

Chapter 3

ADMINISTRATION ♣ ♣♣

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ARTICLE 3-1. APPOINTIVE OFFICERS

Sec. 3-1-1. City manager

- (a) *Office created.* The office of the city manager of the City of Show Low is hereby created and established. The city manager shall be appointed by the city council on the basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council.
- (b) *Bond.* The city shall obtain a bond for the city manager as required by applicable state law. The bond obtained may either be an individual bond or a blanket bond, which covers all city employees including the city manager.
- (c) *Compensation.* The city manager shall receive such compensation as the council shall fix from time to time.
- (d) *Removal procedure.* The manager may be removed by a majority vote of the council, consistent with the terms of an employment agreement, if any, approved by the city council.
- (e) *Powers and duties.* The city manager shall be the administrative head of the government of the city under the direction and control of the council except as otherwise provided in this chapter. He shall be responsible to the council for the proper administration of all affairs of the city. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following paragraphs:

♣ **Cross references**—Mayor and council, Ch. 2; department of building safety, Art. 7-3.

♣♣ **Editor's note**—Sections 1 and 2 of Ord. No. 2003-15, adopted Nov. 4, 2003, amended and replaced Chapter 3 in its entirety. Article 3-1, "Reserved," was deleted. The following sections were deleted entirely: 3-2-2, "City treasurer;" 3-2-3, "City marshal;" and 3-2-6, "City clerk." The following sections were not revised, although some were renumbered: Sections 3-2-1, 3-2-3 and 3-3-3.

- (1) *Appointment and removal of officers and employees.* Appoint and, when necessary for the good of the city, discipline, suspend or remove all officers and employees of the city, except the city magistrate and city attorney. He may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.
- (2) *Budget.* Prepare the budget annually, submit it to the city council and be responsible for its administration after adoption.
- (3) *Fiscal year report.* Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city the preceding year.
- (4) *Financial needs.* Keep the council advised of the financial condition and future needs of the city and make such recommendations as he may deem desirable.
- (5) *Compensation schedule.* Recommend to the city council a compensation plan for all employees. Authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with the annual budget approved by the city council.
- (6) *Administrative functions.* Recommend to the city council from time to time adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement and safeguard of administrative services and functions.
- (7) *Organizational structure.* Establish and organize departments and positions, except the city magistrate and city attorney, as he deems necessary in the best interest of the city.
- (8) *Attendance at council meetings.* Attend all meetings of the council unless excused therefrom, and take part in the discussion of all matters coming before the council. He shall be entitled to notice of all regular and special meetings of the council.
- (9) *Purchasing.* The manager shall supervise the purchase of all goods and services for the city. Purchases over \$35,000 shall be pursuant to three (3) sealed bids approved by the city council. Publication for the request for bids/request for proposals shall be as provided by A.R.S. § 39-204. Bids shall be awarded to the lowest qualified vendor. Budgeted purchases between \$10,000 and \$35,000 shall be pursuant to three (3) sealed written quotes, prices or proposals. Publication shall not be required. Bids shall be awarded to the lowest qualified vendor. Contracts between \$10,000 and \$35,000 shall be executed by the city manager if the item

has been provided for in the budget. Budgeted purchases below \$10,000 shall not require specific bids or quotes but shall be awarded to the lowest qualified vendor after due inquiry. In the event that three (3) bids, quotes, or prices are not available, an explanatory memo must be included in the file. The manager may issue such rules governing purchasing procedures within the administrative organization as may be necessary to accomplish this function in an efficient and cost effective manner. The manager may adopt all or any of the provisions of the Arizona Procurement Code as applicable to the city. The provisions of this paragraph concerning bidding procedures shall not apply to professional services, including, but not limited to: engineering, architectural, legal, medical, planning, insurance, and similar services.

