

WORK SESSION AGENDA

CITY COUNCIL WORK SESSION
TUESDAY
FEBRUARY 8, 2022

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
3:00 P.M.

ATTENTION

IN-PERSON AUDIENCES AT CITY COUNCIL MEETINGS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE

All City Council Meetings are live streamed on the city's website
(<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)

PUBLIC COMMENT

Verbal public comments may be given through a virtual public comment platform.

If you want to provide a verbal comment during the Council Meeting, use the link below to join the virtual public comment room.

[VIRTUAL PUBLIC COMMENT WAITING ROOM](#)

Written comments may be submitted to publiccomment@flagstaffaz.gov. All comments submitted via email will be considered written comments and will be documented into the record as such.

1. **Call to Order**

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **ROLL CALL**

NOTE: Councilmembers may be in attendance through other technological means.

MAYOR DEASY
VICE MAYOR DAGGETT
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY

COUNCILMEMBER SALAS
COUNCILMEMBER SHIMONI
COUNCILMEMBER SWEET

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

5. Review of Draft Agenda for the February 15, 2022 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

6. State Legislative Update

Discussion and direction from Council.

7. Discussion of Charter Amendments and Process

Discussion

8. Public Participation

9. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

10. Adjournment

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2022.

Stacy Saltzburg, MMC, City Clerk

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Sarah Langley, Management Analyst
Date: 02/01/2022
Meeting Date: 02/08/2022



TITLE:

State Legislative Update

DESIRED OUTCOME:

Discussion and direction from Council.

EXECUTIVE SUMMARY:

The Arizona legislative session began on January 10, 2022 and state lawmakers have been busy introducing bills throughout January and early February. Staff will provide the Council with a brief, non-exhaustive overview of several bills that are relevant to the City Council's 2022 legislative priorities. Staff will also request direction from Council on bills that could potentially impact the City.

INFORMATION:

A brief PowerPoint will be used for this item. Due to the fast-changing nature of the state legislature, the PowerPoint will be finalized prior to the meeting to allow as up-to-date information as possible to be included.

Attachments: [Presentation](#)
[HB 2396 Letter of Support](#)



State Legislative Update

Sarah Langley – Interim Public Affairs Director
Todd Madeksza – State Lobbyist





Oppose Recommendation

HB2316

Misconduct involving weapons; public places

- Weapons could only be prohibited from public buildings if weapons screening devices like metal detectors are present.

HB2453/ SB1298

Governmental entities; mask requirement; prohibition

- Prohibits a governmental entity from imposing a mask requirement on its premises.

HB2674

Municipal zoning; by-right housing

- Preempts municipalities in housing matters, violates voter-approved general plans, eliminates single-family zoning, overrides locally-adopted residential building codes, eliminates citizen review processes, and prohibits planning commissions and Councils from reviewing housing projects, among other things.
- No obligation for developers to make units affordable.

HB2375

Urban revenue sharing; public safety

- Requires Cities to use state shared revenues only for public safety services.
- Any amount used for purposes other than public safety will be withheld by the State Treasurer the following fiscal year.



Support Recommendation

SB1270

State parks; lottery; heritage fund

- Appropriates \$3M from the State Lottery Fund to the AZ State Parks Heritage Fund.
- The Heritage Fund supports parks, historic preservation, nonmotorized trails and education.

HB2663

Short-term rentals; vacation rentals; licensing

- Allows cities to limit the number of STRs as a percentage of housing stock.
- Grants other tools to regulate STRs, such as permitting and revocation of permits after multiple verified violations.

HB2125

Electronic smoking devices; retail licensing

- Raises minimum age of sale from 18 to 21.
- Requires unannounced compliance checks by the AZ Dept of Health Services (DHS), with fines and other penalties for violations.
- Establishes a tobacco retailer license managed by AZ DHS, with fines and other penalties for violations.
- Local governments are not preempted.



