

ORDINANCE №15-116

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, SUBCHAPTER COUNCIL MEETINGS, § 30.105 COUNCIL AGENDA, § 30.106 DECORUM, § 30.109 PROTOCOL AT MEETINGS RELATED TO PROVIDING RULES OF DECORUM AND PROCEDURE AT TOWN COUNCIL MEETINGS; AND AMENDING TITLE I GENERAL PROVISIONS, CHAPTER 10 RULES OF CONSTRUCTION; GENERAL PENALTY, SECTION 10.15 EFFECTIVE DATE OF ORDINANCES TO MOVE A PROVISION FROM SECTION 30.109 RELATED TO FORM OF ORDINANCES TO THE APPROPRIATE CHAPTER; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.105 Council Agenda is hereby amended to add subsection (F) to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.105 Council Agenda

* * *

(F) ORDER OF AGENDA

(1) REGULAR COUNCIL MEETING AGENDA ITEMS SHALL BE LISTED IN THE FOLLOWING ORDER:

- (a) CALL TO ORDER.**
- (b) PLEDGE OF ALLEGIANCE.**
- (c) INVOCATION.**
- (d) ROLL CALL.**
- (e) ANNOUNCEMENTS REGARDING CURRENT EVENTS, GUESTS, APPOINTMENTS, AND PROCLAMATIONS.**
- (f) TOWN MANAGER'S REPORT.**
- (g) CONSENT AGENDA.**
- (h) PUBLIC COMMENT ON NON-AGENDIZED ITEMS.**

- (i) UNFINISHED BUSINESS.
- (j) NEW BUSINESS.
- (k) PUBLIC HEARING AGENDA.
- (l) ADJOURNMENT.

(2) WHEN COUNCIL HOLDS A WORK STUDY OR SPECIAL STUDY COUNCIL MEETING, AGENDA ITEMS SHALL BE LISTED IN THE FOLLOWING ORDER:

- (a) CALL TO ORDER.
- (b) ROLL CALL.
- (c) DISCUSSION ONLY ITEMS.
- (d) ACTION ITEMS.
- (e) ADJOURNMENT.

(G) MODIFICATIONS TO THE AGENDA.

(1) THE PRESIDING OFFICER OR ANY COUNCILMEMBER MAY REQUEST A CHANGE OF ORDER OF THE AGENDA WHICH, IF APPROVED BY A MAJORITY OF THE COUNCIL, SHALL BE GRANTED.

(2) AN AGENDA ITEM MAY BE CONTINUED TO A DATE CERTAIN OR POSTPONED INDEFINITELY BY MOTION AND APPROVAL BY A MAJORITY OF THE MEMBERS PRESENT WHO HAVE NOT DECLARED A CONFLICT OF INTEREST.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.106 Decorum is hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout):

§ 30.106 Decorum.

(A) THE PRESIDING OFFICER SHALL PRESERVE THE DECORUM OF THE MEETING.

(B) While the Town Council is in session, all persons shall conduct themselves with reasonable decorum. Any person who is ~~so~~-disorderly or who ~~so~~-persistently disrupts the business meeting so far as to interfere with the proper conduct of the business may be ordered BY THE PRESIDING OFFICER TO BE removed from the meeting place. At such time, the ~~Mayor~~PRESIDING OFFICER may call a recess.

(C) IF THE PRESIDING OFFICER FAILS TO ACT ON A MATTER OF DECORUM, COUNCIL MAY, BY MAJORITY APPROVAL OF A MOTION, REQUIRE THE PRESIDING OFFICER TO ACT.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.109 Protocol at Meetings is hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout):

§ 30.109 PROTOCOL AT MEETINGS.

