

Meeting Minutes

City Council Work Session

February 24, 2025 | 3:30 p.m.
Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 3:31 p.m.

Roll Call

Council Attendance

***Mayor Kevin Hartke
Vice Mayor Christine Ellis
*Councilmember Angel Encinas
Councilmember Jane Poston
Councilmember Matt Orlando
Councilmember OD Harris
**Councilmember Jennifer Hawkins

Appointee Attendance

Joshua Wright, City Manager
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

*Councilmember Encinas attended virtually and departed at 5:35 p.m.
**Councilmember Hawkins attended virtually
***Mayor Hartke departed at 5:45 p.m.

Staff in Attendance

Tadd Wille, Assistant City Manager
Dawn Lang, Deputy City Manager / Chief Financial Officer
Andy Bass, Deputy City Manager
Jenny Winkler, Assistant City Attorney
Dawn Gingerich, Assistant City Attorney
Alexis Apodaca, Mayor & Council Public Affairs Senior Manager
Tawn Kao, Deputy City Attorney
Leah Powell, Neighborhood Resources Director
Guy Jacques, Neighborhood Resources Senior Manager
Matt Burdick, Communications & Public Affairs Director
Jennifer Ekblad, Deputy City Clerk

Discussion

1. Regulation of Political and Temporary Signs and Campaign Finance

MAYOR HARTKE called for a staff presentation.

JOSHUA WRIGHT, City Manager, introduced the discussion item.

KELLY SCHWAB, City Attorney, presented the following presentation.

- Regulation of Political Signs
- Political Sign Requirements – State Law
 - ARS § 16-1019 Political signs; printed materials; tampering; violation; classification
 - Regulates signs that support or oppose a candidate for public office or a ballot measure, question or issue
 - Preempts city removal of political signs—period between 71 days before primary and 15 days after general election
 - A city may prohibit the installation of signs on structures owned by the city
 - Excludes state highways or routes, or overpasses
 - Class 2 misdemeanor for any person to knowingly remove, alter, deface, or cover any political sign
- Sign Requirements
 - ARS 16-1019 (C) Political signs; printed materials; tampering; violation; classification
 - 1. The sign is placed in a public right-of-way.
 - 2. The sign supports or opposes a candidate for public office or a ballot measure.
 - 3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.
 - 4. The sign has a maximum area of
 - 16 square feet for residential
 - 32 square feet any other area
 - 5. The sign contains the name and telephone number, or website address of the candidate or campaign committee contact person. **
- Sign Requirements
 - ARS 16-1019 (C) Political signs; printed materials; tampering; violation; classification
 - The sign contains the name and telephone number, or website address of the candidate or campaign committee contact person
 - Only applies when there is a candidate or a campaign committee
 - Fails to address signs that may be posted by an individual who is neither a candidate or a person acting on behalf of a campaign committee which is protected speech under the 1st Amendment

COUNCILMEMBER POSTON asked if individuals placing their own signs are subject to the time period defined in statute and how is that determined.

MS. SCHWAB explained that during the time period defined in statute, 71 days prior to the primary election and 15 days after the general election, there is not regulation based on content. It is unconstitutional to take action due to the content of a sign during this time period.

COUNCILMEMBER POSTON asked about a scenario where an individual sign was posted outside of the time period defined in statute.

MS. SCHWAB said temporary signs posted outside of the protected time period would be regulated by Chandler's temporary sign code.

MAYOR HARTKE asked how individual signs are regulated on private property.

MS. SCHWAB said individuals have a right to post signs on their own private property.

MAYOR HARTKE asked if there are any regulations about maximum sign size on private property.

MS. SCHWAB said size is not governed on private property unless it is a commercial property. There are separate requirements for temporary signs. HOAs may have other regulations that they enforce.

MAYOR HARTKE said he wanted to talk about the divide between neighborhood signs and private property signs.

MS. SCHWAB said this will be discussed later in the presentation.

MS. SCHWAB continued the presentation.

- Sign Removal
 - If the City deems that the placement of a political sign constitutes an emergency, the City may immediately relocate the sign.
 - The City will notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.
 - If a sign is placed in violation of ARS 16-1019(C) and the placement is not deemed an emergency, the City may notify the candidate or campaign committee of the violation. If the sign remains in violation 24 hours after the notification, the City may remove the sign.

MAYOR HARTKE confirmed that Chandler does not allow signs in the medians due to risk and obstruction of view.

