HISTORIC FEATURES OF THE AREA, AND IS A NON-CONTRIBUTING STRUCTURE; OR THE BUILDING HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE BUT DENIAL OF THE

PERMIT WILL RESULT IN AN ECONOMIC HARDSHIP TO THE PROPERTY OWNER UNDER CODE SECTION 35-3413.

2. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE CONSTRUCTION PERMIT APPROVAL IF THE BUILDING DOES NOT HAVE HISTORIC OR ARCHITECTURAL SIGNIFICANCE, THE WORK WILL HAVE ONLY MINIMAL EFFECT ON THE HISTORIC FEATURES OF THE BUILDING, THE BUILDING HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE BUT THE SCOPE OF WORK IS LIMITED TO STABILIZING OR REPAIRING THE BUILDING, OR THE WORK IS LIMITED TO THE INTERIOR AND WILL NOT IMPACT THE BUILDING'S EXTERNAL APPEARANCE.
3. FOR ANY DEMOLITION OR CONSTRUCTION PERMIT APPLICATION THAT DOES NOT MEET THE CONDITIONS FOR APPROVAL SET FORTH ABOVE, THE HISTORIC PRESERVATION OFFICER SHALL DIRECT FURTHER PROCESSING OF THE PERMIT UNDER SUBSECTION (c) BELOW.

- c. A DEMOLITION OR CONSTRUCTION PERMIT APPLICATION THAT DOES NOT MEET ANY OF THE CONDITIONS FOR APPROVAL SET FORTH IN SUBSECTION (b) SHALL BE HELD FOR A PERIOD OF ONE YEAR FOR A STRUCTURE ON A PROPERTY UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR FOR A PERIOD OF THREE YEARS FOR A STRUCTURE UNDER CONSIDERATION FOR LANDMARK DESIGNATION. IF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING IS PLACED ON THE PROPERTY WITHIN ONE YEAR OR THE STRUCTURE RECEIVES LANDMARK DESIGNATION WITHIN THREE YEARS, THE PERMIT SHALL BE PROCESSED FOR A CERTIFICATE OF NO EFFECT, CERTIFICATE OF APPROPRIATENESS, OR DEMOLITION APPROVAL, AS APPLICABLE. IF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING IS NOT PLACED ON THE PROPERTY WITHIN ONE YEAR OR THE STRUCTURE HAS NOT RECEIVED LANDMARK DESIGNATION WITHIN THREE YEARS, THE HOLD SHALL BE REMOVED AND THE PERMIT SHALL BE PROCESSED IN THE NORMAL COURSE.
- d. *REQUEST FOR HEARING.* THE APPLICANT MAY REQUEST A PUBLIC HEARING WITHIN FIVE BUSINESS DAYS OF THE HISTORIC PRESERVATION OFFICER'S WRITTEN DETERMINATION. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE A PUBLIC HEARING WITHIN 30 CALENDAR DAYS OF RECEIPT OF THE REQUEST AT WHICH THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE PERMIT APPLICATION UNDER THE STANDARDS SET FORTH IN CODE SECTION 35-3406 AND ANY EVIDENCE PRESENTED AT THE HEARING. NOTICE OF THE HEARING SHALL BE POSTED ON THE

PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A WRITTEN DECISION CONFIRMING, REVERSING, OR MODIFYING THE WRITTEN DETERMINATION WITHIN TEN CALENDAR DAYS AFTER THE HEARING. THE HISTORIC PRESERVATION OFFICER MAY APPOINT AN INDEPENDENT HEARING OFFICER TO CONDUCT THE HEARING AND RENDER THE DECISION.

