

**OFFICE OF THE CITY ATTORNEY  
PEORIA CITY CODE (1992)  
CITY OF PEORIA, ARIZONA  
Code Supplement Instruction Sheet  
THESE REPLACEMENT PAGES ARE PROVIDED TO YOU  
FOR YOUR COPY OF THE PEORIA CITY CODE (1992)**

**CITY CHARTER AMENDMENTS**

**Include:  
Resolution 2012-42 Dated April 3, 2012  
Includes Changes to the City Charter as Approved by Voters on August 28, 2012 and  
by the Governor on November 13, 2012**

*Remove Pages*

*Peoria City Charter*

*Insert New Pages*

**CITY CHARTER**

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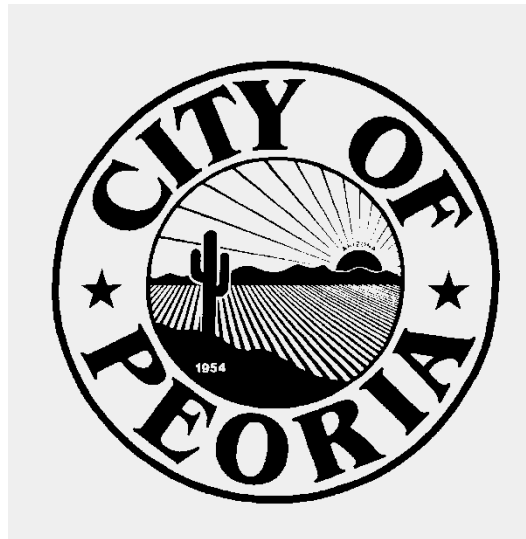
**CITY CHARTER COMPARATIVE TABLE**

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*Pages that are being replaced by this supplement should be carefully removed and discarded and the new pages provided should be placed immediately into your code book. It is recommended that this instruction sheet be saved and filed at the back of your copy of the code book. Care should be taken to ensure that your copy remains accurate. If you should have any questions regarding the proper procedures for removing/inserting these pages, please call our office to request assistance.*

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# CHARTER OF THE CITY OF PEORIA, ARIZONA\*



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**\*Editor's note--**The city charter is published as enacted except that the word "section" has been abbreviated as "sec." in catchlines, numbers have been repeated parenthetically in figures, capitalization has been made consistent with the new Code, enumerations have been blocked in a manner consistent with the Code and obvious misspellings have been corrected. The charter was approved by the voters on March 15, 1983. On May 23, 1983, and June 22, 1983, Governor Bruce Babbitt approved the charter subject to the amendments proposed by Res. No. 83-18. Res. No. 83-37 proposed amendments to the charter, including the amendments proposed by Res. No. 83-18. The amendments proposed by Res. No. 83-37 were approved by the voters on November 8, 1983 and by Governor Bruce Babbitt on December 5, 1983. As the charter may (and has) been amended by initiative petitions, for which no resolutions are necessary, history notes following amended sections recite the dates amendments to sections were approved by the voters and by the Governor.

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Office of the City Attorney  
First edition published 1992  
Second edition published 1998

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**ARTICLE I. INCORPORATION,  
FORM OF GOVERNMENT, POWERS AND BOUNDARIES**

- Sec. 1. Incorporation.
- Sec. 2. Form of government.
- Sec. 3. Powers of the city.
- Sec. 4. Boundaries.

Sec. 1.           Incorporation.

The inhabitants of the City of Peoria, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Peoria, Arizona."

Sec. 2.           Form of government.

The municipal government provided by this charter shall be known as council-manager government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, applicable laws of the state and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council", which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the city, as prescribed by the constitution and applicable laws, and ordinances hereafter adopted by the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if they be not prescribed, then in such manner as may be prescribed by ordinance.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

Sec. 3.           Powers of the city.

The city shall have all the powers, functions, rights, privileges and immunities possible under the Constitution and general laws of Arizona as fully as though they were specifically enumerated in this charter, and all of the powers, functions, rights, privileges and immunities granted or to be granted, either expressly or by implication, to charter cities and to cities and towns incorporated under the provisions of title 9, Arizona Revised Statutes [A.R.S. § 9-101 et seq.], not in conflict herewith, and in addition, the city:

- (1) May acquire property within or without its corporate limits for any city purposes in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation. The city may lease, sell, convey and otherwise dispose of any real

or personal property owned by the city in the manner, for such consideration, and upon such conditions as may be determined by the council.

