

Chapter 2

MAYOR AND COUNCIL ♣ ♣ ♣

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ARTICLE 2-1. COUNCIL

Sec. 2-1-1. Elected officers.

The elected officers of the city shall be six (6) council members and one (1) mayor. The mayor and council members shall constitute the council and shall continue in office until assumption of duties of office by their duly elected successors. Council members and mayor shall serve four-year overlapping terms in the manner provided by state statutes, and shall be sworn in at the first regular meeting of December in each even-numbered year.

(Ord. No. 500, § 3, 9-18-01, Eff. 3-19-02; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2010-04, § 1, 4-6-10; Ord. No. 2013-05, § 1-2, 11-5-13)

State law reference—Similar provisions, A.R.S. § 9-231(B).

Sec. 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.

State law reference—Similar provisions, A.R.S. § 9-231(A).

Sec. 2-1-3. Duties of office.

♣ **Editor's note**—Sections 1 and 2 of Ord. No. 2003-15, adopted Nov. 4, 2003, amended and replaced Chapter 2 in its entirety. The following sections were not revised, although some were renumbered: Sections 2-1-2, 2-1-4, 2-3-1, 2-3-2, 2-4-7, 2-4-8, 2-5-1, 2-5-4, 2-5-7, 2-5-8 and 2-6-2.

♣♣ **Editor's note**—Section 2-7 of Ord. No. 2016-05, adopted Dec. 6, 2016, repealed Ord. No. 2009-22 and removed Article 2-7, *Financial Disclosure*, in its entirety.

Council members shall assume the duties of office at the regularly scheduled council meeting next following: (a) their appointment; or (b) the first meeting in December following the primary or general election at which they were elected; or (c) the date they are declared elected if the general election is inconclusive.

(Ord. No. 80, § 1, 6-21-78; Ord. No. 85, § 1, 7-19-78; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-1-4. Vacancies in council.

The council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason. If, after two rounds of voting, there are two candidates tied with the same number of votes, then the tie shall be broken by playing the deuce of clubs card game. Whichever candidate draws the deuce of clubs is determined to be the winner and shall be appointed to fill the unexpired term of the vacancy. If the candidates are not present at the meeting in which the tie votes occur, they shall be invited to attend a subsequent regular meeting of the council to play the card game.

(Ord. No. 2009-21, § 1, 12-1-09)

State law reference—Similar provisions, A.R.S. § 9-235.

Sec. 2-1-5. Compensation.

The compensation of elective officers of the city shall be fixed from time to time by ordinance or resolution of the council, consistent with applicable state law.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-232.01; Arizona Constitution, Art. 4, Pt. 2, § 17.

Sec. 2-1-6. Oath of office.

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

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-232(B).

Sec. 2-1-7. Bond.

Prior to taking office, the city shall obtain a bond for each council member or a blanket bond as required by applicable state law.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-302.

ARTICLE 2-2. MAYOR

Sec. 2-2-1. Selection of mayor.

The mayor shall be elected pursuant to Section 2-1-1.

(Ord. No. 80, § 2, 6-21-78; Ord. No. 85, § 2, 7-19-78; Ord. No. 500, 2, 9-18-01, Eff. 3-19-02; Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-232.03.

Sec. 2-2-2. Vice mayor.

At the first meeting in December following a city primary or general election, the council shall designate one of its members as vice mayor, who shall serve at the pleasure of the council for a term of two years. The vice mayor shall perform the duties of the mayor during his absence or disability. Appointment of a council member to fill an unexpired term shall not create a new council necessitating selection of a vice mayor.

(Ord. No. 500, § 2, 9-18-01; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2013-05, § 1-2, 11-5-13)

State law reference—Similar provisions, A.R.S. § 9-236.

Sec. 2-2-3. Acting mayor.

In the absence or disability of both the mayor and vice mayor, the council shall 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.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 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 chief executive officer of the city and be recognized as the head of city government for all ceremonial purposes and by the governor for purposes of martial law, but shall have no regular administrative duties.

- (b) He shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- (c) He shall annually and from time to time give the citizens and council information relative to the affairs of the city, such as the “state of the city” address.
- (d) He shall execute and authenticate by his signature such instruments as the council, or any 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 and after notification (if possible) of all council members, declare a local emergency to exist because of the threat or occurrence of fire, conflagration, flood, earthquake, explosion, war, bombing, any other natural or manmade calamity or disaster, or other acts of civil disobedience. 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. Impose a curfew in all or any portion of the city.
 - 2. Order the closing of any business.
 - 3. Close to public access any public building, street or other public place.
 - 4. Call upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance, including federal law enforcement or National Guard.
- (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. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2009-20, § 1, 12-1-09)

Sec. 2-2-5. 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 signature for five (5) 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 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.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 2-3. COUNCIL ELECTION

Sec. 2-3-1. Elections in even-numbered years.

