

Chapter 2

MAYOR AND COUNCIL

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Article 2-1 Council

Sections:

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Section 2-1-1 Elected Officers

A. The elected officers of the city shall be a mayor and six councilmembers. 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. Commencing with year 2010, the term of office of the mayor shall be four years.

C. Councilmembers shall serve four-year overlapping terms in the manner provided by state statute.

D. A candidate shall not run for more than one office at the same election.

E. Councilmembers who desire to run for mayor must resign their position on the council as of the day they submit their nomination papers, unless they are in the last year of their term. (Ord. 07-131 § 1)

Section 2-1-2 Corporate Powers

The corporate powers of the city 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

Members of the council shall assume the duties of office at the first regular meeting of the council in June next following the date of the primary or general election at which the councilmembers were elected.

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. If the vacancy is for the office of mayor, the mayor shall be appointed from one of the existing council members.

Section 2-1-5 Compensation

The compensation of elective officers of the city may be fixed from time to time by ordinance of the council.

Section 2-1-6 Oath of Office

Immediately prior to assumption of the duties of office, each councilmember shall, in public, take and subscribe to the oath of office. A newly appointed or elected council member may take the oath of office on the same day on which the council member assumes the duties of council member. (Ord. 99-51)

Section 2-1-7 Bond

Within twenty days after taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his 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 city 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 A.R.S. § 38-260. The premium for such bonds shall be paid by the city and may be a blanket bond, as authorized in A.R.S. § 9-302.

Section 2-1-8 Financial Disclosure Statement

Each councilmember shall file a financial disclosure statement in a form and with such information as provided by resolution of the council and pursuant to state law.

Article 2-2 Mayor**Sections:**

- 2-2-1 Office 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 Office of Mayor

The Mayor shall be directly elected by the qualified electors of the city.

Section 2-2-2 Vice Mayor

At the first regular meeting in June following an 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 his 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 shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and a vote in all its proceedings.

B. He shall be recognized as head of the city government for all official and ceremonial purposes.

C. He shall, on behalf of the council, confer with and advise the city manager to ensure that council programs and policies are being fully implemented.

D. He shall execute and authenticate by his signature such instruments as the council shall approve or that statutes, ordinances or this code shall require.

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

F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or manmade 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 city. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the city, including but not limited to:

1. Imposition of a curfew in all or any portion of the city.
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.
5. Perform such other duties as prescribed in the emergency operations procedures manual adopted by the city council.

G. 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 city. (Ord. 07-127 § 1)

Section 2-2-5 Absence of Mayor

The mayor shall not absent himself from the city for a greater period than fifteen consecutive days without the consent of the council.

Section 2-2-6 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 authorized to be signed, then the vice mayor may 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 Election

Sections:

- 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**

- 2-3-6 Election Day**
- 2-3-7 Referendum and Initiative Elections**

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 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 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 there is any office for which no candidate was 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 fulfill such office. 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 said 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.

Section 2-3-5 Candidate Financial Disclosure

Each candidate for the office of mayor or councilmember 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 pursuant to state law.

Section 2-3-6 Election Day

The general election shall be held on the third Tuesday of May in every even numbered year.

Section 2-3-7 Referendum and Initiative Elections

A. When a referendum or initiative is required to be placed upon the ballot, the council shall do so at the next regularly scheduled city primary or general election or state general election.

B. Alternatively, the council may call a special election in odd-numbered years on those dates when the city primary or general election or state general election would normally be scheduled upon a vote of a majority of all members of the council. At all times the citizens shall retain the right to vote by absentee ballot.

C. The basis upon which the number of qualified electors of the city required to file an initiative petition shall be the total number of registered voters qualified to vote at the last city election, whether primary, general or special, immediately preceding the date upon which any initiative petition is filed. The basis upon which the number of qualified electors of the city required to file a referendum petition shall be as determined by law.