- e. *APPEAL.* THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY, WITHIN FIVE BUSINESS DAYS AFTER ISSUANCE OF THE HISTORIC PRESERVATION OFFICER'S WRITTEN DECISION CONFIRMING, REVERSING, OR MODIFYING THE WRITTEN DETERMINATION, APPEAL TO THE HISTORIC PRESERVATION COMMISSION. THE APPEAL STAYS ALL PROCEEDINGS AND ACTION IN THE MATTER APPEALED. THE COMMISSION SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPEAL, PROVIDED THAT IF THE HEARING IS NOT HELD WITHIN 60 CALENDAR DAYS OF THE DATE THE APPEAL WAS FILED WITH THE COMMISSION, THE APPLICATION SHALL BE DEEMED APPROVED AND PERMITS ISSUED WITHIN 10 DAYS THEREAFTER. NOTICE OF THE HEARING SHALL BE POSTED ON THE PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING.
- f. *FINAL ACTION.* THE COMMISSION SHALL ISSUE ITS WRITTEN DECISION ON THE APPEAL WITHIN TEN CALENDAR DAYS AFTER THE HEARING AND SUCH DECISION SHALL BECOME FINAL WITHIN FIVE BUSINESS DAYS THEREAFTER UNLESS APPEALED BY THE APPLICANT OR ANY AGGRIEVED PARTY OF INTEREST TO THE SUPERIOR COURT OF THE STATE OF ARIZONA. UPON FILING OF AN APPEAL, ACTION ON THE PERMIT SHALL BE STAYED PENDING ISSUANCE OF A DECISION BY THE SUPERIOR COURT.

35-3410. EFFECT OF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION.

PROPERTIES SUBJECT TO A HISTORIC PRESERVATION DISTRICT ZONING OVERLAY AND LANDMARK DESIGNATION MAY NOT BE ALTERED OR DEMOLISHED EXCEPT IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

- 1) THE OWNERS OF CONTRIBUTING PROPERTIES WITHIN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN THE HISTORIC INTEGRITY OF THEIR PROPERTIES. ANY ALTERATION TO THE EXTERIOR OF THESE PROPERTIES OR NEW CONSTRUCTION ON VACANT LAND SHALL MEET THE DESIGN GUIDELINES ADOPTED BY THE CITY COUNCIL.
- 2) THE OWNER OF A PROPERTY IN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN AND PRESERVE THE PROPERTY AT A LEVEL SUFFICIENT

TO ENSURE THAT THE PROPERTY DOES NOT PRESENT A SAFETY HAZARD TO THE OCCUPANTS OR TO THE PUBLIC IN ACCORDANCE WITH APPLICABLE CONSTRUCTION AND FIRE CODES.

- 3) THE OWNER OF A PROPERTY IN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODES AND ORDINANCES OF THE CITY OF CHANDLER.
- 4) THE BUILDING OFFICIAL SHALL NOT ISSUE A CONSTRUCTION PERMIT FOR THE DEMOLITION OR ALTERATION OF A LANDMARK OR CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT UNTIL A CERTIFICATE OF NO EFFECT, A CERTIFICATE OF APPROPRIATENESS, OR A DEMOLITION APPROVAL IS ISSUED. THE BUILDING OFFICIAL MAY PERMIT TEMPORARY FACILITIES IN CONJUNCTION WITH CONSTRUCTION APPROVED UNDER THIS SECTION.
- 5) ALL NEW BUILDINGS ON VACANT LAND, PERMANENT SIGNS OR OTHER STRUCTURES IN A HISTORIC PRESERVATION DISTRICT MUST FOLLOW DESIGN GUIDELINES ADOPTED BY THE CITY COUNCIL.
- 6) ORDINARY MAINTENANCE AND REPAIR OF ANY CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT WHICH DOES NOT ALTER OR MODIFY THE HISTORIC CHARACTER OF THE STRUCTURE ARE ALLOWED.

35-3411. CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS.