Support letter for HB2396

- Request for letter of support
- Appropriates approx. \$50M to the AZ Dept. of Transportation
 - Including \$2.6M to Flagstaff for the Lone Tree Corridor



Questions

Sarah.Langley@flagstaffaz.gov





CITY OF FLAGSTAFF

FLAGSTAFF CITY COUNCIL

211 West Aspen Avenue, Flagstaff, Arizona 86001

Main Line: 928-213-2000

Website: <https://www.flagstaff.az.gov>

February 8, 2022

The Arizona State Legislature
Arizona State Capitol Complex
1700 West Washington Street
Phoenix, AZ 85007

The City of Flagstaff respectfully requests that you support House Bill 2396, introduced by Representative Tim Dunn and co – sponsored by several of your colleagues, that appropriates \$49,999,999 from the state General Fund (GF) in Fiscal year (FY) 2023 to the Arizona Department of Transportation (ADOT) for distribution to various state entities for specified highway and road projects.

The specific allocation of \$2,601,548 from the total appropriation that would go to Flagstaff for the Lone Tree Corridor would be a tremendous influx of funding for many projects that will enhance the safety and accessibility for pedestrians, bicyclists, and vehicles along the corridor. The Council is currently considering proposals for the Lone Tree Overpass Project which will extend Lone Tree Boulevard to Route 66 and will create an overpass of the railroad tracks for the community.

The Lone Tree Corridor is a critical arterial in Flagstaff's network and essential to future connectivity within our community. This funding will help address housing supply and important affordability issues as well as enhance the safety for all types of travel, including vehicles, bikes, pedestrians, and public transit.

We strongly urge you to support this legislation. Thank you for your time and effort in improving the lives of residents of our great state.

Thank you,

Paul Deasy
Mayor of Flagstaff
On Behalf of the Flagstaff City Council

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, City Clerk
Date: 02/01/2022
Meeting Date: 02/08/2022



TITLE:

Discussion of Charter Amendments and Process

DESIRED OUTCOME:

Discussion

EXECUTIVE SUMMARY:

Over the last few years, staff has identified over 30 necessary administrative and/or technical changes needed to the Charter. Many of these amendments are to align the Charter with current practices or changes in state law. Other amendments address antiquated provisions or provisions that are no longer relevant. Additionally, a majority of these amendments have been on the docket for more than five years. A list of these proposed amendments is attached.

Given the number of technical amendments that have been waiting for consideration by the voters, we are recommending that the attention of our focus for the next Charter Amendment election be on the amendments recommended by staff. It is also my recommendation that the City Manager convene an internal charter review committee to review, refine, and update the existing requests and forward a priority recommendation to Council for consideration.

Lastly, it is strongly recommended that we bring charter amendments forward in a 2023 special election. Due to the number of amendments needed, a special election in the off season would provide an opportunity to present a number of amendments to the voters rather than only one or two when combined with a candidate or other special election. This would also allow for educational outreach that is specific to the charter and that does not have to compete with the information that is presented for other election matters.

INFORMATION:

We have been recruiting for a Citizen Committee since last summer with no interest coming from the community. There was a lot of interest garnered for the Citizen Bond Committee which is in full swing, reviewing possible bond questions for 2022. We do not want to take away from the important and intense work of the bond committee and the questions that will likely be forwarded to the ballot this year.

Attachments: [Presentation](#)
[Charter Amendments](#)

Charter Amendments

February 8, 2022

Stacy Saltzberg
City Clerk





What is a City Charter?

- A document that outlines the City's governmental structure, identifies jurisdiction, and provides enabling authority for self-rule.
- Was originally voted on by the citizens in 1958 and has been amended 8 times since then.
 - Last amendment 2015
- Any amendment to the Charter requires approval by a majority of qualified electors voting in election.
 - Under State law, each change to the Charter must be considered by the voters independently.



