City of Benson
City Council Communication

Regular Meeting **March 25, 2013**

To: Mayor and Council Agenda Item # 6

From: Glenn H. Nichols, City Manager

Subject:

Discussion and possible action on City Manager residency requirements in City Code Section 3-2-1 B

Discussion:

This is brought forward by Councilman Brooks and Councilman Sacco.

Per Councilmember Brooks, this is being brought to the Council to change the requirements of the City Manager residence to be restricted to the City limits of the City of Benson.

The original change was by Ordinance 535, which changed the section above of the City Code on April 13, 2009.

Staff Recommendation:

Council pleasure

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order.

Section 3-1-6 Compensation

The officers of the city shall be paid a salary in accordance with the wishes of the mayor and council.

ARTICLE 3-2 OFFICERS

3-2-1 Manager
3-2-2 Clerk/Treasurer
3-2-3 Deputy Clerk
3-2-4 Chief of Police
3-2-5 Attorney
3-2-6 Magistrate
3-2-7 Deputy Magistrate
3-2-8 Zoning Administrator
3-2-9 Building Inspector
3-2-10 Emergency Services Director

Section 3-2-1 Manager[1]

A. There shall be created and established the office of the city manager for the city.

B. The city manager shall be appointed by the city council wholly on the basis of administrative and executive ability and qualifications and shall hold office for and at the pleasure of the city council. However, the city manager shall reside within two (2) miles of the city or within fifty days after appointment shall establish residence within two (2) miles of the city. The term residence shall include the maintenance of the principal place of abode for the manager and the manager's family, within two (2) miles of the city limits. The city council may, from time to time, by a majority vote thereof, extend the period for establishment of such residence for such additional periods as it sees fit.

C. The city manager shall receive such compensation as the city council shall fix from time to time.

[1]Modified by Ordinances No. 283 and 266 and 535

ORDINANCE 535

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE BENSON CITY CODE, CHAPTER 3 "ADMINISTRATION," ARTICLE 3-2 "OFFICERS," SECTION 3-2-1(B) "MANAGER."

WHEREAS, the City of Benson has adopted a City Code for the efficient administration of the City; and

WHEREAS, the Mayor and Council have amended the City Code from time to time; and

WHEREAS, within the City Code there is a Chapter 3, Article 3-2, Section 3-2-1(B), concerning the position of city manager; and

WHEREAS, the City Council has reviewed Chapter 3, Article 3-2, Section 3-2-1(B), and find that amending it to allow the city manager to reside within two (2) miles of the City's corporate limits is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Benson, Arizona, as follows:

Section 1: That the Benson City Code, Chapter 3, Article 3-2, Section 3-2-1(B), is hereby amended to read as follows:

Section 3-2-1 Manager

B. The city manager shall be appointed by the city council wholly on the basis of administrative and executive ability and qualifications and shall hold office for and at the pleasure of the city council. However, the city manager shall reside within **two (2) miles of** the city or within fifty days after appointment shall establish residence within **two (2) miles of** the city. The term residence shall include the maintenance of the principal place of abode for the manager and the manager's family, within **two (2) miles of** the city limits. The city council may, from time to time, by a majority vote thereof, extend the period for establishment of such residence for such additional periods as it sees fit.

Section 2: The penalty provision of this Ordinance is found in Chapter 1, Article 1-8, and reads as follows: "Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described."

Section 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: If any section, subsection, sentence, clause, phrase or portion 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 portion thereof.

Section 5: The City Clerk is directed to publish the text of this Ordinance in the San Pedro Valley News Sun for two (2) consecutive weeks, and further to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 13th day of April, 2009.

MARK M. FENN, Mayor

ATTEST:

VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:

THOMAS A. BENAVIDEZ, City Attorney

Published in the San Pedro Valley News Sun for two (2) consecutive weeks with the date of first publication being on the _____ day of April, 2009.