

ORDINANCE NO. 16-02

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, AMENDING THE CODE OF QUARTZSITE, ARIZONA, CHAPTER 20 HEALTH AND DEVELOPMENT SERVICES BOARD, ARTICLE 20 HEALTH AND DEVELOPMENT SERVICES BOARD BY AMENDING SECTIONS 20-1-2 MEMBERSHIP AND TERMS OF OFFICE, 20-1-3 COMPENSATION AND EXPENSES, 20-1-5 DUTIES, AND 20-1-7 VACANCIES; AND BY AMENDING ARTICLES 20-2 REQUEST FOR PUBLIC FUNDS AND 20-3 DOCUMENTATION AND REPORTING RELATED TO THE HEALTH AND DEVELOPMENT SERVICES BOARD, THE DUTIES OF THE BOARD, APPLICATIONS FOR APPROPRIATIONS OF PUBLIC FUNDS AND APPROVING APPROPRIATIONS OF PUBLIC FUNDS TO PROVIDE SERVICES IN THE TOWN OF QUARTZSITE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town of Quartzsite is a small community that occasionally relies on private non-profit agencies to provide services in the Town that otherwise could be provided by the Town and would be a public benefit to the residents of the Town; and

WHEREAS, private non-profit agencies that provide such services and public benefits in the Town may require appropriation of public funds in order to provide the services; and

WHEREAS, the Town Council may, in its discretion, appropriate public funds to private non-profit agencies for the purposes of providing approved services that will be public benefits in the Town; and

WHEREAS, the Town Council finds that the public benefits received from the services provided by the private non-profit agencies pursuant to an approved contract are commensurate with the appropriations to be made by the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Quartzsite, Arizona, as follows:

The Code of Quartzsite, Arizona, Chapter 20 Health And Development Services Board, Article 20-1 Health and Development Services Board is hereby amended by amending Sections 20-1-2 Membership And Terms Of Office, 20-1-3 Compensation And Expenses, 20-1-5 Duties, And 20-1-7 Vacancies; and by amending Articles 20-2 Request for Public Funds and 20-3 Documentation and Reporting to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section I. In General.

CHAPTER 20 HEALTH AND DEVELOPMENT SERVICES BOARD

ARTICLE 20-1 HEALTH AND DEVELOPMENT SERVICES BOARD

Section 20-1-1 Creation

The Health and Development Services Board of the Town of Quartzsite, Arizona, is hereby created. Staff responsibilities shall be assigned through the Town Manager office.

Section 20-1-2 Membership and Terms of Office

A. The Health and Development Services Board shall consist of seven (7) members who shall be appointed by the Mayor and approved by the Council.

B. The appointments to this Board shall be for terms of three years each with the terms of members so staggered so that the terms of office of no more than three members shall expire in any one-year. ~~The initial appointments shall be for two members with terms beginning upon the appointment for one year; for two members with terms beginning upon their appointment for two year and three members with terms beginning upon their appointment for three years. Thereafter, upon expiration of their term of office, all new appointments shall be appointed for full three-year terms, except that in the event of death or resignation of a member, the vacancy shall be filled by appointment of the Mayor, subject to the approval of the Council, for the unexpired term.~~

C. All members OF THE BOARD shall be residents of the Town.

~~D. No individual shall be appointed to the Board if such individual OR AN AGENCY REPRESENTED BY THE INDIVIDUAL has received funding AN APPROPRIATION OF PUBLIC FUNDS from the Town either as an individual or an agency, or if such person is or was a member of an agency or organization within the last twelve months, or has served on the board of any agency or been the employee of any agency that has received funding PUBLIC FUNDS from the Town at any time during the preceding twelve months.~~

OPTION TO REPLACE ABOVE PARAGRAPH: D. A MEMBER OF THE BOARD WHO IS A BOARD MEMBER OF AN AGENCY OR WHO REPRESENTS AN AGENCY APPLYING FOR PUBLIC FUNDS SHALL RECUSE HIMSELF FROM DISCUSSION AND VOTING ON THAT AGENCY'S APPLICATION FOR PUBLIC FUNDS.

