

# CITY OF BENSON CITY COUNCIL APRIL 27, 2020 – 7:30 P.M. SPECIAL MEETING

A SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
WILL BE HELD ON APRIL 27, 2020 AT 7:30 P.M.,  
AT THE BENSON COMMUNITY CENTER,  
705 W. UNION STREET, BENSON, ARIZONA

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Vicki L. Vivian, CMC, City Clerk

BECAUSE OF THE CURRENT PUBLIC HEALTH EMERGENCY, THE CITY COUNCIL CHAMBERS IS CLOSED FOR COUNCIL MEETINGS. HOWEVER, THE LIVE MEETING MAY BE WATCHED ON FACEBOOK ONLINE AT <https://www.facebook.com/bensonaz/> (NO FACEBOOK ACCOUNT IS NEEDED) OR LISTENED TO BY CALLING THE PHONE NUMBER PROVIDED ON THE MEETING AGENDA. FOR THIS MEETING, THAT NUMBER IS 267-930-4000 PARTICIPANT ID# 567090498.

FOR HELP WITH THE ONLINE COMMENT CARD, OR FOR ANY OTHER TECHNICAL DIFFICULTIES, PLEASE CALL 520-720-6331.

## AGENDA

The Council may discuss, direct, consider and take possible action as indicated below pertaining to the following:

**CALL TO ORDER:** The Call to Order will consist of the Mayor calling the Council to order. The Mayor or his designee shall then lead those present in the Pledge of Allegiance before introducing the invocation speaker, who will offer the invocation.

**ROLL CALL:** The City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

**EMPLOYEE RECOGNITION:** The Mayor shall use this time to present employment awards to those City employees or to present recognition awards for specific acts regarding public service, if any.

### **NEW BUSINESS:**

1. Discussion and possible action regarding Resolution 16-2020 of the Mayor and Council of the City of Benson, Arizona, proposing an extension of the Alternative Expenditure Limitation – **Vicki Vivian, CMC, City Manager/City Clerk \***

### **ADJOURNMENT**

POSTED this 24th day of April, 2020

Material related to the City Council meeting is available for public review the day before and the day of the meeting, during office hours, at the City Clerk's Office located at 120 W. 6th Street, Benson, Arizona, 520-586-2245 x 2011.

All facilities are handicapped accessible. If you have a special accessibility need, please contact Vicki L. Vivian, City Clerk, at (520) 586-2245 or TDD: (520) 586-3624, no later than eight (8) hours before the scheduled meeting time.

Any invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

Executive Sessions – Upon a vote of the majority of the City Council, the council may enter into Executive Sessions pursuant to Arizona Revised Statutes §38-431.03 (A)(3) to obtain legal advice on matters listed on the Agenda.

\* Denotes an Exhibit in addition to the Council Communication

\*\* Call to the Public

Arizona Revised Statutes §38-431.01(H) provides that “A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the

public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.” As such, a Call to the Public, if on the agenda, is provided as a courtesy.

In order to speak during the Call to the Public, please complete the Call to the Public form requesting to do so.

\*\*\* Consent Agenda

The Consent Agenda will be the first item under New Business and shall list separately distinct items requiring action by the City Council that are generally routine items not requiring Council discussion. A single motion will approve all items on the Consent Agenda, including any resolutions or ordinances, or claims/invoices that are of a routine nature. A Councilmember may remove any issue from the Consent Agenda, and that issue will be discussed and voted upon separately, immediately following the Consent Agenda under its proper regular category of New Business.

**NOTICE TO PARENTS:** Parents and legal guardians have the right (with certain exceptions) to consent before the City of Benson makes a video or voice recording of a minor child. A.R.S. §1-602(A)(9). Regular and Special Meetings of the Mayor and Council for the City of Benson are recorded, and that recording is usually posted on the City’s website. If you permit your child to participate in a Regular or Special Meeting of the Mayor and Council for the City of Benson, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the City Clerk.

# City of Benson City Council Communication

Regular Meeting

April 27, 2020



To: Mayor and Council

Agenda Item # 1

From: Vicki Vivian, CMC, City Manager/City Clerk

## Subject:

Discussion and possible action regarding Resolution 16-2020 of the Mayor and Council of the City of Benson, Arizona, proposing an extension of the Alternative Expenditure Limitation

## Discussion:

The Alternative Expenditure Limitation (Home Rule) election requires a “yes” or “no” vote on whether the City’s annual limit on expenditures should be set according to the State of Arizona Annual Expenditure Limitation formula for the City of Benson, or if the limitation should be set annually by City Council as the total of its Approved Budget.

Arizona voters approved Article IX, Section 21 and 22, of the Arizona Constitution on June 3, 1980. The Article prescribes an annual expenditure limit for each political subdivision in the State. The Arizona Economic Estimates Commission (EEC) establishes annually for each political subdivision an Expenditure Limit based on actual expenditures in the 1979-1980 fiscal year. The limit is adjusted each year for changes in population and inflation factors.

