



NOTICE OF WORK SESSION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH TUESDAY NOVEMBER 16, 2021 4:00 P.M.

Pursuant to A.R.S. § 38-431.02(B), notice is hereby given to the members of the Town Council and to the general public that the Town Council will hold a Work Session of the Town Council which is open to the public on Tuesday, November 16, 2021 at the Mammoth Community Center located at 101 W. 5th Street, Mammoth, Arizona. The Town Council may hold an Executive Session, A.R.S. § 38-431.03(A)(3) and (4) for legal advice, which will not be open to the public, to discuss any Agenda items set forth below.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Work Session to include:
 - A. Review, Update, Modify and/or Change Town of Mammoth Council Rules Policies and Procedures and Code of Ethics
5. ADJOURN

The undersigned hereby certifies that a copy of this notice was posted at the Mammoth Town Hall on November 10, 2021 by 5:00 p.m.


Angela Sanchez, Town Clerk

Copies of the agenda are available for public inspection at the Mammoth Town Hall and the Mammoth Public Library. Persons with disabilities needing accommodations should contact the Mammoth Town Hall coordinator at (520) 487-2331. If possible, such requests should be made 72 hours in advance.

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)



**TOWN OF MAMMOTH
MINUTES OF A WORK SESSION
OF THE MAMMOTH TOWN COUNCIL
SEPTEMBER 14, 2021**

These are the Minutes of a Work Session held by the Mammoth Town Council
On September 14, 2021 pursuant to the notice required by Law.

Due to the COVID-19 Virus and our efforts to slow the spread, and to keep all members and attendees safe in this time of crisis. We require that all those in attendance are Masked and adhering to Social Distancing Measures.

1. **CALL TO ORDER** – This meeting was called to order at 4:00 PM Mayor Armenta.
2. **PLEDGE OF ALLEGIANCE** John Schempf
3. **ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez
Councilman Ponce
Councilman Bustamante
Councilman Adams
Councilman Brewer

PRESENT STAFF

Attorney S Cooper
Town Manager, J. Schempf
Town Clerk A. Sanchez
ABSENT MEMBERS
Councilman Martinez

4. **WORK SESSION AGENDA**

A. Review, Update, Modify and/or Change Town of Mammoth Council Rules Policies Procedures and Code of Ethics

Councilman Ponce asked if the Rules, Policies and Procedures were passed by the council and if they take the place of the town policies? The Town Clerk explained that the Council Rules Policies and Procedures were approved through town Ordinance 193 on December 16, 2021 and that Ordinances supersede policies.

Code of Ethics

Mayor Armenta asked each council member and staff take turns reading the Code of Ethics aloud to review and determine if any changes should be made. Town Manager suggested that item #2 should be changed to correct a typo and should read: "Affirm the dignity and worth of the *services* rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and deep sense of social responsibility as a trusted public servant."

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)

Councilman Bustamante asked for clarification regarding item number 7, “Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.” Town Attorney Cooper explained that this was intended to prevent council members from being involved in council elections where you are supporting one council member over another.

Vice Mayor Martinez stated that council members are citizens first, it is wrong to bar council from campaigning. In four years, all of the members of this board will be up for reelection and to not allow to campaign for one candidate over another is hampering the democratic process. We should be able to support whomever we want as long as we do it as an individual not as a council member.

Mayor Armenta asked counsel for some suggestions as to how to revise item number 7. Town Attorney Cooper explained they could strike the sentence all together. He explained that this is a study session so we are not taking action. You could revise it to say refrain from participation in the election of members of the Town Council. Yes, you have a right as an individual but when you are out in public it is hard to take off your elected official hat. Even though you are saying I’m doing it individually they are still going to be looking at you as a council member. It is up to the council.

Vice Mayor Martinez suggested that item number 7 should be removed in its entirety. If we are not allowed to engage in any political activity, how are we supposed to campaign for ourselves when we run for office? However, I think town employees this is good practice. In the last election we had our town manager campaigning on the public’s time while being paid. This should not be allowed.

Councilman Brewer stated he agrees council members should be allowed to campaign and put-up signs in their own home. However, any statement you make in a meeting has to be agreed upon by the entire council.

Town Attorney Cooper explained that the entire statement says “Refrain from all political activities which undermine public confidence in professional administrators” which means you can’t campaign by saying if you elect me, I will fire the lawyer.

Town Manager suggested that we start with the example that was provided from the Town of Eloy and add in anything we think is missing because theirs is a lot simpler and we don’t need a nineteen-page document.

Town Clerk suggested we keep some language in that prevents council members from presenting their opinion as that of the town as they campaign.

Vice Mayor Martinez suggested we strike item 7 and use 2.1.5 No Special Powers. All agreed to remove item 7 from the Code of Ethics. No other changes to Code of Ethics.

Mayor Armenta asked to move the Town Clerks evaluation to the next meeting because Vice Mayor Martinez has to leave at 5:15 PM and it was agreed.

Councilman Brewer stated that there needs to be something in this document that states that if a member knowingly violates these rules they should be removed from office.

Town Council Rules and Procedures

Mayor Armenta asked if there are any suggested changes:

Page 3 – 1. Form of Government **Town Clerk** suggests to fix typo *Manager/Clerk* form of government.

