CHAPTER 2 MAYOR AND COUNCIL

Article 2 - 1 COUNCIL

2 - 1 - 1 Elected Officers
2 - 1 - 2 Corporate Powers
2 - 1 - 3 Duties of Office
2 1 - 4 Vacancies in Council
2 - 1 - 5 Oath of Office
2 - 1 - 6 Bond
2 - 1 - 7 Financial Disclosure Statement
2 - 1 - 8 Compensation

Section 2 - 1 - 1 Elected Officers

The elected officers of the town shall be five council members, one of whom is the mayor who shall be directly elected by the people every four years in accordance with amended* Section 2-2-1. 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. Council members shall serve four-year overlapping terms.

Sec. 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.

Sec. 2 - 1 - 3 Duties of Office

Council members shall assume the duties of office at the regularly scheduled council meeting next following the date of the general election at which, or effective as of the date of which, the council members were elected.

Sec. 2 - 1 - 4 Vacancies in Council**

The council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason. Before being considered for appointment by the town council, all persons interested in being appointed to fill such a vacancy shall affirm that they meet the qualifications of council members in A.R.S § 9-232 by filing an affidavit of qualification giving the person's actual residence address, post office address, stating the office to which the person desires to be appointed, and including such facts sufficient to show that the person is qualified to hold the office the person seeks.

*Resolution # 408 3/98
**Ordinance # 07-01

Sec. 2 - 1 - 5 Oath of Office

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

Sec. 2 - 1 - 6 Bond

Prior to taking office, every council member shall execute and file an official bond, enforceable against the principal and his/her 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/her 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. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the town.

Sec. 2 - 1 - 7 Financial Disclosure Statement*

Each member of the council shall file a financial disclosure statement in a form and with such information as provided by resolution of the council.

Sec. 2 - 1 -8 Compensation **

A. Effective July 1, 1988, the salary for the position of mayor shall be the sum of $50.00 per month

B. Effective July 1, 1988, the salary for the position of a member of the town council shall be the sum of $25.00 per month.

C. The mayor and council may present to the clerk in writing a desire to not be compensated for their duties as council members if they feel that it is in the best interest of the town at the time or because of personal reasons.

Article 2 - 2 MAYOR

2 - 2 - 1 Selection of Mayor
2 - 2 - 2 Vice Mayor
2 - 2 - 3 Acting Mayor
2 - 2 - 4 Powers and Duties of the Mayor and Council
2 - 2 - 5 Absence of Mayor
2 - 2 - 6 Failure to Sign Documents
2 - 2 - 7 Absence of Mayoral Candidate

*Ordinance #26
**Resolution #219 and #248
Rev. 6/90

Section 2 - 2 - 1 Selection of Mayor

The mayor shall be directly elected by the people every four years.*

Sec. 2 - 2 - 2 Vice Mayor**

No later than 60 days after the date of each 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.

Sec. 2 - 2 - 3 Acting Mayor

In the 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 the powers, duties and responsibilities of the mayor during such absence or disability.

Sec. 2 - 2 - 4 Powers and Duties of the Mayor and Council

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

A. S/He shall be the chief executive officer of the town.

B. S/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. S/He shall execute and authenticate by his signature such instruments as the council or any statutes, ordinances or this code shall require.

D. S/He shall make such recommendations and suggestions to the council as he may consider proper.

E. S/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 or 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.

*Resolution # 408 Rev. 3/98
** Ordinance # 06-06

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.

F. S/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.

Sec. 2 - 2 - 5 Absence of Mayor

The mayor shall not absent him/herself from the town for a greater period than fifteen days without the consent of the council.

Sec. 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/her signature for five days consecutively, then a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor or, in his/her 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.

Sec. 2 - 2 - 7 Absence of Mayoral Candidate

In the absence of a candidate for mayor, the council will appoint members to fill the vacant seats on the council. The council then will appoint a mayor from among the members of the council by a majority vote.