- (2) May designate and establish as floodways or floodplains, areas of land within the boundaries of the city reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together with surface and floodwaters so as to prevent the loss of or injury to lives and damage to property and prevent and prohibit encroachments and obstructions within the floodway and floodplain areas so designated and established by the city, together with criminal and civil penalties for the violations thereof.
- (3) May adopt, and may from time to time modify, a comprehensive plan of the future physical development of the city to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements, and the council may by ordinance implement said comprehensive plan by adopting land use and development regulations including, but not limited to, an official map and zoning and subdivision regulations.
- (4) May levy and collect assessments and file liens on real property to collect amounts owed to the city for garbage and trash collection, sewer and water charges, and reasonable amounts expended by the city in the abatement of any nuisance, demolition and removal of any legally condemned building or structure and the cleaning and renovating of vacant lots which are offensive to the sight or smell or hazardous to the public health.
- (5) May prescribe the number of times a notice is to be published, the place of publications and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.
- (6) May control and regulate the use and enjoyment of its streets and alleys, public grounds, or ways.
- (7) May compel the owner or occupant of buildings or grounds to remove dirt, rubbish or weeds therefrom and from the sidewalks adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds, and to provide for the imposition of a penalty as in cases of misdemeanor for the failure of such owner or occupant to effect such removal.
- (8) May require all persons, firms, or corporations responsible for new physical development within the city to provide for or furnish, or pay a fee for furnishing: (a) public utility easements; (b) water production, storage and transmission; (c) sewage collection, treatment and disposal; (d) park land and development; (e) school sites;

(f) dedication and improvement of public rights-of-way; (g) bike paths and other necessary transportation; (h) detention, retention, drainage, stormwater management facilities and water resources acquisition costs, storage and transmission; (i) flood control; and (j) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

- (9) May, when authorized by law, fix and determine by ordinance the rates of compensation to be collected by any firm or corporation for cable television services supplied to the city, or to the inhabitants thereof, and to prescribe the quality of the service.
- (10) May compel the owner or occupant of buildings or grounds to keep the sidewalks adjacent thereto in good repair, and in his default to authorize the repair thereof by some officer of the city at the expense of such owner or occupant, and the city may make such expense a lien upon such buildings or grounds and to provide for the imposition of a penalty as in cases of misdemeanors for the failure of such owner to effect such repairs.
- (11) May require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building.
- (12) May adopt specific plans for the use of areas within the city, and for the purpose of refining such comprehensive plans.
- (13) May require removal of all signs not conforming to the zoning ordinance. Signs not in conformance upon the effective date of this charter shall have the privilege of amortization as determined by ordinance.
- (14) May provide remedies to prevent, abate, and control pollution, including pollution of the air, water, and noise pollution, and exercise its rights and privileges under equity or under common law or statutory law to suppress nuisances or to abate pollution in any form.
- (15) May exercise any of its powers or perform any of its functions, and may participate in the financing thereof jointly or in cooperation, by contract or otherwise, with any one or more states, political subdivisions, school districts, Indian tribal councils, or any board, commission or agency, a combination of them, or with the United States or any department or agency thereof.
- (16) In this charter mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city



shall have all powers necessary or convenient for the conduct of its municipal affairs, and for the health, safety, and general welfare of its inhabitants, including all powers that cities may assume pursuant to state law and the state constitution.

(Approved by voters on 3-19-93; Approval by Governor on 6-28-93)

Sec. 4. Boundaries.

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

## **ARTICLE II. THE COUNCIL**

- Sec. 1. Powers of the council.
- Sec. 2. Number; selection.
- Sec. 3. Elections.
- Sec. 4. Terms of mayor.
- Sec. 5. Terms of Councilmembers.
- Sec. 6. Qualifications.
- Sec. 7. Duties of mayor.
- Sec. 8. Vice-mayor.
- Sec. 9. Salaries, generally; citizens commission on salaries for elected city officials.
- Sec. 10. Council to be judge of qualifications of its members.
- Sec. 11. Induction of mayor and council into office.
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- Sec. 18. Failure to vote.
- Sec. 19. Consideration of petitions.
- Sec. 20. Interference in administrative service.
- Sec. 21. Conduct of council as to powers authorized by charter when no procedure established by state law.

