ORDINANCE 594

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE BENSON CITY CODE, CHAPTER 3 “ADMINISTRATION,” ARTICLES 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, Articles 3-2(B), Section 3-2-1(B) concerning the position of city manager; and

WHEREAS, sentences 2-4 of the above referenced Section involve a requirement that the city manager reside within the City limits within certain timeframes; and

WHEREAS, the City Council has reviewed the above referenced Section and find that, under the current circumstances, amending it to allow the city manager to reside within two (2) miles of the City’s corporate limits is in the best interest 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, Articles 3-2, Section 3-2-1(B), is hereby amended so that it will now read in its entirely 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. 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 month, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offence 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 his 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 COUNCIL OF THE CITY OF BENSON, ARIZONA, this 10th day of September, 2018.

TONEY D. KING, Mayor

ATTEST:

VICKI L. VIVIAN, CMC
City Clerk

APPROVED AS TO FORM:

MESCH CLARK ROTHSCILD
By GARY J. COHEN
City’s Attorney

Published in the San Pedro Valley News Sun for two (2) consecutive weeks with the date of first publication being on the 24th day of September, 2018.