

## TITLE 2

### ADMINISTRATION AND PERSONNEL

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## CHAPTER 2.04

### TOWN COUNCIL

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#### 2.04.010                    SELECTION OF MAYOR

The Councilmembers shall assume the duties of office and choose a Mayor and Vice Mayor from among their members at the first regularly scheduled Council meeting following the date of the election at which the Councilmembers were elected. For purposes of this section, the "date of the election" shall mean the date of the official canvass of the general election. The Mayor and Vice Mayor shall serve at the pleasure of the Council and the Council may establish rules and procedures for the removal of the Mayor or Vice Mayor During their term of appointment, provided that the Mayor or Vice Mayor may only be removed by an affirmative vote of at least four (4) Councilmembers. (Ord. No. 191 § 1, 1976:Ord. No. 342, 2015:Ord. No. 393)

**2.04.020**                    **MEETINGS REQUIRE PRIOR NOTICE**

In accordance with the provision of subsection 3 of Section 38-431.02, Arizona Revised Statutes, notices of all regular, special or other meetings of the Town Council and all agencies, boards and commission of the Town and their committees and subcommittees shall be posted on the front door of the Town Hall, at least twenty-four (24) hours prior to the commencement time of such meeting and shall also set forth the time and place of all such meetings. (Ord. No. 263, 1974)

**2.04.030**                    **EMERGENCY MEETINGS**

In case of an actual emergency, any meeting referred to in Section 2.04.020 may be held upon such notice as is appropriate in the circumstances. (Ord. No. 263, 1974)

**2.04.040**                    **REGULAR MEETINGS**

The Council shall hold regular meetings on the second and fourth Monday of each month at six-thirty p.m., provided that when the day fixed for any regular meeting of the Council falls upon a holiday that is recognized by the Town of Miami, such meeting shall be held at the same hour on the next succeeding day not a recognized holiday, or a day specified by Town Council. When deemed appropriate, any regular meeting date of the Council may be cancelled or rescheduled by the affirmative vote of a majority of the Council, except that at least 1 Regular meeting a month must be held, and that the notice of the cancelled or rescheduled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular meetings of the Council shall be held in the Miami Town Hall or such other place as the Council may designate. (Ord. No. 257 § 1, 1997; Ord. No. 347, 2016; Ord. No. 392)

**2.04.050**                    **SPECIAL MEETINGS**

The Mayor may convene the Council at any time by notifying the Members of the date, hour, place and purpose of such special meeting. Upon the request of four members of the Council the Mayor shall convene the Council the date, hour, place and purpose of such special meeting. Notice of such meeting shall be made pursuant to state law. (Ord. No. 257 § 2, 1997)

**2.04.060**                    **MEETINGS TO BE PUBLIC**

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session in the manner provided by State law. (Ord. No. 257 § 3, 1997)

**2.04.070**                    **QUORUM**

Four Councilmembers shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalty as the Council may prescribe. No such adjournment shall be to a day beyond the next stated meeting of the Council. (Ord. No. 257 § 4, 1997)

**2.04.080**

**AGENDA**

Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda according to the order of business and furnish each Councilmember, the Mayor and the attorney with a copy. (Ord. No. 257 § 5, 1997)

**2.04.090**

**ORDER OF BUSINESS**

The business of the Council shall be taken up for consideration and disposition in the following order:

- A. **Call to Order.** The Mayor shall take the chair at the hour appointed for the meeting and shall call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.
- B. **Pledge of Allegiance.** Immediately following the call to order, the Council shall recite the pledge of allegiance.
- C. **Invocation.** Immediately following the pledge of allegiance, the Mayor shall ask a resident of the Town to give a brief invocation. If no Town resident volunteers for the invocation, the Mayor may ask a member of the Council to give a brief invocation or may give the invocation his/herself.
- D. **Roll Call.** Before proceeding with the business of the Council, the clerk or his/her deputy shall call the roll of the members, and the names of those members present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2.04.070.
- E. **Consent Agenda.** When any item of business requires action by the Council, but is of a routine and noncontroversial nature, such item may be presented as part of a consent agenda.
  1. There shall be no debate or discussion by any member of the Council regarding any item on the consent agenda, beyond asking questions for simple clarification.
  2. Upon objection by any member of the Council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. Such objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.
  3. Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution,

ordinance or other item of business thereon, exactly as if each had been acted upon individually.

- F. **Minutes.** The Clerk or his/her deputy shall read or present the minutes of the preceding Council meeting, which shall be approved if correct. Any errors noted shall be corrected. The minutes may be presented with the consent agenda.
- G. **Committee Reports and General Demands.** Any reports of committees and department heads, and general demands shall be presented. All reports submitted to the Council shall be in writing. The general demands shall be approved or disapproved by the Council.
- H. **Reports/Recognitions.**
  - 1. Town Manager's Report.
  - 2. Mayor/Council Reports.
- I. **Call to the Public.** Petitions, remonstrances, communications and comment or suggestions from citizens present on any issue within the Council's jurisdiction that is not on the agenda shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. Such remarks shall be limited to three minutes, unless additional time is granted by the presiding officer. No person other than the individual speaking shall enter into discussion without permission of the presiding officer. Members of the Council may not discuss, consider or make decision on matters raised during the Call to the Public other than responding to criticism, directing staff to investigate and respond to the matter, or request the matter be scheduled for consideration at a future meeting.
- J. **Unfinished Business.** The Council shall consider any business that has been previously considered and which is still unfinished.
- K. **New Business.** The Council shall consider any business not heretofore considered, including the introduction of ordinances and resolutions.
- L. **Call to the Council/Future Agenda Items.**
- M. **Adjournment.** The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(Ord. No. 257 § 6, 1997; Ord. No. 393)

#### **2.04.100                      BOARDS, COMMITTEES AND COMMISSIONS CREATION**

- A. The Town Council may create such boards, committees and commissions, standing or special, as it deems necessary. In addition, the Town Council may provide any aid and assistance from the administrative staff of the town to any committee, board, or commission as may be necessary or appropriate.
- B. Any board, committee, or commission created by the Town Council shall be responsible to and function in an advisory capacity to the Town Council.

(Ord. No. 257 § 7, 1997; Ord. No. 307, 2008)

#### **2.04.101                      MEMBERSHIP**

- A. All boards, committees and commissions, including ad hoc committees, shall have the number of voting and non-voting members as is determined, from time to time, by action of the Town Council.

- B. The term of office for members (other than youth) of any board, committee or commission shall be three years, commencing January 1 and ending December 31 of the year so designated unless otherwise provided by state law, town ordinance, resolution or other action of the Town Council. Members shall have staggered terms to provide for the orderly and consistent replacement or reappointment of each member. Ad hoc committee members shall serve until the business of the committee has been completed or the committee is dissolved by action of the Town Council.
- C. Youth members shall be appointed for a term of one year commencing July 1 and ending June 30 of the following calendar year. Youth members shall be selected from grades seven through twelve, provided that such students are no older than 18 years of age at the time of appointment.
- D. Every member of a board, committee or commission shall be appointed by the Town Council. A vacancy occurring during a member's term shall be filled by action of the Council within 60 days of the date of the vacancy. Mid-term appointments shall serve for the remainder of the original term.
- E. Each board, committee or commission shall take action to elect a chairperson and a vice-chairperson during its first meeting of each calendar year. The officers elected by each board, committee or commission shall serve at the pleasure of the Town Council. The Chairperson, or Vice-Chairperson in his or her absence, shall preside over the meetings of the commission and shall exercise and perform such duties as are assigned to him or her by the Town Council. In the event that both the Chairperson and Vice-Chairperson are absent from a meeting, the remaining members of the committee, who constitute a quorum, shall select a Chairperson pro tempore, who shall perform the duties of the chairperson for that meeting.
- F. Voting members of a board, committee or commission shall be an elector of the town, whenever possible, with the exception of youth appointments.
- G. Non-voting members of a board, committee or commission shall be an elector of the town, whenever possible, with the exception of youth appointments and shall have full rights to attend and participate in all meetings of the board, committee or commission to which they are appointed, but shall not serve as officers, be entitled to make motions or participate in any vote.
- H. No person shall serve on more than one board, committee or commission simultaneously. Neither employees of the Town nor persons contracting with the Town shall be eligible for appointment to any board, committee or commission.
- I. The Council shall have the right and power to remove any board, committee or commission member, with or without cause. A board, committee or commission member who has three or more consecutive absences from regular board, committee or commission meetings shall be deemed to have vacated his or her appointment and the Town Council may fill such vacancy pursuant to Membership paragraph (D) above. Three or more absences by a member shall be reported to the Town Council, in writing, by the Chairperson of the board, committee or commission.
- J. Board, committee or commission members shall serve without compensation; provided that the board, committee or commission members may be reimbursed for actual and necessary expenses for board, committee or commission duties, approved by the Town Council.