Sec. 1. Powers of the council.

All powers of the city, not in conflict with the constitution and applicable laws of the State of Arizona and subject to the limitations of this charter, shall be vested in the council, which shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

Sec. 2. Number; selection.

The council shall consist of a mayor and six (6) councilmen elected from the city as follows:

A. The Mayor shall be elected from the City at large.

B. The six (6) other Councilmembers shall be elected from each of six geographic districts within the City of Peoria. The Districts shall be established by the City Council and shall contain a substantially equal number of total population.

C. District Boundaries shall be modified to substantially equalize the population of each for the next Regular Election following the completion of the United States Decennial Census. Should Peoria participate in a Mid-decennial census conducted by the United States, the Council shall also modify District boundaries to substantially equalize the population of each for the next regular election following such Special Census.

D. Each candidate for one of the six (6) Council positions shall be resident from the District from which election is sought, and shall continue such residence therein for the term for which candidate is elected.

E. Electors in each District shall sign nomination petition and vote only for Council candidates from the Council District in which the electors reside

F. Councilmembers whose term of office commence in June, 1989 shall serve a two-year term. Six (6) Councilmembers shall be elected at the Primary or General Election held two (2) years thereafter, and three (3) chosen by lot at the first Council meeting of the new Council shall serve four year terms, and the remainder shall serve two year terms. the redrawing of District boundaries shall not remove the residence of an incumbent Councilmember from the District he/she represents during the term for which elected.

G. The signatures of not less than seventy five (75) nor more than one hundred fifty (150) registered voters from the respective district shall be necessary on nomination petitions for candidates for the first Council election in which the Council members are elected from District.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)  
(Approved by voters on 3-21-89; approved by Governor on 4-19-94)

Sec. 3. Elections.

Conduct of all city elections shall be under the control of the council and the council shall by ordinance provide for the holding of all municipal elections.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)  
(Approved by voters on 3-19-93; approved by Governor on 6-28-93)

Sec. 4. Terms of mayor.

A. Commencing with the first primary and general elections held pursuant hereto in 1999, the mayor shall be elected for a term of four (4) years and serve until his successor is elected and qualified. No person shall be eligible to succeed himself in the office of mayor for more than two (2) consecutive terms, but there shall be no limit on the number of nonconsecutive terms.

B. The term of the Mayor from 1997 - 1999 shall not be counted as a term for purposes of the term limit set forth in subsection A. In the event a person serves as Mayor for more than two years of a term that some other person is elected for, such portion of the term shall count as one term for purposes of the term limit set forth in subsection A.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)  
(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

Sec. 5. Terms of Councilmembers.

A. Councilmembers serving on the date this charter takes effect shall continue to serve their unexpired terms and until their successors are elected under the terms of section 3 of this article. Two (2) Councilmembers shall be elected in the regular council elections to be held in 1985 and four (4) Councilmembers shall be elected at the regular council elections to be held in 1987 and the council candidate finishing in fourth place in the 1987 regular council election shall serve a two year term, and until his successor is elected and qualified. Three (3) Councilmembers shall be elected in the regular council elections to be held in 2012 and three (3) Councilmembers shall be elected in the regular council elections to be held in 2014. All other councilmembers elected pursuant to this charter shall serve for a term of four (4) years, and until their successors are elected and qualified.

B. Commencing with those Councilmembers elected in the regular council elections to be held in 2014, a person may serve three (3) consecutive terms as a member of the City Council. In the event a person is selected to fill a vacant term by appointment pursuant to this Charter, such vacant

term shall not be included. In the event a person is selected to fill a vacant term by election pursuant to this Charter, such vacant term shall be included as a term. Term of Councilmembers served prior to those elected in 2014 shall not be counted for purposes of calculating the number of terms.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

((Approved by voters on 8-28-12; approved by Governor on 11-13-12) Res. 2012-42, 4/3/2012, Amended SUPP 2012-03)

