

**FLAGSTAFF CITY CHARTER
2015**

RANKED IN PRIORITY ORDER BY THE CHARTER REVIEW COMMITTEE

ITEM #	ARTICLE	SECTION	PROPOSED BY	PROPOSED
1	II	3	CRC	<p>TERM OF THE MAYOR</p> <p>The term of office of the Mayor shall commence on the date of the second regular meeting following canvass of the election, and shall be for two (2) FOUR (4) years, or until a successor is elected and inducted.</p> <p>PURPOSE To provide a longer term for Mayor to be consistent with Councilmembers.</p>

2	I	3	CRC	<p>POWERS OF THE CITY</p> <p>The City shall have all the powers, FUNCTIONS, RIGHTS, PRIVILEGES AND IMMUNITIES POSSIBLE UNDER THE granted to municipal corporations and to cities by the Constitution and general laws of this State AS THOUGH THEY WERE SPECIFICALLY ENUMERATED IN THIS CHARTER AND ALL THE POWERS, FUNCTIONS, RIGHTS, PRIVILEGES AND IMMUNITIES GRANTED OR TO BE GRANTED, EITHER EXPRESSLY OR BY IMPLICATION, TO CHARTER CITIES AND TO CITIES AND TOWNS INCORPORATED UNDER THE PROVISIONS OF TITLE 9, ARIZONA REVISED STATUTES, NOT IN CONFLICT HEREWITH, AND IN ADDITION, THE CITY SHALL HAVE THE POWER TO: , together with all the implied powers necessary to carry into execution all the powers granted.</p> <p>The City may</p> <ol style="list-style-type: none"> 1. acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, exchange, mortgage, hold, manage, and control such property as its interests may require; 2. and, except as prohibited by the Constitution of this State, or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever; 3. and especially to enter into contracts, cooperative and otherwise, with the Government of the United States, the State of Arizona, Coconino County, or any other political subdivision of this State for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, water conservancy districts, public utilities, and public buildings;. all when deemed for the best interest of the City. <p>IN THIS CHARTER MENTION OF A The enumeration of particular powers by this Charter shall not be deemed to be exclusive OR TO RESTRICT THE SCOPE OF THE POWERS WHICH THE CITY WOULD HAVE IF THE PARTICULAR POWER WERE NOT MENTIONED. THE CHARTER SHALL BE LIBERALLY CONSTRUED TO THE END THAT THE CITY SHALL HAVE ALL POWERS NECESSARY OR CONVENIENT FOR THE CONDUCT OF ITS MUNICIPAL AFFAIRS, AND FOR THE HEALTH AND SAFETY OF ITS</p>
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~~INHABITANTS, INCLUDING ALL POWERS THAT ARE NOT PROHIBITED BY STATE LAW AND STATE CONSTITUTION, and, in addition to the powers enumerated herein, or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution or laws of this State, it would be competent for this Charter specifically to enumerate.~~

PURPOSE To clearly define the source of power for the City, and list such powers for better understanding.

3 III 3 (c) **STAFF POWERS AND DUTIES (City Manager)**

The City Manager shall:

- (c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such ~~merit system~~ regulations **THAT DETERMINE THE DUE PROCESS REQUIREMENTS FOR REVIEW OF LAYOFFS, SUSPENSIONS, DEMOTIONS, AND TERMINATIONS** as the Council may adopt;

PURPOSE Removes Council process for the personnel handbook to be more consistent with form of government, and avoids extensive discussion of policies that are mandated by law. Provides clearer guidelines about the division of work between the Council and the Manager. And, it removes the Manager from determining the due process requirements for.

4 II 3 **CRC TERM OF MAYOR**

The term of office of the Mayor shall commence on the date of the second regular meeting following canvass of the election, and shall be for two (2) years, or until a successor is elected and inducted, **BUT SHALL NOT SERVE MORE THAN TWO (2) CONSECUTIVE FOUR-YEAR TERMS. THIS SHALL NOT PRECLUDE A PERSON FROM COMPLETING THE UNEXPIRED REMAINDER OF A TERM OF THEIR PREDECESSOR. THERE SHALL BE NO LIMIT OF NON-CONSECUTIVE TERMS.**

PURPOSE To provide term limits for Mayor.