Page 4- 2.1.7- Assumption of Office-**Vice Mayor Martinez** suggested that we should appoint new council members at the beginning of the meeting in November rather than waiting until the end.

2.1.8.2- Application- **Vice Mayor Martinez** suggested to amend so that “if a Council seat is vacant within the first year after the election the council will invite all qualified candidates to apply for the vacancy before any outside candidates are considered. The people who ran must submit a letter of interest based on the number of votes received. The people have already voted. If none of those candidates are interested then we should accept letters of interest or nominations. Just for the first year after an election.

2.1.8- Council Vacancies- The **Town Manager** suggested that this be amended because it does not comply with state law which is that the appointment should be for the remainder of the unexpired term or next election which ever occurs first. **Vice Mayor Martinez** suggested to add “all efforts will be made to bring the council back into accordance with the regular election schedule.”

Councilman Brewer stated that the council passed an ordinance, but never put the election of the mayor seat on the ballot for the people to vote on it. This needs to be resolved. **Vice Mayor Martinez** stated that the council has addressed this issue and it will go on the ballot for the 2022 election. There was discussion back and forth for clarification for other council members. **Councilman Bustamante** explained the history involving preclearance.

2.1.8.3- **Town Manager** asked for clarification. **Vice Mayor Martinez** explained and suggested that “Must have been an official candidate. Legal counsel suggested that it should say “qualified candidates.”

2.3.2- Regarding Council Minutes- **Vice Mayor Martinez** asked that this item be changed to continue as we have been which is a generalization of what was discussed. Legal counsel stated that if someone wants to be on the record, they must ask for their statements to be added which is Roberts Rules of Order.

2.3.4- **Vice Mayor** asked that this section should be removed because it is redundant with 6.5.1 & 6.5.4. Also, section 6.5.1 and 6.5.4 should be amended to state that the mayor and/or three council members will call for a special meeting and/or suggest an item.

Councilman Brewer 2.3.4 should state “shall” in place of may. Legal council recommended that this item be removed and addressed in section 6. **Councilman Bustamante** expressed concerns about open meeting law violations. **Vice Mayor Martinez** suggested adding 6.5.1 a and b. Item a.as written and b the mayor or three council members will call for a special meeting or the mayor, or three council members will put an item on the agenda.

3.2- insert Code of Ethics in place of Personal Code of Conduct per **Town Manager and Vice Mayor Martinez**.

Vice Mayor Martinez suggested we add language that would remove someone from office who violates the Code of Ethics as a penalty. Legal counsel suggested this discussion take place after the revision is complete. **Vice Mayor Martinez** suggested that Public Interest be moved to 3.4 and Conduct be moved to 3.3.

3.5-Conflict of Interest- 3.5.3 changed to read “nor use such information” per **Town Manger**.

3.4.7-**Vice Mayor Martinez** suggested commissioners be exempt from this, **Councilman Brewer** stated this is understood that is why we have commissioners.

Vice Mayor Martinez stated she does not think councilmembers should be charged for information or copies. Town Clerk explained that councilmembers have made requests that were extreme and it took a large amount of staff time and resources. Councilman Bustamante stated that if a request take more than 1 man hour must be approved by the council.

Vice Mayor Martinez suggested that 3.6.1 be incorporated into the penalty section.

4.6.4-**Councilman Bustamante** expressed concern of “majority position” that he would not be able to make a political statement that is his own personal opinion. “If the council is divided the member may make a personal statement not that of the council.” (word smith)

5.2.5- **Vice Mayor Martinez** suggested they should be held to our Town Personnel Policy as well.

5.6-change residents to “property owner” and change from 4- 2-year term.

Vice Mayor Martinez suggested changing town hall and meeting place through out policy.

Mayor Armenta suggested that work session should be as needed rather than before meeting. **Councilman Brewer** stated he like having study sessions before the regular meeting.

6.5- **Mr. Cooper legal counsel** suggested removing the rest of the sentence after action form.

6.5.2-add a sentence for emergencies. Change time limit to no later than 9PM. **Town Clerk** asked if there was anything in the Eloy Policy that should be included. The **Town manager** asked about the length of the Vice Mayor term. Do we want to limit to one year or two?

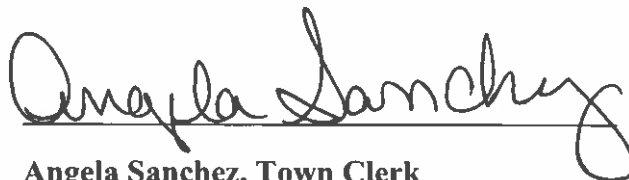
Councilman Brewer stated that it should appoint the Vice Mayor. **Mr. Cooper legal counsel** stated that right now the vice mayor stays until someone decides to consider it. It could be 3 months or 3 years. The mayor asked about Commissioners? **Mr. Cooper legal counsel** stated that commissioners are about 2 years.

B. A.R.S. 38-431.03(A)(1) AND (3) Discussion and/or Consideration of Performance Evaluation, of a Public Officer, Town Clerk, of a . Body Including Possible Legal Advice

The mayor stated she would move the Town Clerks evaluation to the next meeting due to time constraints.