- 1) THE BUILDING OFFICIAL SHALL REFER AN APPLICANT FOR A CONSTRUCTION PERMIT FOR ALTERATION OF A CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT TO THE HISTORIC PRESERVATION OFFICER. THE HISTORIC PRESERVATION OFFICER SHALL REVIEW WITH THE APPLICANT THE PROPOSED SCOPE OF WORK AND DETERMINE WHETHER A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS IS REQUIRED.
- 2) *CERTIFICATE OF NO EFFECT.* THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A CERTIFICATE OF NO EFFECT IF:
 - a. THE PROPOSED WORK IS MINOR AND CLEARLY WITHIN ADOPTED DESIGN GUIDELINES, AND
 - b. ANY MODIFICATION TO THE PROPOSED WORK REQUESTED BY THE HISTORIC PRESERVATION OFFICER IS ACCEPTED BY THE APPLICANT, AND
 - c. THE PROPOSED WORK WILL NOT DIMINISH, ELIMINATE, OR ADVERSELY AFFECT THE HISTORIC CHARACTER OF THE CONTRIBUTING STRUCTURE OR THE HISTORIC PRESERVATION

DISTRICT, AS DETERMINED BY THE HISTORIC PRESERVATION OFFICER.

- 3) IF A CERTIFICATE OF NO EFFECT IS NOT ISSUED, THE APPLICANT SHALL APPLY FOR A CERTIFICATE OF APPROPRIATENESS.
- 4) CERTIFICATE OF APPROPRIATENESS; HEARING REQUIRED. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE A HEARING WITHIN 30 CALENDAR DAYS AFTER THE FILING OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS. NOTICE OF THE HEARING SHALL BE POSTED ON THE PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A CERTIFICATE OF APPROPRIATENESS IF:
 - a. THE PROPOSED WORK IS COMPATIBLE WITH THE RELEVANT HISTORIC, CULTURAL, EDUCATIONAL, AND ARCHITECTURAL QUALITIES CHARACTERISTIC OF THE STRUCTURE, SITE, OR DISTRICT; AND
 - b. THE PROPOSED WORK CONFORMS TO THE DESIGN GUIDELINES AND STANDARDS APPROVED BY THE HISTORIC PRESERVATION COMMISSION.
- 5) *APPEAL*. THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY APPEAL THE HISTORIC PRESERVATION OFFICER'S DECISION WITHIN THE TIMEFRAMES AND PURSUANT TO THE PROCEDURES SET FORTH AT SECTION 35-3409(3)(e) AND (f).
- 6) NO CHANGE SHALL BE MADE IN THE APPROVED PLANS OF THE PROJECT AFTER THE ISSUANCE OF A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS WITHOUT RESUBMITTAL TO THE HISTORIC PRESERVATION OFFICER AND APPROVAL OF THE CHANGE IN THE SAME MANNER AS PROVIDED IN THIS SECTION.
- 7) ALL CERTIFICATES APPROVED IN ACCORDANCE WITH THIS SECTION SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE UNLESS THE WORK IS STARTED IN THAT TIMEFRAME.
- 8) THE APPLICANT SHALL OBTAIN ALL REQUIRED CONSTRUCTION PERMITS TO PERFORM THE WORK DESCRIBED BY THE CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS.
- 9) IF WORK REQUIRING A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS OCCURS PRIOR TO THE ISSUANCE OF SUCH CERTIFICATE, THE BUILDING OFFICIAL SHALL ISSUE A STOP WORK ORDER AND CONSTRUCTION SHALL CEASE UNTIL SUCH TIME AS THE REQUIRED CERTIFICATE IS OBTAINED.

35-3412. DEMOLITION OR REMOVAL OF STRUCTURES.

