

CHAPTER 2

MAYOR AND COUNCIL

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Section 2-1-1 Elected Officers

The elected officers of the Town shall be five Council members, one of whom shall be designated as Mayor in accordance with Section 2-2-1. The Mayor and Council members shall constitute the Common Council and shall continue in office until assumption of duties of office by their duly elected successors.

The regular term of office for Council members shall be two years each and until their successors are elected and qualified.

[Ord. 214 12/08/1987; Ord. 246, 12/11/1990; Ord. 258, 05/26/1992; Ord. No. 363, 12/8/09]

Section 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.

Section 2-1-3 Duties of Office

Councilmembers shall assume the duties of office within twenty (20) days of the canvass of vote of the General Election.

[Ord. 224, 03/21/1989; Ord. 246, 12/11/1990 *See Reviser's Note at § 2-1-1*; Ord. 341, 1/09/2007]

Section 2-1-4 Vacancies in Council

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason.

[Ord. 184, 9/11/1979]

Section 2-1-5 Compensation

Until July 1, 2010, there shall be no compensation allowed to the Mayor and the members of the Common Council. Effective July 1, 2010, the Mayor and members of the Common Council may be compensated at rates to be established by Resolution of the governing body.

[Ord. No. 365, 1/12/10]

Section 2-1-6 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.

Section 2-1-7 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/her 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.

ARTICLE 2-2 **Mayor**

- 2-2-1 Determination 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
- 2-2-7 Term of Office

Section 2-2-1 Determination of Mayor

The Mayor shall be selected by the Common Council from among their number within twenty (20) days after their appointment or election.

[Ord. 214, 12/08/1987, Ord. 246, 12/11/1990; Ord. 341, 01/09/2007].

Section 2-2-2 Vice Mayor

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 his/her absence or disability.

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.

Section 2-2-4 Powers and Duties of the Mayor

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

- A. He/she shall be the chief executive officer of the Town.
- B. He/she shall 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. He/she shall enforce the provisions of this code.
- D. He/she shall execute and authenticate by his/her signature such instruments as the Council, or any statutes, ordinances, or this code shall require.
- E. He/she shall make such recommendations and suggestions to the Council as he/she may consider proper.
- F. He/she shall take command of the police force of the Town and govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute great danger to the Town and its residents.
 - 1. In such areas of the Town as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the Town so designated by the Mayor, a curfew shall be in effect the hours of each day designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.
 - 2. During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.
- G. He/she 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.

Section 2-2-5 Absence of Mayor

The Mayor shall not absent himself/herself from the Town for a greater period than 15 days without the consent of the Council.

Section 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, the 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.

Section 2-2-7 Term of Office

The regular term of office for the Mayor and Council members shall be two years.

[Ord. 214, 12/08/1987]

Reviser's Note: This Section was added by Ord. 214 as Section 2-2-8. For consistency and because there was no Section 2-2-7, it has been codified as Section 2-2-7.

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

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 to be elected to the office for which he/she is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate.

Section 2-3-2 Non-Political Ballot

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

Section 2-3-3 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 officers, 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 only the 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 therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 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.

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 Meetings

The Jerome Town Council shall hold regular meetings on the second Tuesday 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 Council Chambers of Jerome Town Hall, 600 Clark Street, Jerome, Arizona, unless noticed otherwise.

Preliminary Council packets and information will be available on the Town's website by 6:00 p.m. on the Thursday prior to the Council meeting. Agenda items may be removed, added or changed up until 24 hours prior to the meeting. The posted agenda shall become final as of 24 hours prior to the meeting.

[Ord. 184, 09/11/1979; Ord. 306, 11/28/2000; Ord. 319, 11/12/2003; Ord. 323, 8/10/2004; Ord. 327, 12/13/2005; Ord. 335, 7/25/2006; Ord. 440, 9/11/18]

Section 2-4-2 Special Meetings

The Mayor, or the Clerk upon the written request of two members, may convene the Council at any time by notifying the members of the date, hour and purpose of such special meeting.

[Ord. 386, 6/14/2011]

Section 2-4-3 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 for a discussion of matters of a confidential nature, provided that no ordinance, order, rule, resolution, regulation, contract, appointment, or other official action shall be finally approved in any such executive session.

Section 2-4-4 Quorum

Three members of the Council shall constitute a quorum for transacting business.

[Ord. 386, 6/14/2011]

Section 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.

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 the Mayor, the Vice Mayor shall 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 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 or his/her 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.
- C. Reports by Officers. Town officials, staff and committees shall present any reports required by the Council for their review and/or approval.
- D. Minutes. The Clerk 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.

- E. Petitions. Petitions, remonstrances, communications, and comments or suggestions from the 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 per speaker, unless additional time is granted by the Council. The Council's response to public comments is limited to asking staff to review a matter commented upon, or asking that a matter be put on a future agenda, or responding to criticism.
- F. Presentations. Formal presentations from citizens, staff or other parties shall be heard by Council.
- G. Consent Agenda. The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.
- H. Ordinances. The Council shall consider first and/or second readings of ordinances and conduct public hearings regarding same as required by law.
- I. Unfinished Business. The Council shall consider any business that has been previously considered and which is still unfinished.
- J. New Business. The Council shall consider any business not heretofore considered.
- K. To and From the Council. Each Council member shall have an opportunity to identify any items of concern or business that they may wish to have placed on a future Council meeting agenda, and to provide general information for the benefit of the public and/or fellow Councilmembers.
- L. 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.

The provisions of this Section notwithstanding, the Chair shall have the authority to address agenda items in an appropriate order, given the nature of items on the agenda.

[Ord. 247, 02/12/1991; Ord. 386, 6/14/2011; Ord. 438, 4/10/18]

Section 2-4-7 Committees and Commissions

The Council may create such committees and commissions, standing or special, as it deems necessary. They 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. Persons elected to Town Council, upon being seated, shall not be permitted to serve on Town committees, including, but not limited to, Design Review, Planning and Zoning, Board of Adjustment, during the course of their term as Council members, unless otherwise provided by law.

[Ord. 270, 07/12/1994; Ord. 379, 8/10/2010].

Section 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.
- C. Any member may abstain from voting upon declaration that he or she has a conflict of interest or the appearance of a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question, shall leave the dais during such deliberation, and shall not attempt to influence the vote of fellow Councilmembers by facial expression, gesture, body language or any other means.
- D. Council members are expected to vote on all issues placed before them.

[Ord. 404, 9/10/2013; Ord. 448, 2/12/19]

Section 2-4-9 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 2-5 **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, 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.

Section 2-5-2 Introduction

Ordinance, 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 Council member may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.

Section 2-5-3 Same Day Passage Prohibited

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

Section 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.

Section 2-5-5 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.

Section 2-5-6 Effective Date of Ordinances

No ordinance, resolution or franchise shall become operative until 30 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 and approved by the Mayor.

Section 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.

Section 2-5-8 Publishing Required

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by the state statutes or expressly ordered by the Council.

Section 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 who posted the ordinances shall be filed in the office of the Clerk as proof of posting.