Process for Charter Amendments

- No established process for amendments
 - Staff driven
 - Citizen driven – Initiative Petition
- Charter Review Committee
 - Internal or External
- Recommendations presented to Council
- Election called
- Public Education and Outreach



Possible Amendments

- 34 amendments identified by staff
 - Election Dates
 - Lease of City Property
 - Procurement Practices
 - Personnel Matters
- Other considerations from Council
 - Term of Mayor
 - Term Limits
 - Candidate Signature Requirements



Staff Recommendations

- Focus on the Backlog of Technical Amendments
- Allow Staff to Convene an Internal Charter Review Committee
 - Unsuccessful in convening a citizen committee for the Charter
 - A robust Citizen Bond Committee has been formed and is working on potential bond questions.
- Consider the 2023 Election Cycle
 - March, May, August, or November
 - Do not compete with other questions or overwhelm voters this year



Questions and Discussion

**FLAGSTAFF CITY CHARTER
2022
AMENDMENTS SUGGESTED BY STAFF**

1 II 16 STAFF FAILURE TO VOTE

No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct **OR A DECLARED CONFLICT OF INTEREST**. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.

PURPOSE Failure to vote should be excused in matters in which the Councilmember has a conflict of interest.

2 IV 1 (d) STAFF ADMINISTRATIVE DEPARTMENTS AND OFFICES

~~(a) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.~~

PURPOSE To remove the requirement for residency of City Clerk, City Treasurer, Deputy City Managers, and City Attorney.

3 IV 3 STAFF CITY TREASURER

The City Manager shall, ~~with approval of the Council~~, appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the State, Charter of the City, and ordinances, and upon whom legal garnishments may be served. The City Treasurer will serve at the pleasure of the City Manager.

PURPOSE To remove the requirement that the Council approve appointment of the City Treasurer.

4 IV 5 STAFF PERSONNEL RULES AND REGULATIONS

HR The Council shall **ADOPT AN** ~~by ordinance~~ **THAT REQUIRES THE CITY MANAGER TO ESTABLISH** ~~, provide for the establishment of~~ Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions ~~and volunteers who serve without pay~~, and also except the City Manager, the City Attorney, and the **PRESIDING MAGISTRATE** ~~Police Judges~~.

Jessica C.

PURPOSE Provides for Council to adopt an ordinance that requires the City Manager to establish the Personnel Rules and Regulations. Removes volunteers from the list of those subject to Council control, but leaves Board and Commission members under Council control. This is consistent with regular practice.

5	V	1	STAFF	<p>APPOINTIVE BOARDS AND COMMISSIONS</p> <p>Heidi The Council may, by ordinance, create, change, or abolish boards or commissions as, in its judgment, are required, or as are now or hereafter provided by law, and may grant to them such powers and duties as are consistent with the provisions of this Charter. All members of appointive boards or commissions shall at the time of their appointment be a resident of the City, and shall maintain this residency for the duration of the term in office.</p> <p>PURPOSE Would allow non-city residents to serve on boards and commissions.</p>
6	VI	1	STAFF	<p>FISCAL</p> <p>Carryover <u><i>Option 1</i></u> The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing ARE A MATTER OF LOCAL CONCERN. shall apply to the governing and conduct of same in the City. THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.</p> <p><u><i>Option 2</i></u> The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing the budget, taxation, financial, and fiscal powers of the City shall apply to the governing and conduct of same in the City. THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.</p> <p>PURPOSE This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.</p> <p>WOULD THIS BE IN CONFLICT WITH CURRENT STATE LAW CONCERNING TAX COLLECTION?</p>
7	VI	2 (b)	STAFF	<p>ADDITIONAL TAXES FOR SPECIAL PURPOSES</p> <p>Carryover <u><i>Option 1</i></u> (b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF ONE PERCENT (1%) subject to approval UNLESS SUCH RATE IS APPROVED by a majority of the qualified electors voting in the regularly scheduled general OR A SPECIAL election.</p> <p><u><i>Option 2</i></u> (b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS</p>

OF TWO PERCENT (2%) ~~subject to approval~~ UNLESS SUCH RATE IS APPROVED by a majority of the qualified electors voting in the regularly scheduled general OR A SPECIAL election.

Option 3

~~(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) subject to approval by a majority of the qualified electors voting in the regularly scheduled general election.~~

PURPOSE This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.