**10. Adjourn
Meet adjourn at 5:40 PM**

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held September 14, 2021. I further certify that the meeting was duly called and held.



Angela Sanchez, Town Clerk

Town of Mammoth Arizona

Code of Ethics

The mission of the of Mammoth Council is to create excellence in local governance by developing and fostering professional local government management. To further this mission, certain principles, as enforced by the Town of Mammoth Rules and Procedures, shall govern the conduct of every member of the Town of Mammoth Council, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the **services** rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Serve the best interests of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities believing the member should be free to carry out official policies without interference and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

TOWN OF MAMMOTH

2011 TOWN COUNCIL RULES AND PROCEDURES

ADOPTED DECEMBER 16, 2010
REVISED NOVEMBER 18, 2021

TOWN COUNCIL RULES AND PROCEDURES

1. Form of Government

- 1.1 Roles
- 1.2 Authority
- 1.3 Mutual exclusivity.....

2. Council Powers and Responsibilities

- 2.1 Town Council Generally.....
- 2.2 Mayor and Vice Mayor-Appointment, Power and Duties.....
- 2.3 Council Actions.....

3. Legal and Ethical Standards

- 3.1 Preamble.....
- 3.2 Code of Ethics.....
- 3.3 Conduct.....
- 3.4 Public Interest
- 3.5 Conflict of Interest.....
- 3.6 Compliance and Enforcement – All Rules.....

4. Communications

- 4.1 Written Communications.....
- 4.2 Request for Staff Resources.....
- 4.3 Relationship/Communication With Staff.....
- 4.4 Council Relationship/Communication with Boards, Commissions and Committees.....
- 4.5 Handling of Litigation and Other Confidential Information.....
- 4.6 Representing an Official Town Position.....
- 4.7 Quasi-Judicial Role/Ex Parte Contracts.....

5. Boards, Commissions, and Citizen Committees

- 5.1 Board, Commissions and Citizen Committees Generally.....
- 5.2 Board, Commission and Citizen Committee Organization and Conduct.....
- 5.3 Commission, and Citizen Committee Appointments.....
- 5.4 Boards, Commissions, and Citizen Committees Vacancy of Office.....
- 5.5 Board, Commission, and Citizen Committee Duty of Loyalty to the Council..
- 5.6 Board, Commission, and Standing Citizen Committees.....

6. Town Council Meetings

6.1 Regular Meetings.....

6.2 Study Sessions.....

6.3 Executive Sessions.....

6.4 Special and Emergency Meeting.....

6.5 Council Agenda.....

6.6 Decorum.....

6.7 Time of Adjournment.....

6.8 Agenda Packets

1. Form of Government.

The Town of Mammoth municipal government operates under a Council Manager/Clerk form of government as established by the Town ordinance.

1.1 Roles.

Under this form of government, the Council provides legislative direction, sets Town policy and monitors its execution by Town staff. The Town Manager/Clerk serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town.

1.2 Authority.

The key provisions that outline Mammoth's Council-Manager/Clerk form of government are found in the Town ordinance.

1.3 Mutual Exclusivity.

Town staff shall not interfere with the administration of the Town Council's or Mayor's duties. Neither the Town Council nor any of its members shall interfere with the administration of the Town staff's duties or give orders to the subordinates of either the Town Manager/Clerk or Town Attorney.

2. Council Powers and Responsibilities.

2.1 Town Council Generally.

2.1.1 Number and Term. The elected Officials of the Town shall be seven (7) Council members (including the Mayor) who shall constitute the Town Council. Each Councilmember's term shall continue in office until assumption of duties of office by the or duly elected and sworn successor.

2.1.2 Any Form of action Permissible.

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order, or motion.

2.1.3 No Artificial Limit.

The Town Council has the power, in the name of the Town, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, the Town ordinance or State or Federal laws.

2.1.4 Majority Rule.

The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action. The Council majority may be a majority of the quorum of the Council.

2.1.5 No Special Powers.

No Councilmember has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.

2.1.6 One Office.

No member of the Council is permitted to hold any other Town office or Town employment (except as may otherwise be provided in the Town ordinance).

2.1.7 Assumption of Office.

Immediately prior to assumption of the duties of office, each Councilmember shall publicly sign the Council Code of Conduct and take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or by the Town Clerk. Councilmembers of the Town shall assume duties of office **at the beginning of the** a regularly scheduled Council meeting **in November** immediately following or concurrent with the canvassing of the vote for the general election or as otherwise provided in State law. Assumption of an elected office will result in the automatic resignation of all other Town offices, elected, or appointed.

2.1.8 Council Vacancies.

The Council shall fill by appointment, **for the remainder of the unexpired term or until the next election whichever occurs first, for the unexpired term**, any vacancy that may occur **as required by state law. All efforts will be made to bring council back into accordance with regular election schedule.**

2.1.8.1 Time of Appointment.

Council shall appoint the substitute new Councilmember or Mayor as soon as possible after the Council receives notice that a seat will be vacated. This will typically result in an appointment being made prior to the seat being vacated, effective as of the known future date of the vacancy. If the notice of vacancy occurs during an active Council election season (i.e., after the deadline for candidates to file papers were to be filed complete). The vacancy appointment will not be made until the election cycle is complete (i.e., until after all votes have been cast). Election of a sitting Councilmember or Mayor to another office constitutes (as of the date of the election) notice that a vacancy exists as of the date of assumption of office.