5a VIII 2 (b)/(c) **STAFF PURCHASES AND CONTRACTS FOR CITY IMPROVEMENTS**

- (b) Any City improvement costing ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** or more, or any purchase costing more than ~~fifty thousand dollars (\$50,000)~~, **ONE HUNDRED THOUSAND DOLLARS (\$100,000)**, shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, and estimates approved by the City Manager. Such contracts shall be advertised for bids, as directed in Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.

(c) Any contract or purchase exceeding the sum of ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** shall require the prior approval of the Council.

PURPOSE Consider possibly increasing the amount.

5b VIII 2 (b) CRC **PURCHASES AND CONTRACTS FOR CITY IMPROVEMENTS**

Did not pass 11/15 election

(b) Any City improvement costing ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** or more, or any purchase costing more than ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)**, shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, and estimates approved by the City Manager. Such contracts shall be advertised for bids, as directed in Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.

(c) Any contract or purchase exceeding the sum of ~~fifty thousand dollars (\$50,000)~~ **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** shall require the prior approval of the Council.

PURPOSE So that it is clear that any contract or purchase does not require the approval of Council- instead of the possibility that it is limited to contracts for city improvements.

6 IV 3 STAFF **CITY TREASURER**

Did not pass 5/15 election

The City Manager shall, ~~with approval of the Council~~, appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the State, Charter of the City, and ordinances, and upon whom legal garnishments may be served. The City Treasurer will serve at the pleasure of the City Manager.

PURPOSE To remove the requirement that the Council approve appointment of the City Treasurer.

7 II 11 CRC **POWERS OF THE COUNCIL**

All powers of the City, ~~and the determination of all matters of policy~~, **NOT PROHIBITED BY THE CONSTITUTION AND APPLICABLE LAWS OF THE STATE OF ARIZONA AND SUBJECT TO THE LIMITATIONS OF THIS CHARTER** shall be vested in the Council-**WHICH SHALL ENACT APPROPRIATE LEGISLATION AND DO AND PERFORM ANY AND ALL ACTS AND THINGS WHICH MAY BE NECESSARY AND PROPER TO CARRY OUT THESE POWERS OR ANY OF THE PROVISIONS OF THIS CHARTER.**

PURPOSE To clarify.

8 II 4 CRC TERM OF COUNCILMEMBERS

The term of office of Councilmembers shall commence on the first meeting in April following their election, and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected. **NO PERSON SHALL BE ELIGIBLE TO SERVE IN THE OFFICE OF COUNCIL MEMBER FOR MORE THAN TWO (2) CONSECUTIVE TERMS, BUT THERE SHALL BE NO LIMIT ON THE NUMBER OF NON-CONSECUTIVE TERMS.**

PURPOSE To provide term limits for Councilmembers

9 IV 5 STAFF PERSONNEL RULES AND REGULATIONS

Did not pass 11/15 election

The Council shall **ADOPT AN** ~~by~~ ordinance **THAT REQUIRES THE CITY MANAGER TO ESTABLISH** ~~, provide for the establishment of~~ Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions ~~and volunteers who serve without pay~~, and also except the City Manager, the City Attorney, and the ~~Police~~ **MAGISTRATE** Judges.

PURPOSE Provides for Council to adopt an ordinance that requires the City Manager to establish the Personnel Rules and Regulations. Removes volunteers from the list of those subject to Council control, but leaves Board and Commission members under Council control. This is consistent with regular practice.

10 VI 2 (b) STAFF ADDITIONAL TAXES FOR SPECIAL PURPOSES

Option 1

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) **PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF ONE PERCENT (1%)** ~~subject to approval~~ **UNLESS SUCH RATE IS APPROVED** by a majority of the qualified electors voting in the regularly scheduled general **OR A SPECIAL** election.

Option 2

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) **PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF TWO PERCENT (2%)** ~~subject to approval~~ **UNLESS SUCH RATE IS APPROVED** by a majority of the qualified electors voting in the regularly scheduled general **OR A SPECIAL** election.

Option 3

~~(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) subject to approval by a majority of the qualified electors voting in the regularly scheduled general election.~~

PURPOSE This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.

11a VII 6 STAFF **READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE**

All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon ~~unanimous consent of those Councilmembers present~~ **THE AFFIRMATIVE VOTE OF SIX (6) MEMBERS OF THE COUNCIL**. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.