RT SUGGESTS MAY NOT BE NECESSARY

8 VI 4 STAFF CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS

~~Carryover The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money received from other sources, a sum equal to not less than two and one half (2 1/2) cents on each one hundred dollars (\$100.00) of the assessed value of said property shall be placed in such fund, until the accumulated amount of such fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months, or other necessary period, of the succeeding fiscal year.~~

~~The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.~~

PURPOSE Not used

9 VII 5 STAFF WHEN ACTIONS ARE TO BE TAKEN BY ORDINANCE

Anja In addition to other acts required by law, or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which provide for acquisition, sale, or exchange of public real property **IN FEE SIMPLE** and to sell
Rick personal property valued in excess of that amount established by ordinance; establishment or change of fire limits or zones; establishment or change of a zoning district; the levy of any tax or assessment; imposition or provide for imposing fine or other penalties; adoption of a code by reference or amend the City code; ~~the authorization to borrow money;~~ granting, renewal, or extending a franchise; the amendment of or repeal of any ordinance.

PURPOSE This change helps clarify the City may grant and accept easements without an ordinance.

Requiring debt related financing to go through an ordinance process delays the ability to be more effective in issuing debt as well as it delays the date to issue debt by 35 days. In the best interest of financing having additional flexibility on speed of issuing debt could improve the rate of return on the debt. I am not aware of any other cities that require an ordinance for this purpose.

10	VII	6	STAFF	READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE
			Stacy	All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon unanimous consent of those Councilmembers present. ORDINANCES AND RESOLUTIONS A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.
			PURPOSE	A single read of ordinances would streamline the time period for ordinance adoption.
11	VII	6	STAFF	READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE
			Carryover	All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon unanimous consent of those Councilmembers present THE AFFIRMATIVE VOTE OF SIX (6) MEMBERS OF THE COUNCIL . A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.
			PURPOSE	It should not be harder to do first and final read together than it is to find an emergency.
12	VII	13 (a)	STAFF	PROCEDURE FOR ADOPTION BY REFERENCE
			Carryover	(a) The Council may enact the provisions of a code or public record already in existence without setting forth such provisions, but the adopting ordinance shall be published in full. THE NUMBER OF COPIES REQUIRED BY STATE STATUTE At least three (3) copies
			Stacy	three (3) copies of the code or public record shall be filed in the office of the City Clerk, and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.
			PURPOSE	This is an antiquated requirement in the digital age, State Statutes require one (1) paper copy and one (1) digital copy to be maintained. This verbiage would allow the Charter to change as State law changes.
13	VII	15	STAFF	CODIFICATION OF ORDINANCES
			Carryover	Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies THE NUMBER OF COPIES REQUIRED BY STATE STATUTE thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.
			Stacy	

PURPOSE This is an antiquated requirement in the digital age, State Statutes require one (1) paper copy and one (1) digital copy to be maintained. This verbiage would allow the Charter to change as State law changes.

14 VIII 1 STAFF PREPARATION

Patrick All contracts shall be drawn under the supervision of the City Attorney, must be in writing, executed in the name of the City of Flagstaff by the Mayor, except as it may be otherwise provided, either by this Charter or by law, and must be countersigned by the City Clerk, who shall number and register the same in a book kept for that purpose. It is the intent of this Article that all contracts be awarded pursuant to the **SOLICITATION bidding** process whenever possible unless otherwise provided.

PURPOSE

15 VIII 2 STAFF PURCHASES, AND CONTRACTS, AND FOR CITY IMPROVEMENTS

(a,b,c,d)

Patrick (a) The City Manager shall contract for and purchase, or issue purchase authorization for, all supplies, materials, equipment, ~~and~~ services, **AND CITY IMPROVEMENTS** for the offices, departments, and agencies of the City.

OPTION 1: Procurement request.