(Ord. No. 307, 2008)

**2.04.102**                    **FUNCTIONS**

- A.     The functions of each board, committee or commission shall be determined by the Council, or when required, by state law. Each board, committee or commission shall be responsible for such matters as may be described by state law or referred to it by the Town Council.
- B.     Each board, committee or commission shall establish a regular meeting schedule sufficient to perform its specified duties in a timely manner. Special meetings may be required, but should be used sparingly.

(Ord. No. 307, 2008)

**2.04.103**                    **ACTIONS**

A majority of the total members of any board, committee or commission shall constitute a quorum. Each board, committee or commission shall cause minutes to be kept of the proceedings, showing the vote of each member upon every question, or if absent and failing to vote, indicating that fact, and shall keep records of the board, committee or commission's examination or other official actions. The minutes of the board, committee or commission and all other records of actions taken shall be filed forthwith, upon approval by the board, committee or commission, in the office of the Town Clerk, in compliance with A.R.S. § 38-431 et seq., and the same shall be public record. (Ord. No. 307, 2008)

**2.04.104**                    **AUTHORITY**

- A.     All boards, committees and commissions shall have authority to make all necessary rules and regulations governing its proceedings.
- B.     No board, committee or commission, or member thereof, shall incur debts, make any purchases or enter into any contracts binding the Town. All matters coming before any board, committee or commission involving the expenditure of funds or the making of agreements or contracts shall be referred to the Town Council for official action, with a recommendation of the board, committee or commission.
- C.     All funds received by any board, committee or commission shall be deposited with the office of the Town Clerk.

(Ord. No. 307, 2008)

**2.04.105**                    **STAFF ASSISTANCE**

The Town Manager or his designee shall serve as a staff advisor to each board, committee or commission and shall see that the necessary and appropriate technical and administrative support staff is provided to each board, committee and commission. (Ord. No. 307, 2008)

**2.04.106**                    **TRAINING**

The Town Council shall see that sufficient and appropriate training opportunities are provided to all members of each board, committee and commission. (Ord. No. 307, 2008)

**2.04.107**                    **COMPLIANCE**

All boards, committees and commissions, and any of their subcommittees, shall see that their proceedings are conducted in conformity with the requirements of their enabling Town Council action, resolution, ordinance, the Miami Municipal Code, and the laws of the State of Arizona, specifically including, but not limited to, the requirements of A.R.S. §§38-431 et seq., the Arizona Open Meeting Law. (Ord. No. 307, 2008)

**2.04.110**                    **VOTING**

- A.     The Mayor shall vote on all matters and issues that come before the Council's considerations.
- B.     Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

(Ord. No. 257 § 8, 1997)

**2.04.120**                    **SUSPENSION OF RULES**

Any of the provisions of the ordinance codified in this chapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to State statutes. (Ord. No. 257 § 9, 1997)

**2.04.130**                    **PRIOR APPROVAL**

Whenever possible all ordinances, resolutions and contract documents shall, before presentation to the Council, have been reviewed as to form by the attorney, and shall when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract. (Ord. No. 270, 1999)

**2.04.140**                    **INTRODUCTION**

Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the attorney or the Manager may present ordinances, resolutions and other matters or subjects to the Council, and any Councilman may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered. (Ord. No. 270, 1999)

**2.04.150**                    **REQUIREMENTS FOR AN ORDINANCE**

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and in such case, the title of the sections to be amended shall be included in the ordinance. (Ord. No. 270, 1999)



**2.04.160**                    **EFFECTIVE DATE**

No ordinance or franchise shall become operative until thirty (30) days after its passage by the Council and approval by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays. (Ord. No. 270, 1999)

**2.04.170**                    **SIGNATURES REQUIRED**

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Clerk. (Ord. No. 270, 1999)

**2.04.180**                    **PUBLISHING REQUIRED**

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by state statutes or expressly ordered by the Council. (Ord. No. 270, 1999)

**2.04.190**                    **POSTING REQUIRED**

Every ordinance and resolution imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Clerk in three or more public places within the town and an affidavit of the person who posted the ordinances or resolutions shall be filed in the office of the Clerk as proof of posting. (Ord. No. 270, 1999)

## CHAPTER 2.08

### MAYOR

**SECTION:**

**2.08.010**

**POWERS AND DUTIES OF THE MAYOR**

**2.08.010**

**POWERS AND DUTIES OF THE MAYOR**

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

- A. The Mayor shall be the chief executive officer of the Town.
- B. The Mayor shall be the chairman of the Council and preside over its meetings. The Mayor may make and second motions and shall have a voice and vote in all its proceedings.
- C. The Mayor shall enforce the ordinances of the Town.
- D. The Mayor shall execute and authenticate by his signature such instruments as the Council, or any statutes, or the ordinance codified in this chapter shall require.
- E. The Mayor shall make such recommendations and suggestions to the Council as he may consider proper.
- F. The Mayor shall take command of the police force of the Town and govern by proclamation in the event of the threat of occurrence of acts of riot, rout, natural disaster or affray sufficient to constitute great danger to the Town and its residents.
  - 1. In such areas of the town as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the town so designated by the Mayor, a curfew shall be in effect the hours of each day designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.
  - 2. During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.
- G. The Mayor shall perform such other duties required by state statute and this chapter as well as those duties required as Chief Executive Officer of the Town.

(Ord. No. 221, 1983)

**CHAPTER 2.09**  
(Ord. No. 393)

**VICE MAYOR**

**SECTION:**

**2.09.010**

**CREATION OF OFFICE**

**2.09.020**

**POWERS AND DUTIES OF THE VICE MAYOR**

**2.09.010**

**CREATION OF OFFICE**

The office of Vice Mayor is created.

**2.09.020**

**POWERS AND DUTIES OF THE VICE MAYOR**

The Vice Mayor shall perform the duties of the Mayor in the Mayor's absence and shall perform such other duties as may be, from time to time, delegated by the Town Council. In case of a vacancy in the office of Mayor, the Vice-Mayor shall act as Mayor until such vacancy is filled. During such absence, disability or vacancy, the powers and duties of the office of Mayor shall devolve upon the Vice Mayor. If for any reason the Mayor and the Vice Mayor are unable to attend the duties of Mayor, then the Council shall appoint one (1) of the Councilmembers to act as Mayor until the Mayor or Vice Mayor can resume the duties.

**CHAPTER 2.12**  
**TOWN MANAGER**

**SECTION:**

<b>2.12.010</b>	<b>CREATION OF OFFICE</b>
<b>2.12.020</b>	<b>APPOINTMENT OF TOWN MANAGER</b>
<b>2.12.030</b>	<b>BOND</b>
<b>2.12.040</b>	<b>COMPENSATION</b>
<b>2.12.050</b>	<b>POWERS AND DUTIES</b>
<b>2.12.060</b>	<b>POLICYMAKING</b>
<b>2.12.070</b>	<b>COUNCIL TO ACT THROUGH MANAGER</b>
<b>2.12.080</b>	<b>REMOVAL FROM OFFICE</b>

**2.12.010**                    **CREATION OF OFFICE**

The office of Town Manager is created. (Ord. 254 § 1, 1997: Ord. No. 310: Ord. No. 315, 2010)

**2.12.020**                    **APPOINTMENT OF TOWN ADMINISTRATOR**

The Town Manager shall be appointed by a majority vote of the Town Council for an indefinite term. The Town Manager shall be chosen on the basis of his or her executive and administrative qualifications and his knowledge of accepted practice with respect to the duties of his office as hereinafter set forth. (Ord. No. 254 § 2, 1997: Ord. No. 310: Ord. No. 315, 2010)

**2.12.030**                    **BOND**

The Manager shall furnish a surety bond to be approved by the Council in such sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. Any premium for such bond shall be a proper charge against the Town. (Ord. No. 254 § 3, 1997: Ord. No. 310; Ord. No. 315, 2010)

**2.12.40**                    **COMPENSATION**

The Town Manager shall receive such compensation as the Council shall fix from time to time. (Ord. No. 254 § 4, 1997: Ord. No. 310:Ord. No. 315, 2010)

**2.12.050**                    **POWERS AND DUTIES**

The Manager shall be the Chief Administrative Officer and head of the administrative branch of the Town government. He shall be responsible to the Council for proper administration of the affairs of the Town. In addition to his general powers as administrative head, and not as a limitation thereto, the Manager shall have the authority and be required to perform the following duties:

- A.     Execute on behalf of the Council, general administrative supervision and control of the affairs of the Town.