E. No former member of the ~~Health and Development Services Board~~ shall make an application to the Town for ~~funding PUBLIC FUNDS as an individual or an the employee or Chapter 20 Health and Development Services Board representative~~ of any agency within twelve months after they have ceased to be a member of the Board.

F. IF A MEMBER OF THE BOARD IS APPOINTED TO OR COMMENCES REPRESENTATION OF AN AGENCY, THE MEMBER OF THE BOARD SHALL NOTIFY THE TOWN MANAGER WITHIN TEN DAYS OF SUCH APPOINTMENT OR REPRESENTATION.

Section 20-1-3 Compensation and Expenses

The members of the ~~Health and Development Services~~ Board shall receive no salaries or other remuneration for their services ~~as members of said~~ ON THE Board and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent, purposes and amount such expenses are first authorized and approved in advance by the Council.

Section 20-1-4 Officers

The Board shall elect a chairman and vice chairman from among its members to serve for a period of one year. The vice chairman shall preside at Board meeting in the absence of the chairman.

Section 20-1-5 Duties

The Health and Development Services Board is hereby charged with the following duties:

A. To conduct public hearings to determine the needs of Town residents with regard to:

1) TO REVIEW AND MAKE RECOMMENDATIONS TO THE COUNCIL OF THE ~~P~~public health needs OF RESIDENTS OF THE TOWN, including but not exclusive of provision of human services and care of the elderly, handicapped and developmentally disabled, food bank, information and referral, etc.;

2) TO MAKE RECOMMENDATIONS TO THE COUNCIL RELATED TO THE ~~D~~development of Town, including, but not exclusive of, promotion of Town, historical preservation, community activities (i.e. fireworks, parade), etc.

B. To enhance the development of the public health and development through public forums, seminars and work with other agencies.

C. To review APPLICATIONS FROM ~~requests submitted by non-profit~~ agencies for ~~Town funding~~ PUBLIC FUNDS and to make recommendations to the Council regarding such funding.

D. To assist in the development of health care facilities, community services and activities.

~~E. E.~~ To assist in developing recommendations to the Council as it concern the Town's transit system.

MEMBERS OF THE BOARD SHALL ALSO BE MEMBERS OF THE TOWN'S TRANSIT ADVISORY COMMITTEE (TAC). THE TAC'S ROLE IS TO ADVISE THE GRANTEE AGENCY ON THE OPERATION OF THE TRANSIT SYSTEM. THIS INCLUDES

ENSURING THAT THE SERVICE RESPONDS TO CHANGING LOCAL NEEDS, COMMENTING ON SERVICE QUALITY AND EFFECTIVENESS SOLICITING COMMUNITY PARTICIPATION, HELPING THE SYSTEM ACHIEVE FINANCIAL SUSTAINABILITY AND RELATED ISSUES. IN ADDITION TO THE MEMBERS OF THE HEALTH AND DEVELOPMENT SERVICES BOARD, MEMBERSHIP OF THE TAC SHALL INCLUDE: THE TRANSIT MANAGER, REPRESENTATION FROM THE ELDERLY, PERSONS WITH DISABILITIES COMMUNITY, LOCAL BUSINESS AND OTHER KEY STAKEHOLDERS. THE TAC SHALL CONDUCT MEETINGS AT LEAST ON A QUARTERLY BASIS AND SUBMIT MINUTES OF THE MEETINGS TO ADOT AND THE COUNCIL. MEETING TOPICS SHOULD INCLUDE BUT ARE NOT LIMITED TO FARE STRUCTURES, MONTHLY PASSENGER STATISTICS, TRAINING REQUIREMENTS, PROCUREMENT, STAFFING ISSUES, ROUTE STRUCTURE, AND ANY OTHER TRANSIT CONCERNS.

