

CHAPTER 2 MAYOR AND COUNCIL

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Section 2-1-1    ELECTED OFFICERS

The elected officers of the city shall be six council members and a Mayor. The Mayor, Vice-Mayor and the Councilmembers shall constitute the council and shall continue in office until assumption of office by their duly elected successors. The six councilmembers shall serve four year overlapping terms in the manner provided by state statute. The Mayor shall serve a two year term in the manner provided by statute.

Section 2-1-2    CORPORATE POWERS

The corporate powers of the city shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

Section 2-1-3    DUTIES OF OFFICE

Councilmembers and the Mayor shall assume the duties of their respective offices at the next regularly scheduled council meeting in the month following the date of the general election.

Section 2-1-4    VACANCIES IN COUNCIL<sup>1</sup>

Any vacancies that may occur on the Council for whatever reason shall be filled in accordance with A.R.S. §9-235, as may be amended from time to time.

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<sup>1</sup> AMENDED SECTION 2-1-4

Section 2-1-5 COMPENSATION<sup>1</sup>

- A. Beginning January 1, 2015, the mayor shall be paid a total annual salary of Seven Thousand Two Hundred Dollars (\$7,200.00) payable in quarterly installments at the end of each quarter. The mayor shall also be issued a City cell phone.
- B. Beginning January 1, 2015, council members, other than the mayor, shall be paid a total annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00) payable in quarterly installments at the end of each quarter.
- C. In addition, as part of their compensation, the City Council members shall be allowed to participate in the City's health insurance program. Any City Council member who elects to participate in the City's health insurance program shall be solely responsible for all premiums and co-pays related to their participation.

Section 2-1-6 OATH OF OFFICE

Immediately prior to assumption of duties of office, each councilmember and the Mayor shall, in public, take and subscribe to the oath of office.

Section 2-1-7 BOND

Prior to taking office, every councilmember and the Mayor shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of such officer in his or her official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in section 38-260 of the Arizona Revised Statutes. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the city.

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<sup>1</sup> AMENDED SECTION 2-1-5



Article 2-2 MAYOR

- 2-2-1 Selection of Vice Mayor
- 2-2-2 Acting Mayor
- 2-2-3 Powers and duties of Mayor
- 2-2-4 Absence of Mayor
- 2-2-5 Failure to Sign Documents

Section 2-2-1 SELECTION OF VICE-MAYOR<sup>1</sup>

The council members shall, at the first regular meeting in the month following the general election, choose a vice mayor from among their number to serve a two-year term.

Section 2-2-2 ACTING MAYOR; SUCCESSION IN OFFICE OF MAYOR

In the absence or disability of both the mayor and the vice mayor, the council may designate another of its members to serve as acting mayor who shall have the powers, duties, and responsibilities of the mayor during such absence or disability. In the event that the office of mayor becomes vacant for any reason, then the vice mayor shall assume the office of mayor to fill the unexpired term of mayor, and the council shall elect a vice mayor from among their number to fill the unexpired term of vice mayor.

Section 2-2-3 POWERS AND DUTIES OF MAYOR

The powers and duties of the mayor shall include the following:

- A. He shall be the chief executive officer of the city.
- B. 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 vote in all proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the council, or any statutes, ordinances, or this code shall require.
- E. He shall make such recommendations and suggestions to the council as he may consider proper.

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<sup>1</sup> AMENDED 2-2-1

- F. He shall take command of the police force of the city and govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute great danger to the city and its residents.
1. In such areas of the city as shall be designated by the mayor by proclamation under the condition set forth in this section, and within the area within all or any part of the city so designated by the mayor, a curfew shall be in effect the hours of each designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes, and remain there until the curfew has been lifted by the order of the mayor, and all other persons not residing within the designated area shall immediately leave.
  2. During the imposition of any curfew set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.
- G. 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 city.

Section 2-2-4 ABSENCE OF MAYOR

The mayor shall not absent himself from the city for a greater period than fifteen (15) days without the consent of the council.

Section 2-2-5 FAILURE TO SIGN DOCUMENTS

If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor, or in his absence, an acting mayor to sign such ordinance, resolution, contract, warrant, demand, or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

Article 2-3 COUNCIL ELECTION

- 2-3-1 Primary Election
- 2-3-2 Non-Political Ballot
- 2-3-3 General Election Nomination
- 2-3-4 Election to Office
- 2-3-5 Dates of Elections
- 2-3-6 Optional Procedure
- 2-3-7 Non-Candidate Election Dates

Section 2-3-1 PRIMARY ELECTION<sup>1 2</sup>

Any candidate who shall receive at the primary election a majority of all votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate. For purposes of this Section, the majority of votes cast is determined by:

- 1) Calculating the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office.
- 2) Dividing the sum reached pursuant to paragraph 1 of this section by the number of seats to be filled for the office.
- 3) Dividing the number reached pursuant to paragraph 2 of this section by two and rounding that number to the highest whole number.

Section 2-3-2 NON-POLITICAL BALLOT

Nothing on the ballot of any election shall be indicative of the support of any candidate.

