

## Title 2

### ADMINISTRATION AND PERSONNEL

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**Chapter 2.02**

**CITY COUNCIL**

**Sections:**

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**2.02.020 Rules of Conduct for Council Meetings.**

**2.02.010 Meetings—Time, place and quorum.**

Regular council meetings will be held on the second Wednesday of each month in the Council Chambers, Douglas City Hall, Douglas, Arizona, beginning at four p.m. When the regular meeting date falls on a day which is a legal holiday recognized as such by the city, the mayor shall designate another business day during the calendar month as the date upon which the regular meeting shall occur for that month. If it appears to the mayor that a quorum will not be present at any regular monthly meeting, the mayor shall set another business day during the calendar month for the regular meeting of the mayor and council. Whenever the regular monthly meeting does not occur on the second Wednesday of the month and another date is chosen, reasonable advance notice of the new date and time shall be given to the public in accordance with state statutes. (Ord. 689 § 1, 1998: Ord. 534 § 1, 1987: Ord. 429 (part), 1979)

**2.02.015 Meetings – Agenda.**

1) The city manager shall prepare and

distribute all city council meeting agendas. The city manager shall place such items on the agenda, and in such order, as necessary to accomplish the business of the City.

2) The city manager shall also place an item on the agenda at the request of the mayor or three council members.

3) At the request of any councilmember an item on a council consent agenda shall be removed from the consent portion of the agenda and shall be separately considered. (Ord. 854 § 1, 2004)

**2.02.020 Rules of Conduct for Council Meetings.**

**A. Definitions**

1. Chairman: means the person presiding over the governing body; normally, the Mayor.
2. Council: shall consist of a Mayor and the six Councilmen.
3. Electronic Attendance: shall mean the attendance of a member of the governing body through telephonic, video, electronic or other technological means where the member is not physically present at the noticed location of the meeting.
4. Emergency Measures: means actions requiring 6 out of 7 votes of the governing body.
5. Governing Body: shall be synonymous with Council.
6. Majority vote: means majority of those voting.
7. Majority vote of Governing Body: means at least a majority of affirmative votes of a quorum.
8. Mayor: means the person elected Mayor of this City and the ex-

- officio Chairman of the governing body.
  - 9. Mayor-Pro Tempore: means the Vice-Chairman; the Vice-Mayor.
  - 10. Member: means the Mayor and Councilmen individually.
  - 11. Membership: means the governing body.
  - 12. Quorum: means the minimum number of persons required to officially act as a governing body.
- A quorum requires: Attendance by at least four members of the Governing Body.
- 13. Sergeant at Arms: Any Douglas Police Department Employee who may be present at a Council Meeting.
  - 14. Vice-Chairman: means a Councilman selected by the governing body to act as Chairman in the absence or disability of the Mayor (also called the Vice-Mayor and Mayor-Pro Tempore.)

Vice-Mayor: means the Vice-Chairman or Mayor-Pro Tempore

**B. THE CHAIRMAN (MAYOR)**

The Chairman shall:

- 1. Preside at all meetings and hearings of the Governing Body. In the event of absence or disability of the Chairman, the Vice-Chairman shall preside. In the absence of both, the members shall informally appoint a chairman.
- 2. Except as otherwise provided by law, may appoint all at will members to committees of the governing body subject to Council approval.

- 3. Have control of the Council Chamber.
- 4. Preserve order; decide all points of order and procedure, subject to appeal to membership. He shall vote on all matters except upon appeal from his own rulings.
- 5. Declare all votes on motions as determined by a roll call.
- 6. Administer oaths, and take evidence. He shall sign resolutions, ordinances, and subpoenas issued by the Governing Body.
- 7. Have the services of a sergeant at arms, as required, to preserve order and enforce the rules and orders of the Chairman and Membership.
- 8. Name any member to preside, but such substitution shall not extend beyond an adjournment of that meeting.

**C. THE CITY CLERK**

The Clerk (or Deputy) shall:

- 1. Prepare all council agendas and deliver copies to the members together with such other memoranda and communications as the Chairman or Membership direct.
- 2. Attend meetings of the Governing Body and attest all instruments signed by the Chairman or appointee.
- 3. Publish all required notices.
- 4. Prepare and maintain minutes of the proceedings and such journals and records as required.
- 5. Call the roll in numerical order of wards, and then chairman may declare outcome of vote.

6. Unsigned correspondence shall not be allowed to be introduced to the governing body at council meetings. Copies of the permitted correspondence shall be made available to the governing body and public at the time the correspondence is introduced.
7. Furnish all members with copies of the parliamentary rules, Douglas Municipal Code and regulations of various boards and departments as requested.

**D. AGENDA**

1. The clerk shall prepare a written agenda for each meeting. Business matters of regular meetings shall be considered, as far as practicable, in the following order:
  - a) Call to Order
  - b) Pledge of Allegiance
  - c) Invocation
  - d) Roll Call
  - e) Appointments & Resignations
  - f) Recognitions & Awards
  - g) Call to the public
  - h) Consent items
  - i) Action items
  - j) Public Hearing
  - k) Mayor's Report
  - l) Council Member's Report
  - m) City Manager's Report
  - n) City Attorney's Report
  - o) Adjournment

**E. COUNCIL CHAMBERS**

1. The Council Chambers consist of the auditorium, the gallery,

- podium(s), the raised dais, and executive chambers.
2. Except by permission of the Chairman or by motion of Membership, no unauthorized person shall approach the dais.
3. The auditorium shall at all public meetings be open to the public.
4. There shall be no smoking in the auditorium.
5. The Sergeant of Arms shall maintain order in the auditorium, and under the direction of the Chairman may remove from the chambers persons causing disturbances or otherwise violating the rules.

**F. VOTING**

1. A majority of votes cast of those Members present and voting, a quorum being present, shall carry all motions.
2. A Member shall not vote where there is a conflict of interest, and must disqualify himself from voting in such event. When there is such a conflict of interest the member shall not debate the matter. He shall be excused from the dais, and wait in the lobby until the matter concludes.
3. When a roll call is commenced no discussion shall be allowed after call for the question or during the roll call, and no Member shall leave his seat until the vote is disclosed.
4. A Member may change his vote after the roll has been completed, and before announcement of the results, but not thereafter.

5. No Member shall leave the council chambers during sessions without permission of the Chairman. The Chairman may call a brief recess to allow a member to rejoin the Council prior to vote during exit from dais.
6. A Member may be present and participate in a regular or special meeting of the governing body by electronic attendance, subject to the following conditions:
  - a. Except in cases of emergency, such as illness, the Member must notify the City Clerk and chair not less than 48 hours prior to the meeting of the need to attend electronically and at that time shall be issued a password by the City Clerk.
  - b. The Member must call in to the City Clerk at the scheduled start time for the meeting and provide the individualized password to confirm the Member's identity. The Member also shall advise the Clerk of the Member's location, phone number, and whether other persons are with the Member. If the electronic connection is lost during the meeting and then re-established, the Member shall provide the Clerk with this information again.
  - c. The Member must participate in the attendance roll call, at which time the Clerk will indicate that the Member is attending and participating electronically.
  - d. The Member may vote on all matters in the same manner as those Members physically present, so long as he or she was participating electronically for the discussions and presentations related to the item and not just for the vote. When a Member is participating electronically, all votes shall continue to be counted by roll call.
  - e. All reasonable efforts shall be made to ensure that presentations before the Governing Body are available to electronic attendees.
  - f. Reasonable means will be used to allow members of the public to hear or follow the participation of the electronic attendees.
  - g. Members cannot attend or participate electronically in executive sessions.
  - h. Electronic attendance shall not be permitted if that Member's attendance is required to constitute a quorum.
  - i. No more than one (1) Member can attend electronically at any meeting. If more than one Member asks to attend a meeting electronically, the first to notify the Clerk shall be permitted to attend electronically.

**G. MOTIONS**

1. When a motion is made and seconded, the Chairman shall state the motion ~~it~~ before it is debated; it shall then be in possession of the Governing Body, but may be withdrawn by the maker with consent from the second at any time before an amendment is offered. After an amendment, it shall not be withdrawn and must be acted upon.

2. Upon motion and second, before a call for the question, a motion may be amended.
3. There shall only be one amendment considered at a time.
4. No dilatory motion shall be entertained by the Chairman.

**H. RECONSIDERATION**

Motion

1. When a motion has been made and carried or lost, it shall be in order for any member who voted with the prevailing side to move for reconsideration of the motion.

**I. READING AND PASSAGE OF ORDINANCES**

All proposed ordinances shall be subject to the following requirements for passage:

1. Typed or printed copies shall be in the possession of the Governing Body prior to the meeting pursuant to open meeting law.
2. Any member may request a full reading; otherwise said ordinance shall be read by number and title only. An ordinance may be passed and adopted at any time after reading.
3. Copies of proposed ordinances shall be available to the public, when feasible, at the City Clerk's office not less than twenty-four hours before the hour the governing body convenes to act upon the ordinance. Should copies not be so available, said ordinance shall be

ordered read in full before the vote thereon, upon request by any Member of the Governing Body.

4. The requirement relating to reading of ordinances and resolutions is considered waived by the Membership voting upon them without an objection being raised.

**J. READING AND PASSAGE OF RESOLUTIONS**

All proposed resolutions shall be subject to the following requirements for passage:

1. Typed or printed copies shall be in the possession of the Governing Body prior to the meeting pursuant to open meeting law.
2. Any Member may request a full reading; otherwise said resolution shall be read by number and title only. A resolution may be passed and adopted at any time after the reading.
3. Copies of proposed resolutions shall be available to the public, when feasible, at the City Clerk's office not less than twenty-four hours before the hour the Governing Body convenes to act upon the resolution. Should copies be not so available, said resolution shall be ordered read in full before the vote thereon, upon request by any member of the Governing Body.

**K. DECORUM AND DEBATE**

1. When a Member desires to speak or make a motion, he shall address himself to "Mr. Mayor" or "Mr. Chairman." Upon being recognized he may address the Membership.
2. When more than one Member addresses the Chairman, he shall name the person who is to speak, recognizing the person who first addressed the Chair.
3. No Member shall interrupt another, except as to a point of order.
4. No Member shall indulge in personalities, arraign motives of Members, or use language tending to hold a Member up to contempt.

**L. PARTICIPATION BY EMPLOYEES AND PUBLIC**

1. When an officer or employee of the City desires to speak, he shall address himself to the Chair and upon being recognized, state his name and position with the City and then speak.
2. No person in the auditorium shall be permitted to speak unless recognized by the Chairman who may permit persons to speak on any agenda item.
3. A person desiring to speak, whether during the call to the public, public hearings, or on other permitted agenda items shall address the Mayor or Chairperson. Upon being recognized, the person shall advance to the podium; state his name, address, whether he resides in the City of Douglas, and whom he represents and the subject matter. Any person who is

representing a person other than himself and is receiving compensation to influence an action by the Mayor and Council shall, before speaking, identify himself as a "retained speaker". Subject matter may not include items scheduled for a public hearing at the meeting. No person shall speak for more than five minutes. Calls to the public shall be limited to 60 minutes. Either time allotment cited in this section shall be extended or reduced by a majority vote.

4. No person shall interrupt the legislative proceedings.
5. Orderly procedure requires that each person shall proceed without interruption from the audience and shall retire when his time is up; that all arguments shall be addressed to the Governing Body, and that there be no questioning or argument between individuals of the audience.
6. The members of the Governing Body and staff members may ask questions and make appropriate comments and respond to criticism, however, no staff member should argue or debate an issue petitioner.
7. On public hearings, including zoning matters, these provisions shall apply except that any person desiring to speak may have up to five minutes. Public hearings shall not exceed one hour in length. Either time allotment cited in this section shall be extended or reduced by a majority vote.
8. If there are several speakers on a matter, one person may not assign

any portion of his time to another. Citizen groups may select a person to make their presentation on their behalf and said presentation shall be limited to five minutes.

9. Citizens attending meetings shall observe rules of propriety, decorum and good conduct. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Governing Body as determined by the Chairperson, may be removed by the sergeant at arms if directed by the Chairman. Unauthorized remarks from the audience, such as stamping of feet, clapping, whistling, yells and similar demonstrations shall not be permitted by the Chairman, who may direct offenders from the Chambers.

## **2. EXECUTIVE SESSIONS**

1. The Membership may by motion resolve itself into executive session for discussion of any business which may be permissible under ARS § 38-431.03. The members may retire to the executive council chambers and invite only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session. Rules of the governing body shall apply in executive session but no final vote shall be taken.

## **3. PARLIAMENTARY PROCEDURE**

Robert's Rules: Roberts' Rules of Order shall be followed in all cases to which they are applicable, not in conflict with superior rules.

The order of precedence in determining parliamentary procedure is:

- 1) Constitution of Arizona
- 2) City Charter
- 3) State Statutes
- 4) City Ordinance
- 5) Rules of the governing body
- 6) Roberts' Rules of Order

## **4. SUSPENSION OF RULES**

1. Unless otherwise provided herein, no rule of conduct of the Governing Body shall be suspended except by two-thirds vote of those members present. A motion to suspend the rules shall be decided without debate.

