

 TOWN OF DEWEY-HUMBOLDT	PG No TC20-04
Town Council and Town Employees	Effective Date: March 3, 2020
Subject: <i>Town Council Ordinance Preparation and Review Process</i>	

1. **Scope.** This policy applies to the Town Council and Town Employees.
2. **Purpose.** The purpose of this reference guide is to establish a procedure by which Councilmembers may initiate an ordinance amending the Town Code, including administrative provisions and the Zoning Ordinance.
 - 2.1. This policy:
 - 2.1.1. Formalizes a process by which Councilmembers may initiate changes to the Town Code, and guidelines that staff will follow.
 - 2.1.2. Formalizes a process by which staff-initiated ordinances will be prepared and reviewed by the Town Council.
 - 2.2. This policy is to be used in conjunction with Council Policy PG No. TC20-03, Town Council Agenda Process.
3. **Ordinances in General¹.**
 - 3.1. An ordinance is a local law of a city or town. It is formally defined as a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform and permanent rules of conduct relating to the corporate affairs of the municipality.
 - 3.2. General ordinances impose certain restrictions upon the community and upon the administration of the municipal government. General ordinances amend, repeal or add to the Town Code.
 - 3.3. Special ordinances are specific to a property, person or corporation and are not usually placed in the town code.
4. **Process for Council-initiated general ordinances.**
 - 4.1.1. A Councilmember will submit a CAARF to consider a broad issue or area of concern. The CAARF may identify a specific area of the Town Code or Zoning Ordinance that the Councilmember is interested in reviewing.
 - 4.1.1.1. The CAARF shall be submitted and placed on an upcoming agenda in accordance with Council Policy PG No. TC20-03.
 - 4.1.1.2. Specific code sections that a Councilmember wishes to review should be attached to the CAARF for inclusion in the Council packet materials.
 - 4.1.1.3. If a Councilmember has recommended changes to a code section, the CAARF should indicate such, and the Councilmember's recommended changes attached to the CAARF.
 - 4.1.2. Upon receipt of a CAARF, staff will spend no more than one hour performing an initial review of the request to prepare the item for Council's consideration. The initial review will include:

¹ Excerpted from *Guide to Preparing and Adopting Local Laws*, September 2019 edition, prepared by the League of Arizona Cities and Towns

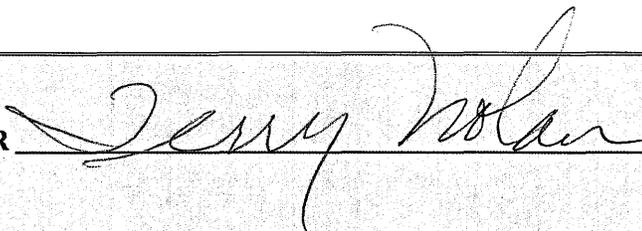
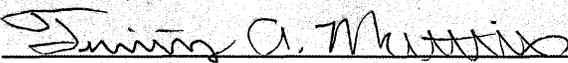
- 4.1.2.1. An preliminary analysis of which Town Code sections would need to be amended to address the issue or area of concern;
 - 4.1.2.2. A high-level analysis of the financial impact to the Town, to include whether the resources to carry out the purpose of the recommendation are currently available;
 - 4.1.2.3. Staff's recommendation to pursue or not pursue drafting an ordinance.
- 4.1.3. Staff will place the matter on an upcoming Regular or Special Meeting agenda for Council to vote on how to proceed.
- 4.1.3.1. Pursuant to the Town Code, Council may not vote on matters at Study Sessions. Staff may place the matter on a Study Session agenda, however, if the matter entails a detailed review or educational discussion prior to a vote at a future non-Study Session meeting.
- 4.1.4. In a Regular or Special Town Council meeting, Council will vote to:
- 4.1.4.1. Refer the matter to staff to review and prepare an ordinance;
 - 4.1.4.2. Refer the matter to staff for further research, as outlined by Council, and report back to Council;
 - 4.1.4.3. Refer the matter to a future meeting for an in-depth review or educational discussion;
 - 4.1.4.4. Take no action to draft an ordinance.
- 4.1.5. If moved forward by Council, staff will draft an ordinance, ensuring that all impacted sections of the Code are reviewed, and any necessary conforming changes are included in the ordinance.
- 4.1.6. If the ordinance amends the Zoning Ordinance, staff will jointly advertise and post for public hearings at both Planning and Zoning Advisory Commission ("P&Z") and Town Council meetings.
- 4.1.6.1. At the P&Z hearing, P&Z may consider any public input and staff's analysis of the matter in formulating its recommendation to Council.
 - 4.1.6.2. Following the P&Z hearing, staff will prepare a report for Council's consideration that includes P&Z's recommendation on the matter.
 - 4.1.6.3. Council will hold its public hearing, consider the recommendation from P&Z, and vote on the Ordinance. Council action may include:
 - 4.1.6.3.1. Approve the ordinance as presented or with modifications as stated in the motion for approval;
 - 4.1.6.3.2. Deny the ordinance;
 - 4.1.6.3.3. Direct staff to take other actions before another presentation of the ordinance;
 - 4.1.6.3.4. If continued for further action, Council should specify the date at which the ordinance will be considered again.
- 4.1.7. If the ordinance does not amend the Zoning Code, staff will proceed with scheduling the item for an upcoming Regular Council Meeting. At the Council meeting, Council may take the following action:

- 4.1.7.1. Approve the ordinance as presented or with modifications as stated in the motion for approval;
- 4.1.7.2. Deny the ordinance;
- 4.1.7.3. Direct staff to take further actions and bring back to Council in accordance with Council's direction;
- 4.1.7.4. If continued for further work, Council should specify the date at which the ordinance will be considered again.

4.1.8. After an ordinance is adopted by Council, except in the rare event of an emergency clause, there will be a thirty-day period before the ordinance is effective during which the ordinance will be advertised and posted in accordance with state law.

5. Process for Staff-initiated ordinances.

- 5.1. From time to time, due to changing state laws, trends, or best practices, or for any other reason, staff may initiate a proposal to draft an ordinance amending the Town Code or Zoning Ordinance.
- 5.2. The subject will be brought to Council via the following method:
 - 5.2.1. As the schedule permits, the subject will be brought to Council at a Study Session for a detailed report on why an ordinance is being recommended.
 - 5.2.2. If staff deems the matter to require action earlier than the next available Study Session, the item will be introduced at a Regular Meeting.
 - 5.2.3. When warranted, the subject will be brought to Council at an Executive Session for legal advice on the matter prior to taking any action.
- 5.3. When appropriate, staff will provide sample provisions from surrounding jurisdictions for Council to review, as background information.
- 5.4. If the ordinance amends the Zoning Ordinance, the process outlined in Section 4.1.6 shall be followed. If the ordinance does not amend the Zoning Ordinance, the process outlined in Section 4.1.7 shall be followed.

<p>TERRY NOLAN, MAYOR</p> <p>ATTEST:</p> <p>TIMOTHY A. MATTIX, TOWN CLERK</p>	 
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