#### Sec. 6. Qualifications.

The mayor and councilmembers shall be qualified electors of the city and shall hold no other elected public office, nor any incompatible appointed public office, and shall have resided in the city for not less than one (1) year preceding the date of such election or appointment. If the mayor or a councilmember shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. City employees are not eligible to stand for election or serve as mayor or as members of the city council. No person shall be eligible for the office of mayor who shall not have attained the age of twenty-five (25) years and no person shall be eligible for the council who shall not have attained the age of twenty-one (21) years.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

#### Sec. 7. Duties of Mayor.

The mayor shall be the chairman of the council and shall preside over its deliberations. He shall have a voice and vote in all its proceedings, except he shall not make or second motions unless he temporarily relinquishes the presiding chair until the vote on the motion has been taken, or until disposition on the motion has been otherwise completed. The mayor shall have no veto power. He shall be recognized as head of the city government for all purposes. The mayor shall have no regular administrative duties, but he shall, on behalf of the council, confer and advise with the city manager to insure that council programs and policies are being carried out in full. In addition thereto, the mayor shall govern the city by proclamation during times of riot, civil insurrection, major disaster and times of great public danger.

#### Sec. 8. Vice-mayor.

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 the duties of the mayor during his absence or disability.

#### Sec. 9. Salaries, generally; citizens commission on salaries for elected city officials.

A. Effective January 4, 2005, the monthly compensation of the Mayor shall be Two Thousand, Two Hundred Eighty-Eight Dollars (\$2,288.00), payable in the same manner as other employees. Effective January 4, 2005, the monthly compensation of the Councilmembers shall be One Thousand Five Hundred Twenty-Five Dollars (\$1,525.00), payable in the same manner as other employees.

B. There is established a Citizens Commission on Salaries for Elected City Officials. The Commission shall be comprised of a Chairman plus four (4) members who shall be appointed from private citizens. The terms shall be staggered in the manner provided by Council. The members of the Commission shall serve without compensation but shall be reimbursed for actual expenses.

C. The Commission shall conduct a review of the compensation provided to elected city officials. Such review shall be made for the purpose of recommending adjustments to pay levels to the duties and responsibilities of the positions.

D. The Commission shall submit to the City Clerk, no later than 150 days prior to the date of the primary election in 2004 and not less than 150 days prior to date of the primary election every second year thereafter a copy of their review and their recommendations. The recommendations of the Commission shall be accepted or rejected by the City Council.

E. In the event that the Commission recommends a change, including a reduction in the salaries for elected officials of an amount less than five and one tenth percent (5.1%) greater than the existing salary for elected officials, it shall file such recommendations with the City Clerk and no question shall be submitted to the qualified electors. Such change shall become effective for the Mayor and all councilmembers upon the taking office of councilmembers following an election after the recommendation.

F. The recommendations of the Commission as to salaries shall be filed by the City Clerk and except as provided in subparagraph E, the Council shall submit to the qualified electors at the next regular election the question: "Shall the recommendations of the Citizens Commission on Salaries for Elected City Officials of \$\*\*\*\*\* per month for the Mayor, and \$\*\*\*\*\* per month for each councilmember be accepted? Yes\_\_\_\_, No\_\_\_\_. Such Recommendations if accepted by the qualified electors shall become effective for the Mayor and all councilmembers upon the taking office of councilmembers following an election after approval of the question.

(Approved by voters on 3-21-89; approved by Governor on 4-19-94)

(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

(Approved by voters on 3-13-01, approved by Governor on 6-14-01)

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 10. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 11. Induction of mayor and council into office.

A. The council shall on the first scheduled meeting in the first month of the new year following the year in which a regularly scheduled election for the mayor and/or council was held, induct the newly elected mayor and council members and to elect a vice mayor and to organize the council as may be provided by ordinance.

B. In the case of a council member elected at a special election, the council member shall file the oath of taking office with the city clerk not less than 24 hours prior to the meeting where the adoption of the canvass shall occur and may be inducted immediately thereafter.

C. This change shall become effective for regular elections for mayor and council members from and after December 31, 2003.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

(Approved by voters on 3-19-93; approved by Governor on 6-28-93)

(Approved by voters on 3-18-03; approved by Governor on 9-16-03)

Sec. 12. Absence to terminate membership.

If any councilmember shall be absent from more than three (3) consecutive regular meetings, or a total of four (4) regular meetings in any calendar year, without the consent of the council duly recorded in the journal, he shall thereupon cease to hold office.

Sec. 13. Vacancies in the office of mayor and council.

A. In case of a vacancy in the office of the mayor, the vice-mayor, should they be otherwise qualified, shall become mayor and continue in office until the expiration of the unexpired term. Should the vice-mayor not be qualified because of age to assume the office of mayor, the council shall choose a mayor who is qualified from among its membership. Should no member of the council be qualified by age, a mayor shall be chosen to fill the unexpired term by special election. Upon taking the oath of office for the position of mayor, the seat of the council position held by the vice-mayor or council member shall be deemed to be vacant.

B. If a vacancy occurs seven hundred and forty (740) days or more prior to the next regular election for the vacant position, there shall be a special election held to fill the unexpired portion of the term. For purposes of this Section, the next regular election is deemed to be the primary election. The special election shall be held subject to the following provisions:

- (1) There shall be a period of ten (10) days from the date the vacancy occurs during which any person desiring to run for the vacant office must declare as a candidate for the office by filing a written statement declaring their intention to be a candidate with the city clerk.
- (2) Upon expiration of the ten day period in subsection B.(1), the city clerk shall schedule a special election on the first available election date permitted by state law and this charter.
- (3) The procedures for nomination and election shall be the same as for regular council elections to the extent possible.
- (4) The council shall not less than twelve (12) days nor more than fifteen (15) days from the date any vacancy occurs appoint in the manner provided in paragraph C of this section, a person to fill the vacant office for a term ending the first business day after the canvass of votes is completed following the election of a candidate to fill the unexpired term of office.

C. In the case of a vacancy on the council which occurs less than seven hundred and forty (740) days prior to the next regular election for a council member from the district in which the vacancy occurred, the vacancy shall be filled as follows:

- (1) A vacancy shall be filled by a qualified elector residing in the district in which the vacancy exists.
- (2) The first candidate receiving an affirmative majority of the votes of the mayor and council members present shall be selected to fill the vacancy. If more than two candidates are nominated and no candidate receives a majority of the votes of mayor and council members present, then a second ballot shall be held and the two candidates having received the most votes deemed nominated and voted on by the mayor and council members present.
- (3) The appointment shall be until their successor at the next regular election shall be elected and qualified.

D. If a vacancy in the office of council occurs after the canvass of a primary election or general election in which a candidate has been elected for the seat that has become vacant, the person elected for such vacant seat shall be deemed to be appointed for the remainder of the term of

the seat that has become vacant upon taking the oath of office. If no person has been elected at the primary election, the council may elect to leave the seat vacant until the canvass of the general election and then the seat shall be filled in accordance with this paragraph.

E. A vacancy in the office of mayor or the council shall exist, except under the recall provisions of this charter, when the respective elected official fails to qualify within thirty (30) days after commencement of his term, dies, resigns, removes from the city, absents himself from the duties of his office without the consent of the council as provided in the charter, is convicted of intentionally violating any of the provisions of this charter, or of a felony, or is judicially declared an incapacitated person as defined by statute.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

(Approved by voters on 3-19-93; approved by Governor on 6-28-93)

(Approved by voters on 9-07-04; approved by Governor on 7-28-05)

Sec. 14. Meetings of council, boards, commissions and committees.

A. The council shall meet regularly at such times and at such places as may be prescribed by ordinance, but not less frequently than once each month. At the first meeting of the Council each year, the Council by Resolution shall adopt a proposed schedule of Regular Meetings for the year. The Resolution shall be posted in the same places as public notices of the City. The Council may modify the Resolution as it deems necessary and appropriate. Notices and agendas of such meetings, including a short summary of items on the agenda, shall be posted pursuant to statute in such public places as the council may set by ordinance, and the places of such posting shall be kept on file with the city clerk.

B. All meetings of the city's council, boards, commissions and committees shall be open to the public, provided that executive sessions may be held as provided by statute.

C. Minutes of executive sessions shall be kept confidential except from members of the body which met in executive session and from a city officer, appointee or employee who is the subject of discussion or consideration during an executive session of the public body held for the purpose of discussion or consideration of his employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation.

D. No executive session may be held for the purpose of taking any final action or making any final decision.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

(Approved by voters on 09-02-08; approved by Governor on 10-30-08)



Sec. 15. Special meetings.

A. The mayor may, or at the request of three (3) members of the council, shall, by giving notice thereof to all members of the council, or leaving notice at their usual place of abode, call a special meeting of the council for a time not earlier than twenty-four (24) hours after notice is given and posted pursuant to law. Special meetings of the council may also be held at any time by the common consent of four (4) members of the council, provided notice is given and posted as in special meetings called by the mayor.

B. In case of an emergency, a meeting may be held upon such notice as is appropriate to the circumstances. At such meeting, business concerning only such emergency shall be discussed or acted upon.

Sec. 16. Rules of procedure; journal.

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Sec. 17. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time until a quorum can be compelled. The vote on any question shall be by ayes and nays and shall be entered in the journal. At the request of any member of the council, a roll call vote shall be taken. The vote may be taken by mechanical device.

Sec. 18. Failure to vote.

The mayor and councilmembers shall not be excused from voting except upon matters involving the consideration of his own official conduct or in such matters as he may have a conflict of interest as set forth by statute. In all other cases, a vote of aye or nay must be cast. Should the mayor or councilmember fail to vote, his vote shall be counted with the majority vote on the issue, and in case of a tie vote, his vote shall be counted as a nay vote.

Sec. 19. Consideration of petitions.

Any person may appear before the council at any regular meeting and present a written petition. Such petitions shall be considered by the council in the regular course of business within thirty (30) days. Referral to the city manager for staff consideration shall also constitute council consideration hereunder.

Sec. 20. Interference in administrative service.

A. Except as otherwise provided in this charter, neither the mayor nor any councilmember shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal therefrom. Except for purposes of inquiry, the mayor and councilmembers shall deal with the administrative service under the city manager solely through the city manager, and neither the mayor nor councilmember shall give orders to any subordinate of the city manager, either publicly or privately.

B. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interest of the city.

Sec. 21. Conduct of council as to powers authorized by charter when no procedure established by state law

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council shall by ordinance prescribe the procedure.

### **ARTICLE III. THE CITY MANAGER**

- Sec. 1. Appointment of city manager.
- Sec. 2. The city manager; qualifications.
- Sec. 3. City manager; powers and duties.
- Sec. 4. Right of city manager to attend council meetings.
- Sec. 5. Acting city manager.
- Sec. 6. Removal of city manager.

Sec. 1. City Manager, appointment of and evaluation.

A. The council shall appoint a city manager who shall have the powers and perform the duties provided in this Charter. No councilmember shall receive such appointment during the term for which he shall have been elected nor for one year after the expiration of his term. The council shall have the option of entering into a written agreement with the city manager setting forth the terms and conditions of employment of the city manager by the council, provided that the written agreement shall be for an indefinite term and shall not restrict the power of the council to remove the city manager pursuant to Article III, Section 6 of this Charter.

B. The council shall evaluate the city manager not less than annually and on or before December 31 of each year. The Evaluation shall be done pursuant to a process adopted by ordinance of the council and available for public inspection. Notwithstanding any other provision of this charter or law, the ordinance and any amendments thereto adopting the process for evaluation of the city manager shall not be adopted as an emergency item.

(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 2. The city manager; qualifications.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth.

Sec. 3. City manager; powers and duties.

The city manager shall be the chief administrative officer and head of the administrative branch of the city government. He shall be responsible for the proper administration of all affairs of the city and to that end, subject to the provisions of this charter, he shall have power and shall be required to:

- (1) Devote his entire time to the discharge of his official duties, attend all meetings of the council unless excused therefrom by the council or mayor;
- (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- (3) Appoint, promote, remove and demote for cause, subject to rights of appeal, and in compliance with applicable personnel rules and regulations, all officers and employees of the city except the city attorney, and presiding municipal judge, and as to these named officers, he shall recommend appointment and removal; provided, however, that appointments of department directors shall be subject to approval of the city council;
- (4) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;
- (5) 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 the affairs of the city;

- (6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

(Approved by voters on 9-07-04; approved by Governor on 7-28-05)

Sec. 4. Right of city manager to attend council meetings.

The city manager shall have the right to attend all council meetings and take part in the discussions of all matters coming before the council.

