COUNCIL-MANAGER
CHARTER

FOR THE

CITY OF FLAGSTAFF, ARIZONA

The original Charter for the City of Flagstaff was prepared by the Board of Freeholders, as provided by law, and submitted to the qualified electors on September 12, 1958. Approval was granted for the Charter by Governor Ernest W. McFarland on October 3, 1958.

Amendments were proposed by the City Council and submitted to the qualified electors of the City on June 20, 1972. The amendments were approved on August 14, 1972, by Governor Jack Williams.

Amendments were again proposed by the City Council and submitted to the qualified electors of the City on March 2, 1982. The amendments were approved on June 7, 1982, by Governor Bruce Babbitt.

Amendments were again proposed by the City Council and submitted to the qualified electors of the City on March 6, 1984. The amendments were approved on April 10, 1984, by Governor Bruce Babbitt.

Amendments were again proposed by the City Council and submitted to the qualified electors of the City on March 1, 1988. The amendments were approved on May 4, 1988, by Governor Rose Mofford.

Amendments were again proposed by the City Council and submitted to the qualified electors of the City on May 19, 1998. The amendments were approved on June 29, 1998, by Governor Jane Dee Hull.

An amendment was again proposed by the City Council and submitted to the qualified electors of the City on May 18, 2008. The amendment was approved on June 19, 2008, by Governor Janice K. Brewer.

TABLE OF CONTENTS

ARTICLE I
INCORPORATION, FORM OF GOVERNMENT, POWERS, CORPORATE SEAL

SECTION		PAGE
1.	Incorporation	1
2.	Form of Government	1
3.	Powers of the City	1
4.	Corporate Seal	1

ARTICLE II
THE COUNCIL AND THE MAYOR

1.	Number	2
2.	Selection	2
3.	Term of the Mayor	2
4.	Term of Councilmembers	2
5.	Qualifications	2
6.	Salary	2
7.	Duties of the Mayor	2
8.	Induction	3
9.	Absence to Terminate Membership	3
10.	Vacancies in the Council and the Office of Mayor	3
11.	Powers of the Council	3
12.	Council Meetings	3
13.	Special Meetings	4
14.	Rules of Procedure; Journal	4
15.	Quorum; Ayes and Nays	4
16.	Failure to Vote	4
17.	Consideration of Petitions	4
18.	Council Non-Interference in Appointments or Removals	4
19.	Conduct of Council as to Powers Authorized by Charter When No Procedure has been Established by State Law	5

ARTICLE III
THE CITY MANAGER

1.	Appointment of the City Manager	5
2.	The City Manager; Qualifications	5
3.	Powers and Duties	5
4.	Right of the City Manager to a Seat in the Council	6
5.	The Acting City Manager	6
6.	Removal of the City Manager	6

ARTICLE IV
ADMINISTRATIVE DEPARTMENTS, OFFICES, AND EMPLOYEES

SECTION		PAGE
1.	Administrative Departments and Offices	6
2.	The City Clerk	7
3.	The City Treasurer	7
4.	The City Attorney	7
5.	Personnel Rules and Regulations	7

ARTICLE V
APPOINTIVE BOARDS AND COMMISSIONS

1.	Appointive Boards and Commissions	8

ARTICLE VI
FINANCE AND TAXATION

1.	Fiscal	8
2.	Additional Taxes for Special Purposes	8
3.	Claims or Demands Against the City	8
4.	Cash Basis Fund Set Up; Transfer of Sums from Cash Basis Fund to Other Funds	8
5.	Independent Annual Audit	9
6.	Permission to Exceed the Budget	9
7.	Deposits of City Moneys, Investments	9

ARTICLE VII
ORDINANCES AND RESOLUTIONS

1.	Council to Act by Motion, Resolution, or Ordinance	9
2.	Ayes and Nays to be Recorded	9
3.	When a Majority Vote is Required	10
4.	Enacting Style	10
5.	When Actions are to be Taken by Ordinance	10
6.	Reading and Passage of Ordinances and Resolutions: Effective Date	10
7.	Emergency Measures: Effective Date	11
8.	Signing of Ordinances and Resolutions	11
9.	Publication of Ordinances and Resolutions	11
10.	How Ordinances Shall be Revised, Re-enacted, and Amended	11
11.	How Ordinances Shall be Repealed or Suspended	11
12.	Ordinances and Resolutions to be Filed, Recorded and Certified; Ordinances and Resolutions as Evidence	11
13.	Procedure for Adoption by Reference	11
14.	Recording of Certain Ordinances	12
15.	Codification of Ordinances	12

ARTICLE VIII
CONTRACTS

SECTION		PAGE
1.	Preparation	12
2.	Purchases and Contracts for City Improvements	12
3.	Bids	13
4.	Transfer and Sale of Property Within City Government	13
5.	Contracts for Official Advertising	13
6.	Fraud and Collusion	13
7.	Avoidance of Contracts Made through Fraud and Collusion	14
8.	Personal Interest	14
9.	Leases of City Property	14
10.	Sale of City Property	14

