

CHAPTER 3 - ADMINISTRATION

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Section 3-1-1 City Officers

The appointed City officers shall be the City Magistrate, City Manager, City Attorney, City Clerk, Chief of Police, and the Fire Chief. Said officers shall have such powers and duties as may be established by State statute or this Code. Each such officer shall be appointed by, and serve at the pleasure of, the City Council.¹

Section 3-1-2 Additional Officers

The Council may appoint and remove such other officers, as it may deem necessary from time to time. The same person may hold two or more offices in the discretion of the Council.²

Section 3-1-3 Bond

The Council shall require each officer of the City to give bond for the due discharge of his/her duties in such sums as may be required by State statute or as determined by resolution of the Council. The City shall pay the costs of such bond or blanket bond.

Section 3-1-4 Vacancy To Be Filled By Council

Vacancies in the position of a City officer shall be filled by Council appointment.

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this Code, each officer shall have such further powers or perform such further duties as may be provided by ordinance of the Council.

¹ **Editor's Notes:** State law reference – Similar provisions, A.R.S. § 9-271

² State law reference – Similar provisions, A.R.S. § 9-271

Section 3-1-6 Attendance at Council Meetings

Any officer or employee of the City, when requested, shall attend any meeting of the Council.

Article 3-2 CITY OFFICERS; DUTIES

Section 3-2-1	Appointment of City Manager
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Section 3-2-1 Appointment of City Manager

- A. The City Manager shall be appointed by a majority vote of the Council for an indefinite term. The Manager shall be chosen by the Council on the basis of his/her executive and administrative qualifications and his/her knowledge of accepted practice in respect to the duties of his/her office as hereinafter set forth. No Council member shall receive such appointment during the term for which he/she shall have been elected or during any other term such appointment may be restricted by State law.³
- B. Residence in the City at the time of appointment shall not be required as a condition of the appointment; provided, that within ninety (90) days after taking office he/she shall become a resident of the City unless the Council approves his/her residence outside the City.

Section 3-2-2 Removal of City Manager

The Manager shall serve at the pleasure of, and may be removed by, the Council by a majority vote of its members at any time.⁴

Section 3-2-3 Duties on City Manager

The Manager shall be the chief administrative officer and head of the administrative services of the City. Administrative services shall include all City employees except for elected officials and City officers appointed by the Council. He/she shall be responsible to the Council for a proper administration of the affairs of the City. He/she shall have the power and shall be required to:

³ **Editor's Notes:** State law reference: A.R.S. § 9-303

⁴ State law reference: A.R.S. § 9-303

- A. Execute, on behalf of the Council, general administrative supervision and control of the affairs of the City.
- B. Attend meetings of the Council, except when excused by the Council, with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services or activities under his/her supervision, upon which, in his/her judgment, the Council should be informed.
- C. Appoint, and when necessary, suspend or remove all employees of the City except appointees of the Council. All appointments and removals shall be based upon the qualifications or disqualifications of such employee without regard to any political belief or affiliation.
- D. Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the City government, and on its behalf to carry out policies, rules, regulations and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions or services.
- E. Cause to be prepared and submitted to him/her by each department, board, division or service of the City government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and miscellaneous operating costs; to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Council annually on the date specified by them, with his/her recommendations as to any increases, decreases, cancellations, transfers or changes in any of the items included in said preliminary budget.
- F. Supervise the expenditures of all departments, divisions or services of the City government and to act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and material which may be required for any of such departments, divisions or services. The City Manager, or designee, shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing: Every money transaction of the City, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he/she shall make reports to the Council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year he/she shall make a full and detailed statement of the receipts and expenditures of the City during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the Council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand.

- G. Analyze and supervise the functions, duties and activities of the various departments, boards and services of the City government and of employees thereof, and to make such recommendations to the Council with reference thereto, as in his/her judgment would result in the most efficiency in the overall operation of City government.
- H. Develop and organize necessary improvement projects and programs and to aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion.
- I. Serve as public relations officer of the City government, and to follow through and endeavor to adjust all complaints filed against any employee, department or service thereof to the end that every effort may be made to satisfy all citizens that their City government is being operated on their behalf with the highest degree of efficiency.
- J. Cooperate with community organizations and provide them with any reasonable assistance obtainable through the City government within the limitations of law.
- K. Make and keep an up-to-date inventory of all personal property owned by the City and recommend to the Council the purchase of new machinery, equipment and supplies whenever, in his/her judgment, the same can be obtained at the best advantage, taking into consideration the trade-in value of machinery and equipment in use.
- L. Make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel in the various departments and services of the City government, and to recommend to the Council abolition or consolidation of positions or transfers or removals of personnel, whenever in his/her judgment, such action would increase efficiency in the administration and operation of the City government.
- M. See that all laws and ordinances of the City are duly enforced and to see that all franchises, contracts, permits and privileges granted by the Council are faithfully observed.
- N. Devote his/her entire time to the discharge of his/her official duties.
- O. Perform such other duties as may be required of him/her by the Council, not inconsistent with the laws of the State of Arizona, this Code or the ordinances of the City.⁵

