



FLAGSTAFF  
CITY COUNCIL

**COUNCIL RETREAT**

**JANUARY 19, 2023**

# WELCOME OBJECTIVES & ICE BREAKER

**GREG CLIFTON, CITY MANAGER**

**KATIE WITTEKIND, FACILITATOR**

# WELCOME / INTRODUCTIONS

- Stacy Saltzburg, City Clerk
- Stacy Fobar, Deputy City Clerk
- Sterling Solomon, City Attorney
- Kevin Fincel, Deputy City Attorney
- Christina Rubalcava, Senior Assistant City Attorney
- Michelle McNulty, Planning Director
- Greg Clifton, City Manager
- Sarah Langley, Public Affairs Director

# TODAY'S AGENDA

- Charter
- Open Meeting Law
- Council Meetings & Procedures
- Boards and Commissions
- Public Records Law
- Conflict of Interest Law
- Land Use Law & Process
- Organizational Structure & Management Strategies
- Council/Staff Roles & Relationships
- Public Outreach

# RETENTION OF INFORMATION -SIP FROM THE FIRE HYDRANT-



Don't worry  
We learn as we go



# CITY CHARTER

STACY SALTZBURG, CITY CLERK

# FLAGSTAFF CITY CHARTER

- A document that outlines the City's governmental structure, identifies jurisdiction, and provides enabling authority for self-rule.
- Flagstaff's "Constitution" (Not a general law city)
- Was originally voted on by the citizens in 1958 and has been amended 8 times since then.
  - Last amendment 2015

# FLAGSTAFF CITY CHARTER

- Provides for a Council-Manager form of government  
(Charter Article II, Section 11)
- Council makes policy decisions  
(Charter Article II, Section 11)
- Council appoints a City Manager  
(Charter Article III, Section 2)
  - Implements policy and administers city government  
(Charter Article III, Section 3)
- Council does not direct city staff
  - The non-interference clause  
(Charter Article II, Section 18)

# FLAGSTAFF CITY CHARTER

- Council appoints two additional positions:
  - City Attorney  
(Charter Article IV, Section 4)
  - City Magistrate(s) – referred to as “Police Judges”  
(Charter Article XI, Section 2)
- Council also appoints Board and Commission members  
(Charter Article V, Section 1)
- City Manager makes all other appointments and hiring decisions  
(Charter Article III, Section 3)

# FLAGSTAFF CITY CHARTER

- Council powers and duties are outlined in Article II
    - Four or more councilmembers constitute a “quorum” of Council
      - Each member of Council is entitled to one vote
      - Failure to vote is considered a vote in the affirmative
- (Charter Article II, Section 15 & 16)
- Mayor is the ceremonial head of the city and presides over the City Council Meetings
- (Article II, Section 7)

# FLAGSTAFF CITY CHARTER

- Other General Areas of the Charter
  - Council Meetings (Article II)
  - City Divisions and Departments (Article IV)
  - Finance and Taxation (Article VI)
  - Contract (Article VIII)
  - Elections (Article IX)
  - Initiatives, Referendum and Recall (Article X)
  - Franchises and Public Utilities (Article XII)
  - General, Succession in Government, and Amendments (Articles XIII-XIV)

# FLAGSTAFF CITY CHARTER

- 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.
- Charter Committee Established
- Recommendations to Council in the Spring
- November 2023 Special Election

# CITY CODE

- Where the “nuts and bolts” or details of City regulations exist
  - Governs everything from boards and commission, to nuisances for dogs at large, to creations and duties of specific city divisions, to the zoning regulations, to minimum wage
- Council actions by ordinance create the City Code
  - Become codified as the general ordinances - laws of the City to be implemented/enforced by city administration
- City Code may be amended by any future Council by ordinance



# OPEN MEETING LAW

STERLING SOLOMON, CITY ATTORNEY

# OPEN MEETING LAW:



# OPEN MEETING LAW:

- “All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.” ARS § 38-431.01(A).
- “It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided . . . .” ARS § 38-431.09.

# OPEN MEETING LAW:

## **What constitutes a meeting?**

- A meeting is a gathering, in person or through technological devices, of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. ARS § 38-431(4).
  - ***This includes social media, chat apps, texts, telephone and e-mail communications.***

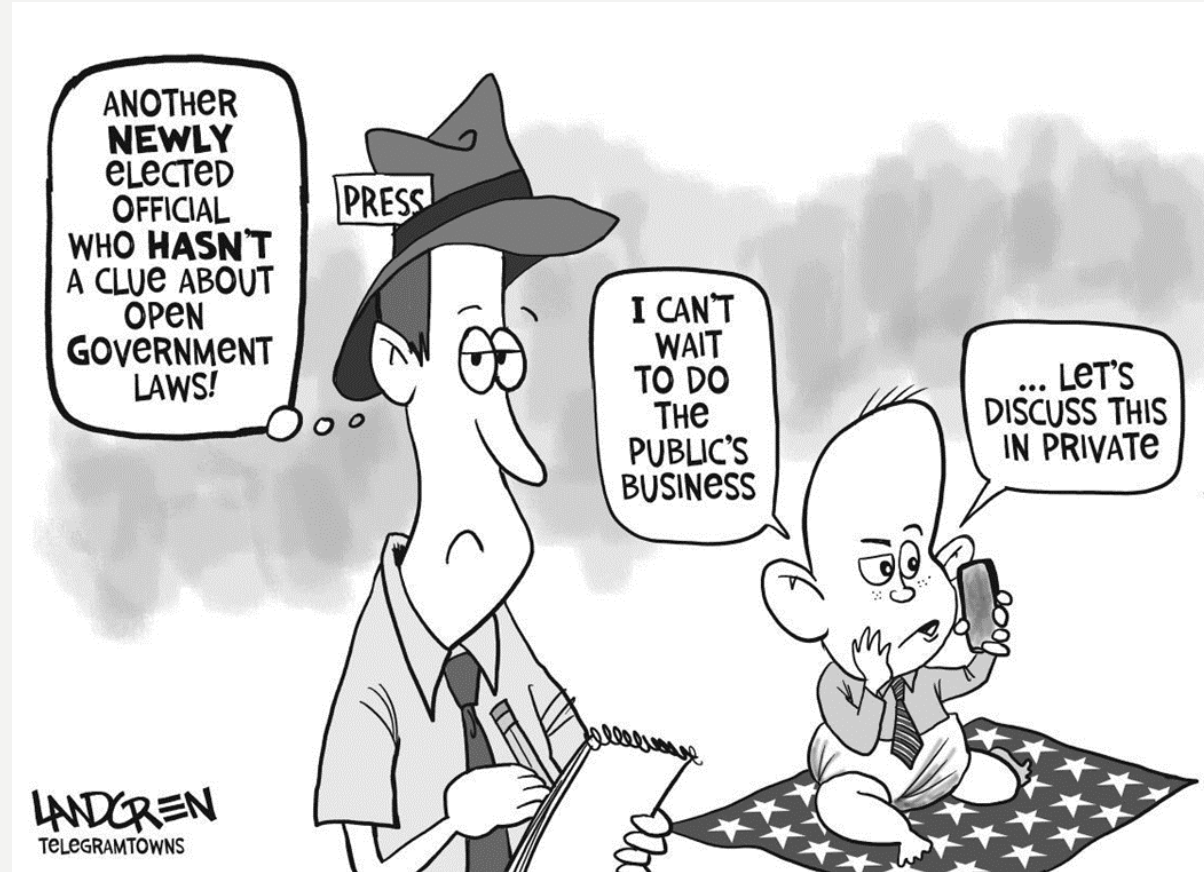
# OPEN MEETING LAW:

- Legislative Intent: Openness in Government
  - Arizona's public policy
    - Official deliberations and proceedings conducted openly
    - Maximize public access
    - Any uncertainty resolved in favor of openness

# OPEN MEETING LAW:

- Meetings shall be open to the public
- Legal action must take place in a public meeting
- The proposing and discussing of action must take place in a public meeting
- Only agenda items may be discussed

# OPEN MEETING LAW:



# OPEN MEETING LAW:

A.R.S. §38-431.02

- Meetings must comply with notice, agenda, and minute requirements
  - When and where
  - Information to inform the public of the matters to be discussed or decided
    - Generalities such as “Old business” or “New Business” not sufficient – must be more specific
  - Minimum 24-Hour public notice is required
  - Includes subcommittees (Boards/Commissions)

# OPEN MEETING LAW:

- Quorum Requirement

- What is a quorum?

- Majority of membership

- What if you don't have a quorum?

- You don't have a “meeting” and you adjourn
    - Discussions and presentations should be rescheduled
    - Please communicate with staff if unable to attend

# OPEN MEETING LAW:

A.R.S. §38-431.03

- Executive Sessions (exception to rule)
  - Executive sessions require prior consent of City Attorney
  - Nine legal reasons for convening into executive session
  - Most used:
    - Legal Advice
    - Litigation
    - Contract and Property Negotiations
    - Employment

# OPEN MEETING LAW:

- **PROHIBITED ACTS/VIOLATIONS**

- Polling individual Council members to reach a decision prior to a meeting
- Discussion/deliberation between less than a quorum outside public meeting for the purpose of circumventing the Open Meeting Law
  - E-mails/Social Media/Texts

# OPEN MEETING LAW:



# OPEN MEETING LAW:

- **E-mail and Other Communications**

- E-Mail (or “electronic”) communications may constitute a meeting
  - DO NOT “reply all”
- The use of e-mail among a quorum of members to discuss public matters is prohibited by the Open Meeting Law
  - Public does not have access
- E-Mails regarding City business are a public record
  - Does not matter whose computer is used or whether e-mail address is city or personal

# OPEN MEETING LAW:

If it is determined that members of the Council violated the open meeting law, who pays the fine?

