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MEMORANDUM

Date: September 19, 2013

To: Mayor and Council Members

From: Tim Wright, Town Attorney *TW*

Re: Systematic Town Code Review – Title III, Section 30.01-30.23: TOWN COUNCIL
(Ordinance 838)

This is part 2 of the Systematic Town Code Review. The changes recommended below are for Title III, Section 30.01-30.23: Town Council. (insertions are noted with a double underline and deletions are noted by ~~strikeout~~)

Section 30.02 CORPORATE POWERS – In the last sentence, change ‘Councilperson’ to ‘Councilmember’ for consistency; and eliminate ‘employees’ as redundant.

No ~~Councilperson~~ Councilmember has individual authority to direct town staff ~~or employees of the town~~.

Section 30.03 DUTIES OF OFFICE – Amend this Section to conform with Ordinance 836, Section 4, i.e., newly elected Councilmembers assume office in December following the fall election cycle.

Councilmembers shall assume the duties of office at the first regularly scheduled Council meeting in December following their election, unless

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~~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 30.05 COMPENSATION; OATH AND BOND – Subsection (C) currently calls for each Councilmember to execute and file a bond. Any person injured or aggrieved by a wrongful act or default of a Councilmember can bring suit on the bond to recover damages. In recent memory, Councilmembers have not executed bonds; instead, the Town has liability insurance that provides the same protection. This subsection should be eliminated.

~~(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 30.07 COUNCIL ELECTIONS – Under Subsection (B) update the language and clarify that the Town’s elections are non partisan and that candidates do not run with the support of political parties.

(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 30.21 VICE-MAYOR; ACTING MAYOR – Subsection (A) should be amended to allow greater flexibility for the designation of the Vice-Mayor.

(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.