

Town of Clarkdale Public Service Handbook

Town Council 2008

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INTRODUCTION

Welcome to Public Service in Clarkdale!

While you will find that your role requires time, effort, and some long day time and evening hours, it also provides an opportunity for genuine public service. You will be able to help shape the future of Clarkdale and to make decisions affecting every citizen's satisfaction with the Town. The Town of Clarkdale needs your personal resources and enthusiasm in order to maintain the qualities of the Town that are enjoyed by its residents.

The performance of public service brings with it the feeling of contribution and you will most likely develop a close relationship with other volunteers and employees, all working toward a common goal of providing for our community, its citizens and its future.

As representatives of Clarkdale, the Town Council, boards, commissions, volunteers and employees are essential to the Town's commitment to developing policies and services which reflect the needs and values of the community. While carrying out your responsibilities, you will work closely with your fellow Town Council members, commissioners, and staff - all of whom play a critical role in the Town's organization. The Town Council or Town Manager may also appoint citizen committees on an "ad hoc" basis to study particular, short-term issues.

Purpose:

The purpose of this handbook is to provide you with background information on the Town and its government and to introduce you to your role in that structure. It includes a general history of the Town and a description of its government and administration. The term "Public Officials" includes the Town Council, boards, commissions, volunteers, and Town employees. The majority of this handbook provides standard methods and general policy guidelines for public officials to use when conducting business. The handbook also reviews conflict of interest laws, open meeting laws and other laws and policies that apply to all public officials.

Words of the masculine gender in this document include the feminine. Where the term Mayor is used throughout this document, it shall be deemed to include, when appropriate, the Vice Mayor or other designated persons acting in the capacity of Mayor. This handbook should be read and interpreted to be in harmony with the provisions of the Clarkdale Town Code and State and Federal law. However, in every case where a conflict of interpretation may arise, the Town Code and State and Federal law will control. This handbook shall be in effect upon adoption by the Town Council until such time as it may be amended.

We think that you will enjoy your role as a public official and that you will find that you have played an important part in shaping Clarkdale's future.

Gayle Mabery,
Town Manage

HISTORY OF CLARKDALE

The Early Days

The first mining claims in Jerome were filed in 1876 by several Irish men and women. In 1880, a consultant for Phelps Dodge Corporation came through Jerome and inspected the claims and decided it was not a good investment at that time. Seven years later, in 1887, the consultant revisited the mines and realized their great potential. When Phelps Dodge clients gave up the option to invest in the Jerome mines, William A. Clark of Montana stepped forward and picked it up.

Mr. Clark had the money to develop the United Verde Copper Company into one of the largest copper mines in the world. The ore was rich and the market was ripe. But, the unique ore body led to problems with the mine and forced changes in the plant facilities. Clark decided to mine the ore by the open pit method, which necessitated relocation of the smelter and mine buildings.

Early planning for land acquisition and the site selection of the smelter and Town was done quietly. Many properties near the Verde River and in the immediate foothills surrounding Jerome were to come under the control of the United Verde Copper Company or one of its subsidiaries. In 1913, United Verde transferred almost 1200 acres of land to the Clarkdale Improvement Company.

Development of a Planned Community

William Andrews Clark was a man with three great ambitions in his lifetime. One of those ambitions was to own a town that would be one of the most modern mining towns in the world. Clarkdale, a town which bore his name, would be such a town.

The town was designed to have every possible convenience. There were telephones, telegraph, sewer and electrical services and fine spring water. There were wide streets, buildings for all types of businesses and professionals, and subsidized homes.

Construction on the smelter began in 1912, and simultaneously the building of temporary structures began to house a store and a post office. Later, three streets of homes were built for the accommodation of those who sought low-cost living quarters. This area was known as Patio Town (much later as Patio Park Subdivision). The rest of the Town was divided into two sections that were designated as Clarkdale East and Clarkdale West, but are now known only as Lower and Upper Town. The first single dwellings for employees were built along the streets close to Bitter Creek.

In laying out the streets of the Town, names were sought which would aid newcomers or visitors in finding places. Main Street divides the Town, running west from the river. In naming the parallel streets, the Salt Lake City method was adopted. Examples are First North Street, First South Street, Second North Street, and so on.

Certain sections of the town were set aside for those who preferred to build their own residences. No lots were sold, but were leased. One such section was known as "Standard Oil Town"

because it was near Standard Oil's storage plant. The community of Centerville, south of Clarkdale, but really a suburb of that time, was on ground not owned by the United Verde. Another small group of houses was called "Butcherville" because employees of the Town's meat market lived there.

The first construction in the main section of lower town was a two-story hotel that was built to accommodate employees; then dwellings were built.

In 1914, construction began in upper town. A business block was built, with accommodations including two-story buildings, for businesses and offices. This is between Ninth and Tenth Streets on the south side of Main Street. The building of residences in upper town also began in 1914. Placement of the homes was alternated; each block has three smaller homes between two larger homes. Almost ninety years later, these houses sit solid and firm.

On October 19, 1927, the Clark Memorial Clubhouse and Memorial Library were formally opened. The original cost of the Clark Memorial Clubhouse, designed by Fitzhugh & Byron, was \$90,000. The Clark Memorial Clubhouse is now listed on the National Register of Historic Places and is the official meeting place of the Town Council. The entire original town site, including "upper" and "lower" Clarkdale is on the National Register as the Clarkdale Historic District.

Incorporation

In the mid-1930's, after the death of several members of the Clark family, Phelps Dodge Mining Corporation had the opportunity to buy the United Verde operation. Phelps Dodge operated the business from 1935 through 1953. Both the company and the town were run differently than they had been before. After 1953, Clarkdale was bought and sold by several different companies. The citizens of Clarkdale became dissatisfied with the various companies' management of the Town and set about to incorporate in mid-1957. The Clarkdale Community Betterment Association was formed to promote incorporation. The Yavapai County Board of Supervisors approved incorporation on July 1, 1957 when 86% of the real property owners requested it.

On July 1, 2007, the Town of Clarkdale celebrated its 50th Anniversary of Incorporation! A special 50th Anniversary Committee was formed to coordinate events throughout 2007, with the main celebration occurring in conjunction with the July 4, 2007 celebration in the Clarkdale Park.

The 50th Anniversary Committee will evolve into a committee that is focused on celebrating the 100th anniversary of Clarkdale's founding in 2012. Clarkdale's 100th anniversary celebration coincides with Arizona's Centennial Celebration!

Growth

After incorporation in 1957, the new government encouraged industry and population growth. In the Fall of 1959, the Phoenix Cement Company began operation west of Clarkdale. People moved into Clarkdale, buying the practically abandoned houses in Lower Town and remodeling them. Long-time residents were invited to purchase their homes, for as little \$2,500. Others bought houses for investment purposes.

Since the construction of the historic areas of Town, Clarkdale has expanded to the south, east and west. The 89A bypass was constructed and connects many areas of the oldest areas of Town with the newer developments. Subdivisions such as Black Hills I and II, Verde Palisades, Foothills Terrace, Mingus View Estates, Haskell Springs, Mingus Shadows, Mountain Gate and numerous individual home sites in unsubdivided areas have added to the population of the Town.

On January 26, 2006, the Town added another significant event to its history with the purchase of the portion of the Cottonwood Water Works system that was in Clarkdale. The acquisition of the water company allows Clarkdale to better address the water quality, water rights and water resource issues facing the community. We are also in a much better position than a private water company to make much needed capital improvements the system, including increased storage for fire protection and the development of alternate water supply sources. Clarkdale's new tiered water rate structure is one of the most effective ways to encourage water conservation, and the Town is committed to pursuing additional water resource management and conservation programs at both a local and regional level.

The Town Council, boards, commissions and staff consider development issues on a daily basis, and planning for our future needs is a constant challenge. Input from our community is of vital importance and will continue to shape the history and the future of Clarkdale.

Special Thanks

Herb Young, Clarkdale resident and long-time employee of the United Verde Copper Company and Phelps Dodge Corporation, for providing the information contained in the "Development of a Planned Community" section.

Ryden Architects and the State of Arizona Historic Preservation Office for the information provided in the "Historic Resource Survey of Clarkdale, Arizona." This information was used throughout the History of Clarkdale chapter of this handbook.

PUBLIC OFFICIALS

Section One

The term “Public Officials” includes the Town Council, boards, commissions, volunteers, and employees. The majority of this handbook provides standard methods and general policy guidelines for public officials to use when conducting business.

The Town of Clarkdale operates under a Town Council-Manager form of government, an organizational framework which has grown widely in popularity since its inception in the 1910's. It provides town governments with policy direction from the Town Council and professional administration through the Town Manager.

The organizational chart provided shows the relationship between the elected officials, appointed officials, and Town departments.

A. The Town Council

The Town Council acts as the governing body of the Town, with all the regulatory and corporate powers of a municipal corporation provided under the Arizona law. In general, the Town Council sets policy for the Town government by establishing Town ordinances and programs and appropriating funds for each Town department.

