

## 2-1-1 Mayor and Council 2-1-7

# CHAPTER 2 MAYOR AND COUNCIL

## **Article 2-1 COUNCIL**

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### **Section 2-1-1 Elected Officers**

The elected officers of the town shall be the Mayor and six (6) councilpersons who shall constitute the common council and shall continue in office until assumption of duties of office by their duly elected successors. The Mayor and Councilpersons shall serve four year overlapping terms in the manner provided by state law and the Town Code.

### **Section 2-1-2 Corporate Powers**

The corporate powers of the town shall be vested in the Mayor and 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**

The Mayor and Councilpersons shall assume the duties of office at the first regularly scheduled council meeting in June next following the canvass of votes of the general election, provided that if no general election is held, the duties of office shall be assumed at the next regularly scheduled council meeting in June following the date the general election would have been scheduled pursuant to this code.

### **Section 2-1-4 Compensation**

The compensation of elective officers of the town shall be fixed from time to time by reviewing the council in accordance with state law.

### **Section 2-1-5 Oath of Office**

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

### **Section 2-1-6 Bond**

Prior to taking office, the Mayor and every councilperson shall execute and file an official bond provided by the town, enforceable against the principal and its sureties, conditioned on the due and faithful performance of 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 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. A blanket bond as may be allowed by law may satisfy this requirement

### **Section 2-1-7 Financial Disclosure Statements**

Prior to January 31st of each year, the Mayor and each member of the council shall file a Financial Disclosure Statement on a form prescribed by the Clerk. The Disclosure Statement shall be in compliance with, and disclose all Information required by Town of Superior Resolution No. 1 and any other ordinance or resolution the Council may adopt from time to time on disclosure.

## **2-1-8 Mayor and Council**

### **Section 2-1-8 Vacancies in Council**

**A.** The council shall fill, by appointment for the unexpired term, any vacancy on the Council or in the Mayor's office for whatever reason. The procedure for announcing the vacancy, accepting applications or nominations for, and filling the vacancy shall be as follows:

- 1.** If the vacancy should be declared between October 1st of a non-election year and March 15th of an election year, then, at the discretion of the Council, the position may remain open until the Primary or General election.
  - a.** If the term for the vacant seat was to have expired in the election year, the seat shall be filled with the candidate from the Primary or General who received the highest number of votes if that candidate received a majority of the votes cast for said position.
  - b.** If the term for the vacant seat would not expire in the election year, then the clerk shall include upon the ballot for the regular election, a place for candidates to run for the unexpired term of the vacant seat. All nomination documents shall designate the position for which the candidate is running and all candidates for the unexpired term shall comply with Arizona Election Laws regarding disclosure and time periods for filing. The candidate running in such advisory election and receiving the highest number of votes shall be appointed for the unexpired term,
  - c.** At the meeting called to canvass the vote for any election to which subsection A(1) applies, the council shall fill the vacant seat with the successful candidate.
  
- 2.** Upon creation of any vacant position for Mayor or Council which the Council does not vote to fill pursuant to subsection A(1) of this section, the Clerk shall properly insure that each council member is aware of the vacancy, and within 48 hours shall notify the local news media of such vacancy and the fact that applications, resumes, and letters of recommendation for the appointment to such vacant position will be accepted.
  - a.** Within seven (7) days, a notice of such vacancy and the time period for acceptance of applications shall be published one (1) time in the manner public notices are publicized in the town. Applications, resumes, and letters of recommendations shall be accepted for a period of fourteen (14) days following that publication. No application or resume tendered to or received by the Clerk or council after such date may be considered for appointment by the Council.
  - b.** Upon the expiration of the time set for accepting applications, the Clerk shall, within seven (7) days, set a special meeting for the purpose of review and consideration of all applications, resumes and nomination documents received. Said information and discussion thereof may be done in executive session upon open public vote of the council to consider same in executive session at the special meeting. The Clerk shall give all applicants at least 24 hours written notice of the date and time of the special meeting and/or executive session in which the applications are to be reviewed and discussed by the

council. The executive session or special meeting may be continued from time to time to allow proper review, input, and investigation of all applications and applicants.

**c.** Upon receipt of notice that the council has completed review and investigation of the applications, the Clerk shall, within ten (10) days thereof, set a special meeting in open public session at which time one or more, but not more than five (5), applicants chosen by the council may address the council at the public meeting. Each applicant chosen shall have the opportunity to appear and address the council and answer questions the Mayor and council may have.

**d.** At the next regularly scheduled meeting following the session in which applicants appear to address the council, the floor shall be open for nominations with the position to be filled by majority vote of the Mayor and council. The matter shall be on the agenda for each regularly scheduled meeting thereafter until the position has been filled.

