

RESOLUTION 2021-078

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING AS PUBLIC RECORD AMENDMENTS TO CHAPTER 30 OF THE CITY CODE OF ORDINANCES; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the policy of the Mayor and Council to periodically review and update City Code when appropriate; and

WHEREAS, Chapter 30 was last updated in March 2008; and

WHEREAS; several sections contain procedures or language that require updates to reflect current practice, that would benefit from clarification or simplification, or are no longer necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VSITA, ARIZONA AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to declaring a public record be, and hereby is, reaffirmed.

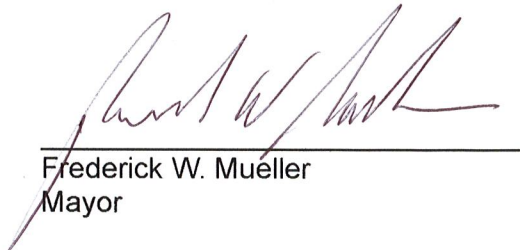
SECTION 2

Chapter 30 of the Code of Ordinances for the City of Sierra Vista shall be amended as set forth in attachment A.

SECTION 3

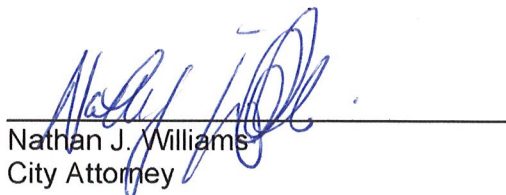
The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 18th DAY OF NOVEMBER 2021.



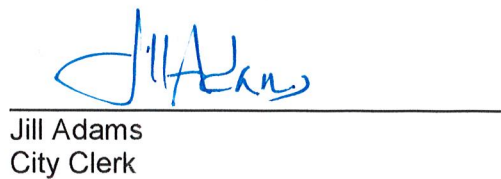
Frederick W. Mueller
Mayor

APPROVED AS TO FORM:



Nathan J. Williams
City Attorney

ATTEST:



Jill Adams
City Clerk

PREPARED BY:

Jill Adams, City Clerk

CHAPTER 30: MAYOR AND CITY COUNCIL

Section

General Provisions

[30.01](#) Compensation

Council Rules of Procedure

[30.15](#) Regular meetings

[30.16](#) Special and work session meetings

[30.17](#) Mayor as presiding officer; Mayor Pro Tem

[30.18](#) Quorum

[30.19](#) Addressing Council

[30.20](#) Disruption of meeting prohibited

[30.21](#) Filling vacancies on City Council

~~[30.22](#) Smoking during Council or other public meetings~~

[30.99](#) Penalty

Cross-reference:

Mayor to be elected by voters rather than designated by Council, see § [38.04](#)

GENERAL PROVISIONS

§ 30.01 COMPENSATION.

(A) The Mayor shall receive compensation in the amount of \$1,000 per month, such compensation to commence January 1, 2011. Each Council member shall receive compensation in the amount of \$750 per month, such compensation to commence January 1, 2011.

(B) ~~Council shall review the salaries granted herein no less than every four years. It shall be required that the salaries granted herein shall be reviewed not more than four years from the date on which this section is adopted by City Council.~~

('76 Code, Art. 2-3) (Ord. 597, passed 7-8-82; Am. Ord. 1128, passed 3-8-01; Am. Ord. 2008-007, passed 3-27-08; Am. Ord. 2008-008, passed 3-27-08)

Statutory reference:

Establishment of salaries of Council, see A.R.S. § 9-274

COUNCIL RULES OF PROCEDURE

§ 30.15 REGULAR MEETINGS.

Regular meetings of the City Council will be held on the second and fourth Thursday of each month at 5:00 p.m. in the City Hall, 1011 N. Coronado Drive, Sierra Vista. Special meetings may be called at any time or any place by the Council with proper notice. A quorum shall consist of four members for the transaction of all business.

('76 Code, § 2-2-1) (Ord. 332, passed 9-23-76; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95; Am. Ord. 1029, passed 3-27-97)

Statutory reference:

Council meetings, see A.R.S. § 9-233

§ 30.16 SPECIAL AND WORK SESSION MEETINGS.

(A) Special meetings may be called by the Mayor ~~or, and he or she shall call special meetings~~ if requested by two members of the City Council, with at least 24 hours' notice to the members of the Council and the general public, ~~provided that the requirement of notice to the members of the Council shall not be required for any special meeting at which all members of the Council are present and waive such notice.~~

(B) ~~Notice may be served by any member of the Police Department, and it~~ shall be the duty of the City Clerk to prepare the notices, to see that the same are delivered served forthwith, ~~and~~ to post the notices, and ~~shall~~ give such public notice as is reasonable and practicable as to the time and place of any special meeting. Special meetings shall be held at such time and place as shall be designated by the Mayor in calling the special meeting.

(C) Work sessions of the City Council may be held upon request of any member of the City Council at such times and places as shall be designated in the request. Work sessions shall be for the purpose of study and discussion only and no final action will be taken at such sessions. Work sessions are to be scheduled for 90 minutes in duration; however, upon agreement by a majority of Council members present, a work session may be extended by up to one additional hour.

('76 Code, § 2-2-2) (Ord. 332, passed 9-23-76; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95; Am. Ord. 989, passed 9-28-95; Am. Ord. 2015-002, passed 5-28-15)

§ 30.17 MAYOR AS PRESIDING OFFICER; MAYOR PRO TEM.

(A) The Mayor shall preside at all regular and special meetings of the Council; provided, that in the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer and in the absence of both, a majority of the council members present shall elect a temporary presiding officer.

('76 Code, § 2-2-3)

(B) During the first regular meeting of the newly elected City Council, the Mayor shall appoint the Mayor Pro Tem from among the Council for a two-year term. The

appointment of the Mayor Pro Tem shall be approved by Council Resolution. ~~unless there are four dissenting Council members' votes opposed to the appointment.~~

('76 Code, § 2-2-7) (Ord. 332, passed 9-23-76; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95)

§ 30.18 QUORUM.

A majority of the Council shall constitute a quorum for transacting business.

('76 Code, § 2-2-4) (Ord. 332, passed 9-23-76; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95)

Statutory reference:

Quorum, see A.R.S. § 9-233

§ 30.19 ADDRESSING COUNCIL.

Any person wishing to address any regular or special meeting of the Council will obtain consent of the Mayor or consent of a majority of the Council members present. If the City Council includes an opportunity for public comment regarding an agenda item scheduled for discussion at a work session, any person wishing to address that item will also obtain consent of the Mayor or consent of a majority of the Council members present.

('76 Code, § 2-2-5) (Ord. 332, passed 9-23-76; Am. Ord. 923, passed 8-12-93; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 2015-002, passed 5-28-15)

§ 30.20 DISRUPTION OF MEETING PROHIBITED.

It shall be unlawful to disturb or interrupt any regular or special meeting of the Council; any person violating this section, in addition to being punished as set forth in [30.99](#) of this chapter, shall be summarily ejected from the meeting.

('76 Code, § 2-2-6) (Ord. 332, passed 9-23-76; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95) [Penalty, see § 30.99](#)

Statutory reference:

Disorderly conduct and council meetings, see A.R.S. § 9-234

§ 30.21 FILLING VACANCIES ON CITY COUNCIL.

(A) (1) The Council shall fill a vacancy that may occur by either of the following methods:

(a) Appointment for the unexpired term, provided said period is less than the last two years of the term of the vacant seat.

(b) Appointment until the next regularly scheduled council election, if the vacancy occurs more than 30 days before the nomination petition deadline, pursuant to the provisions of division (B) of this section, subject to the following:

1. If, in filling a vacancy until the next regularly scheduled council election, said appointment would result in the elimination of the required stagger of council terms, then the three candidates receiving the most votes shall receive four year terms, and the next highest vote getters shall receive two year terms until all terms have been filled.

