

AGENDA

AGENDA OF THE JOINT WORK SESSION OF THE MAYOR AND COUNCIL AND THE CHARTER REVIEW COMMITTEE OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, TO BE HELD ON THURSDAY, NOVEMBER 8, 2012, AT 6:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING CALLED TO ORDER BY _____ AT _____ PM.

ROLL CALL

COUNCIL

- Councilmember Robert Page, Ward I
- Councilmember Bennie Scott, Ward III, Mayor Pro Tempore
- Councilmember Luche Giacomino, Ward II
- Mayor W.J. "Jack" Porter
- Councilmember Anna Cline, Ward III
- Councilmember Ransom Burke, Ward II
- Councilmember Kenneth "Ken" Budge, Ward I

CHARTER REVIEW COMMITTEE

Ward I

- David Dame
- Allen Moore Vice-Chairperson
- Adriana Zavala Badal Excused

Ward II

- Tito Ross Excused
- Larry Phillips
- Raymond Rodgers, Chairperson
- David Smith

Ward III

- Sylvia Anable
- Karen Schasteen
- Linda Weiland
- Original Freeholder: Shirley Jones
- Former Charter Member: Shirley Doughty, Secretary

STAFF

- Stephen J. Pauken, City Manager
- Gloria P. Gonzalez, City Clerk
- Dee L. Flanagan, Finance Director
- Jim Elkins, Police Chief
- Jack Earnest, Fire Chief
- Jennifer L. Graeme, Personnel Director
- Thomas J. Klimek, Public Works Director/City Engineer
- Peg White, Library Director

CITY ATTORNEY

John A. MacKinnon

THE FOLLOWING ITEM(S) WILL BE DISCUSSED AT THIS MEETING:

1. Presentation, Joint Discussion and Review of the Proposed Amendments to the Bisbee City Charter
2. Discussion and Possible Recommendation for Further Review or Formal Action

ADJOURNMENT

If anyone needs any special accommodations for this meeting, please contact Gloria Gonzalez, at (520) 432-6012 at least twenty-four hours before the meeting.

**PROPOSED AMENDMENTS APPROVED BY THE CHARTER REVIEW
COMMITTEE AND RECOMMENDED TO THE BISBEE CITY COUNCIL FOR
SUBMITTAL TO THE ELECTORS OF THIS CITY**

The fifth appointed Charter Review Committee initiated its analysis and consideration of the Bisbee City Charter on April 10, 2012, and met regularly through October 23, 2012. The following proposals are submitted by this Committee to the Bisbee City Council, for submittal to the electors of this City, as recommended amendments that will help this Charter to continue to best serve the City of Bisbee and its citizens.

1. Section 2.03 Elections

The ~~first~~ general election for the offices of Mayor and Council Members under the terms of this Charter shall be held ~~in 1990 and every two years on even numbered years thereafter.~~

2. Section 2.04 Term of Mayor

~~(a) Two-Year Term~~

The Mayor shall be elected for a term of two years and shall serve for no more than two (2) consecutive elected terms or five (5) consecutive years. ~~The Mayor serving on the date this Charter takes effect shall continue to serve until the Mayor's successor is elected in the 1988 general election and takes office as provided by ordinance in effect for said election.~~

~~(b) Term of Mayor Elected in 1988~~

~~The Mayor elected in the 1988 election shall serve until the Mayor's successor is elected, qualified, and installed as provided herein.~~

3. Section 2.05 Terms of Council Members

~~(a) Term of Present Council Members~~

~~Council Members serving on the date of this Charter takes effect shall continue to serve until their successors are elected in the 1988 general election and take office as provided by ordinance in effect for said election.~~

~~(b) Term of Council Members Elected in 1988~~

~~Council Members elected in 1988 shall serve until their successors are elected, qualified, and installed as herein provided.~~

~~(c) Term of Council Members Elected in 1990~~

~~There shall be six Council Members elected in 1990. Two shall be elected from each of the three wards created herein. The Council Member receiving the greatest number of votes in that Member's respective ward shall serve a four-year term. The Council Member~~

~~receiving the next greatest number of votes in that respective ward shall serve a two-year term.~~

~~(d) Run-Off in General Election~~

~~In the event that any candidate fails to achieve a majority in that ward, as provided for in Subsection (c) hereof, a run-off of the top four candidates shall be in the general election in 1990.~~

~~(e) Term of Council Members Elected After 1990~~

~~Every two years after 1990 three Council Members, one from each ward, shall be elected for four-year terms. These shall be the ones receiving the greatest number of votes. Until that time each incumbent Council Member shall retain his or her office, as provided by law. A Council Member shall not serve more than two (2) consecutive elected terms or nine (9) consecutive years.~~

4. Section 2.06 Wards

(b) Boundaries

The Council shall determine the boundaries of the wards to be approximately as follows:

(1) Ward Number One

~~Wards One and Two, as defined by ordinances in effect at the time this Charter takes effect, shall be known as Ward Number One. Ward One shall include a substantial portion of Old Bisbee and such other areas as may be necessary to result in similar populations for each ward and to comply with applicable laws.~~

(2) Ward Number Two

~~Wards Four and Five, as defined by ordinances in effect at the time of this Charter takes effect, shall be known as Ward Number Two. Ward Two shall include a substantial portion of Warren and such other areas as may be necessary to result in similar populations for each ward and to comply with applicable laws.~~

(3) Ward Number Three

~~Wards Three and Six, as defined by ordinances in effect at the time this Charter takes effect, shall be known as Ward Number Three. Ward Three shall include a substantial portion of San Jose and such other areas as may be necessary to result in similar populations for each ward and to comply with applicable laws.~~

5. Section 2.14 Meetings of Council, Boards, Commissions and Committees

(a) Time

~~All regularly scheduled Council meetings and those special meetings at which some action may be taken by the Council shall be scheduled for a time times after 5:00 p.m., except in the event of a declared emergency. Work sessions and other gatherings of a quorum of the~~

Council at which no action will be taken may be scheduled at the discretion of the Mayor.

6. Section 2.22 Investigations

The City Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency.

7. Section 6.03 Manager's Submission of Budget and Reporting Requirements to City Council

(a) Expenditures and Income

On or before the second regular Council meeting in May of each year, or on such date in each year as shall be fixed by the Council, the Manager shall prepare and submit in writing to the Council the estimates of each Department of the City and the Manager's own personal report, recommendations, and estimates as to the ~~probable probably~~ expenditures of the City for the next ~~ensuing~~ fiscal year. Such report shall state in detail the amounts required to meet all expenditures necessary for the City purposes including payment on interest, sinking funds, and outstanding indebtedness. Such report shall also include an estimate of the amount of income expected from all sources and an estimate of the amount required to be raised by taxation to cover such expenditures.

8. Section 6.08 Independent Audit and Review Financial Transactions of City C.P.A.

(b) Audit Report

At the end of each fiscal year such accountant shall perform ~~make up~~ an audit of accounts and other evidence of financial transactions of the City Government and shall submit an audit report that is consistent with generally accepted accounting principles, including recommendations concerning policy and fiscal procedures to the Council and Manager.

9. Section 7.06 Emergency Ordinances

(b) Matters Not to be Classified as "Emergencies"

Ordinances granting, renewing or extending a franchise or regulating the rate charged by any public utility for its services, except as otherwise provided ~~provide~~ in this Charter, shall never be classified as emergency measures.

10. Section 7.10 Publication of Ordinances and Resolutions

All ordinances, except those necessary for the immediate preservation of the peace, health, or safety of the City, and resolutions having the effect of ordinances shall be published ~~at least once a week for at least two consecutive weeks on the official website of the City in the official newspaper of the City~~ before they become effective and operative. Emergency measures shall be published twice in the same manner in the official newspaper of the City within 30 days after their passage.

11. Section 7.16 Codification of Ordinances

Any and all ordinances of the City, which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, ~~revised~~, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.

12. Section 9.07 Majority to Elect in Primary

(a) Mayor

At the primary election, any candidate for Mayor who shall receive a majority of all votes cast for that office ~~at such election~~ shall be declared elected to the office ~~for which he or she is a candidate~~, and no further election shall be held as to said office.

13. Section 9.10 Time of Holding Primary Elections

Primary elections shall be held on the date set by the State of Arizona for fall primaries in even numbered years. ~~eight Tuesday before the first Tuesday after the first Monday in November commencing in the year 2000.~~

14. Section 9.11 Time of Holding General Elections

General elections shall be held on the date set by the State of Arizona for November elections on even numbered years. ~~the first Tuesday after the first Monday in November in each even-numbered year commencing in the year 2000.~~

15. Section 17.02 Charter Review

(a) Appointment of Charter Review Committee

The Mayor, with approval of the Council, shall appoint a committee of electors, four from each Ward, to review this Charter for the applicability and content to best serve the City of Bisbee and its citizens, at least once every eight ~~five~~ years. ~~the first such review to be five years from the date of acceptance of this Charter.~~ Elected City Officials, appointed City Department Heads, and City employees are prohibited from serving on this Committee.

(b) Appointment of ex officio members

To assist the Charter Review Committee in its task, and if they are available and willing to serve, one of the original freeholders and a member of the most recent Charter Review Committee shall be appointed by the same method as non-voting ex officio ~~official~~ members of the Committee for advisory purposes.

(c) Explanation of review process and replacement of members

To begin the first meeting of the Committee, the Mayor or designee shall explain the Charter Review process that is to be followed, as well as the steps that proposed Amendments must follow to become implemented into the Charter. The position of a member on the Committee may be declared vacant after three unexcused absences, with the member to be replaced according to the original designation process.

Dated: _____

Raymond Rogers, Chairperson
Charter Review Committee