## **5. AMENDMENT OF RULES**

1. No rule of the Governing Body shall be amended except by five affirmative votes.
2. These Rules of Conduct shall sunset (terminate automatically) twenty four (24) months from this Ordinance's effective date. (Ord. No. 10-993 §1, 2010)

**Chapter 2.04**

**PUBLIC WORKS DEPARTMENT**

**Sections:**

- 2.04.010 Divisions and administration.**
- 2.04.020 Operations division—  
Composition.**
- 2.04.030 Utilities division—  
Composition.**
- 2.04.040 Position deletion or  
addition.**

**2.04.010 Divisions and administration.**

The public works department of the city is divided into two divisions: the operations division and the utilities division. The public works director/city engineer shall administer and supervise both divisions and the public works director/city engineer's staff shall include an assistant director of public works and a secretary. (Ord. 631 § 1, 1994)

**2.04.020 Operations division—  
Composition.**

The operations division of the public works department is further divided into: a vehicle maintenance section, a facilities/projects maintenance section, a streets maintenance section and a parks section. (Ord. 631 § 2, 1994)

**2.04.030 Utilities division—  
Composition.**

The utilities division of the public works department is further divided into: a sanitation section, a wastewater section and a water section. (Ord. 631 § 3, 1994)

**2.04.040 Position deletion or addition.**

No position in the public works department shall be further deleted or added except by the specific action of the mayor and city council. (Ord. 631 § 5, 1994)

**Chapter 2.08**

**LAW DEPARTMENT**

**Sections:**

- 2.08.010**      **Created—Appointments.**
- 2.08.020**      **Duties—City attorney.**
- 2.08.030**      **Duties—City prosecutor.**

**2.08.010**      **Created—Appointments.**

There is created the law department of the city, which may consist of a city attorney and a city prosecutor. The city council may appoint an attorney to serve both as city attorney and city prosecutor or may appoint different attorneys to serve as city attorney and city prosecutor. (Ord. 467 § 2, 1981)

**2.08.020**      **Duties—City attorney.**

The duties of the city attorney shall be separate and distinct with those of the city prosecutor, if any, and shall consist of advising the council, or any city officer, when thereto requested, upon all legal questions arising in the conduct of city business, except as hereinafter provided. He shall further prepare or revise ordinances and resolutions when so requested by the council or any other city officer, and shall also give his opinion upon any legal matter or question submitted to him by the council or any city officer, except when such opinion relates to the duties of the city prosecutor, if any. He shall further prepare for execution all contracts and instruments to which the city is a party. The city attorney shall further have charge of all legal services auxiliary to council action except as hereinafter provided. (Ord. 467 § 3, 1981)

**2.08.030**      **Duties—City prosecutor.**

It shall be the duty of the city prosecutor, or the city attorney if he is serving in that capacity, to prepare all charges and complaints against and shall appear in the appropriate court in the prosecution of, every person charged with the violation of a city ordinance or state statute, or with the commission of a misdemeanor as declared by the state statutes of Arizona. The city prosecutor shall appear in any prosecution for violation of any regulation adopted by any board or commission created under the authority of the city. The city prosecutor shall be the chief legal advisor to the police department of the city. (Ord. 467 § 4, 1981)

## Chapter 2.11

### CONTROL OF FORFEITED PROPERTY

#### Sections:

- 2.11.010 Authority.**
- 2.11.020 Custody of forfeited property.**
- 2.11.030 Transfer of restricted property.**
- 2.11.040 Keeping of accounts.**
- 2.11.050 Compliance required generally.**
- 2.11.060 Investment of forfeited cash.**
- 2.11.070 Policy letters.**

#### **2.11.010 Authority.**

All real and personal property coming into the ownership of the city or when title to real or personal property passes to the city by the forfeiture of the interests of owners or claimants as a result of state or federal proceedings and when the act or law permitting the forfeiture limits the use and/or application and or allocation of the property to law enforcement, crime prevention or anti-racketeering purposes, all title to or interest in the property shall:

- A. Pass to the chief of police of the city as the limited assistant clerk if the property is of any type except for money; or
- B. Pass to the chief of police of the city as the limited assistant treasurer if the property is money. (Ord. 543 § 1, 1988)

#### **2.11.020 Custody of forfeited property.**

The property shall be held by the limited assistant clerk or the limited assistant treasurer

only for the purposes and uses prescribed by the state or federal law which governs the use of that property and he shall authorize the property to be used only in the manner provided by law. (Ord. 543 § 2, 1988)

#### **2.11.030 Transfer of restricted property.**

Whenever restrictions as to the use of an item of property lapse or terminate, it shall be transferred by the chief of police as limited assistant clerk or limited assistant treasurer to the city clerk or city treasurer of the city, as appropriate. (Ord. 543 § 3, 1988)

#### **2.11.040 Keeping of accounts.**

The limited assistant clerk and the limited assistant treasurer shall at all reasonable times account to the city clerk and the city treasurer as to all matters involving the fiscal status of the property, property inventories and property disposition, including participation in annual city audits. Nothing herein shall require the disclosure of information pertaining to continuing investigations or information which would endanger the life or safety of persons. (Ord. 543 § 4, 1988)

#### **2.11.050 Compliance required generally.**

Nothing herein shall permit the sale, assignment, transfer or disposal of any asset in the custody of the assistant city clerk or the assistant city treasurer without first complying with the City Charter, city ordinances, resolutions, policies or contracts dealing with the specific property at issue, and which deal with the sale, assignment, transfer or disposal of the asset in question. (Ord. 543 § 5, 1988)

**2.11.060 Investment of forfeited cash.**

All cash shall be prudently invested in a federally insured depository or in the Arizona State Public Funds Investment Pool, when the funds are not needed for immediate liquidity and use for law enforcement purposes. All withdrawal of funds shall be with the signature of two of the following: police chief, city manager, city clerk. (Ord. 543 § 6, 1988)

**2.11.070 Policy letters.**

The city manager may, to the extent not in conflict with or consistent with the City Charter, city ordinances, resolutions, policies or contracts entered into by the city regarding the subject property, proscribed policy letters dealing with the procedures for the use of the property and the actual use of the property within the overall permitted scope of use. Any such policy letters in effect prior to the effective date of the ordinance codified in this chapter are not affected by this chapter to the extent that the same is not in conflict with this chapter. (Ord. 543 § 7, 1988)

**Chapter 2.12**

**POLICE DEPARTMENT**

**Sections:**

- 2.12.010 Created—Composition.**
- 2.12.015 Organization.**
- 2.12.020 Chief—Appointment—Duties—Compensation.**
- 2.12.030 Police department—Duties.**
- 2.12.040 Answering calls outside city.**
- 2.12.050 Auxiliary police unit.**
- 2.12.060 Violation—Penalty.**

**2.12.010 Created—Composition.**

There is created a police department for the city which shall consist of a chief of police and as many policemen and civilian personnel as may from time to time be deemed necessary by the city council for the safety and good order of the city. (Ord. 442 § 1, 1979)

**2.12.015 Organization.**

A. The police department of the city shall be divided into two divisions: the support services division and the operations division. The chief of police shall administer and supervise both divisions and the chief's staff shall include a secretary, an administrative sergeant and an accreditation manager.

B. The support services division of the police department shall be further divided into an investigations section and a communications/records section. The support services division shall be staffed with one lieutenant, one sergeant, one secretary, four detectives, three patrol officers, one senior dispatcher, five dispatchers and one records clerk.

C. The operations division of the police department shall be staffed with one lieutenant, four sergeants, eighteen patrol officers, one detention officer, one meter officer and two humane officers.

D. The reorganization provided for by the ordinance codified in this section shall not result in a reduction in force of present employees within the police department. (Ord. 628 §§ 1—4, 1994)

**2.12.020 Chief—Appointment—Duties—Compensation.**

A. The chief of police shall be appointed by the mayor, with the advice and consent of the city council, and shall be selected from candidates best qualified for the position, after such requirements as may be specified by the mayor and city council, have been successfully met.

B. The chief of police shall serve at the pleasure of the city council. The newly appointed chief of police may be removed from office by a two-thirds vote of the city council, with the concurrence of the mayor, at any time prior to the successful completion of the probation period.

C. The probation period shall commence on appointment of the chief and continue for a period of eighteen consecutive months. After the successful completion of the probation period the chief may be removed from office by a three-fourths vote of the city council with the concurrence of the mayor.

D. It shall be the duty of the chief of police to keep all records, such as records of crime and traffic violations, administration of the police department, personnel records and all other records required by law.

E. The chief of police may make or prescribe such rules and regulations as he shall deem advisable; such rules when approved by the city council shall be binding on all members of the police department and employees under the jurisdiction of the police department.

F. The chief of police shall not receive any perquisites, commissions or compensation for these services as chief of police, except such as the city council may specifically prescribe. (Ord. 442 § 2, 1979)

**2.12.030 Police department—Duties.**

It is the duty of the police department, under the direction of the chief of police, to:

A. Enforce federal, state and municipal laws within the jurisdictional limits of the city and arrest and charge the violators thereof.

B. Insure that the streets, alleys and parks are safe for the public.

C. Direct traffic and insure the orderly flow thereof and investigate and make reports of traffic accidents.

D. Take charge of the city jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the city and to see that orders and sentences with reference to such are fully executed and complied with.

E. Render such account of the police department, its duties and receipts as may be required by the city council, and keep records of the office open to inspection consistent with the provisions of this chapter and consistent with law.

F. To serve and protect the life and property of the public. (Ord. 442 § 3, 1979)

**2.12.040 Answering calls outside city.**

The members of the police department are duly authorized to answer calls for aid and assistance beyond the corporate limits of the city, whenever the immediate supervisor (officer in charge) shall deem the same necessary to protect lives and/or property. (Ord. 442 § 4, 1979)

**2.12.050 Auxiliary police unit.**

The city council may make allowance for the assistance and maintenance of an auxiliary police unit by resolution, and such auxiliary police unit shall have the powers and duties as may be accorded to it by the mayor and city council, as the same may be amplified by order of the chief of police and all other rights, duties and obligations as may necessarily be included within the foregoing grant of power. (Ord. 442 § 5, 1979)

**2.12.060 Violation—Penalty.**

Any person who shall knowingly and wilfully violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder shall be guilty of a misdemeanor, and shall be subject to a maximum fine of three hundred dollars and/or six months imprisonment in the city jail for each violation. (Ord. 442 § 8, 1979)

**Chapter 2.16**

**FIRE DEPARTMENT**

**Sections:**

**2.16.010 Created—Composition.**

**2.16.020 Emergency medical services division established.**

**2.16.030 Fire chief—Powers—Duties—Compensation.**

**2.16.040 Inspections—Written notice.**

**2.16.050 Entry upon adjacent property.**

**2.16.060 Equipment.**

**2.16.070 Providing fire protection outside city.**

**2.16.080 Acknowledgement of right-of-way.**

**2.16.090 Orders of fire chief.**

**2.16.100 Violation—Penalty.**

**2.16.010 Created—Composition.**

There is created a fire department of the city for the prevention of fire and protection of life and property, which shall consist of a fire chief, and as many sworn fire personnel and civilian personnel as shall be deemed necessary by the fire chief, with the concurrence of the mayor and city council, selected in accordance with the rules and regulations of the personnel commission of the city and as may be appropriated and provided for by the city council. (Ord. 441 § 1 (part), 1979)

**2.16.020 Emergency medical services division established.**

An emergency medical services division is established and shall be under the control of the fire chief. This division will provide

ambulance, rescue and medical services and be composed of certified emergency medical technician fire personnel and will be under the same rules and regulation as the fire department. (Ord. 441 § 1 (part), 1979)

**2.16.030 Fire chief—Powers—Duties—Compensation.**

A. The fire chief shall be appointed by the mayor, with the advice and consent of the city council and shall be selected from candidates best qualified for the position, after such requirements as may be specified by the mayor and city council have been successfully met. The fire chief shall serve at the pleasure of the city council.

B. It shall be the duty of the fire chief to have control of the fire department and emergency medical services division and establish rules and regulations for the effective administration thereof.

C. It shall be the further duty of the fire chief to keep all records of his office, including but not limited to personnel files for all employees under his authority, in such condition that they may be inspected at any time by the mayor, or his duly designated representative, the city council or any other person duly and lawfully authorized to do so.

D. The fire chief shall not receive any perquisites, commissions or compensation for his services as fire chief, except as the city council may prescribe.

E. It shall be the duty of the fire chief to:

1. Be accountable to the mayor and city council for the personnel, morale and general efficiency of the fire department and emergency medical services division.

2. Direct the operations of the fire department and emergency medical services

division subject to the rules and regulations thereof.

3. Be present at all fires, if reasonably possible, and plan and direct the extinguishment thereof. During the progress of a fire, the authority of the fire chief shall be absolute in all matters directly concerning the extinguishment of the fire and the disposition of property endangered by it.

4. Establish suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the area, water supplies and all other matters generally considered essential to good fire protection and firefighting and the safety of life and property from fire.

5. Assist the proper authorities in suppressing fire crime or arson by investigating, or causing to be investigated, the cause, origin and circumstances of all fires.

6. Keep complete fire records of all fires, fire inspections, official correspondence and other such records as may be required for effective administration, and to keep and maintain complete emergency medical services division records of inspection, apparatus and equipment, personnel and other information about the work of the department and division and have them available for inspection at any time by persons or entities as may be duly lawfully authorized to examine the same.

7. Enforce or cause to be enforced all ordinances, laws and regulations of the city and/or state insofar as they pertain to fire and safety. (Ord. 441 § 2, 1979)

**2.16.040 Inspections—Written notice.**

The chief and fire prevention inspectors are empowered to enter any and all buildings and premises at any reasonable hour for the purpose

of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire and life hazards that may be found. (Ord. 441 § 3, 1979)

**2.16.050 Entry upon adjacent property.**

It is lawful for any fire personnel acting under the direction of the fire chief or any other fire officer in command of the fire department at that time to enter upon the premises adjacent to, or in the vicinity, or any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any fire personnel in the discharge of their duty as hereinbefore provided. (Ord. 441 § 4, 1979)

**2.16.060 Equipment.**

A. The fire department and emergency medical services division shall be equipped with such apparatus and other equipment as may be required from time to time to maintain their efficiency and protect life and property from fire and other similar hazards. Recommendations concerning apparatus and equipment needed shall be made by the fire chief to the city council. After approval and appropriation by the city council, the equipment shall be purchased in the manner prescribed by law.

B. No person shall use any fire or emergency apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article, equipment, tool, machine, implement or record, used in any manner by the fire department.

C. No person shall enter any place where the fire or emergency apparatus is housed or

handle any apparatus or equipment belonging to the department or division, unless accompanied by, or having special permission of the mayor, fire chief or the fire officer in charge. (Ord. 441 § 5, 1979)

**2.16.070 Providing fire protection outside city.**

A. The fire department may enter into agreements or contracts to furnish fire protection or emergency medical services outside of the city limits or to enter into mutual aid agreements. Such agreements or contracts shall be operative only after approval by the mayor and city council.

B. Calls Beyond Corporate Limits. The fire department and emergency medical services division of the city are authorized to answer fire alarms and other emergency calls beyond the corporate limits, but within Cochise County, whenever the fire chief or officer in charge of the fire department or emergency medical services division in his discretion shall deem it necessary to protect lives and property.

C. Calls to Agua Prieta, Sonora, Mexico. The fire department is authorized to answer fire alarms in Agua Prieta, Sonora, Republic of Mexico, upon express authority given by the mayor, mayor pro-tem, chairman of the fire committee or senior fire officer in charge, as the case may be, and express authority shall be requested in each instance before any fire fighting equipment is dispatched to Agua Prieta, Sonora, Mexico. (Ord. 441 § 6, 1979)

**2.16.080 Acknowledgement of right-of-way.**

A. All motor equipment of the fire department and emergency medical services division shall have the right-of-way over all

other traffic when responding to an alarm or emergency. No unauthorized vehicle shall follow within five hundred feet of any apparatus belonging to the fire department or emergency medical services division, nor shall any person park any vehicle or otherwise cause any obstruction to be placed within twenty feet of the entrance to any fire station or other place where fire or emergency apparatus is stored or within fifteen feet of any fire hydrant.

