City of Benson
City Council Communication

Regular Meeting **November 12, 2013**

To: Mayor and Council Agenda Item # 4

From: Jim Cox, Interim City Manager

Subject:

Ordinance 567 of the Mayor and Council of the City of Benson, Arizona, amending the City Code, Chapter 3, "Administration", to clarify that the City Council by motion may regulate Councilmembers' improper conduct via Censure and Exclusion Order

Discussion:

This item has been placed on the agenda at the request of Mayor King.

Staff Recommendation:

Council pleasure

ORDINANCE 567

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE CITY CODE, CHAPTER 3, "ADMINISTRATION", TO CLARIFY THAT THE CITY COUNCIL BY MOTION MAY REGULATE COUNCILMEMBERS' IMPROPER CONDUCT VIA CENSURE AND EXCLUSION ORDER

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AS FOLLOWS:

SECTION ONE: Section 3-3 Council and Administration Relationships, is hereby amended by adding subsection (C), which reads as follows:

> **Section 3-3 Council and Administration Relationships**
> *** * ***
> (C) If any member of Council interacts with administrative services employees contrary to the limitations set forth in subsection (A), the Mayor may issue a written warning to the Councilmember advising the member of the substantive limitations of this section and cautioning the member regarding future interactions with staff. Whether or not the Mayor has issued such a warning, any member of Council may move to censure another member for violating the limitations of subsection (A), provided that such motion shall conform to the requirements of the open meeting laws. Such a motion may include an order excluding the censured member for a certain period of time from entering upon or within the spaces and areas occupied by employees of the administrative services of the City. Any such exclusion order, if approved by a majority of the quorum present, shall be immediately enforceable by the City Manager or his designee, and a violation of such exclusion order shall be deemed a trespass under Arizona law.

SECTION TWO: All ordinances and resolutions inconsistent with this ordinance are hereby repealed.

SECTION THREE: The effective date of this ordinance shall be thirty days after adoption.

SECTION FOUR: Severability. If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE: Pursuant to A.R.S. § 9-812, the City Clerk is directed to publish this ordinance for two consecutive weeks in a newspaper of general circulation.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of November, 2013.

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TONEY D. KING, SR., Mayor

ATTEST:

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VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

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MICHAEL J. MASSEE, City Attorney