- B. Attend all meetings of the Council, unless excused therefrom, and participate in discussion of all matters coming before the Council.
- C. Report to the Council on and discuss any matter concerning the affairs of the departments, boards, services and activities under his supervision upon which, in his judgement, the Council should be informed.
- D. Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the Town government. On the Council's behalf, carry out all policies, rules, regulations and ordinances adopted by the Council related to the administration of the departments, boards, divisions and services.
- E. Make, or cause to be made, investigations into the affairs of the Town government or any of its departments, divisions, or boards, including complaints concerning the services and administration of the Town government, services of public utilities of the Town and see that all franchises, permits and privileges granted by the Town are faithfully observed.
- F. Make and maintain, or cause to be made and maintained, an up to date inventory of all personal property owned by the Town and recommend to the Council, the purchase of new machinery, equipment and supplies when, in his judgement, the same may be obtained under terms and conditions which are most advantageous to the Town.
- G. Appoint and, when warranted and necessary, suspend and/or remove all employees of the Town, except appointed officials, pursuant to the personnel rules and regulations, this code and ordinances of the Town.
- H. Advise and consult with the Council with respect to the appointment of all appointive officers of the Town and recommend the removal or suspension of any such officers when such removal or suspension shall be consistent with the best interest of the Town.
- I. Analyze and supervise the functions, duties and activities of all the departments, boards and services of the Town government, and make recommendations to the Council that would result in the maximum efficiency of the overall operation of the Town, including but not limited to, the consolidation or combination of offices, departments or positions. The Town Manager may serve as head of one or more departments.
- J. Recommend to the Council a standard schedule of pay for each position and appointed office in the Town's service, including minimum and maximum rates, and determine employee compensation and periods of work according to the schedule approved by Council. Authorize payment of the overtime pay for eligible employees who work in excess of a normal work period.
- K. Prepare and submit to the Council, by the end of October each calendar year, a complete annual report on the finances, services and administrative activities of the Town during the previous fiscal year.
- L. Cause to be prepared and submitted to him by each department, board, division or service of the Town government, itemized annual estimate of expenditures required by them for capital outlay, salaries, wages and miscellaneous operating costs; prepare the Town budget annually, pursuant to the requirements of the Arizona Revised Statutes for municipal budgets, and submit it to the Council together with a description of its important provisions and recommendations as to any increases, decreases, cancellations, transfers, or changes. Be responsible for administration of the Town budget after its adoption by Council.

- M. Supervise expenditures of all departments, boards, divisions or services of the Town government, and act as Purchasing Agent for the procurement of supplies, merchandise and equipment for which funds are provided in the budget.
  - N. Keep the Council advised of the financial condition and future needs of the Town and from time to time, recommend for Council adoption, measures, projects or programs which he deems necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
  - O. Coordinate with businesses, residents and community organizations to advance the health, safety and welfare of the Town.
  - P. Act as Public Relations Officer for the Town and, in the discharge of his duties, shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his contacts with the public and all Town employees. He shall use his best efforts to establish and maintain harmonious relationships among all Town personnel and encourage Town employees to reach and maintain high standards of public service.
  - Q. Execute easements, consent to use easements, rights-of-way, licenses and similar documents on behalf of the Town that are necessary for and of benefit to public improvements previously approved by the Town Council or necessary to allow utility services access to Town property.
  - R. Ensure that all laws and ordinances of the Town are duly enforced.
  - S. Devote his full time to the discharge of official duties.
  - T. Perform such other duties as may be required of him by the Council not inconsistent with the laws of the State or the provisions of this Code and ordinances of the Town.
- (Ord. No. 254 § 5, 1997:Ord. No. 310:Ord. No. 315:Ord.No.354, 2017)

**2.12.060**                      **POLICYMAKING**

The Town Manager shall not exercise any policymaking or legislative functions, not attempt to commit or bind the Council to any action, plan or program requiring the official action of the Council. (Ord. 254 § 6, 1997:Ord. No. 310:Ord. No. 315, 2010)

**2.12.070**                      **COUNCIL TO ACT THROUGH MANAGER**

- A. Except for purpose of inquiry, the Council and its members shall deal with the administration and Town employees solely through the Manager. Neither the Council nor any member thereof shall give orders to any subordinate of the Manager, whether publicly or privately.
- B. Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from office by the Town Manager or in any manner take part in the appointment or removal of officers and employees in the administrative service of the Town.
- C. Notwithstanding the above, at the request of the Town Manager, a Councilmember may serve on a panel or administrative committee for purposes of interviewing and hiring members of Town staff and may make recommendations to the Town Manager regarding applicants interviewed.

(Ord. No. 254 § 7, 1997:Ord. No. 310, 2009:Ord. No. 315, 2010:Ord. No. 337, 2011)

**2.12.080**

**REMOVAL FROM OFFICE**

The Town Manager may be removed by the Council by a majority vote of its members. The Town Manager shall serve at the pleasure of the Council and may be removed with or without cause. The action of the Council in removing the Town Manager shall be final. (Ord. No. 315, 2010)

## CHAPTER 2.16

### MUNICIPAL COURT

#### SECTION:

<b>2.16.010</b>	<b>MUNICIPAL COURT ESTABLISHED</b>
<b>2.16.020</b>	<b>MUNICIPAL COURT – COMPOSITION</b>
<b>2.16.030</b>	<b>MUNICIPAL JUDGES – POWERS AND DUTIES</b>
<b>2.16.040</b>	<b>MUNICIPAL COURT – PROCEEDINGS</b>

#### 2.16.010                      MUNICIPAL COURT ESTABLISHED

There is established in the Town a Municipal Court which shall have jurisdiction of all violations of the ordinances of the Town, and jurisdiction concurrently with Justices of the Peace of precincts in which the Town is located of violations of laws of the State committed within the limits of the town. The Municipal Court is established pursuant to the Arizona Constitution and ARS 22-402. (Ord. No. 236 § 1, 1989)

#### 2.16.020                      MUNICIPAL COURT – COMPOSITION

The Municipal Court shall be composed of a presiding Municipal Court judge and such other judges as determined by the Miami Town Council. The Town Council shall appoint and may remove for cause the presiding judge of the Municipal Court and such additional judges appointed. All judges shall be appointed for a period of two years, with their compensation to be determined by the Town Council. (Ord. No. 236 § 2, 1989)

#### 2.16.030                      MUNICIPAL JUDGES – POWERS AND DUTIES

Each municipal judge shall exercise powers, duties and responsibilities as provided by and Constitution and laws of the State of Arizona and the Town ordinances. The powers and duties of the municipal judge shall include, but are not necessarily limited to, the following:

- A. Scheduling assignments of all judges;
- B. Submitting all reports required by the Constitution and the laws of the State of Arizona, and ordinances of the Town;
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other moneys as provided by law;
- D. The payment of all fines, penalties, fees and other moneys collected by the court to the city treasurer.