2.1.8.2 Application.

Upon notice that a vacancy in the Council exists or will exist as of a known future date, the Council will call for letters of interest by individuals interested in being appointed, with a specific deadline for such applications to be received by the Town at the Town offices. Such call for applications will be advertised. Letters of interest will be submitted by applicants to the Town Clerk/**Manager**, who will collect the letters and make them available to Town Council. **If a vacancy occurs in the first year after the election the Council will invite all qualified candidates to apply prior to entertaining outside candidates are considered.**

2.1.8.3 Nomination in Addition to Application: Interviews.

After such deadline, the Council will meet in a public meeting to consider the letters and may nominate any **qualified** candidate that individual Council members deem to be qualified. Council may convene in a properly noticed Special Council Meeting for purpose of voting and selecting a candidate or may choose to delay this action to a future Regular or Special meeting.

2.1.8.4 Council Compensation.

Councilmembers will not receive any salary, benefits, or other form of monetary compensation for their services. A sitting Council may, by ordinance, modify or otherwise implement a schedule of compensation that until after the next Council election. Any such compensation will become effective beginning the next July 1st following the election.

2.2 Mayor and Vice Mayor-Appointment, Power and Duties.

2.2.1 The Mayor is the official head of the Town for all ceremonial purposes.

2.2.2 The Mayor does not possess any power of veto.

2.2.3 The Mayor, or Council designee, coordinates with the Town Manager/Clerk in the development of agendas for meeting of the Town Council.

2.2.4 The Mayor may perform such other duties consistent with mayoral office as may be prescribed by Town ordinance, as may be imposed by the Council, or as required by State law. Specific duties include:

2.2.4.1 The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with Robert's Rule of Order. However, as a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers have including the ability to make, and second, motions and vote on motions made by the Council.

2.2.4.2 The Mayor shall execute and authenticate by his signature all such instruments as the Council or any statutes, ordinances or this code may require.

2.2.4.3 The Mayor may, by proclamation, declare a local emergency to exist due to any natural or man-made calamity disaster. The Mayor may also declare such an emergency in the event of a threat of occurrence of riot or other acts of civil disobedience which endanger life or property within the Town. After declaration of any such emergency, the Mayor shall govern by proclamation and impose any and all necessary regulations to preserve the peace and order of the Town, including but not limited to:

2.2.4.3.1 Imposition of a curfew for all or any portion of the Town

2.2.4.3.2 Ordering the closing of any business

2.2.4.3.3 Closing to the public access to any public building, street, or other public place, or

2.2.4.3.4 Call upon regular or auxiliary law enforcement agencies and organizations within the Town for assistance in providing for the safety of the Town, its citizens and property

2.2.4.3.5 As the Mayor may deem appropriate, and upon request by an organization or individual, the Mayor may prepare proclamations that identify particular days and events to be of special interest to the Town and its citizens

2.3. Council Actions.

2.3.1 Legislative actions by the Town Council can be taken by means of ordinance, resolution, or minute action duly made and passed by the majority (unless otherwise provided).

- 2.3.2. In accordance with State Law, public actions of the Council are recorded in the minutes of the town Council meeting. The Town Clerk is required to make a record of business actually passed upon by a vote of the Council and should not record any remarks of Councilmembers or of any other person, except at the special request of a Councilmember, with the consent of the Council.
- 2.3.3 Actions of the Council concerning confidential property, personnel, and legal matters of the Town are to be reported consistent with State law.
- ~~2.3.4. Any Councilmember may suggest an agenda item for the next regular Council meeting and the item may placed on the agenda.~~

3. Legal and Ethical Standards.

3.1 Preamble.

The residents and businesses in Mammoth are entitled to have fair, ethical and accountable local government. Such a government requires that public officials:

- 3.1.1 Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- 3.1.2 Be independent, impartial and fair in their judgment and actions;
- 3.1.3 Use their public office for the public good, not for personal gain, or exacting personal agendas;
- 3.1.4 Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

3.2 Code of Ethics.

To this end, the Mammoth Town Council has adopted a Code of Ethics to encourage public confidence in the integrity of local government and its fair and effective operation. This Town Council Code of Ethics is composed of two documents: (1) these Town Council Policies; (2) the Town Council **Code of Ethics** ~~Personal Code of Conduct~~. The Town Council Code of Ethics shall not be interpreted to conflict with other rights and responsibilities of public officials set forth in this code or Federal, State, or local document relating to ethical conduct by Mammoth Councilmembers.

3.3 Conduct. (moved from 3.4)

- 3.3.1 Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, staff, or the public.
- 3.3.2 Councilmember's duties shall be performed in accordance with the processes and rules of order established by the Town Council.
- 3.3.3 Councilmembers shall inform themselves on public issues, listen attentively to public discussion before the body and focus on the business at hand.
- 3.3.4 Council decisions shall be based upon merits and substance of the matter at hand.
- 3.3.5 It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from outside of the public decision-making process with all other Councilmembers and the public prior to taking action on the matter.
- 3.3.6 Appropriate Town staff should be involved when Councilmembers meet with

officials from other agencies and jurisdictions to ensure proper staff support as needed to keep staff informed.

