



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

SPECIAL MEETING
Thursday, May 28, 2015
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1) **CALL TO ORDER; ROLL CALL**
- 2) Consideration and discussion regarding the procedure to appoint a councilmember to the vacant position and possible action to instruct staff to proceed with such procedure. (Mayor Marley)

Recommended Action: Instruct staff to proceed with appointment procedure per Council's discussion.
- 3) **ADJOURNMENT**

Dated this 27th day of May, 2015.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

Item No. 2.

Meeting Date: 05/28/2015
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: N/A
Estimated length of staff presentation: None
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and discussion regarding the procedure to appoint a councilmember to the vacant position and possible action to instruct staff to proceed with such procedure.

RECOMMENDED ACTION:

Instruct staff to proceed with appointment procedure per Council's discussion.

SITUATION AND ANALYSIS:

Issue Statement

On May 12, 2015, Councilmember Linda Hatch submitted her resignation from the Council. Pursuant to state law, because the resignation occurred more than 30 days before the nomination petition deadline for the next regularly scheduled council election (November 2016), the appointee will serve until the person elected at the November 2016 election is seated. The person elected at the November 2016 election to fill this seat will serve only the remaining two years of former Councilwoman Hatch's term.

Applicable "Policy"

- A.R.S. 9-235 - state law requirements
- A.R.S. 9-232 - qualifications for appointed member
- Town Code Section 30.004 - filling vacancies per state law
- Chino Valley Resolution No. 482 - appointments policy

Satisfaction of "Policy"

As long as Council follows state law and Town policy that already exist, or votes to suspend any provision of Town policy, they may determine the unspecified details of the procedure.

Summary of Issues and Staff Rationale

The Town Attorney has set forth the existing laws and Town policy, and offered several suggestions or options regarding the procedure.

The Vice-Mayor has suggested that, in addition to reviewing the attorney's opinion, Council might want to review the public body application form for possible revisions, the Planning and Zoning Commissioner appointment procedure for possible adoption of a similar procedure, and draft interview questions that he will provide.

Findings of Fact

- A vacancy has occurred through resignation.
- Council may appoint a person to the position to serve as a councilmember through December 2016.
- Aside from the qualifications set forth in State Law and Town policy, Council may determine a procedure to follow.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-42-5230

Available: 0

Funding Source:

The Clerk's newspaper publication line is out of funds; however, funds can be pulled from other lines in the Clerk's budget or Contingency, if necessary.

Attachments

Town Code and A.R.S. provisions

Resolution 482

Planning and Zoning Commission position description and appointment process

Public Body application form

Classified Ad

Draft process timeline

TOWN CODE § 30.004 Vacancies.

The Council shall fill any vacancy that may occur for whatever reason as provided by state law.

A.R.S. § 9-235 Vacancies in Council

A. The council shall fill a vacancy that may occur by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term. This subsection does not apply to a charter city.

B. The member appointed shall meet the qualifications established in section 9-232.

A.R.S. § 9-232. Council; qualifications of members; oath; selection of mayor; vacancy

A. A person shall not be a member of a city or town council unless, at the time of the election, the person is eighteen years old, is a qualified elector residing within the city or town and has resided in the city or town for at least one year next preceding the election, or if an area has been annexed to the city or town for a period of less than one year next preceding the election has resided in such area for at least one year next preceding the election. If an annexed area is subject to the provisions of this subsection, a person may meet the residency requirements if the person has resided within the existing limits of the city or town for the one-year period.

B. Every member of the council shall hold the office for the term of two years, except the members of the council first appointed, and before entering on the duties of the office, the member shall take and subscribe the oath of office.

C. Except for a common council organized as prescribed by section 9-232.04, the common council shall assemble within twenty days after their appointment or election, and choose a mayor from among their number.

D. If a member of the council, at any time during the member's term of office, ceases to be a qualified elector of the city or town or ceases to reside in the city or town, the council seat held by the member is deemed vacant. The council seat shall be filled in the same manner as any vacancy on the council. on request, the county attorney for the county in which the city or town is located shall investigate and determine whether a vacancy exists pursuant to this subsection.