(A) *PREAMBLE.* MEMBERS OF THE TOWN COUNCIL ARE ELECTED TO REPRESENT THEIR VOTING CONSTITUENTS AND THE CITIZENS OF DEWEY-HUMBOLDT. AS SUCH, EACH MEMBER OF COUNCIL HAS THE RIGHT TO EXPRESS HIS OR HER REPRESENTATION WITHOUT BEING ASSAILED IN REGARD TO THAT REPRESENTATION OR IN REGARDS TO THEIR OWN PERSONAL POLITICAL AFFILIATIONS, RELIGIOUS PREFERENCE, MARITAL STATUS, SEXUAL ORIENTATION. FURTHER, MEMBERS OF COUNCIL SHALL NOT BE THE SUBJECT OF RETRIBUTION FROM THE CHAIR IN ANY MANNER OR FORM OR IN A MANNER OF RETRIBUTION FOR HOLDING THEIR VIEW IN ALL MATTERS THAT COME BEFORE COUNCIL. IN ADDITION, THE RIGHT OF A MEMBER TO ADDRESS THE CITY COUNCIL ON A QUESTION OF PERSONAL PRIVILEGE SHALL BE LIMITED TO CASES IN WHICH THE MEMBER'S INTEGRITY, CHARACTER, OR MOTIVES ARE ASSAILED, QUESTIONED, OR IMPUGNED.

~~(A)~~(B) *Basic rules of order.* Meetings will be conducted in accordance with the latest edition of *Robert's Rules of Order, Newly Revised* (Robert's Rules), with the following exceptions and changes:

~~(B)~~(1) ~~Exceptions to the basic rules.~~In case of conflict between *Robert's Rules* and the constitution or laws of the State of Arizona, the state law will prevail.

(2) IN CASE OF CONFLICT BETWEEN *ROBERT'S RULES* AND THE DEWEY-HUMBOLDT CODE OF ORDINANCES, THE CODE OF ORDINANCES SHALL PREVAIL.

(C) *Procedures IN GENERAL.*

(1) The presiding officer at any meeting shall rule on any point of order raised by a councilmember. Only councilmembers may raise points of order. The presiding officer ~~may~~SHALL request advice from other members of the body or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote ~~is~~SHALL then ~~to~~be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the

presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member TO SPEAK during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer ~~must~~SHALL ask for a vote to extend additional time, and if a majority of members agree ~~to additional time~~, the time shall be granted. ~~The following protocol for each agenda item will ordinarily be observed during regular meetings, but actions of Council are legal whether or not every element of the following subsections are observed:~~

~~(1) Staff or councilmember who is presenting the agenda item to the council will state the reason for the issue coming before the council.~~

~~(2) After any questions of staff, council will then discuss the agenda item and resolve any clarification issues.~~

~~(3) When council is finished discussing the item, public comment may be taken on the item. Public comment will be limited to only one 3 minute comment per person. One person may not assign their time to another person.~~

~~(4) After public comment is done, the agenda item then goes back to the council for further discussion if needed.~~

~~(5) Council will then decide what action to take, if any, by making a motion.~~

~~(6) Once a motion is made and seconded then a vote must be taken. There may be more discussion by the council before the vote is taken. If any council member requests a roll call vote a roll call vote will be taken.~~

~~(7) A majority vote on the motion prevails. A tie vote means the motion failed. An abstention counts as a no vote only in the case of a straight up or down vote.~~

(2) THE PRESIDING OFFICER SHALL NOT USE HIS POSITION AS CHAIR OF THE MEETING TO DEBATE OTHER COUNCILMEMBERS IN A CONDESCENDING MANNER AND SHALL AVOID QUESTIONING THE MOTIVES OF OTHERS OR USING INDECOROUS LANGUAGE.

(D) MEETING OPERATIONAL PROCEDURES.

(1) A COUNCILMEMBER DESIRING TO SPEAK SHALL ADDRESS THE PRESIDING OFFICER AND, UPON RECOGNITION, SHALL CONFINE HIS OR HER COMMENTS TO THE AGENDA ITEM, AVOID DISCUSSION OF PERSONALITIES

AND INDECOROUS LANGUAGE AND REFRAIN FROM PERSONAL ATTACKS AND VERBAL ABUSE.

(2) A COUNCILMEMBER OR THE PRESIDING OFFICER WHO DESIRES TO ASK A QUESTION OF STAFF SHALL ADDRESS THE QUESTION TO THE TOWN MANAGER WHO SHALL ADDRESS THE QUESTION OR MAY DESIGNATE ANOTHER STAFF MEMBER TO ADDRESS THE QUESTION. COUNCILMEMBERS SHALL NOT BERATE OR ADMONISH STAFF MEMBERS OR THE TOWN MANAGER.