The Article approved by the voters also contained provisions that allow cities to establish a voter-approved Alternative Expenditure Limitation (Home Rule). In order to have Home Rule, the voters must approve Home Rule in an election every four years.

Passage of the attached resolution is the next step in the process of bringing the Home Rule Option to a vote by the qualified electors of the City of Benson.

## Staff Recommendation:

Approval of Resolution 16-2020

**RESOLUTION 16-2020**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION**

WHEREAS, the Arizona State Constitution permits the submission to the voters of a City or Town of an Alternative Expenditure Limitation; and

WHEREAS, the voters of the City of Benson in 2016 adopted an Alternative Expenditure Limitation; and

WHEREAS, the City Council of the City of Benson after two public hearings has determined that an extension of the Alternative Expenditure Limitation is necessary for the City of Benson.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona, that the following Alternative Expenditure Limitation be submitted to the Voters of the City of Benson.

Shall the following be adopted by the City of Benson as an Alternative Expenditure Limitation:

“The Mayor and Common Council of the City of Benson shall annually, as part of the annual budget adoption process, adopt an Alternative Expenditure Limitation equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget as adopted by the Council to apply to the City of Benson for each of the four fiscal years immediately following adoption of the Alternative Expenditure Limitation. The Alternative Expenditure Limitation shall be adopted each year after a public hearing at which the citizens of the City of Benson may comment on the proposed Alternative Expenditure Limitation. No expenditures may be made in violation of such Alternative Expenditure Limitation, nor may any proposed expenditures be in excess of estimated available revenues, except that the Mayor and the common Council may, by three-fourths vote, declare an emergency and suspend the Alternative Expenditure Limitation. The suspension of the Alternative Expenditure Limitation shall be in effect for only one fiscal year at a time.”

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 27th day of April, 2020.

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TONEY D. KING, SR., Mayor

ATTEST:

APPROVED AS TO FORM:

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VICKI L. VIVIAN, CMC, City Clerk

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MESCH CLARK ROTHSCHILD  
By Gary J. Cohen  
City’s Attorney

## RESOLUCIÓN 16-2020

### UNA RESOLUCIÓN DEL ALCALDE Y DEL CONSEJO DE LA CIUDAD DE BENSON, ARIZONA, PROPONIENDO UNA EXTENSIÓN DE LA LIMITACIÓN DE GASTO ALTERNATIVA

MIENTRAS QUE, la constitución del estado de Arizona permite la sumisión a los votantes de una ciudad o de un pueblo de una limitación de gasto alternativa; y

MIENTRAS QUE, los votantes de la ciudad de Benson en 2016 adoptaron una limitación de gasto alternativa; y

MIENTRAS QUE, el consejo de la ciudad de Benson después de que dos audiencias públicas se hayan determinado que una extensión de la limitación de gasto alternativa es necesaria para la ciudad de Benson.

AHORA, POR LO TANTO, SEA RESUELTO por el alcalde y el consejo de la ciudad de Benson, Arizona, que la limitación de gasto alternativa siguiente se presente a los votantes de la ciudad de Benson.

Lo que sigue será adoptado por la ciudad de Benson como limitación de gasto alternativa:

“El alcalde y el consejo común de la ciudad de Benson sera anualmente, como parte del proceso de la adopción del presupuesto anual, adoptará una limitación de gasto alternativa igual a la cantidad total de gastos/costos presupuestados como aparece en el presupuesto anual adoptado por el consejo. Esta limitacion alternativa aplicará a la ciudad de Benson por cada uno de los cuatro años fiscales inmediatamente después de la adopción de la limitación de gasto alternativa. La limitación de gasto alternativa será adoptada cada año después de que una audiencia pública en la cual los ciudadanos de la ciudad de Benson puedan comentar respecto a la limitación de gasto alternativa propuesta. Ningunos gastos se pueden hacer en la violación de tal limitación de gasto alternativa, ni puede cualquier gasto propuesto estar superior a réditos estimados y disponibles, excepto que el alcalde y el consejo común pueden, por voto de los tres-cuartos, declarar una emergencia y suspender la limitación de gasto alternativa. La suspensión de la limitación de gasto alternativa será en efecto por solamente un año fiscal a la vez.”

PASADO Y ADOPTADO POR EL ALCALDE Y EL CONSEJO DE LA CIUDAD DE BENSON, ARIZONA, este 27 de abril de 2020.

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TONEY D. KING, SR., Alcalde

ATESTIGÜE:

APROBADO EN CUANTO A FORMA:

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VICKI L. VIVIAN, CMC,  
Vendedor de la ciudad

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MESCH CLARK ROTHSCHILD  
Gary J. Cohen  
Abogado de la ciudad