ARTICLE IX
ELECTIONS

1.	Permitted types of Elections	15
2.	Qualifications of Electors; Registration	15
3.	Arrangement of Names not to Reveal Source of Candidacy or Support of Candidates	15
4.	Nomination for Primary Election	15
5.	Primary Elections	16
6.	Time of Holding the General Election	16
7.	Candidates Receiving Most Votes to be Elected	16
8.	Special Elections	16
9.	Absentee Voting	16
10.	Canvassing Returns and Declaring of Election Results	16
11.	Application of State Law	17

ARTICLE X
INITIATIVE, REFERENDUM, AND RECALL

1.	Initiative, Referendum, Recall	17

ARTICLE XI
POLICE COURT

1.	State Laws Control	17
2.	Police Judge(s), Appointment, Term	17
3.	Service of Process	17

ARTICLE XII
FRANCHISES AND PUBLIC UTILITIES

1.	Elections for Approval of Franchises	18
2.	Establishment of Municipally-Owned and Operated Utilities	18

ARTICLE XIII
GENERAL PROVISIONS

SECTION		PAGE
1.	Publicity of Records	18
2.	Official Bonds	18
3.	Oath of Office	18
4.	Insurance	19
5.	Short Title	19
6.	Separability Clause	19
7.	Violations of Charter and City Ordinances; Imprisonment of Violators	19
8.	Plenary and Implied Powers of the Council	19
9.	Plan for Future Physical Development	20
10.	Floodways and Flood Plains	20
11.	Retirement and Old Age and Survivors Benefits	20

ARTICLE XIV
SUCCESSION IN GOVERNMENT

Repealed.

ARTICLE XV
METHOD OF CHARTER AMENDMENT

Method of Amendment	20

ARTICLE XVI
AMENDMENTS

Amendment No. 1	
Vote Required for Certain Types of Bond Issues	20
Amendment No. 2	
Vote Required for Certain Types of Facilities Costing in Excess of One Million Dollars	21

ARTICLE I
INCORPORATION, FORM OF GOVERNMENT, POWERS, CORPORATE SEAL

Section 1—INCORPORATION

The inhabitants of the City of Flagstaff, within the corporate limits as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal body politic, and corporate in perpetuity, under the name of "City of Flagstaff."

Section 2—FORM OF GOVERNMENT

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the laws of the State of Arizona, and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance or the laws of the State of Arizona.

Section 3—POWERS OF THE CITY

The City shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of this State, together with all the implied powers necessary to carry into execution all the powers granted.

The City may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, exchange, mortgage, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of this State, or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the Government of the United States, the State of Arizona, Coconino County, or any other political subdivision of this State for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, water conservancy districts, public utilities, and public buildings, all when deemed for the best interest of the City. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and, in addition to the powers enumerated herein, or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution or laws of this State, it would be competent for this Charter specifically to enumerate.

Section 4—CORPORATE SEAL

The City shall have a Corporate Seal, which shall be in the custody of the City Clerk.

ARTICLE II
THE COUNCIL AND THE MAYOR

Section 1—NUMBER

The Council shall consist of a Mayor and six (6) Councilmembers elected from the City.

Section 2—SELECTION

The Council shall be elected at large.

Section 3—TERM OF THE MAYOR

The term of office of the Mayor shall commence on the first meeting in April[1] following the election, and shall be for two (2) years, or until a successor is elected and inducted.

Section 4—TERM OF COUNCILMEMBERS

The term of office of Councilmembers shall commence on the first meeting in April[2] following their election, and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.

Section 5—QUALIFICATIONS

The Mayor and the Councilmembers shall be qualified electors of the City, and shall hold no other public office except that of notary public, or member of the National Guard or Naval or Military Reserve. If a Councilmember or the Mayor shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant.

Section 6—SALARY

The annual salary of the Mayor and Councilmembers shall be as determined by ordinance, but shall not be increased or decreased during the current term of Councilmembers enacting such ordinance.

Section 7—DUTIES OF THE MAYOR

The Mayor shall be the Chairperson of the Council, and preside over its meetings. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall

---

[1]ARS §16-204(B) preempts the Flagstaff City Charter's election requirements; Ord. 1951, adopted 09/16/97, states: "Term of Mayor. The term of office of the Mayor shall commence on the **second meeting in June** following the election…."

[2]ARS §16-204(B) preempts the Flagstaff City Charter's election requirements; Ord. 1951, adopted 09/16/97, states: "Term of Councilmembers. The term of office of Councilmembers shall commence on the **second meeting in June** following their election…."

be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of martial law, and shall have executive but no regular administrative duties.

Section 8—INDUCTION

On the second meeting in April[3] following the General Election, the Council shall hold a meeting to induct into office the newly-elected Mayor and Councilmembers and to organize the Council. At this meeting, the Council shall designate one of its members as Vice-Mayor, who shall serve in such capacity at the pleasure of the Council. The Vice-Mayor shall perform all the duties of the Mayor during the absence or disability of the Mayor.