(b) Any **PURCHASE OR** City improvement costing ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** or more, ~~or any purchase costing more than fifty thousand dollars (\$50,000)~~, shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, **SCOPE OF WORK**, and estimates approved by the City Manager. Such contracts shall be advertised for **SOLICITATION bids**, as directed in **THE PROCUREMENT CODE ESTABLISHED BY ORDINANCE OF THE CITY COUNCIL Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.**

OPTION 2: Delete (b) altogether.

(c) **ALL CONTRACTS ARE SUBJECT TO LEGAL REVIEW, AT THE CITY ATTORNEY'S DISCRETION.** Any contract or purchase exceeding the sum of **ONE HUNDRED** ~~fifty~~ thousand dollars (~~\$100~~**50**,000) shall require the prior approval of the Council.

~~(d) — Alterations in any contract may be made when authorized by the Council upon the written recommendation of the City Manager.~~

PURPOSE Clarifies the City Manager authority to approve contracts for purchase of materials, services and improvements. Increases the formal purchasing threshold to \$100,000. Due to inflation and price increases over the years, several Arizona cities have increased their purchasing threshold to \$100,000 (e.g. Phoenix). The informal solicitation process can be completed relatively quickly, as it involves obtaining competitive quotes from businesses and obtaining the City Manager's approval of the contract. The formal solicitation process takes significant time and administrative expense, as it involves publication of the solicitation in a local newspaper for at least two consecutive weeks, posting on PlanetBids, a fixed closing date and time, a panel evaluation of the offers or responses, and formal contract award by Council.

Deletes requirement (d) to conform with common law: if a contract has been approved by the City Manager, the City Manager may approve an amendment. If a contract has been approved by the City Council, only the City Council may approve an amendment unless it has delegated such authority to another person.

16	VIII	3	STAFF	BIDS PROCUREMENT
			Patrick	<p>(A) CITY PURCHASES OF IMPROVEMENTS, SUPPLIES, MATERIALS, EQUIPMENT, AND SERVICES SHALL BE MADE PURSUANT TO PROCUREMENT PROCESSES SET FORTH IN THE PROCUREMENT CODE ESTABLISHED BY ORDINANCE OF THE CITY COUNCIL.</p> <p>(B) The advertisement for bids, SOLICITATIONS FOR PURCHASES OF \$100,000 OR MORE, shall distinctly and specifically state the character of the City improvement, purchase or kind of supplies, materials, equipment, and services required. Such notice shall be published at least once in the official newspaper, not less than five (5) days prior to the opening of THE RESPONSESbids. CITY WILL ADOPT MEASURES TO PROVIDE FOR SECURITY AND CONFIDENTIALITY OF SEALED RESPONSES. Bidding shall be: (1) Pursuant to the Arizona State Procurement Code as amended by the City Council; or (2) by sealed proposals; or (3) by other methods that provide for security of bids and competitive bidding and under such regulations as may be prescribed by the Council.</p> <p>(C) CONTRACTS MAY BE AWARDED TO THE HIGHEST RESPONSIBLE AND RESPONSIVE BIDDER, OR TO THE RESPONDENT WHOSE RESPONSE IS MOST ADVANTAGEOUS TO THE CITY. The City Manager, with the approval of the Council, shall have the power to reject any or all bids, and advertise for bids again RESPONSES TO THE SOLICITATION.</p>
			PURPOSE	These changes are consistent with the Arizona Procurement Code and City practices. Both the State and the City use a variety of procurement methods authorized by law, not just low/high bids.

17	VIII	3	STAFF	BIDS
			Patrick	The advertisement for FORMAL SOLICITATIONS bids shall distinctly and specifically state the character of the City improvement, purchase or kind of supplies, materials, equipment, and services required. Such notice shall be published at least once in the official newspaper, not less than five (5) days prior to the opening of bids RESPONSES. SOLICITING Bidding shall be: (1) Pursuant to the Arizona State Procurement Code AND THE CITY OF FLAGSTAFF PROCUREMENT CODE as amended by the City Council ; or (2) by sealed bids RESPONSE ; or (3) by other methods that provide for security of bids RESPONSES and competitive SOLICITING bidding and under such regulations as may be prescribed by the Council. The City Manager, with the approval of the Council, shall have the power to reject any or all bids RESPONSE , and advertise for SOLICITATIONS bids again.
			PURPOSE	These changes are consistent with City practices. The City uses a variety of procurement methods authorized by law, not just low/high bids.

