

**ORDINANCE 585 A**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE BENSON CITY CODE, CHAPTER 2 "MAYOR AND COUNCIL," ARTICLE 2-4 "COUNCIL PROCEDURE," SECTION 2-4-3(B) "MEETINGS TO BE PUBLIC," SECTION 2-4-4 "QUORUM," AND SECTION 2-4-6(A-J) "ORDER OF BUSINESS"**

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, concerning Mayor and Council, Article 2-4, concerning Council Procedure, Section 2-4-3(B) concerning public meetings; Section 2-4-4 concerning quorums and Section 2-4-6 concerning the order of business; 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.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, as follows:

SECTION I: That certain document entitled "Benson City Code, Chapter 2, 'Mayor and Council,' Article 2-4 'Council Procedure,' Section 2-4-3(B) 'Meetings to be Public,' Section 2-4-4 'Quorum,' and Section 2-4-6(A-J) 'Order of Business,'" three (3) copies of which are on file in the Office of the City Clerk of the City of Benson, Arizona, said document having been made a public record by Resolution 15-2017 of the City of Benson, Arizona, is hereby adopted by reference, and made a part hereof as if fully set forth in this Ordinance;

SECTION II: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed;

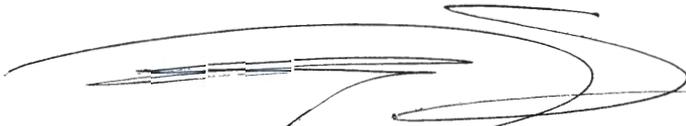
SECTION III: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 12th day of June, 2017.

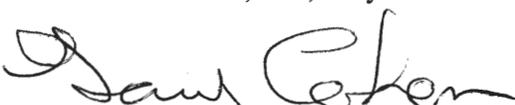
ATTEST:



VICKI L. VIVIAN, CMC, City Clerk



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TONEY D. KING, SR., Mayor



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MESCH CLARK ROTHSCHILD  
BY GARY J. COHEN  
CITY'S ATTORNEY

## MAYOR AND COUNCIL

### ARTICLE 2-4 COUNCIL PROCEDURE

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings
- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Agenda
- 2-4-6 Order of Business
- 2-4-7 Committees and Commissions
- 2-4-8 Voting
- 2-4-9 Suspension of Rules

#### Section 2-4-1 Regular Meetings<sup>1, 2</sup>

The Council shall hold regular meetings on the second and fourth Monday of each month at seven o'clock p.m., provided that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting may be held at the same hour of the next succeeding day not a holiday if the Council so elects upon motion at a prior meeting. All regular meetings of the Council shall be held at the city hall. Council may, upon motion at any regular meeting, elect to cancel the succeeding meeting if it appears in its sole discretion that the items to be considered at the succeeding meeting may properly be postponed to the next regular meeting.

#### Section 2-4-2 Special Meetings

The Mayor or a quorum of the Council may convene the Council at any time after giving at least twenty-four hours notice of such meeting to members of the Council and the general public. The notice shall include the date, hour and purpose of such special meeting. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

#### Section 2-4-3 Meetings to be Public

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<sup>1</sup>Modified by Ordinance No. 325

<sup>2</sup>Modified by Ordinance No. 494

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- A. All official meetings of the Council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with state statutes. Upon approval by a majority vote of the Council, the Council may meet in a closed executive session as provided by state law.
- B. Minutes of executive sessions shall be kept confidential in accordance with Arizona law, except from members of the council.
- C. No executive session may be held for the purpose of taking any final action or making any final decision.

### Section 2-4-4 Quorum

A majority of the Council members shall constitute a quorum for transacting business but a lesser number shall adjourn ~~from time to time~~ and may attempt to compel the attendance of absent members in order to reconvene the meeting with a quorum.

### Section 2-4-5 Agenda

Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Council member, the Mayor and the attorney with a copy of the agenda and any material pertinent thereto.

### Section 2-4-6 Order of Business<sup>1</sup>

The business of the Council shall be taken up for consideration and disposition in an order determined by the person chairing the meeting. That order will typically be as follows: in the following order:

- A. Call to Order. In the absence of the Mayor and Vice Mayor, the clerk shall call the Council to order and an Acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or Vice Mayor, the Acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Chair mayor shall begin take the chair precisely at or about the hour appointed for the meeting and shall immediately call the Council to order. The Chair Mayor or his designee shall then lead those present in the pledge of allegiance. An before introducing the invocation speaker, may be called to who will offer an the invocation. In the absence of the mayor and vice mayor, the clerk shall call the council to order and an acting mayor shall be selected to chair the meeting. Upon the arrival of the mayor or vice mayor, the acting mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the council. The Chair mayor shall preserve order and decorum and conduct the proceedings of the meetings.
- B. Roll Call. Before proceeding with the business of the Council, the clerk or deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. If a

<sup>1</sup>Modified by Ordinance No. 470

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quorum is not present, the members present ~~shall~~ may adjourn pursuant to Section 2-4-4 of this code.