Section 9—ABSENCE TO TERMINATE MEMBERSHIP

If any Councilmember shall be absent from more than two (2) consecutive regular meetings without the consent of the Council, the member shall thereupon cease to hold office. If the Mayor shall be absent for more than two (2) consecutive regular meetings without the consent of the Council, the Mayor shall thereupon cease to hold office.

Section 10—VACANCIES IN THE COUNCIL AND THE OFFICE OF MAYOR

The Council, by a majority vote of its remaining members, shall, within thirty-one (31) days, fill the vacancies in its own membership, and in the office of Mayor, for the unexpired terms. In the event that such unexpired term exceeds two years, then the appointment to such vacancy shall be for the period from the appointment until the next succeeding election, at which time a Councilmember shall be elected to serve the remainder of the term and who shall be designated on the ballot as running for the "short term."

Section 11—POWERS OF THE COUNCIL

All powers of the City, and the determination of all matters of policy, shall be vested in the Council.

Section 12—COUNCIL MEETINGS

The Council shall meet regularly at such times and at such places as shall be prescribed by its rules, but not less frequently than once each month. All meetings of the Council shall be open to the public. No change shall be made in regular meeting times or place without a published seven-day notice.

---

[3]ARS §16-204(B) preempts the Flagstaff City Charter's election requirements; Ord. 1951, adopted 09/16/97, states: "Term of Mayor…Councilmembers. The term of office of Mayor…Councilmembers shall commence on the **second meeting in June** following their election.…" Thus, Members shall be inducted on the **second meeting in June**.

Section 13—SPECIAL MEETINGS

The Mayor may, or, at the request of three (3) members of the Council, shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than three (3) hours after the notice is given. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

Section 14—RULES OF PROCEDURE; JOURNAL

The Council shall determine its own rules and order of business, subject to the provisions of this Charter. It shall keep a journal of its proceedings, and the journal shall be open to public inspection.

Section 15—QUORUM; AYES AND NAYS

A majority of the members of the Council shall constitute a quorum, but a smaller number may adjourn from day to day, or from time to time. The vote on any question shall be by ayes and nays, and shall be entered in the journal. At the request of any member of the Council, a roll-call vote shall be taken.

Section 16—FAILURE TO VOTE

No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.

Section 17—CONSIDERATION OF PETITIONS

Any citizen of the City may present a written petition to the City Manager, who shall present it to the Council at its next regular meeting; such petition shall be acted upon by the Council, in the regular course of business, within thirty-one (31) days after such presentation.

Section 18—COUNCIL NON-INTERFERENCE IN APPOINTMENTS OR REMOVALS

Neither the Council nor the Mayor shall direct or request the appointment of any person to, or removal from, office by the City Manager, or by any of the Manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City, except as otherwise provided by this Charter. Except for purposes of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section, or voting for a resolution or ordinance in violation of this Section, shall be subject to expulsion by the unanimous vote of the remaining Councilmembers. Nothing in this Section shall be construed, however, as prohibiting the Council while in open or executive sessions from fully and freely discussing with or suggesting to the City Manager anything pertaining to City affairs or the interests of the City.

Section 19—CONDUCT OF COUNCIL AS TO POWERS AUTHORIZED BY CHARTER WHEN NO PROCEDURE HAS BEEN ESTABLISHED BY STATE LAW

Whenever, by any provision of this Charter, it is prescribed that any power, duty, or procedure shall or may be exercised, performed, or adopted in the manner established by any law of this State, and there be no procedure established by law therefor, then the Council shall by ordinance prescribe the procedure.

ARTICLE III
THE CITY MANAGER

Section 1—APPOINTMENT OF THE CITY MANAGER

The Council shall appoint an officer of the City who shall have the title of City Manager, and shall have the powers and perform the duties in this Charter provided. No Councilmember shall receive such appointment during the term for which elected, nor within one year after the expiration of the term.

Section 2—THE CITY MANAGER; QUALIFICATIONS

The City Manager shall be chosen by the Council solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the City Manager's office, as hereinafter set forth. At the time of appointment, the City Manager need not be a resident of the City or State, but during the tenure of office, shall reside within the city.

Section 3—POWERS AND DUTIES

The City Manager shall:

(a) Devote entire time to the discharge of official duties, prepare the agenda for, and attend, all meetings of the Council, unless excused therefrom by the Council or the Mayor;

(b) See that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed;

(c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such merit system regulations as the Council may adopt;

(d) Prepare the annual budget estimates and submit them to the Council, and be responsible for the administration of the budget after adoption;

(e) Keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently, if requested by the Council, of all affairs of the City;

(f) Act as purchasing agent for all departments of the City, giving due consideration to the recommendations and counsel of department heads;

(g) Have such other powers, duties, and functions as this Charter may prescribe, and such powers, duties, and functions consistent with this Charter that the Council may prescribe.

Section 4—RIGHT OF THE CITY MANAGER TO A SEAT IN THE COUNCIL

The City Manager shall be entitled to a seat in the Council, except in matters involving the conduct or the performance of the City Manager's duties, but shall have no vote therein. The City Manager shall have the right to take part in the discussion of all other matters coming before the Council.