3.3.7 Councilmembers shall not attend internal staff meetings or meetings between Town staff and third parties unless invited by Town staff or directed by Council.

3.3.8 Policy Role. Councilmembers shall respect and adhere to the Council, Manager/Clerk structure of Mammoth Town government as provided in State law and the Town ordinance. Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and Town employees.

3.3.9 Implementation. The Code of Ethics shall be included in the regular orientations for Town Council candidates. Councilmembers entering office shall sign a statement affirming, they have read and understand the Town of Mammoth Town Council Code of Ethics.

3.4 Public Interest.(moved from 3.3)

3.4.1 Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Mammoth and not for any private or personal interest. Councilmembers must endeavor to treat all members of the public and issues before them in a fair and equitable manner,

3.4.2 Councilmembers shall comply with the laws of the nation, the State of Arizona and the Town in the performance of their public duties. These laws include, but are not limited to: the United States of Arizona constitutions; Mammoth Town ordinances; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open meeting.

3.5 Conflict of Interest.

3.5.1. In order to assure their independence and impartiality on behalf of the public good. Councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under State law.

3.5.2 Councilmembers shall not take advantage if services or opportunities for personal gain by virtue of their public office that are not available to the public in general.

3.5.3 Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Town. They must neither disclose confidential information without proper legal authorization nor **use** such information to advance the personal, financial, or private interests of themselves or others.

3.5.4 Town Councilmembers should avoid any action that could be construed as or create the appearance of using public office for personal gain, including use of Town stationery or other Town resources to obtain or promote personal business.

3.5.5 Public resources not available to the general public (e.g., town staff time, equipment, supplies, or facilities) shall not be used by Councilmembers for private gain or personal purposes

- 3.5.6 In keeping with their roles as stewards of the public interest, Councilmembers shall not appear on behalf of the private interest of a third party before Town Council or any board, commission or committee or proceeding of the Town, except as permitted by law.
- 3.5.7 To the best of their ability, Councilmembers shall represent the official policies and positions of the Town Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the Town.

3.6 Compliance and Enforcement —All Rules.

Councilmembers take an oath or affirmation when they assume their office in which they promise to uphold the laws of the State of Arizona, the Town of Mammoth, and the United States of America. Consistent with this oath or affirmation is the requirement of the Council's policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

3.6.1 Any suspected violation or alleged violation by a Councilmember must be reported to the mayor. Any suspected violation or alleged violation by the mayor must be reported to the Vice Mayor. In case of a Town staff member making the report regarding a Councilmember or Mayor, the report should be made to the Town Manager/Clerk who will then report it to the Mayor (or, when appropriate, the Vice Mayor). Upon report, the Town Manager/Clerk and Town Attorney will assist the mayor in the following one of the two (2) protocols for addressing the violation or alleged violation:

- 3.6.1.1 If the Mayor, Town Manager/Clerk, and the Town Attorney all agree that the violation or alleged violation is minor in nature, the mayor and either the Town Manager/Clerk or the Attorney may contact the individual Councilmember and advise the member of the concern and seek to resolve the matter.
 - 3.6.1.2 If the Mayor, Town Manager/Clerk and the Town Attorney do not agree that the violation or alleged violation is minor in nature or agree that it is not minor in nature, then the Mayor shall convene a special ad hoc committee of the Mayor (who will serve as chair), Vice Mayor and a third party selected by the Mayor and Vice Mayor (the "Ethics Committee") who will meet with the Town Manager/Clerk and Town Attorney and appropriate staff and witnesses to determine how the matter may proceed, be resolved or be reported to the appropriate authorities
 - 3.6.1.3 In implementing the provisions of this section, the Ethics Committee will be authorized to conduct all inquiries and investigations as necessary to fulfill their obligation.
 - 3.6.1.4 The incident or violation is not minor if it involves the injury or potential injury to any person (e.g., physical, emotional, defamation, harassment, etc.), significant exposure to the Town Treasury or the probability for a repeat occurrence.
- 3.6.2 Councilmembers wishing to report a suspected violation by a staff member should report it to both the Town Manager/Clerk and Town Attorney.

- 3.6.3 In the event any Councilmember with a role in this policy is the subject of the inquiry, the role of that official shall be assumed by the next ranking official in the chain. For example, if the mayor is the subject of the inquiry, the Ethics Committee shall be comprised of the Vice Mayor (who shall serve as chair) and the two (2) most senior available Council members (by duration on the Council). If the Town Manager/Clerk or Town Attorney is the subject, the Committee will exclude that individual.
- 3.6.4 The term "Committee" or "Ethics Committee" is used for ease of reference only as it is not intended by this policy to create a permanent or standing committee but, rather, to assemble the officials necessary to review complaints should the need arise.
- 3.6.5 This policy and the protocols set forth are alternatives to any remedy that might otherwise be available or prudent. In order to ensure good government, any individual, including the Town Manager/Clerk and Town Attorney, who believes a violation may have occurred is hereby authorize to report the violation to other appropriate authorities.