- 1) THE BUILDING OFFICIAL SHALL REFER AN APPLICANT FOR A CONSTRUCTION PERMIT TO DEMOLISH OR REMOVE A CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT TO THE HISTORIC PRESERVATION OFFICER. WITHIN TEN BUSINESS DAYS AFTER RECEIVING THE APPLICATION AND ANY REQUESTED ANALYSIS OR REPORTS, THE HISTORIC PRESERVATION OFFICER SHALL ISSUE DEMOLITION OR REMOVAL APPROVAL IF:
 - a. THE CONTRIBUTING PROPERTY HAS LOST ITS HISTORIC SIGNIFICANCE OR VALUE THROUGH CIRCUMSTANCES BEYOND CONTROL OF THE OWNER, OR
 - b. THE CONTRIBUTING PROPERTY PRESENTS A DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER, OR
 - c. THE LOSS OF THE CONTRIBUTING PROPERTY WOULD NOT ADVERSELY AFFECT THE INTEGRITY OF THE HISTORIC PRESERVATION DISTRICT AND ITS DEMOLITION WOULD BE INCONSEQUENTIAL TO THE HISTORIC PRESERVATION NEEDS OF THE CITY, OR
 - d. THE APPLICANT DEMONSTRATES ECONOMIC HARDSHIP UNDER SECTION 35-3413.
- 2) AT THE REQUEST OF THE HISTORIC PRESERVATION OFFICER, THE APPLICANT SHALL PROVIDE ANALYSIS AND REPORTS FROM AN ARCHITECT OR ENGINEER LICENSED IN THE STATE OF ARIZONA TO SUPPORT THE APPLICATION. THE HISTORIC PRESERVATION OFFICER MAY ALSO COMMISSION AND OBTAIN, AS RESOURCES ALLOW, INDEPENDENT REPORTS FROM AN ARCHITECT OR ENGINEER LICENSED IN THE STATE OF ARIZONA TO DETERMINE THE CONDITION AND SAFETY OF A CONTRIBUTING PROPERTY.
- 3) IF DEMOLITION OR REMOVAL APPROVAL IS DENIED, THEN THE APPLICATION SHALL BE HELD FOR A PERIOD OF ONE YEAR FROM THE DATE OF DENIAL FOR A CONTRIBUTING PROPERTY OR FOR A PERIOD OF THREE YEARS FROM THE DATE OF DENIAL FOR A LANDMARK. THE HISTORIC PRESERVATION OFFICER MAY CONTACT THE PROPERTY OWNER TO DETERMINE IF A REHABILITATION OR REUSE PLAN IS FEASIBLE FOR THE PROPERTY. THE HISTORIC PRESERVATION OFFICER MAY PROVIDE THE OWNER WITH ANY AVAILABLE ASSISTANCE TO PLACE THE PROPERTY INTO PRODUCTIVE USE. AT THE END OF THE APPLICABLE HOLD PERIOD, THE DEMOLITION OR REMOVAL MAY PROCEED.

- 4) *APPEAL.* THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY APPEAL THE HISTORIC PRESERVATION OFFICER'S DECISION WITHIN THE TIMEFRAMES AND PURSUANT TO THE PROCEDURES SET FORTH AT SECTION 35-3409(3)(e) AND (f).
- 5) A DEMOLITION PERMIT MAY INCLUDE STIPULATIONS THAT LIMIT THE EXTENT OF DEMOLITION OR ALLOW ACCESS TO A PROPERTY PRIOR TO DEMOLITION FOR DOCUMENTATION OR REMOVAL OF ARTIFACTS AND ARCHITECTURAL FEATURES.
- 6) ANY IMPROVEMENTS CONSTRUCTED ON THE PROPERTY FOLLOWING DEMOLITION SHALL BE IN ACCORDANCE WITH THIS ARTICLE AND ALL OTHER CITY CODES AND ORDINANCES AS APPLICABLE.

35-3413. ECONOMIC HARDSHIP.