(Ord. No. 236 § 3, 1989)

#### 2.16.040                      MUNICIPAL COURT – PROCEEDINGS

The proceedings shall be conducted in accordance with the State Constitution, the applicable State Statutes and rules of the State Supreme Court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the



Superior Court, unless otherwise prescribed and providing this code and resolutions of the Town are not in conflict therewith. (Ord. No. 236 § 4, 1989)

## CHAPTER 2.20

### POLICE DEPARTMENT

#### SECTION:

<b>2.20.010</b>	<b>POLICE DEPARTMENT ESTABLISHED</b>
<b>2.20.020</b>	<b>CHIEF OF POLICE</b>
<b>2.20.030</b>	<b>CHIEF OF POLICE – DUTIES</b>
<b>2.20.040</b>	<b>POLICE OFFICERS – DUTIES</b>
<b>2.20.050</b>	<b>POLICE OFFICERS – HIRING</b>
<b>2.20.060</b>	<b>POLICE OFFICERS – TENURE</b>

#### 2.20.010                    POLICE DEPARTMENT ESTABLISHED

The permanent police force of the Town shall consist of a Chief of Police, and such number of policeman and special officers as the Common Council may from time to time designate. (Ord. No. 50 § 1, 1920)

#### 2.20.020                    CHIEF OF POLICE

The office of the Chief of Police shall be at the Miami Police Department, 804 Sullivan St., Miami, Arizona. (Ord. No. 50 § 2, 1920)

#### 2.20.030                    CHIEF OF POLICE – DUTIES

The Chief of Police shall provide and cause to be kept at his office in the Town Hall a register of arrest; upon such register there shall be entered a statement showing in clear and distinct manner the date and hour of such arrest, the name of the person arrested, the name of the officer making the arrest, the name of the complaining witness if any, and his place of residence, the offense charged and a description of any property found upon or in the possession of the person arrested.

The Chief of Police shall also have authority to investigate, analyze, and implement any and all necessary addition, removal, or modification of traffic control devices, including, but not limited to, regulatory, warning, and advisory signs such as speed limits related signs, parking related signs, etc.; roadway striping and markings; within and adjacent to the public rights-of-way and easements dedicated to the town, within the town limits, as deemed to be in the best interest of the town and health, safety, and welfare of the public; subject to approval of the Town Manager and/or Town engineer, and in compliance with other related ordinances, standards, and regulations established and implemented by all local, state, and federal competent jurisdictions.

(Ord. No. 265, 1998:Ord. No. 50 § 3, 1920)

#### 2.20.040                    POLICE OFFICERS – DUTIES

No police officer shall on duty visit any drinking place or rooming house or such other places of amusement except when discharging his duty. (Ord. No. 50 § 4, 1920)

**2.20.050**

**POLICE OFFICERS – HIRING**

All policemen in the town shall be hired upon the recommendations of the Chief of Police of the Town, and with the approval of the Town Council. (Ord. No. 50 § 5, 1920)

**2.20.060**

**POLICE OFFICERS – TENURE**

All police officers of the Town shall hold their office, subject to the will and pleasure of the Mayor and Common Council of the Town. (Ord. No. 50 § 6, 1920)

## CHAPTER 2.24

### FIRE DEPARTMENT

**SECTION:**

<b>2.24.060</b>	<b>ENTRY UPON ADJACENT PROPERTY</b>
<b>2.24.070</b>	<b>EQUIPMENT</b>
<b>2.24.080</b>	<b>PROVIDING FIRE PROTECTION OUTSIDE THE TOWN</b>
<b>2.24.090</b>	<b>ACKNOWLEDGEMENT OF RIGHT-OF-WAY</b>
<b>2.24.100</b>	<b>FIRE ALARMS</b>
<b>2.24.120</b>	<b>UNIFORM FIRE CODE</b>

- Prior ordinance history: Ord. 104

**2.24.060**                      **ENTRY UPON ADJACENT PROPERTY**

It is lawful for any firefighter acting under the direction of the Fire Chief, or another member of the Fire Department in command, to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his duty as provided in this chapter. (Ord. No. 256 § 6, 1997)

**2.24.070**                      **EQUIPMENT**

- A. The Fire Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.
- B. Recommendations concerning apparatus and equipment needed shall be made by the Fire Chief, and after approval by the Manager, such apparatus and equipment shall be purchased in accordance with Town purchasing procedures.
- C. All equipment of the department shall be safely and conveniently housed in such place or places as may be designated by the Fire Chief.
- D. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the Fire Department.
- E. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having special permission of the Fire Chief or authorized member of the Fire Department.
- F. No fire apparatus and equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the town, or in response to a call for aid at a fire in an area authorized for fire protection service or mutual aid under the provisions of Section 2.24.080.

(Ord. No. 256 § 7, 1997)

**2.24.080**                      **PROVIDING FIRE PROTECTION OUTSIDE THE TOWN**

- A. The Council may enter into agreements or contracts to furnish fire protection inside or outside the town or enter into mutual aid agreements, and the Fire Department is

authorized to render firefighting service pursuant to the terms of such agreements or contracts.

- B. Whenever the Fire Chief, or in his absence his authorized representative, shall deem it necessary to protect property within the corporate limits of the town, the Fire Department is authorized to answer fire alarms and fight fires outside the corporate limits of the town; provided that nothing in the subsection shall be construed to require the Fire Department to do so.

(Ord. No. 256 § 8, 1997; Ord. No. 169 § 1, 1968; Ord. No. 137 §§ 1-3, 1952)

**2.24.090**

**ACKNOWLEDGEMENT OF RIGHT-OF-WAY**

- A. In accordance with the provisions of state law, all motor equipment of the Fire Department shall have right-of-way over all other traffic when responding to an alarm.
- B. No unauthorized vehicle shall follow within five hundred (500) feet of any apparatus belonging to the Fire Department.
- C. No unauthorized person shall park any vehicle or otherwise cause any obstruction to be placed within twenty (20) feet of the driveway entrance to any fire station or other place where fire apparatus is stored and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance or within fifteen (15) feet of any fire hydrant.
- D. No person shall drive any vehicle over a fire hose except upon specific orders from the Fire Chief or other member of the Fire Department where the hose is used.

(Ord. 256 § 9, 1997)

**2.24.100**

**ALARMS**

It is unlawful for any person knowingly to turn in or cause to be turned in a false fire alarm.  
(Ord. No. 256 § 10, 1997)

**2.24.120**

**UNIFORM FIRE CODE**

The 1994 edition of that certain code and standards known as the Uniform Fire Code and Uniform Fire Code standards published by the Western Fire Chiefs Association and the International Conference of Building Officials is adopted and made a part of this chapter as if fully set forth in this chapter for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Three copies of such code and standards have been and are now filed in the office of the Town Clerk and the same are adopted and incorporated as fully as if set out at length in this chapter, and the provisions thereof shall be controlling within the town limits. (Ord. No. 256 § 12, 1997)

## CHAPTER 2.32

### PURCHASING POLICY

**SECTION:**

<b>2.32.010</b>	<b>IN GENERAL</b>
<b>2.32.020</b>	<b>AWARD BY COUNCIL</b>
<b>2.32.030</b>	<b>DEFINITIONS</b>
<b>2.32.040</b>	<b>PURCHASING AUTHORITY</b>
<b>2.32.050</b>	<b>UNAUTHORIZED PURCHASES</b>
<b>2.32.060</b>	<b>FORMAL PURCHASE PROCEDURE</b>
<b>2.32.070</b>	<b>CHANGE ORDERS</b>
<b>2.32.080</b>	<b>SURPLUS SUPPLIES AND EQUIPMENT</b>
<b>2.32.090</b>	<b>PURCHASING SUPPLIES, MATERIALS AND EQUIPMENT FROM THE MAYOR OR ANY MEMBER OF THE TOWN COUNCIL</b>

**2.32.010**            **IN GENERAL**

The Town Manager shall be the Purchasing Agent for the Town. No purchase or contract for supplies or services of any kind or description, payment for which is to be made from funds of the town, shall be made by the Purchasing Agent, or any officer, or employee or agent of the Town, except in the manner set forth in this chapter, and unless the purchase is in accordance with the adopted Town budget.