Section 5—THE ACTING CITY MANAGER

(a) The City Manager shall designate, with the approval of the Council, a qualified administrative officer of the City to perform duties during the City Manager's temporary absence or disability.

(b) If the City Manager is suspended by the Council, or if there is a vacancy in the office of the City Manager, the Council shall appoint an Acting City Manager to serve until the suspension ceases, or until another City Manager is appointed and qualified, as the case may be. No Acting City Manager shall hold the position as such for more than eight (8) months, and no appointment of an Acting City Manager shall be renewed. When there is a vacancy in the office, the Council shall fill the position within eight (8) months of the creation of the vacancy.

Section 6—REMOVAL OF THE CITY MANAGER

The Council shall appoint the City Manager for an indefinite term and may remove the Manager by an affirmative vote of five (5) members of the Council. The City Manager may, within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the Council. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in the Council.

ARTICLE IV
ADMINISTRATIVE DEPARTMENTS, OFFICES, AND EMPLOYEES

Section 1—ADMINISTRATIVE DEPARTMENTS AND OFFICES

(a) The Council, by ordinance not inconsistent with this Charter, shall provide for the organization, conduct, and operation of the several offices and departments of the City as

established by this Charter, for the creation of additional departments, divisions, offices, and agencies, and for their consolidation, alteration, or abolition.

(b) The Council, by ordinance not inconsistent with this Charter, may assign additional functions or duties to offices, departments, divisions, or agencies. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter.

(c) The Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all appointive officers of the City.

(d) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.

Section 2—THE CITY CLERK

The City Manager shall, with approval of the Council, appoint an officer of the City, who shall have the title of City Clerk, and who shall give notice of all Council meetings, keep the journal of the Council's proceedings, authenticate by signature, and record in full in books kept for the purpose, all ordinances and resolutions, and perform such other duties as shall be required by this Charter, or by ordinance. The City Clerk will serve at the pleasure of the City Manager.

Section 3—THE CITY TREASURER

The City Manager shall, with approval of the Council, appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money of the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the State, Charter of the City, and ordinances, and upon whom legal garnishments may be served. The City Treasurer will serve at the pleasure of the City Manager.

Section 4—THE CITY ATTORNEY

The Council shall appoint a City Attorney, who shall be an attorney-at-law, admitted to the Bar of the Supreme Court of this State. The City Attorney shall be the chief legal advisor of all offices, departments, and agencies, and of all officers and employees in matters relating to their official powers and duties. The City Attorney shall represent the City in all legal proceedings. It shall be the City Attorney's duty to perform all services incident to this position as may be required by statute, by this Charter, or by ordinance. The City Attorney will serve at the pleasure of the Council.

Section 5—PERSONNEL RULES AND REGULATIONS

The Council shall, by ordinance, provide for the establishment of Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions and volunteers who serve without pay, and also except the City Manager, the City Attorney, and the Police Judges.

ARTICLE V
APPOINTIVE BOARDS AND COMMISSIONS

Section 1—APPOINTIVE BOARDS AND COMMISSIONS

The Council may, by ordinance, create, change, or abolish boards or commissions as, in its judgment, are required, or as are now or hereafter provided by law, and may grant to them such powers and duties as are consistent with the provisions of this Charter. All members of appointive boards or commissions shall at the time of their appointment be a resident of the City, and shall maintain this residency for the duration of the term in office.

ARTICLE VI
FINANCE AND TAXATION

Section 1—FISCAL

The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing the budget, taxation, financial, and fiscal powers of the City shall apply to the governing and conduct of the same in the City.

Section 2—ADDITIONAL TAXES FOR SPECIAL PURPOSES

(a) The Council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the City, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment, for the furnishing of City services, and the maintenance of all municipally-owned and operated utilities.

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) subject to approval by a majority of the qualified electors voting in the regularly scheduled general election.

Section 3—CLAIMS OR DEMANDS AGAINST THE CITY

The Council shall prescribe by ordinance the manner in which claims or demands against the City shall be presented, audited, and paid.

Section 4—CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS

The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money received from other sources, a sum equal to not less than two and one-half (2½) cents on each one hundred dollars ($100.00) of the assessed value of said property shall be placed in such fund, until the accumulated

amount of such fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months, or other necessary period, of the succeeding fiscal year.

The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 5—INDEPENDENT ANNUAL AUDIT

Prior to the end of each fiscal year, the Council shall designate an independent Certified Public Accountant, who, as of the end of the fiscal year, shall make up an audit of accounts and other evidence of financial transactions of the City government, and shall submit a long-form report, including recommendations concerning policy and fiscal procedures, to the Council, and to the City Manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. The accountant shall, within specifications approved by the Council, post-audit the books and documents kept by the City, and any separate or subordinate accounts kept by any other office, department, or agency of the City government.

Section 6—PERMISSION TO EXCEED THE BUDGET

Nothing in this Article shall prevent the Council from seeking permission from the Arizona State Tax Commission to exceed the adopted budget in the event that an emergency should arise.