**e.** Should no applications be received within the time periods set for receipt of same, the Clerk shall schedule a special meeting and call for executive session, not sooner than seven (7) nor more than fourteen (14) days following the deadline set for receipt of the applications pursuant to sub-section 2-1-8(A)2(a). At which time, the council shall meet and consider the appointment to fill the position. Following full discussion on the appointment to fill the vacancy, the floor shall be open for nominations. The matter shall be on the agenda for each regularly scheduled meeting thereafter until the position has been filled.

**B.** Only those candidates holding the minimum requirements under State law and the Town Code shall be considered for appointment under this Section.

## **2-2 Mayor and Council 2-2-5**

### **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

2-2-5 Absence of Mayor

2-2-6 Failure to Sign Documents

#### **Section 2-2-1 Selection of Mayor**

**A.** The Mayor shall be elected by majority vote of the qualified electorate of the Town pursuant to procedures set forth in this code and state law.

**B.** The Mayor shall serve for a four (4) year term. The Council is empowered to fill any vacancy for any unexpired term; the appointee shall be an elected member of the Town Council or chosen pursuant to subsection 2-14(A) of this Code.

#### **Section 2-2-2 Vice Mayor**

At the first meeting of the council in June following an election, the Mayor, with council approval, shall designate one of the council members as vice mayor, who shall serve at the pleasure of the council. The vice mayor shall have the powers to perform the duties of the mayor during the absence or disability of the Mayor.

#### **Section 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.

The mayor shall:

- A.** Be the chief executive officer of the town.
- B.** Be the chairman of the council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all its proceedings.
- C.** Enforce the provisions of this code.
- D.** In the absence of a Town Manager, appoint and remove officers and employees of the town with the approval of the council and exercise supervision over the acts and conduct of the officers and employees of the town. He/she shall inquire into all complaints against such officers or employees for violation or neglect of duty and forward all complaints to the council.
- E.** Execute and authenticate by his/her signature such instruments as the council, or any statutes, ordinances or this code shall require.
- F.** Make such recommendations and suggestions to the council as he/she may consider proper.
- G.** When necessary 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, 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.
- H.** 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 be absent from the town for a period greater than fifteen (15) days without the consent of the council.

## **2-2-6 Mayor and Council 2-3-5**

### **Section 2-2-6 Failure to Sign Documents**

If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other documents 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 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

### **Section 2-3-1 Primary Election**

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared 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.

### **Sec. 2-3-2 Non-Political Ballot**

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

### **Sec 2-3-3 General Election Nomination**

If at any primary election there is any office for which no candidate is elected, the primary election shall be considered to be an election for nomination of candidates for such office, and a general municipal election shall be held to fill such office. Candidates to be placed on the ballot at the general election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office unless there be less than that number named on the primary election, ballot. Persons who receive the highest number of votes for the respective offices at the primary election shall be the only candidates at such general 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 there-for, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

### **Sec. 2-3-4 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. 2-3-5 Candidate Financial Disclosure**

Each candidate for the office of councilman 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.

## **2-4-1 Mayor and Council 2-4-5**

### **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 2-4-1 Regular Meeting**

The council shall hold regular meetings on the first and third Thursday 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 Pinal County Administration Building located in Superior.

### **Sec. 2-4-2 Special Meetings**

The mayor or the council upon the written request of four members may convene the council at any time after giving at least twenty-four hours notice of such meeting to members of the council and the general public. The notice shall include the date, hour and purpose of such special meeting. In the case of an actual emergency a meeting may be held upon such notice as is appropriate to the circumstances.

### **Sec. 2-4-3 Meetings to be Public**

**A.** All official meetings of the council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with state statutes. Upon approval by a majority vote of the council, the council may meet in a closed executive session for a discussion of the following:

- 1.** Consideration of employment, assignment, appointment, promotion., demotion, salaries, disciplining or resignation of a public officer, appointee or employee of the town, except that with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting.
- 2.** Consideration of records exempt by law from public inspection.
- 3.** Consultation for advice with the town attorney.

**B.** Minutes of executive sessions shall be kept confidential except from members of the council.

**C.** No executive session may be held for the purpose of taking any final action or making any final decision.

### **Sec. 2-4-4 Quorum**

A majority of the councilmen shall constitute a quorum for transacting business but a lesser number may recess from time to time and complete the attendance of absent members.

### **Sec. 2-4-5 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 clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the council, and prepare an agenda according to the order of business and shall furnish each council member, the mayor and the attorney with a copy of the agenda and any material pertinent thereto.