- A. Purchase order required. A purchase order, signed by the Town Manager is required for all purchases of supplies or services over \$150.00
- B. Under \$5,000.00. Whenever any contemplated purchase of supplies or contract for services is for the sum of less than \$5,000.00, the Purchasing Agent may purchase the item as needed without further formality.
- C. \$5,000.00 but less than \$10,000.00. Whenever any contemplated purchase of supplies or contract for services is for the sum of \$5,000.00 but less than \$10,000.00, the Purchasing Agent shall solicit at least three bids for the item or service, after which he may then award the purchase or contract of service to the lowest responsible bidder who submits a responsive bid. Said solicitation may be obtained by him orally or in writing
- D. \$10,000.00 but less than \$25,000.00. Whenever any contemplated purchase of supplies or contract for service is for the sum of \$10,000.00 but less than \$25,000.00 the Purchasing Agent shall solicit at least three written bids for the item or service on bid forms and, upon approval by Council, award the purchase or contract of services to the lowest responsible bidder.
- E. \$25,000.00 and over. Whenever any contemplated purchase of supplies or contract for service is for the sum of \$25,000.00 or more the Purchasing Agent shall cause to be published in two issues of a newspaper of general circulation in the town, a notice inviting bids, which notice shall be published at least five days prior to the date set for the receipt of the bids. The notice herein required shall include a general description of the supplies to be purchased or services to be performed and the time and place for

opening bids. In addition, the Purchasing Agent shall post a notice inviting bids in the town hall and may also mail the notice to all responsible prospective suppliers.

- F. Exceptions: the following purchases are exempt from the requirements of this chapter to the extent set forth below:
1. Construction Projects: Construction projects shall comply with Title 34, Arizona Revised Statutes; however, if public competitive bidding is not required pursuant to Title 34, then the requirements of this section shall apply.
  2. Cooperative Purchasing: Cooperative purchases when other governmental units have bid the same item or service or by a purchasing cooperative using a competitive bidding process consistent with public procurement requirements, and if, in the opinion of the Purchasing Agent, a separate bidding process is not likely to result in a lower price for such items or services. Purchases from the state bid list are cooperative purchases.
  3. Sole Source Providers: Purchases from sole source providers if the Purchasing Agent makes a written determination that competition is not available and there is only one known source for the goods or services.
  4. Professional Services: Contracts for professional services of engineers, architects, landscape architects, assayers, geologists and land surveyors may be required to comply with the procedures set forth in A.R.S. § 34-102 (C), A.R.S. § 34-103(C) and (D) or Title 34, Chapter 6, Arizona Revised Statutes.
  5. Intergovernmental Agreement: Intergovernmental agreements are exempt from these bidding requirements.
  6. Emergency Purchases: The Purchasing Agent may procure and contract for supplies and services without compliance with the procedures set forth in this section when there has been a determination that an emergency purchase is necessary. The Purchasing Agent shall be responsible for determining the validity of all emergency purchase requests. Emergency purchases shall be confirmed by filing a purchase requisition marked "emergency" to the Purchasing Agent no later than noon the next regular Town business day. A complete written explanation shall be signed by the department head and transmitted to the Purchasing Agent with the requisition.
- G. Nothing in subsection G shall preclude the Town from soliciting bids or proposals for the procurement listed in subsection G if the Purchasing Agent or Council deems it to be in the best interest of the Town to do so.
- H. Proposed purchases of multiple items shall not be segregated for the purpose of avoiding the requirements of this section.
- I. Annual contracts for supplies purchased in large quantities may be awarded with delivery and payment for such supplies to be made during the term of the contract.

(Ord. No. 298:Ord. No. 327, 2011:Ord. No. 373)

### **2.32.020                      AWARD BY COUNCIL**

Award by Council. No contract or purchase of supplies or services of \$10,000.00 or more shall be let except by the Council. Whenever any contemplated purchase of supplies or contract for services is for the sum of \$10,000.00 or more, the Purchasing Agent shall present the bids to the Council for approval, and advise the Council of the advantages or disadvantages of the contract and bids.

(Ord. No. 327, 2011)

## 2.32.030

## DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. Bid Mistake. A mistake contained in a bid which is clerical or mathematical in nature.
- B. Construction. The process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind. It does not include the operation, maintenance or repair of existing structures, buildings or real property.
- C. Contract. A written agreement with the Town for the procurement of supplies or services, the term includes but is not limited to contracts of a fixed-price, cost, cost plus a fixed fee, or incentive type; contracts providing for the issuance of job or task orders; leases, excluding real estate; rentals; maintenance agreements; letter contracts; and purchase orders. The term also includes supplemental agreements with respect to any of the foregoing.
- D. Contractor. Any person having a contract with the Town.
- E. Emergency Purchase. Procurement when supplies or services are needed for a situation where time is of the essence to provide for the health, safety or welfare of the public.
- F. Invitation for Bids (IFB). All documents, including those attached or incorporated by reference, utilized for soliciting bids.
- G. Procurement. The purchasing, renting, leasing, or otherwise obtaining of any supply or service. The term includes all functions that pertain to the obtaining of any supply, including description of requirements, selection and solicitations or sources, preparation and award of contract, and all phases of contract administration.
- H. Professional Services. The services of lawyers, certified public accountants, auditors, consultants appraisers, engineers, architects, landscape architects, assayers, geologists, land surveyors and the like. Questions regarding whether a service is a professional service shall be referred to the purchasing officer.
- I. Purchasing Agent. The Town Manager of the Town.
- J. Request for Proposal (RFP). All documents, including those attached or incorporated by reference, utilized for soliciting proposals where award will not be based solely on price.
- K. Request for Qualifications (RFQ). A document soliciting information related to the qualifications of providers of a service relevant to performing services related to a specific project.
- L. Responsible Bidder or Proposer. A bidder or proposer who has the capability to perform fully the contract requirements and the reliability which will assure good faith performance.
- M. Responsive Bid or Proposal. A bid or proposal that complies in all material respects with the invitation to bid or the request for proposals.
- N. Service. The furnishing of labor, time or effort by a contractor not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term does not include employment agreements or professional services.



- O. Specification. Any description of the physical or functional characteristics or nature of a supply or service. The term may include a description of any requirement for inspection, testing, or preparing a supply or service item for delivery.
- P. State Bid List. The compilation of competitive contracts awarded, issued and maintained by the State of Arizona.
- Q. Supplies. All personal property.
- R. Vendor List. The names of suppliers of supplies and services which are possible sources from whom bids may be solicited.

(Ord. No. 327, 2011)

**2.32.040                      PURCHASING AUTHORITY**

The Purchasing Agent shall have the following powers and duties:

- A. To procure and contract for supplies and services needed by any town department, in accordance with purchasing procedures as prescribed in this chapter.
- B. To adopt rules and regulations for the internal management of procurements in accordance with this chapter and to prescribe and maintain such forms as he shall find necessary for the operation of the provisions of this chapter.
- C. To designate brand names which the Town uses on a regular basis, so long as such designation is for the purpose of maintaining compatibility of like supplies and the efficiencies associated with use of compatible supplies.
- D. To supervise the inspection or testing of deliveries of supplies or services to determine their conformance with specification.
- E. To prepare in cooperation with town departments written standards and specifications for supplies and services.
- F. To establish the Town's vendor list, or designate that the State's vendor list shall be used as the Town's vendor list.

(Ord. No. 327, 2011)

**2.32.050                      UNAUTHORIZED PURCHASES**

No Town employee shall order the purchase of supplies or services or make contracts on behalf of the Town other than through the procedures set forth in this chapter and the Town shall not be bound by any contract made in violation of this chapter. (Ord. No. 327, 2011)

**2.32.060                      FORMAL PURCHASE PROCEDURE**

Procurement of supplies and services when the estimated total annual value will be \$25,000.00 or more shall be made using either formal written requests for proposals (RFP) or invitations for bids (IFB), except as otherwise provided in this chapter. Council approval shall be obtained prior to advertising for procurement of supplies and services when the estimated total annual fiscal year cost will exceed \$25,000.00. The Purchasing Agent shall determine which procurement method (RFP or IFB) will be most practical and advantageous to the Town for the procurement of supplies or services.

- A. General:
  - 1. Except as provided in subsection (2), notice of an IFB or RFP shall include a description of the supplies or services, shall state where the IFB or RFP forms

and specifications may be obtained, and the deadline for submitting a bid or proposal, and time or place for opening the bids or proposals. The notice of an IFB or RFP shall be published pursuant to procedures set forth in A.R.S. § 39-204. Bids or proposals shall also be solicited from all prospective suppliers whose names are on the Town's vendor list relevant to the scope of work.