B. No person shall drive a vehicle over a fire hose except upon specific orders from the fire chief or other fire officer in charge where the hose is being used. (Ord. 441 § 7, 1979)

**2.16.090 Orders of fire chief.**

It is unlawful for any fire personnel or citizen to refuse to obey an order issued by the fire chief or officer in charge pursuant to authority granted. (Ord. 441 § 8, 1979)

**2.16.100 Violation—Penalty.**

Any person who shall knowingly and willfully violate any of the provisions of this title or fail to comply therewith, or who violates or fails to comply with any order made thereunder shall be guilty of a misdemeanor and shall be subject to a maximum fine of three hundred dollars and/or three months imprisonment in the municipal jail for each violation. (Ord. 441 § 10, 1979)

**Chapter 2.18**

**FIREFIGHTING SERVICES OUTSIDE  
CITY LIMITS**

**Sections:**

- 2.18.010 Services authorized when.**
- 2.18.020 Area covered by agreements.**
- 2.18.030 Agreement by property owner required—Form.**
- 2.18.040 Fees for services.**
- 2.18.050 Inspection of premises.**
- 2.18.060 Agreement runs with the land.**
- 2.18.070 Requests for services.**
- 2.18.080 Exemptions.**
- 2.18.090 City right to reserve personnel and equipment.**
- 2.18.100 Maximum required personnel and equipment.**
- 2.18.110 Damage to city equipment—Repairs.**
- 2.18.120 Termination of agreement.**
- 2.18.130 Liability limitations.**

**2.18.010 Services authorized when.**

The members of the Douglas Fire Department are authorized and directed to render firefighting services to owners or occupants of premises outside the corporate limits of the city within the area described within agreements approved by the mayor and council, and on terms and conditions set forth in this chapter and any such agreements. (Ord. 508 § 1, 1986)

**2.18.020 Area covered by agreements.**

The area covered by this chapter shall include all of the land lying within boundaries that are particularly described in the agreement

between the city and the third party requesting firefighting services. (Ord. 508 § 2, 1986)

**2.18.030 Agreement by property owner required—Form.**

Such service shall be rendered only to the premises of the owner who shall have signed an agreement to abide by and accept the terms of this chapter, which owner shall have paid the rates herein prescribed. The agreement shall be in the following form:

To the City of Douglas:

I hereby request that the City of Douglas extend its firefighting services to the property owned by me, and used for the purpose of \_\_\_\_\_ and described as \_\_\_\_\_ for \_\_\_\_\_ years, beginning with the date of approval of this request by the Mayor and Council.

Payment of a \$500.00 retainer fee for the first year of the contract is made herewith.

I further accept all of the terms and conditions of the ordinances of the City of Douglas together with such additional terms and conditions imposed by the Mayor and Council, and which terms and conditions are more particularly set forth in Exhibit “A” to this Agreement attached hereto and made a part hereof by reference.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
APPLICANT

(Ord. 508 § 3, 1986)

**2.18.040 Fees for services.**

The rate for such services shall be a five hundred dollar retainer fee, in advance, for each year's service, payable at the beginning of each year on the anniversary date of the agreement. In addition, a five hundred dollar response charge shall be paid to the city by the applicant for each and every response call. The response charge shall include firefighting services for a period of up to three hours per response. An additional charge of two hundred fifty dollars per hour, after the first three hours, shall be paid by the applicant. The two hundred fifty dollar per hour response charge shall be prorated for periods of each one-half hour. The computation of time shall include travel time from the fire station to the point of response and the return travel time. (Ord. 508 § 4, 1986)

**2.18.050 Inspection of premises.**

No such service shall be offered to cover any premises that have not been inspected by the fire chief, or his designee, and found to be in proper condition and free from undue hazards. All premises covered in accordance with the terms of this chapter shall be open to inspection by the fire chief or his designee, or by anyone else designated by the mayor and council at any time; the agreement for extending service evidenced by this chapter, and of payment of the rate herein prescribed, may be cancelled by the city at any time by refunding the proportionate part of the rate paid for the unexpired term. (Ord. 508 § 5, 1986)

**2.18.060 Agreement runs with the land.**

The rights created by accepting the provisions of this chapter and paying the charge prescribed shall run with the land and

the benefits thereof shall accrue to any person acquiring title to any premises covered thereby, provided such persons shall sign an agreement accepting the provisions of this chapter. (Ord. 508 § 6, 1986)

**2.18.070 Requests for services.**

Any request or need for response by firefighting personnel or equipment of the city shall be made to the city by telephone, or in person, or by other reasonable means which are reasonably calculated to give the city notice of the fire or incendiary problem. Each applicant shall instruct and educate its employees with regard to the notification procedures the applicant desires to employ. (Ord. 508 § 11, 1986)

**2.18.080 Exemptions.**

The fire department shall not leave the city in rendering service under this chapter at any time when it is actually responding to an alarm within the city or fighting a fire therein, and no service shall be rendered to premises outside the city unless at the time one complete unit of firefighting apparatus and sufficient members of the fire department to operate it remain in the city. (Ord. 508 § 7, 1986)

**2.18.090 City right to reserve personnel and equipment.**

At any time, the city reserves the right to return or hold in reserve all personnel and equipment for actual or potential use in the city, or at any other area having a firefighting service agreement with the city. (Ord. 508 § 9, 1986)

**2.18.100 Maximum required personnel and equipment.**

The maximum required equipment and personnel response shall be with one pumper truck manned by two city firemen. (Ord. 508 § 13, 1986)

**2.18.110 Damage to city equipment—Repairs.**

If at any time the city pumpers utilize hydrant lines provided by the applicant, any damage to the city's fire department equipment resulting from debris, gravel or sand in such hydrant lines shall be repaired at the expense of the applicant. (Ord. 508 § 10, 1986)

**2.18.120 Termination of agreement.**

The agreement may be terminated by the applicant giving thirty days' advance notice. Termination by the applicant shall not result in the refund of any portion of the annual retainer fee. (Ord. 508 § 12, 1986)

**2.18.130 Liability limitations.**

Neither the city nor any member of the fire department shall be under any liability for any failure to respond to a call for service to any of the premises covered by the terms of this chapter or for any act performed or failure to act when responding to such a call or on the premises in response thereto. (Ord. 508 § 8, 1986)

## **Chapter 2.20**

### **PURCHASING**

#### **Sections:**

#### **2.20.010 Administration.**

#### **2.20.010 Administration.**

The purchasing function of the city shall be administered by the finance department. The mayor and council shall provide, in the customary manner, for the number, title, qualifications, powers, duties and compensation of the position or positions in the finance department necessary to administer the purchasing function. (Ord. 645 § 3, 1994)

**Chapter 2.24**

**COMMUNITY SERVICES  
DEPARTMENT**

**Sections:**

- 2.24.010 Created.**
- 2.24.020 Community services director.**
- 2.24.030 Compensation for director.**
- 2.24.040 General provisions.**
- 2.24.050 Priorities.**
- 2.24.060 Applications—Forms and procedures.**
- 2.24.070 Applications—Conditions for approval.**
- 2.24.080 Applications—Fees and charges.**
- 2.24.090 Applications—Cancelled or revoked.**
- 2.24.100 General regulations.**
- 2.24.110 Special facility regulation.**

**2.24.010 Created.**

The department of community services is created and established. The community services department shall have under its administration and jurisdiction the city library, parks and recreation program, Douglas Golf Course, municipal cemetery (Calvary Cemetery) and Douglas Municipal Airport. (Ord. 445 § 1, 1980)

**2.24.020 Community services director.**

There is established the position of community services director. He or she shall serve at the pleasure of the city manager and under the direct supervision of the city manager to whom he or she shall be directly responsible. The community services director shall

coordinate and see to the effective operation and administration of the city library, parks and recreation program, Douglas Golf Course, municipal cemetery (Calvary Cemetery) and Douglas Municipal Airport and do such things as are necessary and proper for the overall effective operation, administration and performance of the functions of these community services. (Ord. 445 § 6, 1980)

**2.24.030 Compensation for director.**

The community services director shall receive such compensation as the council shall from time to time determine. In addition, the community services director will be reimbursed for all actual and necessary expenses incurred by him or her in the performance of his or her official duties. (Ord. 445 § 7, 1980)

**2.24.040 General provisions.**

A. It shall be the responsibility of the community services director or his authorized representative to grant use of the facilities to individuals or groups according to the terms and conditions set forth in this chapter.

B. Exception to any of the terms and conditions of this chapter must have the approval of the parks and recreation committee or the community service director as herein provided.

C. The facilities under the jurisdiction of the recreation section of the community services department shall be used primarily for recreation purposes. The facilities shall be used primarily for recreation purposes by residents of the city. However, at times when the facilities are not scheduled for such use, they may be used for other purposes or by other people according to the terms and conditions set forth in this chapter.

D. No use of facilities shall be granted which in the opinion of the community services director would constitute a monopoly of use by any individual or group. Otherwise, dependent upon the availability of facilities, use shall be granted to qualified applicants according to the priority sequence established in this chapter.

E. Use of facilities shall not be granted to or for the following:

1. Individuals or groups advocating the overthrow of the present form of government of the United States or the state of Arizona by force or violence.

2. Individuals or groups who by their use might reasonably be expected to expose the property of the city to damage or loss through improper use.

3. Partisan, religious or political purposes, other than for meetings which are open to the public at large. Further, the term “meetings” shall not be construed to include such activities as the establishment of a campaign headquarters, propaganda distribution center and similar functions.

4. Youth groups, unless sponsored and directed by an adult organization of reputable standing in the community. (Ord. 488 § 1, 1985)

#### **2.24.050 Priorities.**

A. First Priority.

1. Activities sponsored or conducted by the recreation section. The community services director or his designated representative may set fees to be charged to participants of activities sponsored or conducted by the recreation section. Fees shall be based upon the direct and indirect costs of providing community activities by the recreation section and those costs may include but not be limited

to those sums which are paid by the community services department to instructors engaged for the purpose of conducting the various activities.

2. Official city functions.

B. Second Priority: Affiliated Groups. To be classified as “affiliated,” a group must receive the approval of the parks and recreation committee. In most instances such a group or its activities will be characterized by one or both of the following:

1. Could normally be considered a direct responsibility of the recreation section if funds and staff were available.

2. Functions in an interdependent relationship with the recreation section which thereby gives added dimension to the recreation opportunities available in the community—primarily for children and youth. Fee category—free if no admission is charged or special fees assessed, otherwise nominal.

C. Third Priority: Nonprofit, Open Membership Recreation Groups. Fee category—nominal if no admission is charged or special fees assessed, otherwise, medium.

D. Fourth Priority: Public Schools and Community Youth-serving Organization. Fee category—free if no admission is charged or special fees assessed, otherwise nominal.

E. Fifth Priority: Special Charity or Civic Functions. To be so classified, approval must be received from the parks and recreation committee. Fee category—free if no admission is charged or special fees assessed, otherwise nominal.

F. Sixth Priority: Community Service Clubs and Nonprofit Special Interest Groups. Fee category—nominal if no admission is charged or special fees are assessed, otherwise, medium.

G. Seventh Priority: Private Commercial and Out-of-city. Fee category—medium if no admission is charged or special fees assessed, otherwise, high. (Ord. 488 § 2, 1985)

**2.24.060 Applications—Forms and procedures.**

A. Application to use facilities shall be made in writing in letter form to the director of community services and shall contain the following information:

1. The particular facility, or portions thereof, desired;

2. The name, address and telephone number of the applicant and, where such exist, the names, addresses and telephone numbers of the two highest ranking officers of the group for whom the application is being made;

3. For parties, dances or similar activities involving teenage youth, the names, addresses and telephone numbers of all adult supervisors and policemen (see subsection B of Section 2.24.100);

4. The specific identity and purpose of the individual or group for whom the application is being made;

5. The exact nature of the use for which the facility is being sought, and whether or not an admission charge or other fee will be assessed or solicited. The amounts of any such fees anticipated to be collected must be stated, as well as the use or uses to which they will be put;

6. All dates and times for which use of the facilities is desired, including all time necessary for rehearsals, preparation, clean-up, etc.;

7. Table, chair and special equipment requirements;

8. The signature of the applicant, who shall be a responsible adult, and the signature of the adult who shall be responsible for paying any claims by the city for damages.

B. Applications must be submitted to the recreation section at least ten days before, and not more than six months before, intended use. However, groups, other than private, commercial or out-of-city, may make reservations for their “annual affairs” one year in advance if the facility is available. Such reservations shall not be in effect if the recreation section does not receive confirmation within ninety days prior to the actual meeting date. Groups meeting on a recurring basis will be permitted to reserve a facility for a six-month period.

C. Applications which require approval by the parks and recreation committee must be submitted in sufficient time to be considered at a regular meeting of the committee. (Ord. 488 § 3 (part), 1985)

**2.24.070 Applications—Conditions for approval.**

A. Without special permission, applications shall not be approved for use of facilities prior to nine a.m. or beyond eleven p.m. or on Sundays, January 1st, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. The community services director may allow the assignment of supervisory personnel.

B. All promotional materials intended to be used must be approved by the director or his agent prior to approval of the application. (Ord. 488 § 3 (part), 1985)

**2.24.080 Applications—Fees and charges.**

A. All required fees must be paid at least three days prior to the use of facilities. The applicant shall receive a prenumbered receipt for all moneys paid. The community services director may waive all or part of the advance payment of fees, upon application by the user, under circumstances where it would be unreasonable for the user to prepay and such prepayment would impose a substantial and continuing hardship.

B. Applicants shall be charged for use of facilities according to the established fee schedule in effect at the time of use.

C. In addition to the base rate for use of facilities, additional fees shall be assessed as follows:

1. For any use outside of the regular days and hours of operation;
2. For use of special equipment such as projectors, P.A. system, etc., which are not included in the fee for the particular facility used;
3. For a community services employee to operate special equipment;
4. For any use which the community services director expects will cause need for extra clean-up or maintenance.

D. No money shall be paid to any community services department employee or employee of the city in the form of a trip, tip or gratuity or any other thing of value or inducement for facilities use or for any other special favor associated with the use of city facilities.

E. The applicant shall be responsible for the condition of the facilities used. In cases where property has been damaged or abused by other than normal wear, the costs of repair or

replacement shall be paid by the applicant. Such payment must be made promptly and, in any case, prior to the applicant's subsequent use of the facilities.

F. "Nominal" fees shall be twenty-five dollars per event or event day. "Medium" fees shall be fifty dollars per event or event day. "High" fees shall be one hundred dollars per event or event day. Other fees include a fee for athletic field lighting at the rate of ten dollars per hour or partial hour for athletic field events wherein admission is charged or entry fees are paid. The personnel that are requested by the applicant or required by the community services director shall be paid for at the rate of six dollars per hour or partial hour, by the applicant. (Ord. 488 § 3 (part), 1985)

**2.24.090 Applications—Cancelled or revoked.**

A. In the event that a reservation is to be cancelled by the applicant, the recreation section must be notified as soon as possible. Failure to give prompt notice of cancellation may be considered cause to deny an applicant subsequent use of facilities.

B. At the discretion of the community services director full or partial refunds of fees collected may be made where notice of cancellation is received at least three days prior to the cancelled date.

C. Reservations for groups meeting on a recurring basis may be cancelled in favor of programs sponsored or conducted by the recreation section, provided the applicant receives at least sixty days' notice.