Section 20-1-6 Meetings

The Board shall establish a regular meeting date which shall be placed on file in the office of the Town Clerk. Special meetings may be called by the chairman. A quorum shall consist of four members for the transaction of all business.

Section 20-1-7 Vacancies

~~Vacancies shall be filled in accordance with the provisions of Section 20-1-2 for the unexpired term of the member affected~~ VACANCIES ON THE BOARD SHALL BE FILLED BY APPOINTMENT OF THE MAYOR, SUBJECT TO THE APPROVAL OF THE COUNCIL, FOR THE UNEXPIRED TERM.

Section 20-1-8 Removal of Members

Members of the Board serve at the pleasure of the Council and may be removed from office by the Mayor with the concurrence of the majority of the Council. A member of the board shall not be absent more than three unexplained meetings. If such an absence occurs, the remaining members of the Board shall vote to retain or recommend to the Council that the absentee member be relieved of his duties on the Board.

ARTICLE 20-2 REQUEST FOR ~~FINANCIAL ASSISTANCE~~ PUBLIC FUNDS

All ~~requests~~ APPLICATIONS OF AN AGENCY for ~~financial assistance~~ PUBLIC FUNDS TO PROVIDE SERVICES shall comply with the following ~~stipulations and conditions~~:

A. EXCEPT FOR GOVERNMENTAL OR QUASI-GOVERNMENTAL ORGANIZATIONS, APPLICATIONS FOR PUBLIC FUNDS TO PROVIDE SERVICES SHALL ONLY BE GRANTED TO NON-PROFIT CORPORATIONS DESIGNATED BY THE INTERNAL REVENUE SERVICE AS A 501(C) CORPORATION AND SHALL BE IN GOOD STANDING WITH THE ARIZONA CORPORATION COMMISSION. SUCH NON-PROFIT CORPORATION IS REFERRED TO IN THIS ARTICLE AS AN "AGENCY".

~~AB-AB. All requests~~ APPLICATIONS shall be filed ON A FORM PROVIDED BY THE TOWN AND SHALL INCLUDE THE INFORMATION REQUIRED BY ARTICLE 20-3, PARAGRAPH A. ~~by or on behalf of a valid, non-profit organization as qualified by the Internal Revenue Service and as registered with the Arizona Secretary of State; Arizona Corporation Commission or other appropriate state office. Such registration shall be provided at the time of the request. This article shall not apply to governmental or quasi-governmental jurisdictions.~~

BC. APPLICATIONS SHALL BE SUBMITTED TO THE TOWN CLERK'S OFFICE ~~All requests shall be submitted to the Town during the month of August of each year in order to be eligible for consideration in conjunction with the current fiscal year budget.~~

CD. ~~All requests~~ COMPLETED APPLICATIONS ~~received in accordance with subsection (B) of this article shall be referred to the Health and Development Services Board for purposes of review and recommendation to the Town Council.~~

DE. ~~In those instances where a request~~ WHEN AN APPLICATION is MADE due to unforeseen circumstances or when the public health, safety and welfare is at risk, the requirements of this Article may be waived by action of the Town Council. It is preferable, however, even in such instances, for the request to receive a review and recommendation from the ~~Health and Development Services Board.~~