4. Communications.

- 4.1 Written Communications.
Written communications addressed to the Town Council are to be referred to the Town Clerk for forwarding to the Council
- 4.2 Request for Staff Resources.
Council request for research or other staff work must be directed to the Town Manager/Clerk or the Town Attorney regarding legal matters
 - 4.2.1 If more than one hour of staff time will be required to complete the task/project, the item will be agendaized to ask the Town Council if time should be spent on preparing a report on the proposed item.
 - 4.2.2 Staff responses prepared to Council inquiries shall be distributed to all Town Councilmembers.
- 4.3 Relationship/Communications with Staff.
Staff serves the Council as a whole, therefore:
 - 4.3.1 A Councilmember shall not direct staff to initiate any action, change a course of action or prepare any report, nor shall a Councilmember initiate any project or study without the approval of Council.
 - 4.3.2 Councilmembers shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities absent the approval of the Council.
 - 4.3.3 When preparing for Council meetings, Councilmembers should direct questions ahead of time to the Town Manager/Clerk so that staff can provide the desired information at the Council meeting.
 - 4.3.4 Any concerns by a member of the Town Council regarding the behavior or work of a Town employee should be directed to the Town Manager/Clerk privately to ensure the concerns are resolved.

Councilmembers shall not reprimand employees directly nor should they communicate their concerns to anyone other than the Town Manager/Clerk.

4.3.5 Councilmembers serving in Council committees or as the Town's representative to an outside agency may interact directly with Town staff assigned to that effort as the Town Manager/Clerk designee. The Town staff member so designated and assigned will keep the Town Manager/Clerk appropriately informed.

4.3.6 Soliciting political support from staff (e.g., financial, contributions, display of posters or lawn sign, name on support lists, etc.) is prohibited. Town staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while in uniform or wearing indicia of association with the Town.

4.4 Council Relationship/Communication with Boards, Commission, and Committees.

Individual Councilmembers shall not attempt to pressure or influence board, commission or committee (each, an "agency") decisions, recommendations or priorities, absent the approval of the Council. The role of Council liaison is to observe and report to the Council and actions of the agency and the Council, respectively.

4.5 Handling of Litigation and other Confidential Information.

All written materials and verbal information provided to Council members on matters that are confidential to State law shall be kept in complete confidence to ensure that the Town's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Councilmembers, the Town Attorney or Town Manager/Clerk.

4.5.1 Confidential materials provided in preparation for and during Executive Sessions must be returned to staff at the conclusion of the Executive Session.

4.5.2 Confidential materials provided to Council members outside Executive Sessions must be destroyed or returned to staff within thirty (30) days of their receipt.

4.5.3 Councilmembers may not request confidential written information from staff that has not been provided to all Councilmembers.

4.6 Representing an Official Town Position.

4.6.1 Town Councilmembers may use their title only when conducting official Town business, for information purposes or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

4.6.2 Once the Town Council has taken a position on an issue, all official Town correspondence regarding that issue will reflect the Council's adopted position.

4.6.3 In most instances, the Council will authorize the mayor to send letters stating the Town's official position to appropriate legislators.

4.6.4 If a member of the Town Council appears before another governmental agency organization to give a statement on an issue affecting the Town, the

Councilmember should indicate the majority position adopted by the Council. If the Council is divided in an issue, the member ~~should make no statement.~~ **may make a personal statement indicating that it is not that of the council.**

- 4.6.5 Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the Town Council.

4.7 Quasi-Judicial Role/Ex Parte Contacts.

4.7.1 *Quasi-Judicial Role*, The Town Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements. In this last capacity, quasi-judicial, the Council in a regular meeting, takes evidence, determines what the evidence shows and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contact applies.

4.7.2 *Ex Parte Contacts/Fair Hearing*. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Town Council or any agency, board or any agency, board, or commission thereof, except at the public hearing, note ordinary lobbying on non-quasi-judicial matters is legal and not a violation of these rules.

4.7.2.1 As an elected official, it is often impossible to avoid such contacts and exposure to information, Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing.

4.7.2.2 Matters are "pending" when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearing before subordinate boards, commissions, and committees are not subject to this rule.

5. Boards, Commissions, and Citizen Committees.

This section is intended to describe the function of boards, commissions, and committees (each a "Citizen Committee") other than Council Member Committees (see 2.4). These general rules apply unless the motion, resolution, or ordinance creation the board, commission, or committee explicitly provides otherwise.

5.1 Boards, Commissions, and Citizen Committees Generally.

5.1.1 The Town ordinance authorizes the town Council to establish additional advisory Boards, Commissions, and Citizen Committees to assist the Council in its policy decisions. The Town Council has the inherent power to create Citizen Committees.

5.1.2 Town Boards, Commissions, and Citizen Committees do not set or establish Town policy or administrative direction to Town staff.

5.1.3 Appointment to Boards, Commissions and Citizen Committees are by the mayor, after review and consideration of any applicants.

