City of Benson
City Council Communication

Regular Meeting **September 9, 2013**

To: Mayor and Council Agenda Item # 3

From: Jim Cox, Interim City Manager

Subject:

Discussion and possible action to repeal Ordinance 535 and replace it with Ordinance 564 of the Mayor and Council of the City of Benson, Arizona, which amends the Benson City Code, Chapter 3, “Administration”, Article 3-2, “Officers”, Section 3-2-1(B) “Manager”

Discussion:

This item is placed on the agenda at the request of City Council Members.

Proposed Ordinance 564 requires the City Manager to reside within the City Limits of the City of Benson.

Staff Recommendation:

Council pleasure

ORDINANCE 564

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, REPEALING ORDINANCE 535, WHICH AMENDED 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 finds that amending it to require the City Manager reside within 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 Council of the City of Benson, Arizona, as follows:

Section 1: That Ordinance 535 is hereby repealed.

Section 2: 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 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: This ordinance shall take effect thirty days after adoption.

Section 5: 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 6: 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 9th day of September, 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:

_____
MICHAEL J. MASSEE, City Attorney

Published in the San Pedro Valley News Sun for two (2) consecutive weeks with the date of first publication being on the 18th day of September, 2013.