RESOLUTION NO. 482

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING RESOLUTION NO. 454 AS AMENDED BY RESOLUTION NO. 472 AND ADOPTING A NEW APPOINTMENT POLICY.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AS FOLLOWS:

SECTION 1. REPEAL OF PRIOR APPOINTMENT POLICY.

RESOLUTION NO. 454 AND RESOLUTION NO. 472 AND ANY AMENDMENTS THERETO ARE HEREBY REPEALED IN THEIR ENTIRETY.

SECTION 2. TOWN OF CHINO VALLEY APPOINTMENT POLICY FOR TOWN COUNCIL, PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

1. APPLICATION, NOTICE AND DEADLINE. THERE SHALL BE AT LEAST A 15-DAY APPLICATION PERIOD FOR VACANCIES ON THE TOWN COUNCIL, PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT. THE 15-DAY APPLICATION PERIOD SHALL COMMENCE ON THE DATE OF THE FIRST PUBLICATION OF THE NOTICE OF VACANCY. THE PUBLISHED NOTICE SHALL INCLUDE THE DEADLINE FOR APPLICATIONS.

2. APPLICATION REQUIREMENTS. EACH APPLICANT SHALL SUBMIT A COMPLETED TOWN OF CHINO VALLEY APPLICATION FORM AND A CURRENT RESUME.

3. ELIGIBILITY REQUIREMENTS. APPLICANTS MUST DWELL IN AND MAINTAIN A RESIDENCE IN THE TOWN OF CHINO VALLEY FOR AT LEAST ONE YEAR PRECEDING APPLICATION FOR APPOINTMENT AND MUST BE A QUALIFIED AND REGISTERED ELECTOR AT THE TIME OF APPLICATION.

IF AN APPOINTEE FAILS TO CONTINUE TO MEET THE RESIDENCY OR VOTER REGISTRATION REQUIREMENTS DURING THE TERM OF HIS OR HER APPOINTMENT, THE APPOINTEE SHALL RESIGN THE APPOINTMENT OR THE POSITION SHALL BE DECLARED VACANT.

4. INTERVIEWS: APPLICANTS MAY BE INTERVIEWED IN EXECUTIVE SESSION TO PROVIDE THE COUNCIL WITH THE NECESSARY INFORMATION TO MAKE AN APPOINTMENT.

5. NO AUTOMATIC RE-APPOINTMENT: THERE WILL BE NO AUTOMATIC RE-APPOINTMENTS, PROVIDED, HOWEVER, THAT IF THE COUNCIL FAILS TO APPOINT A SUCCESSOR PRIOR TO THE EXPIRATION OF THE TERM OF OFFICE, THE APPOINTEE SHALL REMAIN IN OFFICE AFTER THE EXPIRATION OF HIS OR HER TERM UNTIL A SUCCESSOR IS NAMED AND QUALIFIED.

6. VOTING: APPOINTMENTS SHALL BE FOR THE UNEXPIRED PORTION OF THE TERM OF OFFICE TO BE FILLED.

A. AN APPLICANT RECEIVING VOTES FROM AT LEAST A MAJORITY OF MEMBERS PRESENT WILL BE APPOINTED AND SWORN INTO OFFICE IMMEDIATELY AT THE COMPLETION OF THE VOTING ON ALL OTHER VACANT POSITIONS.

B. IF AN APPOINTMENT CANNOT BE ACHIEVED WITHIN FOUR VOTES TAKEN BY THE COUNCIL, COUNCIL MAY ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS THE QUALIFICATION OF THE APPLICANTS.

C. IF COUNCIL DOES NOT GO INTO EXECUTIVE SESSION OR IF AFTERTURNING FROM EXECUTIVE SESSION, THE COUNCIL REMAINS AT AN IMPASSE AFTER ONE ADDITIONAL VOTE, THE POSITION SHALL BE RE-ADVERTISED. TO BE CONSIDERED, APPLICANTS MUST RE-APPLY.

