



# *Ordinance*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**No. 389**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA CLEANING UP SECTIONS OF THE CITY CODE REGARDING THE APPOINTMENT OF OFFICERS; REPEALING ALL CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, in 1982, City Council passed Ordinance No. 282 establishing a Town Code;

**WHEREAS**, Section 3-1-1 of the 1982 Town Code included that the City Clerk and the Chief of Police as officers who served at the pleasure of City Council;

**WHEREAS**, on December 22, 2009, City Council passed Ordinance No. 281, which provides that the City Manager shall appoint the Chief of Police, the City Council shall confirm the appointment and approve the employment contract, and the Chief of Police serves at the pleasure of the City Manager;

**WHEREAS**, on November 12, 2014, City Council passed Ordinance No. 331, which provides that the City Manager shall appoint the City Clerk subject to ratification by the City Council;

**WHEREAS**, the 1982 provisions for City Clerk and Chief of Police that contradict the later ordinances remained in the current code under Chapter 31 at Section 31.01;

**WHEREAS**, Chapter 31 should only contain those offices that serve at the pleasure of the City Council;

**WHEREAS**, Section 31.21 regarding the Clerk should be moved to a Chapter created for the Clerk; and

**WHEREAS**, Section 31.22 regarding the Chief of Police should be moved to Chapter 32 regarding the Police Department;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of San Luis, Arizona, as follows:

**Section 1.** City Code Section 31.01 shall be amended to read:

§31.01 OFFICERS.

There is hereby created the offices of City Manager, City Attorney and City Magistrate who shall be appointed by the Council, and who shall serve at the pleasure of the Council, but subject to § 31.26.

**Section 2.** City Code Section Number 31.21 shall be reserved and shall read:

§31.21 RESERVED.

**Section 3.** There shall be created in the City Code a new Chapter numbered 31A and titled, "City Clerk."

**Section 4.** The contents of City Code Section 31.21 shall be renumbered in Chapter 31A. as Section 31A.01 and shall read:

§ 31A.01 CITY CLERK.

(A) *Creation of office; appointment; duty and responsibility generally.* The Office of the City Clerk is created and established. All officers and employees assigned to that office shall perform their duties subject to the supervision of the City Clerk, who shall report directly to the City Manager. The City Clerk shall supervise the department in accordance with applicable personnel ordinances and shall exercise such powers and perform such duties as are conferred and required by applicable ordinance, resolution or other lawful directives. The City Clerk shall be appointed and removed by the City Manager subject to ratification of the Council, and shall serve and receive such compensation as shall be determined in accordance with applicable personnel policies. It shall be the duty of the City Clerk, or his or her deputy or designee, to attend all meetings of the Council unless by request he or she is excused therefrom by the Mayor individually or by the Council. The City Clerk shall be responsible for recording minutes and presenting them to the Council for approval.

(B) *Specific duties.* The duties of the Clerk shall be as follows:

(1) *Signatures.* The Clerk shall seal and attest all licenses, permits and such other documents as shall require the formality.

(2) *Treasurer.* The duties of treasurer of the city shall be delegated to the Finance Director, who shall have the care, control and custody of the money of the city.

(3) *Agendas.* The Clerk shall prepare the agenda of Council meetings.

(4) *Elections.* The Clerk shall be in charge of and responsible for the conduct of all city elections.

(5) *Records management.* The Clerk shall be the custodian of all city records, as follows:

(a) *Documents not assigned to other officers.* The Clerk shall be the custodian of all documents belonging to the city which are not assigned to the custody of some other officer.

(b) *Maintenance of indices.* The Clerk shall keep and maintain a proper index to all documents and records kept by the clerk for easy access thereto and use thereof may be had.

(c) *Maintenance of official documents and records.* The Clerk shall maintain all official documents and records of the city.

(6) *Additional duties.* In addition to the duties provided in this section, the Clerk shall perform such other duties and functions as may be required by statute, ordinance, or other direction of the Mayor and City Council

**Section 5.** City Code Section Number 31.22 shall be reserved and shall read:

§31.22 RESERVED.

**Section 6.** The contents of City Code Section 31.22 defining the City Marshal as the Chief of Police shall be incorporated into City Code Section 32.01 and Section 32.01 shall read:

§ 32.01 CREATED; COMPOSITION.

There is hereby established a Police Department. The Police Department shall be composed of a chief and other personnel as are authorized by the Council. The City Marshal shall be the Chief of Police.

**PASSED, ADOPTED and APPROVED** by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this \_\_\_\_ day of February, 2019.

\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

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Kay Marion Macuil, City Attorney