18	VIII	5	STAFF	CONTRACTS FOR OFFICIAL ADVERTISING
			Patrick	(a) The City Manager shall let contracts annually for official advertising for the ensuing fiscal year. For this purpose, the Manager shall submit to each newspaper published in the City a notice describing the contemplated advertising, and asking for sealed proposals RESPONSES . The proposals RESPONSES shall specify the type and space to be used at the

rate or rates named in the ~~bid~~ **RESPONSES**. The City Manager shall let the contracts for such official advertising to the lowest qualified ~~bidder~~ **RESPONDER OR HIGHEST SCORING PROPOSAL** publishing a newspaper of general circulation in the City; provided that, the Manager may reject any and all **RESPONSES** ~~bids~~, and proceed to secure new bids in the manner provided herein.

PURPOSE These changes are consistent with City practices. The City uses a variety of procurement methods authorized by law, not just low/high bids.

19 VIII 6 **STAFF FRAUD AND COLLUSION**

Patrick Any member of the Council, or any officer or employee of the City who shall aid or assist a ~~bidder~~ **RESPONDER** in securing a contract to furnish labor, material, equipment, supplies, or services at a higher price than that proposed by any other ~~bidder~~ **RESPONDER**, or who shall favor one ~~bidder~~ **RESPONDER** over another by giving or withholding information, or who shall willfully mislead any ~~bidder~~ **RESPONDER** in regard to the character of the labor, material, equipment, supplies, or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly certify to a greater amount of labor or service performed than actually has been performed, or to receipt of a greater amount or different kind of material, supplies, or equipment than actually has been received, shall be guilty of a misdemeanor, and shall be removed from office.

PURPOSE These changes are consistent with City practices. The City uses a variety of procurement methods authorized by law, not just low/high bids.

20 VIII 7 **STAFF AVOIDANCE OF CONTRACTS MADE THROUGH FRAUD AND COLLUSION**

Patrick If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any ~~bid or bids~~ **RESPONSE OR RESPONSES**, colluded with any other party or parties for the purpose of preventing any other ~~bid~~ **RESPONSE** being made, then the contract so awarded shall be null and void, and the City Manager shall advertise for **A new bids SOLICITATION** for said City improvements and/or supplies, materials, equipment, and services required, or the Council may provide for such public work to be done by the City under the direction of the City Manager.

PURPOSE These changes are consistent with City practices. The City uses a variety of procurement methods authorized by law, not just low/high bids.

21 VIII 9 **STAFF LEASES AND SALE OF CITY REAL PROPERTIES**

Bryce The Council may lease **OR SELL** any land, ~~AND~~ buildings, ~~or equipment~~ now or hereafter owned by the City on such terms and conditions as the Council may prescribe. All leases **AND SALES** shall be made to the highest responsible **AND RESPONSIVE** bidder **OR RESPONDER WHOSE RESPONSE IS MOST ADVANTAGEOUS TO THE CITY** after publication of notice thereof for at least one time per week for two weeks, stating **explicitly** the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all **RESPONSES TO THE SOLICITATION**. ~~bids~~.

THE COUNCIL MAY SELL SUCH PORTIONS OF THE REAL PROPERTY OF THE CITY NOT NEEDED OR NOT LIKELY TO BE NEEDED WITHIN A REASONABLE FUTURE TIME. IF THERE ARE NO RESPONSES SUBMITTED, THEN FOR A TWO-YEAR PERIOD THE CITY

MANAGER MAY, SUBJECT TO COUNCIL APPROVAL, ENTER INTO AN AGREEMENT TO SELL THE PROPERTY FOR AN AMOUNT REASONABLY CONSISTENT WITH AN APPRAISAL WITHOUT FURTHER NOTICE AND SOLICITATION PROCESS. SALE OR TRADE OF REAL PROPERTY WITH ANOTHER GOVERNMENT ENTITY DOES NOT REQUIRE A NOTIFICATION AND SOLICITATION PROCESS.

