

**CHAPTER 3**  
**MAYOR AND COUNCIL**

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## CHAPTER 3 MAYOR AND COUNCIL

### ARTICLE 3-1 COUNCIL

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#### Section 3-1-1 Elected Officers

A. The elected officers of the town shall be five councilmembers, one of whom shall be elected directly by the people as mayor in accordance with section 3-2-1. The mayor and councilmembers shall constitute the council and shall continue in office until assumption of duties of office by their duly elected successors.

B. The mayor and councilmembers shall serve four year overlapping terms in the manner provided by state statute.

#### Section 3-1-2 Corporate Powers

The corporate powers of the town shall be vested in the council and shall be exercised by ordinance, resolution, order or motion.

#### Section 3-1-3 Duties of Office

A. Assumption of office: The mayor and members of the council shall assume the duties of office at the regularly scheduled meeting next following the date of the general election at which, or effective as of the date of which, the mayor and councilmembers were elected.

B. Financial Obligations: All councilmembers shall be on the town accounts with authorization to sign checks. In the absence of the mayor or vice-mayor, councilmembers shall be called upon to sign checks as they are available.

#### Section 3-1-4 Vacancies in Council

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

### Section 3-1-5 Compensation

The compensation of elected officers of the town shall be fixed from time to time by ordinance or resolution of the council.

### Section 3-1-6 Oath of Office

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

### Section 3-1-7 Bond

Prior to taking office, the mayor and every councilmember shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and faithful performance of his official duties, payable to 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 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.

### Section 3-1-8 Financial Disclosure Statement

The mayor and each councilmember shall file by January 31 of each year, on a form prescribed by the clerk, a financial disclosure statement setting forth such information as provided by resolution of the council.

## ARTICLE 3-2 MAYOR

- 3-2-1 Office of Mayor
- 3-2-2 Vice Mayor
- 3-2-3 Acting Mayor
- 3-2-4 Powers and Duties of the Mayor
- 3-2-5 Absence of Mayor
- 3-2-6 Failure to Sign Documents

### Section 3-2-1 Mayor

The mayor shall be directly elected by the qualified electors of the town.

### Section 3-2-2 Vice Mayor

At the same meeting at which the council assumes the duties of office as provided in Section 3-1-3, 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 absence or disability.

### Section 3-2-3 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 3-2-4 Powers and Duties of the Mayor

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

- A. He or she shall be the chief executive officer and chief financial officer of the town.
- B. He or she shall be the chairman of the council and preside over its meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings.
- C. He or she shall execute and authenticate by his or her signature such instruments as the council, any statutes or this code shall require including, but not limited to: contracts, intergovernmental agreements or other financially binding documents. He or she shall be the primary signatory on all checks issued by the town.
- D. He or she shall make such recommendations and suggestions to the council as he may consider proper.
- E. He or she 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.
  - 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. He or 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.

G. The Town Manager reports directly to the Mayor, who is his or her direct supervisor, in accordance with all applicable provisions of the personnel policy manual.

H. The Mayor shall approve any and all agendas before posting. The Mayor shall also approve all public postings, meeting notices, resolutions and any or all information before their public dissemination.

### Section 3-2-5 Absence of Mayor

The mayor shall not absent himself or herself from the town for a greater period than thirty consecutive days without the consent of the council.

### Section 3-2-6 Failure to Sign Documents

If the mayor is absent or refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his or her signature for five days consecutively, than a majority of the members of the council may, at any regular or special meeting, authorize the vice-mayor or, in his or 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.

## ARTICLE 3-3 ELECTION

- 3-3-1 Primary Election
- 3-3-2 Non-Political Ballot
- 3-3-3 General Election Nomination
- 3-3-4 Election to Office
- 3-3-5 Candidate Financial Disclosure

### Section 3-3-1 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 of which 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.

## Section 3-3-2 Non-Political Ballot

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

## Section 3-3-3 General Election Nomination

If at any primary election held as above provided there be any office for which no candidate is elected, then as to such office, said election shall be considered to be a primary election for nomination of candidates for such office, and the second or general municipal election shall be held to vote for candidates to fill such office.

Candidates to be placed on the ballot at such second or general municipal election shall be those not 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 therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

## Section 3-3-4 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.

## Section 3-3-5 Candidate Financial Disclosure

Each candidate for the office of mayor or councilmember 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.

## ARTICLE 3-4 COUNCIL PROCEDURE

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

## 3-4-10 Absence of Councilmember

### Section 3-4-1 Regular Meetings

The council shall hold one regular meeting each month, unless the need for a second meeting arises, with dates and times to be set from time to time. If 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 at a time, and location as determined by the mayor and as designated in the notice of the meeting.