- A. The members who committed the violation
- B. The City
- C. President Biden
- D. Elon Musk

# OPEN MEETING LAW:

- **Penalties**

- If found guilty of an Open Meeting Law violation, a court may:
  - Levy a fine up to \$500 against the **Councilmember** for each violation
  - The **Councilmember personally** must pay the fine
- The Councilmember is subject to removal from office

# OPEN MEETING LAW:

If you and other members of Council all show up to the Viola awards, because you believe want to support Flagstaff as a vibrant and creative community, are you allowed to speak to one another?

# OPEN MEETING LAW:

## SOCIAL EVENTS

- If more than a quorum may be present:
  - “Notice of Possible Quorum” posted
  - Include statement that no business of public body will be discussed and no action taken
  - Councilmembers should avoid talking with each other – or have a witness

# OPEN MEETING LAW:

- **How to avoid pitfalls with the Open Meeting Law**
  - Don't poll other members on City business
  - Limit your discussions with other Councilmembers to public meetings
  - Don't send e-mails/texts/social media messages to each other
  - Distribute information to the Council through open meetings
  - Disband meetings when a quorum is not in attendance
  - Avoid misconception - "I can talk to up to two others..."

# ELECTIONS LAW

The upcoming election includes a proposition that asks the community to limit the use of 50 acres of City property on Observatory Mesa to passive recreation. A member of the citizen's group supporting the proposition asks the Council to draft a formal letter of support. Can the Council draft the letter?

# ELECTIONS LAW: CANNOT INFLUENCE

- Prohibition on Influencing Elections

- “A city or town shall not spend or use its resources, including the use or expenditure of monies...facilities...personnel, equipment, materials, buildings or any other thing of value of the city or town, for the purpose of influencing the outcomes of elections.” A.R.S. § 9-500.14(A).
- Strictly neutral education on ballot measures is acceptable.



# COUNCIL MEETINGS & PROCEDURES

STACY SALTZBURG, CITY CLERK

# COUNCIL MEETINGS

## **Regular City Council Meetings**

- Held on the 1st and 3rd Tuesday of the month
- Business Meetings (motions and votes are taken)

## **Work Sessions**

- Held on the 2nd and 4th Tuesday of the month
- Discussion and Direction meetings (no motions or votes are taken)

## **Executive Session**

- Held on an as-needed basis
- Executive Sessions are closed to the public
- Agendas are still required for public notification

# COUNCIL MEETINGS

## **Retreats**

- Held on an as-needed basis (4-5 times per year)
- Generally conducted away from City Hall
- Opportunity for dialogue with staff & cover topics such as:
  - Goal Setting ('Community Priorities')
  - Orientation & Coaching
  - Budget
- No formal action taken

# COUNCIL MEETINGS

The official record (agendas & minutes) of all meetings of the Council are prepared by the City Clerk's Office

- Agenda packet preparation is an ongoing process that sometimes spans the course of 2 to 3 weeks
- Staff summaries are intended to provide the information needed for Council to make informed decisions
- Packets are created digitally and are available online for viewing or downloading
- Available on Friday afternoons in preparation for the following Tuesday

# COUNCIL MEETINGS

## **DRAFT AGENDA**

- A “Draft” agenda for the voting meeting is prepared and distributed with the Work Session agenda
- Opportunity for Council to review the upcoming voting meeting and ask any questions of staff
- The Work Session agenda allows for a review of the Draft agenda
- If there are any questions or concerns about upcoming agendas or specific agenda items we encourage you to contact staff to discuss
- We are here to help and assist in your decision making

# COUNCIL MEETINGS

## **Public Comment/Participation**

- The public is permitted to speak 3 times during a meeting and each comment is limited to 3 minutes
- ***Public Participation*** is at the beginning of the meeting and is confined to comments on items that are **NOT** on the agenda
  - Council is unable to dialogue with these speakers as there has not been proper public notice of the topic
- ***Public Comment*** is reserved for items that are on the agenda.
  - Council can dialogue with these speakers if desired

# COUNCIL MEETINGS

## **Hybrid Meetings**

- Digital participation is available for Council, staff, and the public
- Council Meetings are live streamed on the website and YouTube

# COUNCIL MEETINGS

- Minutes document the official actions of the City Council and provide a brief summary of discussions
  - Action summaries and detailed minutes are posted on the City's website
  - Meeting videos, including a closed captioning transcript, is available on the City's website

# COUNCIL MEETINGS

## Working Calendar

- A living document that sets the schedule of agenda topics
- Distributed to Council each Friday with the agenda
- Available online for public viewing

CITY OF FLAGSTAFF, ARIZONA				WORKING CALENDAR – 2023		Updated 1/17/2023 5:17 PM	
<b>THURSDAY/FRIDAY, JANUARY 19-20, 2023 – COUNCIL RETREAT</b>							
TYPE	TIME	ITEM	REQUESTOR	SUBJECT	STAFF	DEADLINE	
CRT	8:30 AM			Orientation and Budget			
<b>TUESDAY, JANUARY 24, 2023 – SPECIAL WORK SESSION</b>							
TYPE	TIME	ITEM	REQUESTOR	SUBJECT	STAFF	DEADLINE	
SWS	3:00 PM	Disc.	Langley	Attorney General Kris Mayes introduction and informational presentation	Langley	01/18/2023	
SWS	3:00 PM	Disc.	Overton	Post wildfire flooding updates	Overton	01/18/2023	
SWS	3:00 PM	Disc.	Antonopoulos	Carbon Neutrality Plan 6-month update	Niemann	01/18/2023	
<b>TUESDAY, JANUARY 31, 2023 – EXECUTIVE SESSION/ SPECIAL MEETING/ WORK SESSION</b>							
TYPE	TIME	ITEM	REQUESTOR	SUBJECT	STAFF	DEADLINE	LOCKED
ES	1:00 PM	ES	Solomon	Litigation Update (A3, A4)	Finsel		
SCM	3:00 PM	Routine	Hansen	Contract for the Airport Paid Parking System	Gall/Helmick	01/25/2023	
SCM	3:00 PM	PH	Hill	Ord. – 1 <sup>st</sup> Read – Stormwater Rate Adjustment	Schenk	01/25/2023	
WS	3:00 PM	Proc.	Daggett	Proclamation: Career and Technical Education Month	Johnson	01/25/2023	
WS	3:00 PM	Disc.	Hansen	Economic Development Year in Review	Saltonstall	01/25/2023	
WS	3:00 PM	Disc.	Hansen	Downtown Connection Center Public Art Concepts: Art Glass and Southside Grove Sculpture	Weldon	01/25/2023	
WS	3:00 PM	Disc.	Hansen	Update and Discussion of Potential Changes for Parking Program	Brockman	01/25/2023	
WS				Review of Draft Agenda for February 7, 2023 Meeting			
<b>THURSDAY/FRIDAY, FEBRUARY 2-3, 2023 – COUNCIL BUDGET RETREAT</b>							
TYPE	TIME	ITEM	REQUESTOR	SUBJECT	STAFF	DEADLINE	
CRT	8:30 AM						
<b>TUESDAY, FEBRUARY 7, 2023 – COUNCIL MEETING</b>							
TYPE	TIME	ITEM	REQUESTOR	SUBJECT	STAFF	DEADLINE	
CM	3:00 PM	Proc.	Daggett	Proclamation: <del>Astrotourism</del> <u>Stardust</u> Month	Johnson	01/25/2023	
CM	3:00 PM	Consent	Tadder	Ratification of Fiscal Year 2022 Emergency Procurement	Brown	01/25/2023	
CM	3:00 PM	Consent	Hill	Approval of Contract for Water, Wastewater, Reclaimed Water Rates & Fees Study	Young	01/25/2023	
CM	3:00 PM	Consent	Hill	Enterprise Licenses Agreement with <del>Cityworks</del> <u>Azteca</u>	Harrington	01/25/2023	
CM	3:00 PM	Consent	Hill	Contract agreement with <del>Surdex</del> <u>Corporation</u> for aerial imagery and LiDAR data acquisition	Harrington	01/25/2023	
CM	3:00 PM	Routine	Sayers	Stage 2: Acceptance of Invasive Plant Grant for maintenance of Observatory Mesa Natural Area (Federal)	Wallace	01/25/2023	
CM	3:00 PM	Routine	Folke	Preliminary Plat for Miramonte at Presidio in the Pines VI Condominiums (PZ-19-00204-05)	Pearthree	01/25/2023	
CM	3:00 PM	PH	Folke	Ord. – 1 <sup>st</sup> Read – PZ-22-00180 Case No. PZ-22-00180 Updates to Zoning Code – Duplex Definition	Meja	01/25/2023	
CM	3:00 PM	PH	Folke	Ord. – 1 <sup>st</sup> Read – PZ-22-00220 Updates to Zoning Code – Heavy Manufacturing and Processing in Light Industrial	Welch	01/25/2023	
CM	3:00 PM	Regular	Mood	Res. – Rename the tunnel along the Sheep Crossing <del>FUTS</del> <u>Trail</u> for Cosmic Ray <del>Brutti</del>	Ince	01/25/2023	

# COUNCIL MEETINGS

## **Direction Needed:**

- Fourth of July
- Summer Recess
- New Year

# CITY COUNCIL RULES OF PROCEDURE

“The Council shall determine its own rules and order of business, . . . .”