PURPOSE Allows the City to lease or sell property for specific purposes (services or desired development). For example, the City seeks to lease buildings for after-school child care, community services, local theater, affordable housing, that benefit the community. Consolidates all Charter provisions related to real property in one section of the Charter.

22 VIII 10 STAFF SALE OF CITY **PERSONAL** PROPERTY

Patrick The Council may sell ~~such portions of the real and~~ **EQUIPMENT AND** personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe to the highest responsible bidder **OR RESPONDER WHOSE RESPONSE IS MOST ADVANTAGEOUS TO THE CITY** after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of ~~\$1,000.00~~ **\$500.00** shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids.
2. ~~Real property shall be sold after published notice of the sale for at least one time per week for three weeks prior to opening of bids. The Council shall have the right to reject any and all bids. If there are no bids submitted, then for a two-year period the City Manager may, subject to Council approval, enter into an agreement to sell the property for an amount reasonably consistent with an appraisal without further notice and bid process. Sale or trade of real property with another government entity does not require a notification and bid process.~~
3. The City ~~TREASURER~~ **Manager** may sell or otherwise dispose of any personal property having a value of ~~\$1,000.00~~ **\$500.00** or less without published notice, but written advice of such sale or disposal shall be given to the Council **FOR ALL ITEMS ABOVE \$500.00.**

PURPOSE These changes are consistent with City practices. The City desires flexibility to also sell personal property to organizations that can put it to community use versus private use. Consolidates all Charter provisions related to personal property in one section of the Charter.

23 IX 2(a) STAFF QUALIFICATIONS OF ELECTORS; REGISTRATION
2(b)

Stacy (a) The qualifications of electors shall be as required by the Constitution and laws of this State for State and County electors. ~~Electors shall also be residents of the City for at least thirty (30) days prior to any Primary, General, or Special elections held therein.~~

(b) ~~Registration of voters shall be as provided by City ordinance.~~

PURPOSE The City cannot prevent registered voters from voting if they have not lived in the city for more than 30 days.

Voter registration is the purview of the state.

24 IX 4(b) STAFF NOMINATION FOR PRIMARY ELECTION

Stacy The petition or petitions for nomination, consisting of signatures of qualified voters, aggregating not less than five (5) percent, nor more than ten (10) percent of the number of electors voting at the last preceding municipal General Election, **OR AS OTHERWISE SET BY CITY ORDINANCE**, shall be presented to the City Clerk **BEFORE THE DATE SET FOR THE PRIMARY ELECTION AS DETERMINED BY ARIZONA STATUTES AS MAY BE AMENDED** ~~not earlier than one hundred twenty (120) days, nor later than ninety (90) days before the date set for the Primary Election~~. The City Clerk shall endorse on such petition or petitions the date and the time when the same was received by the City Clerk, and shall cause the candidates' names to be printed on the ballot.

PURPOSE Reduces the number of signatures needed to qualify for the ballot. Arizona Revised Statutes § 16-322(A)(8) provides that a city holding nonpartisan elections may by ordinance establish the minimum number of signatures to be one thousand signatures or five percent of the vote in the city, whichever is less, but not more than ten percent of the vote in the city.

The filing deadline was changed by the State. This will keep the Charter language consistent with State law moving forward.

25 IX 11 STAFF APPLICATION OF STATE LAW

**Stacy/
Sterling** The provisions of the laws of this State relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto, shall apply, and shall govern the nomination of elective officers, and the conduct of elections, except as otherwise provided in this Charter. The Council shall have the power to make any other provisions relating to the nomination of officers, and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this State, or to the provisions of this Charter.

PURPOSE Clean up the language regarding the application of state law to the elections process.

26 XI HEADER STAFF POLICE MUNICIPAL COURT

Jessica C.