Section 7—DEPOSITS OF CITY MONEYS, INVESTMENTS

In addition to authority granted by the laws of this State, the Council may cause City moneys to be deposited or invested in Certificates of Deposit or other forms of deposits or investments, in any financial institution in the City, upon sufficient security being given the City therefor by said financial institution, approved by the Council. The Council may adopt ordinances implementing this authority and the appropriate City official may, pursuant to said ordinance, invest City moneys not needed to pay current bills as therein directed.

ARTICLE VII
ORDINANCES AND RESOLUTIONS

Section 1—COUNCIL TO ACT BY MOTION, RESOLUTION, OR ORDINANCE

The Council shall act by motion, resolution, or ordinance.

Section 2—AYES AND NAYS TO BE RECORDED

The ayes and nays shall be taken from the passage of all ordinances and resolutions, or by roll call upon request of a Councilmember, and entered upon the journal of the proceedings of the Council.

Section 3—WHEN A MAJORITY VOTE IS REQUIRED

A majority vote of all Councilmembers present shall be necessary to pass any motion, ordinance, or resolution.

Section 4—ENACTING STYLE

The enacting clause of all ordinances passed by the Council shall be in these words: "Be it ordained by the Council of the City of Flagstaff as follows:".

Section 5—WHEN ACTIONS ARE TO BE TAKEN BY ORDINANCE

In addition to other acts required by law, or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which provide for acquisition, sale, or exchange of public real property and to sell personal property valued in excess of that amount established by ordinance; establishment or change of fire limits or zones; establishment or change of a zoning district; the levy of any tax or assessment; imposition or provide for imposing fine or other penalties; adoption of a code by reference or amend the City code; the authorization to borrow money; granting, renewal, or extending a franchise; the amendment of or repeal of any ordinance.

Section 6—READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE

All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon unanimous consent of those Councilmembers present. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.

Section 7—EMERGENCY MEASURES: EFFECTIVE DATE

(a) An emergency measure is one necessary for the immediate preservation of the public peace, health, or safety, in which the emergency is set forth and defined. An emergency measure may be placed upon its final reading and final passage at the same meeting as when first introduced upon the affirmative vote of five (5)[4] members of the Council.

(b) An emergency measure shall take effect immediately upon its passage.

Section 8—SIGNING OF ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be signed by the Mayor, and attested by the City Clerk, and approved as to form by the City Attorney.

---

[4]ARS §19-142(B) preempts the Flagstaff City Charter's requirement of the affirmative vote of five (5) members of the Council for an emergency measure, therefore, **six (6) members are required for an emergency measure.**

Section 9—PUBLICATION OF ORDINANCES AND RESOLUTIONS

(a) All ordinances and resolutions having the effect of ordinances, except emergency measures, shall become effective and operative thirty (30) days after its adoption or twenty (20) days after its publication in the official newspaper of the City, whichever is later.

(b) An emergency ordinance which has been passed by the necessary vote of five (5)[5] members of the Council shall be published one time in the official newspaper of the City within ten (10) days after its passage.

Section 10—HOW ORDINANCES SHALL BE REVISED, RE-ENACTED, AND AMENDED

Ordinances shall not be revised, re-enacted, or amended by reference to title only, but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this Charter for the adoption of ordinances.

Section 11—HOW ORDINANCES SHALL BE REPEALED OR SUSPENDED

No ordinance or section thereof shall be repealed or suspended except by ordinance adopted in the manner provided in this Charter.

Section 12—ORDINANCES AND RESOLUTIONS TO BE FILED, RECORDED AND CERTIFIED; ORDINANCES AND RESOLUTIONS AS EVIDENCE

All ordinances and resolutions shall be filed and safely kept by the City Clerk, and duly recorded and certified by the City Clerk in books for the purpose marked "City Ordinances," and "City Resolutions," respectively; and recorded copies thereof certified by the City Clerk, or the originals thereof, shall be prima facie evidence of the contents of such ordinances or resolutions, and of the due passage and publication of the same, and shall be admissible in evidence in any Court of this State, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of the passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Section 13—PROCEDURE FOR ADOPTION BY REFERENCE

(a) The Council may enact the provisions of a code or public record already in existence without setting forth such provisions, but the adopting ordinance shall be published in full. At least three (3) copies of the code or public record shall be filed in the office of the City Clerk, and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

---

[5] ARS §19-142(B) preempts the Flagstaff City Charter's requirement of the affirmative vote of five (5) members of the Council for an emergency measure, therefore, **six (6) members are required for an emergency measure.**

(b) No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Section 14—RECORDING OF CERTAIN ORDINANCES

Annexation ordinances and all ordinances extending or changing the boundaries of the City, zoning territory, or establishing or vacating of streets, alleys, or subdivisions, after publication, shall be recorded in the office of the County Recorder of Coconino County, and after being so recorded, the same shall constitute public notice to all parties of the legal import thereof.

Section 15—CODIFICATION OF ORDINANCES

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.