(2) Upon the creation of any vacant Council position, the City Clerk shall promptly advise the Council, the public, and all local news media of the fact of the vacancy and shall solicit applications, resumes, and letters of recommendation from the public for the appointment to the vacant position. Applicants must apply in writing and provide:

(a) The applicant's name, address, and telephone number.

(b) A statement of what they consider to be their qualifications for serving on the City Council.

(c) Reasons why they would like to serve on the City Council.

(3) A notarized statement attesting they are a qualified elector and have lived in the city continuously for one year prior to the date of application must be returned with the application.

(4) Applications and supporting materials for appointment to a vacant Council position on the City Council shall be accepted by the Clerk for a period of seven days from the date of the notice provided pursuant to subsection (A)(2) of this section. No application tendered to or received by the Clerk after such date may be considered for appointment by the Council. The City Clerk shall be responsible to ascertain that all applicants are qualified to serve on the Council.

(5) A mayoral vacancy shall be filled by appointment from current Council members, and a vacated Council seat filled by the procedure pursuant to provisions of this section.

(B) (1) Upon the expiration of the date for acceptance of applications established by subsection (A)(4) of this section, the Clerk shall forward to each member of the Council all applications timely received.

(2) The Clerk shall schedule and post an executive session for the Council during which it shall consider all applications received. The meeting shall be held within three days subsequent to the expiration for the date for acceptance of applications in order to establish a short list of applicants, the number of which shall be determined by the Council.

(3) Subsequent to the holding of the executive session provided for in subsection (B)(2) of this section, the Council may meet in further executive sessions as may be called for the purpose of discussing and interviewing the applicants.

(4) The City Council shall adjourn out of executive session and nominate and elect the replacement in an open public session of Council.

(5) The City Clerk will notify the newly appointed member and administer the oath of office within the next working day.

('76 Code, §§ 2-2-8, 2-2-9) (Ord. 332, passed 9-23-76; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95; Am. Ord. 2008-006, passed 3-27-08; Am. Ord. 2009-004, passed 6-25-09; Am. Ord. 2011-013, passed 11-17-11; Ord. 2011-013, passed 11-17-11)

~~§ 30.22 SMOKING DURING COUNCIL OR OTHER PUBLIC MEETINGS.~~

~~—(A) *Smoking prohibited.* No person shall smoke or carry a lighted cigar, cigarette, or pipe, or use a match or flame producing device for lighting any of them during all City Council, Board, or Commission meetings, or any other city public hearings where the public is invited to attend.~~

~~—(B) *Posting required.* A person or his/her agent having control or charge of any premises where the prohibitions of this section apply shall post and maintain “No Smoking” notices in a conspicuous place at or near entrances to no smoking areas advising persons of the prohibitions. Additional notices may be posted within no smoking areas.~~

~~—(C) *Enforcement.* Citations shall be issued by police officers and peace officers to violators of no smoking provisions of this section or by statute by use of the Arizona Traffic Ticket and Criminal Complaint Section as provided by law.~~

~~(‘76 Code, § 10-1-10) (Ord. 490, passed 4-24-80) Penalty, see § 30.99~~

§ 30.99 PENALTY.

(A) Any person violating any provision of § 30.20 of this chapter shall be fined not more than \$50.

(‘76 Code, § 2-2-10) (Ord. 332, passed 9-23-76; Am. Ord. 924, passed 8-12-93; Am. Ord. 942, passed 2-24-94; Am. Ord. 969, passed 3-8-95)

~~—(B) Any person who violates the prohibitions of § 30.22 of this chapter where “No Smoking” notices are posted shall be punishable by a fine of not less than \$10 nor more than \$300.~~

(‘76 Code, § 10-1-10) (Ord. 490, passed 4-24-80)