Municipal elections for the City of Show Low in which the mayor and council members are elected shall be held in the fall of even-numbered years as prescribed by state law.

(Ord. No. 2010-04, § 2, 4-6-10; Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-3-2. Basis for calculation of majority of votes cast at primary election.

In calculating the votes cast in the city primary election for purposes of determining if a candidate for the office of mayor or council has received a majority of the votes cast, the basis shall be the number of votes cast for the office of mayor at that election.

(Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-3-3. 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 of all of the votes cast than there are offices to be filled, then those candidates equal in number to the offices to be filled receiving the highest number of votes shall be declared to be elected.

(Ord. No. 2010-04, § 2, 4-6-10; Ord. No. 2013-05, § 1, 11-5-13; Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-3-4. General election nomination.

If at any primary election held as above provided, there be any office or offices for which no candidate is elected, then as to such office or offices, said election shall be considered to be a primary election for nomination of candidates for such office or offices, and the second or general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled

to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

(Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2010-04, § 2, 4-6-10; Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-3-5. Election to office.

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

(Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2010-04, § 2, 4-6-10; Ord. No. 2013-05, § 1-2, 11-5-13)

ARTICLE 2-4. COUNCIL PROCEDURE

Sec. 2-4-1. Regular meetings.

The council shall hold regular meetings on the first and third Tuesdays of each month at 7:00 p.m., exempting the first meeting in July and the second meeting in December which shall not be held, provided that when the day fixed for any regular meeting of the council falls upon a date designated by law as a legal holiday, election, or when a quorum of the city council may not be available, such meeting shall be held at a time designated by the city council at a public meeting. Additionally, the mayor and city manager shall have the discretion to cancel a regular meeting in the event that there is no business for the council to conduct and shall notify all council members and the public of the cancellation. All regular meetings of the council shall be held in the council chambers, unless the council directs otherwise.

(Ord. No. 220, § 1, 1-9-85; Ord. No. 240, § 1, 10-1-85; Ord. No. 337, 9-3-91; Ord. No. 478, 10-17-00; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2005-11, § 1, 5-3-05; Ord. No. 2009-19; § 1, 12-1-09)

State law reference—Similar provisions, A.R.S. § 9-233.

Sec. 2-4-2. Special meetings.

The mayor, any council member, or the city manager, or upon motion duly made and passed at any regular or special open meeting, may convene the council at any time by notifying the members of the date, hour and purpose of such special meeting.

(*Ord. No. 240, § 2, 10-1-85; Ord. No. 2003-15, §§ 1-2, 11-4-03*)
State law reference—Similar provisions, A.R.S. § 9-233.

Sec. 2-4-3. Meetings to be public.

All proceedings of the council shall be open to the public, except that the council may meet in closed executive session subject to the provisions of Arizona Revised Statutes, Section 38-431 et seq. Notice shall be provided to the public in accordance with state law. The official location for posting notices of meetings is the bulletin board affixed to the city hall building.

(*Ord. No. 2003-15, §§ 1-2, 11-4-03*)
State law reference—Similar provisions, A.R.S. § 38-431.02(A)(3).

Sec. 2-4-4. Quorum.

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

(*Ord. No. 478, 10-17-00; Ord. No. 2003-15, §§ 1-2, 11-4-03*)
State law reference—Similar provisions, A.R.S. § 9-233.

Sec. 2-4-5. Agenda and packet.

- (a) At least one day prior to each council meeting and in accordance with state law, the clerk shall prepare an agenda and shall furnish each council member, the mayor and the attorney with a copy. Copies shall also be available for public perusal at the meeting.
- (b) At least one day prior to each council meeting or on or before a time fixed by the council for preparation and distribution of the agenda packet, whichever is earlier, the clerk shall collect all written reports, communications, ordinances, resolutions, contracts, agenda item forms, and other supporting documents pertaining to agenda items to be presented to the council and shall prepare an agenda packet containing such supporting documents. One copy of said packet shall be made available for public perusal at city hall. One copy shall be made available for public perusal at the meeting and copies shall be furnished to each council member, the mayor, the attorney and others designated by the council. Copies of prior meeting minutes to be approved at a council meeting shall be provided to each council member, the city attorney and others per council direction at least two (2) days prior to any regular meeting.

(*Ord. No. 201, § 3, 9-5-84; Ord. No. 478, 10-17-00; Ord. No. 2003-15, §§ 1-2, 11-4-03*)

Sec. 2-4-6. Order of business.

- (a) *Rules of order.* Establishment of city council agendas and conducting of business during city council meetings shall be done in accordance with state law and in the manner set forth in the rules of order adopted by the city council.
- (b) *Conduct of proceedings.* The presiding officer shall preserve order in the meeting, 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, in all cases to which they are applicable and in which they are not inconsistent with Arizona Revised Statutes, this chapter of the Show Low City Code and any special rules of order adopted by resolution of the city council.
- (c) *Variation in order of business.* The council may vary the order of business set forth under paragraph (a) to accommodate its specific wishes and needs, so long as the business of the council is taken up for consideration and disposition in a manner in conformity with the intent of this Code.