The Town Council consists of four Councilmembers and one mayor, all elected to serve staggered four-year terms. The mayor is elected, however the vice mayor is chosen by the Town Council. Newly elected Councilmembers take office during the first regular meeting in June.

The Town Council is the policy-making body of the Town. The Town Council approves all ordinances, resolutions and contracts. The Town Council reviews proposals for community needs, initiates actions for new programs and determines the ability to provide financing. The Town Council approves and modifies the budget as prepared by the Town Manager and staff. Councilmembers in the Town of Clarkdale receive a \$200 per month stipend and the mayor receives a \$400 per month stipend.

Regular Town Council meetings are normally held at 6:00 p.m. on the second Tuesday of each month in the Men’s Lounge of the Clark Memorial Clubhouse. Special meetings are generally held on the fourth Tuesday of each month at 3:00 p.m. and at other times as necessary.

In addition to scheduled Town Council meetings, councilmembers may represent the Town as members of various regional boards and commissions, and as representatives to organizations, such as the Verde Valley Transportation Planning Organization, the Yavapai County Water Advisory Committee, the Northern Arizona Municipal Water User’s Association, the Northern Arizona Council of Governments, Coconino Yavapai Resource Conservation District, Verde Valley Regional Economic Organization, Verde Valley Land Preservation Institute, and the Cottonwood Area Transit System.

1. After appointment by the Town Council to a regional board or committee, the representative may submit a report to the Town Council, Town Manager, or appropriate department, identifying significant matters.
2. Town Council representatives may ask to have an issue agendaized for Town Council consideration before the next regional meeting so that the representative can receive direction from the Town Council and accurately reflect the Town's position in their meetings.
3. Important issues that require a Town Council representative report the Town's official position before any federal, state, regional, county, or other governing body, board or committee should be brought to the Town Council, if there is time, so that the Town Council can give directions and to ensure that the representative is accurately stating Town Council positions.
4. If a councilmember appears before any federal, state, regional, county or other governing body, board or committee and has not received any direction from the Town Council as a whole concerning matters which are being discussed, the councilmember must explicitly state that he/she is speaking only as an individual and that his or her comments should not be construed as representing the views of the Town of Clarkdale or the Clarkdale Town Council.
5. Where time constraints require immediate input on behalf of the Town, and where the Town Council representative has a substantial good-faith basis for assuming that there would be strong Town Council support for the position, the Town Council representative may state a Town position and shall notify the Town Council of the position taken at the earliest opportunity.

B. Commissions and Boards

Commissions and boards (hereinafter the term "Commission" will refer to any appointed board or committee) are standing bodies established by Town ordinance and appointed by the Town Council to provide ongoing citizen input on major policy areas. Commissioners find themselves uniquely situated in the government organization. They are an integral part of the Town Government structure, working with Town Council, staff, and the public. In keeping with the Town's philosophy of citizen involvement, the Town Council appoints citizens to commissions and boards to assist in the formulation of Town policy. They focus attention on specific issues, weigh community values in making recommendations to the Town Council, and thoroughly research and review alternatives to accompany formal recommendations to the Town Council. Some commissions are not simply advisory to the Town Council. The Design Review Board has the authority to make binding decisions without Town Council input or direction. The Board of Adjustment has a quasi-judicial role in which they possess the power to hold hearings and make final decisions on disputed matters between a private person and the Town in the general manner of a court. In addition, commissioners are sometimes asked to participate in a volunteer capacity for a departmental program. The strength and the success of Clarkdale Town government are to a large degree reflective of the quality of service performed by these volunteers who serve without pay.

In order to qualify for appointment to commissions of the Town, an applicant must be a resident of the Town. Commission terms begin on October 1st of each year and each commission has five to seven representatives appointed by the Town Council for two year staggered terms. The selection of commission representatives starts in July of each year with advertisements to the public along with checking with incumbent commissioners to see if they wish to be considered for reappointment. All interested parties, whether new or an incumbent, must apply for the positions.

Application forms for seats on all commissions are available from the Town Clerk or on the Town's website (www.clarkdale.az.us) and may be completed at any time. The Town Council will normally avoid appointing more than one member of a family to the same commission, or one person to more than one commission.

From time to time a vacancy occurs on a commission during a term. When this occurs, Town staff will advertise that a seat is available and ask for applications. The applications are reviewed by the Town Council who appoint a person to complete the vacated term.

One of the first responsibilities of a new representative is to understand the commission's scope of responsibility and operating procedures. Along with the information listed below, additional information may be obtained by referring to the Town Code, Zoning Code, and the individual Board or Commission's Policy and Goals Statement.

1. A commission's role is to advise the Town Council about policies and programs. In the course of business, the commission:
 - a. Should define a situation;
 - b. Establish a plan to investigate, research and gather data;
 - c. Analyze the results of the investigation that staff has prepared;
 - d. Develop some conclusion based on the results;
 - e. Develop a recommendation or set of alternatives to present to the Town Council.
2. There should be reciprocal communication between the Town Council and commissions. The commissions should be aware of the long and short term goals and policies of the Town Council. In turn, the Town Council should remain receptive to new ideas which are presented by the commissions.
3. An important role of the commissions is to provide opportunities for increased citizen participation in the development of Town policies and operating procedures by holding public hearings to solicit community input on current issues.
4. At times the Town Council may not accept the recommendation of a commission. If a recommendation is rejected, the Town Council most likely will let the commission know why. Depending on the reason(s) for the rejection, the commission may re-address the issue and bring an alternative suggestion to the Town Council, or go on with other business. Commission input will be weighed carefully with other information the Town Council may receive. The Town Council may not be rejecting the quality of work or basic idea, but may have

additional information or need to balance the commission's recommendation against other Town priorities.

5. Commissions hold regular meetings each month, with the exception of certain commissions that meet on an "as needed" basis. Special meetings and work sessions are held when the commission deems necessary. The chair and vice chair are elected from among the representatives for a one year term by commissions at their first meeting in October.
6. Commissioners are expected to attend all meetings. If any representative misses three consecutive regular meetings or a cumulative total of seven meetings throughout the fiscal year, he or she shall automatically cease to hold membership without further action being taken by either the commission or the Town Council. It is the duty of the chairperson to notify the staff liaison when this occurs. If commissioners are unable to continue service due to health, business requirements, personal reasons, or moving out of Town, they should submit a formal letter of resignation to the Town Council. Advance notice is appreciated so that advertising can be done to obtain a replacement.
7. There is one staff person assigned to each commission to serve as liaison between the commission and the other staff. The liaison will be responsible for letting the commission know what is happening in the Town organization, what issues need direction, and suggest alternatives that the commission may consider. Liaisons investigate questions raised by the commission, recognize commissioner contributions, encourage involvement, and promote team spirit, so that all commissioners can participate in a manner which will maximize their satisfaction in the organization. It is important that good relationships exist between the commission and liaison, so that together a reasonable solution can be derived. The following are some ways to avoid misunderstandings and to keep the channels of communication open:
 - a. Commissioners should communicate with the liaison assigned to the commission rather than to other staff and their discussions should be related to the commission's policies and goals.
 - b. Commissioners should not ask for individual reports, favors, or special considerations. In order to prevent the liaison from being diverted from priority projects, if a commission desires information or a report which will require a significant amount of staff time, the commission should request Town Council permission to pursue the project.
 - c. Commissioners should realize that the liaison reports directly to a supervisor and may not be able to carry out every recommendation that the commission may have.

8. Purchases relating to the policy and goals of the commission may be made using the commission's budgeted funds or donation accounts. Once a majority of the commissioners at a meeting votes in favor of an expenditure, the purchase must be approved by town staff. This assures that the funds, which are public funds, are expended in accordance with applicable laws and town financial procedures.

C. Types of Boards/Commissions

1. **Design Review Board**

The Design Review Board reviews the landscaping and exterior design of some proposed new buildings, commercial signage, proposed alterations to buildings, excluding single family residences, and major development or redevelopment projects to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the Town. The Design Review Board also reviews applications under the Town's Zoning Code, Chapter 11 – Design Review and Site Plan Review Ordinance. The Design Review Board has the power to approve, conditionally approve, or disapprove all of the above requests. The Design Review Board has five representatives and meets on an as-needed basis.

2. **Heritage Conservancy Board**

The Heritage Conservancy Board advises the Town Council and staff regarding the preservation, conservation, and promotion of natural, cultural and historical resources. The Heritage Conservancy Board has five representatives.

3. **Library Advisory Board**

The Library Advisory Board advises the Town Council and staff regarding the Clark Memorial Library operations and decisions. The Board consists of seven representatives.

4. **Parks and Recreation Commission**

The Parks and Recreation Commission advises the Town Council on park development, recreational activities, programming, and other community services. The Commission consists of five representatives.

5. **Planning Commission**

The Planning Commission reviews all long-range plans for the Town, including the General Plan, specific plans, and rezoning. It also bears the primary responsibility for the initial review of larger developments, including applications for preliminary plats. Furthermore the Commission makes formal recommendations to the Town Council on planning policies. The Planning Commission has five representatives.

