

ORDINANCE NO. 15-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, AMENDING THE CODE OF QUARTZSITE, ARIZONA, CHAPTER 2 MAYOR AND COUNCIL, ARTICLE 2-2 MAYOR BY AMENDING SECTION 2-2-4 POWERS AND DUTIES OF THE MAYOR; AMENDING SECTION 2-2-6 FAILURE TO SIGN DOCUMENTS; AMENDING SECTION 2-2-7 LOCAL EMERGENCIES, RELATED TO RESTORING CERTAIN POWERS OF THE MAYOR AND FAILURE TO PERFORM DUTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, by Ordinance No. 11-10 adopted on August 23, 2011, the Town Council of the Town of Quartzsite eliminated certain powers of the Mayor as previously set forth in the Town Code; and

WHEREAS, the Town Council believes it is in the best interest of the Town to restore those powers.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Quartzsite, Arizona, as follows:

Section I. In General.

The Code of the Town of Quartzsite, Arizona, Chapter 2 Mayor and Council, Article 2-2 Mayor by amending Section 2-2-4 Powers and Duties of the Mayor to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section 2-2-4 Powers and Duties of the Mayor

A. — Preamble.

~~Pursuant to Arizona Revised Statutes, in addition to being a member of the Common Council, the Mayor is the Town's Chief Executive Officer. All authority in Town government ultimately resides with the Common Council of which the Mayor comprises one seventh of its membership. Except as set forth in the Arizona Constitution and the Arizona Revised Statutes, the Mayor has no duties, responsibility or authority not delegated by the Council. This section sets forth the duties, responsibility and authority delegated by the Common Council to the Mayor.~~

B. ~~Prior Delegations Withdrawn.~~

~~Any delegation of duties, responsibility or authority expressed or implied by any section of the Town of Quartzsite Code, the Zoning Ordinance or the Town of~~

~~Quartzsite, Arizona, the Quartzsite Town Council Procedure Policy, the Town of Quartzsite Personnel Policy or any other resolution or ordinance passed before August 23, 2011 is hereby withdrawn.~~

~~C. Duties and Responsibility.~~

~~1. The Mayor shall execute the legislative agenda of the Common Council.~~

~~2. The Mayor shall sign all ordinances, resolutions and other enactments passed by a majority of the Common Council. The Mayor may note his non-concurrence with the majority, but may not refuse to sign any ordinance, resolution or enactment passed by a majority of the Common Council.~~

~~3. The Mayor shall perform any other duty specifically imposed by Arizona Revised Statutes.~~

~~4. The Mayor shall perform any other duty specifically imposed by any ordinance, resolution or other enactment passed by a majority of the Common Council after October 1, 2011.~~

~~D. Authority.~~

~~1. The Mayor shall have only such authority as expressed or implied by Arizona Revised Statutes.~~

~~2. The Mayor shall not have the authority to declare any emergency or to take unilateral action not specifically permitted or required by Arizona Revised Statutes on behalf of the Town or the Common Council.~~

~~3. The Mayor shall not make any statement in his or her capacity as Mayor without the express approval of a majority of the Common Council.~~

~~4. The Mayor shall not use Town letterhead in any correspondence without the express approval of a majority of the Common Council.~~

~~5. The Mayor shall not represent the Town before any other town, city, county, state or federal government or agency without the express approval of a majority of the Common Council.~~

~~E. Action in Excess of Delegation.~~

~~In addition to being subject to censure as set forth in Quartzsite Town Council Procedure Policy Section IX, if a majority of the Common Council determine that the Mayor has acted in excess the Common Council's delegation of duties, responsibilities or authority, the Common Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation under this section, or the Town Prosecutor may, of his or her own volition, charge the Mayor~~

~~with a civil violation under this section. If the Town Prosecutor brings such a charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has exceeded his or her delegated authority, the Magistrate shall impose a fine of not less than twenty (20) and not more than two thousand (2,000) dollars.~~

~~F. Failure to Perform.~~

~~In addition to being subject to censure as set forth in Quartzsite Town Council Procedure Policy Section IX, if a majority of the Common Council determine that the Mayor has failed to perform any duty or responsibility imposed on him or her by this section, any other ordinance, statute or law, the Common Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation under this section or a criminal charge of Nonfeasance in Public Office as defined by Arizona Revised Statutes, or the Town Prosecutor may, of his or her own volition, charge the Mayor with a civil violation under this section or a criminal charge of Nonfeasance in Public Office as defined by Arizona Revised Statutes. If the Town Prosecutor brings a civil charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has failed to perform as required by this section, the Magistrate shall impose a fine of not less than twenty (20) and not more than two thousand (2,000) dollars. If the Town Prosecutor brings a criminal charge of Nonfeasance in Public Office and the Town Magistrate finds the Mayor guilty, the Mayor shall be subject to the maximum criminal penalty available for such a violation. If the Town Prosecutor brings both a civil and a criminal charge and the Mayor is found responsible for the civil charge and guilty of the criminal charge, the Mayor shall be subject to both the criminal penalties and the civil fine, but if fines are imposed for the criminal offense, they shall offset any fines imposed for the civil offense.~~