- 1) AN APPLICANT SEEKING DEMOLITION OR REMOVAL APPROVAL BASED ON ECONOMIC HARDSHIP SHALL DEMONSTRATE THE FOLLOWING:
 - a. FOR AN INCOME-PRODUCING PROPERTY, DEMONSTRATE THAT A REASONABLE RATE OF RETURN CANNOT BE OBTAINED FROM A CONTRIBUTING PROPERTY THAT RETAINS ITS HISTORIC FEATURES AND REMAINS IN ITS PRESENT CONDITION OR THAT RETAINS ITS HISTORIC FEATURES AND IS REHABILITATED.
 - b. FOR A NON-INCOME PRODUCING PROPERTY, DEMONSTRATE THAT THE CONTRIBUTING PROPERTY HAS NO BENEFICIAL USE AS A SINGLE FAMILY DWELLING, CANNOT BE REHABILITATED FOR AN INSTITUTIONAL USE, AND IS IN SUCH A DILAPIDATED CONDITION THAT THE COST TO REHABILITATE OR RESTORE IT TO ITS HISTORIC INTEGRITY IS UNREASONABLE.
- 2) A FINDING OF ECONOMIC HARDSHIP SHALL NOT BE BASED ON ANY OF THE FOLLOWING:
 - a. WILLFUL OR NEGLIGENT ACTS OF THE OWNER OR TENANTS.
 - b. PURCHASE OF THE PROPERTY FOR SUBSTANTIALLY MORE THAN FAIR MARKET VALUE.
 - c. FAILURE TO PERFORM ROUTINE MAINTENANCE AND REPAIRS.
 - d. FAILURE TO DILIGENTLY SOLICIT AND RETAIN TENANTS.
 - e. FAILURE TO PROVIDE USUAL AND CUSTOMARY TENANT IMPROVEMENTS.
- 3) THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION COMMISSION MAY REQUIRE AN OWNER TO SUBMIT REPORTS AND OTHER ACCEPTABLE DATA TO SUPPORT THE REQUEST FOR ECONOMIC HARDSHIP. THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION

COMMISSION MAY COMMISSION, AS RESOURCES ARE AVAILABLE, INDEPENDENT REPORTS TO SUPPORT OR REBUT THE REQUEST FOR ECONOMIC HARDSHIP.

35-3414. CHANDLER HISTORIC PROPERTY REGISTER.

- 1) THE CHANDLER HISTORIC PROPERTY REGISTER IS ESTABLISHED FOR THE PURPOSE OF RECORDING THE HISTORIC SITES, STRUCTURES, BUILDINGS, OBJECTS, AND AREAS THAT EXIST IN THE CITY OF CHANDLER.
- 2) THE REGISTER SHALL CONSIST OF ALL DESIGNATED HISTORIC SITES, STRUCTURES, BUILDINGS, OBJECTS, AND DISTRICTS.
- 3) THE REGISTER SHALL INCLUDE SITES, STRUCTURES, BUILDINGS, OBJECTS, AND AREAS THAT ARE ELIGIBLE FOR DESIGNATION AS HISTORIC PRESERVATION DISTRICTS, HISTORIC CONSERVATION DISTRICTS, HERITAGE SITES, AND LANDMARKS.
- 4) THE REGISTER MAY INCLUDE HISTORIC RESOURCES THAT NO LONGER PHYSICALLY EXIST.
- 5) THE HISTORIC PRESERVATION OFFICER SHALL MAINTAIN THE HISTORIC PROPERTY REGISTER AND UPDATE IT AS PROPERTIES AND DISTRICTS RECEIVE DESIGNATION AND INFORMATION IS ACCUMULATED ON PROPERTIES AND AREAS THAT MAY BECOME OR ARE ELIGIBLE.

35-3415. ENFORCEMENT, VIOLATIONS, AND PENALTIES.

ANY PERSON WHO VIOLATES, DISOBEYS, OMMITS, NEGLECTS, REFUSES TO COMPLY WITH, OR RESISTS THE ENFORCEMENT OF ANY OF THE PROVISIONS OF THIS ARTICLE SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN ARTICLE XXVII OF THIS CHAPTER. VIOLATIONS OF THIS ARTICLE SHALL ALSO BE SUBJECT TO ABATEMENT UNDER ARTICLE XXVII OF THIS CHAPTER.