6. **Board of Adjustment**

The Board of Adjustment is a quasi-judicial body which has powers and duties prescribed by law and ordinance including:

- 1) To hear and decide appeals of administrative decisions;
- 2) To interpret the boundaries of zoning districts as depicted on the Zoning Map;
- 3) To hear and decide variances;
- 4) To consider the extension of nonconforming uses.

This 5 member Board meets only as needed. Town Council cannot reverse the decision of the Board of Adjustment, only the Civil Courts can interpret their findings.

7. **Public Safety Personnel Retirement Board**

The Public Safety Personnel Retirement Board oversees the retirement pension fund for the Town's police officers. This Board consists of the Mayor, two citizens and two police personnel.

8. **Municipal Property Corporation**

The Municipal Property Corporation is a non-profit organization that is an "affiliate of the governmental unit". The charge of the MPC is to finance the cost of acquisition, construction and equipping of certain facilities by the Town of Clarkdale. The MPC normally meets once a year, however if the Town is obtaining financing through the MPC additional meetings would be scheduled.

D. Town Staff

1. **Town Manager**

The Town Manager is appointed by the Town Council and serves under the terms of an employment contract. The manager is the administrative head of the Town government and is subject to the direction of the Town Council. The manager is responsible for the efficient administration of all the affairs of the Town which are under his/her control. The Town Manager's responsibilities include the following: enforcement of ordinances; responsibility and direction over all employees except the Magistrate; preparation and submittal of the annual budget, and chief advisor to the Town Council. The manager is also responsible for projecting future program needs and services and determines the financial, personnel and social impacts of these decisions. The Town Manager serves at the pleasure of the Town Council and is a non-elected, salaried position.

The Town staff, under the direction of the Town Manager, is responsible for carrying out the policies of the Town Council and implementing programs and services. The Town Manager, Town Attorney, and Magistrate are appointed by, and report to, the Town Council. All other department heads and staff members ultimately report to the Town Manager.

The Town Manager oversees responsibilities for the day-to-day administrative affairs of the Town. The Town Council, commissions and boards work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the Town Manager.

2. Assistant Town Manager

Under direction of the Town Manager, the Assistant Town Manager (ATM) performs highly responsible administrative work relating to organization-wide municipal issues. The ATM will also exercise direct supervision over management, professional and clerical staff and acts as Town Manager in the Manager's absence. The ATM develops and administers Town priorities, policies, programs, projects and procedures. At the time of this printing, the ATM also acts as the Director of Human Resources, supervises the Parks and Recreation Department and serves as the Town's administrative liaison to the Clarkdale Municipal Court.

3. Town Clerk

This is the oldest public service position in municipal government in our country. The Town Clerk performs all of the responsibilities designated in the Town Code and Arizona Revised Statutes. The Town Clerk provides staff liaisons to certain boards and commissions, is charged with managing all of Clarkdale's public records, creates many of the Town's permanent records (meeting minutes, resolutions, ordinances, contracts and agreements), and serves as the Elections Official for the Town. The Town Clerk works closely with the Town Council and the Town Attorney to ensure compliance with Arizona's Open Meeting Law and other laws, and provides on-going training and education to the Town Council, Boards, Commissions, and staff relating to those laws. The Town Clerk oversees the Clark Memorial Library, and staff in the Town Clerk's office serve as liaisons to the Heritage Conservancy Board, Library Advisory Board, Municipal Property Corporation, and Public Safety Personnel Retirement Board.

4. Police Department

Under the direction of the Chief of Police, the function of the Police Department is to protect and serve the public and protect property within the Town. This responsibility is carried out by preventive patrol, traffic enforcement, criminal investigation, and public relations programs. It is also responsible for crime prevention and educational programs.

5. Magistrate Court

The presiding officer of the magistrate's court is the Town Magistrate. The Town Magistrate is appointed every two years by the Town Council and serves under the terms of an employment contract. The purpose of this department is to process and hear cases in accordance with applicable laws of the Town of Clarkdale and the State of Arizona.

- 6. Community Development Department**
Under the direction of the Community Development Director, this department is charged with administration and enforcement of building and development issues in the Town of Clarkdale. The Department is responsible for zoning, permitted uses, conditional use permits, zoning changes, planned area developments, planned unit developments, variances, parking standards, landscaping standards, signage, subdivisions, other related planning issues, and issues licenses on behalf of the Town. It also handles building permit applications, building inspections, plan review, and code enforcement. As of this writing, the *2006 International Building Codes* as amended by the Town, are the current standard. Representatives of this department are staff liaisons to the Planning Commission, Design Review Board, Board of Adjustment and to those involved with updates to the General Plan.
- 7. Public Works Department**
Under the direction of the Public Works Director, this department oversees much of the Town's infrastructure, including parks and public facilities, public streets, alleys and other right-of-ways, and drainage ways. Additionally, the Public Works Department coordinates the issuance of permits, deals with engineering issues and performs inspections and project management of the construction of public facilities. Other operational responsibilities include fleet management and the management of the Valley View Cemetery. Representatives of this department are staff liaisons to the Verde Valley Transportation Planning Organization and Northern Arizona Council of Government along with other State and Regional transportation governing bodies.
- 8. Utility Department**
Under the direction of the Utilities Director, this department oversees the operation of the Town's water, wastewater, and reclaimed water systems. This department works closely with the Public Works Department and the Fire District to provide and maintain critical public services. Representatives from the Utilities Department are staff liaisons to the Northern Arizona Municipal Water Users Association (NAMWUA) and other regional water associations.
- 9. Finance Department**
Under the direction of the Finance Director, this department directs the Town's budget process, payroll and accounts payable, utility billing, internal audits, risk management, workers compensation, annual tax levies and procurement of goods and services.
- 10. Parks and Recreation**
Under direction of the Assistant Town Manager, the Parks and Recreation Supervisor works with the Parks and Recreation Commission, the Public Works Department, and others, to provide and maintain attractive parks and special recreational facilities for leisure time activities along with various recreation programs which provide a creative and responsive service to the community. There is a continued focus to develop events and activities to meet Clarkdale's

ever changing needs and desires by providing opportunities for recreational participation.

11. Library

The Library Manager manages and operates the library and its staff under direction of the Town Clerk with advice from the Library Board. Clarkdale strives to continually evaluate the efforts of the Library to meet the needs and wishes of our community.

12. Human Resources

While the Town Council sets some human resource policies, such as the adoption of specific benefits and salary ranges, the Town Manager is ultimately responsible for all employee decisions in the Town. The Assistant Town Manager has been charged with responsibility as the Human Resource Director, and oversees the Town's Human Resource operations with regard to employee selection, training and development, performance evaluations, promotions & dismissals, employee relations, and record keeping of personnel data. The Assistant Town Manager works closely with all department heads to assist with day-to-day personnel issues and works with employees to guide career development and provides advice in relation to problems at work.

13. Town Attorney

The Town Attorney is contracted by the Town Council to provide legal services for the Town. The Attorney's services are coordinated through the Town Manager, on behalf of the Town Council. The Town Attorney also provides day-to-day information to the Town staff on legal matters and acts as the Town's representative in most legal actions.

14. Town Engineer

The Town currently contracts for the services of an engineering firm as the Town Engineer. Utilization of the service is dependent upon need. Periodically, additional services are required and they, too, are provided on a contract basis. Engineering services are available to all functions within the Town organization.

<p style="text-align: center;">PUBLIC OFFICIAL CONDUCT Section Two</p>
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A. Public Official Protocols

Public officials should:

- Demonstrate honesty and integrity in every action and statement.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Clarkdale government.

- Work for the common good, not personal interest.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Fully participate in meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Participate in scheduled activities to increase effectiveness.
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.
- Respect the proper roles of elected and appointed officials and Town staff in ensuring open and effective government.
- Provide contact information to the Town Clerk, your staff liaison or your immediate supervisor in case an emergency or urgent situation arises while you are out of town.

B. Conduct with One Another

Public Officials include individuals with a wide variety of backgrounds, personalities, values, opinions, perspectives, and goals. Recognizing this diversity, all have chosen to serve the public in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as representatives may “agree to disagree” on contentious issues.

1. **Treat Others as You Would Like to be Treated:** Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way. Governance of a town relies on the cooperative efforts of elected officials and volunteers, who set policy, and Town staff, who analyze problems and issues, make recommendations, and implement and administer the Town Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. **Treat Each Other as Professionals:** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
3. **Channel Communications Through the Appropriate Town Staff:** Questions or concerns about staff recommendations, Town operations, and business items before the Town Council or commissions should be directed only to the Town Manager, Assistant Town Manager, Town Attorney, Department Heads, or staff liaison. The office of the Town Manager should be copied on any request to Department Heads made by Councilmembers. Representatives should not meet with department staff directly, but work through Department Heads, who will determine if they, too, need to attend any meetings with representatives.

Following this communication practice helps insure that issues are addressed most appropriately and expeditiously, and upholds the tenets of the Council/Manager form of government. When in doubt about appropriate staff contact, ask the Town Manager for direction.

