

Chapter 2

**ADMINISTRATION\***

- Art. I. In General, §§ 2-1—2-15
- Art. II. Common Council, §§ 2-16—2-50
  - Div. 1. Generally, §§ 2-16—2-30
  - Div. 2. Rules Of Order And Procedure, §§ 2-31—2-50
- Art. III. Officers And Employees, §§ 2-51—2-90
  - Div. 1. Generally, §§ 2-51—2-70
  - Div. 2. Financial Disclosure, §§ 2-71—2-90
- Art. IV. Financial Affairs, § 2-91

\*Cross references—Fire code board of appeals, § 6-43; magistrate's court, Ch. 12; merit system commission, § 17-41 et seq.; board of adjustment, § 24-71 et seq.; zoning commission, § 24-56 et seq.; design review board, § 24-106.

ORDINANCE 08-07

INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE SOUTH TUCSON ELECTION CODE OR PROCEDURE PROVIDING FOR NONPARTISAN ELECTIONS.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SOUTH TUCSON:  
THE CITY OF SOUTH TUCSON CODE OR ELECTION PROCEDURE IS PROPOSED TO BE AMENDED AS FOLLOWS, IF APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON:

THE SOUTH TUCSON ELECTION CODE OR PROCEDURE SHALL REMAIN AS IT WAS ON JANUARY 1, 2008 WITH THE FOLLOWING CHANGES:

1) QUALIFICATIONS

EACH CANDIDATE FOR ELECTIVE OFFICE SHALL HAVE BEEN A RESIDENT OF THE CITY FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THEIR FILING OF NOMINATION PAPERS, AND SHALL CONTINUE RESIDENCE IN THE CITY WHILE IN OFFICE.

2) ELECTIONS NONPARTISAN

NOTHING ON THE BALLOT SHALL INDICATE THE PARTY AFFILIATION OF THE CANDIDATES.

3) MAJORITY TO ELECT IN PRIMARY

ANY CANDIDATE WHO SHALL RECEIVE AT THE PRIMARY ELECTION, THE NUMBER OF VOTES CONSTITUTING A MAJORITY OF ALL OF THE BALLOTS CAST, SHALL BE DECLARED TO BE ELECTED TO THE OFFICE FOR WHICH HE IS A CANDIDATE, AND NO FURTHER ELECTIONS SHALL BE HELD AS TO SAID CANDIDATE PROVIDED THAT IF MORE CANDIDATES RECEIVE THE NUMBER OF VOTES CONSTITUTING A MAJORITY OF ALL OF THE BALLOTS CAST THAN THERE ARE OFFICES TO BE FILLED, THEN THOSE CANDIDATES, EQUAL IN NUMBER OF THE OFFICES TO BE FILLED, RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED TO BE ELECTED.

4) GENERAL ELECTION

IF AT ANY PRIMARY ELECTION THERE BE ANY OFFICE OR OFFICES TO WHICH NO CANDIDATE THEREFORE WAS ELECTED, THEN A GENERAL ELECTION SHALL BE HELD TO ELECT CANDIDATES TO FILL SUCH OFFICE OR OFFICES. THE CANDIDATES NOT ELECTED AT THE PRIMARY ELECTION, EQUAL IN NUMBER TO TWICE THE NUMBER TO BE ELECTED TO ANY GIVEN OFFICE OR LESS IF SO THERE BE, AND WHO RECEIVED THE HIGHEST NUMBER OF VOTES FOR THE RESPECTIVE OFFICES AT THE PRIMARY ELECTION, SHALL BE THE ONLY CANDIDATES AT THE GENERAL ELECTION; PROVIDED, THAT IF THERE BE ANY PERSON WHO UNDER THE PROVISIONS OF THIS SECTION WOULD HAVE BEEN ENTITLED TO BECOME A CANDIDATE FOR ANY OFFICE, EXCEPT FOR THE FACT THAT OTHER CANDIDATE RECEIVED AN EQUAL NUMBER OF VOTES THEREFORE, THEN ALL SUCH PERSONS RECEIVING SAID EQUAL NUMBER OF VOTES SHALL LIKEWISE BECOME CANDIDATES FOR SUCH OFFICE.

THE CANDIDATES, EQUAL IN NUMBER TO THE PERSONS TO BE ELECTED, WHO SHALL RECEIVE THE HIGHEST OF VOTES AT A GENERAL ELECTION SHALL BE DECLARED ELECTED TO SUCH OFFICE. IN ANY CASES OF TIES, THE DECISION AS TO WINNER SHALL BE DETERMINED BY LOT.

THE CITY OF SOUTH TUCSON MEET AND CONFER ORDINANCE 07-03

SECTION 1. PURPOSE

The citizens of the City of South Tucson have a fundamental interest in the development of harmonious and cooperative relations between Management, Elected Officials, Administrators and public safety employees of the City;

Public safety employees have the fundamental right to organize and recognize that full communication between public employers and public safety employees can alleviate various forms of strife and unrest;

The City, its public safety employees and employee organizations, have a basic obligation to the public to assure the orderly and continuous operations and functions of government;

Strikes, work stoppages, slowdowns, and other concerted efforts designed to disrupt City services, are contrary to the public good and are strictly prohibited. Participation in such efforts may be grounds for termination;

It is the purpose of this Ordinance to obligate the City management, public safety employees and their representatives, acting within the framework of law, to enter into discussions with affirmative willingness to resolve issues, grievances, and disputes relating to working conditions, wages, benefits and hours of work. It is also the purpose of this Ordinance to promote harmonious employer - employee relations by providing a uniform basis for recognizing the right of public safety employees to join, or refrain from joining, an organization of their own choice. Also, it is their right to be exclusively represented by such organization in their dealings with the City in accordance with the provisions of this Ordinance. Additionally, this Ordinance provides that the results of agreements between the employer and its employees shall be drafted into written Memorandums of Understanding.

SECTION 2. EMPLOYEE GROUPS

There shall be two public safety employee groups within the City of South Tucson. They shall include:

- i. Police Department employees below the rank of Chief.- Police Officers and Detention Officers below the rank of Chief; civilian employees assigned to, supervised by, or otherwise under the control of the Police Department, including, but not limited to dispatchers, record clerks, evidence clerks, parking control officers, and secretaries.
- li Fire Department Employees below the rank of Chief.- Fire Fighters below the rank of Chief; and civilian employees assigned to, supervised by, or otherwise under the control of the Fire Department.

In the event that only one employee organization is seeking to represent an employee group, then authorized representation of an employee group shall be determined by the presentation of a petition by an

employee organization to the City Manager containing the signatures of at least fifty percent (50%) plus one (1) of the employees in the above designated group. The petition shall designate the employee group and the employee organization designated to represent those employees. Upon verification of the signatures, the City Manager shall designate the named employee organization, as the official and exclusive employee organization for representation purposes provided for by this Ordinance. The designated employee organization shall have the right to bi-weekly or monthly deductions of dues, if approved by the employees of said organization.