ARTICLE VIII
CONTRACTS

Section 1—PREPARATION

All contracts shall be drawn under the supervision of the City Attorney, must be in writing, executed in the name of the City of Flagstaff by the Mayor, except as it may be otherwise provided, either by this Charter or by law, and must be countersigned by the City Clerk, who shall number and register the same in a book kept for that purpose. It is the intent of this Article that all contracts be awarded pursuant to the bidding process whenever possible unless otherwise provided.

Section 2—PURCHASES AND CONTRACTS FOR CITY IMPROVEMENTS

(a) The City Manager shall contract for and purchase, or issue purchase authorization for, all supplies, materials, equipment, and services for the offices, departments, and agencies of the City.

(b) Any City improvement costing fifty thousand dollars ($50,000) or more, or any purchase costing more than fifty thousand dollars ($50,000), shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, and estimates approved by the City Manager. Such contracts shall be advertised for bids, as directed in Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.

(c) Any contract or purchase exceeding the sum of fifty thousand dollars ($50,000) shall require the prior approval of the Council.

(d) Alterations in any contract may be made when authorized by the Council upon the written recommendation of the City Manager.

Section 3—BIDS

The advertisement for bids shall distinctly and specifically state the character of the City improvement, purchase or kind of supplies, materials, equipment, and services required. Such notice shall be published at least once in the official newspaper, not less than five (5) days prior to the opening of bids. Bidding shall be: (1) Pursuant to the Arizona State Procurement Code as amended by the City Council; or (2) by sealed proposals; or (3) by other methods that provide for security of bids and competitive bidding and under such regulations as may be prescribed by the Council. The City Manager, with the approval of the Council, shall have the power to reject any or all bids, and advertise for bids again.

Section 4—TRANSFER AND SALE OF PROPERTY WITHIN CITY GOVERNMENT

The City Manager may sell, or may transfer to or between offices, departments, and agencies, supplies, materials, and equipment, subject to such regulations as the Council may prescribe.

Section 5—CONTRACTS FOR OFFICIAL ADVERTISING

(a) The City Manager shall let contracts annually for official advertising for the ensuing fiscal year. For this purpose, the Manager shall submit to each newspaper published in the City a notice describing the contemplated advertising, and asking for sealed proposals. The proposals shall specify the type and space to be used at the rate or rates named in the bid. The City Manager shall let the contracts for such official advertising to the lowest qualified bidder publishing a newspaper of general circulation in the City; provided that, the Manager may reject any and all bids, and proceed to secure new bids in the manner provided herein.

(b) The newspaper to which the award for such advertising is made shall be known and designated as the official newspaper.

Section 6—FRAUD AND COLLUSION

Any member of the Council, or any officer or employee of the City who shall aid or assist a bidder in securing a contract to furnish labor, material, equipment, supplies, or services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies, or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly certify to a greater amount of labor or service performed than actually has been performed, or to receipt of a greater amount or different kind of

material, supplies, or equipment than actually has been received, shall be guilty of a misdemeanor, and shall be removed from office.

Section 7—AVOIDANCE OF CONTRACTS MADE THROUGH FRAUD AND COLLUSION

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the City Manager shall advertise for new bids for said City improvements and/or supplies, materials, equipment, and services required, or the Council may provide for such public work to be done by the City under the direction of the City Manager.

Section 8—PERSONAL INTEREST

The provisions of the laws of this State relating to and defining conflicts of interest, of all officers and employees of the City, shall apply to and govern in all matters of conflict of interest.

Section 9—LEASES OF CITY PROPERTY

The Council may lease any land, buildings, or equipment now or hereafter owned by the City on such terms and conditions as the Council may prescribe. All leases shall be made to the highest responsible bidder after publication of notice thereof for at least one time per week for two weeks, stating explicitly the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all bids.

Section 10—SALE OF CITY PROPERTY

The Council may sell such portions of the real and personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe to the highest responsible bidder after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of $500.00 shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids.

2. Real property shall be sold after published notice of the sale for at least one time per week for three weeks prior to opening of bids.

   The Council shall have the right to reject any and all bids.

3. The City Manager may sell or otherwise dispose of any personal property having a value of $500.00 or less without published notice, but written advice of such sale or disposal shall be given to the Council.

4. The Council may also in its discretion subdivide and plat City property which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.

ARTICLE IX
ELECTIONS

Section 1—PERMITTED TYPES OF ELECTIONS

(a) City elections shall be Primary, General, or Special.

(b) Primary elections shall be held for the purpose of nominating candidates for the General Election, and for such other purposes as the Council may prescribe.

(c) General elections shall be held for the purpose of electing a Mayor and the Councilmembers of the City, and such other purposes as the Council may prescribe.

(d) All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as Special Elections.

Section 2—QUALIFICATIONS OF ELECTORS; REGISTRATION

(a) The qualifications of electors shall be as required by the Constitution and laws of this State for State and County electors. Electors shall also be residents of the City for at least thirty (30) days prior to any Primary, General, or Special elections held therein.