D. An application may be revoked at any time under any of the following circumstances:

1. If it is found to contain false or misleading information;

2. Should any individual or group (members or guests) willfully or through gross negligence mistreat the equipment or facilities, or violate the regulations established for use of the facilities;

3. If an accidental conflict in scheduling reservations occurs. (Ord. 488 § 3 (part), 1985)

**2.24.100 General regulations.**

A. Responsible adults must be present at all times when groups of minors are using the facilities.

B. For teen activities (dances, parties and similar activities) there must be at least one adult supervisor present for each group of fifty minors, and never less than two supervisors regardless of the number of minors present. Additionally, where more than fifty persons are expected to attend, policemen or other licensed security guards will be required in a ratio of one for each one hundred persons or fraction thereof.

C. Profane language, possession of or use of intoxicating liquor or drugs, quarreling or fighting, betting and/or other forms of gambling shall not be allowed.

D. Any decorations to be used must be fireproof and receive recreation section approval prior to installation.

E. No materials shall be attached to curtains, walls, ceilings or doors. Groups using the facilities for dancing shall not use any wax or other preparation on the floors.

F. Items of supplies or equipment such as tables, chairs, dishes, silverware, cooking utensils, etc., shall not be removed from the facility to which assigned.

G. Persons in attendance shall restrict their activities to those facilities, or portions thereof, to which their application applies.

H. Upon conclusion of their activities, groups must leave the facilities in a reasonably clean condition; such condition to be determined by the community services director or his authorized representative.

I. In the discretion of the community services director, or his designated agent, liability waivers in a form acceptable to the community services director may be required of applicants or participants in activities when the activity is deemed to be hazardous or when the community services director, or his designated agent, believes that obtaining waivers is in the best interest of the city. Waivers, when required, shall include provisions which agree to hold the city harmless from liability and to waive any liability against the city, its agents or employees in regard to damages or injuries which may be sustained together with other specific provisions that are appropriate under the circumstances.

J. If in the discretion of the community services director, the activity proposed by the applicant is of a nature wherein the city may incur risk of liability, the community services director may require the applicant, at the applicant's expense, to procure liability insurance, in a sum approved by the city manager and with a reputable insurance company approved by the city manager, which insurance shall include provisions which cover potential losses by the city. (Ord. 488 § 4, 1985)

**2.24.110 Special facility regulation.**

Auditorium at 10th Street Park: persons or groups using the stage and stage equipment shall not:

A. Move or change equipment including lights, curtains, ceiling pieces or cyclorama, except under the direction and supervision of the city employee of the community services department.

B. Remove pianos from the building or stage without written permission from the community services director. (Ord. 488 § 5, 1985)

**Chapter 2.28**

**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**Sections:**

- 2.28.010      Created—Organization.**
- 2.28.020      Community development  
                  director.**
- 2.28.030      Compensation for  
                  director.**

**2.28.010      Created—Organization.**

A. The department of community and economic development is created and established.

B. In addition to its community development responsibility for obtaining, planning and coordinating economic development and grants, the community and economic development department shall have under its administration and jurisdiction the functions as set out in the organizational chart, attached to the ordinance codified in this section and as follows:

1. The public library shall not longer be a division of the community and economic development department but shall, instead, be a department of the city as set out in the organizational chart.
2. The housing division of the community and economic development department shall hereinafter be a separate department of the city, as set out in the organizational chart.
3. The parks and cemetery maintenance division and recreation division of the community and economic development department shall be consolidated into one division.

4. Planning and zoning functions, including building inspectors, shall be transferred from the community and economic development department to the public works department.

C. The deputy city manager shall serve as director of the community and economic development department and all divisions of the community and economic development department will report to the deputy city manager. (Ord. 728 §§ 1 (part)—4, 1998; Ord. 673 §§ 1—3, 1995; Ord. 447 § 1, 1980)

**2.28.020      Community development  
                  director.**

There is established the position of community development director. He or she shall serve at the pleasure of the city manager and under the direct supervision of the city manager to whom he or she shall be directly responsible. The community development director shall coordinate and see to the effective operation and administration of the city planning and zoning department, city building inspector, city housing department and the office charged with the responsibility of reviewing, applying for, studying and obtaining state and federal grants and do such things as are necessary and proper for the overall effective operation, administration and performance of the functions of these community development matters. (Ord. 447 § 6, 1980)

**2.28.030      Compensation for director.**

The community development director shall receive such compensation as the council from time to time determines. In addition, the community development director will be reimbursed for all actual and necessary

expenses incurred by him or her in the performance of his or her official duties. (Ord. 447 § 7, 1980)

**Chapter 2.32**

**PLANNING AND ZONING  
COMMISSION AND DEPARTMENT**

**Sections:**

- 2.32.010 Commission—Created.**
- 2.32.020 Commission—Members—  
Appointment and removal.**
- 2.32.030 Commission—Duties.**
- 2.32.040 Department—Created—  
Duties.**

**2.32.010 Commission—Created.**

A. There is created a planning and zoning commission comprised of seven members who shall be residents and taxpayers of the city.

B. All members of the planning and zoning commission appointed and serving unexpired terms pursuant to the provisions of Ordinances 336 and 462 shall continue to serve their terms unaffected by the ordinance from which this section derives, amending Ordinance 336.

C. The reduction from a planning and zoning commission comprised of nine members pursuant to Ordinance 462 to seven members pursuant to this section shall be accomplished by the mayor and council not filling the first two expired terms of members of the planning and zoning commission, which terms have either expired and are unfilled at the time of the effective date of the ordinance from which this section derives or occur thereafter. (Ord. 517 § 2, 1986; Ord. 336 § 1, 1963)

**2.32.020 Commission—Members—  
Appointment and removal.**

A. The members of the planning and zoning commission shall be appointed by the mayor, subject to the approval of the city council. In

order to create a system of staggered terms, one member will be appointed to serve a term expiring June 30, 1998, two members will be appointed to serve a term expiring June 30, 1999, two members will be appointed to serve a term expiring June 30, 2000; and two members will be appointed to serve a term expiring June 30, 2001. After these initial appointments, members will be appointed to serve four-year terms.

B. In the event of a death or resignation of a member, the vacancy may be filled by appointment by the mayor with approval of the council for the unexpired term of the member replaced. Any committee member missing more than three consecutive meetings, without an excuse acceptable to the majority of the commission, shall be considered to have resigned and vacated his or her position on the commission. The city may remove any commission member for cause after a public hearing covering the reasons for such removal.

C. Planning and zoning commission members shall serve without pay. None of the voting members shall hold any other city or county office.

D. One of the duly elected members of the city council will be appointed by the mayor as a non-voting ex-officio member of the commission. (Ord. 700 § 2, 1997; Ord. 336 § 2, 1963)

**2.32.030 Commission—Duties.**

The function of the planning and zoning commission shall be to perform and provide advisory services in matters relating to planning and zoning to the city council. The duty and responsibility of the planning and zoning commission is to study and recommend the boundaries of the various zoning districts

which lie within the jurisdiction of the city and recommend appropriate planning and zoning rules and regulations to be enforced therein. In carrying out its advisory functions under this chapter, the commission shall review and consider all matters related to its duties and responsibilities. In those matters requiring official action by the mayor and council the commission shall hold at least one preliminary public hearing, determine the nature of its recommendations by the affirmative vote of at least three of its members, enter its action thereon over the signature of its chairman, and forward its recommendation to the mayor and council for final public hearing and action. The commission shall be guided by the provisions of the general plan in making its recommendations. (Ord. 336 § 3, 1963)

maps and correspondence as may be required as background data for action by the commission. (Ord. 336 § 4, 1963)

**2.32.040 Department—Created—  
Duties.**

There is further created a city planning and zoning department which shall be staffed with such employees and consultants as the city council may from time to time appoint. The planning department shall serve in an advisory capacity to the commission and carry out such assignments as the commission may direct. It shall be responsible for arranging meeting agendas, maintaining minutes of all regular and special meetings and hearings of the commission or its committees, publishing or posting of all notices of such meetings and hearings and be responsible for keeping all official books, papers and records of the commission. It shall receive applications for approval of all zoning amendments and subdivision plats, and such other matters as require the attention of the commission, and shall prepare such studies, surveys, reports,

## Chapter 2.36

### BOARD OF HEALTH

#### Sections:

- 2.36.010** Created—Composition of board.
- 2.36.020** City health officer.
- 2.36.030** Powers generally.
- 2.36.040** Making of regulations.
- 2.36.050** Notice of regulations.
- 2.36.060** Violation of regulations.
- 2.36.070** City physician—Duties.
- 2.36.080** City physician—Appointment and compensation.

#### **2.36.010** Created—Composition of board.

The board of health is created. The board of health shall consist of two aldermen, who shall be appointed by the mayor at the first meeting in April of each year, the city engineer, the health officer and the city physician. (Ord. 456 § 2, 1980)

#### **2.36.020** City health officer.

The city health officer shall be appointed by the mayor, with the approval of the council, at the first meeting in April of each odd-numbered year. The city health officer shall be a practicing physician and is to perform all the duties devolving upon him by law or ordinance. He shall give bond to the city for faithful performance of his duties in the principal amount of one thousand dollars, to be approved by the city council and shall take the oath of office before performing the duties of city health officer. The city health officer shall

receive such compensation as the city council determines. (Ord. 456 § 3, 1980)

#### **2.36.030** Powers generally.

The board of health may, within the limits of the city, exercise the same powers as are granted county boards of health by ARS § 36-162 and such further powers conferred to it by ordinance. (Ord. 456 § 4, 1980)

#### **2.36.040** Making of regulations.

The board of health shall, within the limits of the city, examine all nuisances, sources of filth and causes of sickness and make regulations necessary for the public health and safety of the citizens of the city. Such regulations shall be presented to the city council for their approval. (Ord. 456 § 5, 1980)

#### **2.36.050** Notice of regulations.

Notice of the regulations or any general orders of the board of health shall be made by publishing them in a newspaper published within the city, and if there is no such newspaper, by posting such orders and regulations in five public places within the city, and such notice shall constitute legal notice to all persons. (Ord. 456 § 6, 1980)

#### **2.36.060** Violation of regulations.

A person violating a published order or regulation of the board of health is guilty of a Class 3 misdemeanor. (Ord. 456 § 7, 1980)

#### **2.36.070** City physician—Duties.

Pursuant to City Charter Art. IV § 5, the position of city physician is created. The sole duty of the city physician will be to serve on the board of health. The city physician will be a

voting member of the board of health. (Ord. 456 § 8, 1980)

**2.36.080 City physician—  
Appointment and  
compensation.**

The city physician shall be appointed by the mayor, with the consent of the council, at the first regular meeting in June of each even-numbered year. The city physician shall receive such compensation as the city council determines. (Ord. 456 § 9, 1980)

## Chapter 2.40

### MAGISTRATE COURT

#### Sections:

**2.40.010 Appointment and removal—  
Term.**

**2.40.025 Driver license suspension fee.**

**2.40.010 Appointment and removal  
Term.**

A. The presiding officer of the magistrate court and such other magistrates as deemed necessary by the council shall be appointed by the mayor with concurrence of the council.

B. A magistrate shall serve for a term of two years with the beginning and end of the term to be specified at the time of appointment.

C. During such term, a magistrate may be removed only for cause. (Ord. 490 §§ 1—3, 1985)

**2.40.025 Driver license suspension fee.**

A. The magistrate court shall collect a suspension fee of seventy-five dollars (\$75) for each suspension of an Arizona driver's license privilege to drive in the State of Arizona which the court is required to issue as the result of a failure to pay a civil sanction or a default judgment in a civil traffic matter or an out-of-state driver's license privilege as a result of failure to pay a civil sanction or a default judgment in a civil traffic matter provided the state that issued the driver's license is a participant in the Non-Resident Violator Compact (NRVC).

B. All suspension fees collected under this section shall be received by the magistrate court in a manner consistent with the Arizona

Supreme Court Accounting Standards and shall be deposited with the City Treasurer on a monthly basis for deposit into the Magistrate Court Enhancement Fund.

C. The magistrate or magistrate pro tempore may waive, suspend or defer payment of all or part of the suspension fee upon a determination of economic hardship as defined by the Federal Poverty Guidelines on the part of the defendant or in the interest of justice.

(Ord. 08-934 §§ 1-2, 2008)

(Ord. 08-950 §§ 1-2, 2008)

## Chapter 2.44

### DOUGLAS AIRPORT AUTHORITY

#### Sections:

<b>2.44.010</b>	<b>Corporate powers.</b>
<b>2.44.020</b>	<b>Appointment of members—Terms of office.</b>
<b>2.44.030</b>	<b>Vacancies.</b>
<b>2.44.040</b>	<b>Removal from office.</b>
<b>2.44.050</b>	<b>Mayor or council member as member.</b>
<b>2.44.060</b>	<b>Organization.</b>
<b>2.44.070</b>	<b>Airport fund.</b>
<b>2.44.080</b>	<b>Powers.</b>
<b>2.44.090</b>	<b>Reports.</b>

#### **2.44.010 Corporate powers.**

A. The city shall have the right and power to own or otherwise acquire and obtain, within or without the limits of the city, either by purchase, donation, bequest or otherwise, all property it may need for the purpose of establishing, maintaining and operating airports, with a right to improve the same with all necessary buildings, facilities and equipment for the maintenance and operation thereof, and all necessary rights-of-way thereto, and shall have the power to sell, lease or otherwise dispose of the same in whole or in part. All of said powers, together with such additional authority, rights and powers concerning acquisitions, operation, improvement, maintenance and disposal of airports and airport properties, as may be conferred upon the city, shall be exercised by an agency of the city to be known as the Douglas Airport Authority to be organized as herein provided.

B. As used in this chapter, unless the context otherwise requires, “airport” means any

area of land or water designated and set aside for the landing and taking off of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or other airport facilities or approach zones or rights-of-way. (Ord. 451 § 1, 1980)

#### **2.44.020 Appointment of members—Terms of office.**

A. The Airport Authority shall consist of seven members. Six members shall be qualified voters of the City of Douglas who shall be subject to the same qualifications and disqualifications as provided by law for City Council members and shall not hold or be candidates for public office. Those members shall be referred to herein as “the appointed members.” The seventh member shall be the Mayor or a City Council member appointed by the Mayor to serve in the Mayor’s stead.