(Charter Article II, Section 14)

- Govern Council operations and meeting protocol
- Updated periodically as requested by Council or staff.
- Last updated November 2, 2021

# CITY COUNCIL RULES OF PROCEDURE

- Conflict of Interest
- Meeting dates, times, and locations
- Order of business and how agendas are structured
- Lays out the Future Agenda Item Request (FAIR) process
- Rules of order and decorum among Council, staff, and citizens
- Provides guidance on motions, amendments to motions, point of order, etc.
- Establishes the citizen petition process

# COUNCIL RULES OF PROCEDURE

## **FUTURE AGENDA ITEM REQUESTS (FAIR)**

- Requested during To/From at City Council Meetings
- Placed on an agenda under “Future Agenda Item Requests” for consideration by Council
- Requires three members of Council (requester + 2 others) to support placing it on a future agenda for discussion and direction
  - If supported, it goes into discussion queue for staff to prepare a presentation.
  - If there is a desire to move the item to the front of the queue, a request must be made by the Councilmember and a majority of Council (four) must agree.

BREAK





# BOARDS & COMMISSIONS

STACY FOBAR, DEPUTY CITY CLERK

# BOARDS & COMMISSIONS

- The City currently has 26 Boards and Commissions
  - There are six types of Boards
    - Advisory (most common)
    - *Ad Hoc*
    - Decision Making
    - Quasi-Judicial
    - Subcommittees (like Bicycle Advisory and Pedestrian Advisory Committees)
    - Informal Working Groups

*Airport Commission, Audit Commission, Beautification and Public Art Commission, Bicycle Advisory Committee, Board of Adjustment, Building and Fire Code Board of Appeals, Commission on Diversity Awareness, Commission on Inclusion and Adaptive Living, Employee Advisory Committee, Flagstaff Housing Authority, Heritage Preservation Commission, Housing Commission, Indigenous Commission, Industrial Development Authority, Library Board, Mountain Line (NAIPTA) TAC, Open Spaces Commission, Parks & Recreation Commission, Pedestrian Advisory Committee, Personnel Board, Planning & Zoning Commission, Public Safety Personnel Retirement System, Self-Insurance Trust Fund Board, Sustainability Commission, Transportation Commission, Water Commission*

# BOARDS & COMMISSIONS

## **Board and Commission Role**

- Make recommendations to Council
  - Council May:
    - Accept recommendation
    - Change provisions of recommendation
    - Send back for further consideration
    - Not accept recommendation
- Advisory in Nature
  - If a matter does not fall under the umbrella established for the commission, or it is not directly related to its mission as set out in the enabling legislation, then it is probably not something that the commission should spend its time on

# BOARDS & COMMISSIONS

## **City Clerk's Role**

- Train Staff Liaisons
- Manage applications for Boards and Commissions & bring appointments to Council
- Prepare and send welcome packets, reappointment letters, resignation, and retirement letters
- Collect and retain Oath of Office and affirmations of training from members
- Coordinate with Park Flag for parking permits
- Create and distribute member rosters
- Maintain agendas and minutes for public records

# BOARDS & COMMISSIONS

## Staff Liaison Role & Responsibilities

- Provide support
- Prepare and post agendas and minutes
- Ensure compliance with Open Meeting Law
- Facilitate interaction with other commissions and Council
- Coordinate requests for legal assistance
- Prepare commission recommendations and make presentations to Council on behalf of the commission

Commissions **do not** have authority over staff's work program, they cannot direct the work of staff without prior approval of City Manager.

# BOARDS & COMMISSIONS

## **Vacancies**

- Commission terms are staggered so two to three seats each year should be available for appointment
- Commissioners can generally serve on only one commission at a time.
- Terms are generally three years, and a commissioner may serve two (2) full terms or one (1) partial term and (2) full terms, not to exceed eight years
- Vacancies often occur due to resignations which result in partial terms being available
- Please note that current commissioners that reapply may be appointed to a full or partial term. To ensure continuity, please consider appointing current commissioners to a full term

# BOARDS & COMMISSIONS

## **Appointment Process**

- Generally, City Council appoints members to Boards and Commissions
- A rotating, random list of Councilmembers was developed in 2012 to assign members to appointments to ensure fairness
- Past Councils requested that commissions be moved forward for appointment when staff received a minimum of one application more than available seat with some exemptions
  - Would this Council like to change this?

# BOARDS & COMMISSIONS

## Rotating List Example

	A	B
1	<b>TOURISM COMMISSION</b>	
2		
3	<b><u>Council Member</u></b>	<b><u>Meeting Date</u></b>
4		
5	Councilmember Brewster	3/1/2016
6	Councilmember Evans	3/1/2016
7	Mayor Nabours	3/1/2016
8	Councilmember Oravits	3/1/2016
9	Councilmember Overton	7/5/2016
10	Councilmember Barotz	2/21/2017
11	Councilmember Putzova	2/21/2017
12	Councilmember Odegaard	2/21/2017
13	Vice Mayor Whelan	12/19/2017
14	Mayor Evans	12/19/2017
15	Councilmember McCarthy	1/15/2019
16	Councilmember Salas	1/15/2019
17	Vice Mayor Shimoni	1/15/2019
18	Councilmember Aslan	11/5/2019
19	Councilmember Odegaard	7/7/2020

# BOARDS & COMMISSIONS

## **Appointment Process**

- The recommending Councilmember will make a motion to appoint their selected individual for the City Council to vote upon for possible approval
- Council may wish to consider an appointment in executive session and then make the appointments in a public meeting. Applicants have the right to have their application considered in a public meeting by providing a written request to the City Clerk. The Clerk's office will inform Council if such a request is received
- Should the motion not pass, the assigned Councilmember may select another applicant for possible approval or ask that the appointment be postponed until additional applications are received

# BOARDS & COMMISSIONS

## **Staff Summary and Application Packets**

- Staff Summary for appointments will be included in the agenda packet
- It will include information on how many seats are available, the terms of the available seats, and the reasons on why staff may be asking for seats to be filled
- To protect the privacy of commissioners and applicants, the applications will be sent to Council by email rather than included in the staff summary

# BOARDS & COMMISSIONS

## **Staff Summary and Application Packets**

- Please reach out to the applicants and the staff liaisons regarding appointments to interview the applicants and to see if they are a good fit for the commission
- Vacancies often occur mid-term and lead to open seats. When multiple appointments are to be made, please consider appointing current commissioners to a full term rather than a partial term



# PUBLIC RECORDS LAW & CONFLICT OF INTEREST

KEVIN FINCEL, DEPUTY CITY ATTORNEY

# PUBLIC RECORDS LAW:



# PUBLIC RECORDS LAW:

As a Councilmember, do you have to retain a copy of all agendas that have been sent to you the City Clerk?

Do you have to retain the notes you take at a meeting?

You receive emails from a member of the public about an issue that is on a future agenda. The email is sent to your personal email address and you view the email on your home computer. Do you have to retain that email?

# PUBLIC RECORDS LAW:

## Public Policy:

“Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.” ARS § 39-121.

# PUBLIC RECORDS LAW:

## Record Keeping Requirement:

“All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, ***reasonably necessary or appropriate to maintain an accurate knowledge of their official activities*** and of any of their activities which are supported by monies from this state or any political subdivision of this state.” ARS 39-121.01(B).

# PUBLIC RECORDS LAW:

"Records" are defined in A.R.S. § 41-151.18 as:

- all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to § 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and ***preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government***, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute.

# PUBLIC RECORDS LAW:

- Production of records: applies to paper and electronic documents (including emails)
- Includes home computer, phone, if used for City business
- Process for retention—create one
- When term is up...
  - Forward records to appropriate staff; or
  - Forward to appropriate staff at any time

# CONFLICT OF INTEREST LAW:



*"Yes, I am employee of the month again. And yes, I'm the one who chooses the employee of the month. And no, I don't see a conflict of interest."*

# CONFLICT OF INTEREST LAW: APPLICABILITY ARS§38-501-511

- Applies to:
  - All Public Officers (Including Councilmembers and Board and Commission Members)
  - All Public Employees

# CONFLICT OF INTEREST LAW: GENERALLY ARS §38-503

A public officer or employee who has, or whose relative has, a ***substantial interest*** in a decision of the public agency or in any contract, sale, purchase or service to such public agency must disclose that interest in the official record and not vote on or participate in the decision or transaction.

# CONFLICT OF INTEREST LAW: SUBSTANTIAL INTEREST ARS §38-502(11)

- "Substantial interest" means any nonspeculative pecuniary or proprietary interest, either direct or indirect, ***other than a remote interest.***
  - Generally, any interest that affects your, or your relative's, financial (pecuniary) or property (proprietary) interests

# CONFLICT OF INTEREST LAW: IDENTIFYING CONFLICTS

- Three Questions to Identify a Conflict of Interest:
  - Will my decision have a positive or negative impact on my interests or that of my relatives?
  - Do I have a monetary or ownership interest in the matter?
  - Is my interest other than one of the designated remote interests?

# CONFLICT OF INTEREST LAW: REMOTE INTERESTS

- Remote interests are financial and property interests deemed to be so minor as not to trigger the reporting and non-participation requirements
- May still vote and participate in discussions

# CONFLICT OF INTEREST LAW: REMOTE INTERESTS

- Remote Interests - Examples:
  - “That of a nonsalaried officer of a nonprofit corporation.” ARS § 38-502(10)(a).
    - No problem being an unpaid director of the Boys and Girls club and voting to approve a new building project for the Club coming before the P&Z Comm.

# CONFLICT OF INTEREST LAW: REMOTE INTERESTS

- Remote Interests - Examples:
  - Recipient of municipal services under same terms and conditions as general public. ARS § 38-502(10)(g).
    - No problem for member of water Council to discuss and vote on new water and sewer rates.