Sec. 5. Acting city manager.

By letter filed with the city clerk, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of the manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

Sec. 6. Removal of city manager.

A. The removal of the city manager shall be by a majority vote of the whole council.

B. Notwithstanding the provisions of this section, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days commencing from the date of taking office of a member of the Council following any general municipal election.

(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

**ARTICLE IV. ADMINISTRATIVE DEPARTMENTS,  
OFFICES AND EMPLOYEES**

Sec. 1. Administrative departments and offices.

Sec. 2. City clerk.

Sec. 3. City attorney.

Sec. 4. Merit system to be established.

Sec. 1. Administrative departments and offices.

A. The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

B. The council may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one (1) person the powers and duties of two (2) or more offices created or authorized by this charter.

C. The council shall provide for the number, title, qualifications, powers, duties and compensations of all officers and employees of the city.

Sec. 2. City clerk.

A. The City Council shall provide by ordinance for the department of the City Clerk, and establish the powers and duties therefore.

B. The Mayor and Councilmembers may individually confer with the City Clerk.

(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

Sec. 3. City attorney.

A. The council shall appoint the city attorney, who shall be an attorney at law, duly licensed and in good standing to practice in the State of Arizona, who shall be the chief legal advisor of all officers, departments and agencies and of all officers and employees in matters relating to their official powers and duties. The city attorney shall work in cooperation with the city manager and shall represent the city in all legal proceedings. It shall be their duty to perform all services incidental to the position of city attorney as may be required by statute, by this charter or by ordinance.

B. The council shall adopt by ordinance a process for evaluation of the city attorney not less than annually and on or before December 31 of each year. The Evaluation shall be done pursuant to a process adopted by ordinance of the council and available for public inspection. Notwithstanding any other provision of this charter or law, the ordinance and any amendments thereto adopting the process for the evaluation of the city attorney shall not be adopted as an emergency item.

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 4. Merit system to be established.

The council shall, by ordinance, provide for the establishment of a merit system for the purpose of regulating and controlling the appointments of all officers and employees of the city except those elected by the people and also except the city manager, city attorney and municipal judge.

(Approved by voters on 5-19-87; approved by Governor on 9-22-87 and 10-1-87)

(Approved by voters on 3-11-97; approved by Governor on 5-28-97)

#### **ARTICLE V. APPOINTIVE BOARDS AND COMMISSIONS**

Sec. 1. Appointive boards and commissions.

The council may, by ordinance, create or abolish boards, commissions or committees as in its judgment are required, and may grant to them such power and duties as are consistent with the provisions of this charter.

#### **ARTICLE VI. FINANCE AND TAXATION**

Sec. 1. Finance director.

Sec. 2. Fiscal.

Sec. 3. Taxing powers.

Sec. 4. Claims against the city.

Sec. 5. Cash basis fund; transfer of sums from cash basis fund to other funds.

Sec. 6. Depositories transfer and investment of city funds.

Sec. 7. Independent audit and review.

Sec. 8. Expenditures.

Sec. 1. Finance director.

The city manager shall, with approval of the council, appoint an officer who shall have the title of finance director, who shall be responsible to the city manager, and who shall receive and have custody of all the money of the city, and shall keep and save said money, and dispense with the same only as provided by resolution or ordinance of the council, and who shall be bound by the constitution and laws of the state, charter of the city, and resolutions and ordinances, and upon whom legal garnishments may be served.

Sec. 2. Fiscal.

The powers of the city concerning budget, taxation, financial and fiscal powers shall be limited only by the provisions of the constitution and laws of the state and this charter.

Sec. 3. Taxing powers.

A. The council shall have the power to levy and collect ad valorem and excise taxes as provided by this section, including, but not limited to, a transaction privilege tax, a use tax, and a business license tax, and all other taxes not prohibited by federal or Arizona constitution or laws.

B. The Council shall not increase the rate of the transaction privilege tax imposed by the City, unless the increase in rate is approved by a majority of the qualified electors of the city voting in a regular or special election.