⁵ **Editor's Notes:** State law reference: A.R.S. § 9-303

Section 3-2-4 Restrictions on City Manager

The Manager shall not exercise any policy making or legislative functions whatsoever, nor attempt to commit or bind the Council or any member thereof to any action, plan or program requiring official action of the Council. It is not intended by this Article to grant any authority to, or impose any duty upon the Manager, which is vested in or imposed by general law or ordinances in any other City Council, commission, board, officer, appointee or employee except as herein specifically set forth.

Section 3-2-5 Acting City Manager

In the event of the absence or disability of the Manager, the Council may appoint an acting City Manager who shall exercise the powers of said office unless said powers have been otherwise delegated by Council action.

Section 3-2-6 Compensation of City Manager

- A. The City Manager shall receive such compensation as the Council shall from time to time determine.
- B. The City Manager shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of his/her official duties.

Section 3-2-7 Council-Manager Relations

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his/her orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual Council member shall give any orders or instructions to the City Manager.

Section 3-2-8 City Manager Attendance at Commission Meetings

The City Manager may attend any and all meetings of the Planning and Zoning Commission, and all other commissions, boards or committees created by the Council, upon his/her own volition, or upon direction of the Council. At such meetings which he/she attends, he/she shall be heard by such commission, boards or committees as to all matters upon which he/she wishes to address the members thereof, and he/she shall inform said members as to the status of any matter being considered by the Council except where prohibited by law, and he/she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the Council.

Section 3-2-9 City Clerk

- A. Records. The Clerk be the custodian of the public records of the City and shall

keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the City or that the Council directs. The Clerk shall number, plainly label, and file separately in a suitable cabinet all ordinances, resolutions, notices, deeds, surveys, leases, minutes, contracts, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.

- B. Public Inspection of Records. The Clerk shall keep convenient for public inspection all public records and public documents under his/her control, as provided by State statute. The City Clerk shall consult with the City Attorney on public records issues and requests.
- C. Agenda and Minutes. The Clerk shall prepare or cause to be prepared the agenda and minutes of Council proceedings and ensure their correctness and accuracy and compliance with all statutory obligations, including but not limited to, the State open meeting laws.⁶
- D. Ordinances, Resolutions, Bids, Budgets and Notices. The Clerk shall process, record, file, publish as may be required by State statute, and post all ordinances, resolutions, budgets, bids and notices that may be approved by the Council.
- E. Duties as Treasurer. The Clerk shall hold the office of City treasurer and receive and safely keep all monies that shall come to the City and pay out the same when authorized by the Council.⁷
- F. Election official. The Clerk shall be the City election registrar and perform those duties required by State statute and this Code.
- G. Meetings of Council. The Clerk shall attend all meetings of the Council, unless excused.
- H. Other Duties. The Clerk shall perform such other duties as may be required by State law, this Code or order of the Council.

Section 3-2-10 City Attorney

The City Attorney shall be appointed by the Council. The duties of the City Attorney include, but are not limited to:

- A. Attend all meetings of the Council unless excused.
- B. Act as legal counselor and advisor of the Council, commissions and all City officials and as such shall give his opinion in writing when requested by the Council or City Manager.

⁶ **Editor's Notes:** State law reference – Similar provisions, A.R.S. § 9-271; 38-431.02

⁷ State law reference – Similar provisions, A.R.S. § 9-271

- C. Draft all deeds, contracts, conveyances, ordinances, resolutions, franchises and all other legal documents for consideration by the Council.
- D. Approve as to form in writing all drafts of legal documents prior to consideration by the Council.
- E. Prosecute, defend and/or oversee all suits, actions or causes where the City is a party and shall report to the Council, when required, the condition of any suit or action to which the City is a party. The City Attorney shall supervise all outside legal counsel to the City.
- F. Serve as prosecutor, or supervisor of prosecution, for all Code violations filed in Magistrate Court.

Section 3-2-11 Chief of Police

The Chief of Police shall be appointed by the Council and shall perform such duties as may be required of him/her by law and as the Council may deem necessary. The Chief of Police shall be the administrative head of the police department in enforcing this Code and in performing the functions of the police department, as set forth in this Code.

Section 3-2-12 Fire Chief

The Fire Chief shall be appointed by the Council and shall perform such duties as may be required of him/her by law and as the Council may deem necessary. He/she shall be the administrative head of the fire department in enforcing this Code and in performing the functions of the fire department, as set forth in this Code.