Article 2-4 Council Procedure

Sections:

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

Section 2-4-1 Regular Meetings

At its first meeting each year, the council shall establish regular meeting dates for that year. When the day fixed for any regular meeting of the council falls upon a date designated by law as a legal holiday, such meeting shall be held on the next succeeding day not a holiday, unless such meeting is cancelled or the council sets a definite date for the meeting. All regular meetings of the council shall be held at a time and public place as determined by the mayor and designated in the notice of the meeting.

Section 2-4-2 Special Meetings

The mayor, upon his own motion, or the clerk upon the written request of three members, 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 2-4-3 Meeting 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 an executive session in the manner provided by state law.

Section 2-4-4 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 2-4-5 Agenda

A. Items may be placed on a regular, special, or emergency meeting agenda or work/study session agenda for city council discussion and possible action by (1) the mayor, (2) two councilmembers, or (3) the city manager at least three days before the agenda is posted.

B. The clerk 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. (Ord. 05-102 § 1)

Section 2-4-6 Consent Agenda

A. When any item of business requires action by the council, but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a consent agenda.

B. The consent agenda shall be introduced by a motion "To Approve the Consent Agenda," and shall be considered by the council as a single item.

C. There shall be no debate or discussion by any member of the council regarding any item on the consent agenda, beyond asking questions for simple clarification.

D. Upon objection by any member of the council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. Such objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.

E. Approval of the motion to approve the consent agenda shall be fully equivalent to

approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.

Section 2-4-7 Order of Business

The order of business for regular, special, work/study and executive session meetings shall be as set forth in the city council rules and procedures, as may be amended from time to time. (Ord. 05-102 § 1)

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.

Section 2-4-9 Suspension of Rules

Any of the provisions of this article and city council rules and procedures 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. (Ord. 05-102 § 1)

Article 2-5 Ordinances, Resolutions and Contracts

Sections:

2-5-1	Prior Approval
2-5-2	Introduction
2-5-3	Same Day Passage Prohibited
2-5-4	Introduction and Adoption of Ordinances
2-5-5	Requirements for an Ordinance
2-5-6	Effective Date of Ordinance
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 objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 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, the manager or the clerk may present ordinances, resolutions and other matters or subjects to the council, and any member of the council 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 Introduction and Adoption of Ordinances

All ordinances shall be introduced by motion and vote and adopted by motion and vote. Except for ordinances containing an emergency clause, no ordinance shall be introduced and adopted on the same day. (Ord. 04-92 § 1)

Section 2-5-5 Requirements for an Ordinance

Each ordinance shall 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 Ordinance

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 city, 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.

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 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 city and an affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.

Article 2-6 Boards and Commissions

Sections:

- 2-6-1 Authority**
- 2-6-2 Membership**
- 2-6-3 Terms; Limitation**
- 2-6-4 Officers**
- 2-6-5 Meetings**
- 2-6-6 Duties**

Section 2-6-1 Authority

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

Section 2-6-2 Membership

A. Each board and commission shall consist of five members, unless otherwise provided in this article or by law, who shall be appointed by the council and shall serve without pay. Ex officio membership may be appointed by the council.

B. A member of a board or commission shall not be absent from board or commission meetings for more than three consecutive times without a reasonable excuse. After the absence from three meetings, the remaining members of the board or commission shall vote to retain or recommend to the council that the absentee member be relieved of his or her duties on the board or commission.

C. Vacancies shall be filled by the council. Qualified and interested persons eligible to fill the vacancy shall be identified from the community.

D. Immediately prior to assumption of the duties of office, each board or commission member shall, in public, take and subscribe to the oath of office. A newly appointed board or commission member may take the oath of office on the same day on which the board or commission member assumes the duties of their office. (Ord. 99-51)

Section 2-6-3 Terms; Limitation

A. A member of a board or commission shall serve a term of three years; provided that the terms of persons first appointed may be staggered so that one-third, or the nearest whole number equivalent less than one-third, of the members serve for one year; one-third, or the nearest whole number equivalent less than one-third, of the members serve for two years and the remaining members serve for three years. Thereafter, all terms shall be for a period of three years.