Section 2-3-3 GENERAL ELECTION NOMINATION

If at any primary election held as above provided there be any office or offices for which no candidate is elected, then as to such office or offices, said election shall be considered a primary election for nomination of candidates for such office or offices, and the second or

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<sup>1</sup> AMENDED SECTION 2-3-1

Ordinance No. 13-14

Adopted 10/14/13

<sup>2</sup> AMENDED SECTION 2-3-1

Ordinance No. 16-13

Adopted 12/12/16

general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be places on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and 2-2-3-2-3-3

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persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 2-3-4 ELECTION TO OFFICE

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

Section 2-3-5 DATES OF ELECTIONS<sup>1</sup>

The primary election for the offices of mayor and councilmember shall be held in even-numbered years on the tenth Tuesday before the first Tuesday after the first Monday in November and the general election shall be held on the first Tuesday after the first Monday in November.

Section 2-3-6 OPTIONAL PROCEDURE FOR CONDUCTING ELECTIONS BY MAIL BALLOT

The City Council may, by majority vote, authorize any City election, whether for the election of mayor or councilmembers or for other issues of general concern to the voters of the City, to be conducted by mail ballot pursuant to the provisions of state law governing mail ballot elections. The City shall specify in any notice of any election whether it is to be conducted by mail ballot.

Section 2-3-7 NON-CANDIDATE ELECTION DATES<sup>2</sup>

A non-candidate election, including a special election to fill a vacancy or a recall election, shall only be held on (1) the second Tuesday in March; (2) the third Tuesday in May; (3) the tenth Tuesday before the first Tuesday after the first Monday in November; (4) the

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<sup>1</sup> AMENDED SECTION 2-3-5

<sup>2</sup> ADDED SECTION 2-3-7

Ordinance No. 13-13

Ordinance No. 13-13

Adopted 10/14/13

Adopted 10/14/13

first Tuesday after the first Monday in November. An election for the approval of an obligation or other authorization requiring or authorizing the assessment of secondary property taxes shall be held on the first Tuesday after the first Monday in November.

Article 2-4 COUNCIL PROCEDURE

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings
- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Agenda
- 2-4-6 Order of Business
- 2-4-7 Voting
- 2-4-8 Suspension of Rules
- 2-4-9 Committees of Council

Section 2-4-1 REGULAR MEETINGS

The council shall hold regular meetings at 7:00 p.m. on the second and fourth Mondays of each month except in December when the only meeting shall be on the second Monday thereof, provided, however, that when the day fixed for any regular meeting of the council falls upon a designated by law as a legal holiday, such meeting shall be held at the same hour on the next exceeding day that is not a holiday. All regular meetings shall be held in the Council Chambers of the City or other places designated by motion and passed by Council at the preceding regular Council meeting. The Council may also change the date of a regular meeting provided the same is done by motion at the preceding regular meeting.

Section 2-4-2 SPECIAL MEETINGS

The mayor, or vice-mayor in the absence of the mayor may or at the request of three members of the council shall, convene the council in a special meeting at any time by notifying the members of the date, hour and purpose of such special meeting. Notice may be given personally or by telephone, however, if time permits written shall be given to the members at their usual place of business or residence.

Section 2-4-3 MEETINGS TO BE PUBLIC

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

Section 2-4-4 QUORUM

A majority of the Council members shall constitute a quorum for transacting business but lesser number may adjourn from time to time and compel the attendance of absent members.

Section 2-4-5 AGENDA

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 clerk 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 council member, the mayor, manager and attorney with a copy.

\*\*Section 2-4-6 ORDER OF BUSINESS

The business of the Council shall be set by agenda and order of the mayor, or in his absence, the vice-mayor, in consultation with the city manager pursuant to law.

Section 2-4-7 VOTING

- A. The mayor shall vote as a member of the council.
- B. The vote of each council member present shall be included in the minutes on all ordinances and resolutions and on all other issues where request is made by a council member.
- C. No member of the council present at a meeting shall be excused from voting except upon matters involving the consideration of his own official conduct or matters involving a conflict interest. In all other cases, failure to vote by a council member present at a meeting shall be entered in the minutes as an affirmative vote, except for election for election or appointment of officers or officials.

Section 2-4-8 SUSPENSION OF RULES

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a record 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 statutes.

Section 2-4-9 COMMITTEES OF COUNCIL

There shall be no standing committees of the council, however, special committees may be appointed by the mayor to perform such duties as designated and to exist during the pleasure of the council.

Article 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS

2-5-1	Prior Approval
2-5-2	Introduction
2-5-3	Presentation And Passage
2-5-4	Requirements Of An Ordinance
2-5-5	Effective Date Of Ordinance
2-5-6	Signatures Required
2-5-7	Publishing Required
2-5-8	Posting Required

Section 2-5-1 PRIOR APPROVAL

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the attorney.

Section 2-5-2 INTRODUCTION

Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the attorney or the manager may present ordinances, resolutions and other matters or subjects to the council, and any council member may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.