In the event that there is more than one employee organization that is seeking to represent an employee group, and such employee organizations present a petition containing at least thirty percent (30%) of the employees in the employee group and requesting to be designated to represent employees, then the City shall call an election, to be supervised by the League of Women Voters or other similar independent party, between the two or more employee organizations. The employee organization that receives fifty percent (50%) plus one (1) of the vote's cast shall be the designated representative.

Within ninety (90) days prior to the termination of a Memorandum of Understanding, an employee organization other than the one then designated to represent employees in the group may present a petition containing at least thirty percent (30%) of the employees in the designated group requesting to be designated to represent employees in that group. The City shall call an election at the earliest practicable time to be supervised by the League of Women Voters or other similar independent party, between the current designated employee organization and the organization requesting to be designated. The employee organization that receives fifty percent (50%) plus one (1) vote shall be the designated representative.

### SECTION 3. MEETING AND CONFERRING

An employee organization that has been designated by the City Manager as the official and exclusive employee organization for representation purposes, shall submit a proposal to the City Manager relating to wages, benefits, hours, safety regulations and other working conditions, by December 1, of each year.

Upon receiving a proposal from a designated employee organization, the City Manager shall submit a written response to the proposal to the employee organization within thirty (30) days.

Within thirty (30) days from the receipt of the City Manager's response, representatives of the employee organization and the City Manager, as determined by said employee organization, shall begin "meeting and conferring" at mutually agreed upon locations and times, for the purpose of entering into a written Memorandum of Understanding relating to the proposal regarding working conditions, wages, benefits and hours. Meetings shall be at least three hours in duration, unless mutually agreed otherwise. Meetings shall take place weekly until an agreement is reached, or impasse is declared. Time spent by employee organization representatives in pursuit of a Memorandum of Understanding shall be counted as hours worked.

The City Manager, or his/her designated representative, and the representative of the employee organization, shall initial all areas of agreement. Any final agreement reached by the City Manager and the employee organization shall be in writing and signed by the authorized persons.

Those areas that were not agreed to shall be outlined as areas in dispute. If an agreement has not been reached by April 30, a Federal Mediator will be requested. The City Manager, the employee representatives, and the Federal Mediator, will meet as often as necessary to reach an agreement.

If an agreement still has not been reached by May 31, a fact-finder will be requested from the Federal Mediation and Conciliation Service. Standard rules will be utilized in the selection of a fact-finder and the use of the fact-finding process. However, selection of the fact-finder shall be limited to residents of Arizona.

All issues not previously agreed to will be submitted to the fact-finder for resolution. On or before June 30, all areas of agreement, as well as those areas in dispute and still under consideration, and the recommendations of the fact-finder, shall be submitted to the Mayor and Council for their consideration. The Mayor and Council may accept, reject, or modify those areas of agreement. The Mayor and Council may also take whatever actions they feel appropriate with regard to those areas in dispute. Final action by the Mayor and Council shall constitute the Memorandum of Understanding for the following fiscal year(s). A Memorandum of Understanding shall not be longer than two (2) years.

All time limits in this Section may be waived by mutual agreement of the City Manager and employee organization.

**SECTION 4. MISCELLANEOUS PROVISIONS**

So long as a member of the employee group covered by this Ordinance is not on duty or in uniform, the employee group member may take an active part in any other person's political campaign for any elective position. The term "active part" means making a political speech, distributing cards or other political literature, writing a letter, signing or circulating a petition, actively and openly so soliciting votes, or making public remarks for or against any political candidate for any elective position.

A Memorandum of Understanding negotiated by the City and a designated employee organization shall include a grievance procedure to be used for the settlement of disputes pertaining to the enforcement, interpretation, or application of the terms and conditions of the Memorandum of Understanding. The grievance procedure shall provide for a final and binding determination independent of a management representative of the City, the City and the employee organization may agree to a neutral third party, hearing officer, arbitrator, citizen grievance committee, or Superior Court to review and make a final and binding determination of the grievance. If the City and employee organization cannot agree on the form of final and binding determination, then the agreement shall provide for the Superior Court to review and make a final and binding determination of the grievance. Further, disciplinary or corrective action may only be taken against a bargaining unit member for Just Cause.

Upon adoption of this Ordinance and after completion of the procedures for selection of an employee organization in Section 2, herein, any time limits set forth in Section 3, herein, with respect to submission of proposals by the employee organization, responses by the City Manager, dates for meeting and conferring, and dates for mediation and fact-finding, shall be waived for the purposes of the initial meeting and conferring, and the initial Memorandum of Understanding. Upon adoption of this Ordinance and thereafter completion of the procedures for selection of an employee organization in Section 2, herein, the City Manager and designated employee organization shall forthwith commence meeting and

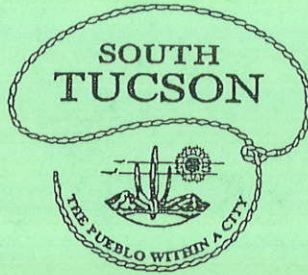
conferring as required by Section 3, herein.

In the event that there is a dispute between the City Manager and a designated employee organization interpretation, application, or enforcement of any provision of this Ordinance, then the following Citizen Resolution Panel procedure shall be followed:

- i. The City Manager and designated employee organization shall each appoint one person each who is a resident and registered voter of the City of South Tucson within five (5) days of the initiation of the dispute to serve as the applicable representative on a Citizen Resolution Panel.
- ii. Within five (5) days thereafter, the City Manager and employee organization shall mutually agree on one additional person who is a resident and registered voter of the City of South Tucson to serve as an independent representative to the Citizen Resolution Panel.
- iii. Within ten (10) days thereafter, the Citizen Resolution Panel shall convene and hear evidence presented by the City and designated employee organization concerning the dispute.
- iv. Within five (5) days thereafter, the Citizen Resolution Panel shall render a written decision concerning the dispute. This decision shall be final and binding subject to any judicial right of appeal.

In the event that any provision of this Ordinance is in conflict with Arizona State Law, including the Arizona Constitution, Statutes, or Court Decisions, then to the extent of the conflict, Arizona State Law shall prevail over this Ordinance. Any such conflict shall not impair the validity of all other provisions herein, not in conflict with Arizona State Law.