Exhibit C

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Governor's Executive Orders/Proclamations

EXECUTIVE ORDERS, PROCLAMATIONS OF GENERAL APPLICABILITY, AND STATEMENTS ISSUED BY THE GOVERNOR PURSUANT TO A.R.S. § 41-1013(B)(3)

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** EXECUTIVE ORDER 2009-09 * PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS (Superseding Executive Order 99-4 and Amending Executive Order 75-5)**

[M09-395]

WHEREAS, Executive Order 99-4 was effectuated to assure that persons or entities contracting with the State of Arizona or its political subdivisions comply with the provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.) and with Arizona's Civil Rights Act (Title 41, Chapter 9, Article 4);

WHEREAS, Executive Order 99-4 correctly states that various religious organizations are exempted from Arizona's Civil Rights Act;

WHEREAS, Executive Order 99-4 does not expressly state the federal and state exemptions for Indian tribes under both the federal and State Civil Rights Acts;

WHEREAS, 42 U.S.C. § 200e(b)(1) exempts tribes from the definition of employer;

WHEREAS, A.R.S. § 41-1461 4 (b)(i) also exempts Indian tribes from the definition of employers to whom the Arizona Civil Rights Act applies;

WHEREAS, Indian tribes across the State have recently begun to experience difficulty contracting with the State, often for money or services to which they are lawfully entitled, as a result of their exclusion from specified exemptions within Executive Order 99-4;

WHEREAS, the Attorney General's Office has in some cases interpreted the existing provisions as requiring tribes to waive rights guaranteed by both federal and State law;

WHEREAS, a modification is necessary to expressly provide that the exemptions found in federal and State law continue in full force and effect;

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. Executive Order 75-5 is hereby amended as follows:

PART I - Non-discrimination in employment by government contractors and subcontractors.

Unless otherwise exempted by federal or state civil rights laws, all government contracting agencies shall include in every government contract hereinafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, age, color, religion, sex or national origin. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor agrees to post in conspicuous

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places available to employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

A continued Executive Order No. 75-5 is hereby amended to permit government contractors and subcontractors that are exempted from compliance under Title 41, chapter 9, article 4, Arizona Revised Statutes or 42 U.S.C. § 200e(b)(1), to provide employment preferences consistently with federal and state statutes;

Therefore, Executive Order 75-5 does not apply to Indian tribes. It likewise does not apply to religious organizations with respect to the employment of individuals of a particular religion to perform work connected with the activities of the employer. It also provides that religious organizations may provide employment preferences based upon religion when dealing with a bona fide occupational qualification reasonably necessary to the operation of the religious organization. This is consistent with the provisions of the Civil Rights Act of 1964 (42 U.S.C. 2000e, et seq.). In addition, in the Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193, Congress provided that religious organizations are eligible for the receipt of federal funds on the same basis as other private organizations.

Executive Order No. 75-5 prohibits all other government contractors and subcontractors from discriminating against any employee or applicant for employment because of race, age, color, religion, sex or national origin. Executive Order No. 75-5 further requires all government contractors and subcontractors to take action to insure that applicants are employed and employees are treated during employment without regard to their race, age, color, religion, sex or national origin.

- B. The contractor will in all solicitations or advertisement for employees placed by or on behalf of the contractor state that all qualified applicants will receive consideration for employment without regard of race, age, color, religion, sex or national origin.
- C. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under the Executive Order and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The contractor will furnish all information and reports required by the contracting agency and will permit access to his books, records, and accounts by the contracting agency and the Civil Rights Division for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- E. In the event of the contractor's noncompliance with the nondiscrimination clauses of the contract or with any such rules, regulations or orders of the Arizona Civil Rights Division said noncompliance will be considered a material breach of the contract and this contract may be cancelled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible for future government contracts until said contractor has been found to be in compliance with the provisions of this order and the rules and regulations of the Arizona Civil Rights Division, and such sanctions may be imposed and remedies invoked as provided in Part II of this order, and the rules and regulations of the Arizona Civil Rights Division.
- F. The contractor will include the provisions of paragraphs A through E in every subcontractor purchase order so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to the subcontract or purchase orders the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event the contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the State of Arizona to enter into such litigation to protect the interest of the State of Arizona.
- G. Each contractor having a contract containing the provisions prescribed in this section shall file and shall cause each of his subcontractors to file compliance reports with the contracting agency or the Civil Rights Division, as may be directed. Compliance reports shall be filed within such times and shall contain such information as the practices, policies, programs and employment policies, programs and employment statistics of the contractor and each subcontract and shall be in form as the Arizona Civil Rights Division may prescribe.
- H. Bidders or prospective contractors of subcontractors shall be required to state whether they have participated in any previous contract subject to the provisions of this order or any preceding similar Executive Order and in such event to submit on behalf of themselves and the proposed subcontractors compliance reports prior to, or as an initial part of negotiation of a contract.
- I. Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers of providing or supervising apprenticeship or training for