(3) A COUNCILMEMBER WHO HAS BEEN RECOGNIZED AND GIVEN THE FLOOR, SHALL NOT BE INTERRUPTED WHILE SPEAKING UNLESS CALLED TO ORDER BY THE PRESIDING OFFICER; A POINT OF ORDER IS RAISED BY ANOTHER MEMBER; OR THE SPEAKER CHOOSES TO YIELD THE FLOOR. IF A COUNCILMEMBER IS CALLED TO ORDER, THAT MEMBER SHALL IMMEDIATELY CEASE SPEAKING UNTIL THE QUESTION OF ORDER IS SETTLED BY A VOTE OF COUNCIL. IF RULED TO BE IN ORDER, THE MEMBER SHALL BE PERMITTED TO PROCEED. IF RULED OUT OF ORDER, THE MEMBER SHALL REMAIN SILENT OR MAY MAKE ADDITIONAL REMARKS ONLY IN COMPLIANCE WITH COUNCIL RULES.

(4) THE MAYOR AND COUNCILMEMBERS SHALL COMPLY WITH THE ARIZONA OPEN MEETING LAW AND CONFINE THEIR QUESTIONS, COMMENTS AND DISCUSSIONS TO THE AGENDA ITEM UNDER CONSIDERATION BY COUNCIL.

(5) THE MAYOR AND EVERY COUNCILMEMBER HAVE A DUTY TO VOTE AND SHALL VOTE ON ALL MATTERS EXCEPT A MATTER INVOLVING HIS OR HER OWN OFFICIAL CONDUCT OR WHERE HE OR SHE DECLARES A CONFLICT OF INTEREST, WHETHER ACTUAL OR APPARENT. A COUNCILMEMBER WHO DECLARES A CONFLICT OF INTEREST SHALL LEAVE THE DAIS, NOT PARTICIPATE IN THE DISCUSSION, AND REFRAIN FROM INFLUENCING THE VOTES OF THE REMAINING COUNCILMEMBERS. A FAILURE TO VOTE OR A VOLUNTARY ABSTENTION SHALL COUNT AS AN "AYE" VOTE UNLESS THE COUNCILMEMBER HAS DECLARED A CONFLICT OF INTEREST.

(6) ALL MOTIONS REQUIRE A SECOND TO BE CONSIDERED BY COUNCIL. THE COUNCILMEMBER SECONDING A MOTION IS NOT REQUIRED TO VOTE OR SPEAK IN FAVOR OF THE MOTION. IF THERE IS NO SECOND, THE MOTION FAILS FOR LACK OF A SECOND.

(7) EXCEPT AS PROVIDED IN SUB-SUBSECTION (9) BELOW, A COUNCILMEMBER MAY CHANGE HIS OR HER OPINION OR VOTE AT ANY TIME UP AND UNTIL THE VOTE IS TAKEN AND THE FINAL RESULT IS ANNOUNCED.

(8) AT THE REQUEST OF ANY COUNCILMEMBER, A ROLL CALL VOTE SHALL BE TAKEN. COUNCILMEMBERS SHALL NOT EXPLAIN THEIR VOTE DURING THE ROLL CALL BUT SHALL RESPOND EITHER YEA OR NAY TO THE QUESTION.

(9) AFTER A DECISION ON A MOTION, ANY COUNCILMEMBER WHO VOTED WITH THE MAJORITY MAY MOVE TO RECONSIDER THE ITEM DURING THE SAME MEETING AT WHICH THE DECISION BEING RECONSIDERED WAS MADE. ONCE A MOTION TO RECONSIDER HAS BEEN APPROVED BY MAJORITY VOTE, THE ORIGINAL MOTION MAY AGAIN BE DISCUSSED. AFTER DISCUSSION, A REVOTE ON THE ORIGINAL MOTION IS TAKEN. NO MORE THAN ONE RECONSIDERATION OF AN ITEM SHALL BE PERMITTED WITHOUT UNANIMOUS CONSENT OF THE COUNCIL.

