

ORDINANCE NO. 839

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, AMENDING SECTIONS 30.35 THROUGH 30.55
(COUNCIL PROCEDURE) AND 30.65 THROUGH 30.68 (INITIATIVE AND
REFERENDUM) OF THE TOWN CODE.

(PART 3 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, Sections 30.35-30.55 (Council Procedure) and 30.65-30.68 (Initiative and Referendum) has been reviewed; and

WHEREAS, the Town desires to amend Sections 30.35(A) (Regular Meetings), 30.36 (Agenda), 30.37 (Order of Business), 30.50 (Prior Approval), 30.51 (Introduction), 30.52 (Same Day Passage; Two Separate Readings), 30.55 (Signatures, Publishing, Posting), 30.66 (Number of Signatures), and 30.68 (Sample Ballots and Publicity Pamphlets); and

WHEREAS, the Town Council has approved Rules of Procedure that govern its proceedings; and

WHEREAS, the Town desires to amend Rule 6.6 of its Rules of Procedure in conjunction with the amendment to Section 30.37 (Order of Business),

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

Section 1. That Section 30.35(A) (Regular Meetings) of the Town Code is amended and shall read as follows:

30.35(A) Regular Meetings

- (1) The Town Council shall generally hold its regular meetings on the first and third Thursday of each month at 5:30 pm in the Town Council Chambers.
- (2) Each year, the Town Council shall approve a schedule of its Regular Meetings.
- (3) The Council may decide to cancel, reschedule or delay a meeting for any reason the Council deems appropriate.

Section 2. That Section 30.36 (Agenda) of the Town Code is amended and shall read as follows:

30.36 AGENDA.

Prior to each Council meeting, or on or before a time fixed by the Council for preparation

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and distribution of an agenda, whichever is earlier, the Clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda according to the order of business, and shall make a copy available to each Council member and the Mayor.

Section 3. That Section 30.37 (Order of Business), of the Town Code is amended and shall read as follows:

30.37 Reserved. For Order of Business, See Council Rules of Procedure.

Section 4. That subsections C (Consent Agenda) and D (Public Comments) of Rule 6.6 of the Town of Payson, Arizona Town Council Meetings Rules of Procedure are reversed in order such that Public Comments becomes subsection C and precedes subsection D (Consent Agenda).

Section 5. That Section 30.50 (Prior Approval) of the Town Code is amended and shall read as follows:

30.50 PRIOR APPROVAL.

(A) Before presentation to the Council, all ordinances, resolutions and contract documents shall be reviewed as to form by the Attorney.

(B) Before presentation to the Council, all Council Decisions Requests shall be reviewed by the Manager.

Section 6. That Section 30.51 (Introduction) of the Town Code is amended and shall read as follows:

30.51 Reserved.

Section 7. That Section 30.52 (Same Day Passage; Two Separate Readings) of the Town Code is amended and shall read as follows:

30.52 SAME DAY PASSAGE; TWO SEPARATE HEARINGS.

(A) No ordinance except an emergency ordinance or other ordinance not subject to referendum shall be voted upon on the same day on which it is introduced.

(B) All ordinances except emergency ordinances or other ordinances not subject to referendum shall have two separate hearings. Such hearings shall be on separate days.

Section 8. That Section 30.55 (Signatures, Publishing, Posting) of the Town Code is amended and shall read as follows:

30.55 SIGNATURES, PUBLISHING, POSTING.

(A) In order for an ordinance or resolution passed by the Council to become effective, it shall be signed by the Mayor and attested by the Clerk.

(B) Only such ordinances, resolutions, motions, regulations or proceedings of the Council shall be published or posted as may be required by state statutes or expressly ordered by the Council.

Section 9. That Section 30.66 (Number of Signatures) of the Town Code is amended and shall read as follows:

30.66 NUMBER OF SIGNATURES.

(A) Initiative - The total number of registered voters qualified to vote at the last municipal election, whether regular or special, immediately preceding the date upon which any initiative petition is filed shall be the basis upon which the number of qualified electors of the town required to file an initiative petition shall be computed.

(B) Referendum - The basis upon which the number of qualified electors of the town required to file a referendum petition shall be as determined by state law.

Section 10. That Section 30.68 (Sample Ballots and Publicity Pamphlets) of the Town Code is amended and shall read as follows:

30.68 SAMPLE BALLOTS AND PUBLICITY PAMPHLETS.

(A) The procedures relating to sample ballots and publicity pamphlets shall be as determined by State Law.

(B) Each argument supporting or opposing a proposition shall be accompanied by a deposit in an amount set by Council from time to time.

Section 11. 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:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney