City of Benson
City Council Communication

Regular Meeting **June 23, 2014**

To: Mayor and Council Agenda Item # 2

From: Vicki L. Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Ordinance 572 of the Mayor and Council of the City of Benson, Arizona, amending Benson city Code, Chapter 2 "Mayor and Council," Article 2-1 "Council," Section 2-1-4(A) "Vacancies in Council"

Discussion:

When a vacancy occurs on the Council, the City Code currently states that the Council will appoint someone to that seat for the remainder of the unexpired term. State law was changed to require the appointment be until the next regularly scheduled Council election if the vacancy occurs more than thirty days before the nomination petition deadline for the election.

This change is to simply bring the City Code into compliance with State law. The change in the proposed ordinance is:

> ~~The council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason. The appointment shall be made within thirty days of the date the vacancy occurs.~~
>
> The Council shall fill any vacancy that may occur, by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term. The appointment shall be made within thirty days of the date the vacancy occurs.

Staff Recommendation:

Approval of Ordinance 572

ORDINANCE 572

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE BENSON CITY CODE, CHAPTER 2 "MAYOR AND COUNCIL," ARTICLE 2-1 "COUNCIL," SECTION 2-1-4(A) "VACANCIES IN COUNCIL"

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 2, Article 2-1, Section 2-1-4-(A), concerning vacancies on the City Council; and

WHEREAS, City Code 2-1-4(A) is inconsistent with the current version of A.R.S. §9-235(A); and

WHEREAS, the City Council desires to have its City Code consistent with, and not in violation of, applicable law, including but not limited to the Arizona Revised Statutes.

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

Section 1: That the Benson City Code, Chapter 2, Article 2-1, Section 2-1-4(A), is hereby amended to read as follows:

Section 2-1-4 Vacancies in Council

A. ~~The council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason. The appointment shall be made within thirty days of the date the vacancy occurs.~~

The Council shall fill any vacancy that may occur, by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term. The appointment shall be made within thirty days of the date the vacancy occurs.

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

Section 3: This ordinance shall take effect thirty days after adoption.

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 23rd day of June, 2014.

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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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MESCH, CLARK & ROTHSCHILD
by GARY J. COHEN
City's Attorney