## **2-4-6 Mayor and Council 2-4-9**

### **Section 2-4-6 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 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 conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order unless otherwise specified.
- B. **Salute to the Flag and Invocation.** The council and the public may salute the flag of the United States of America and the presiding officer may call for an invocation or a moment of silence.
- C. **Roll Call.** Before proceeding with the business of the council the clerk or his deputy shall call the roll of the members, and 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 2-4-4 of this code.
- D. **Consent Agenda.** Items of a non-controversial nature may be grouped together for a single vote. This item may include, but not be limited to minutes, reports, claims and information. Any council member may remove any item from the consent agenda for separate discussion and vote as deemed necessary. Such items shall then become the next order of business at the same meeting.
- E. **Business.** The Council shall consider any business which is properly identified on the posted agenda, including the introduction or reading of ordinances and resolutions.
- F. **Petitions.** Petitions, remonstrance, communications and comments or suggestions from citizens present shall be heard by the council. All such remarks shall be addressed to the council as a whole and not to any member thereof. Such remarks shall be limited to three (3) minutes unless additional item is granted by the council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. The open meeting law precludes discussion of any matter brought before the council under this section which is not separately set forth on the agenda.
- G. **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. 2-4-7 Committees and Commissions**

The council may create such committees and commissions, standing or special, as it deems necessary. Such committees 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.

#### **Sec. 2-4-8 Voting**

- 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.

#### **Sec. 2-4-9 Suspension of Rules**

Any of the provisions of this chapter 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.

## **2-5 Mayor and Council 2-3-5**

### **Article 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS**

2-5-1 Prior Approval

2-5-2 Introduction

2-5-3 Same Day Passage Prohibited

2-5-4 Two Separate Readings

2-5-5 Requirements for an Ordinance

2-5-6 Effective Date of Ordinances

2-5-7 Signatures Required

2-5-8 Publishing Required

2-5-9 Posting Required

#### **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. When there are substantive matters of administration involved, all ordinances, resolutions and contract documents shall be referred to the person who will be charged with the administration of such ordinance, resolution or contract. Such person shall have an opportunity to present comments, suggestions and objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

#### **Sec. 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 or the clerk may present ordinances, resolutions and other matters or subjects to the council, and any councilman may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.

#### **Sec. 2-5-3 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. 2-5-4 Two Separate Readings**

All ordinances, except emergency ordinances, shall have two separate readings, but the first and the second reading shall never be made on the same day. The first reading may be by title only, but the second reading shall be in full unless the council, in possession of printed copies of said ordinance, shall unanimously allow reading by title only.

#### **Sec. 2-5-5 Requirements for an Ordinance**



Each ordinance may have only 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. 2-5-6 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. 2-5-7 Signatures Required**

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

## **2-5-8 Mayor and Council 2-6-4**

### **Sec. 2-5-8 Publishing Required**

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.

### **Sec. 2-5-9 Posting Required**

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 whom posted the ordinance shall be filed in the office of the clerk as proof of posting.

## **ARTICLE 2-6 PLANNING AND ZONING COMMISSION**

- 2-6-1 Established
- 2-5-2 Membership
- 2-6-3 Officers
- 2-6-4 Duties
- 2-6-5 Meetings
- 2-6-6 Voting
- 2-6-7 Fees

### **Section 2-6-1 Established**

The Planning and Zoning Commission of the Town of Superior is hereby established.

### **Section 2-6-2 Membership**

**A.** The Planning and Zoning Commission shall be composed of a total of seven members who shall be residents of the town. The members of the commission shall be appointed by the mayor subject to the approval of the council. These appointments shall be for a period of three years each, with the terms of members so staggered that the terms of no more than three members shall expire in any one year. The

initial appointments shall be for two members with terms beginning on July 1, 1986, and expiring on June 30, 1987; for two members with terms beginning on July 1, 1986, and expiring on July 30, 1988; and for three members with terms beginning on July 1, 1986, and expiring on June 30, 1989. Thereafter, all members shall be appointed for full three year terms, except that in the event of death or resignation of a member the vacancy may be filled for the unexpired term. The term of all members shall extend until their successors are qualified; except that three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice and such action shall be final.

**B.** All members shall serve without pay. Members of the commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the council.

### **Sec. 2-6-3 Officers**

The commission shall elect a chairman and vice chairman from among its own members, who shall serve for one year and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new election.

### **Sec. 2-6-4 Duties**

It shall be the duty of the said commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the city pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "Planning and Zoning"; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the town and in cooperation with adjacent areas; to recommend to the governing body revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the town; to promulgate rules of procedure and to supervise the enforcement of rules so promulgated by the commission and approved by the governing body.

## **2-6-5 Mayor and Council 2-6-7**

### **Sec. 2-6-5 Meetings**

The commission shall provide in its rules for its meetings; provided, that special, meetings may be called by the chairman or in his absence the vice chairman. In addition, any three members of the commission may make written request to the chairman for a special meeting and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in the commission rules.

### **Sec. 2-6-6 Voting**

Four members shall constitute a quorum. The affirmative vote of four members shall be required for passage of any matter before the commission. The minutes of the meetings shall reflect the 'ayes' and 'nays' cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.

**Sec. 2-6-7 Fees**

The commission shall be authorized to establish a uniform schedule of fees for services with all receipts to be paid into the general fund of the town. Such fee schedules shall become effective upon approval by the council.