4. **Concerns Regarding Individuals:** All critical concerns about staff performance by a Councilmember or commission member should be expressed in private to the Town Manager. If a Town Council or commission representative has a concern with the effectiveness of a colleague on the Town Council or their commission, and is comfortable talking with that individual privately, the representative should do so. If the problem is not resolved, the representative should consult with the chair or liaison of the Town Council or commission.
5. **Depend Upon the Staff to Respond to Citizen Concerns and Complaints:** Elected and appointed officials are often contacted directly by citizens with regard to specific concerns about the Town. While it is not the role of the elected or appointed official to resolve those concerns personally, it is important that you pass on concerns and complaints to the Town Manager or appropriate Department Head. The staff should respond according to the procedure for responding to customer concerns, along with informing the representative how the concern was resolved.
6. **Respect the Role Of Council/Commissions Representatives As Policy Makers For The Town:** Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Town Council or commission support for particular positions or recommendations in order to craft recommendations. The Town Council/commission must be able to depend upon the staff to make independent recommendations. Staff should provide information regarding alternatives and their pros and cons as part of the staff recommendation.

Town Council/commissions must weigh many factors in making their decisions. This includes factors that may outweigh the technical and professional advice of a Councilmember, commission member, or staff. Once a decision is made, it should be respected as the final position of the Town.

C. Conduct During Public Meetings

1. **Use Formal Titles:** In the interest of conducting an orderly meeting, the chairperson, at their discretion, may choose to address all present by their formal titles, such as when there is an audience or controversial issues are being discussed and/or being reported on by the media.
2. **Practice Civility and Decorum In Discussions and Debate:** Difficult questions, tough challenges to a particular point of view, and disagreement with ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.
3. **Honor the Role of the Presiding Officer in Maintaining Order and Equity:** Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and reasonably, following parliamentary procedure.

4. **Demonstrate Effective Problem-Solving Approaches:** Representatives have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Representatives are role models for residents and other stakeholders involved in public debate.
5. **Be Respectful of Other People's Time:** Stay focused and act efficiently during public meetings.
6. **Agenda Questions:** Representatives are encouraged to submit their questions on agenda items to the appropriate department as far in advance of the meeting as possible so that staff can be prepared to respond at the meeting.
7. **Regular and Special Meetings:** Regular meetings are held according to the Clarkdale Town Code or the commission's adopted schedule. A special meeting may be called when needed for the transaction of business. The calling of all meetings must satisfy the requirements of the Open Meeting Law. Riggins Rules and Robert's Rules of Order shall be used as references while conducting meetings. Business may only take place at special or regular meetings if a quorum of the public body is present.

POLICIES Section Three

A. Conflicts of Interest Policy

One of the most misunderstood phrases in the media today is "conflict of interest." The phrase carries such negative connotations, and yet it is only natural in our system. It is not "bad" to have a conflict of interest, but it is illegal to fail to declare a conflict of interest under Arizona law or to participate or otherwise be involved in decisions where such a conflict exists.

Public officials are prohibited from using or attempting to use their official position to secure valuable things or benefits to themselves, pursuant to A.R.S. §38-504(C). Violation of this prohibition is a Class 4 felony. In addition, a public official who engages in a conflict of interest, upon conviction, forfeits his or her office, pursuant to A.R.S. §38-510(B). When a representative recognizes a conflict of interest, the representative shall announce the conflict and refrain from discussion and voting on the matter, and shall leave the dais. Though non-voting members of a public body, employees must also comply with the Conflict of Interest laws, and must refrain from participating in the discussion of, or influencing, any issue on which they have a conflict. Any elected or appointed official or Town staff member with a Conflict of Interest must complete and return a Conflict of Interest Disclosure Memorandum form to the Town Clerk. You are highly encouraged to read *You as a Public Official* which is provided by the League of Arizona Cities and Towns. This publication is available from the Town Clerk and gives

additional information on this topic. It is given to Town Council Members Commissioners at the beginning of their terms, and is part of Clarkdale's New Employee Orientation packet.

1. **Applicability.** The conflict of interest law covers all public officers and employees of incorporated cities and towns. This includes the mayor, councilmembers and representatives of all appointed boards; the Town Manager, her appointees, and all consultants; and full-time, part-time and contractual employees. The law is also applicable when the private interests of a public official's or employee's relative are under consideration. The law defines a relative to be a husband or wife, child, grandchild, parent, grandparent, brother or sister, (and their spouses). In addition, the provisions apply to the following in laws: brothers, sisters, parents, and the child of a spouse.
2. **Defined.** The conflict of interest law distinguishes between interests that are "remote" and those that are "substantial". Essentially it says that remote interests are so minor that they do not constitute illegal conflicts of interest, and that any interest which is not remote, as detailed in state law, is a substantial interest. Here is what the law defines as a remote interest.
 - a. REMOTE INTERESTS exist when the public officer or employee or a relative is:
 - A non-salaried officer or member of a nonprofit corporation.
 - The landlord or tenant of a contracting party.
 - An attorney of a contracting party.
 - A member of a nonprofit cooperative marketing association.
 - The owner of less than 3% of the shares of a corporation with an interest in a matter with the town, provided that:
 - Total annual income from dividends, including the value of stock dividends, does not exceed 5% of the officer's or employee's total annual income; and
 - Any other payments made to the officer or employee by the corporation which do not exceed five percent of the officer's or employee's total annual income.
 - Being reimbursed only for actual and necessary expenses incurred in performance of official duties.
 - Receiving town services on the same terms and conditions as if the person were not an employee.
 - A member of a trade, business, occupation, profession, or class of persons and has no greater interest than that of the other members. A class must consist of at least ten members to qualify the interest as remote.
 - b. SUBSTANTIAL INTEREST is defined in this law as any pecuniary or proprietary interest, either direct or indirect, other than those that are remote. In general, a conflict of interest will most often result when a public official of the town is involved in substantial ownership or salaried employment with a private corporation doing business with the town. For example, if a public official's spouse owns or is employed by a lumberyard selling to the town, a conflict may

exist. On the other hand, if the spouse is the lawyer for that lumberyard, then it is possible that no conflict exists.

A public official may sell equipment, material, supplies or services to the town if this is done through an award or contract let after public competitive bidding. An exception to this law allows towns to purchase supplies, materials, and equipment without going to public competitive bid as long as the single transaction does not exceed three hundred dollars and the annual total does not exceed one thousand dollars. The public official is not allowed to influence the bidding process in any way and must make known such interest in the official records of the town.

3. **Additional Provisions.** The conflict of interest law also has the following restrictions:
 - a. When a public official has been directly concerned or has exercised “administrative discretion” in an issue, that official may not represent another person before an agency of the town on the same issue and receive compensation for such representation. This restriction extends to twelve months after termination of office or employment with the town.
 - b. A public official cannot disclose or use confidential information obtained during employment.
 - c. A public official cannot receive any compensation for performance of services in any case, special proceeding, application, or other matter pending before any agency of the town.
 - d. A public official cannot use or even attempt to use his or her position to obtain anything of value that normally would not be received in the performance of official duties. Something is considered to have “value” when it exerts a “substantial and improper” influence on the duties of the official.
4. **Declaration of a Conflict.** When a public official (or their relative) has a substantial interest in any decision of a contract, sale, purchase, or service to the Town, the official must:
 - a. Refrain from participating in any manner (discussing or in any way attempt to influence) a decision of the Town Council or agency of the town.
 - b. Declare that a substantial interest exists and make it known in the official records of the town. Public officials should file a letter with the Town Clerk declaring in writing that a conflict exists and refrain from participating in any manner in the decision or issue.
5. **Penalties.** A public official who intentionally or knowingly conceals or fails to disclose any substantial interest or engages in any of the activities prohibited in ARS 38-503 through 505, is guilty of a class 6 felony, which carries a penalty of one and one-half years imprisonment or a maximum fine of \$150,000. A public official who negligently

or recklessly violates the conflict of interest law by failing to disclose a substantial interest or engaging in the activities prohibited is guilty of a class 1 misdemeanor, which is punishable by imprisonment for up to six months or a fine of not more than \$2,500. AND, any person affected by a decision of a public agency where a conflict of interest is alleged may bring a civil suit in superior court.

If you have any question whether your proposed activity amounts to a conflict of interest, you should check with the Town Manager, Town Clerk or your Liaison before you engage in such activity, for your own protection, and for the protection of the Town.

B. Public Records

Statutes ensure accountability to the public by stating that all officers and public bodies shall maintain all records...to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from the state or any political subdivision of the state. [A.R.S. 39-121.01(B)] By definition, the employees of public officers and public bodies are also bound by public records laws.

Records, as defined in the Statutes, are all books, papers, maps, photographs and other documentary materials, regardless of physical form or characteristics...made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved... by the agency as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government, or because the information and historical value of the data contained therein.... [A.R.S. 41-1350] In short, with some exceptions, almost everything we have is a record, for some length of time.