# CONFLICT OF INTEREST LAW: REMOTE INTERESTS

- Remote Interests - Examples:

- That of a member of a trade, business, occupation, profession, or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons. ARS § 38-502(10)(j).

- No problem for member of P&Z who is a property owner to discuss and vote on zoning amendments that impact numerous other property owners.

# CONFLICT OF INTEREST LAW: WHAT TO DO

- What if you have a substantial conflict?
  - Refrain from voting on or participating in the decision
  - Make the conflict of interest known in the official record
  - Leave the dais and the room

# CONFLICT OF INTEREST LAW: SEEKING HELP

- What if you aren't sure?
  - Ask us
  - If an official written legal opinion of a conflict is given by City Attorney's Office it is a public record and filed with the City Clerk

# CONFLICT OF INTEREST LAW: OTHER PROHIBITIONS

- Gifts and Bribes: Never use official position to secure, and never accept, any valuable thing or benefit that would not ordinarily accrue in the performance of official duties

# CONFLICT OF INTEREST LAW: PUBLIC PERCEPTIONS

- Public Perception and the Appearance of a Conflict
  - Add additional filters to your decision-making process
    - Is there sufficient appearance that your continued participation would harm your credibility or that of your board or City?
    - Is the accusation reasonably grounded?
    - Does the accuser stand to gain something by your withdrawal from the discussion?

# CONFLICT OF INTEREST LAW: REMEDIES

- Contracts are voidable
- Affected person may sue
- Court may assess attorneys' fees and costs

# CONFLICT OF INTEREST LAW: PENALTIES

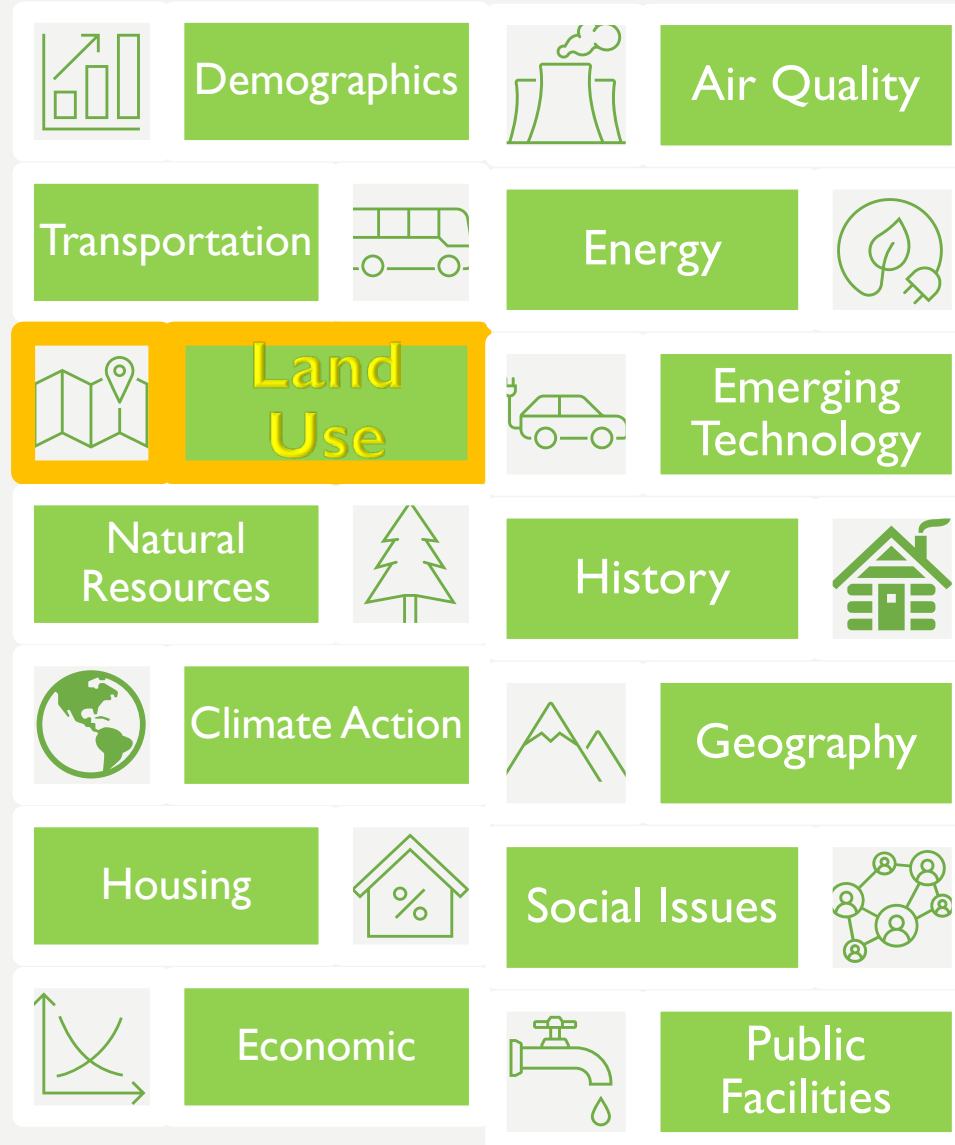
- Forfeiture of office
- Felony
  - A knowing or intentional violation of the Conflict of Interest Law
- Misdemeanor
  - A negligent or reckless violation of the Conflict of Interest Law



# LAND USE LAW & PROCESS

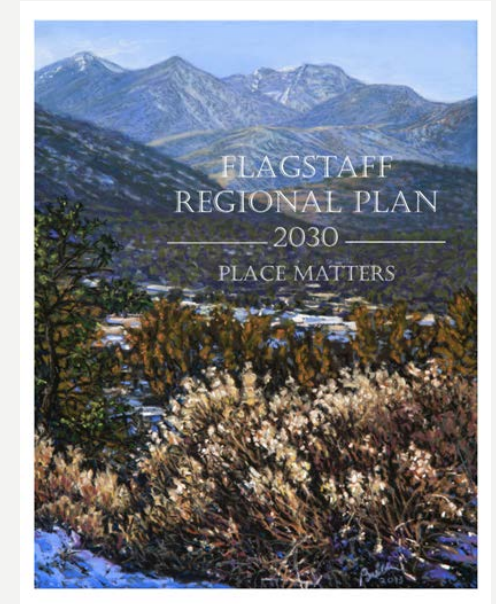
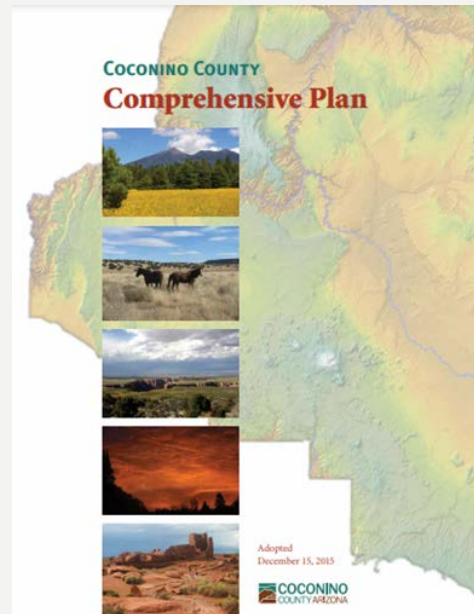
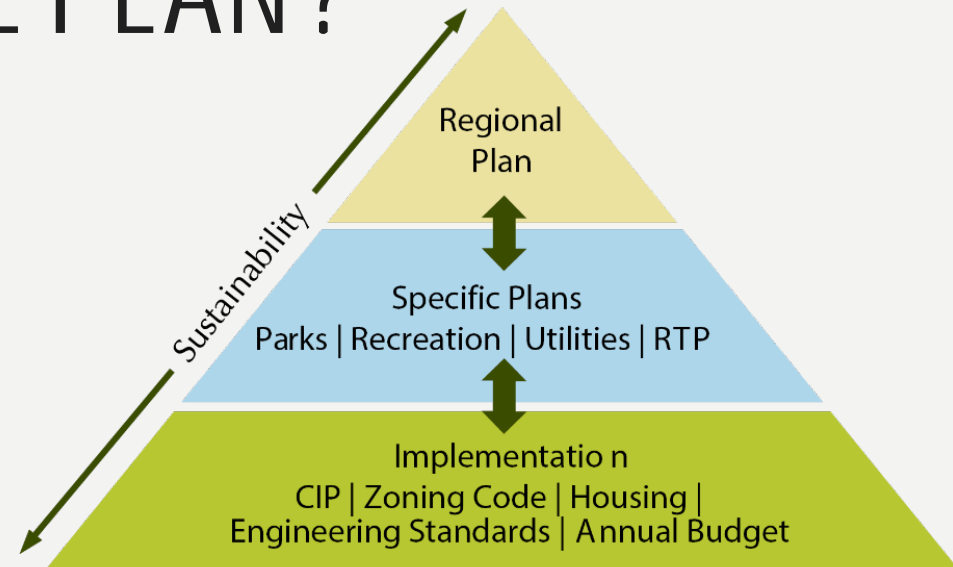
**CHRISTINA RUBALCAVA, SENIOR ASSISTANT CITY ATTORNEY**  
**MICHELLE MCNULTY, PLANNING DIRECTOR**

# LAND USE LAW & PROCESS



# WHAT IS THE REGIONAL PLAN?

A policy document that guides land use decisions and is key in a hierarchy of planning tools



# WHY IS IT A "REGIONAL PLAN"?

- City of Flagstaff
  - Serves as the General Plan
  - Must be ratified by voters every 10 years
- Coconino County
  - Is an amendment to the County Comprehensive Plan
  - Adopted by the Board of Supervisors as a Major Amendment



# WHAT IS A SPECIFIC PLAN?

- Implements General Plan
- Provides more detail related to a topic or land area
- May include limited regulations such as building height, bulk, and use



# ZONING CODE

- Zoning is the classification of land according to use or form.
- Uses/Forms may be permitted outright, permitted with conditions, permitted as an accessory use, or prohibited.
- Consists of two parts: the map and the text.
- ARS 9-462.01 provides for the adoption and administration of zoning in Arizona



# SUBDIVISION ORDINANCE

- Subdivisions do not address land uses.
- The Ordinance establishes standards for the subdividing of land.
- The purpose of a subdivision plat is to ensure that lots are created in accordance with community standards and that they are properly surveyed and recorded.



