



Staff Report

Agenda Item: **Ordinance Amending Section 2-4-1, Regular Meetings, of the Town Code – Approval of an Ordinance of the Town of Clarkdale amending Section 2-4-1 Regular Meetings; of the Town Code allowing the Town Clerk to be able to reschedule Regular Meeting dates and times.**

Staff Contact: Kathy Bainbridge, Town Clerk/Finance Director

Meeting Date: August 25, 2009

Background: Three or four Council Members were planning to be out of Town on the date of the September Regular Council meeting so there would not be a quorum available. On advice from the Town Attorney, in his opinion the Council may move a Regular Meeting but the Town Attorney would like the verbiage in Section 2-4-1 Regular Meetings changed to better clarify the date and time change authority.

Section 2-4-1 Regular Meetings

The Council shall hold regular meetings on the second Tuesday of each month at six o'clock p.m., provided that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be rescheduled by the Town Council. All regular meetings of the Council shall be held in the Clark Memorial Clubhouse, except for reasons of weather, scheduling, capacity or the convenience of the Council, the Town Clerk may select, from time to time, alternate locations, provided the location of said meeting is clearly set forth in the posting of the agenda for said meeting.

Although seldom, there are occasions when Regular Council meetings may need to be rescheduled. Staff may not always realize the Town may not have a quorum for a Regular monthly meeting in time to include the rescheduling of a regular meeting as an agenda item for Council action. The amendment of Ordinance 2-4-1 gives the Town Clerk the ability to reschedule Regular meeting dates and times under any of the following circumstances:

1. The day fixed for any regular meeting of the Town Council falls upon a day designated by law as a legal holiday.
2. The Town determines that there will not be enough Town Council Members present at the regular meeting in order to constitute a quorum.
3. Reasons of weather, scheduling or the convenience of the Council requires that a meeting be held at a different date or time.

Section 1: Section 2-4-1 Regular Meetings - AMENDED

Except as provided for immediately below, the Town Council shall hold regular meetings on the second Tuesday of each month beginning at six o'clock p.m. The Town Mayor or Vice-Mayor may cancel or reschedule any such regular Town Council meeting in any of the following circumstances: (1) if the day fixed for any regular meeting of the Town Council falls upon a day designated by law as a legal holiday, (2) if the Town determines that there will not be enough Town Council Members present at the regular meeting in order to constitute a quorum, (3) if reasons of weather, scheduling or the convenience of the Council requires that a meeting be held at a different date or time. All regular, rescheduled, or special meetings of the Town Council will be held in the Clark Memorial Clubhouse. An alternate meeting location may be selected as required due to reasons of weather, scheduling, capacity or the convenience of the Council. The date, time and location for all meetings shall be clearly set forth in the posting of the agenda for the meeting. The Public shall be given at least 24-hours notice of rescheduled or special meeting except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

Recommendation: Approval of Ordinance # _____ of the Town of Clarkdale, Arizona Amending Section 2-4-1, Regular Meeting, of the Town Code of the Town of Clarkdale; Repealing Conflicting Ordinances and Providing for Severability.

ORDINANCE # _____

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA AMENDING SECTION 2-4-1, REGULAR MEETINGS, OF THE TOWN CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE THAT SECTION 2-4-1 OF THE TOWN CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1: Section 2-4-1 Regular Meetings

Except as provided for immediately below, the Town Council shall hold regular meetings on the second Tuesday of each month beginning at six o'clock p.m. The Town Mayor or Vice-Mayor may cancel or reschedule any such regular Town Council meeting in any of the following circumstances: (1) if the day fixed for any regular meeting of the Town Council falls upon a day designated by law as a legal holiday, (2) if the Town determines that there will not be enough Town Council Members present at the regular meeting in order to constitute a quorum, (3) if reasons of weather, scheduling or the convenience of the Council requires that a meeting be held at a different date or time. All regular, rescheduled, or special meetings of the Town Council will be held in the Clark Memorial Clubhouse. An alternate meeting location may be selected as required due to reasons of weather, scheduling, capacity or the convenience of the Council. The date, time and location for all meetings shall be clearly set forth in the posting of the agenda for the meeting. The Public shall be given at least 24-hours notice of rescheduled or special meeting except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

Section 2: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

Section 3: Any portion of the Town Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document 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 5: This ordinance shall take effect and be in force thirty (30) days after passage by the Council and approval by the Mayor.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clarkdale, Arizona this 25th day of August, 2009.

Doug Von Gausig, Mayor

APPROVED AS TO FORM:

ATTEST:

Boyle, Pecharich, Cline, Whittington &
Stallings, P.L.L.C., Town Attorneys

Kathy Bainbridge, Town Clerk/Finance Director

By: Robert S. Pecharich