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such workers, the compliance report shall include such information from such labor unions or agency practices or policies affecting compliance as the contracting agency or Civil Rights Division may prescribe: provided that, to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify the contracting agency as part of its compliance report and shall set forth what efforts he has made to obtain such information.

- J. The contracting agency or the Civil Rights Division shall require that the bidder or prospector contractor or subcontractor shall submit as part of his compliance report a statement in writing signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training with which the bidder or prospective contractor deals with supporting information to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purpose and provisions of this order. In the event that the union or the agency shall refuse to execute such a statement, the compliance shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Civil Rights Division may require.

PART II - Enforcement

- A. Each contracting agency shall be primarily responsible for obtaining compliance with this Executive Order with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Civil Rights Division in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this order and the rules and regulations and orders of the Civil Rights Division issued pursuant to this order. They are directed to cooperate with the Civil Rights Division and to furnish the Division such information and assistance as it may require in the performance of the Division's functions under this order. They are further directed to appoint or designate from among the agency personnel compliance officers. It shall be the duty of such officers to first seek compliance with the objective of this order by conference, conciliation, mediation or persuasion.
- B. The Civil Rights Division may investigate the employment practices of any government contractor if subcontractor of initiate such investigation by the appropriate contracting agency or determine whether or not the contractual provisions specified in this order have been violated. Such investigations shall be conducted in accordance with the procedures established by the Civil Rights Division and the investigating agencies shall report to the Civil Rights Division any action taken or recommended. The Civil Rights Division may receive and investigate or cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which alleges discrimination contrary to the contractual provisions specified in Part I of this order. If the investigation is conducted for the Civil Rights Division by a contracting agency, that agency shall report to the Civil Rights Division what action has been taken or it's recommendation with regard to such complaint.
- C. The Civil Rights Division shall use its best efforts directly and through contracting agencies, other interested state and local agencies, contractors and all other available instrumentalities to cause any labor union engaged in work under government contracts or any agency referring workers or providing or supervising apprenticeship or training for it in the course of such work or cooperate in the implementation of the purposes of this order.
- D. The Civil Rights Division or any agency, officer or employee in the executive branch of the government designated by rule, regulation or order of the Civil Rights Division may hold such hearings, public or private, as the Division may deem advisable for compliance, enforcement of educational purposes. The Civil Rights Division may hold or cause to be held hearings in accordance with rules and regulations issued by the Civil Rights Division prior to imposing, ordering or recommending the imposition of penalties and sanctions under this order.
- E. No order for debarment of any contractor from further government contracts under this order shall be made without affording the contractor an opportunity for a hearing.
- F. Sanctions and Penalties. In accordance with such rules, regulations or orders as the Civil Rights Division may issue or adopt, the Civil Rights Division or the appropriate contracting agency may publish or cause to be published the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order and with the rules, regulations and orders of the Civil Rights Division.
1. Contracts may be cancelled, in whole or in part, terminated, or suspended absolutely, or continuation of contracts may be conditioned upon a program for future compliance approved by the contracting agency or the Civil Rights Division: provided that any contracting agency shall refrain from entering into further contracts, extensions or

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other modifications of existing contracts with any noncomplying contractor until such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this order.

2. Under rules and regulations prescribed by the Civil Rights Division, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation and persuasion before proceedings shall be instituted under this order of before a contract shall be cancelled or terminated in whole or in part under this order for failure of a contractor or subcontractor to comply with the contract provisions of this order.
- G. This Executive Order shall become effective immediately of its issuance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 20th day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State