# AUTHORITY FOR PLANNING



**Police Powers vs. Private Property**

# TYPES OF DECISIONS

## **Legislative**

- Council has great discretion
- But decisions must be based on findings
- Decisions cannot be based on unlawful reasons

## **Administrative**

- Discretion is limited
- So long as all requirements are met (e.g. compliance with Code), Council must approve

# TYPES OF DECISIONS

## **Legislative**

- Zoning Map Amendments  
“Rezoning”
- Zoning Code Text Amendments
- General Plan
- Specific Plan
- Annexations
- Development Agreements

## **Administrative**

- Preliminary Plat
- Final Plat
- Conditional Use Permits

# DUE PROCESS



- Adequate, advance notice of meetings;
- Availability of staff reports and other information needed by the applicant to more fully understand issues;
- The opportunity to be heard at public hearings;
- Full disclosure or the chance to hear, see, or review all the information available to the City Council in its deliberations;
- Findings of fact backed up by evidence on the record to support the Council's decisions.

# FINDINGS

- What are Findings?
- Purpose of Findings
  - Provide a framework for making decisions
  - Facilitate orderly analysis from evidence to conclusion
  - Ensures that decision-making is careful, reasoned, and equitable
  - Enables parties to determine basis for an appeal
  - Gives appeal body the basis of the Commissions decision

# CONDITIONS OF APPROVAL

- Conditions included in administrative staff report
- The timing of conditions can vary
- Staff is responsible for implementing the conditions



# ENTITLED VS. NON-ENTITLED PROJECTS



General Plan and  
Specific Plans



Other Council  
Adopted Plans



Zoning Code

# MORE TO COME...

- Executive Sessions
  - Exactions
  - Prop 207
  - Development Agreements
- Planning Staff
  - Always available for questions on project specifics





LUNCH

# TEAM BUILDING

**KATIE WITTEKIND, FACILITATOR**





# ORGANIZATIONAL STRUCTURE & MANAGEMENT STRATEGIES

GREG CLIFTON, CITY MANAGER

# ORGANIZATIONAL STRUCTURE

## **The structure of the organization:**

- Includes our Core Services and Functions
- Adaptable to Changing Needs and Priorities
- Appropriately Sized and Funded

# ORGANIZATIONAL STRUCTURE

## Core Services (Required Services and Universal Services):

- Police
- Fire
- Public Works
- Water Services
- Airport, Library, Parks, Housing
- City Clerks Office
- Court
- Community Development

# ORGANIZATIONAL STRUCTURE

## Support Services (More Internal Focus):

- Information Technology
- Management Services
- Legal
- Management
- Human Resources
- Engineering
- Economic Vitality
- Sustainability

# ORGANIZATIONAL STRUCTURE

## Adaptable to Community Needs & Priorities:

- Information Technology (Emerging Technologies)
- Economic Vitality (Tourism, Business Attraction)
- Sustainability (Climate Emergency)
- Housing (Housing Emergency)
- Public Affairs (Outreach, Transparency, Indigenous Initiatives)

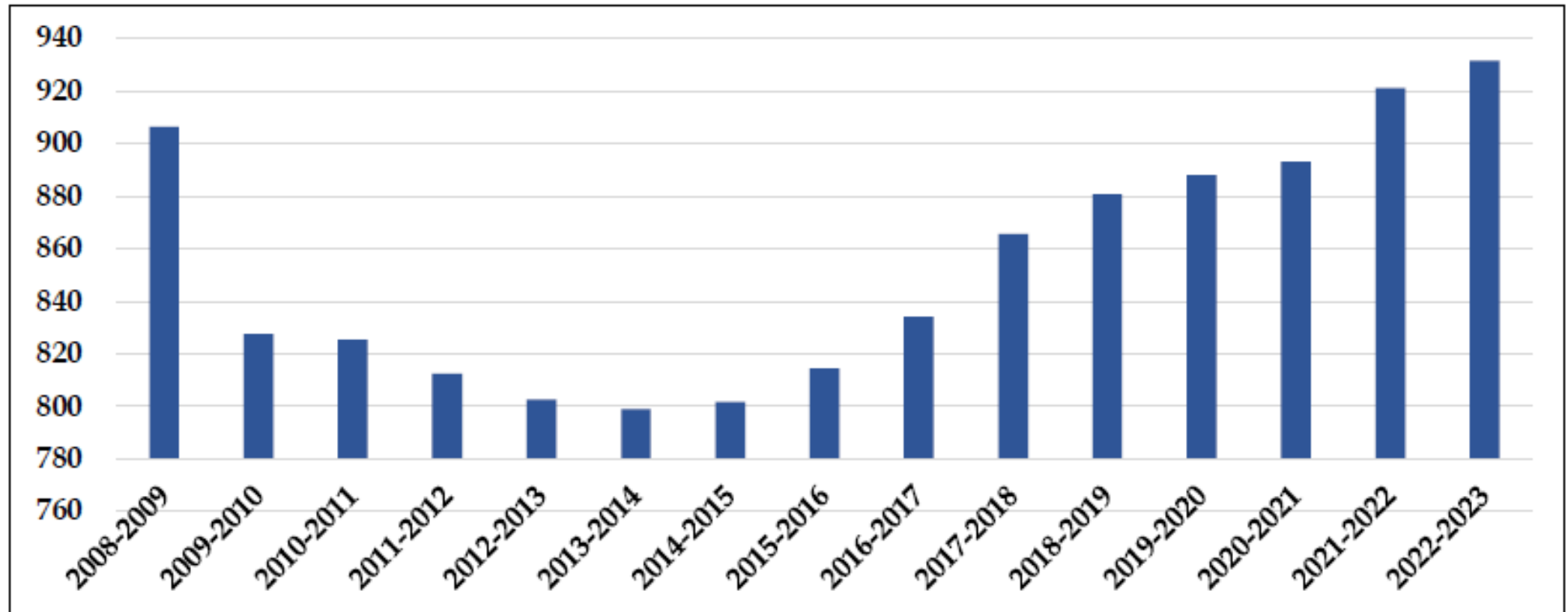
# ORGANIZATIONAL STRUCTURE

## Adaptable to Community Needs & Priorities:

- Beyond the Organization, NGO Support
  - Sheltering Services
  - Service Organizations (UWNA)
  - Animal Care
  - Early Childhood Education
  - Utilization of City Facilities