B. All expiring terms shall end on September 1st of the appropriate year.

C. Members of boards and commissions may be removed at the pleasure of the council. (Ord. 97-43) (Ord. 03-83)

Section 2-6-4 Officers

A. Each board and commission shall elect a chairman and vice-chairman from their members. The vice-chairman shall preside at meetings in the absence of the chairman.

B. The election of a chairman and a vice-chairman shall be held at the first meeting after the new commissioners, appointed in September, have been sworn in. (Ord. 96-36)

Section 2-6-5 Meetings

A. Each board and commission shall hold monthly meetings at a time and place to be determined by the members at the same time as the election of a chairman and vice-chairman. Special meetings may be called at any time, or at any appropriate place by the chairman. A quorum shall consist of at least fifty percent of the number of appointed members for the transaction of all business. (Ord. 96-36)

B. All meetings of each board or commission shall be conducted in conformance with the state open meeting law.

Section 2-6-6 Duties

A. A board or commission shall assist and advise the council in the establishment of es-

Section 2-6-6 Duties

A. A board or commission shall assist and advise the council in the establishment of essential policies, procedures, rules and regulations relating to the subject matter of the board or commission.

B. The recommendations of any board or commission to the city shall be advisory only. Such recommendations will be sent back to the board or commission by the city indicating any action, revision or modification of any recommendation.

Article 2-7 Recreation and Public Grounds Commission**Sections:**

- 2-7-1 Established**
- 2-7-2 Membership**
- 2-7-3 Purpose and Duties**

Section 2-7-1 Established

A recreation and public grounds commission of the city of Litchfield Park, Arizona, is hereby created. (Ord. 11-171 § 1)

Section 2-7-2 Membership

All members of the recreation and public grounds commission shall be generally representative of the community and shall serve without pay. Initially the membership of the commission shall consist of members of the former cityscape commission and the recreation, arts and parks commission as those existed immediately prior to the effective date of the ordinance codified in this chapter, not to exceed eleven members. The terms of office shall be staggered as provided in Section 2-6-3. Beginning with terms that expire in 2014, the number of members shall be reduced to seven. (Ord. 11-171 § 1)

Section 2-7-3 Purpose and Duties

A. The commission shall be advisory in nature and shall provide counsel and advice to council in matters including, but not limited to:

1. Inventory the opportunities for improving the appearance of public grounds;
2. Recommend a program for placement of street trees in public rights-of-way;
3. Review practices of utility companies for installation of underground utilities in order to improve community appearance and safety;
4. Provide recommendations for recreation programs, public art and public grounds maintenance and improvements in the city;
5. Such other and further changes as the council from time to time shall request.

B. The commission shall create a five-member tree board as a subcommittee of the commission. The tree board shall consist of members of the recreation and public grounds commission, selected by the commission. The duties of the tree board subcommittee shall be to:

1. Study the problems and determine the needs of the city in connection with street trees and park trees.
2. Recommend for adoption by the council and periodically review and update a Litchfield Park community forest plan, which designates the type and kind of trees which may be planted upon city streets and in parks, sets forth requirements for the care, preservation, pruning, planting, replanting, removal, or disposition of street trees and park trees, and sets forth arboricultural specifications.
3. Assist in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether they be on public or private property, and to relay such information from time to time to the council as to desirable legislation concerning the community forest programs and activities for the city.

4. Consider, investigate, make findings, report, and recommend upon any special matter or question within the scope of its work when requested by the council.

C. The commission shall create a five-member beautification committee as a subcommittee of the commission. The beautification subcommittee shall consist of members of the recreation and public grounds commission, selected by the commission. The duties of the beautification committee shall be to recommend for formal recognition by the council homeowners who have enhanced their property by making significant landscape or architectural improvements.