2. If a request for qualifications has been issued pursuant to subsection (C)(1) below, notice of the RFP need only be given to proposers that are determined to have the qualifications to perform the required services or provide the required supplies.
3. The Purchasing Agent shall have authority to require a bid or proposal guarantee be submitted with any and all bids or proposals, and performance bonds be submitted prior to execution of any contract.
4. Late bids or proposals shall be rejected and returned unopened to the bidder or proposer.
5. The IFB or RFP may be delayed or cancelled by the Purchasing Agent if the Purchasing Agent determines it is in the best interest of the Town.
6. The Council shall have the authority, in its discretion, to refuse to award to any vendor or contractor who is in default on the payment of taxes, licenses or other moneys due the Town at the time set for opening the bid or proposal. All vendors and contractors must be in compliance, at the time set for opening the bid or proposal, with all applicable state licensing laws, rules and regulations, a statement shall be included in responses to IFBs and RFPs that the vendor or contractor is in compliance with this paragraph.
7. Awards require the approval of the Council. The Council may reject any and all bids at its sole discretion. The Council's decision is final.
8. If two or more bids received are for the same total amount of unit price, quality and services being equal, and if the public interest will not permit the delay of readvertising for bids, the Council shall determine the successful bidder by lot.
9. Capital lease purchase or contract purchase agreements shall have their value estimated as the cumulative total value of the contract expense to the Town. Operating leases shall be valued at the cumulative total of lease payments for the anticipated rental period or for one year from the start of the lease for long-term items, whichever is less.
10. A contract for professional services shall not be awarded to an architect or engineer who participates in the preparation of a RFP or RFQ for that contract.
11. With the approval of the Council, formal purchase procedures may be waived.

B. Invitation for Bids (IFB):

1. Bids shall be solicited through an IFB. An IFB shall include a purchase description and all contractual specifications, terms and conditions applicable to the procurement.
2. Bids shall be opened publicly at the time and place designated in the IFB. The amount of each bid, and such other relevant information as may be specified by the Purchasing Agent together with the name of each bidder shall be recorded. This records shall be open to public inspection after the bid opening. Trade secrets or other proprietary data designated in the bid documents as such shall remain confidential, unless otherwise required by the public records law.

3. The IFB shall set forth the evaluation criteria to be used in evaluating the bid. No criteria may be used in bid evaluation that is not set forth in the IFB or this subsection.
  4. After bid opening, no corrections in bid prices or other bid provisions, or withdrawal of bids, prejudicial to the interest of the Town or fair competition shall be permitted. All decisions to permit the correction or withdrawal of any bid, or to cancel awards or contracts based on bid mistakes, after bid opening, shall be supported by a written determination made by the Purchasing Agent.
  5. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the IFB. In making the determination of the lowest responsible and responsive bidder, the Council may consider the following:
    - a. The ability, capacity and experience of the bidder, its employees and subcontractors to perform the contract.
    - b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference.
    - c. The quality of performance of previous contracts.
    - d. The sufficiency of the financial resources of the bidder to perform the contract.
    - e. The quality and adaptability of the materials, supplies or services to the particular use required.
  6. If an award is not made to the lowest bidder, a statement of the reason for not awarding to the lowest bidder shall be given in writing and be placed in the contract file.
- C. Request for Proposals (RFP):
1. Proposals shall be solicited through an RFP. At the discretion of the Purchasing Agent, a request for qualifications (RFQ) may be issued prior to issuance of an RFP where professional services are being solicited. An RFQ shall be published pursuant to A.R.S. § 39-204. RFQs and RFPs shall require the proposer to disclose any actual or potential conflicts of interest the proposer may have in performing the required services.
  2. Proposals shall be opened publicly at the time and place designated in the request for proposals. The name of each proposer shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing proposers during the process of negotiation. The proposals shall not be open for public inspection until after contract award, except as may be required by the public records laws. Trade secrets or other proprietary data which the proposer claims in writing to be confidential shall remain confidential, unless public law requires otherwise.
  3. Discussion may be conducted with responsive proposers who submit proposals determined to be reasonably susceptible to being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no

disclosure of any information derived from proposals submitted by competing proposers during the negotiations process.

4. The award shall be made to the responsible and responsive proposer whose proposal is determined, in writing, to be the most advantageous to the Town and best meets the overall needs of the Town taking into consideration the evaluation of factors set forth in the request for proposals. The Town is not bound to award to the lowest cost (priced) proposal. No other factors or criteria may be used in the evaluation other than as set forth in the request for proposals, except that the following criteria shall apply to all awards:
  - a. Price
  - b. The ability, capacity and experience of the proposer, its employees and subcontractors to perform the contract.
  - c. Whether the proposer can perform the contract promptly, or within the time specified, without delay or interference.
  - d. The quality of performance of previous contracts.
  - e. The sufficiency of the financial resources of the proposer to perform the contract.
  - f. The quality and adaptability of the materials, supplies or services to the particular use required.
  - g. The number and scope of conditions attached to the proposer's offer, and conformance of the proposer's offer to material aspects of the request for proposal.
5. The contract file shall contain the basis on which the award is made.

(Ord. No. 327, 2011)

### **2.32.070**                      **CHANGE ORDERS**

- A. Change orders, including change orders for construction projects, that do not increase the contract amount may be approved and executed by the Purchasing Agent provided that a construction project change order for design shall be approved in writing by the Engineer or Architect for the project.
- B. Change orders, including change orders for construction projects, that increase the contract amount may be approved and executed by the Purchasing Agent if the total of all change orders for the contract does not exceed the lesser of ten percent of the original contract amount or \$10,000.00, provided that a construction project change order for design shall be approved in writing by the engineer or architect for the project.

(Ord. No. 327, 2011)

### **3.32.080**                      **SURPLUS SUPPLIES AND EQUIPMENT**

- A. All departments shall submit to the Purchasing Agent, at such time and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall dispose of such supplies and equipment pursuant to the provisions of A.R.S. § 9-402.
- B. Surplus supplies may be leased or donated to persons pursuant to a written contract approved by the Council, provided that the Town receives adequate consideration for the surplus supplies. (Ord. No. 327, 2011)

**3.32.090**

**PURCHASING SUPPLIES, MATERIALS AND EQUIPMENT FROM THE  
MAYOR OR ANY MEMBER OF THE TOWN COUNCIL**

Pursuant to A.R.S. § 38-503(C), the Town, through its Council, may purchase supplies, materials and equipment not to exceed \$300.00 in cost in any single transaction and not to exceed a total of \$1,000.00 annually, from the Mayor or any member of the Council without using competitive public bidding procedures, according to an annually adopted Town policy. (Ord. No. 327, 2011)

## CHAPTER 2.36

### PUBLIC LIBRARY

**SECTION:**

**2.36.010**

**CREATION OF LIBRARY ADVISORY BOARD**

**2.36.020**

**RESPONSIBILITIES**

**2.36.010**

**CREATION OF LIBRARY ADVISORY BOARD**

There is created a board to be known as the Library Advisory Board of the Town. Such board shall be composed of nine persons who shall reside within the area served by the library, who shall be appointed by the Mayor with the approval of the Council. Members of the board shall serve for staggered terms of three years. Continued absence of any member from meetings of the board shall, at the discretion of the Town Council, render any such member liable for immediate removal from office by the Council. Any member absent from three consecutive meetings without being excused shall be considered as having vacated his appointment. (Ord. No. 224 § 2, 1984)

**2.36.020**

**RESPONSIBILITIES**

The Library Advisory Board may:

- A. Accept or reject, and establish conditions for, the acceptance of endowments, donations or contributions for the benefit of the library;
- B. Recommend hours when the library shall be open to the public;
- C. Establish pecuniary fines as penalties for abuse of library services;
- D. Recommend policies the operation of the library and the development and management of its collection of library materials;
- E. Advise the Town Council on the operation and management of the library; and
- F. Perform such other duties as may be delegated by the Town Council.

(Ord. No. 224 § 3, 1984)

## CHAPTER 2.40

### CIVIL DEFENSE

#### **SECTION:**

<b>2.40.010</b>	<b>OFFICE OF DIRECTOR OF CIVIL DEFENSE ESTABLISHED</b>
<b>2.40.020</b>	<b>DIRECTOR OF CIVIL DEFENSE – DUTIES</b>
<b>2.40.030</b>	<b>CIVIL DEFENSE ORGANIZATION</b>
<b>2.40.040</b>	<b>VIOLATIONS – PENALTY</b>

#### **2.40.010**                    **OFFICE OF DIRECTOR OF CIVIL DEFENSE ESTABLISHED**

The office of Director of Civil Defense is created. The Director shall be appointed and serve at the will of the Mayor and Common Council of the Town. (Ord. No. 148 § 1, 1957)

#### **2.40.020**                    **DIRECTOR OF CIVIL DEFENSE – DUTIES**

The duties of the Director of Civil Defense shall include the following:

- A. The recommendation for adoption by the Mayor and Common Council of a civil defense plan;
- B. The maintenance of necessary liaison between the Common Council and the Civil Defense Organization and with other Civil Defense Organizations;
- C. The control and direction of the training of the Civil Defense Organization;
- D. Such other duties as prescribed by law or by regulation adopted by the Mayor and Common Council.