Section 3-2-13 City Magistrate

The City Magistrate shall be appointed by the Council and shall perform such duties as may be provided by law. He/she shall be the administrative head of the Magistrate Court.

Article 3-3 PERSONNEL SYSTEM

- Section 3-3-1 Creation and Scope
- Section 3-3-2 Conditions of Employment
- Section 3-3-3 Political Activity
- Section 3-3-4 Personnel Officer
- Section 3-3-5 Background Checks of Applicants for Employment
- Section 3-3-6 Reimbursement of Employee Expenses Incurred on City Business

Section 3-3-1 Creation and Scope

The Council shall adopt by resolution a policy for the personnel of the City, the provisions of which shall apply to all employees of the City except elected officials, City officers appointed by the Council, persons engaged under contract to supply professional or technical services, temporary employees and volunteer personnel who receive no regular compensation from the City and such other employees as the Council may exempt.

Section 3-3-2 Conditions of Employment

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of age, race, color, religion, gender, family status, sex, political affiliation or disability.

Section 3-3-3 Political Activity

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

- C. No paid employee shall seek election to public office with the City while still employed by the City.
- D. No paid employee shall use his position or City resources to sell, solicit or distribute any campaign material or information for any election during working hours and/or in uniform used by or identified with the City government.
- E. No paid employee shall use his position to introduce, guide or recommend any candidate for any public office on City property.
- F. "Employee" as used in this section means all City employees, classified and unclassified, City officers, and part-time and temporary City employees.

Section 3-3-4 Personnel Director

The City Manager, or designee, shall serve as the Personnel Director to administer the personnel system in compliance with the policy adopted by the Council. Said Director shall perform such duties as may be required by this Code and any duly adopted personnel policy.

Section 3-3-5 Background Checks of Applicants for Employment

All applicants for employment with the City shall submit a full set of fingerprints to the City Police Department for the purpose of obtaining a State and federal criminal records check pursuant to A.R.S. § 41-1750 (G) (2). The Police Department and the Arizona Department of Public Safety are authorized to exchange this fingerprint data with the Federal Bureau of Investigation and to receive and disburse to the Personnel Department any report received as a result of said records check.⁸

Section 3-3-6 Reimbursement of Employee Expenses Incurred on City Business

The standard for the reimbursement of mileage expenses incurred by employees in the representation of the City shall be those approved by rule or regulation of the Internal Revenue Service from time to time. Rates of reimbursement for meals and hotels shall be those as established by the Council from time to time except where hotel arrangements are made by the City.

⁸ **Editor's Notes:** State law reference - A.R.S. § 41-1750

ARTICLE 3-4 CLAIMS AGAINST THE CITY

Section 3-4-1. Procedure and Time Limit for Presenting Damage Claims.

Section 3-4-2. Presentation of a Claim a Prerequisite for Court Action.

Section 3-4-3. Real Property Diminution in Fair Market Value Claim Required

Section 3-4-1 Procedure and Time Limit for Presenting Claims.

- A. All claims against the City shall be filed with and served upon the City Clerk in accordance with State law.
- B. The City Clerk shall transmit all claims filed with that office to the City Attorney with a copy to the City Manager, and any other person designated to investigate claims. These claims shall then be processed pursuant to guidelines approved by the City Attorney. ⁹

Section 3-4-2 Presentation of a Claim a Prerequisite for Court Action.

No court action shall be brought against the City or any board, commission, officer or employee thereof until a claim or demand for payment of the same has been presented as provided in this Article and such claim has been rejected. Failure by the City to complete action approving or rejecting any claim or demand within sixty (60) days from the date the same is presented shall be deemed a rejection thereof.¹⁰

Section 3-4-3 Real Property Diminution in Fair Market Value Claim Required.¹¹

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

- A. Only the fee title owner(s) may file a claim. The owner shall have the burden of proof on the issue of diminution in value of the property. Claims shall be filed in accordance with the requirements of A.R.S. §§ 12-821.01, 12-1134 and this section.
- B. Documentation required from owners:
 - 1. Legal description and street address of the property;

⁹ **Editor's Notes:** Statutory reference A.R.S. § 12-821.01

¹⁰ A.R.S. § 12-821.01

¹¹ A.R.S. § 12-821.01; 12-1134

2. Identification of all of the legal owners of the property. A description of the legal interest held and evidence of ownership showing the date the ownership interest was acquired. If there are multiple owners a description of the interest held by each owner and claimant. If property is held in trust, owned by a corporation, partnership, LLC or LLP, a Statement whether the claim is filed on behalf of the trust, corporation, partnership, LLC, LLP individual(s), partners (or both).
3. Identification of the City land use law which the property owner alleges diminishes the value of his land including a description of the desired use of the property, how the regulation restricts the desired use of the property and how the land use law reduces the fair market value of the property.
4. All documentation in support of the claim of diminished value. The actual amount of diminution in value shall be Stated and the complete support thereof shall be required. Attach an appraisal and all other documentary evidence which supports the claim together with written permission from the claimant and all owners to enter the property to appraise it and verify information in the claim.
5. The claim shall set forth a specific amount of just compensation the claimant demands.
6. Claims shall contain a sworn, notarized Statement signed by the claimant attesting that the information contained in the claim is accurate and correct.