7. SUSPENSION OF RULES: ANY OF THE PROVISIONS OF THE APPOINTMENT POLICY MAY BE TEMPORARILY SUSPENDED BY A RECORDED VOTE OF TWO THIRDS (2/3) OF THE MEMBERS PRESENT, EXCEPT THAT THIS SECTION SHALL NOT BE CONSTRUED TO PERMIT ANY ACTION THAT IS CONTRARY TO STATE LAW.

8. REMOVAL: ANY PERSON, EXCEPT MEMBERS OF THE COUNCIL, APPOINTED TO THE PLANNING AND ZONING COMMISSION OR BOARD OF ADJUSTMENT MAY BE REMOVED FROM OFFICE, WITHOUT CAUSE, UPON THE VOTE OF AT LEAST THREE-FOURTHS (¾) MAJORITY OF THE MEMBERS OF THE TOWN COUNCIL.

SECTION 3. TOWN OF CHINO VALLEY APPOINTMENT POLICY FOR LIBRARY BOARD, SENIOR CENTER ADVISORY BOARD AND STANDING COMMITTEES

1. INTEREST LIST

A. THE TOWN MAY ESTABLISH A LIST OF CITIZENS INTERESTED IN BEING CONSIDERED FOR APPOINTMENT TO THE LIBRARY BOARD, SENIOR CENTER ADVISORY BOARD OR STANDING COMMITTEES AS FUTURE VACANCIES OCCUR.

B. COUNCILMEMBERS MAY ALSO NOMINATE INDIVIDUALS FOR APPOINTMENT AS VACANCIES OCCUR.

2. APPLICATION REQUIREMENTS. EACH APPLICANT/NOMINEE SHALL SUBMIT A COMPLETED TOWN OF CHINO VALLEY APPLICATION FORM AND A CURRENT RESUME.

3. ELIGIBILITY REQUIREMENTS.

A. COMMITTEES:

APPLICANTS FOR APPOINTMENT TO BOARDS AND COMMITTEES MUST DWELL IN THE TOWN OF CHINO VALLEY AND MUST BE QUALIFIED AND REGISTERED ELECTORS AT TIME OF APPLICATION.

B. LIBRARY BOARD AND SENIOR CENTER ADVISORY BOARD:

APPLICANTS MUST DWELL IN YAVAPAI COUNTY AND NEED NOT BE A QUALIFIED ELECTOR AT THE TIME OF APPLICATION.

EXCEPTION: ONE POSITION ON THE LIBRARY BOARD MAY BE A YOUTH POSITION.

IF AN APPOINTEE FAILS TO CONTINUE TO MEET THE RESIDENCY OR VOTER REGISTRATION REQUIREMENTS DURING THE TERM OF HIS OR HER APPOINTMENT, THE APPOINTEE SHALL RESIGN THE APPOINTMENT OR THE POSITION SHALL BE DECLARED VACANT.

4. NO AUTOMATIC RE-APPOINTMENT: THERE WILL BE NO AUTOMATIC RE-APPOINTMENTS, PROVIDED, HOWEVER, THAT IF THE COUNCIL FAILS TO APPOINT A SUCCESSOR PRIOR TO THE EXPIRATION OF THE TERM OF OFFICE, THE APPOINTEE SHALL REMAIN IN OFFICE AFTER THE EXPIRATION OF HIS OR HER TERM UNTIL A SUCCESSOR IS NAMED AND QUALIFIED.

5. VOTING: APPOINTMENTS SHALL BE FOR SPECIFIED TERMS.

AN APPLICANT RECEIVING VOTES FROM AT LEAST A MAJORITY OF MEMBERS PRESENT AT A SPECIAL OR REGULAR MEETING WILL BE APPOINTED. COUNCIL MAY GO INTO EXECUTIVE SESSION TO DISCUSS THE QUALIFICATIONS OF APPLICANTS.