(Ord. No. 148 § 1, 1957)

#### **2.40.030**                    **CIVIL DEFENSE ORGANIZATION**

The Civil Defense Organization of the Town shall consist of the officers and employees of the Town designated by regulation as well as all volunteer defense workers. The functions and duties of the organization shall be distributed between such divisions and services as shall be prescribed by regulation of the Mayor and Common Council. (Ord. No. 148 § 3, 1957)

#### **2.40.040**                    **VIOLATIONS – PENALTY**

It is unlawful for any person to willfully obstruct, hinder or delay any member of the Civil Defense Organization in carrying out his duties under the ordinance codified in this chapter. It also is unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the Civil Defense Organization of the Town unless so authorized by the proper officials. Convictions for violations of this chapter shall be punishable by imprisonment for thirty (30) days in the Town jail or fine not in excess of three hundred dollars (\$300.00), or by both such fine and imprisonment. (Ord. No. 148 § 4, 1957)

## CHAPTER 2.44

### AFFIRMATIVE ACTION

**SECTION:**

**2.44.010**

**AFFIRMATIVE ACTION PROGRAM ADOPTED**

**2.44.010**

**AFFIRMATIVE ACTION PROGRAM ADOPTED**

- A. The Town does reaffirm its policy to insure equal opportunity in employment for all persons and to prohibit discrimination in employment because of color, race, religion, sex and national origin and to promote the full realization of equal employment opportunity through a continuing policy of equal opportunity employment practices in each department of the Town and to be an integral part of every aspect of personnel policy and practice in the recruitment, employment, advancement and treatment of employees and prospective employees of the Town to the maximum extent possible.
- B. The Town will endeavor to assure the full participation in such policies by all persons contracting with or providing services to the Town.
- C. The Town Manager is directed to implement an affirmative action program and establish necessary rules and regulations in support and execution thereof.
- D. The Town as evidence of its intent to fulfill the principles and procedures necessary for the realization of the objectives stated in this chapter does adopt this resolution of the Town.

(Ord. No. 188 § 1, 1975)



## CHAPTER 2.48

### AMERICANS WITH DISABILITIES ACT COMPLIANCE

#### SECTION:

2.48.010	COMPLAINT RESOLUTION PROCEDURE
2.48.020	PUBLIC ACCOMMODATIONS POLICY
2.48.030	PUBLIC ENTITIES
2.48.040	PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

#### 2.48.010                    COMPLAINT RESOLUTION PROCEDURE

The Town Council of the Town adopts the following grievance procedure for receiving, investigating, hearing and deciding complaints alleging that the Town, or its officers, employees, boards or commissions, have violated the ADA or regulations pursuant thereto.

Any person who believes that the Town has discriminated on the basis of disability or that the Town facilities or programs are inaccessible or unavailable for qualified persons with disabilities are encouraged to bring their concerns to the attention of the persons or department of the Town involved or the Town's Disabilities Assistance Officer. Resolution of complaints at this level is recommended as a first step to allow an opportunity to identify and discuss concerns and explore solutions.

- A. Filing and Receipt of ADA Complaints.** Any person who believes himself to be aggrieved by a discriminatory practice, program or facility prohibited by the ADA may file a complaint with the Town Clerk in writing, under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person or location alleged to have violated the provisions of the ADA, and shall further set forth the particulars of the violation, and may include such other information as may be required by the ADA hearing officer. Complaints filed under the resolution codified in this chapter must be filed within one hundred eighty (180) days after the alleged violations.
- B. Investigation, Conciliation Procedures.** The ADA hearing officer shall promptly conduct an investigation into each complaint filed with the Town Clerk and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation outlined in this section.

The investigation should include, where appropriate, a review of the pertinent practices and policies of the Town, the circumstances under which the possible noncompliance with the ADA occurred, and other factors relevant to a determination as to whether the town has failed to comply with the ADA.

If it appears that the complaint has merit, the ADA hearing officer will so inform the Town, by providing a copy of the complaint and setting a conference for conciliation within the time frame established by the hearing officer. Every attempt will be made

through the hearing officer for the parties to resolve the matter by informal means whenever possible.

If conference or conciliations or similar informal means do not result in compliance with the ADA, the ADA hearing officer shall cause to be issued and served with a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as respondent, to answer charges of the complaint at a hearing, before the ADA hearing officer at a time and place to be specified in the notice.

If an investigation does not warrant action pursuant to this section, or a finding that a violation of the ADA occurred, the ADA hearing officer shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal.

- C. Hearing and Decision.** At the hearing provided for in this section, the complaint shall be heard by the ADA hearing officer. The complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by counsel. The ADA hearing officer, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer. The testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the ADA hearing officer. The party requesting the transcription shall be responsible for the costs thereof.

If the ADA hearing officer finds that the hearing that the respondent has engaged in any discriminatory practice or practices, prohibited by this chapter, the ADA hearing officer shall advise the complainant of his rights under existing state and federal laws and try to achieve resolution of the complaint to the satisfaction of both parties.

If the ADA hearing officer, upon hearing, finds that respondent has not engaged in any discriminatory practice the ADA hearing officer shall state its findings of fact, and shall issue and file an order dismissing the complaint.

The ADA hearing officer shall establish rules and regulations to govern, expedite and effectuate the foregoing procedure and shall maintain the files provided for in this chapter, or as may be otherwise required by law.

- D. Appeals – ADA Compliance Appeals Committee.** There is created an ADA Compliance Committee of the Town, hereinafter referred to as Appeals Committee, compose of three members, appointed by the Town Council for such terms as are designated by the Council.

Appeals may be taken from decision of the ADA hearing officer to the ADA compliance Appeals Committee by filing a written notice of appeal stating the grounds therefore, with the Town Clerk no later than fifteen (15) days after the date of the decision of the ADA hearing officer. The Appeals Committee shall make its decision on the record established before the hearing officer and may affirm, reverse

or modify the decision of the hearing officer. The decision of the ADA compliance Appeals Committee shall be final.

The Appeals Committee shall adopt such rules as may be necessary to carry out its duties under this section. The state of Arizona Rules of Administrative Procedure shall apply to proceedings before the Appeals Committee unless otherwise provided by the Appeals Committee.

- E. ADA Hearing Officer Duties.** The ADA hearing officer shall be appointed by the Town Council. It is the duty of the ADA hearing officer to:
1. Initiate, receive and investigate complaints charging unlawful practices under the ADA.
  2. See conciliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact; and
  3. Adopt such rules and regulations as may be necessary within the limits of this chapter and carry out the purposes and provisions of this chapter.
- F. Notices.** Any and all notices required under this chapter to be served upon any person may be served personally on such person or by mailing a copy thereof by certified mail, with return receipt requested to the most current business or residence address of such person.
- G. Other Remedies – Retaliation Prohibited.** The filing of a lawsuit in state or federal court or a complaint with the appropriate state or federal official can occur at any time. The use of this grievance procedure shall be terminated and not apply where a complaint has been filed with a state or federal official or a lawsuit has been filed alleging the same or similar violations of the ADA.

Neither the Town nor any person employed by the Town shall intimidate, threaten, coerce or discriminate against any complainant or person for the purpose of interfering with any right or privilege secured by the ADA or because complainant or person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter or the ADA.

The records of any complainant shall be kept confidential to the extent allowed by applicable law, including conduct of any investigation, hearing or judicial proceeding arising under this procedure.

- H. Exceptions.** Nothing in this chapter shall apply to complaints alleging discrimination against any person, organization or entity other than the Town, or an officer, employee or board or commission therefor.