Article 3-5 PURCHASING

- Section 3-5-1 Scope of Article
- Section 3-5-2 Definitions
- Section 3-5-3 Conflict of Interest
- Section 3-5-4 Council Approval; When Required
- Section 3-5-5 Purchasing Director; Duties
- Section 3-5-6 Emergency Purchases; Procedure
- Section 3-5-7 Purchases in General; Bids
- Section 3-5-8 Bidding Procedure
- Section 3-5-9 Lowest Responsible Bidder
- Section 3-5-10 Bid Bond
- Section 3-5-11 Exclusive Service
- Section 3-5-12 Professional and Technical Services
- Section 3-5-13 Forms
- Section 3-5-14 Purchase Orders
- Section 3-5-15 Arizona Procurement Code
- Section 3-5-16 Public Buildings and Improvements
- Section 3-5-17 Procedure on Request For Payment

Section 3-5-1 Scope of Article

This Article shall govern the procedure for purchase of any goods or services for, or on behalf of, the City. This Article is intended to supplement State law, however should applicable State law provide more strict provisions regarding any proposed transaction those more stringent provisions shall apply.

Section 3-5-2 Definitions

In this Article, unless otherwise specifically provided:

- A. "Local Business" shall be defined as businesses physically located within the jurisdictional boundaries of the City of Globe.

Section 3-5-3 Conflict of Interest

- A. It shall be the policy of the City of Globe that all officers, employees, agents, contractors and other representatives of the City make every effort to assure the public that measures are in place to identify and prevent conflicts of interest in the implementation, acquisition and award of contracts or in the sale or purchase of property or services to, or for, the City. The conflict of interest provisions of State and federal law, as applicable, shall be adhered to in all instances.¹²

¹² **Editor's Notes:** State law reference: A.R.S. § 38-501 et. seq.

- B. It shall be the policy of the City to avoid even the appearance of impropriety by its officers, employees, agents, contractors or other representatives in any transaction regarding the City, including the awarding of contracts or the purchase or sale of any real or personal property or services.
- C. The City Manager and City Attorney shall be responsible for insuring that the applicable provisions of the conflicts of interest laws are made known to all public officers, employees, agents, contractors, representatives and all persons or companies who may have an interest or submit a proposal or bid on any contract, sale, purchase or service with the City of Globe.
- D. In addition to the provisions of State law, it is declared to be the policy of the City that no officer, employee or agent of the City shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to contracts which may or are to be awarded by the City.

Section 3-5-4 Council Approval; When Required

No purchases shall be made by or on behalf of the City without first obtaining Council approval in the following instances:

- A. Where prior approval is required by State statute or this Code;
- B. Where the purchase of the item is not provided for in the budget as adopted;
- C. Where funds for the purchase are not provided in the budget as adopted;
- D. For the expenditure of funds in an amount in excess of Twenty Five Thousand (\$25,000) dollars.
- E. All change orders to contracts approved by Council.

Section 3-5-5 Purchasing Director; Duties

- A. The City Manager shall appoint the Purchasing Director who shall direct and control all purchases of goods and services made by, or on behalf of, the City.
- B. The Purchasing Director shall approve or deny all purchase requests and shall report to the Council on any purchase requiring Council approval.

Section 3-5-6 Emergency Purchases; Procedure

In case of an emergency which requires immediate purchase of supplies or services and when time is of the essence and applicable State law does not provide otherwise, the Mayor shall be empowered to authorize the Purchasing Director to acquire goods or services without complying with the requirements and procedures in this Article. A full

report of the circumstances of such emergency and the goods or services obtained shall be made to the Council at its next regular meeting.