B. Upon final adoption of the ordinance codified in this section, the Mayor, subject to the approval of the City Council, shall appoint to the Douglas Airport Authority six qualified voters of the city. In order to create a system of staggered terms, two members will be appointed to serve a term expiring June 30, 1998, two members will be appointed to serve a term expiring June 30, 1999, and two members will be appointed to serve a term expiring June 30, 2000. After these initial appointments, members will be appointed to serve four-year terms, except for the Mayor or the City Council member appointed by the Mayor to serve in the Mayor’s stead. (Ord. 695

§ 2, 1997: Ord. 524 § 1, 1987; Ord. 451 § 2, 1980)

**2.44.030 Vacancies.**

If a vacancy occurs in the membership of the Douglas airport authority, for any reason, the mayor, with approval of the council, shall appoint a qualified voter of the city to fill the unexpired term of the member whose position has become vacant. With the exception of the mayor or the mayor's designated representative, any member missing more than three consecutive meetings without an excuse acceptable to the majority of the airport authority members shall be considered to have vacated his or her position on the Douglas airport authority. (Ord. 695 § 3, 1997: Ord. 451 § 3, 1980)

**2.44.040 Removal from office.**

Members of the airport authority shall be removed only for cause as provided in the statute or ordinances, in the manner provided, or which may hereafter be provided, for the removal of municipal elective officers by general law. (Ord. 451 § 4, 1980)

**2.44.050 Mayor or council member as member.**

The mayor shall serve as the seventh member of the airport authority and shall have full power to act and vote on airport authority matters. At the mayor's discretion, the mayor may appoint the mayor pro-tempore or another member of the city council to serve as the mayor's representative on the Douglas airport authority, with full power to act and vote in the mayor's stead. (Ord. 695 § 4, 1997: Ord. 451 § 5, 1980)

**2.44.060 Organization.**

The airport authority shall adopt rules and bylaws for conducting its affairs and shall elect a chairman and a vice-chairman from among its members. (Ord. 451 § 6, 1980)

**2.44.070 Airport fund.**

The Douglas Airport Authority shall have the power to operate any and all airports as a separate utility. It shall have the power to accept from any source, including authorized agencies of the United States of America and of the state of Arizona, such funds as now are, or may at any time be, available under any act of Congress or any law of the state of Arizona for, or in and of, the acquisition, operation, maintenance, development and improvement of the airports of the city. All funds so received and all income and revenue derived from the operation of the airports and their facilities and from property acquired for airport purposes, shall be deposited with the city treasurer to the credit of the airport fund and shall be paid out only upon the order of the airport authority after they have been audited by the city treasurer. No funds shall be paid out of the airport fund, nor shall any funds be paid from accounts now or hereafter created for the proceeds from the sale of bonds authorized by the qualified voters of the city for airport purposes, except on warrants signed by the chairman or vice-chairman of the airport authority, countersigned by the city treasurer and approved by the authority. (Ord. 451 § 7, 1980)

**2.44.080 Powers.**

The airport authority shall have the power to adopt, amend or repeal rules and regulations for the maintenance and operation of any and all airports belonging to the city and shall have the

power to enter into contracts for the acquisition, establishment, operation, improvement, maintenance, leasing or other disposition of the airports of the city, all such rules, regulations and contracts to be subject to approval by the city council. (Ord. 451 § 8, 1980)

**2.44.090 Reports.**

The airport authority shall render to the city council, in writing, quarterly reports for the calendar quarters ending in the last day of March, June, September and December of each year as soon after the conclusion of each quarter as practicable, which reports shall show the transactions of the airport authority during the preceding quarter. (Ord. 451 § 9, 1980)

**Chapter 2.48**

**PUBLIC LIBRARY**

**Sections:**

- 2.48.010**      **Established.**
- 2.48.020**      **Administration.**
- 2.48.030**      **Library committee—  
Membership—Terms.**
- 2.48.040**      **Library committee—  
Duties.**
- 2.48.050**      **Fines—Library fund.**
- 2.48.060**      **Violations—Penalties.**
- 2.48.070**      **Permissible inference of  
intent to convert.**

**2.48.010**      **Established.**

A public library is established for the city, for the use by the residents of the city and environs. For this cultural and educational service, the city council shall include in the annual budget an amount sufficient to provide for staffing, operation and adequate growth of the library during the fiscal year. (Ord. 471 § 1, 1981)

**2.48.020**      **Administration.**

The public library shall be a department of the city and shall be administered by the city librarian, who shall be appointed by the city manager. The librarian shall administer the staff, the library, its reading rooms, branches and stations now established or to be established and to carry out rules and regulations as set down by the city council for the operation of the library. (Ord. 728 § 1, 1998; Ord. 673 § 5, 1995; Ord. 471 § 2, 1981)

**2.48.030**      **Library committee—  
Membership—Terms.**

A. Membership. The library committee shall consist of seven members who shall be appointed by the mayor with approval of the city council. All members shall be residents of the library service area within the United States. The committee members shall elect a chairperson, secretary and other necessary officers from within the committee membership. (Ord. 07-905 § 1, 2007)

B. Appointment Terms. Upon final approval of the ordinance codified in this section, the mayor, with council approval, shall appoint seven members to the library committee. In order to create a system of staggered terms, two members will be appointed to serve a term expiring June 30, 1998, two members will be appointed to serve a term expiring June 30, 1999, and three members will be appointed to serve a term expiring June 30, 2000. After these initial appointments, members will be appointed to serve four-year terms.

C. Vacancies. A member chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced. Any member missing more than three consecutive meetings, without an excuse acceptable to the majority of the commission, shall be considered to have vacated his or her position on the commission.

D. Service Without Pay. Commission members shall serve without pay. Members may be reimbursed for expenses authorized in advance by the city manager. (Ord. 708 § 2-5, 1997)

**2.48.040**      **Library committee—Duties.**

The library committee may advise the city manager on such matters as: library fines for

failing to return materials; penalties for misuse of library property; capital improvements; and purchases of necessary books, journals, publications and other personal property. The recommendations of the library committee shall be advisory and not binding on city management. (Ord. 708 § 6, 1997)

**2.48.050 Fines—Library fund.**

All cardholders are responsible for materials borrowed on their card. The librarian shall have the power to impose and collect fines for infringement of the established rules and regulations. All fines, gifts and gift moneys received shall be separately accounted for in a library fund by the city clerk and treasurer and shall be drawn therefrom for library purposes only upon requisition of the librarian and approved by the city manager. (Ord. 471 § 6, 1981)

**2.48.060 Violations—Penalties.**

If a person commits a theft of any library property he or she shall be punished and prosecuted pursuant to ARS § 13-1802. If a person intentionally destroys or damages any library book, magazine or other property or otherwise causes any damage to library property, he or she shall be punished pursuant to ARS § 13-1602. Whoever shall give a fictitious or incorrect name or address at the public library in order to borrow library materials or practice any deceit of any kind whatsoever to conceal or mislead in respect to identity or address or place of employment of such person shall be deemed guilty of a class 3 misdemeanor. (Ord. 471 § 7, 1981)

**2.48.070 Permissible inference of intent to convert.**

If a person has in his possession any book, magazine or other property belonging to the public library for a period of ninety days after its due date, unless satisfactorily explained or the overdue book charge paid, gives rise to an inference that the person in possession of the property intended to control such property with the intent to deprive the Douglas Public Library of such property. This inference will apply to charges brought pursuant to ARS § 13-1802. (Ord. 07-905 § 1, 2007; Ord.728 § 1, 1998; Ord. 708 § 2-5, 1997; Ord. 673 § 5, 1995; Ord. 471 § 8, 1981)

## Chapter 2.52

### EMERGENCY POWERS OF MAYOR

#### Sections:

- 2.52.010 Government by proclamation—Emergency measures.**
- 2.52.020 Dissemination of proclamation.**
- 2.52.030 Termination of emergency.**
- 2.52.040 Violation—Penalty.**

#### **2.52.010 Government by proclamation—Emergency measures.**

Whenever in the judgment of the mayor, or in the event of his inability to act, in the judgment of the mayor pro-tem, an emergency exists by reason of the threat of or occurrence of acts of riot, rout or affray sufficient to constitute great danger to the city and its residents, he shall take command of the police force and govern by proclamation and, in addition, shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

A. To impose a curfew in such areas in the city as shall be designated by him, which curfew shall be in effect the hours of each day designated in the proclamation, requiring all persons to remove themselves from the public streets, alleys, parks or other public places and requiring all persons living or residing in any such designated area to go immediately to their homes and remain there until the curfew is lifted; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel, maintaining essential public services, firemen and city

authorized or requested law enforcement officers and personnel may be exempted from such curfew.

B. To order the closing of any business establishment anywhere within the city for the period of the emergency, such business to include but not be limited to those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

C. To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

D. To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city. (Ord. 374 § 1, 1970)

#### **2.52.020 Dissemination of proclamation.**

The proclamation of emergency provided for in this chapter shall become effective upon its issuance and shall thereafter be disseminated upon its issuance to the public by appropriate news media. (Ord. 374 § 2, 1970)

#### **2.52.030 Termination of emergency.**

Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after seventy-two hours from the issuance thereof or upon the issuance of a proclamation determining an emergency no longer exists whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the city council. (Ord. 374 § 3, 1970)

**2.52.040 Violation—Penalty.**

Any person who violates any of the provisions of this chapter or any regulation or proclamation issued pursuant to this chapter, or who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers, or personnel charged with the responsibility of enforcing any proclamation authorized herein, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed three hundred dollars or by imprisonment in the city jail for a period not to exceed three months, or by both such fine and imprisonment. (Ord. 374 § 4, 1970)

**Chapter 2.56**

**CIVIL DEFENSE ORGANIZATION**

**Sections:**

- 2.56.010 Office of director created.**
- 2.56.020 Director—Duties.**
- 2.56.030 Makeup of organization.**
- 2.56.040 Interference with or impersonation of organization member—Penalty.**

**2.56.010 Office of director created.**

The office of director of civil defense is created. The director shall be appointed and serve at the will of the mayor and city council. The city engineer shall be the assistant civil director of civil defense. (Ord. 324 § 1, 1959)

**2.56.020 Director—Duties.**

The duties of the director of civil defense shall include the following:

- A. The recommendation for adoption by the mayor and city council of a civil defense plan.
- B. The maintenance of necessary liaison between the city council and the civil defense organization and with other civil defense organizations.
- C. The control and direction of the training of the civil defense organization.
- D. Such other duties as prescribed by law or by regulation adopted by the mayor and city council. (Ord. 324 § 2, 1959)

**2.56.030 Makeup of organization.**

The civil defense organization of the city shall consist of the officers and employees of the city designated by regulations as well as all volunteer defense workers. The functions and

duties of the organization shall be distributed between such divisions and services as shall be prescribed by regulation of the mayor and city council. (Ord. 324 § 3, 1959)

**2.56.040 Interference with or impersonation of organization member—Penalty.**

It is unlawful for any person to willfully obstruct, hinder or delay any member of the civil defense organization in carrying out his duties under this chapter. It is also unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the civil defense organization of the city unless so authorized by the proper officials. Convictions for violations of this chapter shall be punishable by imprisonment for thirty days in the city jail or fine not in excess of three hundred dollars, or by both such fine and imprisonment. (Ord. 324 § 4, 1959)

**Chapter 2.60**

**FINANCIAL DISCLOSURE BY  
ELECTED OFFICIALS**

**Sections:**

- 2.60.010**      **Definitions.**
- 2.60.020**      **Duty to file financial disclosure statement—Exceptions.**
- 2.60.030**      **Duty to file financial disclosure statement—By council candidate.**
- 2.60.040**      **Violation—Penalty.**

**2.60.010**      **Definitions.**

As used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

- A. “Compensation” means money, tangible things of value or financial benefit.
- B. “Immediate family” means a spouse of a local public officer and any minor child of whom he or she has legal custody.
- C. “Local public officer” means a person holding an elective office in the city. (Ord. 400 § 1, 1974)

**2.60.020**      **Duty to file financial disclosure statement—Exceptions.**

A. In addition to other statements and reports required by law, each local public officer as a matter of public record shall file with the city clerk, on a form prescribed by the city clerk, a verified statement disclosing:

- 1. His or her name, the name of each member of his or her immediate family and all names under which they do business.

2. An identification of each employer and of each other source of compensation amounting to more than one thousand dollars annually received by the local public officer and his or her immediate family in their own names, or by any other person for the use or benefit of the local public officer and his or her immediate family, and a brief description of the nature of the services for which the compensation was received, except that this subsection shall not be construed to require the disclosure of information that may be privileged by law, nor the disclosure of individual items of compensation that constitute a portion of the gross income of the business or profession from which the local public officer and his or her immediate family derive compensation.

3. The name of every corporation, trust, business trust, partnership or association in which the local public officer and his or her immediate family, or any other person for the use or benefit of the local public officer and his or her immediate family have an investment or holdings of over one thousand dollars at fair market value as of the date of the statement, or in which the local public officer or his or her immediate family hold any office, or have a fiduciary relationship, together with the description of the investment, office or relationship, except that this subsection does not require disclosure of the name of any bank or financial institution with which the local public officer or member of his or her immediate family has a deposit or withdrawal share account.

4. All real property interest located within the limits of the city, including street address, specific location and approximate size or legal description, to which either the local public officer or his or her immediate family hold

legal title, or beneficial interest in, excluding his or her residence and property used primarily for personal recreation by the local public officer or his or her immediate family.

5. The names of all persons to whom the local public officer and his or her immediate family owe unsecured personal debts in excess of one thousand dollars, and the names of all persons who owe the local public officer and his or her immediate family unsecured personal debts in excess of one thousand dollars, except that this subsection shall not be construed to require the disclosure of debts owed by the public officer or his immediate family resulting from the ordinary conduct of a business or profession, nor debts on the residence of the public officer or his immediate family, nor debts arising out of secured transactions for the purchase of consumer goods, nor debts secured by cash values on life insurance, nor debts owed to relatives.

6. The source of each gift of more than five hundred dollars received by the local public officer and his or her immediate family in their own names during the preceding twelve months, or by any other person for the use or benefit of the local public officer or his or her immediate family, except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from relatives. Political contributions shall not be construed as gifts.

7. A description of all of the professional, occupation and business licenses in which either a local public officer or his or her immediate family has an interest issued by the city, or by any Arizona state department, agency, commission, institution or instrumentality, which requires for its issuance

the consideration of the application by the city council, including the name in which the license is issued, the type of business or profession, and its location.

B. The statement required to be filed pursuant to this section shall be filed by each candidate for public office by September 1, 1974, and thereafter on or before the 31st day of January of each year except that in the case of a public officer appointed to fill a vacancy within fifteen days following the filling of such vacancy. (Ord. 400 § 2, 1974)

**2.60.030 Duty to file financial disclosure statement—By council candidate.**

A candidate for a local public office shall file a financial disclosure statement containing the information required as set forth in Section 2.60.020 on a form prescribed by the city clerk at the time of filing his or her signed nomination papers. (Ord. 400 § 3, 1974)

**2.60.040 Violation—Penalty.**

Any public officer or candidate for a local public office who fails to file a financial disclosure statement as required by ARS § 38-542 and ARS § 38-543, and any subsequent amendments, deletions, additions or modifications, and as required by this chapter, or who knowingly and intentionally files an incomplete financial disclosure statement or who knowingly and intentionally files a false financial disclosure statement is guilty of an offense punishable by a fine of not more than three hundred dollars or by confinement in the city jail for three months, or both. (Ord. 400 § 5, 1974)

## **Chapter 2.61**

### **RESIGN TO RUN FOR CITY PUBLIC OFFICE**

#### **Sections:**

#### **2.61.010 Definitions.**

#### **2.61.020 Duty to resign to run for City public office.**

#### **2.61.010 Definitions.**

As used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

A. "Candidate" means any person who files nominating papers formally notifying the city clerk that the individual intends to seek municipal office.

