

City Charter Amendment Resident Advisory Committee

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Agenda

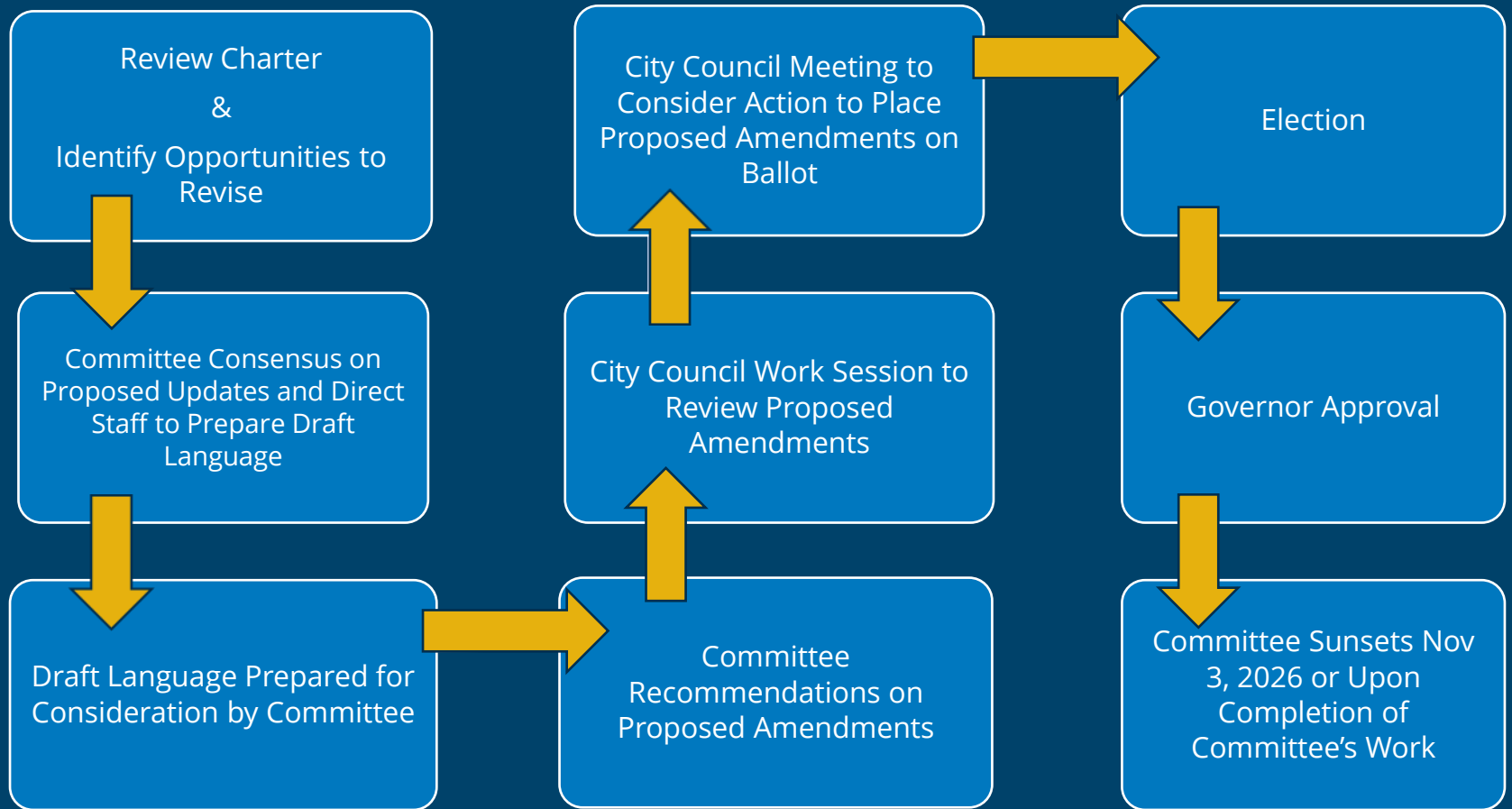
Article Review:

- Article I. Powers of the City
- Article II. City Council
- Article III. City Manager
- Article IV. Administrative Departments

Review and Discussion of Proposed Updates to Articles I-IV

Public Comment

Committee and Charter Amendment Process



Review and Discussion of Proposed Updates to Articles I–IV of the City Charter

General & Technical Updates

- Out-of-date language
- Capitalization & Punctuation
- References to gender
- General clean-up for consistency and clarity



Article I. Powers of the City

1.01 Name of the City

1.02 Construction of Powers

- Extends all powers granted by the Arizona Constitution and laws
- Assumes powers not specifically enumerated by the Charter

1.03 Powers

- Authorizes the City to:
 - acquire, manage, and dispose of property inside or outside city limits
 - contract with other governments and entities
 - construct, maintain, and operate public infrastructure and services
- Reiterates that enumerated powers are not exclusive and that additional lawful powers are applicable