May 15, 2007  
Prop 400



## CITY OF SOUTH TUCSON ORDINANCE NO. 07-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO CHAPTER 2 [ADMINISTRATION] OF THE SOUTH TUCSON CITY CODE APPROVING AND ADOPTING AMENDMENTS; REPEALING ALL CODE PROVISIONS IN CONFLICT THEREWITH; AMENDING THE SOUTH TUCSON CITY CODE BY AMENDING CHAPTER 2, ARTICLES I, II AND III, THEREOF; AND DECLARING AN EMERGENCY TO EXIST

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, as follows:

**SECTION 1:** That the City of South Tucson City Code, Chapter 2, Article I [IN GENERAL]; ARTICLE II [COMMON COUNCIL]; and ARTICLE III [OFFICERS AND EMPLOYEES] related thereto is hereby amended as follows:

### ARTICLE I. IN GENERAL

#### Sec. 2-1: Department of Public Safety.

(a) There is created a department of public safety consisting of the City of South Tucson police and fire departments. The City Manager shall have supervision and control of the department of public safety. The City Manager shall have the duty to appoint department heads for the police and fire departments.

(Ord. No. 06-01 §2-52, 3-13-06; Ord. No. 07-02, 6-11-07)

*Cross References — Fire Department, §§ 6-1 and 6-16 et seq.; Police Department, Ch. 18.*

#### Sec. 2-2 — 2-15. Reserved.

### ARTICLE II. COMMON COUNCIL

#### DIVISION 2. RULES OF ORDER AND PROCEDURE

#### Sec. 2-32: Robert's Rules.



Except as otherwise provided by law or ordinance, the provisions of Robert's Rules of Order shall govern meetings of the council. Any disagreements with respect to the application of rules of order shall be decided by the parliamentarian so designated by the Mayor and Council or by ordinance.  
(Code 1976, § 2.134(a); Ord. No. 07-02, 6-11-07)

**Sec. 2-33: Voting.**

- [a] The Mayor shall vote as a member of the council.
- [b] The vote of every councilperson on every issue that is voted upon, shall be included in the minutes of the council meeting.
- [c] Unless a member of the council states that such member is not voting, the member's silence shall be recorded as an affirmative vote in the minutes of the meeting.
- [d] Voting procedures shall follow "Robert's Rules of Order", ordinances and/or Arizona law.  
(Code 1976, § 2.136; Ord. No. 07-02, 6-11-07)

**Sec. 2-34: Legislation -- Generally.**

- [a] Any ordinance amending the city code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this city code. All such amendments or revisions by ordinance shall be forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this city code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the city code.
- [b] Ordinances, resolutions, and other matters requiring action by the council, shall be introduced and sponsored by a member of the council. Except that the city attorney or city manager may present ordinances, resolutions and other matters to the council and any councilperson may assume sponsorship thereof by moving that the same be adopted; otherwise, they shall not be considered.
- [c] No ordinance shall relate to more than one (1) subject. The subject shall be clearly expressed in the title and in the body of the ordinance. Whenever practicable, all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
- [d] Whenever an ordinance, or section of an ordinance, is amended or repealed, the new ordinance shall include provisions for official adoption, repeal/conflict clause, severability/saving clause, implementation and enforcement .

[e] The council may enact the provisions of a code or public record theretofore in existence without setting forth such provisions, but adopting ordinance shall be published in full. No penalty clause shall be enacted by reference and shall be set forth in full in the ordinance. A code or public record adopted by reference may be amended in the same manner. Whenever this process is used, a resolution declaring the code provision a public record and at least three (3) copies of the code or public record shall be filed in the office of the city clerk of the municipality and kept available for public use and inspection.  
(Code 1976, § 2.138; Ord. No. 07-02, 6-11-07)

### ARTICLE III. OFFICERS AND EMPLOYEES

#### Sec. 2-53. Mayor generally.

At the first meeting after their election and qualification, the council shall elect a mayor from among their number. The mayor shall preside over all meetings, emergencies, formal occasions, receptions and whenever required or empowered to do so by the council.

(Code 1976, § 2.117(5); Ord. No. 06-12, 11-20-06; Ord. No. 07-02, 6-11-07)

Cross Reference — Chapter 5 — Declaration of Emergency.

#### Sec. 2-54. Vice Mayor.

[a] There is created the office of vice-mayor. The vice-mayor shall be chosen by the mayor from the members of the council at the first regular meeting of the council subsequent to their election and shall serve until mayor chooses another member or new mayor is elected by the members.

[b] The vice-mayor shall act as mayor pro-tempore during the absence or disability of the mayor. In case of a vacancy in the office of mayor, the vice-mayor shall act as mayor until such vacancy is filled. During such absence, disability or vacancy, the powers and duties of the office of mayor shall devolve upon the vice-mayor.

(Code 1976, §§ 2.106, 2.109, 2.118; Ord. No. 07-02, 6-11-07)

#### Sec. 2-54-1. Acting Mayor.

[a] There is created the office of acting-mayor. The acting-mayor shall be chosen by the mayor from the members of the council at the first regular meeting of the council subsequent to their election and shall serve until mayor chooses another member or new mayor is elected by the members.

[b] The acting-mayor shall act as mayor pro-tempore during the absence or disability of the mayor and vice-mayor. In case of a vacancy in the office of the vice-mayor, the acting-mayor shall act as vice-mayor until such vacancy is filled. During such absence, disability or vacancy, the powers and duties of the office of mayor and/or vice-mayor shall devolve upon the acting-mayor.

(Ord. No. 07-02, 6-11-07)

**SECTION 2: Adoption of the City of South Tucson Amendment to Chapter 2.** The Mayor and Council formally approve and adopt the City of South Tucson Code Amendments related to Chapter 2 [Administration] which are made part of this Ordinance. (Code 2007; Ord. No. 07-02, 6-11-07)

**SECTION 3: Repealed Provisions and/or language of Chapter 2.** All code sections amended or deleted serve to repeal/replace code sections herein amended and all other Chapter 2 code sections remain unchanged. If any provisions, section, subsection, paragraph, sentence, word, clause, phrase or any part of this Ordinance or any part of these amendments to Chapter 2, adopted herein by reference, or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

(Code 2007; Ord. No. 07-02, 6-11-07)

**SECTION 4:** That the various City officials/officers, employees and/or any other duly appointed/chosen vice-mayor and acting mayor are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and City Code.

(Code 2007; Ord. No. 07-02, 6-11-07)

**SECTION 5:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(Code 2007; Ord. No. 07-02, 6-11-07)

**SECTION 6:** That where this Ordinance conflicts or overlaps with any other Ordinance, Code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail. Where this Ordinance conflicts with any other Code section or Code regulation which is amended by the adoption herein, that code provision, section or section shall be deemed repealed.