MS. SCHWAB said that was correct.

MAYOR HARTKE confirmed that by right, the city can remove signs in medians due to the placement.

MS. SCHWAB said that was correct.

MS. SCHWAB continued the presentation.

- Case Law Regarding Signs
 - U.S. Supreme Court ruling: Reed vs. Town of Gilbert, 2015
 - Unconstitutional for municipalities to regulate signs differently based on the message of those signs
 - Sign regulations must be "content neutral"
- Other Cities' Sign Regulations
 - Gilbert—prohibits temporary signs in the right-of-way
 - Mesa—prohibits temporary signs in the right-of-way
 - Tempe—prohibits temporary signs in the right-of-way
 - Phoenix—prohibits temporary signs in the right-of-way
 - Scottsdale—prohibits temporary signs in the right-of-way
 - *These provisions can not be enforced during the time period set forth in A.R.S. § 16-1019.
- What can Chandler do?
 - Ban temporary signs in the right-of-way
 - Temporary signs will not be removed during the time periods in A.R.S. § 16-1019
 - Require all temporary signs in the right-of-way to include contact information
 - Does not conflict with state law
 - Equal application
 - Provides a method of contact for staff

COUNCILMEMBER POSTON asked what this ban could include.

MS. SCHWAB recommended a ban include all temporary signs equally in order to prohibit regulation based on content.

MAYOR HARTKE asked if the temporary sign permit process is congruent with a requirement to include contact information on signs.

MS. SCHWAB recommended that the requirement to include contact information on signs could be part of the permit process.

MAYOR HARTKE asked to clarify that a flat ban on temporary signs in the right-of-way could coincide with a temporary sign permit.

MS. SCHWAB said yes, a permit could coincide with a ban on any temporary signs in the right of way outside of the permitting process.

MS. SCHWAB continued the presentation.

- What can't Chandler do?
 - Chandler cannot regulate content of signs
 - Chandler cannot remove signs that comply with the law

COUNCILMEMBER ORLANDO asked when the city issues guidelines for signage, if these requirements are included.

MS. SCHWAB said the code requirements are included.

COUNCILMEMBER ORLANDO asked if these sign requirements are included in information provided to candidates running for city elections.

DANA DELONG, City Clerk, said information about the time period in state statute and temporary sign code enforcement through Code Enforcement is shared with candidates.

COUNCILMEMBER ORLANDO asked what kind of resources are shared with campaign members.

MS. DELONG said information about state statute is shared but can include city code information.

COUNCILMEMBER ORLANDO suggested adding clarity to the actions that candidates can and cannot take within the city.

MS. DELONG said city code temporary sign requirements can be shared with candidates.

MS. SCHWAB said if Council makes any amendments to city code, it would be prudent to include this information in the candidate information packet.

COUNCILMEMBER ORLANDO asked to clarify what the definition of what a right-of-way is.

LEAH POWELL, Neighborhood Resources Director, said in order to determine the right-of-way, they check parcel lines through the Maricopa County Assessor's Office, but may have to seek guidance from other departments.

COUNCILMEMBER ORLANDO asked for a general definition of right-of-way for clarity for campaign and committee members.

MS. SCHWAB suggested staff could put together a guideline sheet including how to check the right-of-way.

MS. DELONG added that information could be shared with candidates in the candidate information packet and shared online.

MAYOR HARTKE said this is a great idea. This would simplify things for individuals interested in putting up signs and for Code Enforcement.

MS. SCHWAB said information would be compiled and shared before the next election.

COUNCILMEMBER HARRIS mentioned ADOT parameters for right-of-way and suggested incorporating their guidance and resources.

MS. SCHWAB said staff would look into developing general guidelines for defining the right-of-way.

MS. DELONG continued the presentation.

- Political Action Committees and Campaign Finance Complaints
- Political Action Committee
 - An entity must register as a Political Action Committee (PAC) if two criteria are met:
 - Entity is organized for the “primary purpose” of influencing the result of an election AND
 - Entity knowingly receives contributions or makes expenditures (in any combination) of at least \$1,500 in connection with any election during a calendar year.
 - “Entity” means Organized group that consists of more than one individual
 - “Primary Purpose” means an entity’s “predominant” purpose is to influence elections

VICE MAYOR ELLIS asked how this is enforced.

MS. SCHWAB said it is challenging to enforce.