ARTICLE 20-3 DOCUMENTATION AND REPORTING

A. Required Documentation FOR APPLICATIONS:

Any ~~non-profit~~ agency submitting ~~a request for an allocation or grant of Town~~ AN APPLICATION FOR PUBLIC funds shall ~~submit to the Town specific~~ INCLUDE ~~documentation including, but not limited to;~~ the following: THE AMOUNT OF PUBLIC FUNDS REQUESTED, A DETAILED DESCRIPTION OF THE PUBLIC BENEFITS TO BE RECEIVED BY THE TOWN IN RETURN FOR THE APPROPRIATION OF PUBLIC FUNDS, ~~A a copy of the agency's most recent audit report; a certified copy of the agency's most recent financial statement;~~ detailed expenditure statements ~~in order to provide detailed accounting~~ of all PUBLIC funds previously received from the Town AND SUPPORTING DOCUMENTATION SUFFICIENT TO EVIDENCE HOW THE FUNDS WERE SPENT; ~~of Quartzsite; complete information on the source and amount of funding received from all other sources such as non-governmental agencies, membership fees and dues, and private contribution; client services information as it applies to residents of the Town of Quartzsite, proof of non-profit status as determined by the Internal Revenue Service; proof of corporate status to include copies of by-laws and articles of incorporation; the source and amount of funding received from other governmental agencies;~~ the names and addresses of current board members; and any other documentation as may be deemed necessary by the Town.

B. Reporting Requirements:

WITHIN THIRTY DAYS FROM THE END OF ANY QUARTER DURING THE TERM OF THE CONTRACT REQUIRED BY PARAGRAPH C OF THIS SECTION, THE ~~Any non-profit~~ agency ~~receiving an allocation or grant of Town funds shall be required to~~ submit to the Town CLERK; ~~on a quarterly basis,~~ a detailed accounting REPORT of the expenditure of Town funds

for the previous quarter, ~~a written report outlining the agency's performance and accomplishments within the scope of work outlined in their contractual agreement with the Town of Quartzsite, and SUFFICIENT any other documentation as may be deemed necessary by the Town in order to determine the agency's compliance with the provisions of the contract~~ TO EVIDENCE HOW THE TOWN FUNDS WERE SPENT.

C. Contract Required; Procedure For Distribution Of Funds:

1. All Town funds APPROPRIATED ~~allocated or granted to any non-profit~~ TO AN agency shall be by means of a written contract THAT SETS FORTH THE ~~based upon~~ services to be provided ~~to~~ or work to be performed on behalf of the Town of Quartzsite and its residents in compliance with the provisions of Arizona Revised Statutes and Constitutional provisions regarding the use of public funds.

2. All Town funds APPROPRIATED ~~allocated or granted under the provisions of~~ PURSUANT TO this ordinance shall be released in equal quarterly installments ~~or quarterly payments~~ based upon a schedule of anticipated expenses which has been approved by the Mayor and Town Council. No subsequent ~~quarterly allocation or grant~~ INSTALLMENT shall be released until such time that the ~~receiving~~ agency has provided all of the required documentation for the previous quarter and has provided satisfactory evidence of compliance with the scope of work stipulated in their contract with the Town.

D. Submittal of Requests For Funding:

~~All funding requests submitted by non-profit agencies for the allocation or grant of Town funds shall be submitted to the Town Clerk's office during the month of August of each year. Requests so submitted shall not be subject to Town funding unless approved by the Town Council and only following adoption of a final budget for the current fiscal year.~~

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Quartzsite, Arizona, this 12TH day of JANUARY, 2016, by the following vote:

AYES: SIX
NAYES: NONE ABSENT: COUNCIL MEMBER KELLEY
EXCUSED: NONE ABSTAINED: NONE

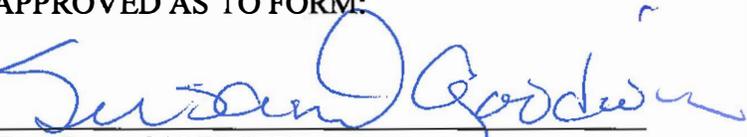
APPROVED this 9 day of Feb., 2016.


Ed Foster, Mayor

ATTEST:


Tina Abriani, Town Clerk

APPROVED AS TO FORM:


Gust Rosenfeld PLC, Town Attorneys
By: Susan D. Goodwin

I, TINA ABRIANI, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1602 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, ON THE 12TH DAY OF FEBRUARY, 2016, WAS POSTED IN THREE PLACES AND ON THE TOWN'S WEBSITE ON THE 17TH DAY OF FEBRUARY, 2016.


Tina M. Abriani
Town Clerk