In general, records created or received by Commissioners (regardless of their form) concerning town business or town related issues are public records and must be available to the public for review. Some records are also categorized as confidential. In order to relieve the responsibility of knowing the confidentiality laws and retention schedules of records, please provide any records, or copies, to your commission liaison who will forward them to the Town Clerk.

C. E-Mail Policy

As noted above, the Town of Clarkdale is required by law to maintain public records. This is often most challenging when records are in the form of email. For this reason, and because of Open Meeting Laws, Clarkdale has developed an email policy. To make sure that public officials have read and understood this policy, they are asked to sign an email policy when they are appointed.

1. **E-mail Guidelines:** Representatives may communicate with each other via e-mail concerning Town business using the following guidelines:
 - a. E-mail communications should also be copied to your staff liaison so that they are kept appropriately informed.
 - b. E-mail cannot be used as a means of discussion of town business between all, or a quorum, of council/commissioners.

- c. E-mail cannot be used to facilitate or form a “hub and spoke” communication whereby one representative acts as a go-between disseminating communications between other representatives.
- d. E-mail cannot be used as a means of taking straw polls on town issues.
- e. A representative may use e-mail to distribute informational material to all other representatives. However, such distributions should not be made with the intent to initiate responses from other council/commissioners. Any discussion of such informational communications should be reserved for public meetings. E-mail of informational material should be preserved in the manner provided above. In summary, communications by e-mail cannot be used as a means of circumventing the open meeting laws.
- f. Confidential messages should never be sent electronically for two reasons, 1) messages may be sent to the wrong addressee, and 2) e-mail should always be used with the assumption that messages will be read by someone other than the intended recipient.
- g. E- mail communication to or from the Town Attorney concerning pending litigation or legal advice should contain a warning in the subject heading stating: “Confidential attorney-client privileged”. A corresponding copy of the e-mails should also be sent to the Town records e-mail box. Such communications should also contain the following boilerplate at the end of the communication: “The information contained in this message is attorney/client privileged and/or confidential information intended only for the use of the individual or individuals named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or printing of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 928-639-2400 (or by reply e-mail) and delete this message. Thank you.”
- h. Another good general guideline for e-mails concerning Town business is: “Don’t send anything in an e-mail that you wouldn’t want your mother to read in the newspaper.”

2. **E-Mail Records Retention And Disposition**

Public Record, for purposes of this policy, means any e-mail communication made or received by any public officer in pursuance of law or in connection with the transaction of public business including, but not limited to, communications that concern the Town’s organization, functions, policies, decisions, procedures, operations or other activities or which are of informational or historical value. Few records in the possession or control of an employee or public officer will not be considered “Public Records.” Exceptions include routine e-mail communications of a personal nature, spam, or communications containing information that is not related in any way to Town business.

- a. E-mail communications between council/commission representatives concerning Town business or Town related issues are considered public records even though they take place on a personal computer. In order to preserve the communication, the originating party is to email a copy to the town records e-mail box, records@clarkdale.az.gov. The Town Clerk will preserve the communication and make it available for public inspection.
- b. Communications that meet the definition of a “public record” transmitted on the Town’s electronic mail system, or received from outside the Town, through the Town’s electronic mail system, shall either be printed and preserved in the appropriate file, in permanent paper format or, shall be preserved, unedited, in the employee’s or public official’s e-mail system without printing in a manner that will enable it to be easily retrieved upon request. With every communication that qualifies as a “public record”, the sender shall ensure that the following information is included and preserved
 - The time and date the message was sent and received.
 - The complete sender and receiver identification.
 - An accurate description of the subject matter of the e-mail and whether or not the e-mail is attorney-client privileged or confidential in the “Subject” section of the e-mail message.
 - The complete message, and any and all attachments to the message.
 - The electronic version may be deleted after the record is transferred to a proper recordkeeping system. Retention or disposition of electronic mail messages must be related to the information they contain or the purpose they serve.
- c. Routine e-mail communications include communications of transitory value, that are routine in nature such as those used to schedule meetings or conference calls, notices of vacations, times away from the office etc., and which have little relevance in terms of recording official actions or decisions made by Town staff or public officials. Routine E-mail may be deleted after being read and after the required action is taken, subject to the limitations.
- d. You are responsible for saving the e-mail record and any attachments if you are the sender of the message or the person receiving an e-mail record from a source outside the Town. The sender includes the person who sent the original message, the sender of a response and the person forwarding a message with comment. Public Officials who transmit e-mail shall determine whether to preserve or delete the e-mail communication.

D. Travel and Training Policy

The policy of the Town of Clarkdale is to encourage training opportunities for employees, and supervisors along with members of boards, commissions, authorities, and Town Council. The Department Head and the Finance Director, consistent with the budget, and this policy, shall authorize attendance at conferences, seminars, meetings and conventions that directly benefit the Town of Clarkdale.

1. Lodging and Meal Per-Diem

A. Lodging - the following policy is to be utilized by eligible individuals who are contemplating traveling.

1. Eligibility

- a. Employee must be on authorized travel status.
- b. Travel must be outside a 100-mile radius of the corporate Town limits and a multi-day event.
- c. Lodging must be at a commercial establishment.
- d. Employee is required to submit three quotes for lodging in the general area if the recommended block of reserved rooms costs over \$150.
- e. Employee is required to request the lowest available rate, traditionally being governmental.

2. Documentation

- a. The commercial establishment's original receipt is required.
- b. Lodging receipts must be itemized.
- c. If original lodging receipt is lost or destroyed:
 - 1) A photocopy may be submitted with the statement Treat as the Original.
 - 2) The employee and the department head must sign the photocopy.
 - 3) If a photocopy is not available and cannot be obtained from the commercial establishment, then a canceled check or credit card receipt showing the payment of the lodging may be used.

B. Meals and Incidental Expenses (MIE) - Per Diem

1. Eligibility

- a. Employee must be on authorized travel status.
- b. Travel must be outside a 20-mile radius of the corporate Town limits.
- c. Meals must be at a commercial establishment.

2. Documentation - Compensation is based on the schedule listed and no receipts are required.

3. Meal allowances

- a. Breakfast - Is reimbursable when travel commences on or before 6:00 a.m. and the traveler's normal workday is extended by two hours.
- b. Lunch - Is reimbursable if the traveler is in travel status for a period of 6 hours or more and travel commences on or before 11:00 a.m. and ends at or after 2:00 p.m. and the travel is outside the 20-mile radius

from the corporate Town limits. Traveler must indicate the time and place travel begins and ends.

- c. Dinner - Is reimbursable when travel extends to 7:00 p.m. or beyond and the traveler extended his/her normal workday by three hours or when the traveler leaves for overnight travel on or before 6:00 p.m.
- 4. Meals Provided
 - a. The traveler is not entitled to a meal allowance for meals provided at the conference, seminar or lodging site.
 - b. If a special meal is required due to dietary restrictions, notice must given in writing at the time of compensation request.

C. Rates	In State	Out of State
Breakfast Meal	\$ 6.00	\$ 8.00
Luncheon Meal	\$ 8.00	\$10.00
Dinner Meal	\$14.00	\$16.00

Travel (Overnight Stay)

Depart Clarkdale on or prior to 6:00 a.m.	\$28.00
Depart Clarkdale prior to 11:00 a.m.	\$22.00
Depart Clarkdale after 11:30 a.m.	\$14.00
Daily rate thereafter	\$28.00
Lodging - As approved by the Department Head and Finance Director in accordance to the lodging policy	

When returning to Clarkdale, the day travel rates (per diem) will be in effect.

- 2. Transportation - Compensation will be made only for the method of transportation, which is in the best interest of the Town considering travel expense, vehicle condition as well as the employee's time. When more than one employee uses the same motor vehicle, only one claim for mileage compensation will be allowed.
 - A. Requirement for using Town owned vehicle:
 - 1. Authorization - by the Department Head prior to use of Town owned vehicle.
 - 2. Driver's license - a valid Arizona driver's license (with no major violations) is required if the employee is driving a Town unit on Town business.
 - 3. Vehicle reservation - each department shall reserve a pool vehicle with the Town Clerk or receptionist at least 24 hours before needed.

