

CHAPTER 2 MAYOR AND COUNCIL

Article 2-1 COUNCIL

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Section 2-1-1 Elected Officers (1)

- A. The elected officers of the Town shall be four Council members and a Mayor. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.
- B. The Mayor shall serve an initial term or two years beginning in June 2002. At the 2004 election and each election thereafter, the regular term of the Mayor shall be four years and until the Mayor's successor is elected and qualified. Beginning June 2004 one council term will be for 2 years. At the 2006 election, and each election thereafter, the regular term of office for Council members shall be four years each and until their successors are elected and qualified.

Section 2-1-2 Corporate Powers

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.

Section 2-1-3 Duties of Office (2)

The Council shall assume the duties of office at the regularly scheduled Council meeting next following the date of the general election. In the event that all offices are filled at the primary election, and a general election is therefore not necessary, then, the elected council shall assume the duties of office at the regularly scheduled Council meeting next following the date at which the general election would have occurred, had it been necessary.

(1) Section 9-231 and 9-301, A.R. S.

(2) Section 9-232, A.R.S.

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Section 2-1-4 Vacancies in Council (1)

- A. The Council shall fill a vacancy that may occur by either of the following:
1. Appointment for the unexpired term. Discussion and consideration of appointments shall be held in public session.
 2. Appointment until the next regularly scheduled council election if the vacancy occurs more than thirty (30) days before nomination petition deadline.
- B. The member appointed shall meet the qualifications established in A.R.S. 9-232.

Section 2-1-5 Compensation (2)

The compensation of elective officers of the Town shall be fixed from time to time by resolution of the Council.

Section 2-1-6 Oath of Office (3)

Immediately prior to assumption of the duties of office, the Mayor and each Council member shall, in public, take and subscribe to the oath of office.

Section 2-1-7 Bond (4)

Prior to taking office, the Mayor and every Council member shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the Town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section 38-260 of the Arizona Revised Statutes. Bond shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the Town.

Section 2-1-8 Financial Disclosure Statement (5)

The Mayor and each member of the Council shall file by January 31 of each year a financial disclosure statement on a form prescribed by the Clerk and with such information as provided by resolution of the Council and pursuant to state law.

- (1) *Section 9-235, A.R.S.*
(2) *Section 9-232.01, A.R.S.*
(3) *Section 38-231, A.R.S.*
(4) *Section 9-302, A.R.S.*
(5) *Section 38-545, A.R.S.*

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Article 2-2 Mayor

- 2-2-1 Repealed
- 2-2-2 Vice Mayor
- 2-2-3 Acting Mayor
- 2-2-4 Powers and Duties of the Mayor
- 2-2-5 Absence of Mayor
- 2-2-6 Failure to Sign Documents

Section 2-2-1 Repealed (1)

Section 2-2-2 Vice Mayor (2)

At the first Regular Meeting after the general election, the Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

Section 2-2-3 Absence of Mayor or Vice-Mayor

In the event of the temporary absence or disability of both the Mayor and Vice-Mayor, the Council may designate another of its members to serve as Acting Mayor, who shall have all powers, duties and responsibilities of the Mayor during such absence or disability. In the event of resignation or permanent absence or disability of the Mayor or Vice-Mayor, the Council may appoint another of its members to complete the term of office.

Section 2-2-4 Powers and Duties of the Mayor (2)

The powers and duties of the Mayor shall include the following:

- A. He shall be the Chief Executive Officer of the Town.
- B. He shall be the chairman of the Council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the Council or any statutes, ordinances or this code shall require.
- E. He shall make such recommendations and suggestions to the Council as he may consider proper.

(1) *Repealed*

(2) *Section 9-236, A.R.S.*

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- F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat of occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the Town. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including but not limited to:
- (1) Imposition of a curfew in all or any portion of the Town.
 - (2) Ordering the closing of any business.
 - (3) Closing to public access any public building, street or other public place.
 - (4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- G. He shall perform such other duties required by state statute and this code as well as those duties required as Chief Executive Officer of the Town.