5.1.4 The term "Board" and "Commission" may be used interchangeably. Boards and Commissions typically have broader policy and advisory responsibilities than Citizen Committees, which typically have much more focused advisory roles to the Council.

5.2 Board, Commission and Citizen Committee Organization and Conduct.

5.2.1 There are two (2) classes of official Town Citizen Committees: "ad hoc" and "standing" Citizen Committees.

5.2.1.1 Ad hoc Citizen Committees are formed by motion or resolution of the Council, having the composition, responsibilities, and schedule adopted by Council on motion resolution. Such as ad hoc Citizen Committees are only appropriate for addressing matters having a short duration or specific project focus and will automatically terminate as defined in their commissioning documents (or when the work is complete, if no time is stated) without further Council action, unless extended by Council.

5.2.1.2 Standing Citizen Committees are formed by ordinance of the Council amending this document, having the composition, by-laws, and responsibilities adopted by council in such ordinance. Such Standing Citizen Committees are only appropriate for addressing matters having a continuing duration or recurring project focus and will terminate only upon Council action.

5.2.1 Each Board, Commission, or Citizen Committees must elect one of its members to serve as the presiding officer or chair at the first meeting of an ad hoc Citizens Committee, or on the first meeting of the year for a Board, Commission, or Standing Citizen Committee.

5.2.2 Boards, Commissions, and Citizen Committees shall hold regular and special meetings as may be required. The conduct of Board, Commission, and Citizen Committee meetings are governed by the same rules of policy and procedure as the Town Council.

5.2.3 Boards, Commission, and Citizen Committees should comply with all applicable open meeting and conflict-of-interest laws of Arizona.

5.2.4 Board, Commission, and Citizen Committee members are expected to adhere to the Town Council's Code of Ethics.

5.2.5 Board, Commission, and Citizen Committee members are expected to adhere to the Town Council's Code of Ethics and **Town's Personnel Policy**.

5.3 Board, Commission, and Citizen Committee Appointments.

All voting members of Town Boards, Commission, or Citizen Committees must be appointed by the mayor.

5.3.1 The motion, ordinance, or resolution establishing such Boards, Commissions, or Citizen Committees will include the number of members, the purpose for which the Board, Commission, or Citizen Committee is organized, and the duties of thereof.

- 5.3.2 The Town ordinance provides that members of Town Boards and Commissions must be residence of the Town. Non-voting Citizen Committee membership may include nonresidents.
 - 5.3.3 All appointees should bring skill, integrity, knowledge, interest, and commitment to evaluating issues in the broad context of the public interest. To the extent possible, appointees should be selected to represent a broad cross-section of the community relative to the purpose of the agency.
 - 5.3.4 Appointees may serve an unlimited number of consecutive terms on a given Board, Commission or Citizen Committee (except where specifically limited).
 - 5.3.5 The Town Clerk provides application forms and maintains a composite listing of all applications on file which have been received.
- 5.4 Boards, Commissions, and Citizen Committees-Vacancy of Office.
- 5.4.1 If a member of Council, a Board, Commission or Citizen Committee (1) is absent from three regular meetings of such Board or Commission, consecutively or within a calendar quarter, and the Chair thereof recommends removal, (2) has violated the Code of Ethics. The Council may, for good cause or upon recommendation of the Chair of the agency, determine that a vacancy has not been created.
 - 5.4.2 Resignations may be submitted at any time to the Town Council either directly or through the Board, Commission or Citizen Committee Chair. Resignations are effective upon submittal.
 - 5.4.3 Upon notice of a vacancy, Town staff shall initiate an appointment procedure similar to that for Council, leading to a recommendation to the mayor for a successor of such vacancy and the successor will be appointed to serve only to the date of the unexpired term. The Commission, Board, or Committee appointment process differs from the Council appointment process in that (1) the call for applications may be advertised (if requested by the Council, Commission, Board, or Committee) and (2) the Chair of the Commission, Board, or Committee will participate as a member of the interview panel.
- 5.5 Board, Commission, and Citizen Committee Duty of Loyalty to the Town Council.
Boards, Commissions, and Citizen Committees serve as advisory agencies to Council, and have no independent authority (except as provided by State law or Town ordinance). Such agencies of the Town may perform the duties outlined herein, have projects assigned by Council, may initiate independent activities (so long as such activities do not involve tasking of other governmental agencies in the name of the Town, out of state travel, or retention of consultants), and may report on a regular basis to Council in the activities of such agency. When acting in their appointed roles, these agencies should act based on the policy direction of the Council. They should not act in opposition or conflict with the Council, except when the Council has adopted an unambiguously illegal or unethical position. Members of these agencies who cannot in good conscience support the policy directions of Council should resign and see to persuade the Council through other means.
- 5.6 Board, Commission, and Standing Citizen Committees.

5.6.1 Planning and Zoning Advisory Commission. The Planning and Zoning Advisory Commission (the "P&Z Commission") shall be formed of five (5) members, all of whom must be ~~residents~~ **property owners** of the Town. Each member will be appointed to a ~~four~~ **two**-year term, unless filling a vacancy appointment (in which the term is the balance of the term of the person replaced). The P&Z Commission may set its own meeting schedule, but meetings will be held at least quarterly, or at the request of the Mayor, a Councilmember, or an applicant. The P&Z Commission may adopt its own rules of procedure, but such rules must include Roberts Rules of Order. The P&Z Commission has the duty to diligently perform all the duties allocated to the P&Z Commission by Arizona Law or Town ordinance.

