

**PROPOSED
CHARTER AMENDMENTS
MAY 2015**

QUESTION NUMBER 1: Shall the Charter of the City of Flagstaff, Arizona, Article II, Sections 3 and 4, TERM OF MAYOR AND TERM OF COUNCILMEMBERS, be amended as follows:

~~Section 3 – TERM OF THE MAYOR~~

~~The term of office of the Mayor shall commence on the first meeting in April¹ following the election, and shall be for two (2) years, or until a successor is elected and inducted.~~

~~Section 4 – TERM OF COUNCILMEMBERS~~

~~The term of office of Councilmembers shall commence on the first meeting in April² following their election, and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.~~

SECTION 3 – TERMS OF MAYOR AND COUNCILMEMBERS

THE TERMS OF OFFICE FOR ALL MUNICIPAL ELECTED OFFICIALS SHALL COMMENCE ON THE DATE SET BY ORDINANCE.

SECTION 4 - RESERVED

Question Number 2: Shall the Charter of the City of Flagstaff, Arizona, Article II, Section 8, INDUCTION, be amended as follows:

On the ~~DATE SET BY ORDINANCE~~ ~~second meeting in April following the General Election~~, the Council shall hold a meeting to induct into office the newly-elected Mayor and Councilmembers and to organize the Council. At this meeting, the Council shall designate one of its members as Vice- Mayor, who shall serve in such capacity at the pleasure of the Council. The Vice-Mayor shall perform all the duties of the Mayor during the absence or disability of the Mayor.

Question Number 3: Shall the Charter for the City of Flagstaff, Arizona, Article II, Section 10, VACANCIES IN THE COUNCIL AND THE OFFICE OF MAYOR, be amended as follows:

The Council, by a majority vote of its remaining members, shall, within thirty-one (31) days, fill the vacancies in its own membership, and in the office of Mayor, for the unexpired terms. In the event that such unexpired term exceeds two years **FROM THE FIRST DATE ON WHICH CANDIDATES MAY FILE THEIR NOMINATION PAPERS AND PETITIONS**, then the appointment to such vacancy shall be for the period from the appointment until the next succeeding **CITY CANDIDATE** election, at which time a Councilmember shall be elected to serve the remainder of the term and who shall be designated on the ballot as running for the "short term."

Question Number 4: Shall the Charter for the City of Flagstaff, Arizona, Article III, Section 3(c), POWERS AND DUTIES, be amended as follows:

The City Manager shall: Devote entire time to the discharge of official duties, prepare the agenda for, and attend, all meetings of the Council, unless excused therefrom by the Council or the Mayor;

(a) Devote entire time to the discharge of official duties, prepare the agenda for, and attend, all meetings of the Council, unless excused therefrom by the Council or the Mayor;

(b) See that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed;

(c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such ~~merit system~~ regulations DETERMINING THE DUE PROCESS RIGHTS OF EMPLOYEES SUBJECT TO LAYOFFS, SUSPENSIONS, DEMOTIONS AND TERMINATIONS as the Council may adopt;

(d) Prepare the annual budget estimates and submit them to the Council, and be responsible for the administration of the budget after adoption;

(e) Keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently, if requested by the Council, of all affairs of the City;

(f) Act as purchasing agent for all departments of the City, giving due consideration to the recommendations and counsel of department heads;

(g) Have such other powers, duties, and functions as this Charter may prescribe, and such powers, duties, and functions consistent with this Charter that the Council may prescribe.

Questions Number 5: Shall the Charter of the City of Flagstaff, Arizona, Article IV, Section 2, THE CITY CLERK, be amended as follows:

The City Manager shall, ~~with approval of the Council,~~ appoint an officer of the City, who shall have the title of City Clerk, and who shall give notice of all Council meetings, keep the journal of the Council's proceedings, authenticate by signature, and record in full in books kept for the purpose, all ordinances and resolutions, and perform such other duties as shall be required by this Charter, or by ordinance. The City Clerk will serve at the pleasure of the City Manager.

Question Number 6: Shall the Charter of the City of Flagstaff, Arizona, Article IV, Section 3, THE CITY TREASURER, be amended as follows:

The City Manager shall, ~~with approval of the Council,~~ appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money of the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the State, Charter of the

City, and ordinances, and upon whom legal garnishments may be served. The City Treasurer will serve at the pleasure of the City Manager.

Question Number 7: Shall the Charter for the City of Flagstaff, Arizona, Article IV, Section 4, THE CITY ATTORNEY, be amended as follows:

The Council shall appoint a City Attorney, who shall be an attorney-at-law, admitted to the Bar of the Supreme Court of this State. The City Attorney shall be the chief legal advisor of all offices, departments, and agencies, and of all officers and employees in matters relating to their official powers and duties. The City Attorney shall represent the City in all legal proceedings. It shall be the City Attorney's duty to perform all services incident to this position as may be required by statute, by this Charter, or by ordinance. **THE CITY ATTORNEY SHALL HAVE THE NON-EXCLUSIVE POWER TO CALL AN EXECUTIVE SESSION WITH THE COUNCIL FOR THE PURPOSES OF DISCUSSION OR CONSULTATION AS PERMITTED BY LAW.** The City Attorney will serve at the pleasure of the Council.