- (10) *Public emergency.* In case of accident, disaster or other circumstances creating a public emergency, the manager may award contracts and make purchases for the purpose of meeting said emergency; but he shall file promptly with the council a report showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
- (11) *Code enforcement.* See that all laws and ordinances are duly enforced.
- (12) *Investigate complaints.* Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed.
- (13) *Other duties.* Perform such other duties as may be required by the council, not inconsistent with state law or city ordinances.
- (14) *Countersigning city checks.* Either he, the administrative services director or their designee shall countersign all warrants which shall be in the form of checks drawn on the bank accounts or accounts of the city issued by order of the mayor and council and signed by the mayor, or in the absence of the mayor, the vice mayor. Mayor and vice mayor signatures on checks may be a facsimile.

(Ord. No. 227, § 1, 1-23-85; Ord. No. 297, 1-17-89; Ord. No. 379, 10-17-94; Ord. No. 424, § 2, 11-4-97; Ord. No. 453, 8-3-99; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2007-22, § 1, 12-4-07; Ord. No. 2009-17, § 1, 11-17-09)

Sec. 3-1-2. City attorney.

The city attorney shall be appointed by the city council. The duties of the city attorney include, but are not limited to, the following:

- (a) Act as the legal counselor and advisor of the council, commissions and other city officials, and as such shall give his opinion in writing when requested by council or city manager.
- (b) Draft all deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required by the council or city manager.
- (c) Approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council.
- (d) Approve as to form, in writing, all ordinances and resolutions submitted to him for consideration by the council.
- (e) Prosecute, defend and/or oversee all suits, actions or causes where the city is a party, and shall report to the council, when required, the condition of any suit or action to which the city is a party.
- (f) Serve as the city prosecutor for all Code violations and state law offenses which may be filed in the magistrate court.
- (g) Complete all duties as may be defined in any personal services contract approved by the city council.

(Ord. No. 227, § 1, 1-23-85; Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Council powers re appointive officers, A.R.S. § 9-239.

Sec. 3-1-3. City magistrate.

The city magistrate shall be appointed by the city council as provided in chapter 5 of this Code.

(Ord. No. 227, § 1, 1-23-85; Ord. No. 424, § 3, 11-4-97; Ord. No. 2003-15, §§ 1-2, 11-4-03)

Cross reference—Magistrate, Ch. 5.

ARTICLE 3-2. PERSONNEL SYSTEM

Sec. 3-2-1. Creation and scope.

There is hereby adopted a merit system for the employees of the city, the provisions of which shall apply to all employees of the city except elected officials, officers of the city appointed by the council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the city.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-2-2. Conditions of employment.

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-2-3. Rules and regulations.

The city manager shall adopt rules and regulations to give effect to this section, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

(Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2006-12, § 1, 4-4-06)

Sec. 3-2-4. Political activity.

- (a) No officer, official or employee of the city shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.
- (b) All employees shall remain free from any political activity in a Show Low municipal election:
 - (1) No employee may solicit or attempt to solicit support for a candidate or political party involved in a Show Low municipal election from any employee or appointed official.
 - (2) No employee may take any part in the campaign of a candidate participating in a Show Low municipal election.
 - (3) Employees may exercise their rights as citizens to vote, privately express personal opinions, and sign nominating petitions, initiative, referendum or recall petitions.

- (c) No paid employee shall seek election to public office with the city while still employed by the city.
- (d) No paid employee shall use his position or city resources to sell, solicit or distribute any campaign material or information for any election during working hours and/or in uniform used by or identified with the city government.
- (e) No paid employee shall use his position to introduce, guide or recommend any candidate for any public office on city property.
- (f) *Employee* as used in this section means all regular city employees, classified and unclassified, and part-time and temporary city employees.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-2-5. Nepotism.

- (a) *Relative* as used in this section means a spouse, individuals in a cohabitant relationship, step, one-half as well as whole blood of the foregoing, child, parent, sibling, grandparent, grandchild, mother- or father-in-law, son- or daughter-in-law, brother- or sister-in-law.
- (b) No relative of an employee of the city who is a full-time classified employee shall work in the same department or report to one another, either directly or indirectly. Relatives of department head-level employees of the city are also forbidden from working within the organization.
- (c) Seasonal/part-time (at-will) employees may be employed with the city within the same division provided one relative does not supervise an immediate family member. In the event two employees marry or are in a cohabitant relationship that are employed within the classified or management service of the same division, one of the employees shall be transferred to a position in another division or a similar classification. The city manager may lay off one of the employees if a similar position is not available. Exceptions may be made at the discretion of the city manager. If the situation involves a relative of the city manager, exceptions require the approval of the city council. Under no circumstance is an employee of the city permitted to make a hiring decision, or attempt to influence anyone else making a hiring decision, about the employee's relatives.
- (d) If a spouse or individual in a cohabitant relationship with an employee of the city chooses to run for an elected city position and is successful in his/her election to office or is appointed to an elected city position, the employee must resign or be

removed from his/her position prior to the candidate taking his/her seat as an elected city official.

