

ORDINANCE NO. 1113

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE TOWN OF WICKENBURG CODE, CHAPTER 2 MAYOR & COUNCIL, ARTICLE 2-5 COUNCIL PROCEDURE, SECTION 2-5-5 AGENDA BY AMENDING THE PROCEDURE FOR PLACING OF ITEMS ON THE TOWN COUNCIL AGENDAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, the Town Council of the Town of Wickenburg has determined that it is in the best interest of the Town and its residents that the Town adopt an updated procedure for the placement of items on all Town Council agendas.

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

Section 1. In General.

The Code of Wickenburg, Chapter 2 Mayor & Council, Article 2-5 Council Procedure, Section 2-5-5 Agenda is hereby amended to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 2-5-5 Agenda

- A. Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Manager shall collect all written reports, communications, Ordinances, Resolutions, Contracts, and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Councilmember, the Mayor, the Clerk and the Attorney with a copy of the agenda and any material pertinent thereto.
- B. NOTWITHSTANDING THE MAYOR'S DISCRETION OF WHAT ITEMS TO PLACE ON THE AGENDA, IF TWO (2) OR MORE COUNCILMEMBERS REQUEST AN ITEM TO BE PLACED ON THE AGENDA, THEY SHALL DO SO IN WRITING TO THE TOWN CLERK IN ACCORDANCE WITH THE COUNCIL AGENDA DEADLINE CALENDAR. THE CALENDAR DEADLINE CALENDAR IS AVAILABLE IN THE TOWN CLERK'S OFFICE AND IS ATTACHED TO THE COUNCIL AGENDA REQUEST FORM. THIS ITEM MUST THEN BE PLACED ON A FUTURE AGENDA.
- C. EXCEPT IN AN EMERGENCY (AS DETERMINED BY THE MAYOR OR TOWN MANAGER), ANY PERSON DESIRING TO PLACE AN ITEM ON THE AGENDA SHALL PREPARE AND DELIVER A SUMMARY OF THE ISSUE IN ACCORDANCE WITH THE COUNCIL AGENDA DEADLINE CALENDAR AVAILABLE IN THE TOWN CLERK'S OFFICE AND ATTACHED TO THE COUNCIL AGENDA REQUEST FORM. IF THE REQUEST IS MADE BY THE MAYOR OR AN EMPLOYEE OF THE TOWN, THE REQUEST SHALL BE DELIVERED TO THE TOWN MANAGER; IF THE REQUEST IS MADE IN WRITING BY AT LEAST TWO (2) COUNCILMEMBERS IT SHALL BE DELIVERED TO THE TOWN CLERK.
- D. ALL COUNCIL FORMS, REPORTS, COMMUNICATIONS, ORDINANCES, RESOLUTIONS, CONTRACTS, AND OTHER DOCUMENTS TO BE INCLUDED IN THE AGENDA SHALL

BE SUBMITTED TO THE TOWN CLERK FOR REVIEW IN ACCORDANCE WITH THE COUNCIL AGENDA DEADLINE CALENDAR AVAILABLE IN THE TOWN CLERK'S OFFICE AND ATTACHED TO THE COUNCIL AGENDA REQUEST FORM. THE FINAL AGENDA SHALL BE PREPARED BY THE TOWN CLERK, UNDER THE DIRECTION OF THE TOWN MANAGER, APPROVED AS TO FORM BY THE TOWN ATTORNEY AND ACCEPTED BY THE MAYOR. COUNCIL PACKETS SHALL BE POSTED ON THE TOWN WEBSITE AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE COUNCIL MEETING. THE TOWN MANAGER SHALL HAVE THE AUTHORITY TO WAIVE THE REQUIREMENTS SET FORTH IN THE COUNCIL AGENDA DEADLINE CALENDAR IF IT IS DETERMINED TO BE IN THE BEST INTERESTS OF THE TOWN.

- E. THE AGENDA FORMAT AS APPROVED BY ORDINANCE OF THE TOWN COUNCIL SHALL GENERALLY BE USED FOR ALL REGULAR COUNCIL MEETINGS, ALTHOUGH VARIATIONS MAY BE MADE FROM TIME TO TIME. FOR SPECIAL MEETINGS, STUDY SESSIONS, AND OTHER SUCH EVENTS INCLUDING JOINT MEETINGS WITH OTHER ENTITIES, RETREATS, SUB-COMMITTEE MEETINGS AND TASK FORCE MEETINGS. IN ALL INSTANCES, SHALL COMPLY WITH THE ARIZONA OPEN MEETING LAW.
- F. AGENDA ITEMS REQUIRING ACTION BY MAYOR & COUNCIL, WHICH ARE GENERALLY ROUTINE ITEMS, NOT BELIEVED TO BE CONTROVERSIAL, NOT REQUIRING COUNCIL DISCUSSION, BASIC CONTRACT RENEWALS, OR ISSUES ALREADY DISCUSSED OR HEARD AT A PUBLIC HEARING FOR WHICH FINAL ADOPTION BY RESOLUTION OR ORDINANCE IS NEEDED MAY BE CONTAINED IN A CONSENT AGENDA. A SINGLE MOTION AND AFFIRMATIVE VOTE "TO APPROVE THE CONSENT AGENDA" WILL APPROVE ALL ITEMS IN THE CONSENT AGENDA, INCLUDING ANY RESOLUTIONS OR ORDINANCES INCLUDED IN SAID CONSENT AGENDA. PRIOR TO A MOTION TO APPROVE THE CONSENT AGENDA, AND UPON THE REQUEST OF ANY COUNCILMEMBER, ANY ITEM OF THE CONSENT AGENDA CAN BE REMOVED AND CONSIDERED IMMEDIATELY FOLLOWING APPROVAL OF THE REMAINING ITEMS LEFT ON THE CONSENT AGENDA. IF THE CONSENT AGENDA IS NOT PASSED, COUNCIL MAY DISCUSS AND VOTE UPON EACH ITEM LISTED ON THE CONSENT AGENDA IMMEDIATELY AFTER THE FAILED VOTE. THE CONSENT AGENDA, IF NEEDED, SHALL ALWAYS BE THE FIRST ITEM UNDER "NEW BUSINESS" ON A COUNCIL AGENDA.

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

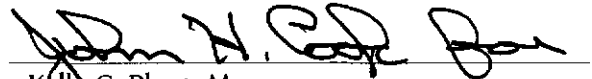
If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION IV.

PROVIDING FOR PENALTIES

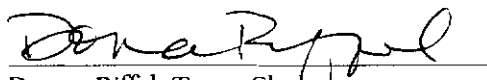
Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Section 1-8 of the *Wickenburg Town Code*.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 5th day of November, 2012.


Kelly C. Blunt, Mayor

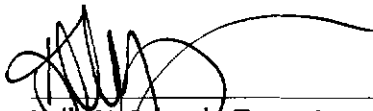
Date Signed: 11-5-12

ATTEST:


Donna Riffel, Town Clerk

Date Signed: 11/5/12

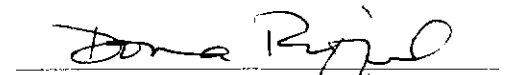
APPROVED AS TO FORM:


Kelly Y. Schwab, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab P.L.C.

Number of Councilmembers Present: 6
Number of Votes For: 6
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1113 was duly passed and adopted by the Mayor and Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 5th day of November 2012, and that a quorum was present at the meeting.


Donna Riffel, Town Clerk