6. Council Meetings.

All meetings of the Town Council are governed by state Open Meetings Law (the "Act"). The Act applies to the Town Council, and all subordinate boards, commissions, and Citizen Committees of the Town. If any member of a Town legislative body, or Town staff, believe that action has been taken on an item in contravention of the Act, that person is privileged to place the item on a future agenda for reconsideration or other actions.

6.1 Regular Meetings.

Regular meetings of the Town Council are held on the third Thursday of each month at 7:00 p.m. in the Council ~~meeting place~~ **Chambers at Town Hall**. All regular Council meetings are open to the public.

6.2 Study Sessions.

Study Sessions or "Work Sessions" of the Town Council are held ~~as needed before each regular meeting at 6:30~~ **as needed before** in the Council ~~meeting place~~ **Chambers at Town Hall** to allow for a detailed review of important matters. Study Sessions may be conducted with another Town Board, Commission, Citizen Committee, or another governmental agency. Formal action is typically not taken at a Study Session unless the agenda indicates that action may be taken, in which case the Study Session is reclassified as a Special Meeting. All Study Session meetings are open to the public.

6.2 Executive Sessions.

Executive Sessions are also regulated pursuant to the Act. All written materials and verbal information regarding Executive Session items must remain confidential. Written reports and exhibits or materials furnished to members of the Council as part of an Executive Session must not be copied or saved and must be returned to staff at the conclusion of the Executive Session. No member of the Council, employee of the Town, or anyone else present should disclose to any other person the intent or substance of any discussion that takes place in an Executive Session unless authorized by the Council.

6.2.1 Permissible topics or issues for a Executive Session discussion are limited to those topics or issues outlined in State law (currently, A.R.S 38-431.03), which generally are: Town staff employment matters; records exempt by law for public inspection; legal advice from the Town's Attorney's; legal instructions to the Town's Attorneys regarding contracts being negotiated,

- litigation, or settlement; labor agreement negotiations; international, tribal, and interstate negotiations; and real property purchase negotiations,
- 6.2.2 All public statements, information and press releases relating to Executive Session items should be handled by the Town Attorney or otherwise directed by the Council majority.
 - 6.2.3 Executive Session meetings are closed to the public and the press.
 - 6.2.4 Any suspected violation of the confidentiality of an Executive Session discussion shall be reported to the Town Attorney. "Confidential Information" means a communication, verbal or written, made in Executive Session that is specifically related to the legal basis for conducting the Executive Session.

6.4 Special and Emergency Meetings.

Pursuant to the Act, the Council may also hold special or emergency meetings as deemed necessary.

6.5 Council Agenda.

The Town Manager/Clerk is responsible to discern and plan, in consultation with the Mayor and in accordance with the Town Code, which items are ready or need to be placed on the agenda and the timing for scheduling such items. Any person may request placement of a matter on the Council agenda by submitting a formatted agenda action form, ~~in accordance with Resolution 279.~~

- 6.5.1. Any Councilmember may suggest an agenda item for the next regular meeting Council meeting and the item shall be placed on the agenda ~~at the Mayor's discretion~~ by;
 - 6.5.1.1 the Mayor
 - 6.5.1.2 or three council members.
- 6.5.2 Ordinarily, no item will be placed on council's agenda for discussion unless submitted seven (7) days prior to the next regular Council meeting using the "Council Agenda Action Form" **with an exception for emergency items.**
- 6.5.3 Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate Board or Commission, set for a work session, or tabled for a future date, etc.
- 6.5.4 The Mayor or ~~four~~ **three** Council members may call for a Special Meeting or Special Work Session as he deems appropriate to conduct Town business subject to the requirements of the Open Meeting Law postings of meeting notices.

6.6 Decorum.

While the Town Council is in session, all persons shall conduct themselves with reasonable decorum. Any person who is so disorderly or who so persistently disrupts the business meeting so far as to interfere with the proper conduct of the business may be ordered removed from the meeting place. At such time, the Mayor may call a recess.

6.7 Time of Adjournment.

It is the policy of the Town that all evening meetings of the Council, including study sessions, should be adjourned no later than 9:00 p.m., which time is referred to as the

normal time of adjournment. No new item of business shall be taken up by the Town Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special, or adjourned regular meeting unless the Council directs otherwise.

6.8 Agenda Packets.

Agenda packets are to be made available at the Town Clerk's Office, the Town's web site (www.townofmammoth.us), and at the Council meetings, Council meeting agendas, minutes and staff reports are available for public review beginning the Friday evening before each Council meeting.

- 6.8.1 Agenda packets are to be delivered to Council members on the Friday prior to Thursday Council meetings; or as far in advance as possible, for a special or emergency council meetings.
- 6.8.2 Agenda packets may be released to the press or members of the public at 4:30 p.m., on the Friday preceding Thursday's council meetings, or as far in advance as possible for special or emergency Council meetings.