COUNCILMEMBER ORLANDO asked if both criteria have to be met or just one to qualify to register for a political action committee.

MS. DELONG said both criteria must be met.

MAYOR HARTKE said the contribution or expenditure is a single amount in the total of \$1,500.

COUNCILMEMBER ORLANDO asked about a scenario where an individual may spend over \$1,500, what content would be required.

MS. DELONG said as an individual, no information is required to be disclosed under current law.

MS. SCHWAB added that the challenge lies in establishing the burden of proof. A single individual does not fall under state law to register as an entity with primary purpose of influencing elections or receiving or spending \$1,500. Proving an entity exists is difficult. If a requirement is established requiring contact information on temporary signs, then presumably the sign owner can be contacted for more information.

MAYOR HARTKE asked how entities are different than an individual paying for contract labor.

COUNCILMEMBER ORLANDO asked how entities are different than an individual with volunteers.

MS. SCHWAB defined the requirement of an entity being an organized group consisting of more than one individual. It would require a matter of proof in investigating a complaint. There is a slight difference in providing paid services, such as a sign printer, versus individuals volunteering for a like cause.

COUNCILMEMBER POSTON asked if this is the city's job to regulate.

MS. DELONG explained that a campaign finance complaint is alleged by an outside third party.

COUNCILMEMBER POSTON asked about the process.

MS. DELONG said that would be in a later slide.

MS. DELONG continued the presentation.

- When is a Sign Complaint a Campaign Finance Complaint?
 - Campaign Finance Complaint
 - A sign complaint IS a campaign finance complaint if it alleges advertising and disclosure requirement violations under ARS §16-925 such as:
 - “paid for by” not disclosed
 - “authorized by” not disclosed
 - Violation of vertical height requirements for disclosures
 - Violations are subject to campaign finance penalties.
 - NOT a Campaign Finance Complaint
 - A sign complaint is NOT a campaign finance complaint if it alleges sign size or placement under ARS §16-1019.
 - Violation means the sign may be subject to removal.
- Campaign Finance Complaint Process General Guidelines ARS 16-938(A)
 - Only the Clerk may accept the complaint from a third party
 - The Clerk cannot initiate a complaint
 - Only complaints within the City's jurisdiction can be investigated

- City Clerk
 - Filing officer for a campaign finance complaint
 - Review, investigation and determination of reasonable cause for third-party campaign finance violation
- City Attorney
 - Enforcement Officer – must not be involved in the Clerk’s investigation and findings
 - Can only enforce after a referral from the Clerk
 - Cannot act as the legal advisor to the clerk during the reasonable cause investigation

COUNCILMEMBER POSTON asked if the City Clerk’s Office has staff or resources to conduct an investigation of this kind.

MS. DELONG said the city clerk must follow the formal complaint process and that the clerk may also have a conflict of interest depending on the subject. Another clerk may be requested to serve as a filing officer in case of a conflict of interest.

COUNCILMEMBER POSTON asked if a clerk is required to serve as a filing officer.

MS. DELONG said the filing officer must be a city clerk.

MS. SCHWAB added that a city clerk is mandated as a filing officer for a campaign finance complaint due to state law. A different clerk may serve as filing officer, and the city may hire outside legal counsel to advise them. The city clerk and city attorney would have a conflict of interest in the case of investigating or enforcing against their own clients, such as an incumbent councilmember.

COUNCILMEMBER ORLANDO asked how requests are made to clerks of other municipalities in the case where a neutral party is needed.

MS. DELONG said that typically before an election, clerks make agreements with clerks in other municipalities to aid in being a filing officer for campaign finance complaints.

MAYOR HARTKE walked through the process of defining a campaign finance complaint versus a temporary sign complaint.

MS. SCHWAB said during the time period defined in statute around an election, content is not regulated. Cities are left with balancing the validation of state law, while staying neutral in the light of previous federal judicial rulings. Requiring all temporary signs to include contact information would be an equal application of this requirement.

VICE MAYOR ELLIS asked how the clerk is involved in investigating other sign code violations.

MS. DELONG explained that the clerk is involved in cases only related to campaign finance complaints.

VICE MAYOR ELLIS asked who investigates other complaints.

MS. SCHWAB said the removal of signs is a matter that can be investigated by Code Enforcement or the Police Department. The challenge is collecting evidence to prove beyond a reasonable doubt.

VICE MAYOR ELLIS asked after proof is collected, what are the next steps.