# ORGANIZATIONAL STRUCTURE

**Appropriately Sized and Funded**

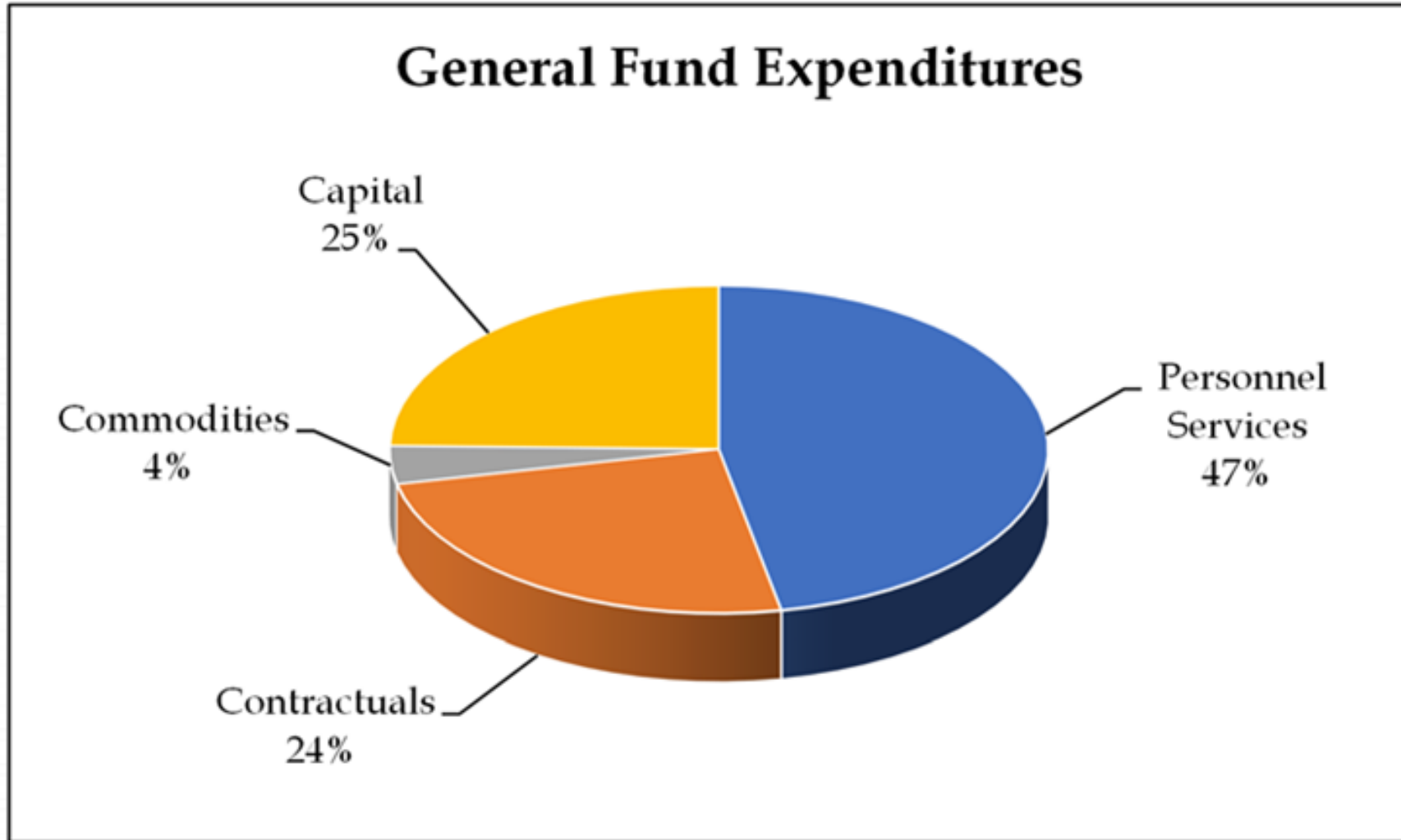


# ORGANIZATIONAL STRUCTURE

## **Appropriately Sized and Funded:**

- Enterprise Funds
- General Fund
- Specific Funds
- Sound Fiscal Policies
  - Fund Balances
  - Recession Planning
  - Public Safety Pension Payoff
  - Retired Debt

# ORGANIZATIONAL STRUCTURE



# MANAGEMENT STRATEGIES

## Emphases over Recent Years:

- Less Vertical Hierarchy
- More Horizontal Inclusion
- More Divisions; More Sections
- Empowerment of all Employees
- Reliance upon Team Engagement
- Internal Advancement Opportunities
- Employee Recognition

# MANAGEMENT STRATEGIES

## Personal Interests

- Employees
- Repurposing of Vacant City Facilities
  - Beneficial Lease Agreements
- Diversity and Culture
- Public /Private Partnerships
- Water Resources
- Building Stuff
- Downtown Vibrancy
- Solving Complex Problems

# MANAGEMENT STRATEGIES

## Challenges:

- Recruitment & Retention
- Compensation and Minimum Wage Increase
- Adapting to a Virtual Work Environment
- Succession Planning
- Scarcity of Resources

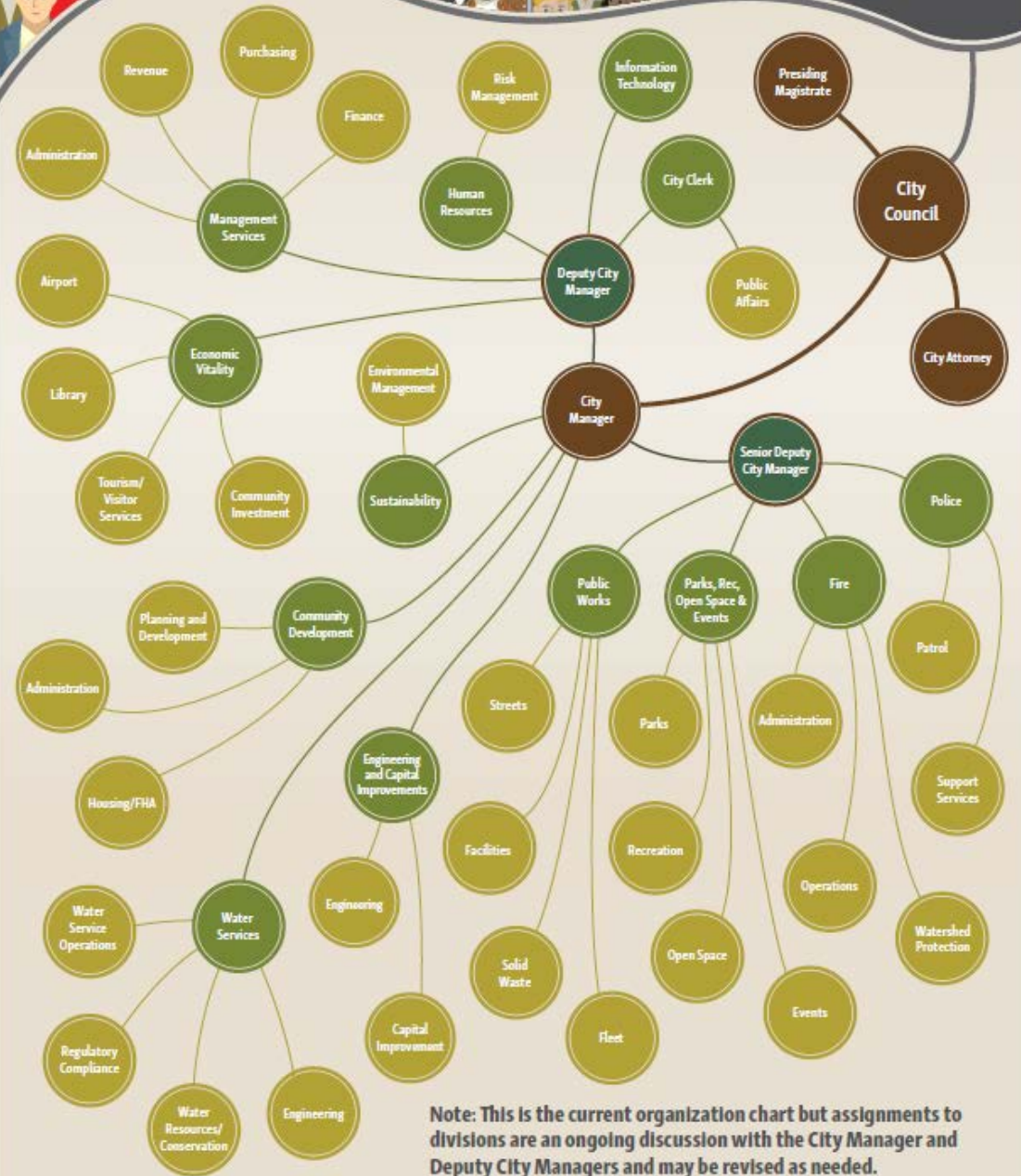
# MANAGEMENT STRATEGIES

## **Restructures:**

- Creation of Executive Assistant and Chief of Staff positions
- Creation of new Public Affairs Section
- Information Technology, Engineering, City Clerks Office, PROSE, and Sustainability as Divisions
- Full time Indigenous Coordinator Position
- Emergency Management as Section
- Stormwater as a Water Services Program
- Building Safety & Code Compliance as a Section
- Housing Section Inclusive of Housing Authority



# FLAGSTAFF COMMUNITY



**Note: This is the current organization chart but assignments to divisions are an ongoing discussion with the City Manager and Deputy City Managers and may be revised as needed.**



# FIKA BREAK & VIDEO

HEIDI HANSEN, INTERIM DEPUTY CITY MANAGER



# COUNCIL/STAFF ROLES & RELATIONSHIPS

GREG CLIFTON, CITY MANAGER

# COUNCIL / STAFF ROLES

In the Simplest Terms:

- The Role of Council is to Make Policy
- The Role of Staff is to Implement Policy