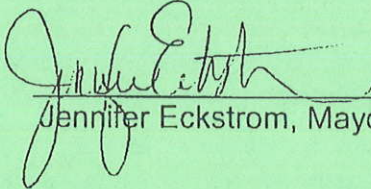
(Code 2007; Ord. No. 07-02, 6-11-07)

**SECTION 7:** That the City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record and/or published as required by law. The immediate adoption is necessary for the preservation of the peace, health, and safety of the residents of the City of South Tucson, Arizona, and that an emergency is declared to exist, therefore, this Ordinance shall become effective upon its passage, adoption and posting in three (3) public places in compliance with A.R.S. § 9-813.

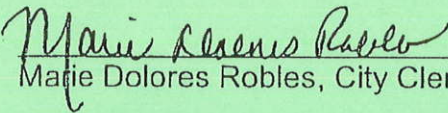
(Code 2007; Ord. No. 07-02, 6-11-07)

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, this 14<sup>th</sup> day of June 2007.

CITY OF SOUTH TUCSON  
Body Politic & Corporation

  
Jennifer Eckstrom, Mayor

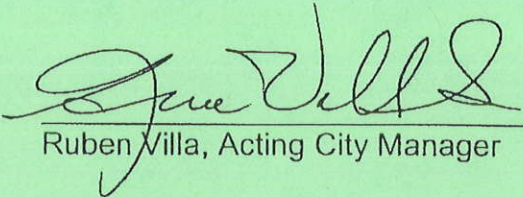
ATTEST:

  
Marie Dolores Robles, City Clerk

APPROVED AS TO FORM:

  
Hector M. Figueroa, City Attorney

REVIEWED BY:

  
Ruben Villa, Acting City Manager

**ADOPTION BY REFERENCE**  
**RESOLUTION DECLARING DOCUMENT A PUBLIC RECORD**

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**CITY OF SOUTH TUCSON RESOLUTION NO. 06-04**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "THE COUNCIL/CITY MANAGER FORM OF GOVERNMENT/ADMINISTRATION ORDINANCE AND THE AMENDED CITY CODE PROVISIONS OF THE CITY OF SOUTH TUCSON, ARIZONA" AFTER HAVING COMPLIED WITH NOTICE REQUIREMENTS ON ORDINANCE NO: 06-01 ; AND DECLARING AN EMERGENCY TO EXIST.

**BE IT RESOLVED** by the Mayor and Council of the City of South Tucson, Arizona:

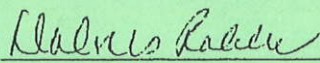
That certain document entitled " The Council/City Manager Form of Government/Administration Ordinance and the Amended City Code Provisions of the City of South Tucson, Arizona", three (3) copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the City of South Tucson, Arizona, that an emergency is hereby declared and the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of South Tucson, Arizona, and this Resolution shall therefore be effective immediately upon its passage and adoption.

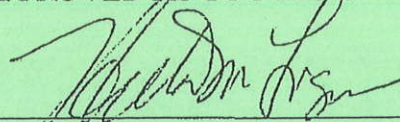
**PASSED AND ADOPTED** by the Mayor and Council of the City of South Tucson, Arizona, this 13<sup>th</sup> day of March, 2006.

  
\_\_\_\_\_  
Mayor Jennifer Eckstrom

ATTEST:

  
\_\_\_\_\_  
Dolores Robles, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hector M. Figueroa, Esq., City Attorney

**CITY OF SOUTH TUCSON ORDINANCE NO. 06-01**

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**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AMENDING CITY CODE, CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES , DIVISION 1 GENERALLY, SECTION 2-52 AND ADOPTING THIS ORDINANCE AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the City of South Tucson is a political subdivision and a Municipal Corporation with an adopted City Code that regulates the appointment of Officers and Employees pursuant to Chapter 2, Article III and § 2-52;

**WHEREAS**, the City of South Tucson has adopted and/or amended Code provisions pursuant to Code 1976, §§ 2.103, 2.104, 2.110; Ord. No. 92-04 § 1, 4-27-92; Ord. No. 92-05, § 1, 6-29-92; and

**WHEREAS**, the Mayor and Council desire to adopt the Council/City Manager Form of Government/Administration and the powers and duties of the City Manager and its Officers and Employees; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of South Tucson, Arizona, that an emergency be declared to exist, and that this Ordinance be effective immediately upon its passage and adoption in compliance with Notice requirements, **NOW THEREFORE**,

**BE IT ORDAINED** by the Mayor and Council of the City of South Tucson, Arizona as follows:

**Section 1.      CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES , DIVISION 1 GENERALLY, SECTION 2-52 , is amended as follows:**

**Sec. 2-52.      Appointments generally.**

- ( a )      Appointment of Officers and Employees. The Office of the City Manager shall be appointive and all appointments to such office shall be made by Mayor and Council of the City of South Tucson, Arizona. Office of City Attorney and City Magistrate shall be appointive and all appointments to such offices shall be made by Mayor and Council of the City of South Tucson, Arizona. The Offices of the City Clerk, Finance Director, City Engineer, Fire Chief, Police Chief, Director of Personnel, Director of Planning and Zoning, Director of Public Works , Director of Economic Development and Director of Housing shall be appointed by the City Manager. All other Employees of the City shall be appointed by the City Manager.

- ( b ) Duties of the City Manager. The City Manager shall be the Chief Executive Officer and head of the Administrative branch of the City. The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City. The City Manager shall have all the powers and shall perform each and all the duties specified in this Article together with any other duties or authority which may be conferred upon such office by the Mayor and Council or by the laws of the State of Arizona or the ordinances of the City as they now exist or may hereafter be amended.
  
- ( c ) City Organization. The Council/City Manager Form of Government/ Administration is created to vest the Council with the powers to oversee and to require accountability for the City Manager's actions and to vest the City Manager with the powers and duties as Chief Executive Officer .
  
- ( d ) Term of Appointments. The Officers appointed by the Mayor and Council shall be appointed at the first regular meeting of the council subsequent to election of the council, unless otherwise agreed upon by the Mayor and Council for a period beyond the first regular meeting. During said period, the officers continue to serve until appointments are made. Mayor, Council and Manager shall have the power to make Interim Appointments for the respective appointive offices pursuant to section 1(a) above. Appointive Officers of the City shall hold office for a period of two (2) years from the date of their appointment unless sooner removed by the Mayor and Council or unless specified by the term of the Interim Appointment. Appointments by the City Manager shall be for a term of two (2) years unless sooner removed by the City Manager.
  
- ( e ) Vacancies. The Mayor and Council shall fill any vacancy in an appointive office within (30) days after it occurs. Any person appointed pursuant to the provisions of this subsection may hold office for the remainder of the term of the person replaced.

**Section 2. Repealer Clause.** Any ordinances or sections of ordinances which are in conflict with the present ordinance are hereby repealed.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.


**BE IT RESOLVED** by the Mayor and Council of the City of South Tucson, Arizona, that the City hereby adopts **CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES , DIVISION 1, GENERALLY, SECTION 2-52 ,** as amended .