(Ord. No. 2009-10, § 1, 7-7-09, Ord. No. 2009-16, § 1, 11-17-09)

ARTICLE 3-3. CLAIMS AGAINST THE CITY

Sec. 3-3-1. Procedure and time limit for presenting damage claims.

- (a) All claims for damages against the city shall be presented to the city clerk in accordance with state law.
- (b) The city clerk shall transmit all damage claims filed with that office to the city manager, or person designated by him to investigate claims. These claims shall then be processed pursuant to guidelines approved by the city manager.

(Ord. No. 191, § 1, 1-11-84; Ord. No. 237, 4-2-91; Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-3-2. Procedure and time limit for presenting contract claims.

All claims or demands against the city other than for damages shall be in writing and may be in the form of a bill, invoice, payroll or formal demand with proper reference to an authorized purchase order where applicable. Each such demand shall be presented to the city within six (6) months after the last item of the account or claim accrued.

(Ord. No. 191, § 1, 1-11-84; Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-3-3. Presentation of a claim or demand a prerequisite for court action.

No court action shall be brought against the city or any board, commission, officer or employee thereof until a claim or demand for payment of the same has been presented as provided in this article and such claim or demand has been rejected in whole or in part. If it is rejected in part, a court action may be brought to recover the entire amount of the claim or demand. Failure by the city to complete action approving or rejecting any claim or demand within sixty (60) days from the date the same is presented shall be deemed a rejection thereof.

(Ord. No. 191, § 1, 1-11-84; Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 3-3-4. Real property diminution in fair market value claim required.

A property owner shall file a written demand for just compensation with the city clerk where it is alleged that a new land use law has been enacted by the city which directly regulates and diminishes the fair market value of their property. The provisions, definitions and published judicial interpretations of A.R.S. § 12-1134 are incorporated herein by this reference.

- (a) Only the fee title owner(s) may file a claim. The owner shall have the burden of proof on the issue of diminution in value of the property. Claims shall be filed in accordance with the requirements of A.R.S. §§ 12-821.01, 12-1134 and this section.
- (b) Documentation required from owners:
 - (1) Legal description and street address of the property;
 - (2) Identification of all of the legal owners of the property. A description of the legal interest held and evidence of ownership showing the date the ownership interest was acquired. If there are multiple owners a description of the interest held by each owner and claimant. If property is held in trust, owned by a corporation, partnership, LLC or LLP, a statement whether the claim is filed on behalf of the trust, corporation, partnership, LLC, LLP individual(s), partners (or both).
 - (3) Identification of the city land use law which the property owner alleges diminishes the value of his land including a description of the desired use of the property, how the regulation restricts the desired use of the property and how the land use law reduces the fair market value of the property.
 - (4) All documentation in support of the claim of diminished value. The actual amount of diminution in value shall be stated and the complete support thereof shall be required. Attach an appraisal and all other documentary evidence which supports the claim together with written permission from the claimant and all owners to enter the property to appraise it and verify information in the claim.
 - (5) The claim shall set forth a specific amount of just compensation the claimant demands.
 - (6) Claims shall contain a sworn, notarized statement signed by the claimant attesting that the information contained in the claim is accurate and correct.

(Ord. No. 2007-02, § 1, 1-16-07)

ARTICLE 3-4. ADMINISTRATIVE FEES

Sec. 3-4-1. Council to establish fees.

The city council may from time to time establish and set by resolution the amount of charges for administrative services.

(Ord. No. 350, 3-17-92; Ord. No. 2003-15, §§ 1-2, 11-4-03)