B. "City public office" means an elective office in the City of Douglas municipal government.

C. "Member of a board, commission or committee" means any person appointed to an appointive board, commission or committee by the Mayor pursuant to Article II, Section 7 of the City Charter.

#### **2.61.020 Duty to resign to run for City public office.**

To avoid the appearance of impropriety and in support of the public policy doctrine of fairness and impartiality of public officials in carrying out their official duties, any member of a board, commission or committee shall resign his membership upon becoming a candidate for election to a City public office. (Ord. 812 § 1, 2002)

## Chapter 2.62

### CODE OF ETHICS FOR PUBLIC OFFICIALS

#### Sections:

- 2.62.010 Adoption of state law.**
- 2.62.020 Definitions.**
- 2.62.030 Code of ethics policy.**
- 2.62.040 Fair and equal treatment.**
- 2.62.050 Conflict of interest.**
- 2.62.060 Conflict of interest agenda items.**

#### **2.62.010 Adoption of state law.**

1) All of the provisions and requirements of chapter 3, article 8 of title 38 of the Arizona Revised Statutes Annotated in regard to conflict of interest, or amendments or additions thereto, are adopted and made a part of this chapter as though fully set out herein. Copies of such chapter shall be on file in the office of the city clerk.

2) All of the provisions and requirements of chapter 7, article 8.1 of title 41 of the Arizona Revised Statutes Annotated in regard to gifts and entertainment, or amendments or additions thereto, are adopted and made a part of this chapter as though fully set out herein. Copies of such chapter shall be on file in the office of the city clerk.

#### **2.62.020 Definitions.**

As used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

A. "Financial interest" means any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the fully authorized salary or compensation for his services to the city) to the public official or to any person employing or retaining the services of the public official, excluding income of a public official derived from retirement and/or pension funds.

B. "Immediate family" means spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle first cousin or the spouse of any such individual.

C. "Personal interest" means any interest arising from blood or marriage relationships whether or not any financial interest is involved.

D. "Public body" means any agency, board, body, commission, committee, department or office of the city.

E. "Public official" means any person, elected or appointed, to serve as Mayor or councilman pursuant to the City Charter.

#### **2.62.030 Code of ethics policy.**

The purpose of this code is to establish ethical standards of conduct for public officials by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the City of Douglas.

#### **2.62.040 Fair and equal treatment.**

1) No public official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

2) No public official shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the official or any other person. This subsection shall not be deemed to prohibit a public official from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of public officials in the conduct of official business.

**Section 2.62.050 Conflict of interest.**

1) Financial or personal interest. No public official shall have any financial or personal interest in any business or transaction with any public body unless the public official shall first make fully public disclosures of the nature and extent of such interest.

2) Disclosure and disqualification. Whenever the performance of official duties shall require any public official to deliberate and vote on any matter involving financial or personal interest, the public official shall publicly disclose the nature and extent of such interest and be disqualified from participating in the deliberation as well as in the voting.

3) Confidential information. No public official shall disclose any confidential information concerning any other public official, any property or governmental affairs of the city. Whether or not it shall involve disclosure, no public official shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

4) Nepotism. No public official shall appoint or vote for appointment of any member of his immediate family to any office, board, commission or committee of the city. No public official shall use his position to secure or influence the employment with the City of any member of his immediate family.

5) Employment of relatives. No member of the immediate family of a public official shall be employed in any position with the city in which the employee is an appointed official or department head as defined in City Personnel Rule II, Section 4 (B), (1) and (2).

6) Contracts, purchases, sale or purchase of real property. No public official shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the city, the award of any contracts with the city, or the purchase or sale of real property, where to his knowledge there is a financial interest or personal interest, other than that possessed by the public generally, held by himself or a member of his immediate family, a business in which he or a member of his immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position, or any other person or business with whom he or a member of his immediate family are in business, or are negotiating or have an arrangement concerning future employment.

**Section 2.62.060 Conflict of interest agenda items.**

1) Deliberation and voting prohibited. No public official shall participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before the council in which he or a member of his immediate family has a financial

or personal interest, other than an interest held by the public generally.

2) Disclosure of conflict. Any public official who believes that he or a member of his immediate family has a financial or personal interest, other than interest held by the public generally, in any agenda item before the council, shall disclose the nature and extent of such interest, and the city clerk shall make a record of such disclosure. Any public official who believes that any fellow public official or member of his immediate family has a financial or personal interest, other than an interest held by the public generally, in any agenda item before the council, shall disclose the nature and extent of such interest, and the city clerk shall make a record of such disclosure.

3) Determination of conflict. Once the issue of conflict has been initiated relative to an individual public official and disclosure has been provided above, council members shall vote on whether or not such individual shall be excused from participating in the deliberation or vote, or otherwise taking part in the decision-making process, on the relevant agenda item. Such individual shall be excused only upon a vote of the majority of his or her fellow council members then present that a conflict of interest in fact exists.

4) Avoidance of appearance of conflict. To avoid the appearance of a violation of this section, once any individual council member is determined to have a conflict of interest in respect to any agenda item, said individual shall immediately remove himself or herself from council chambers. He shall not return to his regular seat in council chambers until deliberation and action on the item is completed. Nothing herein shall require an individual council member to remove himself or herself for any item contained on a "Consent

Agenda" on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted. (Ord. 813 §1, 2002)

## Chapter 2.63

### PERSONNEL RULE AND REGULATIONS

#### Sections:

- 2.63.010 Existing rules and regulations rescinded.**
- 2.63.020 Adoption.**
- 2.63.030 Copies on file.**
- 2.63.040 Hospitalization insurance coverage.**
- 2.63.050 Drug-free workplace policy.**

#### **2.63.010 Existing rules and regulations rescinded.**

At such time as the ordinance codified in this chapter adopting city personnel rules and regulations becomes effective, Ordinance 620 all other ordinances, resolutions or other actions which have heretofore adopted or purported to adopt personnel rules and regulations shall be repealed, rescinded and of no further force or effect, to the extent they conflict with the ordinance codified in this chapter. (Ord. 684 § 1, 1996)

#### **2.63.020 Adoption.**

There is adopted by reference certain personnel rules and regulations known as the "City Personnel Rules and Regulations." Such personnel rules and regulations, having been finally approved on May 29, 1996, cover the following subjects:

- A. Definition of Terms (Rule I);
- B. General Provisions (Rule II);
- C. Conditions of Employment (Rule III);
- D. Recruitment (Rule IV);
- E. Selection of Employees (Rule V);

- F. Employment Lists (Rule VI);
- G. Examination (Rule VII);
- H. Appointment (Rule VIII);
- I. Changes in Assignment (Rule IX);
- J. Probation (Rule X);
- K. Classification (Rule XI);
- L. Attendance and Leaves (Rule XII);
- M. Holidays (Rule XIII);
- N. Salary Administration (Rule XIV);
- O. Overtime (Rule XV);
- P. Benefits (Rule XVI);
- Q. Employee Discipline (Rule XVII);
- R. Grievance Procedure (Rule XVIII);
- S. Procedure For Appeal From Disciplinary Actions Affecting Pay (Rule XIX);
- T. Reduction In Force (Rule XX);
- U. Resignation and Retirement (Rule XXI);
- V. Records and Training (Rule XXII);
- W. Performance Rating (Rule XXIII);
- X. Headings (Rule XXIV);
- Y. Severability (Rule XXV). (Ord. 684 § 2, 1996)

#### **2.63.030 Copies on file.**

At least three copies of the city personnel rules and regulations shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 684 § 3, 1996)

#### **2.63.040 Hospitalization insurance coverage.**

Pursuant to Rule XVI, Section 1, of the city personnel rules, the city shall pay a maximum of one hundred sixty dollars for employee (single) coverage and a maximum of three hundred fifty-five dollars for family (dependent) coverage as its share of hospitalization insurance premiums for each employee. Each employee shall pay, through payroll deduction, the portion of employee/

family insurance premium in excess of that amount. This provision shall be effective upon the adoption of the ordinance codified in this chapter and shall remain in effect until changed by the mayor and council. From time to time, the mayor and council may set, by resolution, different amounts to be paid by the city for employee/family hospitalization insurance coverage. (Ord. 684 § 4, 1996)

### **2.63.050 Drug-free workplace policy.**

A. Purpose. To establish rules governing the maintenance of a drug-free workplace to: (1) ensure the health and safety of city employees; (2) continue the provision of high-quality services to the general public; and (3) comply with federal and state laws and regulations for a uniform, government-wide, drug-free workplace effort.

B. Policy Statement. Reporting for work under the influence of alcohol or drugs, or any substance which impairs an employee's mental or physical capacity will not be tolerated. The use of illegal drugs or the misuse of legal drugs or alcohol by any employee is expressly prohibited as is the presence in any employee's system of a prohibited drug or drug metabolite. The possession, sale or distribution of drugs, alcohol, or any illegal substance by an employee during regular working hours while on city business or while on city property is expressly prohibited except as excepted in police department policies and procedures.

C. The following definitions apply to this section:

"Alcohol" means ethanol, isopropanol, or methanol.

Drugs/Controlled Substances. The terms "drugs" and "controlled substances" are interchangeable and have the same meaning.

Unless otherwise provided, drugs and controlled substances include but are not limited to: barbiturates, cocaine, opiates (heroin, codeine), propoxyphene, amphetamines (including methamphetamine), benzodiazepines (valium, librium), methadone, phencyclidine (PCP), methaqualone, and cannabinoids (THC).

"Reasonable suspicion" means a belief based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of an employee, and reasonable inferences drawn from those observations that suggest an employee is using drugs or alcohol while on the job or is under the influence of drugs or alcohol while on the job.

"Reasonable suspicion" may arise from, but is not limited to, the following:

1. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
2. Abnormal conduct, erratic behavior, tardiness;
3. Physical symptoms (i.e. glassy eyes, slurred speech, unsteady gait, red eyes, running nose);
4. Smell of alcohol or marijuana;
5. Deterioration in work performance or physical appearance;
6. A report of drug or alcohol use on the job or immediately preceding work, if provided by reliable and credible sources who witnessed the use, and if independently corroborated;
7. Evidence that an individual has tampered with a drug or alcohol test during his/her employment with the current employer;

8. Objective evidence of use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on employer premises.

“Employee” includes all regular full-time, regular part-time, probationary, limited, temporary, seasonal and contract personnel. “Employee” does not include employees of other agencies who are performing work for the city.

“Safety-sensitive work” means work involving the operation of heavy equipment or driving a vehicle for which a commercial driver’s license (CDL) is required, plus time spent waiting to be called to such work; police, fire and ambulance and other emergency services; life guards; and any other employment which involves the use of dangerous equipment or provision of services directly impacting the public health and safety.

D. Over-the-Counter or Prescribed Medication. Employees taking prescription or over-the-counter nonprescribed drugs or medication which might interfere with the performance of their job duties shall report the usage of the drug or medication to their supervisor before going on duty. Employees taking such drugs or medication are responsible for knowing any side effects of the medication which might interfere with job performance based upon the prescribing physician’s advice or the warning on the medication label.

E. Applicants and Employees Subject to Testing.

1. Pre-Employment Testing for Initial Employment. All applicants being considered for initial paid employment by the city shall be required to submit to, and successfully pass, a drug and alcohol screen urinalysis after a conditional offer of employment is made by the city. The offer of employment shall be

contingent upon a negative drug screening and an alcohol level of less than 0.05.

If an applicant fails to pass the pre-employment drug and alcohol screening, the applicant will be disqualified from consideration for employment and shall not be eligible to apply for employment with the city for a period of six months from the date at the initial, positive drug test result.

An applicant’s failure to submit to the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he/she applied.

2. Reasonable Suspicion Testing. If the city has reason to suspect that an employee is violating this section or when there is reasonable cause to believe an employee is under the influence or is impaired by alcohol and/or drugs, the city may require the employee to submit immediately to medical tests administered for drug or alcohol testing which include the chemical analyses of breath, urine and/or blood. A written record of the observations and facts leading to the reasonable suspicion test shall be made by the supervisor before the test, or within twenty-four hours, whichever is earlier. The employee shall not engage in safety-sensitive work for eight hours after the observation, unless the employee tests negative for drugs and alcohol in less time. If the test is not administered within two hours following the observation, the supervisor shall document the reasons for the delay. If alcohol test is not administered within eight hours, it will not be given. If drug test is not given within thirty-two hours, it will not be given.

3. Post-Triggering Incident. Employees involved in the following circumstances shall be required to submit to a drug and/or alcohol test:

a. Those whose use of city equipment or vehicle results in an accident in which someone is fatally injured;

b. Those whose use of city equipment or vehicle results in an accident involving tow-away and/or medical assistance and who, in addition, have received a citation from a third party law enforcement official;

c. Those whose use of city equipment or vehicle results in an accident under circumstances that raise a reasonable suspicion that the driver or operator was under the influence of drugs or alcohol, even if no personal or property injuries resulted, provided that the post-accident alcohol testing must occur within eight hours of the accident, and post-accident drug testing must occur within thirty-two hours of the accident.

4. Re-Employment or Re-Entry in Workforce. Any individual who returns to work after an absence of ninety consecutive days or more shall be required to submit to a drug and alcohol test prior to resuming work. Positive results will be considered in deciding whether the employee shall be permitted to return to work.

5. Follow-up Testing. In the event an employee has been offered a rehabilitation option in lieu of discipline for a positive test result in accordance with subsection (E)(1) of this section, the employee shall be subject to random drug testing for one year following the completion of a rehabilitation program. If an employee's follow-up test results are positive, no further rehabilitation will be attempted and the employee will be subject to disciplinary action, up to and including termination.

F. Section Violation.

1. Alcohol. An employee who tests positive for alcohol while on city business during the employee's regular working hours or

while on city property during the employee's regular working hours shall be in violation of this section. An alcohol test is considered positive if the alcohol level is 0.05 or above.

2. Drugs. An employee who tests positive for drugs shall be in violation of this section.

G. Effect of Failure to Comply with Section. An employee who refuses to submit to a drug or alcohol test or who violates any aspect of this section is subject to disciplinary action up to and including dismissal.

H. Employee and Applicant Consent Forms. Employees and applicants who are requested to submit to a drug test must agree in writing to allow the results of such test to be disclosed to and used by the city's authorized representatives who have a need to know, as designated in subsection K of this section. Failure to sign such a consent form shall be considered a refusal to submit to testing.