**BE IT FURTHER RESOLVED** whereas it is necessary to preserve the peace, health, and safety of the City of South Tucson, Arizona, an emergency is declared to exist, and this Ordinance shall become immediately operative and in force upon completion of Readings, Posting Notice, Publication, Hearing and its passage and adoption hereof.

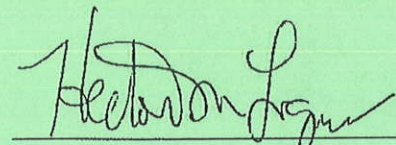
PASSED AND ADOPTED by the Mayor and Council of the City of South Tucson, Arizona, this 13<sup>th</sup> day of March, 2006.

  
\_\_\_\_\_  
Mayor Jennifer Eckstrom

ATTEST:

  
\_\_\_\_\_  
Dolores Robles, City Clerk

APPROVED AS TO FORM:

  
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Hector M. Figueroa, City Attorney



**ARTICLE I. IN GENERAL****Sec. 2-1. Department of public safety.**

There is created a department of public safety. The director of public safety shall be in charge of the department. The director shall have supervision and control of the police and fire departments, which departments shall be considered parts of the department of public safety.

**Cross references**—Fire department, § 6-16 et seq.; police department, Ch. 18.

**Secs. 2-2—2-15. Reserved.****ARTICLE II. COMMON COUNCIL\*****DIVISION 1. GENERALLY****Sec. 2-16. Regular meetings.**

(a) Following a regular city election, the council shall meet on the following Monday for the purpose of choosing a mayor from among its membership, appointing the regular appointed officers, and transacting such other business as they deem necessary. The council shall hold regular meetings on the second, third and fourth Monday of each month at 6:00 p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

**State law reference**—Mayor to be chosen at meeting within twenty (20) days after election, A.R.S. § 9-232.

(b) All regular meetings of the council shall be held at city hall, but when deemed appropriate meetings may be held at a different location with proper public posting and notification.

(c) When deemed appropriate any regular meeting of the council may be cancelled by the mayor or by a majority of the council.  
(Code 1976, § 2.130(a)—(c); Ord. No. 80-3, § 1, 5-19-80)

**\*State law reference**—City elections, A.R.S. §§ 9-821 et seq., 16-101 et seq.

**Sec. 2-17. Special meetings.**

The mayor, or a majority of the council, may convene the council at any time provided that a summons or a notice in writing shall be served upon each member of the council, either in person or by notice left at the member's place of residence. Such summons or notice shall state the date and hour of the meeting and the purpose for which such meeting is called. No business shall be transacted except such as is stated in the notice. No legal action shall be taken by the council at any such meeting unless notice is given to the public of such meeting as required by law.  
(Code 1976, §§ 2.130(d), 12.131)

**Sec. 2-18. Quorum.**

No action shall be taken at a council meeting unless a quorum is present. A majority of the mayor and council shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any number of the council, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which demand shall be entered on record forthwith by the clerk, who shall thereupon notify the absent members of the time and place of the meeting.  
(Code 1976, § 2.132)

**Sec. 2-19. Agenda.**

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the council shall, at least seventy-two (72) hours prior to each council meeting, be delivered to the city clerk. The city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the council, the mayor, and the city attorney, with a copy of the same, together with a copy of the minutes of the last preceding council meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the council by administrative of-

officials except those of an urgent nature, and the same.

(Code 1976, § 2.133)

**State law reference**—Preparation of agenda, A.R.S. § 38-431.02.

**Sec. 2-20. Meetings to be public; exceptions.**

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in a closed executive session for a discussion of matters of a confidential nature, provided no ordinance, order, rule, resolution, regulation, contract, appointment, or other official action shall be finally approved in any such executive session.

(Code 1976, § 2.130(e))

**State law reference**—Public meeting requirements, A.R.S. § 38-431.01 et seq.

**Secs. 2-21—2-30. Reserved.**

**DIVISION 2. RULES OF ORDER AND PROCEDURE**

**Sec. 2-31. Suspension of division.**

Any of the provisions of this division may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state law.

(Code 1976, Ch. II, Art. XII)

**Sec. 2-32. Robert's Rules.**

Except as otherwise provided by law or ordinance the provisions of Robert's Rules of Order shall govern meetings of the council.

(Code 1976, § 2.134(a))

**Sec. 2-33. Voting.**

The vote of every councilperson on every issue that is voted upon, shall be included in the minutes of the council meeting. Unless a member of the council states that such member is not voting, the member's silence shall be recorded as an affirmative vote.

(Code 1976, § 2.136)

**Sec. 2-34. Legislation—Generally.**

(a) Ordinances, resolutions, and other matters requiring action by the council, shall be introduced and sponsored by a member of the council, except that the city attorney may present ordinances, resolutions and other matters to the council, and any councilperson may assume sponsorship thereof by moving that the same be adopted; otherwise, they shall not be considered.

(b) No ordinance shall be put on its final passage on the same day on which it was introduced.

(c) All ordinances shall have three (3) separate readings; the second and third reading shall never be had on the same day. The first and second reading may be by title only, but the third reading shall be in full, unless the council possesses printed copies of the ordinance and unanimously allows reading by title only.

(d) No ordinance shall relate to more than one (1) subject. The subject shall be clearly expressed in its title. No ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed. When practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

(e) Upon the second reading of the ordinance, the presiding officer may refer it to such committees as deemed necessary for such action as the council may require.

(Code 1976, § 2.138)

**Sec. 2-35. Same—Prior approval by attorney and administrative staff.**

All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. This person shall have an opportunity to present objections, if any, prior to the passage of the ordinance, resolution, or acceptance of the contract.

(Code 1976, § 2.137)

**Sec. 2-36. Comments, petitions, etc., from public.**

All petitions, remonstrances, communications, and comments or suggestions from citizens present shall be addressed to the council as a whole, and not to any member thereof. Such remarks shall be limited to three (3) minutes, unless additional time is granted by the council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked a councilperson except through the presiding officer.

(Code 1976, § 2.134(i))

**Sec. 2-37. Committees.**

The council may create such committees, standing or special, as it deems necessary. Such committees shall consist of as many members, and shall perform such duties, as the council may require, and shall exist during the pleasure of the council.

(Code 1976, § 2.135)

**Secs. 2-38—2-50. Reserved.**

**ARTICLE III. OFFICERS AND EMPLOYEES\***

**DIVISION 1. GENERALLY**

**Sec. 2-51. Vacancies in elected offices.**

(a) A vacancy shall exist in any elective city office when the person holding the office:

- (1) Dies, resigns or changes his domicile to a place other than the city.
- (2) Is absent continually for a period of thirty (30) days from the duties of office without the consent of the city council.
- (3) For two (2) consecutive months is incapacitated to the extent that the person is unable to attend the duties of office.