Article 2 - 3 COMMISSIONERS*

2 - 3 - 1 Titles of Commissions
2 - 3 - 2 Appointing Authority
2 - 3 - 3 Duties of Commissioners
2 - 3 - 4 General Rules of Commissioners

Sec. 2 - 3 - 1 Titles of Commissions**

The titles of the commissions shall be: Public Works, Administration, Police, and Planning and Zoning.

A. The public works commissioner shall be the liaison to the water/sewer department and the public works department, including streets, sanitation, cemetery, the garage, and parks.

*Resolution #221A
** Revised, Ordinance #06-06

B. The administration commissioner shall be the liaison to the town clerk/treasurer. This position shall automatically be filled by the mayor.

C. The police commissioner shall be the liaison to the marshal department and animal control.

D. The planning and zoning commissioner shall be the liaison to the town planning and zoning committee.

Sec. 2 - 3 - 2 Appointing Authority*

The town council shall appoint council members to the commissioner positions for a two year term no later than 60 days after the date of each general election. The council or mayor may assign temporary ad hoc commissioners from within the council as needed (e.g. temporary "facilities commissioner"), or when a vacancy occurs in any commission listed in Section 2-3-1.

Sec. 2 - 3 - 3 Duties of Commissioners

Each commissioner shall act in an advisory capacity to the department or departments under its jurisdiction and act as liaison between the department head, the mayor and town council. With permission of the council, a commissioner may direct a department head, under its jurisdiction, to furnish it with information, records and reports relating to the function or operation of the department. Each commissioner shall review with the department head and make recommendations on proposed budgets of the departments under its jurisdiction prior to submission to the mayor and town council.

Sec. 2 - 3 - 4 General Rules of Commissioners

No commissioner may, by promise, representation, or any other action, bind the mayor and council to any course of action. The commissioner shall not give instructions directly to individual employees, but shall work through the department head or when the department head is unavailable, through the mayor in coordination with the town clerk/treasurer's office for initiation of work order.

Article 2 - 4 COUNCIL ELECTION

2 - 4 - 1 Primary Election
2 - 4 - 2 Non-Political Ballot
2 - 4 - 3 General Election Nomination
2 - 4 - 4 Election to Office
2 - 4 - 5 Candidate Financial Disclosure
2 - 4 - 6 Initiative and Referendum Elections

* Revised, Ordinance # 06-06

Sec. 2 - 4 - 1 Primary Election*

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 s/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.

Sec. 2 - 4 - 2 Non-Political Ballot*

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

Sec. 2 - 4 - 3 General Election Nomination*

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 therefor, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Sec. 2 - 4 - 4 Election to Office*

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

Sec. 2 - 4 - 5 Candidate Financial Disclosure**

Each candidate for the office of council member shall file a financial disclosure statement when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the council.

*Ordinance #11
**Ordinance #26

Sec. 2 - 4 - 6 Initiative and Referendum Elections*

Elections for initiative and referendum measures, which have qualified to be placed on the ballot in accordance with Title 19, Arizona Revised Statutes, may be scheduled at any of the consolidated election dates set forth in A.R.S. § 16-204(B).

Article 2 - 5 COUNCIL PROCEDURE

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

Sec. 2 - 5 - 1 Regular Meetings**

The council shall hold regular meetings on the second and fourth Wednesdays of each month at seven 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 held at the same hour on the next succeeding day not a holiday. All regular meetings of the council shall be held in the Town of Patagonia Town Hall at 310 McKeown Avenue (corner of Third Avenue and McKeown Avenue) or other designated meeting place.

Sec. 2 - 5 - 2 Special Meetings***

The mayor may convene the council at any time by notifying the members of the date, hour, and purpose of such special meeting pursuant to Arizona State open meeting laws.

Sec. 2 - 5 - 3 Meetings to Be Public

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.

*Ordinance # 06-01
**Ordinance #54 and Resolution 289.
***Ordinance #1 Rev. 4/92

Sec. 2 - 5 - 4 Quorum

A majority of the council members shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members

Sec. 2 - 5 - 5 Agenda*

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 town clerk/treasurer 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 shall furnish each council member, the mayor, and the attorney with a copy. Such agenda shall be available for public inspection at least twenty-four hours prior to any meeting of the town council. The mayor shall control the content of the agenda, notwithstanding that if the mayor rejects an agenda item submitted by a council member, the matter of placing that agenda item on a future agenda shall be decided by a majority vote of the council. Any material for a regular council meeting not received by noon on the Wednesday preceding the regular meeting shall be placed on the agenda for consideration at the next regular council meeting date or at a special council meeting.