### Section 3-4-2 Special Meetings

The mayor, upon his or her own motion, or the vice-mayor upon the request of the town manager, may convene the council at any time by notifying the members of the date, hour, place and purpose of such special meeting. Notice of such meeting shall be made pursuant to state law.

### Section 3-4-3 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 in the manner provided by state law.

### Section 3-4-4 Quorum

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

### Section 3-4-5 Agenda

Prior to each council meeting, on or before a time fixed by the council for preparation and distribution of an agenda, whichever is earlier, the manager 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 furnish each councilmember, the mayor and the attorney with a copy of the agenda and any material pertinent thereto.

### Section 3-4-6 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 meeting 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 the *Robert's Rules of Order* unless otherwise specified.
- B. Roll Call: Before proceeding with the business of the council, the clerk or his or 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 pursuant to Section 3-4-4.
- C. Minutes: The clerk or his or 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. Petitions: Petitions, remonstrances, 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 five minutes, unless additional time is granted by the council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No questions shall be asked a councilmember except through the presiding officer.
- E. Report by Officers: Town officials and committees shall present any reports required by the council.
- F. Unfinished 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. Claims: The clerk shall present any claims against the town which will then be approved or disapproved by the council.
- I. Miscellaneous Business: Prior to adjournment, the council shall, as it deems necessary, consider such business as is not specifically provided herein.



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

### Section 3-4-7 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.

#### Section 3-4-7.1 Appointment; Term

The Duncan Public Library shall be managed by an Administrative Board consisting of seven (7) members. Each member shall represent a specific area of Southern Greenlee County served by the library.

Administrative board members may serve on said board until they resign or until they have three (3) consecutive unexcused absences.

The administrative board will appoint new members to said board as necessary and shall notify the Town as to all new appointments.

#### Section 3-4-7.2 Organization; Meetings

The administrative board shall have charge of the library and all library property. They shall meet for business purposes on the first Tuesday of each month, and at such other times as they shall appoint, at a place to be provided for the purpose. They may elect from their body a president, vice-president, secretary and treasurer; and any other officers deemed necessary. They may also adopt an official seal. The secretary shall keep a full statement and account of all property and a record of all proceedings of the board. All library board meetings must be posted 24 hours prior to the meeting. The treasurer shall keep all financial records; bank statement, receipts, expenditures, savings accounts, special funds and trust funds. The administrative boards shall appoint the librarians needed to operate the library.

#### Section 3-4-7.3 Powers of Administrative Board

The board by a majority vote of their members may:

- A. Make and enforce all rules, regulations and by-laws, necessary for the administration and government of the library and all library property.
- B. Exercise and administer any trust declared or created for the library.

- C. Define the powers and prescribe the duties of officers and elect and remove at will officers and assistants.
- D. Purchase necessary books, journal, publications and other personal property.
- E. Order the drawing and payment, upon property authenticated vouchers, certified by the President and Treasurer, of money out of library funds for any liability authorized.
- F. Fix the salary of the librarians.
- G. With the knowledge of the governing board of the town, purchase real property and erect and equip buildings as may be necessary for the library and reading room. (A.R.S.)
- H. Designate a board member to attend all meetings of the governing board of the town. This person shall act as liaison between the governing board of the town and the administrative board of the library.

#### Section 3-4-8 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 questions shall be taken and entered in the minutes.

#### Section 3-4-9 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.

#### Section 3-4-10 Absence of Councilmembers

Councilmembers shall not absent themselves from the town for a greater period than thirty consecutive days without the consent of the council.

### ARTICLE 3-5 ORDINANCES, RESOLUTIONS AND CONTRACTS

- 3-5-1 Prior Approval
- 3-5-2 Reading of Proposed Ordinance
- 3-5-3 Requirements for an Ordinance
- 3-5-4 Effective Date of Ordinance
- 3-5-5 Signatures Required

- 3-5-6 Publishing Required
- 3-5-7 Posting Required

### Section 3-5-1 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 to the passage of the ordinance, resolution or acceptance of the contract.

### Section 3-5-2 Reading of Proposed Ordinance

All ordinances shall have at least one reading. The council shall be in possession of printed copies of said ordinance. Upon the request of any member of the council, the ordinance shall be read in full.

### Section 3-5-3 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 3-5-4 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. 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 operative, and unless it is approved by ayes and nays.

### Section 3-5-5 Signatures Required

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

### Section 3-5-6 Publishing Required

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

### Section 3-5-7 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three public places within the town and affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.