(b) Registration of voters shall be as provided by City ordinance.

(c) Residents of areas annexed by the City, who have the qualifications of electors, as set forth above, in respect to their own area immediately prior to annexation, shall be considered as qualified electors of the City upon annexation, and shall be eligible to vote in municipal elections immediately following annexation.

Section 3—ARRANGEMENT OF NAMES NOT TO REVEAL SOURCE OF CANDIDACY OR SUPPORT OF CANDIDATES

The names of the candidates for each office shall be arranged as provided by law, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Section 4—NOMINATION FOR PRIMARY ELECTION

(a) Nominations for Primary Elections shall be by petition of nomination, which shall consist of a printed or written form, which shall be furnished to applicants by the City Clerk.

(b) The petition or petitions for nomination, consisting of signatures of qualified voters, aggregating not less than five (5) percent, nor more than ten (10) percent of the number of electors voting at the last preceding municipal General Election, shall be presented to the City Clerk not earlier than ninety (90) days, nor later than sixty (60) days before the date set for the Primary Election. The City Clerk shall endorse on such petition or petitions the date and the time when the same was received by the City Clerk, and shall cause the candidates' names to be printed on the ballot.

Section 5—PRIMARY ELECTIONS

(a) The Primary Election shall be held on the first Tuesday in February[6] in even-numbered years. The two candidates receiving the highest number of votes at the Primary Election for each office for which there is a vacancy will be considered nominated for such office, and their names shall be printed on the ballot for the General Election; provided, that if there be any person who, under the provisions of this Section would have been entitled to become a candidate for any office except for the fact that some other candidate received said equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

(b) In the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.

Section 6—TIME OF HOLDING THE GENERAL ELECTION

The General Election shall be held on the first Tuesday in March[7] in each even-numbered year.

Section 7—CANDIDATES RECEIVING MOST VOTES TO BE ELECTED

(a) The candidate for Mayor who shall receive the highest number of votes at the General Election shall be declared elected.

(b) The candidates for Councilmember, equal in number to the offices to be filled, who shall receive the highest number of votes at the General Election shall be declared elected.

Section 8—SPECIAL ELECTIONS

The Council shall provide for holding Special Elections, which shall be conducted in the same manner as General Elections.

Section 9—ABSENTEE VOTING

The Council shall provide by ordinance for voting by absent or disabled electors in City elections.

Section 10—CANVASSING RETURNS AND DECLARING OF ELECTION RESULTS

Within the time specified by federal and state laws, the Mayor and the Council shall canvass returns and declare the results of such election. The City Clerk shall issue a certificate to each successful candidate elected to office at any General Election.

---

[6]ARS §16-204(B) preempts the Flagstaff City Charter's election requirements; Ord. 1951, adopted 09/16/97, states "Primary Election: In the event more than two candidates file nominating petitions for each vacancy in office, the Primary Election shall be held on the **second Tuesday in March** of even-numbered years."

[7]ARS §16-204(B) preempts the Flagstaff City Charter's election requirements; Ord. 1951, adopted 09/16/97, states "General Election: The General Election shall be held on the **third Tuesday in May** of each even-numbered year."

Section 11—APPLICATION OF STATE LAW

The provisions of the laws of this State relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto, shall apply, and shall govern the nomination of elective officers, and the conduct of elections, except as otherwise provided in this Charter. The Council shall have the power to make any other provisions relating to the nomination of officers, and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this State, or to the provisions of this Charter.

ARTICLE X
INITIATIVE, REFERENDUM, AND RECALL

Section 1—INITIATIVE, REFERENDUM, RECALL

There are hereby reserved to the electors of the City the powers of the initiative and referendum, and of the recall of elective officers. The provisions of the Constitution and the general laws of this State, as the same now exist or hereafter may be amended, governing the initiative and referendum and recall of elective officers, shall apply to the use thereof in the City.

ARTICLE XI
POLICE COURT

Section 1—STATE LAWS CONTROL

The Police Court created by the general statutes of the State, and all statutes pertaining to the jurisdiction and procedure of said Court, shall be fully observed.

Section 2—POLICE JUDGE(S), APPOINTMENT, TERM

The Police Judge(s) shall be appointed by the Council, and shall hold office at the pleasure of the Council.

Section 3—SERVICE OF PROCESS

The Chief of Police shall cause all summonses issued by the Police Judge(s) to be served, and the return endorsed thereon and signed by the officer making such service. The Chief of Police shall also cause all warrants of arrest to be executed.

ARTICLE XII
FRANCHISES AND PUBLIC UTILITIES

Section 1—ELECTIONS FOR APPROVAL OF FRANCHISES

No franchise shall be granted, extended, or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a Primary, General, or Special Election; the Council shall submit any matter for approval or disapproval to such election at any Primary or General Election, or shall call a Special Election for such purpose at any time upon thirty (30) days' notice; and the Council shall require, before calling any such election, that the estimated expense thereof (to be determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk.

