

ORDINANCE NO. 838

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 30.02 (CORPORATE POWERS), 30.03 (DUTIES OF OFFICE), 30.05 (COMPENSATION; OATH AND BOND), 30.07 (COUNCIL ELECTIONS), AND 30.21 (VICE-MAYOR; ACTING MAYOR) OF THE TOWN CODE.

(PART 2 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Title III: General Provisions of the Town Code, Section 30.01-30.23 has been reviewed; and

WHEREAS, the Town desires to amend Sections 30.02 (Corporate Powers), 30.03 (Duties of Office), 30.05 (Compensation; Oath and Bond), 30.07 (Council Elections), and 30.21 (Vice-Mayor; Acting Mayor),

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 30.02 (Corporate Powers) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

The corporate powers of the town shall be vested in the Council and shall only be exercised as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order, or motion. No ~~Councilperson~~ Councilmember has individual authority to direct town staff or employees of the town.

Section 2. That Section 30.03 (Duties of Office) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

Councilmembers shall assume the duties of office at the first regularly scheduled Council meeting in December following their election, unless otherwise provided by state law. ~~next following the date of the general election at which, or effective as of the date of which, the Councilmembers were elected.~~

Section 3. That the title of Section 30.05, of the Code of the Town of Payson is hereby amended and as amended shall read COMPENSATION; OATH ~~AND BOND~~

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~~FIRST READING AND PUBLIC HEARING~~ SEP 05 2013 2.9

~~SECOND READING AND PUBLIC HEARING~~

Section 4. That subsection C of Section 30.05 (Compensation and Oath) of the Code of the Town of Payson is hereby repealed.

~~(C) — Prior to taking office, every Councilmember shall execute and file an official bond, enforceable against the principal and his/her sureties, conditioned on the due and faithful performance of his/her official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of the officer in his/her official capacity. A person so injured or aggrieved may bring suit on the bond under the provisions identical to those contained in A.R.S. 38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for bonds shall be paid by the town.~~

Section 5. That subsection B of Section 30.07 (Council Elections) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

(B) ~~Non-partisan political ballot.~~ Nothing on the ballot in any election shall be indicative of the support of a political party for any ~~the~~ candidate.

Section 6. That subsection A of Section 30.21 (Vice-Mayor; Acting Mayor) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

(A) The Council shall designate one of its members as Vice-Mayor, ~~at the first regular meeting after their election,~~ who shall serve at the pleasure of the Council. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

Section 6. If any section, subsection, 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 portions of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:



Timothy M. Wright, Town Attorney