4. Reporting - pool vehicles require that all pertinent information be provided in the vehicle log, including name of user, beginning and ending mileage, total miles traveled, and fuel level.
 5. Returning of pool vehicle - fuel level must be full upon return from an out of town trip and any problems or incidents with the vehicle must be reported to the Town Clerk or receptionist. The vehicle shall be returned in a clean state (all soda cans, paper & trash shall be removed).
 6. NO SMOKING in Town vehicles.
 7. Only Town Staff, Town Council, Board & Commission members or another municipality staff may ride in a Town Vehicle.
 8. Rental Vehicles - reservations must be placed with a vehicle rental establishment, according to their reservation requirements. Vehicle to be used for Town travel must be a compact vehicle.
- B. Requirement for using personal vehicle:
1. Authorization - by the Department Head prior to use of personal vehicle.
 2. Driver's license - a valid Arizona driver's license (with no major violations) is required if the employee is driving a personal vehicle on Town business.
 3. Current Vehicle Insurance - liability insurance coverage with a minimum coverage of \$15,000 per person and \$30,000 per accident.
 - a. If a traveler using a privately owned vehicle is involved in an accident and found to be at fault, his/her liability insurance carrier is responsible to the limits of the policy. If the amount exceeds that coverage, the Town's insurance may, at the time, cover the amount over the policy limits if the traveler was acting within the course and scope of their employment.
 - b. If a traveler driving a privately owned vehicle on Town business is involved in an accident, regardless of fault, the Town will not reimburse for any physical damage to the motor vehicle.
 4. Compensation Basis
 - a. Compensation is based on Map Mileage using official state highway maps or mapping programs which must be attached to the Travel Expense Form.
 - b. Beginning address and ending location address must be submitted for compensation.
 - c. Compensation will be using the most direct route.
 - d. Mileage compensation shall be at the Federal GSA rate per map mile. This rate includes all travel and maintenance expenses of the vehicle.
 - If **NO** Town vehicle was available, reimbursement is at 58.5c per mile, or the current approved Federal GSA rate.
 - If a Town vehicle was available, but used a personal vehicle instead, reimbursement is at 28.5c per mile, or the current approved Federal GSA rate.

C. Miscellaneous Travel Issues

1. Communication Expense

- a. Business communication charges, including faxes and copies, are reimbursable if documented by receipts.
- b. Business calls are reimbursable and should be noted as such on the hotel receipt. The number called should be visible.
- c. No personal calls will be reimbursed.

2. Extending Business Trips with Vacation Time

- a. With the Department Head and Finance Director's approval traveler may extend a business trip using vacation time.
- b. The Town will cover the lodging, map mileage and per-diem for the period the traveler is conducting Town business.
- c. Lodging will be covered at the single room rate.
- d. Additional costs will be borne by the traveler.

3. Local Transportation, Tolls and Parking

- a. Taxi, bus, and street car use is classified as local transportation and can be claimed with receipts.
- b. Claims for local transportation will not be allowed where the Town provides for other transportation (Town, personal or rental vehicle).
- c. Bridge and road tolls are reimbursable with receipts.
- d. Travelers must use the free or discounted parking when traveling on Town business.
- e. Receipts are required for reimbursement of allowable parking fees.

3. **Accident Forms:**

In the event of an accident, you are required to complete an Accident Form. Accident Forms are located in each Town vehicle. Damage to a traveler's personal vehicle that was used while on Town business, is a non-reimbursable Town expense.

4. **Travel Expense Form:**

This form is used to report reimbursable expenses such as mileage, meals, lodging, and any other expenses paid out of pocket. To obtain funds prior to travel, the expense form must be submitted to the Finance Department, not later than ten working days prior to the date of travel. Receipts must be attached to the Travel Expense Form or provided to the Finance Department after the trip.

E. Electioneering Policy

A public official of the Town may not use their authority to influence an election or nomination for office and may not directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

Councilmembers and commissioners may not solicit nor use the services of Town employees for political purposes, or to influence an election. Likewise, employees may not use their authority or influence to affect an election or nomination. In addition, some professionals (e.g., members

of the ACMA, ICMA or IIMC) have professional codes of ethics, which preclude politically partisan activities that give the appearance of political partisanship in any form.

Clarkdale Public Officials may engage in political activities outside of office hours, on their own time, but not as a representative of the Town of Clarkdale.

F. Distribution of Flier Policy

There are many occasions when the Town distributes information to citizens through fliers. The Town usually uses fliers, in conjunction with other media, to provide information to a specified area or target group.

Regardless of the reason for distribution, there are a few important things to remember when distributing fliers as a representative of the Town of Clarkdale. First and foremost, the fliers should always contain information that identifies that the flier was distributed by the Town of Clarkdale (or any branch thereof) and a phone number (and preferably a name of a person) to contact for additional information.

The Department Head or Commission's staff liaison is to review fliers (or other media materials) prior to their distribution.

Copies of any fliers distributed should be filed with the Town Clerk's office in order to comply with public records laws. Fliers should contain factual information and be presented in a professional manner. Fliers that are left at homes should be secured in some manner so that they do not blow away and litter the area. Federal regulations prohibit the distribution of fliers in post office receptacles (unless they have been mailed.)

MEETINGS

Section Four

A. Arizona Open Meeting Law

The Legislature enacted the Open Meeting Law "to open the conduct of the business of the government to the scrutiny of the public and to ban decision making in secret."

1. Requires 24 hour advance notice on a posted agenda and that minutes of the meeting be kept.
2. The Chair should make sure that items which are not on the agenda are not discussed. If an item is not on the agenda, but the Chair senses that the Council/commission wants to discuss the item, it should be put on the next available agenda.

3. Attempts to build a consensus outside of a meeting violates the open meeting law. That means you must be extremely careful to ensure that you do not discuss items that are either on the agenda, or may be placed on an agenda, with more than one other member of the Town Council or Board (in the case of 5 member bodies). This would ensure that you have not discussed the issue with a majority (which is a total of three members on a 5 member body). This applies not only to in-person discussions, but other forms of communication like telephone or email. (Please see Section 3 C(1) regarding e-mails.)
4. A meeting may proceed only if a quorum is present. A quorum is a majority of the membership of the Council/board/commission.
5. The call to the public is subject to a limited response from the Council/commission. The representatives may respond to criticism but may not discuss or take action. That requires the item to be placed on a future agenda. Open Meeting Law requires the public to be allowed to be present for the purposes of attending and listening to the deliberations and proceedings. That does not mean that the public participates in each and every item on the agenda. Agenda items are open to the public discussion under the “call to the public” or “public comment” section of the meeting only, unless a motion is made during discussion of the agenda item to open that item to public discussion, and a majority concurs.

In order to insure that Open Meeting Laws are complied with, the following procedures will govern attendance at meetings other than meetings of the body that the public official serves on.

1. When the Town is aware in advance that a quorum of the Town Council or commission may be in attendance at an event, social gathering, meeting or workshop a Quorum Notice must be posted at least 24 hours in advance. The Notice states time, date, place, known topics, and a clear statement that no Clarkdale business will be conducted, and no decisions will be made.
2. Although representatives may attend any Town Council or commission meetings, which are always open to the public, all Town Council or commission representatives planning to attend a Town Council or commission meeting should give 72 hours notice of their intent to do so to the staff member responsible for preparing and posting a Quorum Notice. Please recognize that your presence may inhibit conduct at the meeting you are attending.
3. If a quorum of Town Council or commission representatives appear at a public meeting, and there is no Quorum Notice posted, the third (e.g. 5 member board or commission) representative and any subsequent representatives appearing at the meeting will voluntarily absent themselves from the meeting in order to insure that Open Meeting Laws are complied with. In addition, other Town Council or commission representatives remaining in attendance will limit their participation

to merely listening to the proceedings of the meeting. Representatives attending a meeting should not sit together so as to give a perception of impropriety.

4. Individual representatives must not represent their views or recommendations as those of the Council/commission unless the Council/commission has officially voted to approve the recommendation. Representatives making recommendations or expressing views not approved by the majority of the Council/commission should indicate that they are representing only themselves as individuals. When making statements to the press, representatives should indicate which actions are only recommendations and indicate when final action will be taken by the Council or commission.

B. Controlling a Meeting

Make sure that meetings are not unnecessarily scheduled and discussions not unduly long-winded. Everyone has something valuable to contribute, but knowing when and how to control discussions can make the difference between a side-tracked dialogue, and an insightful observation. Public meetings are the place where most Town Council members and commissioners spend the majority of their working time and where their public reputations are made. All too often, the impressions the public get are negative because of committing one or more of the four (4) “cardinal sins” of running a public meeting. They are:

1. **Not Controlling the Meeting.** If many people want to speak in a limited time, speaking time should be rationed so all may be heard. A helpful method is requesting a show of hands of those who wish to speak on a particular subject, then making a time allocation and holding to it. It is not necessary to permit individuals second and third opportunities. However, a statement concerning this should be made at the onset.
2. **Appearing to Seem Unfair.** Do not bring up the pros and cons of an agenda item before all testimony and evidence have been presented. Then the discussion should stay on the facts presented, not on the presenters.
3. **Failing to Bring Issues to a Vote.** Do not get so bogged down in petty details, endless searches for new data and procedural distractions that matters brought before the Council/commission never seem to get resolved. Some have taken so long to make a decision that by the time a decision reaches the next level of government, conditions have changed the affected proposal and, therefore, the recommendations are obsolete.
4. **Wasting People’s Time.** People who come to meetings should not have to wait hours to be heard or, worse yet, made to return because there was not time. Try to stick to the schedule listed on the agenda. Schedule an extra meeting now and then to clear any backlog of items that need to be considered. This is far better than trying to make everyone stay up until late to watch the Council/commission heroically fight off sleep as it tries to finish an overlong list of agenda items.

