

GENERAL PROVISIONS

§ 30.001 FORM OF GOVERNMENT.

(A) *Form.* The Town of Dewey-Humboldt municipal government operates under a council- manager form of government as established by this town ordinance.

(B) *Roles.* Under this form of government, the Council provides legislative directives, sets town policy per § 30.015(B) and monitors its execution by town staff. The Town Manager serves as the town's chief administrative officer and is responsible for directing the day-to-day administrative operations of the town.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 10-76, passed 11-30-2010)

TOWN COUNCIL

§ 30.015 TOWN COUNCIL GENERALLY.

(A) *Number and term.* The elected officials of the town shall be seven Councilmembers (including the Mayor) who shall constitute the Town Council. Councilmembers shall serve four-year, staggered terms as provided by state law. Each Councilmember shall continue in office until the assumption of duties of office by his or her duly elected and sworn successor. Councilmembers elected in 2011 or appointed to fill the term of a Councilmember elected in 2011 shall serve until the assumption of duties by Councilmembers elected in the Fall 2014 election. Councilmembers elected in the Spring 2013 election shall serve until the assumption of duties by Councilmembers elected in the Fall 2016 election.

(B) *Any form of action permissible.* The corporate powers of the town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order, or motion.

(C) *No artificial limit.* The Town Council has the power, in the name of the town, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, the town ordinance or state or federal laws.

(D) *Majority rule.* The Council acts as a body. Policy is established by majority vote, except that a supermajority (three quarters) vote is required for approval before the town is allowed to enter into a financial loan repayment agreement with the Water Infrastructure Finance Authority (WIFA), or any other source; to construct, acquire, or improve a wastewater treatment facility, a drinking water facility, or a non-point source project. In all other matters, a decision of the majority binds the Council to a course of action. The Council majority may be a majority of the quorum of the Council.

(E) *No special powers.* No Councilmember has extraordinary powers beyond those of other members (except as may otherwise be provided in state law). All members, including the Mayor, have equal powers.

(F) *One office.* No member of the Council is permitted to hold any other town office or town employment (except as may otherwise be provided in the town ordinance).

(G) *Assumption of office.* Immediately prior to assumption of the duties of office, each Councilmember shall sign the Council Code of Ethics and take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or by the Town Clerk. Councilmembers of the town shall assume the duties of office at the first regular meeting of the Council in December next following the date of the primary or general election at which the Councilmembers were elected. Assumption of an elected office will result in the automatic resignation of all other town offices, elected or appointed.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 13-97, passed 6-4-2013; Am. Ord. 14-106, passed 6-3-2014)

Editor's note:

Division (D) of § 30.015 amended by Prop. 457, passed by electorate on 11-8-2022.

§ 30.016 VACANCIES ON TOWN COUNCIL.

(A) The Council shall fill any vacancy that may occur for whatever reason by appointment until the next regularly scheduled Council election, if the vacancy occurs more than 30 days before the nomination petition deadline.

(B) If the vacancy occurs 30 days or less before the nomination petition deadline, the vacancy shall be filled by appointment for the unexpired term.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 09-56, passed 9-8-2009; Am. Ord. 10-79, passed 12-7-2010; Am. Ord. 12-90, passed 2-7-2012)

§ 30.017 COMPENSATION, BOND AND FINANCIAL DISCLOSURE STATEMENT.

(A) *Council compensation.* Councilmembers will not receive any salary, benefits or other form of monetary compensation for their services. A sitting Council may, by ordinance, modify compensation; provided, however, such modification shall not be effective for any Councilmember during his term in which the ordinance modifying compensation was adopted. For Councilmembers not in office at the time the ordinance was adopted, the modified compensation shall become effective upon the start of such Councilmember's term in December following the Council election.

(B) *Bond.* Prior to taking office, the town will provide for each Councilmember an official bond enforceable against the principal and his or her sureties. The bond shall be payable to the state, and to and for the use and benefit of the town or any person who may be injured or aggrieved by acts of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in a sum as shall be determined by the Town Manager and the premium for the bonds shall be paid by the town.

(C) *Financial disclosure statement.* Each member of the Council shall file a financial disclosure statement by January 31st of each year on a form setting forth such information as may be required by state law.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 14-105, passed 5-6-2014)

§ 30.018 COUNCIL ACTIONS.

(A) Legislative actions by the Town Council may be taken by means of ordinance, resolution, or motion duly made and passed by a majority of the Councilmembers present (unless otherwise required in this code or by state or federal law). All amendments to the town code shall be accomplished by approval by the Town Council of an ordinance, setting forth the amendment in full or adopting the amendment by reference, as authorized by Arizona law.

(B) In accordance with state law, public actions of the Council are recorded in the minutes of the Town Council meeting. The Town Clerk is required to make a record of business actually passed upon by a vote of the Council and should not record any remarks of Councilmembers or of any other person, except at the special request of a Councilmember, with the consent of the Council.

(C) Actions of the Council concerning confidential property, personnel, and legal matters of the town are to be reported consistent with state law.

(D) Agenda items submitted by a Councilmember shall be introduced by the submitting Councilmember without restrictions, interference or comment from other Councilmembers, the Mayor or the public. Discussion on the item shall not be commenced until the submitting Councilmember yields the floor.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 12-91, passed 6-12-2012; Am. Ord. 13-99, passed 9-17-2013)

§ 30.019 COUNCIL MEMBER COMMITTEES.

(A) The Town Council may organize itself into standing or ad hoc committees of the Council (each a **COUNCIL MEMBER COMMITTEE**) to facilitate Council review and action regarding certain matters referred to them by the Town Council.

(B) All work undertaken by a Council Member Committee must originate with the Council and all actions of a Council Member Committee shall be reported to the Council.

(C) Standing, special, or ad hoc Council Member Committees may be created or dissolved by a majority vote of the Council.

(D) Other members of the Council not assigned to a Council Member Committee may attend meetings of a Council Member Committee, as an observer; however, they shall be seated with the audience and may not participate in any manner or address the Council Member Committee.

(E) If an absence is anticipated on a Council Member Committee and that absence may impede the work of the Council Member Committee, the Council Member Committee chair or other member may request that the Council designate another member of the Council to attend for the absent member and serve as an alternate member of the Council Member Committee. The term for service by the alternate member will be the term designated in the appointment, or for one meeting, if no term is specified.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 16-126, passed 4-5-2016)