Section 3-5-7 Purchases in General; Bids

- A. Purchases Under \$250: Whenever the contemplated purchase or contract for services is for the sum of less than Two Hundred and Fifty (\$250.00) dollars, the Purchasing Director may obtain the goods or services without further formality.
- B. \$250 to \$2500 Inclusive: Whenever any contemplated purchase or contract for services is for the sum of at least Two Hundred and Fifty (\$250.00) dollars but not more than Twenty Five Hundred (\$2,500.00) dollars, after completion of a requisition form, the Purchasing Director shall obtain at least three quotes or bids if available. At his/her discretion, he/she may solicit such quotes or bids by phone or in writing. Documentation of the bids solicited are to be maintained on a requisition form which is to be attached to a completed purchase order form. Upon review of the quotes or bids, the Purchasing Director shall award the purchase or contract to the lowest responsible bidder.
- C. \$2,501 to \$25,000: Whenever any contemplated purchase or contract is for a sum in excess of Twenty Five Hundred and One (\$2501.00) dollars but not more than Twenty Five Thousand (\$25,000.00) dollars, after completion of a requisition form, the Purchasing Director shall obtain written price bids or quotes from suppliers. The purchasing inquiry form is to be used to document the written price bids or quotes and is to be attached to a completed requisition form. Upon review of the written bids or quotes, the Purchasing Director shall award the purchase or contract to the lowest responsible bidder.
- D. In Excess of \$25,000: Whenever any contemplated purchase or contract is for a sum in excess of Twenty Five Thousand (\$25,000.00) dollars, the Purchasing Director shall advertise for bids according to the procedures established in this Article. The purchase or contract shall be awarded to the lowest responsible bidder, but the City shall reserve the right to reject any and all bids and re-advertise.
 - 1. In addition to the foregoing requirements, if the bids received for the purchase or contract are in excess of Twenty Five Thousand (\$25,000.00) dollars, no purchase or contract may be made without prior Council approval. The Purchasing Director shall present all the bids obtained to the Council and shall report to them on the need for the goods or service and the advantages or disadvantages of the contract and bid proposals. The Council reserves the right to reject any and all bids and re-advertise.
- E. Exemptions-Local Businesses: The foregoing provisions notwithstanding, if in the judgment of the Purchasing Director there are a limited number of local businesses who have provided satisfactory goods or services to the City of the

nature desired, and the costs exceed the Twenty Five Thousand (\$25,000.00) dollar amount requiring advertising, the Purchasing Director may prepare and submit to the local businesses, and to others he/she may deem appropriate, written requests for bids or proposals for the goods or services desired, without further advertising, unless required by State or federal law. All proposals for providing the desired services must be opened at the same time in public, and shall be submitted to the Council, in writing, for final acceptance of the successful proposal. A written request for proposals shall reserve the right to reject any, and all proposals.

- F. Local Business Preference: On all purchases, local businesses shall be entitled to a five percent (5%) preference to the extent allowable by law.
- H. Procurement requirements shall not be artificially divided in order to circumvent the requirements of this Article.

Section 3-5-8 Bidding Procedure

Except as otherwise provided in Section 3-5-11 or State law, the Purchasing Director shall follow the procedure set forth in this Section for all purchases and contracts subject to the written bidding process:

- A. A notice of solicitation for bids shall State the date, time and place of opening, and the place and time period within which bids shall be submitted.
- B. The notice shall State with particularity the goods or services required and shall State the place where specifications may be examined.
- C. Bids shall be submitted in a sealed envelope clearly identified as a bid on the front of the envelope. Any bid not received within the time period allowed shall be rejected.
- D. All bids shall be opened in public at the time and place specified, and a tabulation of all bids shall be available from the City Clerk.
- E. All bidders shall be notified in writing of the award or rejection of any and all bids.

Section 3-5-9 Lowest Responsible Bidder

- A. Unless the Council or the Purchasing Director, as appropriate, shall exercise the right of rejection of any or all bids, all goods and services in an amount in excess of Twenty Five Thousand (\$25,000.00) dollars shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, the Council or the Purchasing Director shall consider:
 - 1. The ability, capability and skill of the bidder to perform the contract or

provide the services required in a timely manner;

2. The quality of performance in previous contracts with the City, together with previous and existing compliance with the ordinances of the City; The Purchasing Director or Council, as the case may be, reserves the right to request references from other public projects or contracts.
 3. The financial resources and ability of the bidder;
 4. The quality, availability and adaptability of the goods or service.
- B. The Purchasing Director shall select providers of goods and services without regard to race, color, national origin, ethnicity, religion or creed, sex, handicap, age, marital or familial status as required by the City policy of equal opportunity and non-discrimination. However, unless such preference is determined to be in violation of any State or federal law, the Purchasing Director shall, as required by the City policy of affirmative action, provide business opportunities to local providers, minority owned businesses and businesses in which ownership is 51% female.

Section 3-5-10 Bid Bond

The Purchasing Director shall have the authority to require a bid bond, in such amount as he/she may deem sufficient, to secure the execution of a contract for construction, provided however, that in a contract for construction in excess of Twenty Five Thousand (\$25,000.00) dollars, such a bond shall be required. In all cases of construction to which State law applies, any requirement for performance and payment bonds shall be incorporated into the contract.

Section 3-5-11 Exclusive Service

In the event that there is only one person or entity capable of providing a particular commodity or service, the requirements of this Article concerning bidding procedures shall generally conform to the sole source procedures as provided in the Arizona Procurement Code.