1.04 Boundaries

- Maintains boundaries as established by the Charter
- Allows for boundary changes as permitted by law

Article II. City Council

2.01 Composition, Eligibility, Terms and Election

- Establishes City Council comprised of a Mayor and 6 Councilmembers elected at-large
- Must be qualified electors and City residents for at least 2 years
- 4-year terms for Mayor and Councilmembers
- Maximum of 2 consecutive terms (subject of November Charter election)
- Elections held each even-numbered year

2.02 Compensation and expenses

- Council sets annual salaries by ordinance
- Salary increases do not take effect until after the next election and must be adopted at least six months prior to the election*
- Mayor and Council are reimbursed for actual expenses incurred while performing duties

***Proposed Update:** Increase becomes effective following the next election
(eliminate 6-month lead time requirement)

Requirements of other Charter Cities

Tucson

- Increase effective only upon the approval of voters

Tempe

- Increase effective after next election

Mesa

- Increase effective after next election

Phoenix

- Increase effective upon approval by Commission and voters

Glendale

- Increase effective only upon the approval of voters

Article II. City Council

2.03 Mayor and Vice-Mayor

- Mayor has equal powers and responsibilities as Council
- Mayor is the presiding officer of Council and the ceremonial head of the City
- Requires Council to select a Vice-Mayor within 31 days of taking office
- Vice-Mayor will act as Mayor during Mayor's absence or disability
- Specifies that Mayor and Council do not have administrative duties

2.04 General Powers and Duties

- Vests Council with policy making power and all other lawful powers of the City
- Charges Council with performing their lawful duties and obligations

Article II. City Council

2.05 Prohibitions

- Councilmembers must resign to run for Mayor if their term extends beyond the next Mayor's start date. Such resignation must occur upon the earliest of the following events:
 - When nomination papers are taken out; or
 - 105 days prior to the primary election
- Former Mayors and Councilmembers are ineligible for paid City jobs for 2 years post-term
- Councilmembers cannot:
 - hold another elected office or city job during their term
 - direct the appointment or removal of certain City officers and employees
 - give orders to City officers or employees under the City Manager's supervision
- Strikes by City employees are strictly prohibited
- Requires utilization of "Meet and Confer" process under specified circumstances

***Proposed Update:** Require resignation when nomination papers are filed, rather than taken out, and modify primary election resignation trigger

Requirements of other Charter Cities

Tempe

- Must resign at least 90 days prior to primary election

Mesa

- Must resign at least 90 days prior to primary election to run for Mayor, unless in last term of current elected office

Article II. City Council

2.06 Vacancies; forfeiture of office; filling vacancies

- Vacancies occur upon death, resignation, forfeiture or lawful removal from office
- Forfeiture of office mandated under the following circumstances:
 - Loss of qualifications during term
 - Violation of Charter prohibitions
 - Conviction of crime involving moral turpitude
 - Unexcused absence from 3 consecutive regular Council meetings
- Council must make an appointment within 30 days of a vacancy*
- If a vacancy is not filled within 30 days, a special election must be held within 120 days*
- Permits temporary vacancies and appointments for specified military and medical purposes

***Proposed Update:** Expand time for filling vacancy

Requirements of other Charter Cities

Scottsdale

31 days

Tempe

30 days

Mesa

30 days

Tucson

30 days

Article II. City Council

2.07 Judge of Qualifications

- Renders Council the judge of election and qualifications of its members
- Entitles members subject to forfeiture of office to a public hearing

2.08 Administrative Offices and Departments

- Directs Council, by ordinance, to create, organize, and assign duties to City Offices and Departments*
- Council appoints City Clerk, City Attorney and City Magistrate
- City Manager appointed as outlined in Article III
- Requires City Officers to report to Council regarding their Departments
- Appointed officers may request public hearing if dismissed

***Proposed update:** Eliminate ordinance requirement, and instead authorize City Manager based on necessity of operations

Requirements of other Charter Cities

Scottsdale

Requires Ordinance

Tempe

No ordinance
required

Mesa

Requires Ordinance

Glendale

No ordinance
required

Article II. City Council

2.09 Appointive Officers

- Council appoints City Clerk, City Attorney and City Magistrate
- City Manager appointed as outlined in Article III
- Appointed officers may request public hearing if dismissed

2.10 Disposal of Impounded Goods

- Authorizes Council to adopt an ordinance allowing the public sale of lost, found and impounded items

2.11 Investigations

- Permits Council to investigate City affairs and conduct
- Valid investigation requires affirmative vote of 5 Councilmembers
- Classifies, as a misdemeanor, failure to comply with Council's lawful investigatory authority

2.12 Procedure

- Requires Council to meet at least twice per month
- Allows for Special Meetings
- Permits Council to meet in Executive Session
- Prescribes Council voting procedures

Article II. City Council

2.13 Action Requiring an Ordinance

- Outlines actions that require action by ordinance, including:
 - Adopting or amending a city code
 - Change or eliminate a city department*
 - Creating taxes
 - Appropriating public monies
 - Leasing city land and property for 3 years or more*
 - Creating or changing fire limits*

***Proposed update:** Eliminate ordinance requirement, and instead authorize City Manager based on necessity of operations

2.14 Conduct of the Council As to Powers Authorized by Charter...

- Requires that Council establish procedures by ordinance, if granted a power or duty to act as prescribed by state law, but no state law exists.