... but it ain't that simple

# COUNCIL / STAFF ROLES

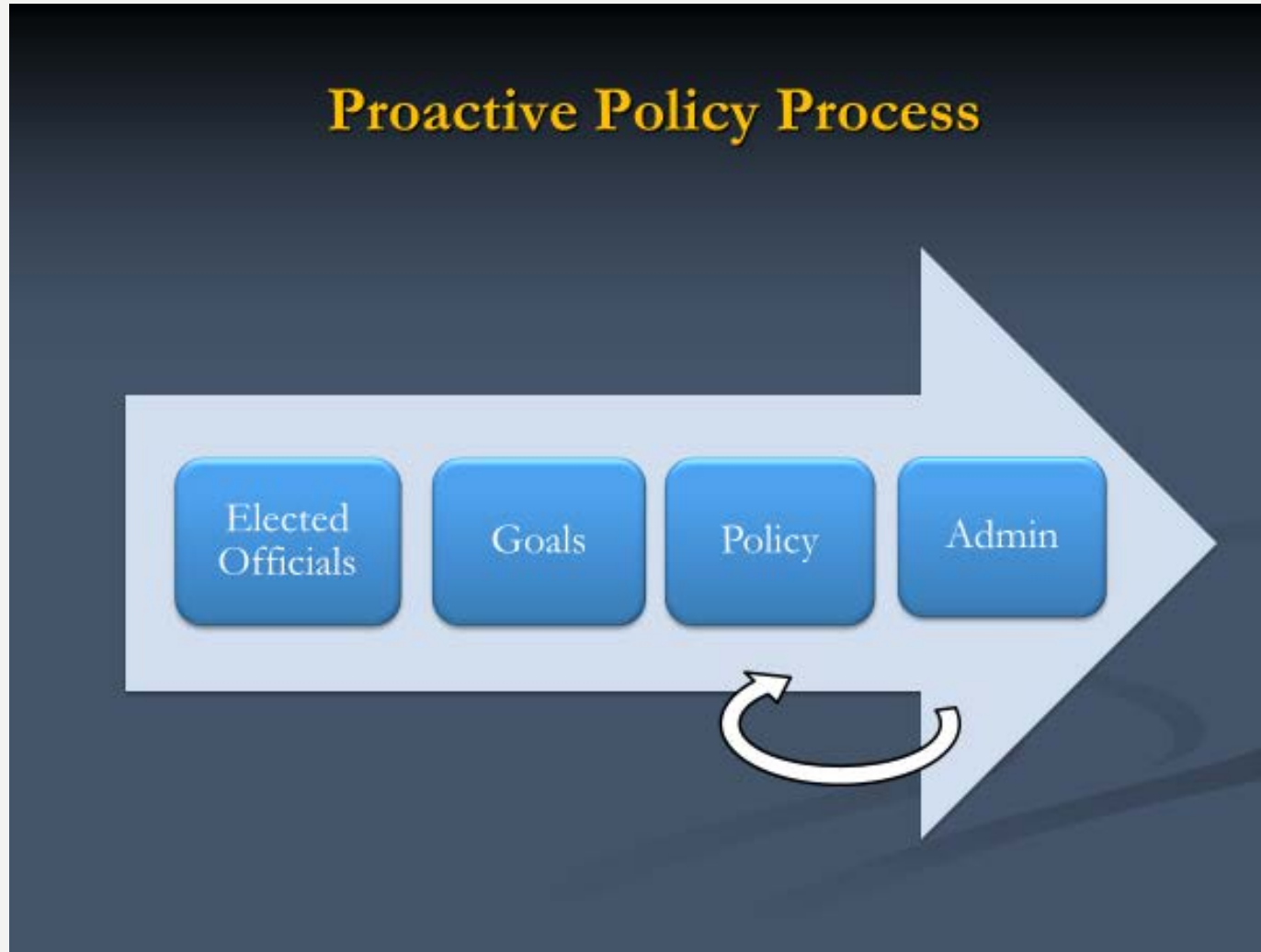


# COUNCIL / STAFF ROLES

## Examples:

- Housing Shortage ... Ten Year Housing Plan
- Climate Action ... Carbon Neutrality Plan
- Fires and Floods ... Flagstaff Watershed Protection Project

# COUNCIL / STAFF ROLES



# COUNCIL / STAFF ROLES

## Examples:

- CARE Team ... Alternate Response to Law Enforcement
- Outdoor Lighting Standards ... Preservation of Night Skies
- Water Conservation Program ... Stewardship of Resource

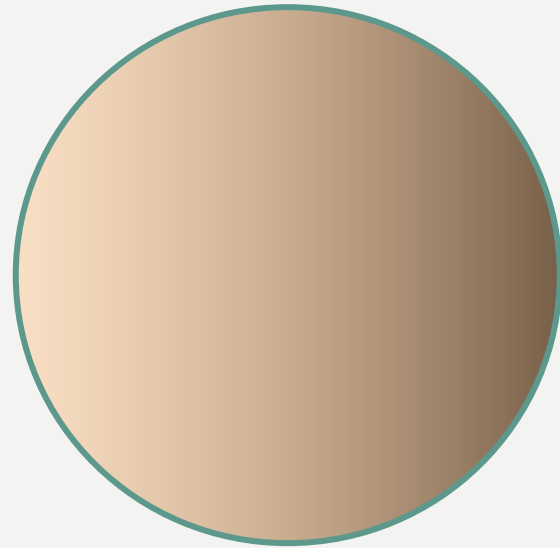
# COUNCIL / STAFF ROLES

## Implementation of Policy

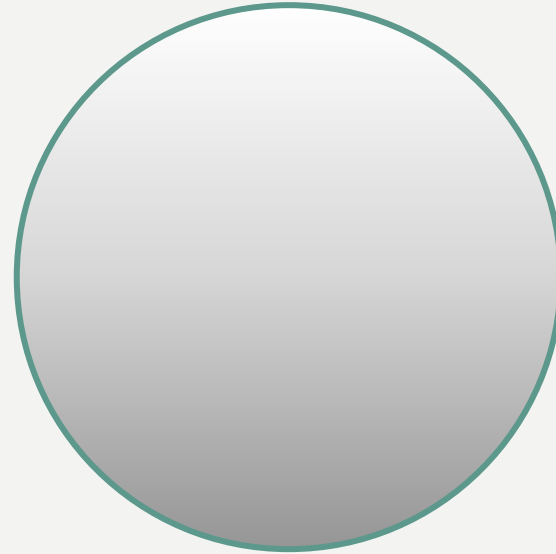
- Inform Policy Discussions
- Identify Resources Needed to Implement Policy Outcomes
- Put Policy into Action
- Evaluate over Time

# COUNCIL / STAFF ROLES

## **The Dichotomy:**



**POLICY**



**ADMINISTRATION**

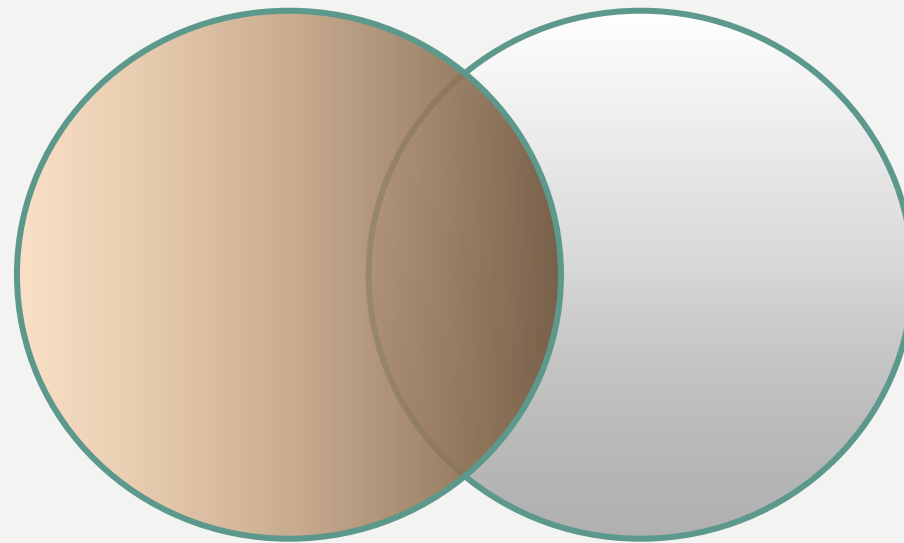
# COUNCIL / STAFF ROLES

In Practice, there is Some Level of Integration:

- Budget Process
- Commission Structure
- Familiarity and Understanding of Operations
- Disaster Response
- Public Outreach

# COUNCIL / STAFF ROLES

## **The Practical Model:**



**POLICY**

**ADMINISTRATION**

# COUNCIL / STAFF ROLES

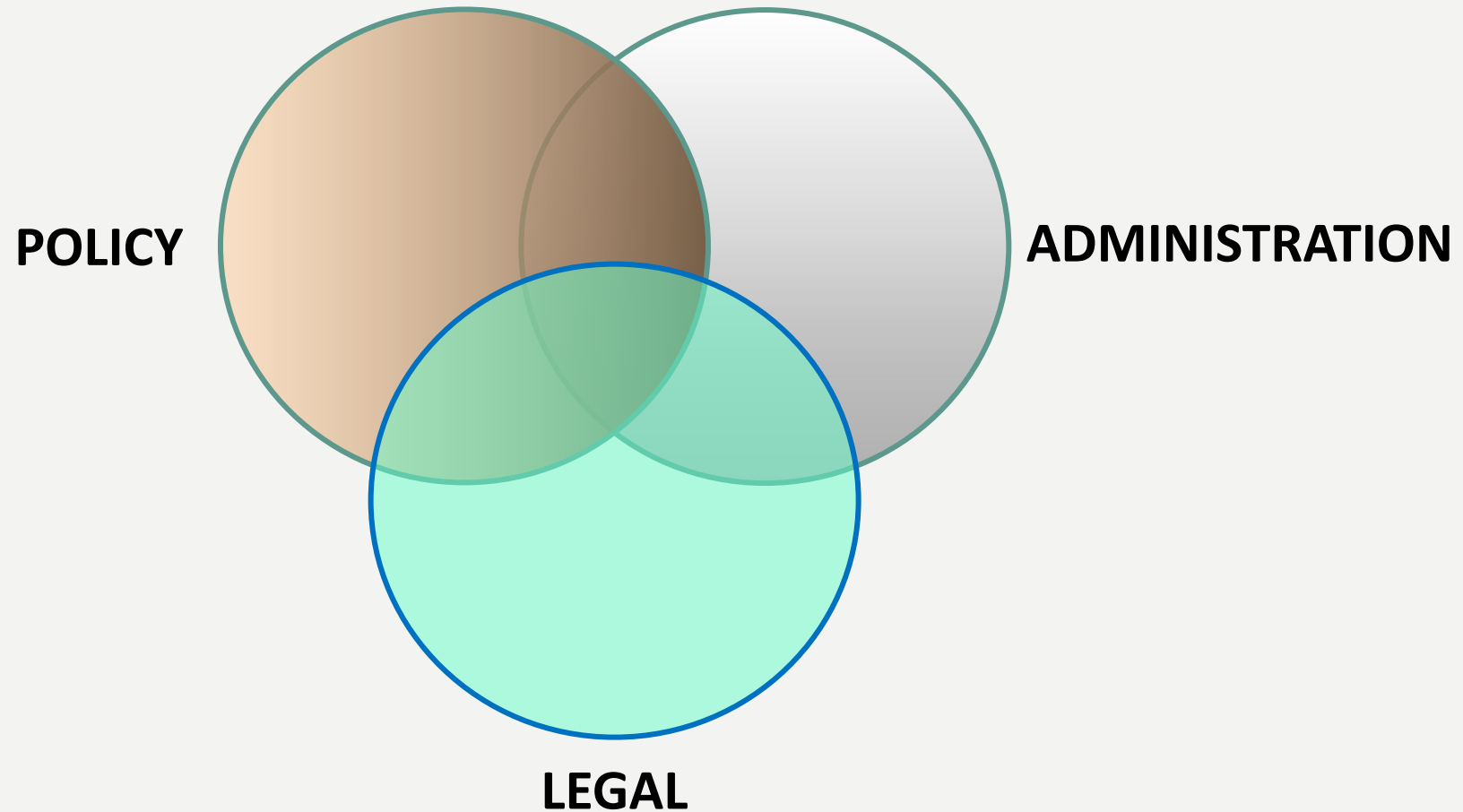
But Wait ... What about the Attorneys?