\*Cross references—Personnel, Ch. 17; fire department, § 6-16 et seq.; personnel department and personnel director, § 17-21; police department, Ch. 18; city magistrate, § 12-2 et seq.

- (4) Is declared incompetent by a competent court.

(b) In the case of a vacancy in the office of councilperson, the remaining members of the council shall, within thirty (30) days after such vacancy occurs, select a successor from the qualified electors of the city. Such selection may be at any special session of the council called for that purpose and the selection of such councilperson thereat shall be duly noted in the minutes of the council. The person so appointed shall hold office for the remainder of the term of office of the person whose office is being filled.

(c) If the vacancy is in the office of mayor, the council shall appoint a mayor as provided in subsection (b) of this section, except that the mayor may be appointed from among the members of the council.

(Code 1976, §§ 2.107, 2.111, 2.112)

State law reference—Authority to fill vacancies in elected offices, A.R.S. § 9-274.

**Sec. 2-52. Appointments generally.**

(a) *Appointment of officers and employees.* The office of the city manager shall be appointive and all appointments to such office shall be made by Mayor and Council of the City of South Tucson, Arizona. Office of city attorney and city magistrate shall be appointive and all appointments to such offices shall be made by Mayor and Council of the City of South Tucson, Arizona. The offices of the city clerk, finance director, city engineer, fire chief, police chief, director of personnel, director of planning and zoning, director of public works, director of economic development and director of housing shall be appointed by the city manager. All other employees of the city shall be appointed by the city manager.

(b) *Duties of the city manager.* The city manager shall be the chief executive officer and head of the administrative branch of the city. The city manager shall be responsible to the mayor and council for the proper administration of all affairs of the city. The city manager shall have all the powers and shall perform each and all the duties specified in this article together with any other duties or authority which may be conferred upon such office by the mayor and council or by the

laws of the State of Arizona or the ordinances of the city as they now exist or may hereafter be amended.

(c) *City organization.* The council/city manager form of government/administration is created to vest the council with the powers to oversee and to require accountability for the city manager's actions and to vest the city manager with the powers and duties as chief executive officer.

(d) *Term of appointments.* The officers appointed by the mayor and council shall be appointed at the first regular meeting of the council subsequent to election of the council, unless otherwise agreed upon by the mayor and council for a period beyond the first regular meeting. During said period, the officers continue to serve until appointments are made. Mayor, council and manager shall have the power to make interim appointments for the respective appointive offices pursuant to subsection (a) above. Appointive officers of the city shall hold office for a period of two (2) years from the date of their appointment unless sooner removed by the mayor and council or unless specified by the term of the interim appointment. Appointments by the city manager shall be for a term of two (2) years unless sooner removed by the city manager.

(e) *Vacancies.* The mayor and council shall fill any vacancy in an appointive office within thirty (30) days after it occurs. Any person appointed pursuant to the provisions of this subsection may hold office for the remainder of the term of the person replaced.  
(Code 1976, §§ 2.103, 2.104, 2.110; Ord. No. 92-04, § 1, 4-27-92; Ord. No. 92-05, § 1, 6-29-92; Ord. No. 06-01, § 1, 3-13-06)

**State law reference**—Authority to remove nonelective officers, A.R.S. § 9-274.

**Sec. 2-53. Mayor generally.**

The mayor shall act on behalf of the city on formal occasions and during receptions.  
(Code 1976, § 2.117(5))

**Cross reference**—Declaration of emergency curfew by mayor, § 5-1.

**Sec. 2-54. Vice-mayor.**

(a) There is created the office of vice-mayor. The vice-mayor shall be chosen by the mayor from the members of council biannually at the first regular meeting of the council subsequent to their election.

(b) During the absence or disability of the mayor the vice-mayor shall act as mayor pro tempore. In case of a vacancy in the office of mayor, the vice-mayor shall act as mayor until such vacancy is filled. During such absence, disability or vacancy, the powers and duties of the office of mayor shall devolve upon the vice-mayor.  
(Code 1976, §§ 2.106, 2.109, 2.118)

**Sec. 2-55. City clerk.**

(a) *Appointment; term.* The city clerk shall be appointed and serve for a two-year term and until a successor is appointed and qualified.

(b) *Duties generally.* The city clerk shall:

(1) *Signatures.* Seal and attest all contracts of the city and all licenses, permits and such other documents as require this formality.

(2) *Accounts.* Keep accounts showing all money received by such officer and the source and disposition thereof, and such other accounts as may be required by law or ordinance.

(3) *Records.* In addition to other records, keep the following records:

- a. A register of all licenses and permits issued and the payments thereon.
- b. A record showing all of the officers and regular employees of the city.
- c. Such other records as may be required by the council.

(4) *Seal.* Be the custodian of the city seal, and shall affix its impression on documents whenever required.

(5) *Documents.* Be the custodian of all documents belonging to the city that are not assigned to the custody of some other officer.

- (6) *Indices.* Keep and maintain a proper index to all documents and records kept by such officer, so that ready access thereto and use thereof may be had.
- (7) *Additional duties.* Perform such other duties as may be required by law or ordinance.

(Code 1976, § 2.119(1); Ord. No. 89-04, § 1, 1-8-90)

**Sec. 2-56. Treasurer.**

(a) *Bond.* The treasurer shall give bond in such sum as may be required by the council, but the bond shall not be less than the amount of the estimated revenues and special assessments of the city for the current year, with sureties to be approved by the council. The bond shall be conditioned upon the faithful performance of the duties of office, and to indemnify the city for any loss due to any neglect of duty or wrongful act on the part of the treasurer.

(b) *General duties.* The treasurer shall perform such duties as may be prescribed by law or ordinance. The treasurer shall receive all money paid to the city, either directly from the person paying it or from the hands of such other officer as may receive it. The treasurer shall pay out only on vouchers or orders properly signed by the city clerk and the mayor.

(c) *Deposit of funds.* The treasurer shall deposit the city funds in such depositories as may be selected from time to time as is provided by

statute and shall keep the city money separate and distinct from personal funds. The treasurer shall not intermingle personal funds with city money or make private or personal use of city funds.

**State law references**—Depositories and money management, A.R.S. § 35-321 et seq.; investment of funds, A.R.S. § 9-492.

(d) *Records.* The treasurer shall keep such records showing all money received, the source from which it was received, and the purpose for which it was paid out. The treasurer shall keep a record showing at all times the financial status of the city.

(e) *Accounts.* The treasurer shall keep such books and accounts as may be required by the city council, and shall keep them in the manner required by law.

(f) *Reports.* The treasurer shall make monthly reports to the council showing the state of the finances of the city, and the amounts received and spent during the month, which reports shall be filed. The treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the city and transactions during the preceding year.