(Ord. No. 263, 1998)

**2.48.020**

**PUBLIC ACCOMMODATIONS POLICY**

- A. It is the policy of the Town to ensure that all of our services, facilities, privileges, advantages and accommodations are meaningfully accessible to qualified persons with disabilities in accordance with the Americans with Disabilities Act.
- B. The Town will provide persons with disabilities an equal opportunity to participate in or benefit from all services as afforded to all other individuals. This will be done in the most integrated setting appropriate to the needs of the individual with disability. Only where it is absolutely necessary will the Town provide benefits, services, etc., separately to persons with disabilities. The Town will not use standards, criteria or methods of administration or operations that screen out, exclude or discriminate based on disability.
- C. The Town is committed to making reasonable modifications in its policies, practices and procedures to afford equal opportunity to the facilities and services offered. Where it is readily achievable, architectural and communication barriers will be removed. New structures and alterations will comply fully with all accessibility requirements. Auxiliary aids and services, as appropriate to the individual and required by the Americans with Disabilities Act, will be provided at no cost by the Town.
- D. The Town is also committed to not discriminating against any person who is related to or associated with a person with a disability. The Town will follow any state or local law that provides individuals with disabilities greater protection than the Americans with Disabilities Act.
- E. This policy applies to all services, privileges, advantages or accommodations offered by the Town either directly or through contractual, licensing or other arrangements. This policy is neither exhaustive nor exclusive. The Town will take all other actions necessary to ensure equal opportunity for persons with disabilities in accordance with the Americans with Disabilities Act and all other applicable federal, state or local laws.

(Ord No. 263, 1993)

**2.48.030**

**PUBLIC ENTITIES**

Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution 856, as applying to public entities, are adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing building that do not meet the standards and specifications. (Ord. No. 251 § 1, 1996)

**2.48.040**

**PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES**

Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizona with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution 856, as applying to public accommodations and commercial facilities, are adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996. (Ord. No. 251 § 2, 1996)

## CHAPTER 2.52

### TOWN PROPERTY AND EQUIPMENT

#### **SECTION:**

<b>2.52.010</b>	<b>DAMAGE OR LESS PROHIBITED</b>
<b>2.52.020</b>	<b>USE OF MUNICIPAL VEHICLES BY EMPLOYEES</b>
<b>2.52.030</b>	<b>RECORDS OF PERSONAL COMMUTING</b>
<b>2.52.040</b>	<b>GENERAL LIABILITY INSURANCE REQUIRED</b>

#### **2.52.010**                    **DAMAGE OR LESS PROHIBITED**

Any employee of the Town found responsible for damage to or loss of town property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the Town for such damages or loss. No Town equipment, materials or supplies shall be removed from its location without the approval of the supervisor, department head or Town Manager. (Ord. No. 263, 1998)

#### **2.52.020**                    **USE OF MUNICIPAL VEHICLES BY EMPLOYEES**

Department heads and other employees as designated by the Town Manager shall be allowed to use Town-owned vehicles as transportation to their homes from their place of work in addition to use during normal duty hours. Such vehicles may be used for incidental personal use while enroute to the person's place of residence or work. Incidental stops must be on or substantially near the most direct route between the person's place of residence and place of work and shall be as brief as possible. The vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and not bring discredit upon the Town. (Ord. No. 263, 1998)

#### **2.52.030**                    **RECORDS OF PERSONAL COMMUTING**

Each person utilizing a Town vehicle for commuting purposes shall keep those records of personal commuting usage as required by the Internal Revenue Service and may, for their own purposes, keep more detailed personal records. (Ord. No. 263, 1998)

#### **2.52.040**                    **GENERAL LIABILITY INSURANCE REQUIRED**

No organization conducting community activity, whether independently or in co-sponsorship with the Town which necessitates the use of Town assets or resources shall receive any required permit from the town unless the following criteria have been satisfied.

- A. A certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000.00) with an insurer authorized to do business in the state of Arizona having an A.M. Best Co. rating of A or better should accompany the application for approval of the use of Town's assets and/or resources.
- B. The certificate of general liability insurance will name as an additional insured the Town of Miami, Arizona.

Nothing in this chapter shall be construed as limiting the Town in making such additional requirements as it may deem appropriate, or the right to the Town to refuse to issue a permit, or to otherwise sanction, or allow to occur, any event for such reason or reasons as the Town Council may deem appropriate.  
(Ord. No. 263, 1998)

## CHAPTER 2.56

### TOWN HALL USE

**SECTION:**

**2.56.010 TOWN HALL USE**

**2.56.010 TOWN HALL USE**

The following policies shall apply and shall be enforced by the Town for use of the Miami Town Hall by persons or organizations:

- A. A written Town Hall use request form must be submitted to the Town. The requestor is to complete a Town Hall use request form for each activity planned. Town Hall use request forms are available at the Miami Town Hall during regular business hours. Town Hall use request forms must be submitted to the Town Clerk of the Town no less than thirty (30) day prior to the activity. All activities utilizing the Town Hall must be approved by the Town Council.
  - B. The Town Clerk shall maintain a calendar of scheduled events. Reservations of the Town Hall shall be on first come, first serve basis.
  - C. The Town Hall use request form for such activities shall contain a written letter or statement signed by the applicant describing the proposed use. The formal request for use must be submitted to the Town Clerk of the Town a minimum thirty (30) days prior to the activity.
  - D. Should the Miami Town Council require the use of the Town Hall on a date and at a time previously reserved for an activity, the Town Clerk shall attempt to reschedule the applicant's activity and, if unsuccessful in rescheduling, shall make every effort to accommodate the applicant's activity at another Town facility.
  - E. Groups, organizations or individuals utilizing the Town Hall for activities shall be nonprofit, non-political organizations only.
  - F. The individual signing the Town Hall use request form shall be wholly responsible for damage or theft which occurs during utilization of the Town Hall and shall be responsible to the Town for the full costs of repair and/or replacement of such damage or theft occurring to the building, equipment or materials stored at the Town Hall.
  - G. All groups, organizations and individuals utilizing the Town Hall shall be fully responsible for cleanup of the facility. There shall be no rental fee charged for use of the premises.
  - H. No alcoholic beverage shall be served or consumed in the Town Hall. Smoking is prohibited in the Town Hall Building.
  - I. The Town shall not discriminate against groups, organizations or individuals utilizing the Town Hall based on sex, color, age, creed, national origin, religion, disability or familial status.
  - J. Groups, organizations or individuals utilizing the Town Hall must agree not to discriminate against anyone wishing to join in the activities at the Town Hall based on sex, color, age, creed, national origin, religion, disability or familial status.
  - K. This policy may be amended by formal action of the Town Council of the Town.
- (Ord. No. 263, 1998)



## CHAPTER 2.60

### PERSONNEL CODE

#### SECTION:

<b>2.60.010</b>	<b>PERSONNEL CODE ADOPTED</b>
<b>2.60.020</b>	<b>VIOLATIONS – PENALTY</b>
<b>2.60.030</b>	<b>PERSONNEL CODE DECLARED PUBLIC RECORD</b>
<b>2.60.040</b>	<b>DISTRIBUTION</b>

#### 2.60.010                    PERSONNEL CODE ADOPTED

That certain document known as the Town of Miami Personnel Code, a copy of which is on file in the office of the Town Clerk of the Town of Miami, Arizona, which document was made a public record by Resolution No. 623, Town of Miami, and the same is referred to, adopted, and made a part hereof as if fully set out in the ordinance codified in this chapter. (Ord. No. 220 § 1, 1983)

#### 2.60.020                    VIOLATIONS – PENALTY

Any person, firm or corporation violating any of the provisions of this chapter and the Town of Miami Personnel Code shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment in the Town jail for not more than six months, or by both such fine and imprisonment. Every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which, or any portion of which, such violations continue and shall be punishable therefore as provided in this chapter. (Ord. No. 220 § 2, 1983)

#### 2.60.030                    PERSONNEL CODE DECLARED PUBLIC RECORD

That certain document entitled Town of Miami Personnel Code, a copy of which is on file in the office of the Town Clerk, is declared to be a public record and the same is ordered to remain on file with the Town Clerk and to be kept available for public use and inspection. (Ord. No. 263, 1998)

#### 2.060.040                    DISTRIBUTION

The Town Clerk shall provide all permanent Town employees with a copy of the Town of Miami Personnel Code. (Ord. No. 263, 1998)