Requirements of other Charter Cities

Scottsdale

Requires Ordinance

Tempe

No ordinance
required

Mesa

Requires Ordinance

Glendale

Requires Ordinance

Article II. City Council

2.15 Ordinances in General

- Establishes formatting, single-subject, and enacting clause requirements for proposed ordinances
- Permits any Councilmember to introduce an ordinance at regular or special meetings
- Ordinances must be published by title 30 days prior to public meeting for Council consideration
- If altered by Council, the altered portion of the ordinance is again subject to the prescribed notice and publishing requirements prior to adoption by Council.
- Requires two separate publications of adopted ordinances, with the 2nd occurring at least 6 days after the 1st.
- Adopted ordinances become effective 30 days after adoption

***Proposed update:** Streamline process into one action, one publication. Publication by title with the agenda, and then full publication as soon as practicable after adoption.

Requirements of other Charter Cities

Scottsdale

- Ordinance is posted or read in full 24 hours before meeting
- One publication in full within 15 days after adoption
- 1 vote

Tempe

- Notice of consideration published at least 7 days before action
- One publication in full as soon as practicable after adoption
- 2 votes

Mesa

- Notice of consideration published at least 6 days before action
- One publication in full within 2 weeks after adoption
- 2 votes

Glendale

- Ordinance is posted or read in full 72 hours before meeting
- One publication in full
- 1 vote

Article II. City Council

2.16 Emergency Ordinances

- Outlines criteria and procedures for adopting emergency ordinances
- Requires 6 votes for adoption

2.17 Codes and Public Records

- Permits the adoption of standard codes and public records by reference
- Requires that copies of adopted standard codes and public records be made available by the City Clerk

2.18 Authentication, recording, codification, printing

- All ordinances and resolutions are recorded by the City Clerk
- City Code must be kept up-to-date and made accessible to the public

Article III. City Manager

3.01 Appointment, Compensation, Qualifications

- Authorizes Council to appoint a City Manager and determine compensation
 - Question on November Ballot – Prop 411

3.02 Removal of City Manager

- Allows for the removal of the City Manager by a majority vote of the Council
- Entitles a removed City Manager to 2 months' severance pay
 - Question on November Ballot – Prop 411
- Authorizes Council to fill vacant City Manager position

3.03 Acting City Manager

- Requires the City Manager to designate an acting City Manager, subject to Council approval.

Article III. City Manager

3.04 Powers and Duties of the City Manager

- City Manager is the chief administrative officer of the City*
- Delineates the City Manager's powers and duties, including:
 - Appointment, suspension, and removal of city employees
 - Direction and supervision over City departments, offices, and agencies
 - Annual preparation and submittal of the budget
 - Advising Council pertaining to the City's financial condition and future needs

***Proposed update:** Grant the City Manager the authority to lease City property

Article IV. Administrative Departments

4.01 General Provisions

- Assigned department functions are continuous and may not be assigned to another unless otherwise provided by the Charter
- Each department must be administered by an officer appointed by the City Manager
- Allows the City Manager or appointed officer to serve as the head of more than one department

4.02 Merit System

- Specifies that Council appointees are not subject to the merit system, and stipulates that all appointments and promotions of city employees must be made on merit
- Requires the City Manager to appoint a personnel officer to administer the City's personnel system
- Establishes the Merit System Board
- Directs the personnel officer to prepare personnel rules, and delineates required provisions of City personnel rules

Article IV. Administrative Departments

4.03 Strike or Work Interruption

- Asserts that it is unlawful for any City employee to participate in a strike or any other form of work interruption
- City employees who participate in such activities are considered to have abandoned and terminated their City employment
- Restricts Mayor and Council from granting amnesty to any employee who violates the strike and work interruption prohibition

Committee Member Proposed Update to Article II. Forming Council Districts

2.01 Composition, Eligibility, Terms and Election

- Mandates election of 6 Councilmembers by district, rather than by election at-large
- Maintains at-large election of Mayor
- Requires that candidates for Council be residents of the district they seek to represent
- Establishes 6 separate City Council Districts and provides criteria for established districts
- Delineates staggered terms for Councilmembers subsequent to the adoption of the proposed Charter amendment
- Establishes an Independent Redistricting Commission

Questions?