**State law references**—Annual audits, A.R.S. § 9-481 et seq.; uniform expenditure reporting system, A.R.S. § 41-1279.07.

(g) *Register of warrants.* The treasurer shall keep a register of all warrants, bonds, or orders filed or paid, and all vouchers, as is required by law.

**State law references**—Registration of bonds, A.R.S. § 35-491 et seq.; registry of town warrants, A.R.S. § 9-249. (Code 1976, § 2.119(2))

**Cross reference**—Financial affairs generally, § 2-91 et seq.

### Sec. 2-57. City attorney.

(a) There is created the office of city attorney, an executive office of the city.

(b) The city attorney shall draft or approve the phraseology of all contracts, leases or other documents or leases to which the city may be a party. The city attorney shall prepare ordinances upon request of the city council.

(c) Concerning the selection of an attorney of a law firm to act in the position of city attorney, no contract therefor shall be let except by the council.

(d) The city attorney or any law firm chosen to act in the position of city attorney shall solicit the opinions of, contract with and/or consult and associate with any other attorneys if the city attorney or the firm, because of the special expertise of the attorneys selected, believe it would be in the best interest of the city to take such an action; provided, however, that the city attorney shall obtain approval from the city manager prior to taking any such action. Any contract between the city attorney and any other attorney for the specialized legal services shall not be deemed a contract within the meaning of section 2-91, and any such contract shall not be let except by the council.

\* (e) The city shall not retain or utilize the services of any law firm or attorney except with the approval of the council. (Code 1976, § 2.120(1), (6), (7); Ord. No. 83-5, § 1, 8-8-83; Ord. No. 92-07, § 1, 8-17-98)

### Sec. 2-58. City manager.

(a) *Office created; appointment; term.* The office of the city manager is created. The city manager shall be appointed by the council wholly on the basis of administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council.

(b) *Bond.* The city manager shall furnish a corporate surety bond to be approved by the council in such sum as may be determined by the council, and shall be conditioned upon the faithful performance of duties. The premium for such bond shall be paid by the city.

(c) *Powers.* The city manager shall be the administrative head of the government of the city under the direction and control of the council except as otherwise provided. The city manager shall be responsible to the council for the proper administration of all affairs of the city. In addition

to general powers as administrative head and not as a limitation thereon, the city manager shall have the following powers.

- (1) Prepare the budget annually and submit it to the council, together with a message describing the important features and be responsible for its administration after adoption.
- (2) Prepare and submit a written report to the council for each regular meeting as to the state and condition of the business affairs of the city with recommendations in regard thereto.
- (3) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city the preceding year.
- (4) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as deemed desirable.
- (5) Recommend to the council a standard schedule of pay for each appointive office and position in the city service, including minimum, intermediate, and maximum rates. The city manager shall authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries enacted by the city council.
- (6) Recommend to the council adoption of such measures necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- (7) Consolidate or combine offices, positions, departments, or units under the manager's jurisdiction, with the approval of the council. The manager may be the head of one (1) or more departments.
- (8) Attend all meetings of the council unless excused therefrom, and take part in the discussion of all matters coming before

the council. The city manager shall be entitled to notice of all regular and special meetings of the council.

- (9) See that all laws and ordinances are enforced.
- (10) Investigate the affairs of the city or any department or division thereof. The city manager may investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city and see that all franchises, permits, and privileges granted by the city are faithfully observed.

(Code 1976, § 2.121(1), (2), (5))

**Sec. 2-59. City engineer.**

The city engineer shall have charge of the city streets, sewers and waterworks and shall perform such duties as may be required by law and such other duties as the manager may deem necessary.

(Code 1976, § 2.122)

**Secs. 2-60—2-70. Reserved.**

**DIVISION 2. FINANCIAL DISCLOSURE\***

**Sec. 2-71. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business* includes any enterprise, organization, trade, occupation or profession, whether or not operated as a legal entity or for profit, including any business trust, corporation, partnership, joint venture or sole proprietorship.

*Compensation* means anything of value or advantage, present or prospective, including the forgiveness of debt.

*Controlled business* means any business in which the local public officer or any member of

\*State law reference—Local financial disclosure ordinances, A.R.S. § 38-545.

the officer's household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty (50) percent interest.

*Dependent business* means any business in which the local public officer or any member of the officer's household has an ownership or beneficial interest, individually or combined, amounting to more than a ten (10) percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars (\$10,000.00) and more than fifty (50) percent of its gross income.

*Gift* includes any gratuity, special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without equivalent consideration and not provided to members of the public at large.

*Local public officer* means a person holding an elective office of the city.

*Member of household* means a local public officer's spouse and any minor child of whom the local public officer has legal custody.

(Code 1976, § 2.125)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**State law reference**—Similar provisions, A.R.S. § 38-541.

#### **Sec. 2-72. Duty to file financial disclosure statement; contents.**

(a) In addition to other statements and reports required by law, every local public officer, as a matter of public record, shall file with the city clerk on a form prescribed by the city clerk a verified financial disclosure statement covering the preceding calendar year ending December 31. The statement shall disclose:

- (1) The name and address of the local public officer and each member of the officer's household and all names and addresses under which each does business.



- (2) The name and address of each employer and of each other source of compensation other than gifts amounting to more than one thousand dollars (\$1,000.00) received during the preceding calendar year by the local public officer and members of the officer's household in their own names, or by any other person for the use or benefit of the local public officer or members of the officer's household, a description of the services for which the compensation was received and the nature of the employer's business. This paragraph shall not be construed to require the disclosure of individual items of compensation that constituted a portion of the gross income of the business from which the local public officer or members of the officer's household derived compensation.
- (3) For a controlled business, a description of the goods or services provided by the business, and if any single source of compensation to the business during the preceding calendar year amounts to more than ten thousand dollars (\$10,000.00) and is more than twenty-five (25) percent of the gross income of the business, the disclosure shall also include a description of the goods or services provided to the source of compensation. For a dependent business the statement shall disclose a description of the goods or services provided by the business and a description of the goods or services provided to the source of compensation from which the dependent business derived the amount of gross income described in the definition of dependent business in section 2-71. If the source of compensation for a controlled or dependent business is a business, the statement shall disclose a description of the business activities engaged in by the source of compensation.
- (4) The names and addresses of all businesses and trusts in which the local public officer or members of the officer's household, or any other person for the use or benefit of the local public officer or members of the officer's household, had an ownership or beneficial interest of over one thousand dollars (\$1,000.00) at any time during the preceding calendar year, and the names and addresses of all businesses and trusts in which the local public officer or any member of the officer's household held any office or had a fiduciary relationship at any time during the preceding calendar year, together with the amount or value of the interest and a description of the interest, office or relationship.
- (5) All real property interests and real property improvements, including specific location and approximate size, located in the city, in which the local public officer, any member of the officer's household or a controlled or dependent business held legal title or a beneficial interest at any time during the preceding calendar year, and the value of any such interest, except that this paragraph does not apply to a real property interest and improvements thereon used as the primary personal residence or for the personal recreational use of the local public officer. If a local public officer, any member of the officer's household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, the officer shall also disclose that the transaction was made and the date it occurred. If the controlled or dependent business is in the business of dealing in real property interests or improvements, disclosure need not include individual parcels or transactions as long as the aggregate value of all parcels of such property is reported.
- (6) The names and addresses of all creditors to whom the local public officer or members of the officer's household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars (\$1,000.00) or to whom a controlled business or dependent business owed a debt of more than ten thousand dollars (\$10,000.00) which was also more than thirty (30) percent of the total business indebtedness at any time during the preceding calendar year, listing each such creditor. This paragraph shall not be construed to require the dis-