Section 2-2-5 Absence of Mayor

The Mayor shall not absent himself from the Town for a greater period than fifteen days without the consent of the Council.

Section 2-2-6 Failure to Sign Documents

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the members of the Council may, at any regular meeting, authorize the Vice Mayor or, in his absence, an acting Mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

Article 2-3 COUNCIL ELECTION

- 2-3-1 Primary Election
- 2-3-2 Non-Political Ballot
- 2-3-3 General Election Nomination
- 2-3-4 Election to Office
- 2-3-5 Candidate Financial Disclosure

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Section 2-3-1 Primary Election (1)

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

Section 2-3-2 Non-Political Ballot (1)

Nothing on the ballot in any election shall be indicative of the support of the candidate.

Section 2-3-3 General Election Nomination (1)

If at any primary election held as above provided there be any office or offices for which no candidate is elected, then as to such office or offices, said election shall be considered to be a primary election for nomination of candidates for such office or offices, and the second or general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 2-3-4 Election to Office (1)

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

Section 2-3-5 Candidate Financial Disclosure (2)

Each candidate for the office of Mayor or Council members shall file a financial disclosure statement on a form prescribed by the Clerk, when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the Council pursuant to state law.

(1) Section 9-821.01, A.R.S.

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Article 2-4 COUNCIL PROCEDURE

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings
- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Agenda
- 2-4-6 Order of Business
- 2-4-7 Committees and Commissions
- 2-4-8 Voting
- 2-4-9 Suspension of Rules

Section 1: Section 2-4-1 Regular Meetings (Revised by Ordinance # 321 on 8/25/09)

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 2-4-2 Special Meetings

- A. The Mayor, upon his own motion, or the Clerk upon the request of three members, may convene the Council at any time by notifying the members of the date, hour and purpose of such special meeting. Notice of such meeting shall be made pursuant to state law. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.
- B. Additionally, a special meeting of the Council may be scheduled by the Mayor, or by majority vote of the Council.

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Section 2-4-3 Meetings to Be Public (1)

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

Section 2-4-4 Quorum (Revised 10/26/10, Effective 11/26/10; Ordinance #329)

- A. A majority of the Council shall constitute a quorum for transacting business, but a lesser number may recess or adjourn from time to time and compel the attendance of absent members.
- B. Council members may appear for a meeting telephonically or by other verbal electronic communication and may cast votes during such proceeding.
 - 1. The public must be able to hear the person.
 - 2. The person must be able to hear everyone at the meeting.
 - 3. Participation telephonically or by other verbal electronic communication must be noted on the agenda.

Section 2-4-5 Agenda

At least twenty-four hours prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda according to the order of business and furnish each Council member, the Mayor and the Attorney with a copy.

(1) *Title 38, Chapter 3, Article 3.1, A.R.S.*

Section 2-4-6 Order of Business (1)

The business of the Council shall be taken up for consideration and disposition in the following order:

- A. Call to Order: The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and

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conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.

- B. Roll Call: Before proceeding with the business of the Council, the Clerk or his deputy shall record the names of those present. If a quorum is not present, the members present may adjourn pursuant to Section 2-4-4 of this code.
- C. Minutes: The Clerk or his deputy shall read or present the minutes, which shall be approved if correct. Any errors noted shall be corrected.
- D. Public Comments: Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the Council. All such remarks shall be address to the Council as a whole, and not to any member thereof. Such remarks shall be limited to five minutes, unless additional time is granted by the Council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No questions shall be asked a Council Member except through the presiding officer.
- E. Reports by Officer: Town officials and committees shall present any reports required by the Council.
- F. Items for Discussion or Consideration:

(1) *Section 9-234, A.R.S.*

Section 2-4-7 Committees and Commissions

The Council may create such boards, committees and commission, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the Council may require and shall exist at the pleasure of the Council.