(10) DURING A MEETING, THE MAYOR OR A COUNCILMEMBER MAY PROPOSE A SHORT INTERMISSION OR RECESS BY MOVING TO RECESS FOR A SPECIFIED LENGTH OF TIME. A MOTION TO RECESS MAY BE MADE WHILE BUSINESS IS PENDING; SHALL NOT INTERRUPT A SPEAKER; MUST BE SECONDED; IS NOT DEBATABLE; CAN ONLY BE AMENDED TO CHANGE THE LENGTH OF THE RECESS; CANNOT BE RECONSIDERED; AND REQUIRES A MAJORITY VOTE FOR APPROVAL. THE LENGTH OF TIME FOR THE RECESS SHALL NOT DETRACT FROM FINISHING THE MEETING AGENDA WITHIN THE LIMITS SET FORTH IN § 30.107.

(11) AN ACT OR MOTION TO SUSPEND THE COUNCIL RULES REQUIRES A MAJORITY VOTE OF THE COUNCIL FOR APPROVAL AND SHALL NOT BE MADE WHILE ANOTHER MOTION IS PENDING UNLESS IT DIRECTLY APPLIES TO THE PENDING MOTION.

(E) UNDERSTANDING COUNCIL'S INTENT TO RECIEVE PUBLIC COMMENTS PRIOR TO VOTING ON ANY MATTER ON WHICH COUNCIL WILL MAKE A DECISION, THE PRESIDING OFFICER SHALL ALLOW PUBLIC COMMENTS ON ALL SUCH MATTERS SUBJECT TO THE FOLLOWING:

(1) PRIOR TO RECEIVING PUBLIC COMMENTS ON AN ITEM, THE PRESIDING OFFICER SHALL POLL COUNCIL TO ENSURE COUNCIL'S QUESTIONS AND CONCERNS HAVE BEEN ADDRESSED.

(2) NO INDIVIDUAL MEMBER OF THE PUBLIC SHALL COMMENT MORE THAN ONCE ON ANY ITEM.

(3) COMMENTS SHALL BE LIMITED TO 3 MINUTES PER PERSON PER ITEM.

(4) WITHOUT CONSENT FROM A MAJORITY OF COUNCILMEMBERS, THE PUBLIC COMMENT PERIOD FOR EACH ITEM SHALL BE NO MORE THAN 15 MINUTES.

(5) NO PUBLIC COMMENTS ARE PERMITTED ON EXECUTIVE SESSION ITEMS.

(6) NO PUBLIC COMMENTS ARE PERMITTED DURING COUNCIL STUDY OR WORK SESSIONS UNLESS THE ITEM IS AGENDIZED FOR FORMAL ACTION BY COUNCIL OR UNLESS A COUNCILMEMBER REQUESTS AN EXCEPTION BE MADE AND SAID EXCEPTION IS APPROVED BY A MAJORITY OF THE COUNCIL.

~~(D)~~(F) *Changes to the rules of order.* Additional exceptions to *Robert's Rules* may be incorporated into the Town Council's Rules and Procedures at any time by formally amending this chapter, PROVIDED THEY ARE CONSISTENT WITH THE LAWS OF THE STATE OF ARIZONA. ~~However, such amendments must also be consistent with the laws of the state of Arizona.~~ Amendments to any motion may be made according to the basic *Robert's Rules of Order*. ~~Furthermore, the Town Council, by resolution, may introduce and adopt a new set of rules of order to replace this section of this chapter.~~

~~(E) *Form of resolutions and ordinances.* All resolutions, to the extent practical, should be in writing, with a copy provided to each member of the Council and the Town Clerk. However, a written statement of the resolution or ordinance must be before each member of the Council when the vote is taken. In urgent situations, these documents may be handwritten, and then typed by the next business day. Furthermore, if amendments are made on the floor to the original documents, these changes must be written in by the Town Clerk in his or her copy of the document, and time should be allotted for each member of the Council to note the changes in their copies. If the resolution or ordinance is passed by the Council, the Town Clerk shall record the yeas and nays. In the case of extensive or complicated amendments, the Council may vote to provide the Town Clerk time to retype the resolution or ordinance and have it ready for Council signature by close of business the following day.~~