D. The council, at its discretion, may designate the city department to implement programs developed by the commission. (Ord. 11-171 § 1)

Article 2-9 Indemnification of Members of the Council, City Officers, City Employees and Members of Committees, Commissions and Boards

Sections:

- 2-9-1 Persons Covered**
- 2-9-2 Indemnification and Protection of City Officials by City**
- 2-9-3 Insurance Coverage**
- 2-9-4 Notice of Claim**

Section 2-9-1 Persons Covered

All of the protections and benefits conferred by this article shall be enjoyed by any present or former mayor, vice mayor and each and all of the present or former members of the council, city officers, municipal judges, city employees, including the city attorney, any prosecuting attorney, whether or not such attorneys are full-time employees or serving on a contract basis, and every one of the mem-

bers of all city committees, boards, commissions and sub committees, which protected parties are hereinafter referred to individually as a “city officer” and collectively or jointly as “city officials.”

Section 2-9-2 Indemnification and Protection of City Officials by City

A. Any city officer and all city officials shall be entitled to be exonerated, indemnified and held harmless by the city from and against any liability or loss in any manner arising out of, or occasioned by, his or their service as a city officer or official and based upon any claim by a third party that the city or such city officer or officials, by any action or failure to act, damaged the property or infringed the rights of said third party, or of any other person on whose behalf said third party brings a claim or legal action. The coverage afforded by this subsection shall apply in any case where (1) said city officer or official’s action or failure to act was not within the scope of his duties, in good faith or in a manner reasonably believed to be in the best interest of the city; and (2) with respect to any criminal proceeding, said city officer or officials did not have reasonable cause to believe that his conduct was lawful; and (3) in any case where indemnification is not permissible pursuant to any state statute or any determination that such indemnification would be contrary to public policy.

B. Subject to the above-stated limitations, the right to indemnification provided for in subsection (A) of this section shall extend as well to any claim brought by, or on behalf of, the city to recover damages alleged to have been occasioned to it or any of its property by an act or failure to act of any city officer or officials.

C. In any case where indemnification is required under the provisions of subsections (A) or (B) of this section, the city shall pay, on behalf of any city officer and all city officials,

any money judgment and shall perform the onerous provisions of any court order, which may be entered against him or them, when such judgment or orders have become final and are no longer appealable.

D. In any case where any city officer or officials are entitled to be exonerated, indemnified or held harmless pursuant to the provisions of subsections (A) or (B) of this section, the city shall protect and defend any city officer and all city officials from and against any litigation commenced against him or them, by engaging and compensating competent legal counsel to conduct his or their defense, and by paying all court costs, and any fees of opposing legal counsel, taxed or imposed by the court have jurisdiction.

sions of subsections (A) or (B) of Section 2-9-2, shall promptly give notice of the pendency of such action, by the presentation of such actual or potential claim to the council together with such city officer's or officials' request for indemnity and protection hereunder. It shall further be a precondition to coverage hereunder that a city officer or officials claiming the protection and benefits conferred by this article shall at all times, and in every way, cooperate fully with legal counsel appointed by the city to defend against any threatened or pending litigation under the provisions of subsection (D) of Section 2-9-2.

Section 2-9-3 Insurance Coverage

The city shall at all time procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all city officials and any city officer entitled to indemnification and protection hereunder. Acceptance of coverage and undertaking of protection by any such insurance carrier shall be deemed to satisfy the requirements of this article on the part of the city. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any city officer or officials or such insurance is not effective for any reason for such coverage, the city shall be bound by the provisions hereof to protect and indemnify pursuant to the provisions of Section 2-9-2.

Section 2-9-4 Notice of Claim

It shall be a precondition to the assertion of any claim for protection and indemnity under this article that any city officer or officials, after having been served with process commencing litigation against him or them, or after having received written notice of a possible claim alleged to be covered under the provi-