OPTIONAL: Consider an ordinance only requiring one (1) reading as well as resolutions.

PURPOSE It should not be harder to do first and final read together than it is to find an emergency.

OPTIONAL: Would streamline the time period.

11b VII 6 CRC **READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE**

Did not
pass
5/15
election

All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon ~~unanimous consent of those Councilmembers present~~ **THE AFFIRMATIVE VOTE OF THREE FOURTHS OF ALL MEMBERS OF THE COUNCIL**. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.

OPTIONAL: Consider an ordinance only requiring one (1) reading as well as resolutions.

PURPOSE It should not be harder to do first and final read together than it is to find an emergency.

OPTIONAL: Would streamline the time period.

12a II 16 CRC **FAILURE TO VOTE**

~~No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.~~

THE MAYOR AND COUNCIL MEMBERS SHALL NOT BE EXCUSED FROM VOTING EXCEPT UPON MATTERS INVOLVING THE CONSIDERATION OF THEIR OWN OFFICIAL CONDUCT OR IN SUCH MATTERS AS THEY MAY HAVE A CONFLICT OF INTEREST AS SET FORTH BY STATUTE OR WITH THE APPEARANCE OF IMPROPRIETY. IN ALL OTHER CASES, A VOTE OF AYE OR NAY MUST BE CAST.

PURPOSE To clarify

12b

II

16

STAFF

FAILURE TO VOTE

No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct **OR A DECLARED CONFLICT OF INTEREST**. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.

PURPOSE Failure to vote should be excused in matters in which the Councilmember has a conflict of interest.

13

IV

1 (d)

STAFF

ADMINISTRATIVE DEPARTMENTS AND OFFICES

~~(a) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.~~

PURPOSE To remove the requirement for residency of City Clerk, City Treasurer, and City Attorney.

14

XV

CRC

METHOD OF CHARTER AMENDMENT

This Charter, or any part of any Article or Section hereof, may be amended in the manner provided by the Constitution of this State.

IN ORDER TO REMAIN CURRENT AND RELEVANT, A CHARTER REVIEW COMMITTEE SHALL BE ESTABLISHED EVERY (#) YEARS TO CONSIDER RECOMMENDATIONS BROUGHT FORTH BY STAFF, THE PUBLIC, AND COMMITTEE MEMBERS TO BE PRESENTED TO THE COUNCIL FOR FUTURE CONSIDERATION.

PURPOSE To keep the Charter current and relevant.

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VI

6

CRC

Section 6—PERMISSION TO EXCEED THE BUDGET

Nothing in this Article shall prevent the Council from seeking permission from the Arizona State Tax Commission to exceed the adopted budget in the event that an emergency should arise **TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE**.

PURPOSE To clarify the definition of an emergency.

16

IV

1 (d)

CRC

ADMINISTRATIVE DEPARTMENTS AND OFFICES

(d) ~~City officials, as designated by this Article, and a~~ All heads of departments shall be residents of the City during their tenure of office. **ADDITIONALLY, ANY EMPLOYEE WHO MAKES SUGGESTIONS OR DECISIONS TO SET OR CHANGE CITY ZONING, BUILDING CODES OR BEAUTIFICATION PROJECTS THAT HAVE TO BE FUNDED BY ADDITIONAL TAX MONEY, MUST BE RESIDENTS OF THE CITY DURING THEIR TENURE OF OFFICE.**

PURPOSE Requires (in addition to the City Manager as required in another section of the Charter) the Deputy City Managers to be residents as well as Division Heads that makes decisions... those that have a stake in the increased spending being a resident taxpayer and living in the City. Removes requirements for other officers (City Clerk, City Treasurer, City Attorney).

17

II

5

CRC

QUALIFICATIONS

The Mayor and the Councilmembers shall be qualified electors of the City, and shall hold no other public office except that of notary public, or member of the National Guard or Naval or Military Reserve. If a Councilmember or the Mayor shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant.

THE MAYOR AND COUNCILMEMBERS CANNOT BE A PARTICIPANT, WHETHER PAID OR VOLUNTARY, ON A BOARD OR SPECIAL COMMITTEE OF ANY INSTITUTION, CHARITABLE OR OTHERWISE, WHO RECEIVES FINANCIAL SUPPORT OR DONATIONS FROM THE CITY OF FLAGSTAFF AND TAXPAYER FUNDS.