closure of debts owed by the local public officer or any member of the officer's household resulting from the ordinary conduct of a business other than a controlled or dependent business. Disclosure is not required of credit card transactions, retail installment contracts, debts on residences or recreational property exempt from disclosure under paragraph (5) of this subsection, debts on motor vehicles not used for commercial purposes, debts secured by cash values on life insurance or debts owed to relatives. It is sufficient disclosure of a creditor if the name and address of a person to whom payments are made is disclosed. If the local public officer, any member of the officer's household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding calendar year, the report shall disclose that the transaction was made and the date it occurred.

- (7) The identification and amount of each debt exceeding one thousand dollars (\$1,000.00) owed at any time during the preceding calendar year to the local public officer and members of the officer's household in their own names, or to any other person for the use or benefit of the local public officer or any member of the officer's household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars (\$10,000.00) to a controlled business or dependent business which was also more than thirty (30) percent of the total indebtedness to the business at any time during the preceding calendar year. This paragraph shall not be construed to require the disclosure of debts from the ordinary conduct of a business other than a controlled or dependent business. If the local public officer, any member of the officer's household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding year, the report shall disclose that the transaction was made and the date it occurred.

- (8) The name of each source of any gift, or accumulated gifts from a single source, of more than five hundred dollars (\$500.00) received by the local public officer and members of the officer's household in their own names during the preceding calendar year, or by any other person for the use or benefit of the local public officer or any member of the officer's household except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from any other member of the household or relatives to the second degree of consanguinity. Political campaign contributions shall not be construed as gifts if otherwise publicly reported as political campaign contributions as required by law.
- (9) A list of all business licenses issued, by the city or by any other governmental agency which requires for its issuance the consideration of the application for such license by the council to, held by or in which the local public officer or any member of the officer's household has an interest at any time during the preceding calendar year, including the name in which the license was issued, the type of business and its location.
- (10) A list of all bonds, together with their value, issued by the city, any industrial development authority of the city or town or any nonprofit corporation organized or authorized by the city or town held at any time during the preceding calendar year by the local public officer or any member of the officer's household, which bonds issued by a single entity had a value in excess of one thousand dollars (\$1,000.00). If the local public officer or any member of the officer's household acquired or divested any bonds during the preceding calendar year which are reportable under this paragraph, the fact that the transaction occurred and the date shall also be shown.

- (b) If an amount or value is required to be reported pursuant to this section, it is sufficient to

report whether the amount or value of the equity interest falls within:

- (1) Category 1, one thousand dollars (\$1,000.00) to twenty-five thousand dollars (\$25,000.00).
- (2) Category 2, more than twenty-five thousand dollars (\$25,000.00) to one hundred thousand dollars (\$100,000.00).
- (3) Category 3, more than one hundred thousand dollars (\$100,000.00).

(c) This section does not require the disclosure of any information that is privileged by law.

(d) The statement required to be filed pursuant to subsection (a) of this section shall be filed by all persons who qualified as local public officers at any time during the preceding calendar year on or before January 31 of each year, with the exception that a local public officer appointed to fill a vacancy shall, within sixty (60) days following the officer's taking of such office, file a financial disclosure statement covering as the officer's annual period the twelve-month period ending with the last full month prior to the date of taking office.

(e) The city clerk shall prepare written guidelines, forms and samples for completing the financial disclosures statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each local public officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to section 2-73.

(Code 1976, § 2.126)

*State law reference*—Similar provisions, A.R.S. § 38-542.

### **Sec. 2-73. Candidates for local public office.**

A candidate for local public office shall file a financial disclosure statement covering the preceding twelve-month period and containing the information described in section 2-72 on a form prescribed by the city clerk at the time of filing nomination papers.

(Code 1976, § 2.127)

*State law reference*—Similar provisions, A.R.S. § 38-543.

### **Secs. 2-74—2-90. Reserved.**

## **ARTICLE IV. FINANCIAL AFFAIRS\***

### **Sec. 2-91. Purchases and contracts.**

(a) The city manager shall supervise the purchase of all materials, supplies, and equipment; let contracts necessary for the operation or maintenance of city services for amounts up to and including five thousand dollars (\$5,000.00) and present them to council for approval, and advise the council on the advantages or disadvantages of contracts and bid proposals.

(b) Leases of buildings or equipment may be let with council approval, without formal bids, notwithstanding any statutory requirements of the United States or state.

(c) The city manager shall insure that a minimum of three (3) written proposals are obtained on all such leases or that the lessor is a sole source vendor. All leases must contain a fiscal funding statement allowing leases to be terminated if funding is not approved by council for any fiscal year.

(d) Excepted as otherwise provided, no contract in excess of five thousand dollars (\$5,000.00) and no contract for new construction shall be let except by the council. By unanimous vote, the council may make purchases or let contracts not to exceed ten thousand dollars (\$10,000.00) without receiving formal bids thereon. The formal bidding requirement may be satisfied by actions taken by another legal jurisdiction of the state during the same twelve-month period.

(e) The city manager may issue such rules governing purchasing procedures within the administrative organization as the council shall approve.

(f) In case of accident, disaster, or other circumstances creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting the emergency. The city manager shall file promptly with the council

\**Cross references*—Licenses, taxation and miscellaneous business regulations, Ch. 11; city treasurer, § 2-56.

*State law references*—Depositories and money management, A.R.S. § 35-321 et seq.; investment of funds, A.R.S. § 9-492; annual audits, A.R.S. § 9-481 et seq.; uniform expenditure reporting system, A.R.S. § 41-1279.07; bonds, A.R.S. § 35-451 et seq.

a certificate showing the emergency and the necessity for such action, together with an itemized account of all expenditures.

(Code 1976, § 2.121(5); Ord. No. 80-4, § 1, 6-5-80;

Ord. No. 85-01, § 1, 2-25-85)

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