Section 3-5-12 Professional and Technical Services

- A. The provisions of A.R.S. Title 34 shall govern the selection of architects, engineers and other technical registrants. The Purchasing Director may utilize a professional or technical service provider with which the City has an ongoing relationship without compliance with the provisions of this Article, unless a regular bidding process is required by a grant provider for the project for which the services are required. ¹³

¹³ **Editor's Notes:** State law reference A.R.S. § 34-101 et. seq.

- B. No person or firm practicing in a professional or technical field for which a license is required by State law shall be engaged by the City unless possessing a current license in good standing.
- C. Upon engagement, the City shall enter into a written agreement or memorandum of understanding for the performance of the services for which engaged, setting forth the scope of services and the unit or total price therefore.

Section 3-5-13 Forms

The Purchasing Director shall be responsible for the preparation and distribution of forms and documentation to carry out the provisions of this Article.

- A. Bid Specification Form: The bid specification form shall State the specifications for the goods or services required as well as the criteria for award of the bid and shall be available for inspection by prospective bidders as of the first publication of the notice of bid.
- B. Requisition Form: The Requisition Form shall be completed prior to any purchase by those authorized to purchase supplies, materials or services, and shall be reviewed and approved in writing by the Department Head. The Requisition Form shall be submitted to the purchasing department to review for completeness. The Requisition Form shall be used to document phone, verbal or written bids solicited from suppliers. The Requisition Form shall be attached to the Purchase Order Form as documentation of the solicitation.
- C. Notice to Bidders: The Notice to Bidders shall set forth the goods or services sought, the day, time and place when bids will be opened, the dates and times within which bids will be received, when specifications may be reviewed and where available and such other information as may be required to secure the most advantageous bids.
- D. Purchase Order Form: The Purchase Order form shall be completed by the purchasing department upon review of a duly authorized Requisition Form. The Requisition Form will then be reviewed and approved by the Purchasing Director. The purchasing department will submit a copy of the Purchase Order Form and Requisition Form with supporting documentation to the City Clerk.

Section 3-5-14 Purchase Orders

- A. In General: The Purchasing Director shall provide forms for purchase orders which shall be used for the purchase of all goods and services for, or on behalf of, the City.
- B. Open Purchase Orders: Open purchase orders may be provided by the Purchasing Director for the routine purchase of regularly supplied items costing

not more than Two Hundred Fifty (\$250.00) dollars per invoice in the aggregate. An open purchase order shall be limited to a single source. All open purchase orders shall expire at the end of the fiscal year of issuance and the expiration date shall be plainly Stated on its face.

Section 3-5-15 Arizona Procurement Code

In addition to, or in the alternative, to the procedures set forth in this Article, the City Manager, or designee, may, but shall not be required to, utilize any and all procedures authorized for use in the Arizona Procurement Code, including but not limited to, sole source, internet and intergovernmental procurement as provided therein. The provisions of the Arizona Procurement Code and implementing regulations shall be deemed to be adopted herein for the purposes as Stated herein and to that extent.¹⁴

Section 3-5-16 Public Buildings and Improvements

Where applicable, and as required, the provisions of A.R.S. Title 34, Public Buildings and Improvements, shall be deemed to be incorporated herein by this reference and to that extent. Where applicable, the provisions of A.R.S. Title 34 shall control over the provisions of this Code.¹⁵

Section 3-5-17 Procedure on Requests For Payment

A All requests for payment for purchases shall be in writing and may be in the form of a bill, invoice, payroll or formal demand with proper reference to an authorized purchase order, where applicable. Notwithstanding the above, all contract payment requests from the City shall be in writing, in a form acceptable to the City Manager, or designee, and in as many copies as the City Manager may require. Every claim shall set forth all the details pertaining to the purchase, including, but not limited to:

1. A complete description of the goods or services furnished, or the circumstances giving rise to the claim.
2. The quantities of goods furnished.
3. The unit price of goods furnished.
4. The total cost to the City, including applicable taxes, service charges, delivery charges, and all other charges.

¹⁴ **Editor's Notes:** Statutory reference: A.R.S. § 41-2501 et. seq.

¹⁵ Statutory reference: A.R.S. § 34-101 et. seq.

5. A reference to any purchase orders, written or oral, which may have been issued by the City with reference to the purchase.
- B. All requests for payment shall be audited by the Manager or his/her representative prior to payment. Such audit shall satisfy the Manager that the following elements are accounted for:
1. The goods or services covered by the claim were ordered by authority of a properly designated City official.
 2. The goods or services were actually received.
 3. The price charged the City is the price that was agreed to at the time the order was placed.
 4. The claim is mathematically correct.
- C. After audit by the Manager, all claims shall be approved by the Council prior to payment.
- D. In the event that a contractual dispute continues or arises after exhausting these procedures, a claim against the City shall be made pursuant to Section 3-4-1.