Section 2-4-8 Voting (Revised 3/22/11, Effective 4/22/11; Ordinance #332)

- A. The Mayor shall vote as a member of the Council.
- B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.
- C. No member of the council shall be excused from voting, except if a conflict of interest exists as defined by the laws of the State of Arizona pertaining to conflict of interest of governmental officials and if the council member has filed with the Town Clerk a written statement identifying the conflict of interest pursuant to A.R.S. § 38-502 prior to the vote. In all other cases a failure to vote shall be entered on the minutes as an affirmative vote.

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Section 2-4-9 Suspension of Rules

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

Article 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS

- 2-5-1 Prior Approval
- 2-5-2 Introduction
- 2-5-3 Requirements for an Ordinance
- 2-5-4 Effective Date of Ordinances
- 2-5-5 Signatures Required
- 2-5-6 Publishing Required
- 2-5-7 Posting Required
- 2-5-8 Payment of Annexation Ordinance Costs

Section 2-5-1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been reviewed as to form by the Attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-5-2 Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the Attorney, the manager or the Clerk may present ordinances, resolutions and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

Section 2-5-3 Requirements for an Ordinance

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-5-4 Effective Date of Ordinances (1)

No ordinance, resolution or franchise shall become operative until thirty days after its passage by

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the Council and approval by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays.

Section 2-5-5 Signatures Required

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Clerk.

Section 2-5-6 Publishing Required (2)

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by state statutes or expressly ordered by the Council.

Section 2-5-7 Posting Required (3)

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Clerk in three or more public places within the Town and an affidavit of the person who posted the ordinance shall be filed in the office of the Clerk as proof of posting.

(1) *Section 19-142B, A.R.S. as to emergency clause.*

(2) *Title 9, Chapter 7, Article 2, A.R.S.*

(3) *Section 9-813, A.R.S.*

Section 2-5-8 Payment of Annexation Ordinance Costs

- A. In the event that any property owner or other applicant requests the Town of Clarkdale to annex real property to the Town of Clarkdale, Arizona, then in that event the applicant shall pay to the Town all costs incurred by the Town by reason of said annexation procedure, including, but not limited to, filing fees, publications fees, engineering fees, survey fees, attorney's fees, and reimbursement of the cost of the Town's staff time, whether or not said Annexation Ordinance is passed by the Town. The attorney's fees chargeable shall include, but not be limited to, any attorney's fees incurred before or after consideration of the Annexation Ordinance by reason of any party contesting said annexation.
- B. The applicant shall file with the Town Clerk a written application requesting annexed, together with a plat of said real property, a statement of the names and addresses of the owners of record for each parcel contained in said area sought to be annexed and the specific reasons why annexation is sought.

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- C. A deposit of \$5,000.00 shall be paid by the Applicant at the time of delivering the written application for Annexation to the Town, to be credited to the reimbursement of said costs to the Town. This deposit shall be replenished in a like amount each time as the previous deposit is consumed by the expenses incurred by the Town in processing the application for Annexation. This deposit is not applicable to Annexations initiated by the Town.

Section 2-5-9 Authority to Correct Scrivener's Errors (Created 8/16/11 by Ordinance #337; Effective 9/16/11)

- A. The Town Attorney and Town Clerk are hereby each individually authorized to correct scrivener's errors in the Town Code/Zoning Code and in ordinances and resolutions adopted by the Council without the need for re-adoption of the Town Code/Zoning Code provision, ordinance or resolution.
- B. For purposes of this section, a scrivener's error includes one or more of the following:
1. Misspelling;
 2. Grammatical error;
 3. Numbering error;
 4. Cross-referencing error; or,
 5. Inconsistency with the rules of style adopted for the reformatted Town Code/Zoning Code.
- C. A correction to an ordinance or resolution shall be accompanied by a scrivener's note on or attached to the corrected ordinance or resolution.
- D. Corrections to complete sections of the Town Code/Zoning Code shall be noted in the Code.

Article 2-6 (RENUMBERED)

Article 2-7 (RENUMBERED)

Article 2-8 (RENUMBERED)

Article 2-9 (RENUMBERED)