Sec. 2 - 5 - 6 Order of Business

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/treasurer 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 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/treasurer or his/her deputy may call the roll of the members. The names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2 - 5 - 4 of this code. If the mayor or any council member shall be absent from more than four (4) consecutive regular meetings without the consent of the council, the council shall place the matter of calling for his/her resignation on the agenda of the next regular council meeting.

C. Minutes. The clerk/treasurer or his/her deputy shall read or present the minutes of the preceding council meeting, which shall be approved if correct. Any errors noted shall be corrected.

D. Call to the Public. The public may address the council at this time; however, the council will reschedule any necessary discussion and/or decision for a later meeting when the matter may be listed specifically on the agenda. If it is essential that the council act immediately, an emergency should be declared and the council may take action in accordance with the emergency procedure prescribed in A.R.S. 38-431.02. The public will only be recognized to speak on agenda items listed for public input.

E. Staff Reports. Town officials and committees shall present any reports required by the council.

F. Old Business. The council shall consider any business that has been previously considered and which is still unfinished.

G. New Business. The council shall consider any business not heretofore considered, including the introduction of ordinances and resolutions.

H. Accounts Payable. The clerk/treasurer shall present any claims against the town, which will then be approved or disapproved by the council.

I. Adjournment. The council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

Sec. 2 - 5 - 7 Committees and Commissions

A. The council may create such boards, committees, and commissions, standing or special, as it deems necessary. In addition, the council may provide such aid and assistance from the administrative staff of the town to any such board, committee or commission as may be necessary.

B. Any such boards, committees, or commissions created by the council shall be responsible to the council and shall function in an advisory capacity to the council.

Sec. 2 - 5 - 8 Voting

A. The mayor shall vote as a member of the council.

B. The ayes and nays upon any question shall be taken and entered in the minutes.

Sec. 2 - 5 - 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 - 6 ORDINANCES, RESOLUTIONS, CONTRACTS AND GRANTS

2 - 6 - 1 Prior Approval
2 - 6 - 2 Introduction
2 - 6 - 3 Same Day Passage Prohibited
2 - 6 - 4 Requirements for an Ordinance
2 - 6 - 5 Effective Date of Ordinances
2 - 6 - 6 Signatures Required
2 - 6 - 7 Publishing Required
2 - 6 - 8 Posting Required

Section 2 - 6 - 1 Prior Approval

All ordinances, resolutions, and contract documents including grants 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/her objections, if any, prior to the passage of the ordinance, resolution, or acceptance of the contract.

Sec. 2 - 6 - 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 or the clerk/treasurer 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.

Sec. 2 - 6 - 3 Same Day Passage Prohibited

No ordinance except an emergency ordinance shall be put on its final passage on the same day on which it was introduced.

Sec. 2 - 6 - 4 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.

Sec. 2 - 6 - 5 Effective Date of Ordinances

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

Sec. 2 - 6 - 6 Signatures Required

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk/treasurer.

Sec. 2 - 6 - 7 Publishing Required*

All town publications shall be published in a paid newspaper, one with a bonafide list of paying subscribers, holding a second class U.S. postal permit. The newspaper must be published within Santa Cruz County, but may be printed outside the county limits. The newspaper must be one of a bonafide circulation within the town limits.

Sec. 2 - 6 - 8 Posting Required**

When an ordinance imposing any penalty, fine, forfeiture or other punishment is approved by the council , in addition to publishing the ordinance as required by Arizona law, a synopsis of the effect of said ordinance shall be posted by the clerk/treasurer in one or more public places within the town. The posting shall include a statement that citizens may view the full text of the ordinance, or public record relating to the ordinance passed, at the town clerk's office.

*Resolution #309 Rev. 4/92
** Ordinance # 06-09