Section 2-5-3 PRESENTATION AND PASSAGE

Ordinances, resolutions and other matters or subjects requiring action by the council may be considered for consideration by the mayor or any member of the council, except that the city attorney or the city manager may recommend ordinances and resolutions or other matters or subjects to be considered. All proposed ordinances and resolutions shall be read aloud to the council at least once if, and only if, requested by a council member.

Section 2-5-4 REQUIREMENTS FOR AN ORDINANCE

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-5-5 EFFECTIVE DATE OF ORDINANCE

No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the city, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all members elected to the council, taken by ayes and nays.

Section 2-5-6 SIGNATURES REQUIRED

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk.

Section 2-5-7 PUBLISHING REQUIRED

Only such orders, resolutions, motions, regulations or proceedings of the council shall be published as may be required by state statutes or expressly ordered by the council.

Section 2-5-8 POSTING REQUIRED

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three or more public places within the city and an affidavit of the person who posted the ordinances shall be filed in the office of the clerk as proof posting.

Article 2-6 Financial Disclosure<sup>1</sup>

- 2-6-1 Definitions
- 2-6-2 Duty to File Financial Disclosure Statement, Exceptions
- 2-6-3 Duty to File Final Financial Disclosure Statement by Candidate for Council
- 2-6-4 Violation

Section 2-6-1 DEFINITIONS (Unless the context otherwise requires):

1. "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.
2. "Compensation" means anything of value or advantage, present or prospective, including the forgiveness of debt.
3. "Controlled business" means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty percent interest.
4. "Dependent business" means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a ten percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars and more than fifty percent of its gross income.
5. "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. "Gift" does not include travel-related expenses that are publicly reported as required by law or political campaign contributions that are publicly reported pursuant to Title 16, Chapter 6.
6. "Local public officer" means a person holding an elective office of the City of Coolidge.
7. "Member of household" means a local public officer's spouse and any minor child of whom the local public officer has legal custody.

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<sup>1</sup> REPLACED Article 2-6

8. "Travel-Related Expenses" means any costs associated with transportation, food, lodging and registration fees and other expenses directly related to travel to, or from, a meeting,

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conference or other event where the local public officer is participating in the local public officer's official capacity.

Section 2-6-2 DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT; CONTENTS; EXCEPTIONS

- 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 home or work address of the local public officer, whether the local public officer's spouse is a member of the local public officer's household, the number of minor children who are members of the local public officer's household and all names and addresses under which each does business. If disclosure of the identity of the local public officer's spouse or minor children otherwise be required, a local public officer may comply with the identification requirement by using the term "spouse" or "minor child," as applicable.
  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 received during the preceding calendar year by the local public officer and members of his household in their own names, or by any other person for the use or benefit of the local public officer or members of his 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 his 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 and is more than twenty-five 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 Section 1, paragraph 4. 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.

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4. The names and addresses of all businesses and trusts in which the local public officer or members of his household, or any other person for the use or benefit of the local public officer or members of his household, had an ownership or beneficial interest of over one thousand dollars at any time during the preceding calendar year, and the name and addresses of all businesses and trusts in which the local public officer or any member of his 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 of Coolidge, in which the local public officer, any member of his 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 his household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, he 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 his household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars or to whom a controlled business or dependent business owed a debt of more than ten thousand dollars which was also more than thirty 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 disclosure of debts owed by the local public officer or any member of his household resulting from the ordinary conduct of a business other than a controlled or dependent business. Nor shall disclosure be 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 or a person to whom payments are made is disclosed. If the local public officer, and any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection

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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 owed at any time during the preceding calendar year to the local public officer and member of his household in their own names, or to any other person for the use or benefit of the local public officer or any member of his household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars to a controlled business or dependent business which was also more than thirty 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 his 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 received by the local public officer and members of his 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 his 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, of gifts received from any other member of the household or relatives to the second degree of consanguinity. Travel-related expenses and political campaign contributions shall not be construed as gifts if otherwise public reported as required by law.
9. A list of all business licenses issued, by the City of Coolidge, or by any other governmental agency which requires for its issuance the consideration of the application for such license by the city council of the City of Coolidge, to, held by or in which the local public officer or any member of his household had an interest at any time during the preceding



E. The City/Town Clerk shall prepare written guidelines, forms and samples for completing the financial disclosure 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 3 of this resolution.

F. Any statements that are required to be filed by a local public officer pursuant to this Article adopted pursuant to A.R.S. § 38-545 may be filed in an electronic format as prescribed by the Secretary of State.

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Section 2-6-3 DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT BY CANDIDATE FOR LOCAL PUBLIC OFFICE

A candidate for local public office as specified in Section 1, paragraph 6, shall file a financial disclosure statement covering the preceding twelve month period and containing the information described in Section 2 on a form prescribed by the City Clerk at the time of filing nomination papers.

Section 2-6-4 VIOLATION

Any person who shall violated any of the provisions of this article shall be guilty of a class 1 misdemeanor and subject to a civil penalty as set forth in A.R.S. §38-544, as may be amended from time to time.