PURPOSE Change all references to Police Court to Municipal Court.

27 XI 1 STAFF STATE LAWS CONTROL

Jessica C. The **Police MUNICIPAL** Court created by the general statutes of the State, and all statutes pertaining to the jurisdiction and procedure of said Court, shall be fully observed

PURPOSE Change all references to Police Court to Municipal Court.

28 XI 2 STAFF POLICE MAGISTRATE(S) JUDGE(S), APPOINTMENT, TERM

Jessica C. The ~~Police~~ **MAGISTRATE(S) Judge(s)** shall be appointed by the Council, and shall hold office **CONSISTENT WITH STATE LAW at the pleasure of the Council.**

PURPOSE Consider whether the section on Police Judges serving “at the pleasure of Council” should be revised considering the required independence for Judges.

29 XI 3 **STAFF SERVICE OF PROCESS**

Jessica C. The Chief of Police shall cause all summonses issued by the ~~MAGISTRATE(S) Police Judge(s)~~ to be served, and the return endorsed thereon and signed by the officer making such service. The Chief of Police shall also cause all warrants of arrest to be executed.

OPTIONAL: Eliminating this altogether

PURPOSE Change all references of Police Court to Municipal Court.

30 XI 5 **STAFF APPOINTMENT OF JUDGES PRO TEMPORE**

THE PRESIDING JUDGE OF THE MUNICIPAL COURT MAY, WITH BUDGETARY APPROVAL OF THE CITY MANAGER, APPOINT SUCH JUDGES PRO TEMPORE AS ARE REQUIRED BY THE MUNICIPAL COURT AND SHALL OVERSEE THE COURT ADMINISTRATIVE STAFF

PURPOSE Allows the Presiding Judge to appoint Judges Pro Tempore and oversee court administrative staff

31 XII 1 **STAFF ELECTIONS FOR APPROVAL OF FRANCHISES**

Stacy No franchise shall be granted, extended, or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a Primary, General, or Special Election; the Council shall submit any matter for approval or disapproval to such election at any Primary or General Election, or shall call a Special Election for such purpose **IN ACCORDANCE WITH ARTICLE IX OF THIS CHARTER at any time upon thirty (30) days’ notice;** and the Council shall require, before calling any such election, that the estimated expense thereof (to be determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk.

PURPOSE The call of election should provide ample notice to the County Election Department.

32 XVI Am. 1 **STAFF Amendment No. 1 VOTE REQUIRED FOR CERTAIN TYPES OF BOND ISSUES**

Rick ~~Notwithstanding any other provisions of the Charter, and with the exception of refunding bond issues, special assessment or improvement district and redevelopment or tax increment bonds, or City of Flagstaff Housing Authority bonds, or the financing of a new city hall building and related improvements, after the effective date of this Amendment the City shall not issue or authorize the issuance of any bonds which pledge City tax revenues as a guarantee for their payment, in whole or in part, without the approval of a majority of the qualified electors of the City voting at an election for that purpose.~~

PURPOSE This amendment ties the organization's hands on effectively issuing debt on behalf of the organization and could cost more in financing costs. The City could use several other options for issuing debt that could create higher interest rates. Different types of revenue backed debt are more favorable to the investors. Sales tax backed debt usually has a higher rating. Delaying the opportunity to wait for voter approval could also impact financing opportunities.

33 XVI Am. 2 **STAFF** ~~Amendment No. 2 VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS~~

Rick ~~Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.~~

PURPOSE This amendment delays the city's opportunity to effectively move forward with facility needs. There may be times where the City has the funding already identified for a facility in excess of the allowed amount but would have to wait for voter approval. The City has a budget process as well as the ability for the Public to speak to facility spending during council meetings.

34 XVI Am. 2 **STAFF** **Amendment No. 2 VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS**

Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety **(INCLUDING THE MUNICIPAL COURT)** and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.

PURPOSE In Amendment No. 2, define public safety facilities in a manner that would include Municipal Court, and reflects the current CPI to account for inflation.