I. Rehabilitation. Depending upon the circumstances, the city may, at its option, suspend all or part of the disciplinary action for violation of this section in return for the employee's enrollment into a drug or alcohol counseling or rehabilitation program for the purpose of enabling the employee to permanently cease the prohibited conduct. The program must be one approved by the city. Cost of rehabilitation or counseling shall be the responsibility of the employee.

An employee who elects such participation shall enter into a written agreement to that effect. The employee may have any disciplinary action deemed appropriate by the city suspended while counseling and/or rehabilitation is being utilized. An employee who declines to participate in or fails to complete drug rehabilitation in lieu of disciplinary action or an employee who, having successfully participated in such a program,

again engages in conduct prohibited by this section shall be subject to disciplinary action up to and including dismissal.

J. Searches. The city, through its designated managers and supervisors, reserves the right to search all areas and property of which the city maintains complete control or joint control with the employee. An employee's locker, closet, work area, desk, desk files, computer files, city-owned vehicle, and similar areas are subject to inspection for purposes of this section.

K. Confidentiality. All investigations, searches, and testing shall be conducted as privately as practical. The results of drug or alcohol screening tests shall not be included in an applicant's or an employee's file but shall be retained by the personnel office in a separate medical file. Any conditions of employment which may be established as a result of the drug test (i.e. a written agreement for rehabilitation in lieu of discipline) will become part of the employee's personnel file.

Except as required by state or federal law, test results and ancillary information may be disclosed to management personnel only on a need-to-know basis or to any person upon the written consent of the employee or applicant. Information normally should be limited to the supervisor, the city manager, the personnel office, and legal counsel. Failure to maintain confidentiality by any employee shall be grounds for discipline.

L. Employee Responsibilities.

1. Pursuant to the Federal Drug-free Workplace Act of 1988, the city prohibits the unlawful manufacture, use, possession or distribution of controlled substances in the workplace. As a part of this law, employees have the following responsibilities:

a. To abide by the terms of the city drug-free workplace policy; and

b. To notify their supervisor or department head of any criminal drug statute arrest for a violation occurring in the workplace no later than five days after such arrest;

c. To notify their supervisor or department head of any criminal drug statute conviction no later than five days after such conviction.

2. It is each employee's responsibility to immediately report to the supervisor, department head or personnel office, any unsafe working conditions or hazardous activities that may jeopardize the safety of employees. This includes the duty to immediately report any violations of this section. An employee who fails to report such a violation is subject to disciplinary action up to and including dismissal.

3. All employees will be required, as a condition at employment, to sign a statement that the employee has:

a. Received a copy of the city's drug-free workplace policy;

b. Agreed to abide by the terms of the policy;

c. Agreed to notify the supervisor or appropriate representative of the city within five days, of a criminal drug statute arrest for a violation occurring within the workplace and for a criminal drug statute conviction.

M. Management Responsibilities.

1. Management personnel shall be responsible for the implementation and consistent enforcement of this section, together with the personnel officer or designee. Management personnel who fail to enforce this section are subject to disciplinary action up to and including dismissal.

2. Supervisors will be trained in the early detection of impairment by alcohol, drugs, and

substance abuse. Supervisors must document, in writing, the facts constituting reasonable cause for drug and/or alcohol testing or for violation of this section.

3. Management must inform any employee being required to submit to drug or alcohol testing of the requirements of this policy and the consequences of noncompliance.

N. Drug and Alcohol Testing Methodology. Every reasonable effort will be made to obtain the most accurate drug or alcohol test results. Testing procedures will include a two-tiered testing program to ensure maximum accuracy in the test results, observations of specimen collection and chain-of-custody documentation. A two-tiered procedure means that an initial positive test will be confirmed by the use of a gas chromatography test with mass spectrometry (GC/MC) or an equivalent scientifically accepted method which provides quantitative data about the detected drug.

Following a positive screen from the initial test and a positive screen from the confirmation test, a portion of the specimen sufficient for testing from a positive sample may be transferred directly from the testing laboratory to a laboratory of the employee's choosing and tested at the employee's own expense. The laboratory chosen by the employee must be a laboratory approved or certified by the United States Department of Health and Human Services, the College of American Pathologists or the Arizona Department of Health Services. The employee shall initiate the transfer so that the testing can occur within seventy-two hours of the employee's notification of the positive screen.

An employee, upon request, may obtain his/her written test results.

O. Procedures. Procedures to be followed by management for the enforcement of this

section are available for review at the personnel office or in department with the department head. A description of the testing methods and collection procedures is available for review in the personnel office.

P. Commercial Driver's License Holders. Beginning on January 1, 1996, all employees required as condition of their city employment to have a valid commercial driver's license (CDL) shall comply with the United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) rules for drug and alcohol testing of commercial motor vehicle drivers and all drivers with CDL's. The USDOT and FHWA are treating these rules as an extension of the Omnibus Transportation Employee Testing Act of 1991. The federal rules, which are set out in 49 CFR parts 40 and 382, as they may be amended from time to time, are adopted by reference as part of this section, with respect to employees performing safety sensitive functions as defined by federal regulation and this section.

The federal rules require pre-employment, post-accident, reasonable suspicion, random testing and follow up testing for alcohol and drugs through the use of breathalyzers and urine samples. Procedures and rules for testing of CDL holders will be available in the Personnel Office beginning January 1, 1996.

Q. Police, Fire, and Other Employees in Safety-Sensitive Jobs. In addition to the testing required by this section, the police department, fire department and other departments whose employees perform safety sensitive jobs may, by written policy, establish stricter testing requirements than that set out in this policy, including, but not limited to, nondiscriminatory random testing, requirements for drug testing upon promotion, requirement for testing upon

reports from a reliable informant that an employee performing a safety sensitive job has violated this section, even if the report is not independently corroborated, and, for police personnel, requirement for testing upon transfer to or from a narcotic or drug related assignment. (Ord. 674 § 1, 1995)

**Chapter 2.64**

**PERSONNEL ADMINISTRATION**

**Sections:**

- 2.64.010 Personnel commission—  
Membership.**
- 2.64.020 Personnel commission—  
Term.**
- 2.64.030 Personnel commission—  
Appointment.**
- 2.64.040 Personnel commission—  
Meetings.**
- 2.64.050 Personnel commission—  
Resignation.**
- 2.64.060 Personnel commission—  
Compensation.**
- 2.64.070 Powers and duties.**
- 2.64.080 Commission rules.**
- 2.64.090 Appeals to the  
commission—Hearings.**
- 2.64.100 Refusal of examination or  
certification.**
- 2.64.110 Causes for dismissal or  
discipline.**
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- 2.64.130 Prohibited acts.**
- 2.64.140 Unlawful acts.**
- 2.64.150 Certification by  
commission.**
- 2.64.160 Violation—Penalty.**
- 2.64.170 Nonconformity with  
federal regulations  
granting federal funds.**

**2.64.010 Personnel commission—  
Membership.**

There shall be a city personnel commission which shall consist of five members appointed by the mayor with the advice and consent of the city council. No more than three members

shall belong to the same political party. A member may be removed by the mayor for cause. (Ord. 371 § 1(A), 1970)

**2.64.020 Personnel commission—  
Term.**

The term of each member shall be five years, one term to expire each June 30th, except that a member shall continue to serve until his successor is duly appointed and qualified. Upon the expiration of the term of a member a successor shall be appointed for a full term of five years. Of the members of the commission first appointed, one shall be appointed for a term ending June 30, 1970, and one each for terms ending one, two, three and four years thereafter. (Ord. 371 § 1(B), 1970)

**2.64.030 Personnel commission—  
Appointment.**

Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the council convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the mayor, with the advice and consent of the council to serve the unexpired term. (Ord. 371 § 1(C), 1970)

**2.64.040 Personnel commission—  
Meetings.**

The commission shall hold regular quarterly meetings and, in addition, may hold special meetings the commission deems necessary. A chairman and vice-chairman shall be elected by

the members at the first meeting of each even-numbered year and the chairman shall not be permitted to succeed himself. Meetings of the commission shall be open to the public and executive sessions may be held as provided by law. (Ord. 371 § 1(D), 1970)

**2.64.050 Personnel commission—  
Resignation.**

Any one of the following shall constitute the resignations of a commissioner and authorize the mayor to appoint a new member to fill the unexpired term so vacated:

A. Absence from three consecutive quarterly meetings; or

B. Becoming a candidate for any elective public office; or

C. Accepting any appointive office or employment in city governmental service except the city employee to serve on this commission. (Ord. 371 § 1(E), 1970)

**2.64.060 Personnel commission—  
Compensation.**

Members of the commission shall be paid according to the fee established hereafter by the city council and shall be reimbursed their actual expenditures on behalf of city business as provided for other city employees. (Ord. 371 § 1(F), 1970)

**2.64.070 Powers and duties.**

The commission shall:

A. Have authority for developing and administering a program of personnel administration for the city service as provided for in this chapter;

B. Promulgate rules and regulations;

C. Hear and review appeals as provided in this chapter;

D. Conduct investigations when necessary regarding personnel matters falling within the jurisdiction of the commission;

E. Have authority to establish such offices as may be necessary to maintain an effective and economical program of personnel administration. (Ord. 371 § 2, 1970)

**2.64.080 Commission rules.**

The rules of the commission shall include:

A. A position classification plan for all positions in the city service;

B. An annual recommendation to the mayor and city council and the finance committee of the city of a salary plan and adjustments thereto for employees in the city service. Such recommendation shall be made not less than six months before the end of each fiscal year of the city;

C. Provision for competitive examinations to test the relative qualifications of applicants for positions in city service;

D. Evaluation of performance of employees for the purpose of improving staff effectiveness;

E. Promotions or transfers between classes which shall give appropriate consideration to the applicant's qualifications, record of performance and conduct;

F. Establishment of eligibility lists for appointment and promotion, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in their respective examinations;

G. Rejection of candidates for appointment or promotion who fail to fulfill reasonable requirements of the commission;

H. Delivery of a list of qualified applicants to any city department requiring it in order that

such city department may select and hire an employee from such list;

I. A reasonable period of probationary service during which the probationary employee shall perform the actual duties of the position before his appointment or promotion may be final, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligibility list. In no event shall a reasonable period of probationary service be construed to mean less than ninety days;

J. A reasonable period of provisional employment without competitive examination when there is no eligibility list available for the position;

K. Emergency appointments for not more than thirty days with or without examination as provided by the rules;

L. Temporary appointments to positions which occur, terminate and recur periodically regardless of the duration of the position;

M. Provisions for transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities and salary ranges;

N. Provision for reinstatement to an eligibility list of previous employees who have resigned in good standing or who were separated from their positions without fault on their part;

O. Layoffs by reason of lack of funds or work, or abolition of a position, or material change in duties or organizations and for re-employment of employees so laid off, giving consideration in both layoffs and re-employment to performance record and seniority in service;

P. Suspension without pay when by reason of misconduct or for other valid cause an employee must be removed immediately from

his position. A statement of reasons and of the action taken shall be filed with the commission;

Q. Establishment of a plan for resolving employee grievances and complaints;

R. Attendance regulations, including hours of employment, annual, sick and special leaves of absence, with or without pay or with reduced pay;

S. Development and operation of programs to improve the work effectiveness and morale of employees in the city service, including the development of in-service training programs;

T. Develop policies and procedures for the employment of qualified handicapped job applicants;

U. The adoption of special rules solely to special classes of employees whose duties as determined by the commission justify the adoption of rules applicable only to a specific class of employees;

V. The establishment of standards of ethical conduct for employees;

W. Provision that reasonable public notice shall be given of the examinations for a position and the examination dates;

X. Authorization to publish and make available to all employees a handbook outlining pertinent rules and regulations. (Ord. 371 § 3, 1970)

#### **2.64.090 Appeals to the commission— Hearings.**

A. Any employee who is dismissed, suspended or demoted, after completing his probationary period of service as provided by the rules of the commission, shall have the right to appeal to the commission not later than thirty calendar days after the effective date of such action. The employee shall be furnished with specified charges in writing when the

action is taken. Such appeal shall be in writing and shall be heard by the commission within thirty days after its receipt. The commission shall furnish the city and the affected department with a copy of the appeal in advance of the hearing.

B. Hearings on such appeals shall be open to the public, except in cases where the employee requests a confidential hearing, and shall be informal with technical rules of evidence not applying to the proceedings except the rule of privilege recognized by law. Both the employee and his employing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the commission. The commission, or a duly appointed hearing officer, shall conduct the hearing and is authorized to take evidence and exercise the rights prescribed in ARS § 12-2212, 1956. The commission shall prepare an official record of the hearing, including all testimony recorded manually or by mechanical device and exhibits, but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon the payment of the actual cost.

C. Within thirty days after the conclusion of the hearing, the commission shall make and fully report in its permanent records, findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as provided in this section, at the same time sending a copy of the findings, conclusions and order by registered or certified mail to the employing agency and to the employee at his address as given at the hearing or to a

representative designated by him to receive the same.

D. Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of the county of residence on one or more of the following grounds, that the order was:

1. Founded on or contained error of law which shall specifically include error of construction or application of any pertinent rules;

2. Unsupported by any evidence as disclosed by the entire record;

3. Materially affected by unlawful procedure;

4. Based on violation of any constitutional provision;

5. Arbitrary or capricious.

E. The grounds prescribed by subsection D of this section shall be stated in a written notice of appeal filed with the court, with copies served on the commission and on the employing agency. Within thirty days after service of such notice or within such further time as the court may allow, the commission shall transmit to the court a certified transcript with exhibits of the hearing. By stipulation between the employing agency and the employee, the transcript may be shortened and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

F. The court shall review the hearing on the basis of the transcript and exhibits, except that in case of alleged irregularity in procedure by the commission not shown by the transcript, the court may order further testimony. The court shall upon request by either party hear oral arguments and receive written briefs. The court

may affirm the order of the commission, remand the matter for further proceedings before the commission, or reverse or modify the order. Appeal shall be available to the courts of appeal from the order of the superior court as in other civil cases. (Ord. 371 § 4, 1970)

**2.64.100 Refusal of examination or certification.**

The commission may refuse to examine or, after examination, may refuse to certify as eligible, or may withdraw from certification, anyone who:

A. Has practiced any deception or fraud in his application, in his examination or in securing his eligibility;

B. Has failed to reply within a reasonable time, as specified by the commission, to communications concerning his availability for employment;

C. Is, in accordance with commission rule, found to be unsuited or not qualified for employment;

D. Lacks any of the requirements established by the commission for the examination or position for which he applies;

E. Is physically or mentally so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment. (Ord. 371 § 5, 1970)

**2.64.110 Causes for dismissal or discipline.**

A. Each of the following constitutes cause for discipline or dismissal of an employee in the city service:

1. Fraud in securing appointment;
2. Incompetency;
3. Inefficiency;

4. Improper attitude;
5. Neglect of duty;
6. Insubordination;
7. Dishonesty;
8. Drunkenness on duty;
9. Addiction to the use of narcotics or habit-forming drugs;
10. Absence without leave;
11. Final conviction of a felony or a misdemeanor involving moral turpitude;
12. Discourteous treatment of the public;
13. Improper political activity;
14. Willful disobedience;
15. Misuse of city property.