Section 2—ESTABLISHMENT OF MUNICIPALLY-OWNED AND OPERATED UTILITIES

The City shall have power within or without its city limits, to own and operate any public utility, to construct and install any and all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful in public service. The City may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the municipally-owned and operated utility, subject to the limitations of the provisions of the general laws of this State. The Council may provide by ordinance for the establishment of such utility, and provide for its regulation and control, and the fixing of rates to be charged. The Council may, by ordinance, provide for the extension, enlargement, or improvement of existing utilities, and provide reasonable reserve for such purpose.

ARTICLE XIII
GENERAL PROVISIONS

Section 1—PUBLICITY OF RECORDS

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen, any representative of a citizens' organization, or to any representative of the press, at all reasonable times, and under reasonable regulations established by the City Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 2—OFFICIAL BONDS

All elected and appointed officers, and such other employees as the Council may by general ordinance be required to do so, shall give bond in such surety as may be approved by the Council. The premiums on such bonds shall be paid by the City.

Section 3—OATH OF OFFICE

Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before entering upon the duties of office, take and subscribe an oath of office in the form of the official Oath required by the State Constitution.

Section 4—INSURANCE

(a) General Insurance. The City is empowered to insure any of its property against such risks as it may determine.

(b) Liability Insurance. The Council shall procure liability insurance covering the City and its officers, agents, and employees while engaged in governmental or proprietary capacities. The premiums on such insurance shall be paid by the City.

(c) Group Insurance. The City may participate to the extent determined by the Council in the cost of group insurance programs for City officers and employees.

Section 5—SHORT TITLE

This Charter, adopted by the people of the City of Flagstaff, shall be known and may be cited as "THE COUNCIL-MANAGER CHARTER OF FLAGSTAFF."

Section 6—SEPARABILITY CLAUSE

If any Section or part of Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, nor the context in which such Section or part of Section so held invalid may appear, except to the extent that an entire Section or part of Section may be inseparably connected in meaning and effect with the Section or part of Section to which such holding shall directly apply.

Section 7—VIOLATIONS OF CHARTER AND CITY ORDINANCES; IMPRISONMENT OF VIOLATORS

The violation of any provision of this Charter, or of any ordinances of the City, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the State of Arizona, or may be redressed by civil action, at the option of the Council. Any person sentenced to imprisonment for violation of a provision of this Charter, or of an ordinance, may be imprisoned in the City Jail, or, if the Council, by ordinance, shall so prescribe, in the County Jail of this County, in which case the expense of such imprisonment shall be charged in favor of the said County against the City.

Section 8—PLENARY AND IMPLIED POWERS OF THE COUNCIL

The Council shall have plenary power to enact and make all proper and necessary ordinances, resolutions, and orders to carry out and give effect to the express, as well as the implied, powers granted in this Charter, to the end that a complete, harmonious, and effective municipal government may be initiated, installed, operated, and maintained in the City, and thereby protect and safeguard the rights, interests, safety, morality, health, and welfare of the City and its inhabitants.

Section 9—PLAN FOR FUTURE PHYSICAL DEVELOPMENT

The Council shall adopt a comprehensive plan for the future physical development of the City to serve as a guide to all future Council action concerning land use regulations and expenditures for capital improvements. The Council may by ordinance implement said comprehensive plan by adopting land use and development regulations, including but not limited to official maps, and grading, zoning, subdivision, architectural regulations, and water resource management, development, conservation, and reclamation.

Section 10—FLOODWAYS AND FLOOD PLAINS

The Council may by ordinance designate and establish as floodways or flood plains areas of land within the boundaries of the City reasonably required or necessary to improve, extend, maintain, or facilitate the control or discharge of waters or rivers and streams and intermittent flowing creeks, washes, arroyos, drains, and channels together with surface and flood waters, in order to prevent the loss of life or injury and damage to property and prevent and prohibit encroachments and obstructions within the floodway or flood plain areas so designated and established by the City.

Section 11—RETIREMENT AND OLD AGE AND SURVIVORS BENEFITS

The City shall have the power to provide for its employees and officers a retirement plan and old age and survivors insurance benefits in addition to, or in lieu of, any state or federal plan or program subject to the provisions of state and federal law.

ARTICLE XIV
SUCCESSION IN GOVERNMENT

Repealed.

ARTICLE XV
METHOD OF CHARTER AMENDMENT

This Charter, or any part of any Article or Section hereof, may be amended in the manner provided by the Constitution of this State.

ARTICLE XVI
AMENDMENTS

Amendment No. 1—VOTE REQUIRED FOR CERTAIN TYPES OF BOND ISSUES

Notwithstanding any other provisions of the Charter, and with the exception of refunding bond issues, special assessment or improvement district and redevelopment or tax increment bonds, or City of Flagstaff Housing Authority bonds, or the financing of a new city hall building and related improvements, after the effective date of this Amendment the City shall not issue or authorize the issuance of any bonds which pledge City tax revenues as a guarantee for their payment, in whole or

in part, without the approval of a majority of the qualified electors of the City voting at an election for that purpose.

Amendment No. 2—VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS

Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.