C. Role of the Mayor/Chair

The mayor is the key to the proper functioning of the Town Council, as is the chair of a commission. The mayor/chair has the important responsibility of ensuring that meetings operate efficiently and that decorum is maintained. Consequently, the election of the chair should be viewed as an important task. Although any representative of the Town Council or commission may request an agenda item, it is the mayor's/chair's responsibility to work closely with the staff liaison to develop the meeting agendas and review the requested agenda items from the other representatives of the Town Council or commission. There are some general rules for an effective mayor/chair:

1. The mayor/chair shall ensure that the meetings are run as closely as practical by Robert's Rules of Order and that they move along without delay, but be open enough to allow individuals to speak without being unfairly restricted.
2. The mayor/chair should make sure that items which are not on the agenda are not discussed. If an item is not on the agenda, but the Chair senses that the Board/Commission wants to discuss the item, it should be put on the next available agenda.
3. The mayor/chair should see that the Council/commission considers the major issues and does not become sidetracked by insignificant concerns.
4. The mayor/chair should attempt to educate the public as to the process and policies of the Town.
5. The mayor/chair should attempt to bridge the differences that may exist among the opinions of the Council/commissioners in order to reach a consensus; however, non-consensus should not be allowed to delay voting on items indefinitely.
6. The mayor/chair should be the last representative to give his/her opinion after all others have spoken.
7. The mayor/chair should be capable of representing the Council/commission effectively to other groups. It is also important that the vice mayor/chair be an effective leader, since he/she will run the meetings in the mayor's/chair's absence.

D. Suggestions for Speakers

1. Names. All speakers will be expected to state their name and whether they are citizens of Clarkdale for the record. If a number of speakers are present, each speaker may be asked to file a written statement of their concerns with the Town Staff.
2. Questions. Questions for Council/commission representatives, other people in the audience, and the staff should be directed through the chair.

3. Brief Presentations. As much as possible, speakers should express their comments concisely and briefly. The mayor/chair may designate a specific amount of time for each speaker, such as 3 minutes. Organized groups may be asked to designate a spokesperson for the group.

E. Parliamentary Procedure

The Town Council and the Town's boards and commissions use parliamentary procedure to run meetings effectively.

1. **Calling the Question.** People are often confused about what "calling the question" means. They suppose that it means simply "let's get this over with and vote!" But "calling the question" when done properly should be a rare occurrence. If debate has dragged on longer than is really warranted, a representative can "call the question", at which time the chair must immediately ask the Council/commission to vote to determine whether or not debate should be cut off or continue. The motion to call the question is itself not debatable. If two-thirds of those voting agree that the discussion should end, the discussion will cease and the main motion will be put to a vote.
2. **Tie Votes.** In a five-member Town Council or commission, ties are only possible if one or more person is absent or abstains from a vote. In all cases of tie votes the motion fails.
3. **Abstentions.** An abstention from a vote has the effect of eliminating that person as a legal voter for that question. Thus, if there are five representatives present and two representatives abstain from a vote, two representatives vote in favor and one against, the motion passes. If one representative abstains, then there are only 4 voters, three must vote in favor for a motion to pass. If the vote is 2-2, then there is a tie and the motion fails.

As a practical matter a representative should only abstain for a very good reason, such as a conflict of interest. In the case of a conflict of interest the representative should declare the conflict and the basis of the conflict, then excuse him or herself from the proceeding for the remainder of that question. Abstentions should not be used to avoid an unpleasant or unpopular vote. Town Council and commission representatives are elected or appointed to make tough decisions, not to avoid them.

4. **Point of Order.** A "Point of Order" or "Point of Procedure" can be made by any representative of the Council/commission if they feel that proper procedure is not being followed in the conduct of the meeting. The chair can rule on the point of order and that decision can be appealed if two or more representatives so desire. If the chair's decision is appealed, it must be voted on before further discussion or vote can take place.

5. **Discussing and Voting on Your Own Motion.** If you make a motion you cannot speak against that motion. You can, however, vote against your own motion. This rule recognizes the fact that you might be convinced during discussion that your motion should fail.

F. Public Hearing Procedures

Public hearings may be held at any commission meeting, but most commonly take place at Planning Commission meetings. The rules for public hearings listed below have been prepared to give you guidance in conducting a Public Hearing.

The Town Council recommends that if a councilmember/commissioner misses all or part of a public hearing, the commissioner should abstain from voting on the matter unless he/she has become familiar with all the evidence presented at the hearing. It is suggested that the representative listen to a recording of the hearing (if available), examine all written materials, and state at the meeting that he/she has done so and feels competent to vote on the item.

Running a Public Hearing

1. The chair states the purpose of the Public Hearing.
2. The staff gives an oral report explaining the action requested, the facts and issues, and the staff report.
3. If applicable, the applicant gives a presentation on the issue.
4. The chair acknowledges any correspondence about the application which has been received.
5. The public hearing is opened.
6. Members of the public are heard. All those wishing to speak shall do so prior to a member of the public speaking for a second time.
7. Applicants and members of the public are given the opportunity to rebut earlier comments.
8. The public hearing is closed.

Action is not taken during public hearings. A separate action item will either be listed on that same agenda, or on a later agenda for consideration. Since the Council/commission usually has the time to make decisions after the public hearing, don't fear holding the Council/commission discussion over until the next meeting.

G. Executive Session

Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session from which the public is excluded ONLY for one or more of the reasons as prescribed in Arizona State Statutes 38-431.03.

1. The agenda required for executive session shall list the specific reason as prescribed in Arizona State Statutes 38-431.03. A general description of matters to be discussed, considered or decided at the meeting should follow the prescribed reason, but need not contain information that would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee, or compromise the attorney-client privilege.
2. Only those individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities, may attend the executive session.
3. The public body shall instruct persons who are present at the executive session regarding the confidentiality requirement of the session.
4. Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives.
5. Minutes of and discussions made at executive session shall be kept confidential.

H. Minutes

Minutes are the legal record of resolutions, transactions, findings and other determinations that is kept by the Clerk or liaison. Meetings are sometimes recorded to facilitate the preparation of minutes. The written minutes are the official record of the proceedings. Minutes of both regular and special meetings must be prepared. Recordings, if used by the staff person to take minutes, are retained for only 3 months.

The minutes must contain the following: the representatives of the council/commission and staff who were present; the time the meeting convened and adjourned; a description of the items discussed; the names of the people who spoke at the meeting and their opinion for or against a decision, if expressed; all motions made and the votes taken; and any statement of the reason for abstentions and "no" votes. Minutes are not a verbatim transcription of meetings, lengthy discussions are often briefly summarized.

The minutes of all meetings are not official until they are reviewed and approved by the council/commissioners at their next regular meeting. When reviewing the minutes, council/commissioners should check to make sure that they reflect the meeting overall, that the direction given or motions made are correct. Any major revisions (changes in content) needed must be made at the time the minutes are being considered for approval. The change must be approved by a motion. Minor revisions such as grammar or spelling errors should be given to staff in advance or at the beginning of the meeting in which the minutes are being considered for approval. Minor revisions do not require a motion.

An interesting point is that a sitting body can approve the minutes of a meeting even if they were not present at that meeting. This often occurs after a "new" Town Council or board is seated and is called upon to approve minutes of a previous meeting of that body.

As another point of clarification, the Town Council votes to approve its own minutes, but never to approve the minutes of other boards or commissions. Minutes of other boards and commissions are approved by that board or commission and are included in the Town Council's packet for informational purposes only.

APPENDIX

Clarkdale Heritage Conservancy Board

Statement of Policy and Goals

On October 29, 1982, the property known as Clark Memorial Clubhouse was placed on the National Register of Historic Places.

It was then the desire of the Town Council to encourage restoration of the historic Town-owned buildings. The Town Council therefore established the Town of Clarkdale Restoration Commission.

On August 8, 1989, the Town Council established the Heritage Conservancy Board to address a broader scope of issues than the Restoration Commission addressed. .

Membership

The Heritage Conservancy Board consists of five representatives

Rules of Procedure

The Town Council has full and final authority on all Heritage Conservancy Board issues, and no issues shall be concluded by anyone else unless so directed by the Town Council.

The issues of the Heritage Conservancy Board, including proposals and suggestions shall be prepared in written form and presented to the Town Manager to be placed on the Town Council agenda to be discussed and acted upon by the Town Council.

Powers and Duties

- A. To advise the Town Council and Staff regarding the preservation, conservation and promotion of natural, cultural and historical resources.
- B. To assist the Town Council in establishing general priorities relating to historic preservation.
- C. To study the needs, define the problems, establish priorities, and present a plan of action for the restoration of the historic buildings in the Town of Clarkdale.
- D. To suggest/promote fees and/or fund-raising ideas to finance projects in relation to the Heritage Conservancy Board.

Advisory Board for Clark Memorial Public Library

Statement of Policy and Goals

The Library Manager is the administrative officer of the library. The Library Manager manages and operates the library and its staff under direction of the Town Clerk with advice from the Library Board.

Clarkdale strives to continually evaluate the efforts of the Library to meet the needs and wishes of our community

Membership

The Library Board consists of seven representatives.