Article 3-6 CONTRACTS

- Section 3-6-1 Scope of Article
- Section 3-6-2 Contract Administrator
- Section 3-6-3 Change Orders and Amendments
- Section 3-6-4 Request for Proposal; Amendments
- Section 3-6-5 Acceptance of Work Completed
- Section 3-6-6 Attestation of Contracts by City Clerk
- Section 3-6-7 Compliance with Conflict of Interest and Other Rules

Section 3-6-1 Scope of Article

This Article shall govern the formalities regarding all contracts entered into by or on behalf of the City.

Section 3-6-2 Contract Administrator

The City Manager, or designee, shall serve as the Contract Administrator for the City and as such supervise the completion of all contracts entered into by or on behalf of the City. During times the Manager position is vacant, the City Clerk shall serve as Contract Administrator, unless the Council has appointed an Acting Manager.

Section 3-6-3 Change Orders and Amendments

- A. No change order shall be approved nor shall any amendment or alteration of any executory contract that was approved by the Council become effective without the express approval of the Council. No change order shall be approved nor shall any amendment or alteration of any executory contract that was not approved by the Council become effective without the express approval of the Contract Administrator. Such approval shall be in the form of a rider or written amendment executed by the parties and attached to the original contract.
- B. Any change order, amendment or alteration of any executory contract shall be furnished to the Council for its review and, where required, its prior approval.

Section 3-6-4 Request for Proposal: Amendments

The City Manager shall present requests for proposals to the Council for approval. Upon approval by the Council, no change, alteration or amendment shall be allowed without prior approval of the Council.

Section 3-6-5 Acceptance of Work Completed

- A. Notice of Acceptance: When a contracting party providing goods or services to the City makes a request for acceptance by the City of work as completed, the Contract Administrator shall indicate acceptance on behalf of the City on a form designated for that purpose and shall notify the Council of such acceptance.

Until the notice of acceptance is issued, no public work completed on behalf of the City shall be considered as the property of the City, and the City shall assume no responsibility therefore. Any applicable warranty period shall not begin to run until acceptance by the City.

- B. Release of Retainer; Conditions: The City shall not release any funds due which are held as retainer until the Contract Administrator is satisfied that the work has been completed to the satisfaction of the City in accordance with the specifications of the contract and State law.

Section 3-6-6 Attestation of Contracts by City Clerk

All contracts entered into by the City shall be attested by the City Clerk and approved as to form by the City Attorney and shall not be binding on the City until so attested and approved. The City Clerk shall retain the original of all contracts and agreements and shall provide to the Contract Administrator such documents as are necessary for orderly administration of the City's business.

Section 3-6-7 Compliance with Conflict of Interest and Other Rules

The Contract Administrator shall comply with all laws, rules and policies on Conflict of Interest or other special provisions regarding contracts which may be adopted by Council.

Article 3-7 DISPOSITION OF CITY PROPERTY

Section 3-7-1	Scope of Article
Section 3-7-2	Definitions
Section 3-7-3	Disposition of City Property
Section 3-7-4	Property Administrator
Section 3-7-5	Disposition of Personal Property
Section 3-7-6	Disposition of Real Property

Section 3-7-1 Scope of Article

This Article shall govern the disposition of real and personal property owned by the City. It is the intent of this article to supplement State law, however should applicable State law provide more strict provisions regarding any proposed transaction then those more stringent provisions shall apply.

Section 3-7-2 Definitions

In this Article, unless this Code or State statute specifically provide otherwise:

- A. Contract: Means an agreement, oral or written, respecting the transfer of property, real or personal, to or from the City.
- B. Disposition: Means the sale, lease or other means of divestiture of title or the right to possession of any property belonging to the City.
- C. Personal property: Means property which is tangible and movable without damage, but may include fixtures attached to real property.
- D. Property Administrator: Means the City Manager, or designee, assigned as custodian of all property belonging to the City.
- E. Real property: Means property consisting of land or structures affixed to land.

Section 3-7-3 Disposition of City Property

No property belonging to the City shall be disposed of except in accordance with this Code, State statute, and such rules as the Council may adopt pursuant to this Code.

Section 3-7-4 Property-Administrator

The City Manager, or designee, shall serve as the Property Administrator for the City and shall have custody of all property, real or personal, belonging to the City. The Property Administrator shall maintain a complete inventory of the property of the City and shall report the same to the Council annually. The report shall include a current inventory together with a list of additions and deletions or other dispositions for the preceding fiscal year.