PURPOSE To avoid the suspicion of a conflict of interest or resulting in self gain.

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II

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CRC

ELECTORAL DISTRICTS; ESTABLISHMENT

A. **WHEN THE POPULATION REACHES 75,000 AS CERTIFIED BY A DECENNIAL CENSUS OR A SPECIAL CENSUS CONDUCTED FOR THE PURPOSE OF DETERMINING THE POPULATION OF THE CITY, THE MAYOR AND COUNCIL SHALL DIVIDE THE CITY INTO FOUR (4) ELECTORAL DISTRICTS NOT LESS THAN SIX (6) MONTHS AFTER THE CERTIFICATION OF SUCH CENSUS. EACH ELECTORAL DISTRICT SHALL BE COMPACT AND CONTIGUOUS, BUT SHALL BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE, AT WHICH TIME THE FOLLOWING MODIFICATIONS WILL OCCUR:**

1. **SECTION 2 (OF THIS ARTICLE) SHALL READ, "THE COUNCIL SHALL CONSIST OF A MAYOR AND TWO (2) COUNCIL MEMBERS ELECTED FROM THE CITY AT LARGE, AND FOUR (4) COUNCIL MEMBERS FROM THEIR RESPECTIVE DISTRICTS.**

2. **IMPLEMENTATION OF ARTICLE IX SECTION 11 (NEW) NOMINATION BY DISTRICT; ELECTION AT LARGE.**

B. **AT THE NEXT SUCCEEDING MUNICIPAL ELECTIONS, THE TWO (2) COUNCIL MEMBERS TO BE ELECTED SHALL BE FOR TERMS OF TWO (2) YEARS.**

- C. AT THE NEXT SUCCEEDING ELECTIONS FOLLOWING THE ELECTIONS PROVIDED IN SECTION 20 (B) ABOVE, SIX (6) COUNCIL MEMBERS SHALL BE ELECTED AS PROVIDED IN ARTICLE IX, SECTION 11, OF THIS CHARTER. THE COUNCIL MEMBERS FOR ELECTORAL DISTRICTS 1 AND 3 SHALL SERVE TRANSITIONAL TERMS OF TWO (2) YEARS AND COUNCIL MEMBERS FOR ELECTORAL DISTRICTS 2 AND 4 SHALL SERVE FULL TERMS OF FOUR (4) YEARS. AT EACH SUCCEEDING ELECTION ALL COUNCIL TERMS SHALL BE FOR FOUR (4) YEARS AS PROVIDED IN THIS CHARTER.
- D. NOTWITHSTANDING THE DIVISION OF THE CITY INTO DISTRICTS, THE MAYOR SHALL CONTINUE TO BE ELECTED AT LARGE.

PURPOSE To require district elections once the City reaches a population of 75,000.

IF DISTRICT ELECTIONS WERE TO MOVE FORWARD, THE FOLLOWING CHANGES WOULD BE INCLUDED AS SEPARATE QUESTIONS ON THE BALLOT:

II

DISTRICTS; RESIDENCY

AT SUCH TIME AS THE CITY IS DIVIDED INTO ELECTORAL DISTRICTS, A COUNCIL MEMBER ELECTED FOR ANY SUCH DISTRICT SHALL HAVE BEEN A RESIDENT OF SUCH DISTRICT FOR A PERIOD OF NOT LESS THAN ONE HUNDRED EIGHTY (180) DAYS NEXT PROCEEDING THE DATE, FOR THE PRIMARY ELECTION AND SHALL CONTINUE TO RESIDE IN SUCH DISTRICT AS A QUALIFICATION FOR ELECTION TO AND HOLDING OF SUCH OFFICE.