(Ord. No. 70, § 1, 8-25-76; Ord. No. 78, § 1, 2-22-78; Ord. No. 169, § 1, 3-9-83; Ord. No. 201, § 2, 9-5-84; Ord. No. 318, 7-17-90; Ord. No. 478, 10-17-00; Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Power of council to regulate proceedings, A.R.S. § 9-234.

Sec. 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. Members of such committees and commissions, standing or special, shall be residents living within the incorporated boundaries of the City of Show Low, except as provided for by separate resolution of the council. The city attorney shall be the legal advisor to any such committee or commission so created.

(Ord. No. 2013-05, § 1-2, 11-5-13)

Sec. 2-4-8. Voting.

- (a) The mayor shall vote as a member of the council.
- (b) The ayes and nays upon any question shall be taken and entered in the minutes.

(Ord. No. 478, 10-17-00)

State law reference—Similar provisions, A.R.S. § 9-234.

ARTICLE 2-5. ORDINANCES, RESOLUTIONS, FRANCHISES AND CONTRACTS

Sec. 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.

Sec. 2-5-2. 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.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 2-5-3. Reading of proposed ordinance.

All ordinances shall have at least one reading. This reading may be by title only if the city council, in possession of printed copies of said ordinance, by majority vote allows reading by title only.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 2-5-4. Effective date of ordinances.

No ordinance, resolution or franchise shall become operative until thirty (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 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 of the members elected to the council, taken by ayes and nays.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 19-142(B).

Sec. 2-5-5. Signatures required.

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor, attested by the city clerk and approved as to form by the city attorney.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 2-5-6. Publishing required.

All ordinances and 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.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-812.

Sec. 2-5-7. Posting required.

Every ordinance imposing any penalty, fine, forfeiture or other punishment, shall, after passage, be posted by the clerk in three (3) or more public places within the city and an affidavit of the person who posted the ordinances shall be filed in the office of the clerk as proof of posting.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

State law reference—Similar provisions, A.R.S. § 9-813.

Sec. 2-5-8. Franchises.

Any person soliciting a franchise shall, upon introducing the same, furnish one copy thereof for each member of the council and the city attorney, and shall bear and pay all expense connected with the consideration of such franchise, including printing and recording, and any and all other expenses necessarily incurred; provided, however, that in case any franchise is refused, no expense shall be chargeable to the applicant other than he may have voluntarily incurred in introducing the proposed franchise.

No ordinance granting any franchise shall in any instance be placed upon its final passage, until after the expiration of thirty (30) days from the date of its introduction, nor until it has been considered and passed upon by the city attorney, who shall make his return within thirty (30) days.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 2-6. INITIATIVE AND REFERENDUM

Sec. 2-6-1. Power reserved; time of election; reimbursement of election costs.

- (a) There is reserved to the qualified electors of the city the power of the initiative and the referendum as prescribed by the state constitution. The process for undertaking an initiative or referendum shall be as prescribed by state law, except as specifically set forth in this article.
- (b) The mayor and council may, by majority vote, call a special election to vote on any matter referred for a vote of the citizens of Show Low. If a special election is not called by the mayor and council, the referred matter, if properly qualified, shall be submitted to the voters at the next ensuing municipal election.
- (c) Any individual or individuals who submit a request for a special election on an issue not requested by the mayor and council shall be required to reimburse the city for all costs associated with the special election. In this instance, the mayor and council shall, by ordinance, specify which individual or individuals will be held financially responsible for said costs.

(Ord. No. 333, 6-18-91; Ord. No. 2003-15, §§ 1-2, 11-4-03; Ord. No. 2010-04, § 3, 4-6-10)

Sec. 2-6-2. Number of signatures.

- (a) The total number of registered voters qualified to vote at the last municipal election, whether regular or special, immediately preceding the date upon which any initiative petition is filed shall be the basis upon which the number of qualified electors of the city required to file an initiative petition shall be computed.
- (b) The basis upon which the number of qualified electors of the city required to file a referendum petition shall be as determined by state law.

Sec. 2-6-3. Publicity pamphlet and fees.

- (a) A publicity pamphlet shall be prepared for any initiative or referendum proposition added to an election ballot as prescribed by state law. It shall contain the initiative or referendum proposition and a summary of each

proposition, followed by any arguments supporting the proposition followed by any arguments opposing the proposition.

- (b) Arguments supporting and opposing a proposition shall be submitted and filed in the form prescribed by state law.
- (c) Each argument submitted for inclusion in a publicity pamphlet shall be accompanied by a fee, in an amount established from time to time by resolution, to offset the proportionate cost of paper and printing. This requirement shall not be waived on any account.

(Ord. No. 333, 6-18-91; Ord. No. 2009-04, § 1, 2-3-09)