MS. SCHWAB said in the case of sign theft, the next step would be to contact the Police Department.

MAYOR HARTKE added that the Police Department manages their own tasks in regard to conducting investigations into theft.

MS. DELONG mentioned that part of investigating a campaign finance complaint is that the clerk can only investigate what the complaint alleges.

MS. POWELL continued the presentation.

- Current Enforcement Process

COUNCILMEMBER ORLANDO asked what information is provided to individuals wanting to submit a complaint.

MS. POWELL said after complaints are received, staff will investigate by doing a site visit to determine if the sign is in violation. If there is an immediate hazard or if the sign is attached to city property, then the sign may be removed. Otherwise, staff will give notice to the sign owner. On occasion, staff may ask the sign owner to move the sign. This is mostly complaint based unless there are obvious hazards.

COUNCILMEMBER HARRIS stated staff gives clear information about the location or the sign and gives multiple notice and provides time to pick up signs.

COUNCILMEMBER ORLANDO asked if signs in the median are removed.

MS. POWELL said signs in the median are removed which is content-neutral.

MS. SCHWAB added that signs in the median are a traffic hazard.

VICE MAYOR ELLIS asked about what if signs in the median are replaced.

MS. POWELL said signs in the median will be removed and attempt to contact and educate relevant parties.

MAYOR HARTKE asked if it requires a complaint to remove a sign in the median.

MS. POWELL said it does not require a complaint, if they are seen in the median, they will be removed. After the campaign season, there is a time where Code Enforcement will sweep the city for lingering signs. Throughout the year, signs are collected as they are found.

MAYOR HARTKE said signs on private property are left to the property owners.

MS. POWELL said that is correct. Additionally, taking down signs on HOA property is up to the HOA.

COUNCILMEMBER HARRIS said there are other areas of personal property as defined in A.R.S. He asked how unfounded complaints are handled and education provided.

MS. POWELL said any complaint received is investigated. Code inspectors have a high awareness of what goes on in their area. The intent is to educate the complainant about state statute and city regulations. A lot of the time this occurs between the primary and general elections.

MAYOR HARTKE asked how signs are regulated in between the primary and general elections.

MS. POWELL said regulation must be content neutral and complaint based. It is more of a courtesy call than an enforcement action.

COUNCILMEMBER ORLANDO suggested providing information to individuals whose contact information is provided on signs.

MS. DELONG said if contact information was included, the sign poster could be contacted to be provided information, but only campaign finance information could be provided.

MS. SCHWAB said if the Council wished to implement that, establishing procedures would be a group effort between several departments.

VICE MAYOR ELLIS asked what would occur in the case of a sign not containing contact information.

MS. SCHWAB said that can be discussed in the Executive Session.

Public Comment

RICK HEUMANN, Chandler, said parks should be exempt from political signs. State statute allows City Council to exempt the downtown area and the mall.

MS. SCHWAB clarified that the city could declare an area a sign-free zone. For example, if the downtown area is designated as a sign-free zone, state law does not apply.

MR. HEUMANN shared that this may help keep downtown Chandler beautiful.

JENNIFER PAWLIK, Chandler, spoke in support of regulations of official signage including requiring contact disclosure on temporary signs and enforcement of removing unlawful signs. Ms. Pawlik encouraged reaching out to legislators to suggest action relating to changing state law.

Set an Executive Session

1. Legal Advice--A.R.S. Section 38-431.03(A)(3) – Discussion or consultation with the City Attorney for legal advice regarding regulation of political signs and campaign finance.
1. Litigation--to A.R.S. Section 38-431.03(A)(3) and (A)(4) - Discussion and consultation with the City Attorney for legal advice and to consider its position and instruct its Attorneys regarding the City's position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matters of (i) Andres Ramirez, Jr. and Normalicia Ramirez, et al. vs. City of Chandler, et al., (ii) Mark Trujillo and Alba Trujillo, et al. v. City of Chandler, et al., and (iii) William Vannasap v. City of Chandler, et al.

Motion and Vote

Vice Mayor Harris moved to hold an Executive Session Meeting immediately following the Workshop Session, seconded by Councilmember Ellis.

Motion carried unanimously (7-0)

Adjourn

The meeting was adjourned at 4:23 p.m.

ATTEST: _____
City Clerk

Mayor

Approval Date of Minutes: March 24, 2025

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of Chandler, Arizona, held on the 24th day of February 2025. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of March, 2025.

City Clerk