

ORDINANCE O-15-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING CITY CODE
ARTICLES 2.6.3 AND 2.6.9 TO STREAMLINE TRANSFERS OF CITY REAL
PROPERTY AND ELIMINATING THE PUBLIC AUCTION REQUIREMENT
FOR CERTAIN PARCELS**

WHEREAS, pursuant to City Charter Articles 1.3 and 7, the City of Bisbee possesses the power and authority to purchase, sell and exchange real property and set procedures for doing so; and

WHEREAS, the City of Bisbee, pursuant to City Charter Article 7.5, is required to transfer City property by ordinance and the City Code sets forth the process for adopting such an ordinance; and

WHEREAS, the City of Bisbee, pursuant to its City Code, is required to sell City property at public auction, even when that process is not beneficial; and

WHEREAS, these procedures often result in a very cumbersome process for disposing of City property, to the detriment of the City and prospective purchasers; and

WHEREAS, it is appropriate to enact a clear set of procedures that will streamline transfers of City property by eliminating certain steps in the ordinance process and eliminating the public auction requirement where appropriate; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the City Code set forth on Exhibit A hereto,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

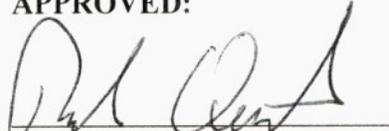
Section 1. The amendment to Articles 2.6.3 and 2.6.9 of the City Code, pursuant to the City Charter, and as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

Section 2. The previously adopted version of Articles 2.6.3 and 2.6.9 are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

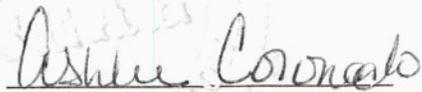
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 4th day of August, 2015.

APPROVED:



Ron Oertle, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Britt Hanson, City Attorney

EXHIBIT A

ARTICLE 2.6 ORDINANCES, RESOLUTIONS AND CONTRACTS (CITY CHARTER, ARTICLE VII, 7.01 - 7.16; O-10-07)

2.6.1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the 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. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

2.6.2 Introduction (O-09-02)

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, City Manager, staff member or the Clerk may present ordinances, resolutions and other matters or subjects to the Council, and any member of the Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

2.6.3 Notice of Intent to Adopt Proposed Ordinance

No proposed ordinance, except emergency ordinances, shall be presented to the Mayor and Council for reading and adoption unless the Mayor and Council shall have first approved a Notice of Intent to adopt such ordinance at least thirteen (13) days prior to such reading and adoption; provided, however, that no such Notice of Intent shall be required for a transfer, sale, exchange, abandonment or other conveyance of surplus that has been recommended by the Planning and Zoning Commission pursuant to Section 2.6.9 of the City Code; and provided further, that the first and only reading of an ordinance to transfer, sell, exchange, abandon or otherwise convey real property may be held immediately after the public sale and auction pursuant to subsection D of Section 2.6.9 of the City Code or the determination to abandon and sell pursuant to subsection C of Section 2.6.9 of the City Code

2.6.4 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.

2.6.5 Effective Date of Ordinances (O-09-02)

No ordinance or franchise shall become operative until thirty days after its passage by the Council and approval by the Mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the City. An emergency ordinance shall contain a declaration stating that an emergency exists, describing in clear and specific

terms the reasons for the necessity of declaring an emergency, and must be passed by the affirmative vote not less than six Council Members upon a roll call vote.

2.6.9 Procedures for the Transfer of City Property (O-05-10)

A. Prior to the sale, exchange or abandonment of any City property, the proposal to transfer the subject property shall be referred to the Planning and Zoning Commission for review and recommendation by that Commission. The Planning and Zoning Commission shall consider whether the proposed transfer is in conformity with any adopted general plan, including the City's policies for open space; whether the subject property is suitable for development under the Zoning Regulations; whether the proposed sale and any anticipated development is compatible with the existing usage and development of the surrounding area; and whether the subject property is or is not suitable for public sale and auction pursuant to subsection C.

B. Notice of the Planning and Zoning Commission meeting to recommend any such proposed transfer shall be provided by one publication in the City's newspaper of record; by posting notice on the subject property; and by first class mail notice sent to those property owners who own property within three hundred (300) feet of the subject property. This notice shall be completed not less than fifteen (15) days prior to date of the Planning and Zoning Commission meeting.

C. After the Planning and Zoning Commission has made its recommendation, the Mayor and City Council shall meet to consider whether or not to pursue any such proposed transfer of City property. For any parcel less than an acre in size and which has been determined to have a minimum acceptable bid less than \$5,000, the Mayor and City Council may authorize the abandonment of unnecessary public streets and rights-of-ways or the exchange of City property for appropriate consideration, which amount shall be determined by majority vote of the Mayor and Council. Such abandonment shall not be subject to public auction and bidding requirements if the Mayor and Council, upon the recommendation of the Planning and Zoning Commission, determine that due to the particular situs of the subject property, or because it has historically been associated with, and used in connection with, a particular privately owned parcel, it is not appropriate for public auction and bidding, but rather should be sold to the owner(s) of the property with which it has been historically associated or used in connection with. The Mayor and Council may establish minimum acceptable bids for any sale and may impose other appropriate conditions upon any such sale.

D. Except as provided in 2.6.9(C), any sale of surplus City property shall be by public sale to the highest bidder. Not less than thirty days notice of any such sale shall be provided by one publication in the City's newspaper of record; by posting notice on the property; and by first class mail notice sent to those property owners who own property within 300 feet of the subject property. The Mayor and Council reserve the right to reject any and all bids for such property and to re-offer the property if they determine, in their sole discretion, that the bids are inadequate.

E. The net proceeds of any such sale of City property shall be used for capital improvements of the City and shall be maintained in an appropriate account for this purpose. In the event of a fiscal emergency or change of circumstances, the Mayor and Council, by a vote of not less than five members, may re-allocate any such funds as they deem to be necessary.