Section 3-7-5 Disposition of Personal Property

Personal property shall be disposed of in the following manner:

- A. Personal property belonging to the City and having a current value of less than One Thousand (\$1,000.00) dollars or an original cost of less than One Thousand (\$1,000.00) dollars may be declared surplus by the Property Administrator and may be sold or traded without notice or advertisement for bids.
- B. Personal property belonging to the City and having a current value greater than One Thousand (\$1,000.00) dollars or an original cost of One Thousand (\$1,000.00) dollars or more may be declared surplus by the Property Administrator, with approval of the City Council, and shall be sold at public auction, notice of which shall be published in a newspaper of general circulation in the City for two consecutive weeks preceding the scheduled sale. Internet auctions shall be allowed as determined by the City Manager.
- C. Any property in the possession of the City which is contraband as defined by State law, or all other property the disposition of which may be controlled by State law, shall be disposed of in accordance with the applicable State statutes.
- D. Notwithstanding any of the above, any personal property, other than contraband, lawfully in the possession of the City, may be offered for sale at public auction, either individually or grouped in lots as may be deemed appropriate by the Property Administrator. Such sale shall comply with all applicable notice provisions.

Section 3-7-6 Disposition of Real Property

- A. Execution of Documents by Mayor: No sale or other disposition of real property belonging to the City shall be final until approved by a majority vote of the Council and all documents pertaining thereto shall be executed by the Mayor and attested by the City Clerk.
- B. Advertisement; Bids: Unless the sale or exchange is to another governmental agency, no real property belonging to the City shall be sold or otherwise disposed of except at public auction or sealed bids, except for abandonment of City property as provided below. The date, time and place of public auction or acceptance of bids shall be posted not less than two (2) weeks in advance of the date at City Hall, on the site of the real property to be disposed of and at least two (2) other public places. In addition, the notice of sale shall be published in a paper having general circulation in the City once each week for two (2) consecutive weeks preceding the sale, with the last such publication not less than three (3) days before the sale. The notice shall include a legal description

of the property, a common address and a location map.¹⁶

- C. Appraisal Prior to Sale: Prior to the sale of any real property with an estimated value of more than One Thousand (\$1,000.00) dollars, the City may obtain one or more appraisals of value from one or more disinterested parties. Such appraisal shall form the basis for valuation of the property to be sold if ordered by vote of the Mayor and Council.
- D. Real Property with Value Above \$500,000: Real property having a value in excess of Five Hundred Thousand (\$500,000.00) dollars may be disposed of in compliance with this Article, but only after an election is held if same is required by State law.
- E. Abandonment of rights of way shall be in accordance with A.R.S. Title 28, as same may be amended from time to time.¹⁷

¹⁶ **Editor's Notes**: Statutory reference: A.R.S. 9-401 et.seq.

¹⁷ A.R.S. 28-7201 et. seq., as amended from time to time.

Article 3-8 SAFETY AND LOSS PREVENTION PROGRAM

- Section 3-8-1 Program Established
- Section 3-8-2 Safety Program Coordinator
- Section 3-8-3 Safety and Loss Prevention Committee

Section 3-8-1 Program Established

The City Manager shall establish a Safety and Loss Prevention Program to require compliance with all federal, State law and local rules and regulations by City employees, supervisors and contractors.

Section 3-8-2 Safety Program Coordinator

The City Manager shall appoint a Safety Program Coordinator from among existing City employees. Said coordinator shall be the chairman of the Safety and Loss Prevention Committee which shall be formed by appointing one (1) employee from each department of the City.

Section 3-8-3 Safety and Loss Prevention Committee

The Safety and Loss Prevention Committee shall:

- A. Establish rules and procedures for conduct of its meetings and shall meet at least once each quarter.
- B. Conduct all meetings in compliance with the open meeting laws of the State of Arizona.
- C. Formulate rules and regulations to recommend to the Manager and Council for adoption which:
 - 1. Provide for a cooperative effort to reduce the frequency and cost of occupational injuries, illnesses, and loss or damage of equipment, as well as to minimize exposure to public liability.
 - 2. Contain enforcement and updating provisions to insure compliance with all federal, State and local rules or regulations regarding safety in the work environment.
 - 3. Are calculated to create a positive attitude toward the prevention of accidents and the recognition and correction of all unsafe working conditions, operating procedures and practices.
 - 4. Provide for development and maintenance of procedures for proper treatment and care of any employee who may be injured or become ill during the performance of their duties.

5. Provide for education of all employees of all applicable rules and regulations and safety inspections to identify and avoid violations.
- D. All rules and regulations or amendments thereto shall be submitted to the Mayor and Council for approval and adoption by resolution. Both the City Manager and the Safety Coordinator shall have the responsibility to report the necessity for any amendment to said rules and regulations.
 - E. The City Clerk shall maintain an index of all rules and regulations which have been adopted.