City of Benson
City Council Communication

Regular Meeting **June 9, 2014**

To: Mayor and Council Agenda Item # 8

From: William D. Stephens, City Manager

Subject:

Discussion and possible action on Resolution 16-2014 of the Mayor and Council of the City of Benson, Arizona, declaring as a public record that certain document entitled, "Benson City Code, Chapter 18 – Boards, Commissions and Committees, Article 18-6, Benson Economic Development Committee"

Discussion:

At Council worksessions and meetings held in March and April, the Council approved forming the Airport Advisory Committee and directed Staff to advertise for members who would be interested in serving on the committee. Staff then reviewed the proposed City Code additions addressing the committee, which was presented to Council for action at the Special Council meeting held on May 28.

To adopt a proposed Code change, Council must adopt the change by an ordinance, which must be published. However, there is a provision that enables a City to adopt the provisions of a code "by reference" saving on publication costs. In order to do this, the Council must approve a resolution declaring such provisions as a public record; three copies must be filed in the office of the City Clerk and kept available for public use and inspection. The ordinance can then be acted on and if approved, must be published in full and will notify the public of a City Code change.

At the Special Council meeting held on May 28, the Council approved Resolution 12-2014 declaring the proposed code amendments a public record. After the approval of the Resolution and the Ordinance adopting the proposed amendments, the Council decided to expand the committee to allow more than the proposed 9 members. To do so, Ordinance 569 must be repealed and the process started over. Resolution 16-2014 declares the new proposed amendments (which allows up to 13 members) a public record.

Staff Recommendation:

Council pleasure

RESOLUTION 16-2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED "BENSON CITY CODE, CHAPTER 18 – BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE 18-7, BENSON AIRPORT ADVISORY COMMITTEE"

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA that:

That certain document entitled "Benson City Code – Chapter 18 Boards, Commissions and Committees, Article 18-7, Benson Airport Advisory Committee," attached hereto as Exhibit A, is hereby declared to be a public record and three copies of such document are on file in the Office of the Benson City Clerk and such copies are hereby ordered to remain on file with the Benson City Clerk for public inspection.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 9th day of June, 2014.

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TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK AND ROTHSCHILD, P.C.
BY GARY J. COHEN
City's Attorney

EXHIBIT "A"

Benson City Code – Chapter 18 Boards, Commissions and Committees,
Article 18-7, Benson Airport Advisory Committee

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE 18-7 – BENSON AIRPORT ADVISORY COMMITTEE

18-7-1 Benson Airport Advisory Committee
18-7-2 Powers
18-7-3 Application
18-7-4 Membership
18-7-5 Meetings
18-7-6 Attendance and Participation
18-7-7 Officers
18-7-8 Voting

Section 18-7-1 Benson Airport Advisory Committee

There is hereby created a Benson Airport Advisory Committee consisting of members appointed as set forth below by a majority vote of the Mayor and Council.

Section 18-7-2 Powers

The Benson Airport Advisory Committee has the power to:

A. Provide recommendations to the Mayor and Council and City Manager in all matters pertaining to the airport.

B. Collect data to assist in making recommendations through such means as research and interviews with willing interviewees. This process may include, but not be limited to, discussions with members of the public, pilots, airport community members, local and regional community members, and organizations such as the Benson Economic Development Committee, the Southeastern Arizona Economic Development Group, the Sierra Vista Economic Development Foundation, the Arizona Commerce Authority, Airport engineering consultant personnel, and any other personnel and organization deemed appropriate.

C. Have, at the discretion of the Chairperson, discussions with those in attendance at its meetings.

D. Provide recommendations to the Mayor and Council and City Manager on the Airport Master Plan and Airport Layout Plan during each revision cycle.

E. Prepare and submit reports on any and all matters requested by either the City Manager or a majority vote of the Mayor and Council. Committee members shall, as requested by the City Manager or by a majority vote of the Mayor and Council, participate in the preparation and delivery of any reports. These reports will be delivered in the time and form requested by either the City Manager or a majority vote of the Mayor and Council.

F. Answer questions asked by the Mayor and Council or City Manager as requested during any Regular Meeting, Special Meeting or Work Session.

G. Place and consider items on an agenda.

H. Perform such other and further duties not inconsistent with this Chapter as requested by a majority vote of the Mayor and Council.

I. Create internal rules to govern their process that are not inconsistent with this Article, State law, or Federal law.

Section 18-7-3 Application

Before consideration by the Mayor and Council for appointment as a Benson Airport Advisory Committee member, Committee member candidates must timely submit — within the time frame(s) established by the Mayor and Council — an Application approved by a majority vote of the Mayor and Council.

Section 18-7-4 Membership

The Benson Airport Advisory Committee shall consist of an odd number of members, with no less than five members and no more than thirteen members. Committee membership terms shall be staggered two year terms, as follows: the majority of initial members shall serve a two year term, and the minority of initial members shall serve a one year term, and all subsequently appointed members shall serve two year terms. No Committee Member shall serve more than three consecutive terms. Committee Members shall serve without compensation, except for reimbursement of expenses incurred for Committee business that are pre-approved by the Mayor and Council. Committee Members are appointed and authorized to hold and maintain their appointment at the pleasure and discretion of the Mayor and Council. Upon a vacancy occurring during an unexpired portion of a term, the appointment to fill that vacancy shall be an interim appointment for the unexpired portion of such term. Completion of an interim appointment shall be considered a completion of a full term.

Section 18-7-5 Meetings

Benson Airport Advisory Committee meetings will be conducted in accordance with Arizona's Open Meeting Law. A majority of the appointed members shall be considered a quorum for the transaction of business. Meetings shall be held at least monthly, but meetings can be held at any time in accordance with State law in the discretion of the Committee Chairman or the Mayor and Council. The meetings will be at the time and location determined by the Committee Chairman. The Chairperson may allow non-committee members to provide input at meetings.

Section 18-7-6 Attendance and Participation

Benson Airport Advisory Committee members are expected to attend the meetings. Attendance shall be recorded in the minutes by the Committee Secretary. Committee members are expected to contribute to and participate in determining agenda items, meeting discussions, and the sharing of their opinions and views in a respectful manner. Committee members are also expected to listen to and consider the opinions of others. Committee members are expected to conduct themselves, in all respects, as representatives and leaders of the City of Benson.

Section 18-7-7 Officers

The Benson Airport Advisory Committee shall, at its first meeting, appoint a Chairperson, Vice-Chairperson, and Secretary. The Chairperson shall oversee and run the committee meetings. The Vice-Chairperson shall oversee and run the committee meetings in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, another committee member chosen by majority vote of the committee shall undertake these tasks. The Secretary

shall take the meeting minutes, and submit those to the person that oversaw and ran the committee meeting within two business day of each meeting. The person that oversaw and ran the committee meeting will review, make any necessary corrections to, and submit these formal meeting minutes to the City Clerk for each conducted meeting within five business days following a meeting.

Section 18-7-8 Voting

Each member of the Benson Airport Advisory Committee is entitled to one vote of equal weight and magnitude.