City of Benson
City Council Communication

Regular Meeting **March 23, 2015**

To: Mayor and Council Agenda Item # 6

From: William D. Stephens, City Manager

Subject:

Discussion and possible action on an ordinance about the number of times the Mayor and Councilmembers can appear for regular and special meetings by telephone or other available electronic means

Discussion:

Council gave direction to Staff, at the February 23, 2015 Council meeting, to create an ordinance outlining attendance/absence parameters and specifying the type of Information Technology electronic means to attend Council meetings in absentia. The ordinance in the Council's packet is for your review, discussion and consideration.

Staff Recommendation:

Council pleasure

ORDINANCE 576

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," TO CREATE SECTION 2-1-9 "ATTENDANCE"

WHEREAS, the City of Benson has adopted a City Code; 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, addressing Mayor and Council; and

WHEREAS, there currently is no Section in the Benson City Code about Mayor and Council attendance requirements at regular and special meetings; and

WHEREAS, the City Council desires to have its City Code address the Mayor and Councilmembers' attendance requirements at regular and special meetings.

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, is amended to include Section 2-1-9, "Attendance" to read as follows:

Section 2-1-9 Attendance

A. The Mayor and Councilmembers, to discharge their duties of office, shall be physically present at regular and special meetings. The Mayor and Councilmembers can, however, cumulatively attend up to and no more than _____ of these meetings, whether regular or special, by phone or other available electronic means in a calendar year. The Mayor and Councilmembers can consecutively attend up to and no more than _____ of these meetings, whether regular or special, by phone or other available electronic means in a calendar year. The number of times the Mayor and any Councilmember can consecutively and/or cumulatively attend meetings, whether regular or special, by telephone or other available electronic means in a calendar year can only be increased by a majority vote of a quorum of the Mayor and Council, in their full discretion, so long as this vote occurs before any above restrictions are violated. The individual about whom a vote is taken to increase the number of times that he or she can consecutively and/or cumulatively attend meetings, whether regular or special, by telephone or other available electronic means in a calendar year cannot vote on that matter.

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 COUNCIL OF THE CITY OF BENSON, ARIZONA, this 23rd day of March, 2015.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

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