- Most Policies have Legal Foundations
- Most Procedures have Legal Implications
- For Some, Litigation is a Lunchtime Sport

... Legal Input and Advisement is Integral

# COUNCIL / STAFF ROLES

## The Sterling Model:



# COUNCIL / STAFF RELATIONSHIPS

## Engagement with Staff:

- Council is free to meet with Staff for Information
  - Courtesy Notice to Management
  - Avoid Allocation of Resources or Delegation of Tasks
  - Think of Staff Time from Budgetary Perspective
  - Respect the General Separation of Policy and Administration

# COUNCIL / STAFF RELATIONSHIPS

## Engagement by Staff:

- Council Meetings and Work Sessions
  - Emphasize Broad Participation in Presentations
  - Employee Recognition
  - Division Updates & CM Report
- Community and Intergovernmental Functions

# COUNCIL / STAFF RELATIONSHIPS

## Some Suggested Meeting Decorum:

- Important to be Formal
  - Title and Last Name
  - Cameras enhance Personal Interaction
  - Inclusion
  - Some Humor can help maintain Positive Tone
- Be Courteous and Respectful

# COUNCIL / STAFF RELATIONSHIPS

## Some Suggested Meeting Decorum:

- Large Agendas will Necessitate Efficient Meetings
- Clear Thought will Erode after a Few Hours
  - Nothing Wrong with Continuing Discussions if Needed
- Don't have to Engage on Every Topic

*Brevity is the Soul of Wit – William Shakespeare*





# PUBLIC OUTREACH

SARAH LANGLEY, PUBLIC AFFAIRS DIRECTOR

# MEDIA RELATIONS

## Pitching Stories

- Our relationships with print, radio & TV media outlets promote awareness and transparency
- News releases allow us to tell the City's story



## City of Flagstaff

News Release  
Dec. 22, 2022  
For Immediate Release

### City to begin dredging Frances Short Pond

FLAGSTAFF, Ariz – The City of Flagstaff will begin the process of dredging Frances Short Pond to remove sediment from post-wildfire flooding. First, the pond will be drained and dried so that the sediment at the bottom of the pond can be more easily accessed and removed. Once the sediment has been removed, the pond will be refilled with reclaimed water and spring runoff. The draining process will begin today, Dec. 22, 2023, and the entire project is expected to take three to six months, with the pond scheduled to be reopened in the late spring or early summer. The public should avoid the pond while the dredging process is taking place.

Dredging is required due to the large amount of sedimentation, ash, and debris from post-Pipeline Fire flooding that entered the pond this summer. Dredging removes sediment, ash, and debris that has settled to the bottom of the pond, thereby increasing the capacity of the pond for future post-wildfire flooding runoff. Removing ash from the bottom of the pond also allows a healthy pond ecosystem to develop.

Drained water from the pond will be slowly metered into the Rio de Flag drainage system. There are currently no sports fish in the pond due to poor water quality from ash and post-fire debris. Fish stocking will re-commence after the pond has been dredged and post-wildfire flows produce a lower concentration of ash and debris.

For related questions, please contact Ed Schenk, City of Flagstaff Stormwater Manager at [Edward.Schenk@flagstaffaz.gov](mailto:Edward.Schenk@flagstaffaz.gov).

###

# MEDIA RELATIONS

## **Responding to Inquiries**

- Public Affairs only responds to media requests related to City business
- Responses are factual and non-opinionated
- Public Affairs:
  - Coordinates written responses
  - Sets up interviews with staff and/or Councilmembers
  - Can provide talking points or background information

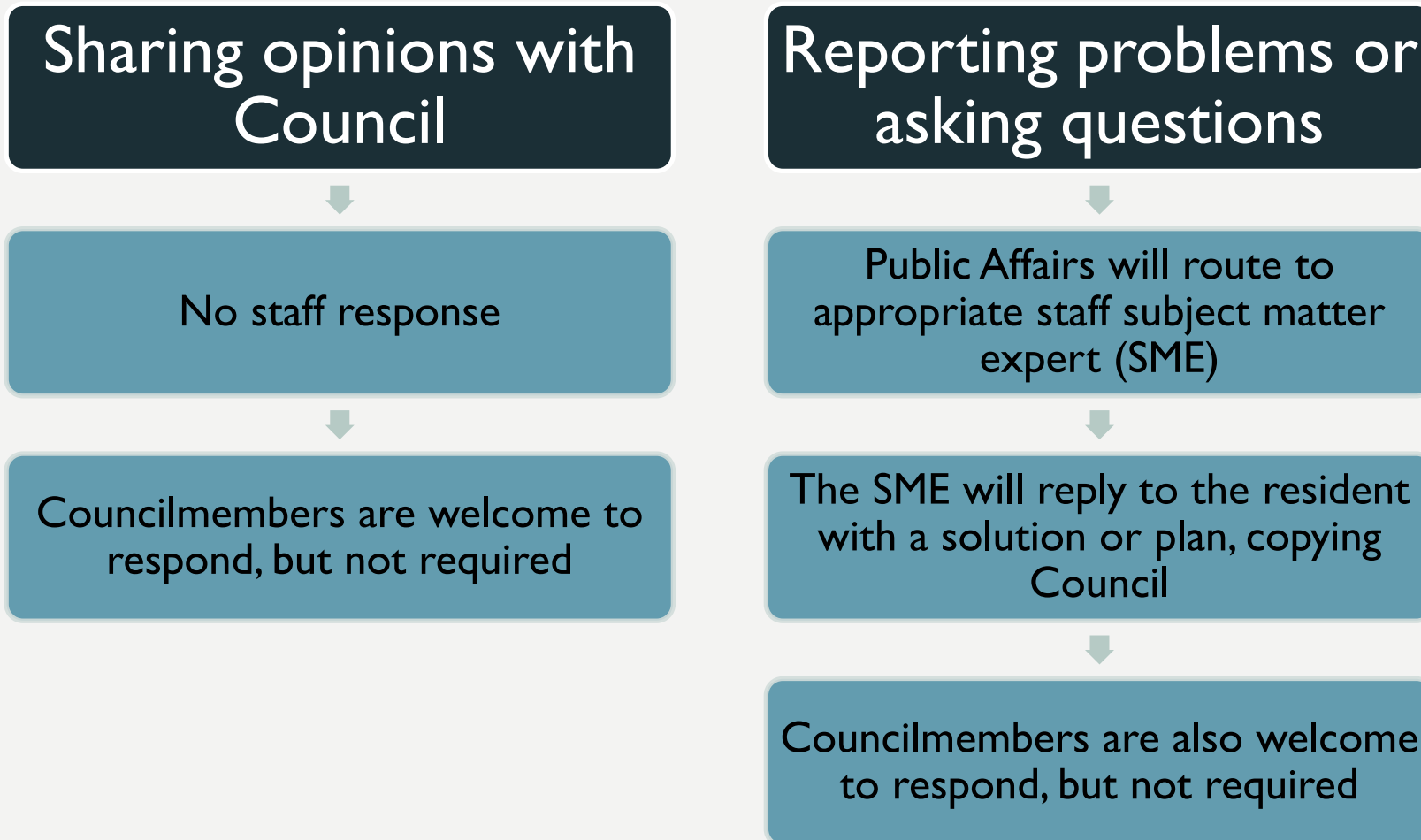
# SOCIAL MEDIA DIRECTIVE

- Official City presence on Facebook, Twitter and Instagram, among others
- Directive available [online](#) to guide use of and activity on official City social media channels
- Posts referencing a member of Council must:
  - Relate to Council's approved priorities and objectives, or
  - Relate to an item that has received support from a majority of Council



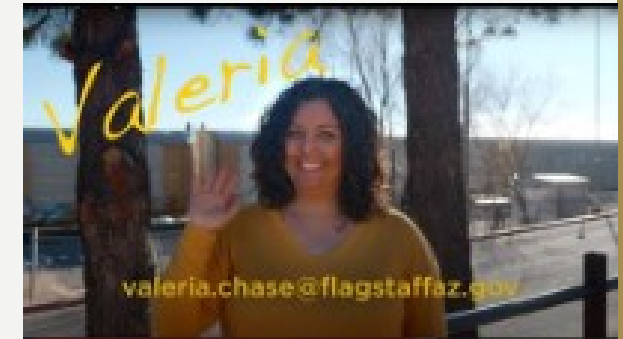
# RESIDENT EMAILS

Emails from residents to [council@flagstaffaz.gov](mailto:council@flagstaffaz.gov)



# VIDEOS

- Creatively sharing City initiatives, opportunities, and updates with our community
- Produced in-house with staff and Councilmembers, or with contracted videographers and actors
- Invitations to participate coming soon!





PUBLIC COMMENT  
&  
WRAP UP