Rules of Procedure

The Town Council has full and final authority on all Library Advisory Board issues, and no issues shall be concluded by anyone else unless so directed by the Town Council.

All issues, including proposals and suggestions shall be prepared in written form and presented to the Town Manager to be placed on the Town Council agenda to be discussed and acted upon by the Town Council.

Powers and Duties

- A. Give varied opinions representative of the majority of the population in our municipality as opposed to a singular set of ideas regarding types of books, hours of operation and planning for the future of the Clark Memorial Library.
- B. The Library Board is an advisory body to the Town Council, Town Manager, and Library Manager for the purpose of giving input regarding all phases of library operations.
- C. To assist the Town Council in establishing general priorities relating to the operations of the Clark Memorial Public Library.
- D. To study the needs, define the problems, establish priorities, and present a plan of action for the operations and needs of the Library.
- E. To suggest/promote fees and/or fund-raising ideas to finance projects in relation to the library operations.

Clarkdale Parks and Recreation Commission

Statement of Policy and Goals

The need for open space for parks and recreation is becoming more important. The challenge before the Parks and Recreation Commission is to provide and maintain sufficient and attractive parks and special recreational facilities for leisure time activities and to be a positive and responsive service agency in providing a wide variety of wholesome recreation opportunities.

The various recreation programs are charged with providing a creative and responsive service to the community, and developing events and activities to meet its ever changing needs and desires by providing opportunities for recreational participation. The weight of these needs and desires must be measured constantly in relation to existing programs, facilities and services, as well as their benefit to the total Clarkdale citizenry.

Membership

The Parks and Recreation Commission shall consist of five representatives.

Powers and Duties:

- A. Make recommendations to the Town Council on valuable open space, and on avenues for individual, group and family participation in a wide variety of activities and special community events.
- B. To assist the Town Council in the purchase, sale, lease or other method of acquiring or disposing of lands, structures, and facilities for use as parks or recreational centers. This would include the responsibility to consider land purchases, sales and donations, recommending construction of recreation centers and planning for future park needs.
- C. To assist the Town Council in establishing general priorities relating to park development and recreation programs. To assist in establishing a plan for the town's park system involving research, comments, and/or recommendations on parks and recreation-related matters.
- D. To assist the Town Council on the policies, rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the town for use as parks and recreation centers.
Including:
 - Proposing measures to repair or expand facilities to accommodate greater use.
 - Proposing signing, fencing, or other measures the Town may undertake to prevent the facilities from being damaged or destroyed by unauthorized uses.
- E. To assist the Town Council in establishing priorities at budget time relating to park acquisition, development and recreation programs. Assist in the preparation of the annual budget.

- F. Suggest/propose fees and/or fund raising ideas to finance expansion of development of facilities.
- E. Make recommendations to the Town Council to receive, accept and acquire by gift, bequest or devise real and personal property of every kind, nature and description in the name of the Town for park and recreational purposes, subject to the terms of such gift.

Clarkdale Planning Commission

Statement of Policy and Goals

The Planning Commission is an advisory body to the Town Council. The purpose of the Planning Commission is to promote orderly growth and development that fits the needs and character of the community.

Principal Activities include:

1. It is the duty of the Commission to formulate and administer any lawful plan duly adopted by the Town Council for the present and future growth of the town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as “Planning and Zoning”.
2. To make or cause to be made, a continuous study of the best present and future use to which land and buildings shall be put within the Town and in cooperation with adjacent areas.
3. To recommend to the Town Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town.
4. To establish rules of procedure if such rules are approved by the Town Council.

Procedural Guidelines

The procedural guidelines for the Town of Clarkdale Planning Commission are intended to clarify and facilitate processes of the commission as established in the Town Code and authorized by Arizona Revised Statutes.

Planning Commissions in Arizona must operate within the limits set by State Laws - The Arizona Revised Statutes: Title 9, Cities and Towns; Chapter 4, General Powers: Article 6, Municipal Planning; Article 6, Municipal Zoning. Municipal Subdivisions Regulations, Open Space Conservation, General Plan, Zoning Code, Sign Code, and all other related statutes contain additional local limits.

Membership

The Planning Commission consists of five representatives..

Powers and Duties

- A. The basic duty of the Planning Commission is to advise and make recommendations to the Town Council regarding the General Plan, re-zoning requests, and changes to the zoning ordinance.
- B. The Commission will also review and comment on subdivision plats, site plans, Planned Area Developments, zoning requests, variances, special plans and specific plans.

- C. The Planning Commission must hold a public hearing on certain items as regulated by ARS.
- D. Review applicable capital improvement programs.
- E. Maintain and recommend ways to implement the General Plan.
- F. Promote public interest and understanding of the General Plan along with annually reporting on the General Plan.
- G. Consult with and advise public officials, utility companies, civic, professional and educational organizations, and citizens in general about carrying out the General Plan.

Clarkdale Board of Adjustment

Statement of Policy and Goals

The Board of Adjustment is a quasi-judicial body that interprets the meaning and spirit of the Zoning Ordinance, or other ordinances as specified by the Town Council, as enacted by the Town Council. It acts as a fact-finding body whose decisions are final unless appealed to Superior Court. Each request for interpretation or grant of variance is considered unique, and is decided on its own merits. Previous decisions do not set a precedent for later cases.

Membership

- A. The Board of Adjustment has five representatives.
- B. At least one representative should be experienced in the field of architecture or building construction.
- C. At least one representative should be experienced in the field of engineering.
- D. At least one representative should be experienced in the field of law.

Meeting

The Board of Adjustment meets as often as necessary to conduct business depending on applications.

Powers and Duties

The Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including those more specifically set forth as follows:

- A. To hear and decide appeals in which it is alleged by the applicant there is an error in any order, requirement or decision made by an administrative official based on the enforcement of the Zoning Code or the Town Code.
- B. To interpret the boundaries of the zoning districts as depicted on the Zoning Map.
- C. To hear and decide on requests for variances from strict application of the Zoning Code as adopted by the Town of Clarkdale where-by reason of exceptional narrowness, shallowness, shape, or topography, or a property's location and surroundings, the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zoning district or immediate vicinity.

Decisions of the Board of Adjustment shall be based upon the review of the application in conformance with the following criteria:

- A. **SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which are not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including it's shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.
- B. **UNDUE HARDSHIP:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.
- C. **PUBLIC HEALTH, SAFETY AND WELFARE:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.
- D. **ADEQUATE FINANCIAL RETURN:** The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.
- E. **SELF-IMPOSED SPECIAL CIRCUMSTANCES:** A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.
- F. **USE VARIANCE:** Pursuant to Arizona Revised Statutes a use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district.)

Each item on the agenda which requires review pursuant to the adopted criteria shall be considered in the context of such criteria. The Board shall adopt findings based on the criteria when taking action on such agenda items. A written copy of said findings shall be placed in the case file and a separate copy shall be forwarded to the applicant within ten working days of the date of the Board's decision.

Applicant Procedure

An application for appeal to the Board of Adjustment shall be made in writing, on forms prescribed by the Board of Adjustment, and shall include supporting documentation and materials as required by the Community Development Director.

Proceedings of Meetings

Meetings of the Board of Adjustment shall be conducted in general conformance with Robert's Rules of Order and shall proceed as follows:

1. Call to Order.
2. Quorum and Roll Call - A quorum shall consist of minimum of (3) representatives of Board of Adjustment.
3. Approval of Minutes - Review, revise and approve minutes of previous meeting(s).
4. Communications and Reports.
5. New Business - Consideration of new items on the agenda.
 - A. Chair opens public hearing.
 - B. Staff report and opportunity for Board representatives to question staff.
 - C. Applicant presentation and Board questions of applicant.
 - D. Public comment on the issues, either pro or con.
 - E. Rebuttal - opportunity for staff/and or applicant to respond to public comments.
 - F. Close of public hearing.
 - G. Findings of Fact - A Board representative moves to adopt specific Findings of Fact based on the review criteria. After a second and discussion, if any, the Findings of Fact are adopted by affirmative vote of a majority of the quorum.
 - H. Board Decision - A Board representative moves to approve, approve with conditions, deny or continue the agenda item. After a second on the motion the Board may discuss the motion and make amendments if desired. A decision is reached by the affirmative vote of a majority of the quorum.
 - I. Old Business - Consideration of items tabled from a previous meeting.
 - J. Adjournment.

Clarkdale Design Review Statement of Policy and Goals

Membership

The Design Review consists of five representatives.

Rules of Procedure

The Design Review Board shall have the power to approve, conditionally approve, or disapprove all requests.

The decision of the Design Review Board is final unless an appeal is filed in accordance with the proper procedures identified in Article 17 of the Town Code.

Powers and Duties

- A. Review the exterior design of proposed new buildings, proposed alterations to buildings and major development or redevelopment projects which do not include new buildings within the Town of Clarkdale, in order to insure that new development or redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale.
- B. The Design Review Board shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or structures.
- C. Review applications for design approval of signs.
- D. Conduct Site Plan Reviews.