II

1

NUMBER

The Council shall consist of a Mayor and six (6) Councilmembers elected from the City **AT LARGE, EXCEPT AS PROVIDED IN SECTION 20 OF THIS ARTICLE.**

II

2

SELECTION

The Council shall be elected at large, **EXCEPT AS PROVIDED IN SECTION 20 OF THIS ARTICLE.**

II

NOMINATION BY DISTRICT; ELECTION AT LARGE

- A. FROM AND AFTER SUCH TIME AS THE CITY IS DIVIDED INTO DISTRICTS, THE COUNCIL MEMBERS SHALL BE NOMINATED BY VOTE OF THE ELECTORS IN THE PRIMARY ELECTION IN THE DISTRICT IN WHICH THE CANDIDATE RESIDES, AND SHALL BE ELECTED IN THE GENERAL ELECTION BY THE ELECTORS OF THE CITY AT LARGE.
- B. FOR THE PURPOSES OF PARAGRAPH A OF THIS SECTION, EACH DISTRICT SHALL NOMINATE NO MORE THAN TWO (2) CANDIDATES FOR THE GENERAL ELECTION AND NO MORE THAN ONE (1) CANDIDATE FROM EACH DISTRICT SHALL BE ELECTED.

The Mayor and the Councilmembers shall be qualified electors of the City, and shall hold no other public office except that of notary public, or member of the National Guard or Naval or Military Reserve. If a Councilmember or the Mayor shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant.

CITY EMPLOYEES ARE NOT ELIGIBLE TO STAND FOR ELECTION OR SERVE AS MAYOR OR AS MEMBERS OF THE CITY COUNCIL. NO PERSON SHALL BE ELIGIBLE FOR THE OFFICE OF MAYOR WHO SHALL NOT HAVE ATTAINED THE AGE OF TWENTY-FIVE (25) YEARS AT THE TIME OF ELECTION.

PURPOSE To place age limits on Mayor

19b

II

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CRC

QUALIFICATIONS

The Mayor and the Councilmembers shall be qualified electors of the City, and shall hold no other public office except that of notary public, or member of the National Guard or Naval or Military Reserve. If a Councilmember or the Mayor shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant.

CITY EMPLOYEES ARE NOT ELIGIBLE TO STAND FOR ELECTION OR SERVE AS MAYOR OR AS MEMBERS OF THE CITY COUNCIL. NO PERSON SHALL BE ELIGIBLE FOR THE OFFICE OF COUNCIL WHO SHALL NOT HAVE ATTAINED THE AGE OF TWENTY-ONE (21) YEARS AT THE TIME OF ELECTION.

PURPOSE To place age limits on Councilmembers.

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VII

13 (a)

STAFF

PROCEDURE FOR ADOPTION BY REFERENCE

(a) The Council may enact the provisions of a code or public record already in existence without setting forth such provisions, but the adopting ordinance shall be published in full. **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** ~~At least three (3) copies~~ of the code or public record shall be filed in the office of the City Clerk, and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

PURPOSE At this time, State Statutes require three (3) copies to be maintained; however, this is an antiquated statute and may change in the future. This verbiage would allow the Charter to change as well, if that should occur.

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VII

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STAFF

CODIFICATION OF ORDINANCES

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other

ordinances, but ~~not less than three (3) copies~~ **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.

PURPOSE At this time, State Statutes require three (3) copies to be maintained; however, this is an antiquated statute and may change in the future. This verbiage would allow the Charter to change as well, if that should occur.

22 IX 11 **STAFF APPLICATION OF STATE LAW**

The provisions of the laws of this State relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto, shall apply, and shall govern the nomination of elective officers, and the conduct of elections, except as otherwise provided in this Charter. The Council shall have the power to make any other provisions relating to the nomination of officers, and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this State, or to the provisions of this Charter.

PURPOSE Clean up the language regarding the application of state law to the elections process to make it clear that the Charter prevails unless it is legally preempted. I believe that is what the current language means, but it is so wordy that it could be challenged.

23 XI **STAFF POLICE MAGISTRATE COURT**

The **Police MAGISTRATE** Court created by the general statutes of the State, and all statutes pertaining to the jurisdiction and procedure of said Court, shall be fully observed

PURPOSE Change all references to Police Court to Magistrate Court.

24 XI 2 **STAFF POLICE MAGISTRATE JUDGE(S), APPOINTMENT, TERM**

The **Police MAGISTRATE** Judge(s) shall be appointed by the Council, and shall hold office **CONSISTENT WITH STATE LAW at the pleasure of the Council.**

PURPOSE Consider whether the section on Police Judges serving “at the pleasure of Council” should be revised considering the required independence for Judges.