- C. Employee Recognition. The ~~Chair may~~ Mayor shall use this time to present employment awards to those City employees accumulating five (5) years of employment with the City and every five (5) years thereafter or to present recognition awards for specific acts regarding public service, if any.
- D. Proclamations. The ~~Chair or his designee will~~ Mayor or his designee shall read any proclamations ~~that are~~ which may be present on the agenda.
- E. Public Hearings. The ~~Chair~~ Mayor will open the public hearing, if listed on the agenda, to receive comments from the public ~~on in opposition or support of~~ the proposed subject of the public hearing. ~~After comments from the public are received,~~ The Chair Mayor shall close this public hearing after those comments are received. The ~~Chair Mayor~~ Chair Mayor may impose reasonable time limits for each speaker with a presumptive limit of five (5) minutes per speaker and may apportion time between those speaking in favor and those speaking against the matter which is the subject of the public hearing.
- F. Call to the Public. ~~If on the agenda, Communications and comments from the public citizens regarding the City of Benson or other matters properly addressed to the City Council shall be heard by the Council in accordance with Arizona law. The Chair may impose reasonable time limits for each speaker, with a presumptive limit of five (5) minutes per speaker. Such remarks shall be addressed to the Council as a whole and shall be limited to five (5) minutes unless additional time is granted by the Council. If the presiding officer so elects, and the speaker consents, public comments may be deferred until the specific item comes before the Council for action. No questions shall be asked of a Councilperson except through the presiding officer.~~
- G. City Manager Report. The City Manager ~~or his designee may will~~ update and inform the public of specific items of interest regarding City matters.
- H. New Business. The ~~Council may shall~~ consider ~~any~~ business not previously heretofore considered, including the introduction of ordinances and resolutions, and may provide for a consent agenda to collectively consider routine matters, not requiring Council discussion, in accordance with procedural rules adopted by the Council.
1. Consent Agenda. The consent agenda ~~may will~~ be the first item under this category and ~~shall~~ list separately distinct items requiring action by the City Council that are generally routine items not requiring ~~C~~ council discussion. A vote on a single motion ~~can will~~ approve or reject all items on the consent agenda, ~~including any resolutions or ordinances, or claims/invoices that are of a routine nature.~~ A Council Member may move to remove any item issue from the consent agenda, and if approved by a majority vote, that item issue will be discussed and voted upon separately, immediately following the consent agenda, ~~under its proper regular category of~~ New Business.
  2. Action Items Listed for Discussion. New Business ~~can shall also~~ include ordinances, resolutions, motions, contracts, or other matters listed as separate action items. ~~These items which~~ shall be addressed voted upon separately and in the order presented on the agenda unless the Chair decides a ~~motion~~ to deviate from the

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listed order on the agenda ~~is made and passed~~. City staff, ~~or~~ an applicant, ~~or any person authorized by the Chair~~ may address the Council ~~about regarding~~ the action item, to include taking questions from Councilmembers, ~~after which Council shall entertain such discussion that it deems proper. Such discussion may include~~ A a motion to amend or motion to table, ~~which~~ takes precedence over a the motion to consider the item, and ~~which~~ shall be voted upon as part of the discussion of the item if there is a second to the motion. At the end of the discussion, the Chair ~~Mayer~~ shall call for a motion and the Clerk shall record the results thereof in the official minutes.

3. Updates of On-Going Projects and City Activities. New Business may also include updates by Staff on current issues facing the City that have been or may be the subject of Council action.

I. Department Reports. Written Department Reports ~~may will~~ be provided to Councilmembers as part of the Council packet.

J. Adjournment. The Council may, by a majority vote of the quorum, ~~those present~~, adjourn ~~entirely or temporarily from time to time~~ to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

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  - I. Department Reports. Written Department Reports ~~may will~~ be provided to ~~C~~councilmembers as part of the ~~C~~council packet.
  - J. Adjournment. The ~~C~~council may, by a majority vote of ~~the quorum, those present~~, adjourn ~~entirely or temporarily from time to time~~ to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.