Question Number 8: Shall the Charter of the City of Flagstaff, Arizona, Article IV, Section 5, PERSONNEL RULES AND REGULATIONS, be amended as follows:

The Council shall ~~ADOPT AN~~ ~~by~~ ordinance **THAT REQUIRES THE CITY MANAGER TO ESTABLISH** ~~For the establishment of~~ Personnel Rules and Regulations by ordinance or resolution for the purpose of regulating and controlling the due process for appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions and volunteers who serve without pay, and also except the City Manager, the City Attorney, and the Police Judges.

Question Number 9: Shall the Charter of the City of Flagstaff, Arizona, Article VII, Section 6, READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE, be amended as follows:

All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon **THE AFFIRMATIVE VOTE OF THREE FOURTHS OF ALL OF THE MEMBERS ELECTED TO THE COUNCIL** ~~unanimous consent of those Councilmembers present~~. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.

QUESTION NUMBER 10: Shall the Charter of the City of Flagstaff, Arizona, Article VII, Section 7, EMERGENCY MEASURES, and Section 9, PUBLICATION OF ORDINANCES AND RESOLUTIONS, be amended as follows:

Section 7, EMERGENCY MEASURES

(a) An emergency measure is one necessary for the immediate preservation of the public peace, health, or safety, in which the emergency is set forth and defined. An emergency

measure may be placed upon its final reading and final passage at the same meeting as when first introduced upon the affirmative vote of **THREE FOURTHS OF ALL OF THE MEMBERS ELECTED OR APPOINTED TO five (5) members of** the Council.

(b) An emergency measure shall take effect immediately upon its passage.

Section 9, PUBLICATION OF ORDINANCES AND RESOLUTIONS

(a) All ordinances and resolutions having the effect of ordinances, except emergency measures, shall become effective and operative thirty (30) days after its adoption or twenty (20) days after its publication in the official newspaper of the City, whichever is later.

(b) An emergency ordinance which has been passed by ~~the necessary vote of five (5) members of~~ **THREE FOURTHS OF ALL OF THE MEMBERS ELECTED OR APPOINTED TO** the Council shall be published one time in the official newspaper of the City within ten (10) days after its passage.

QUESTION NUMBER 11: Shall the Charter of the City of Flagstaff, Arizona, Article VII, Section 9, PUBLICATION OF ORDINANCES AND RESOLUTIONS, be amended as follows:

(a) All ordinances and resolutions having the effect of ordinances, except emergency measures, shall become effective and operative thirty (30) days after its adoption or **AS REQUIRED OR PERMITTED BY STATE LAW** ~~twenty (20) days after its publication in the official newspaper of the City~~, whichever is later.

(b) An emergency ordinance ~~which has been passed by the necessary vote of five (5) members of the Council~~ shall be published one time in the official newspaper of the City within ten (10) days after its passage **OR AS REQUIRED OR PERMITTED BY STATE LAW**.

Question Number 12: Shall the Charter of the City of Flagstaff, Arizona, Article VIII, Section 10, SALE OF CITY PROPERTY, be amended as follows:

The Council may sell such portions of the real and personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe to the highest responsible bidder after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of \$500.00 shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids.

2. Real property shall be sold after published notice of the sale for at least one time per week for three weeks prior to opening of bids. ~~The Council~~ shall have the right to reject any and all bids. **IF THERE ARE NO BIDS SUBMITTED, THEN FOR A TWO-YEAR PERIOD THE CITY MANAGER MAY ENTER INTO AN AGREEMENT TO SELL THE PROPERTY FOR AN AMOUNT REASONABLY CONSISTENT WITH AN APPRAISAL WITHOUT FURTHER NOTICE AND BID PROCESS. SALE OR TRADE OF REAL PROPERTY WITH ANOTHER GOVERNMENT ENTITY DOES NOT REQUIRE A NOTIFICATION AND BID PROCESS.**

3. The City Manager may sell or otherwise dispose of any personal property having a value of \$500.00 or less without published notice, but written advice of such sale or disposal shall be given to the Council.

4. The Council may also in its discretion subdivide and plat City property which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.

Question Number 13: Shall the Charter of the City of Flagstaff, Arizona, Article IX, Section 4, NOMINATION FOR PRIMARY ELECTION, be amended as follows:

(a) Nominations for Primary Elections shall be by petition of nomination, which shall consist of a printed or written form, which shall be furnished to applicants by the City Clerk.

(b) The petition or petitions for nomination, consisting of signatures of qualified voters, aggregating not less than five (5) percent, nor more than ten (10) percent of the number of electors voting at the last preceding municipal General Election, shall be presented to the City Clerk not earlier than **ONE HUNDRED-TWENTY (120)**~~ninety (90)~~ days, nor later than **NINETY (90)**~~SIXTY (60)~~ days before the date set for the Primary Election. The City Clerk shall endorse on such petition or petitions the date and the time when the same was received by the City Clerk, and shall cause the candidates' names to be printed on the ballot.