25 XI 3 **STAFF SERVICE OF PROCESS**

The Chief of Police shall cause all summonses issued by the **Police MAGISTRATE** Judge(s) to be served, and the return endorsed thereon and signed by the officer making such service. The Chief of Police shall also cause all warrants of arrest to be executed.

OPTIONAL: Eliminating this altogether

PURPOSE Change all references of Police Court to Magistrate Court.

26 XII 1 **STAFF** **ELECTIONS FOR APPROVAL OF FRANCHISES**

No franchise shall be granted, extended, or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a ~~Primary~~, General, or Special Election; the Council shall submit any matter for approval or disapproval to such election at any ~~Primary or~~ General Election, or shall call a Special Election for such purpose **IN ACCORDANCE WITH STATE LAW at any time upon thirty (30) days' notice;** and the Council shall require, before calling any such election, that the estimated expense thereof (to be determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk.

PURPOSE Thirty days' notice is not adequate time to call a Special Election and meeting other related timelines. Removes the possibility of holding a franchise election during the Primary Election due to partisanship complications with Primary Elections.

27 XVI Am. 2 **STAFF** **Amendment No. 2 VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS**

Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety (**INCLUDING MAGISTRATE COURTS**) and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.

PURPOSE In Amendment No. 2, define public safety facilities in a manner that would include Magistrate Courts, and reflects the current CPI to account for inflation.

28 VI 1 **STAFF** **FISCAL**

Option 1

~~The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing~~ **THE BUDGET, TAXATION, FINANCIAL, AND FISCAL POWERS OF THE CITY ARE A MATTER OF LOCAL CONCERN. shall apply to the governing and conduct of same in the City.** **THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.**

Option 2

The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing the budget, taxation, financial, and fiscal powers of the City shall apply to the governing and conduct of same in the City. **THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.**

PURPOSE This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.

29 VIII 9 **STAFF** **LEASES OF CITY PROPERTIES**

The Council may lease any **COMMERCIAL** land, **COMMERCIAL** buildings, or **COMMERCIAL** equipment now or hereafter owned by the City on such terms and conditions as the Council may prescribe. All leases shall be made to the highest responsible bidder after publication of notice thereof for at least one time per week for two weeks, stating explicitly the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all bids.

SHOULD THERE BE NO BIDS, OR SHOULD THE COUNCIL CHOOSE TO REJECT ALL BIDS, THE CITY MAY ENTER INTO A LEASE AGREEMENT FOR AN ACCEPTABLE OFFER, BASED ON A DOCUMENTED DETERMINATION OF MARKET VALUE, WITHOUT FURTHER ADVERTISING DURING THE SIX MONTH PERIOD FOLLOWING THE DATE OF THE RECEIPT OF NO BIDS OR THE REJECTION OF ALL BIDS.

PURPOSE Allow leases of City property used for residential purposes to be leased by the City Manager for a commercially acceptable rate without going through the notification and bidding process.

30 XI 4 **STAFF** **APPOINTMENT OF JUDGES PRO TEMPORE**

THE PRESIDING JUDGE OF THE MUNICIPAL COURT MAY, WITH BUDGETARY APPROVAL OF THE CITY MANAGER, APPOINT SUCH JUDGES PRO TEMPORE AS ARE REQUIRED BY THE MUNICIPAL COURT AND SHALL OVERSEE THE COURT ADMINISTRATIVE STAFF

PURPOSE Allows the Presiding Judge to appoint Judges Pro Tempore and oversee court administrative staff

31 VI 4 **STAFF** **CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS**

~~The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money received from other sources, a sum equal to not less than two and one half (2-1/2) cents on each one hundred dollars (\$100.00) of the assessed value of said property shall be placed in such fund,~~

~~until the accumulated amount of such fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months, or other necessary period, of the succeeding fiscal year. The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.~~

PURPOSE Not used

9 **STAFF** **LEASE OF CITY PROPERTY**

The Council may lease any land, buildings, or equipment now or hereafter owned by the City on such terms and conditions as the Council may prescribe. All leases shall be made to the highest responsible bidder after publication of notice thereof for at least one time per week for two weeks, stating explicitly the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all bids.

PURPOSE Language needs to be updated to be consistent with current practice.