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title I General Provisions, Chapter 10 Rules of Construction; General Penalty, Section 10.15 Effective Date of Ordinances is hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout):

~~§ 10.15 Effective Date of Ordinances AND RESOLUTIONS; FORM; EFFECTIVE DATE.~~

(A) *FORM OF ORDINANCES AND RESOLUTIONS.* ALL ORDINANCES AND RESOLUTIONS SHALL BE IN WRITING, WITH A COPY PROVIDED TO EACH

MEMBER OF THE COUNCIL AND THE TOWN CLERK. IF A PROPOSED ORDINANCE OR RESOLUTION IS AMENDED BY COUNCIL DURING THE MEETING AT WHICH IT IS APPROVED, THE TOWN CLERK SHALL RECORD THE AMENDMENTS AND READ THE AMENDED PROVISIONS BACK TO COUNCIL PRIOR TO THE FINAL VOTE.

(B) *RECORD OF VOTE.* FOR ANY RESOLUTION OR ORDINANCE APPROVED BY COUNCIL, THE TOWN CLERK SHALL RECORD THE YEAS, NAYS AND ABSTENTIONS. IF THE COUNCIL APPROVES EXTENSIVE OR COMPLICATED AMENDMENTS TO A PROPOSED ORDINANCE OR RESOLUTION, THE TOWN CLERK SHALL PREPARE A REVISED VERSION AS APPROVED BY COUNCIL, AND OBTAIN THE MAYOR'S SIGNATURE AS SOON AS PRACTICABLE.

(A)(C) *EFFECTIVE DATE.* NO ORDINANCE, RESOLUTION OR FRANCHISE SHALL BECOME OPERATIVE UNTIL THIRTY DAYS AFTER ITS PASSAGE BY THE COUNCIL AND SIGNATURE BY THE MAYOR, EXCEPT EMERGENCY MEASURES NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PEACE, HEALTH, OR SAFETY OF THE TOWN.

(B)(D) *VOTES REQUIRED FOR APPROVAL.* ALL ORDINANCES AND RESOLUTIONS, EXCEPT EMERGENCY ORDINANCES AND RESOLUTIONS, SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL COUNCILMEMBERS PRESENT AT ANY REGULAR OR SPECIAL COUNCIL MEETING IN ORDER TO BECOME EFFECTIVE. EMERGENCY ORDINANCES AND RESOLUTIONS SHALL REQUIRE THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS OF THE COUNCIL. NO ORDINANCE SHALL BE PASSED UNLESS ALL COUNCILMEMBERS PRESENT AT THE MEETING ARE IN POSSESSION OF COPIES OF SUCH ORDINANCE.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances unless a different specific penalty is provided herein.

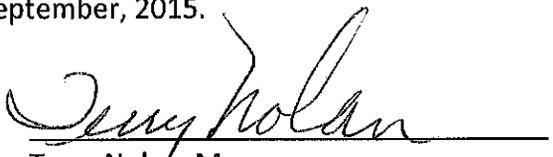
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15 day of September, 2015, by the following vote:

AYES: 4

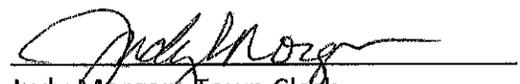
NAYES: 2 ABSENT: 1

EXCUSED: 0 ABSTAINED: 0

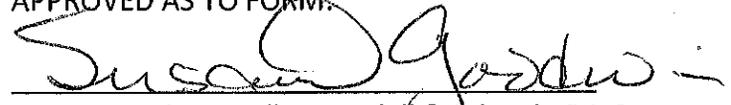
APPROVED this day of September, 2015.


Terry Nolan, Mayor

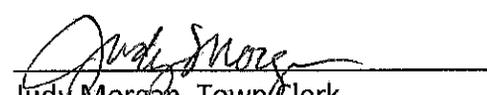
ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-116 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 15 DAY OF SEPTEMBER, 2015, WAS POSTED IN THREE PLACES ON THE 18th DAY OF September, 2015.


Judy Morgan, Town Clerk