THE POWERS AND DUTIES OF THE MAYOR SHALL INCLUDE THE FOLLOWING:

A. HE SHALL BE THE CHAIRMAN OF THE COUNCIL AND PRESIDE OVER ITS MEETINGS. HE MAY MAKE AND SECOND MOTIONS AND SHALL HAVE A VOICE AND A VOTE IN ALL ITS PROCEEDINGS.

B. HE SHALL BE RECOGNIZED AS HEAD OF THE TOWN GOVERNMENT FOR ALL OFFICIAL AND CEREMONIAL PURPOSES.

C. HE SHALL, ON BEHALF OF THE COUNCIL, CONFER WITH AND ADVISE THE TOWN MANAGER TO ENSURE THAT COUNCIL PROGRAMS AND POLICIES ARE BEING FULLY IMPLEMENTED.

D. HE SHALL EXECUTE AND AUTHENTICATE BY HIS SIGNATURE SUCH INSTRUMENTS AS THE COUNCIL SHALL APPROVE OR THAT STATUTES, ORDINANCES OR THIS CODE SHALL REQUIRE.

E. HE SHALL MAKE SUCH RECOMMENDATIONS AND SUGGESTIONS TO THE COUNCIL AS HE MAY CONSIDER PROPER.

F. HE SHALL PERFORM SUCH OTHER DUTIES REQUIRED BY STATE STATUTE AND THIS CODE AS WELL AS THOSE DUTIES REQUIRED AS CHIEF EXECUTIVE OFFICER OF THE TOWN.

The Code of the Town of Quartzsite, Arizona, Chapter 2 Mayor and Council, Article 2-2 Mayor by amending Section 2-2-6 Failure to Sign Documents to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section 2-2-6 Failure to Sign Documents

The Mayor shall sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring the Mayor's signature within five calendar days from the date the Common Council took action requiring the Mayor's signature or from notification by the Town Manager or the Town Manager's designee that such document requires the Mayor's signature. ~~Failure to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring the Mayor's signature within five calendar days from the date the Common Council took action requiring the Mayor's signature or from notification by the Town Manager or the Town Manager's designee that such document requires the Mayor's signature shall constitute nonfeasance and shall be referred to the Town Prosecutor for possible criminal or civil prosecution or both criminal and civil prosecution.~~ If any ordinance, resolution, contract, warrant, demand or other document or instrument requiring the Mayor's signature remains unsigned after five calendar days from the date the Common Council took action requiring the Mayor's signature or from notification by the Town Manager or the Town Manager's designee that such document requires the Mayor's signature, the Vice-Mayor or if the Vice -Mayor is unavailable, any council member may sign such ordinance, resolution, contract warrant, demand or other document which when so signed shall have the same force and effect as if signed by the Mayor.

The Code of the Town of Quartzsite, Arizona, Chapter 2 Mayor and Council, Article 2-2 Mayor by amending Section 2-2-7 Local Emergencies to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section 2-2-7 Local Emergencies

A. The MAYOR OR ANY FIVE MEMBERS OF THE Common Council, ~~by concurrence of any four of its members,~~ may by proclamation declare an

emergency or a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or any other natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience which endanger life or property within the Town.

B. After an emergency is declared pursuant to subsection A, the ~~Common Council~~ MAYOR shall, during such emergency, govern by proclamation and shall have the authority to impose all necessary regulations to preserve, the peace and order of the Town, including but not limited to:

1. Imposition of curfews in all or portions of the Town.
2. Ordering the closing of any business.
3. Closing to public access any public building, street, or other public place.
4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the Town for assistance.
5. Requiring that Town offices remain open or remain closed.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

PASSED AND ADOPTED by the Common Council of the Town of Quartzsite, Arizona, this 24th day of FEBRUARY, 2015, by the following vote:

AYES: 6
NAYES: 1-COUNCIL MEMBER ORGERON ABSENT: 0
EXCUSED: 0 ABSTAINED: 0

APPROVED this 24th day of FEB., 2015.



Ed Foster, Mayor

ATTEST:



Tina Abriani, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Town Attorneys

By: Susan D. Goodwin

I, TINA ABRIANI, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-01 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE ON THE 24TH DAY OF FEBRUARY, 2015, WAS POSTED IN THREE PLACES ON THE 16TH DAY OF MARCH, 2015.

Tina M. Abriani
Tina Abriani, Town Clerk