6. SUSPENSION OF RULES: ANY OF THE PROVISIONS OF THE APPOINTMENT POLICY MAY BE TEMPORARILY SUSPENDED BY A RECORDED VOTE OF TWO THIRDS (2/3) OF THE MEMBERS PRESENT, EXCEPT THAT THIS SECTION SHALL NOT BE CONSTRUED TO PERMIT ANY ACTION THAT IS CONTRARY TO STATE LAW.

7. REMOVAL: ANY PERSON, APPOINTED TO ANY BOARD OR COMMITTEE MAY BE REMOVED FROM OFFICE, WITHOUT CAUSE, UPON THE VOTE OF AT LEAST THREE-FOURTHS (¾) MAJORITY OF THE MEMBERS OF THE TOWN COUNCIL.

8. AD HOC AND SPECIAL COMMITTEES MAY BE FORMED AT THE WILL OF THE COUNCIL.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, THIS 28th DAY OF August, 1997.

Kate Nelson
KATE NELSON, MAYOR

ATTEST:

Delores Sliger
DELORES SLIGER, TOWN CLERK

APPROVED AS TO FORM:

William E. Farrell
WILLIAM E. FARRELL, TOWN ATTORNEY

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Pages 11-12 are removed from
the public packet due to their
confidential nature

TOWN OF CHINO VALLEY, ARIZONA
PLANNING AND ZONING COMMISSIONER
POSITION DESCRIPTION & SELECTION PROCESS

The Planning and Zoning (P & Z) Commission is a key component of the Town of Chino Valley's on-going effort to effectively manage the use of property within the Town limits through planning and zoning activities. P & Z Commissioners, working closely with Town staff, ensure that state regulations and local ordinances are complied with as they review and recommend planning and zoning requests to the Town Council for final determination.

DESIRED QUALIFICATIONS

1. Reside within the town limits of the Town of Chino Valley, Arizona and be qualified to vote in Town elections.
2. Willing to serve on the P & Z Commission for a term of three (3) years.
3. Possess a working knowledge of, or be willing to study and learn about, municipal planning and zoning, real estate development, technical blueprints and drawings, and legal documents and procedures. Related experiences may be acceptable.
4. Able to read and write and orally communicate in the English language.
5. Able to attend commission meetings and informational investigations during and after normal working hours. The regular meeting of the Commission is at 6:00 pm on the first Tuesday of each month.
6. Past experience as a member of a volunteer committee or community-based organization.
7. Agree to an employee background check.
8. Agree to abide by the Town's Code of Ethics, Town Code Chapter 35, and all other rules and regulations of the Town.

REQUIRED TRAINING

1. Attend the Town of Chino Valley/Chino Valley Area Chamber of Commerce Citizen's Academy within twelve (12) months of appointment, if one is scheduled.
2. Attend a legal briefing conducted by the Town Attorney outlining the roles, responsibilities and authority of P & Z Commissioners, including open meeting laws and conflict of interest, prior to the first meeting after appointment.

TOWN OF CHINO VALLEY, ARIZONA
PLANNING AND ZONING COMMISSIONER
POSITION DESCRIPTION & SELECTION PROCESS

3. Attend technical briefings by Town staff prior to the first meeting after appointment to include pertinent Town ordinances, current work plans and zoning requests, the UDO, the General Plan, and other relevant Town codes, documents, and policies and procedures.
4. Attend a Town Council study session and Town Council regular meeting within sixty (60) days of appointment.

SELECTION PROCESS

1. Applicant submits a Town of Chino Valley Application for Public Body Appointment form, specifying appointment to the P & Z Commission.
2. The Town Clerk reviews the application for completeness and schedules a meeting of the Town Council Appointments Subcommittee.
3. The Appointments Subcommittee interviews the applicant and makes a recommendation to the Town Council.
4. At a regular meeting, the Town Council reviews the Appointments Subcommittee's recommendation and approves or disapproves the appointment. Before making the appointment, the Town Council may elect to interview the candidate.
5. The Town Clerk administers the Oath of Office and schedules the training for the prospective appointee.
6. Follow-up performance review.



Town of Chino Valley

APPLICATION FOR PUBLIC BODY APPOINTMENT

(Council, Commissions, Boards, Committees)

Office Use Only

Appointment Date _____

Term Start _____

Date of Resignation/
Term End _____

PUBLIC BODY APPLYING FOR

- | | |
|--|---|
| ☐ Town Council | ☐ Planning & Zoning Commission |
| ☐ Board of Adjustment | ☐ Roads & Streets Committee |
| ☐ Industrial Development Authority | ☐ Senior Center Advisory Board |
| ☐ Municipal Property Corporation | ☐ Transit Advisory Committee |
| ☐ Parks & Recreation Advisory Board | |
| ☐ Other _____ | |

NAME _____

RESIDENCE ADDRESS _____

MAILING ADDRESS _____

PHONE #s _____

EMAIL _____

IS YOUR RESIDENCE WITHIN THE TOWN LIMITS? ☐ YES ☐ NO

HOW LONG HAVE YOU LIVED IN THE CHINO VALLEY AREA? _____

ARE YOU A QUALIFIED ELECTOR
(qualified to vote even if not registered)? ☐ YES ☐ NO

ARE YOU RELATED TO ANY TOWN EMPLOYEE? ☐ YES ☐ NO

If Yes, what is the employee's name? _____

**Please respond to the questions on the second page.
Attach a separate sheet if necessary.**

Have you ever served on a municipal public body? If yes, please note the name of the public body, the municipality served in, and length of time served.

Why you would like to be appointed to this position?

What do you believe is the key responsibility of this position?

What experience, skills, and qualities would you bring to this position?

Please attach a RESUME or SUMMARY of related previous experience, if applicable.

SIGNATURE

DATE

***Return application to Town Clerk's Office, 202 N. State Route 89, Chino Valley, or
email scanned application to lhart@chinoaz.net.***



CHINO VALLEY TOWN CLERK

Contact: Jami C. Lewis

Phone (928) 636-2646, ext. 119

Fax (928) 636-2144

**CLASSIFIED AD
CHINO VALLEY REVIEW
PRESCOTT COURIER(?)**

(For publication June 3, 2015)

TOWN SEEKS CANDIDATES FOR COUNCIL APPOINTMENT

The Town of Chino Valley is seeking candidates to appoint to a vacancy on the Town Council. The Town Council, consisting of a directly-elected mayor and six elected councilmembers, is responsible for making policy and setting the Town's direction. Candidates will preferably have some experience and/or knowledge of or willingness to learn about local government, applicable state and local laws, and procedures; willingness and ability to prepare for and attend meetings; and a desire to serve the entire community of Chino Valley.

The Council meets on the 2nd and 4th Tuesday of most months at 6:00 p.m. and holds special meetings and study sessions as needed. The term of this appointment will end in December 2016.

Qualifications are (i) at time of appointment must be 18 years old; (ii) must be a qualified elector; and (iii) must have resided within the Town for at least one year preceding appointment.

Obtain an application at Chino Valley Town Hall, 202 N. State Route 89 or online at <http://www.chinoaz.net/345/Forms>. Application should include a brief resume or summary that describes relevant experience and reasons for interest in the position. Submit application to Chino Valley Town Hall, Attention: Town Clerk, 202 N. State Route 89, Chino Valley, AZ 86323 or by fax at 636-2144, or by email to lhart@chinoaz.net. Applications will be accepted through ____ [DATE]. For further questions, call 636-2646, ext. 1052.

Date/Timeframe	Action	Notes
May 29, no later than 3:00 p.m.	Submit class ad Review/Courier	
June 1	Submit news release to media outlets & social media	
June 1	Post ad on bulletin boards, website	
June 3, 10	Class ad in newspaper	
June 18	Earliest cutoff day for application submissions (Council can designate a longer period)	
June 19-26	Staff review applications for completeness	(Town Clerk will be on vacation June 15-26.)
June 29-July 5	Appointments Subcommittee meets to review applications and/or interview applicants, if so designated	
July 14	Council interviews applicants, if so desired, and selects candidate	