B. In addition to the causes prescribed by the terms of subsection A of this section, the commission may establish such other causes deemed necessary. (Ord. 371 § 6, 1970)

**2.64.120 Exemptions.**

The provisions of this chapter shall not apply to:

A. Elected city officials and officers of the city;

B. City officers and members of boards and commissions appointed by the mayor or city council;

C. The single administrative or executive head of each city department or agency;

D. Temporary or part-time personnel as determined by the commission. (Ord. 371 § 7, 1970)

**2.64.130 Prohibited acts.**

A. No employee shall:

1. Use any political endorsement in connection with any appointment to a position in the city service;
2. Use or promise any official authority or influence for the purpose of influencing the

vote or political action of any person or for any consideration.

B. No employee or commissioner shall be a member of any national, state or local committee of a political party, or an officer or chairman of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take any part in the management or affairs of any political party or in any political campaign, except that any employee may express his opinion, attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues, and cast his vote.

C. The provisions of this section shall not apply to school board elections or junior college district governing board elections, and an employee may serve as a member of the board of trustees of a common or high school district or as a member of the junior college district governing board.

D. Any person in the city service who violates any of the provisions of this section shall be subject to suspension of not less than thirty days or dismissal.

E. Nothing contained in this section shall be construed as denying any commissioner or employee of his civil or political liberties as guaranteed by the United States and Arizona constitutions. (Ord. 371 § 8, 1970)

#### **2.64.140 Unlawful acts.**

A. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and the rules.

B. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the city service.

C. No employee of the department, examiner or other person shall obstruct any person in his right to examination, eligibility, certification or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the city service. (Ord. 371 § 9, 1970)

#### **2.64.150 Certification by commission.**

No salary shall be paid to any employee in the city service unless the commission or its designee shall have certified that the employment is in accordance with this chapter. (Ord. 371 § 10, 1970)

#### **2.64.160 Violation—Penalty.**

A. Any person who violates any provision of this chapter or of the rules of the commission shall be guilty of a misdemeanor.

B. Any person who is convicted of a misdemeanor under this chapter shall, for a period of five years, be ineligible for appointment to or employment in a position in the city service, and if he is an employee of the city at the time of conviction, shall be subject to suspension for not less than ninety days or dismissal. (Ord. 371 § 11, 1970)

**2.64.170 Nonconformity with federal regulations granting federal funds.**

Any provision of this chapter that conflicts or is inconsistent with federal rules, regulations or standards governing the grant of federal funds to any agency or department of the city is not applicable to such agency or department. The city personnel commission is authorized to vary the terms of its rules as applicable to such agencies and departments to the extent necessary to enable such agencies or departments to comply with the conditions for federal grants. (Ord. 371 § 12, 1970)

## Chapter 2.68

### EMPLOYEE-EMPLOYER RELATIONS\*

#### Sections:

- 2.68.010 Findings and purpose.**
- 2.68.020 Meet and confer defined.**
- 2.68.030 City council and city management rights.**
- 2.68.040 Public employee rights.**
- 2.68.050 Ineligible employees.**
- 2.68.060 Prequalification of employee organizations.**
- 2.68.070 Maintaining eligibility—Standards.**
- 2.68.080 Police organization restrictions.**
- 2.68.090 Meeting and conferring procedures.**
- 2.68.100 Economic issue deadline.**
- 2.68.110 Unfair practices.**
- 2.68.120 Prohibited practices.**
- 2.68.130 Personnel rules—Amendment conditions.**

\* Prior ordinance history: Ord. 434

#### **2.68.010 Findings and purpose.**

The people of Douglas have a fundamental interest in the development of a harmonious and cooperative relationship between city government and its employees. Recognition by public employers of the right of public employees to organize and full acceptance of the principle and procedure of full communication between public employers and employee organizations can alleviate various forms of strife and unrest. The city, its employees and employee organizations have a basic obligation to the public to assure the orderly and continuous operations and

functions of government. It is the purpose of this chapter to allow the city, public employees and their representatives, acting within the framework of law, to enter into discussions with an affirmative willingness to consider various matters relating to wages, hours, and working conditions. It is also the purpose of this chapter to promote the improvement of employer/employee relations by providing a uniform basis for recognizing the right of public employees to join, or refrain from joining, organizations of their own choice and be represented, if they choose, by such organizations in their employer/employee relations and dealings with the city in accordance with the provisions of this chapter. (Ord. 598 § 1, 1992)

#### **2.68.020 Meet and confer defined.**

“Meet and confer” means the process by which the public employer, through its chief administrative officer or his designee, and designees of the authorized representative will meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment. This process does not compel either party to agree to a proposal or the making of a concession. Notwithstanding the date an employee representative is certified, the meet-and-confer process shall be carried out as to all economic items prior to the date set by law for tentative adoption of the annual municipal budget. (Ord. 598 § 2, 1992)

#### **2.68.030 City council and city management rights.**

The mayor and council are the policymaking and legislative body of the city. None of their duties and obligations, as set out by the city

charter or otherwise set by law, shall be restricted by this meet-and-confer chapter. It is the right of the city, through its mayor and council, to determine the purpose of each of its constituent agencies, set standards of service to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of the city to direct its employees, take disciplinary action, relieve its employees from duty because of lack of work or other legitimate reasons, determine whether goods or services shall be made, purchased or contracted for, and determine the methods, means and personnel by which the city's operations are to be conducted. The city has the right to take all necessary action to maintain uninterrupted service to the community. The mayor and city council may, at their option and sole discretion, direct the city manager and other city representatives to consult with the city's employees or their authorized representatives about the direct consequences that decisions on those matters may have on wages, hours and working conditions. These rights are illustrative only and are not to be construed as being all inclusive. (Ord. 598 § 3, 1992)

**2.68.040 Public employee rights.**

Public employees shall have the right to form, join and participate in any employee organization or to refrain from forming, joining or participating. Public employees shall have the right, if they so choose, to be represented by an employee organization of their own choosing, to meet and confer through an authorized employee organization with their public employer in the determination of wages, hours and working conditions, and to be represented in the determination of grievances

arising thereunder. Employees may also choose to represent themselves, or to be represented by legal counsel in grievance matters. (Ord. 598 § 4, 1992)

**2.68.050 Ineligible employees.**

Unless otherwise permitted by law, confidential, managerial and professional employees and supervisors, judges and elected officials shall not be represented by any employee organization, nor shall such employees take an active role in the policymaking activities of an employee organization, nor shall such employees participate directly or indirectly in the meet-and-confer process except as representatives or assistants to the city. (Ord. 598 § 5, 1992)

**2.68.060 Prequalification of employee organizations.**

Each employee organization seeking recognition as an authorized representative shall file upon demand with the city manager the following:

- A. Name and address of the organization;
- B. A copy of its Charter, Constitution and bylaws if such document exists;
- C. The names, titles, addresses and telephone numbers of its duly elected officers;
- D. A statement that membership in such organization is not denied because of race, color, creed, sex, national origin, ancestry, religion or age;
- E. A petition requesting designation as an authorized representative of an employee unit supported by the signature of no less than fifty percent plus one of the eligible employees. (Ord. 598 § 6, 1992)

**2.68.070 Maintaining eligibility—  
Standards.**

An employee organization shall not be certified as an authorized representative nor be permitted to continue in that capacity unless it establishes and maintains standards of elections of its local officers at least every year by secret ballot among its members in good standing. An employee organization shall not be certified as an authorized representative nor be permitted to continue in that capacity unless it files an annual financial statement in substantial compliance with 29 U.S.C. Section 431(b), with the city manager, which statement shall be a public record. (Ord. 598 § 7, 1992)

**2.68.080 Police organization  
restrictions.**

No employee organization shall be certified as the authorized employee representative of a unit of police officers if such organization admits to regular membership or is affiliated directly or indirectly with a labor organization (except a federation of national or international labor organizations) that admits to regular membership employees other than police officers. (Ord. 598 § 8, 1992)

**2.68.090 Meeting and conferring  
procedures.**

The council recognizes and affirms the unilateral right of each authorized employee organization to designate its representatives for meeting and conferring. The city manager or his designee shall serve as the representative of the city and he shall meet and confer solely with the duly designated representatives of the authorized employee organization. Representatives of the authorized employee organization. Representatives of the authorized

employee organization(s) shall meet and confer solely with the designated representative of the city manager. On or before December 1st of any year in which meeting and conferring is authorized by this chapter, authorized employee organizations shall submit their proposals in writing to the city manager or his designee and shall file a copy thereof with the city clerk as a public record. Thereafter, on or before February 28th, each authorized employee organization shall be afforded at least one opportunity to make a presentation regarding its proposal to the city manager or his designee. Additional meetings may be held if the city manager or authorized employee organization conclude that additional meetings would be helpful in resolving contested issues. On or before March 31st, the city manager shall submit to the authorized employee organization his recommendations to the city council and shall concurrently file copies thereof with the city clerk as a public record. The employee organization may, within ten days thereafter, file with the city clerk its written exceptions to the recommendations. The city council shall consider the exceptions and the employee organization shall be given an opportunity to state its position to the city council. The city council may accept, reject or modify the recommendations of the city manager in whole or in part. The decision of the mayor and council shall be final. (Ord. 598 § 9, 1992)

**2.68.100 Economic issue deadline.**

In all cases where an authorized employee organization has not been certified prior to January 1st, all meeting and conferring procedures on economic issues shall be concluded prior to the date set by the council

for the tentative adoption of the annual city budget for the following fiscal year. (Ord. 598 § 10, 1992)

**2.68.110 Unfair practices.**

The public employer shall not retaliate against employees for invoking their rights under this chapter and shall not refuse to meet and confer with authorized representatives to the extent provided by this chapter. Employee organizations shall not restrain or coerce employees in the exercise of their rights under this chapter, cause an employer to unlawfully discriminate against an employee, or threaten, coerce or restrain a person for the object of obtaining his membership. (Ord. 598 § 11, 1992)

**2.68.120 Prohibited practices.**

Solicitation of members, dues, and other internal employee organization business shall be conducted only during non-duty hours and shall not interfere with the work process. Employee organizations and employees shall not engage in, initiate, sponsor or direct a strike, work stoppage, slowdown, sick-out or other similar activity. Conducting a prohibited practice shall result in the immediate revocation of the designation as an authorized employee representative and ineligibility to be recertified for two years and ineligibility for payroll deduction of dues for a like period of time. (Ord. 598 § 12, 1992)

**2.68.130 Personnel rules—  
Amendment conditions.**

Whenever, pursuant to Article IV, Section 6, Douglas City Charter, the personnel director or the merit systems board or the city manager consider submittal of personnel rules to the

mayor and council, the employee organization shall be given notice of the intent to submit those rules and an opportunity to comment upon them. The employee organization comments shall be considered prior to city council consideration. Submittals by the employee organization shall also be filed with the city clerk as a public record. The employee organization may also submit to the mayor and council its written exceptions to any recommendations and the council shall consider the exceptions prior to taking final action. Also, prior to taking final action, the employee organization shall be given an opportunity to state its position to the mayor and council. (Ord. 598 § 13, 1992)

**Chapter 2.70**

**PERSONNEL APPEALS BOARD**

**Sections:**

**2.70.010 Membership and organization.**

**2.70.020 Powers and duties.**

**2.70.010 Membership and organization.**

A. There shall be a personnel appeals board which shall consist of five members appointed by the mayor with the approval of the council from the qualified electors of the city.

B. The term of each member should be two members be appointed for one year, two members for two years, and one member for three years. Terms will expire on June 30, except that a member shall continue to serve until his successor is duly appointed and qualified.

C. Appointments heretofore made to a personnel appeals board shall lapse as to a member who is also serving as a member of the merit system board at the time the ordinance codified in this chapter becomes effective. No person serving as a member of the merit system board may simultaneously serve as a member of the personnel appeals board.

D. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only.

E. The board will hold meetings as necessary to carry out the intent and purpose of this chapter. A chairman and vice chairman shall be elected by the members at the first meeting of each calendar year. The chairman may be permitted to succeed himself.

F. Anyone of the following shall constitute the resignation of the board member and authorize the mayor with concurrence of the council to appoint a new member to fill the term so vacated:

1. Absence from three consecutive scheduled meetings; or

2. Becoming a candidate for any elective public office; or

3. Accepting any appointive office or employment in city governmental service.

G. Members of the board serve without pay but shall be reimbursed their actual expenditures on behalf of the city business as provided for other city employees. (Ord. 541 § 1:00, 1988)

**2.70.020 Powers and duties.**

The board shall:

A. Hear grievances submitted by employees as defined in the city personnel rules and regulations;

B. Hear discrimination charges submitted by employees as defined in the city affirmative action plan;

C. Conduct informal hearings without courtroom procedures or formal rules of evidence in an attempt to mediate the grievance or discrimination charge;

D. Follow and adhere to timelines and procedures outlined in Article IV (E, F) and city personnel rules and regulations. (Ord. 541 § 2:00, 1988)

## **Chapter 2.72**

### **POLICE PENSION FUND**

#### **Sections:**

- 2.72.010**      **Established.**
- 2.72.020**      **State law adopted.**
- 2.72.030**      **Qualification and  
registration of electors.**

#### **2.72.010**      **Established.**

The city is authorized and required to establish a police pension fund in all respects in compliance with the Police Pension Act of 1937 of the state. (Prior code § 2.2)

#### **2.72.020**      **State law adopted.**

Reference is made to, and by reference is adopted, the Police Pension Act of 1937, sections 9-911 to 9-934; Arizona Revised Statutes Annotated, Laws 1937, Chapter 40, paragraphs 1 to 23, inclusive, as the law for the operation, management, control and distribution of the police pension fund for the city established by Section 2.72.010. (Prior code § 2.3)

#### **2.72.030**      **Qualification and registration of electors.**

The qualifications and the manner of registration of the electors of the city shall conform to and be as provided for in section 16-101 et seq. of the Arizona Revised Statutes Annotated, section 16-113 thereof specifically stating that the provisions of Chapter 1 of Title 16 are applicable to cities “incorporated under common council government.” (Prior code § 2.4)

## Chapter 2.76

### FINGERPRINTING OF PROSPECTIVE CITY EMPLOYEES

#### Sections:

- 2.76.010**      **Fingerprints to be provided—Criminal records check.**
- 2.76.010**      **Fingerprints to be provided—Criminal records check.**

Each applicant identified in the ordinance codified in this chapter shall provide fingerprint identification to the city personnel department. The personnel department shall forward the fingerprints of eligible applicants to the Arizona Department of Public Safety for the purpose of obtaining a state and federal criminal records check pursuant to ARS Section 41-1750 and PL 92-544. The Arizona Department of Public Safety is authorized to exchange this fingerprint information with the Federal Bureau of Investigation. (Ord. 647 § 1, 1994)