C. The Council may impose taxes for any or all of the following purposes:

- (1) To pay the interest and maintain the sinking fund of the bonded indebtedness of the city;
- (2) For the establishment and support of free public libraries and for the construction and maintenance of public buildings;
- (3) For advertising and promoting the advantages of the city;
- (4) To create a reserve fund for replacement of equipment, for the furnishing of city services and the maintenance of all municipally-owned and operated utilities;
- (5) For the general expenses incurred in the operation of city government;
- (6) For local public improvements; and
- (7) For any other lawful municipal purpose.

The enumeration herein of the types of taxes and the purposes for which such taxes may be levied and collected shall not be deemed to limit in any way the taxing powers of the city.

(Approved by voters on 3-19-93; Approved by Governor on 6-28-93)

Sec. 4. Claims against the city.

The city council shall prescribe the manner in which claims against the city shall be presented, audited and paid, including the time period in which such claims, including negligence claims, may be submitted to the city.

Sec. 5. Cash basis fund; transfer of sums from cash basis fund to other funds.

A. The council may create and maintain a permanent revolving fund to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose, the council may provide that from the money collected from the annual property tax levy, and from the money received from other sources, a sum equal to not less than two and one-half cents (\$0.025) on each one hundred dollars (\$100.00) of the assessed value of said property may be placed in such fund until the accumulated amount of such fund shall be sufficient to meet all legal demands against the treasury for the first four (4) months or other necessary period of the succeeding fiscal year.

B. The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all monies so transferred from the cash basis fund shall be returned thereto before the end of the fiscal year.

Sec. 6. Depositories transfer and investment of city funds.

Whenever there shall not be sufficient monies, in any of the interest funds for the bonded indebtedness of the city to pay the interest on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having monies therein to such interest funds the necessary amounts of money to pay the interest on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient monies shall accrue in said bonded indebtedness funds, from the regular tax levied therefor.

The council may cause city monies to be deposited or invested in any depository or other investment so long as such deposit or investment is not contrary to the laws of the state.

Sec. 7. Independent audit and review.

Prior to the end of each fiscal year, the council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the council and to the city manager. Such accountants shall have no personal interest, direct or indirect,



in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government.

Sec. 8. Expenditures.

Notwithstanding any other provision of the charter of the city of Peoria, the city shall not:

Expend public funds, incur debt, or grant concessions of taxes or fees, or transfer city property in aid thereof, in excess of \$500,000 for the construction, or to aid in the construction of any arena, stadium, convention facility, sports complex, or city office building, without approval of the majority of the voters voting at the next city general or special election.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

## **ARTICLE VII. ORDINANCES AND RESOLUTIONS**

Sec. 1. Council to act by motion, resolution or ordinance.

Sec. 2. Ayes and nays to be recorded.

Sec. 3. Majority vote required.

Sec. 4. Reserved.

Sec. 5. Actions to be taken by ordinance.

Sec. 6. Reading and passage of ordinances and resolutions; effective date.

Sec. 7. Emergency measures; effective date.

Sec. 8. Motions to reconsider.

Sec. 9. Signing of ordinances and resolutions.

Sec. 10. Publication of ordinances and resolutions.

Sec. 11. Method of amending, revising or re-enacting of ordinances.

Sec. 12. Repealing or suspending ordinances.

Sec. 13. Filing, recording and certifying of ordinances and resolutions and using ordinances and resolutions as evidence.

Sec. 14. Procedure for adoption by reference.

Sec. 15. Recording of certain ordinances.

Sec. 16. Codification of ordinances.

Sec. 1. Council to act by motion, resolution or ordinance.

The city council shall act by motion, resolution or ordinance.

Sec. 2. Ayes and nays to be recorded.

A roll call vote shall be taken, orally or mechanically, upon all final action on all ordinances, resolutions and motions, and such vote shall be entered upon the record of the proceedings of the city council.

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 3. Majority vote required.

A majority vote of the members present, provided a quorum is present, shall be sufficient to pass motions, resolutions and ordinances.

Sec. 4. Reserved

((Approved by voters on 8-24-10; approved by Governor on 9-30-10) Res. 2010-17, 3-2-10, Repealed and Reserved SUPP 2012-04)

Sec. 5. Actions to be taken by ordinance.

The following actions by the city council shall, unless specifically authorized or directed by state law, be taken only by ordinance:

- (1) Providing for the levying of any tax or assessment;
- (2) Providing for the establishment or changing of fire zones and limits;
- (3) Providing for the imposing of any penalty.

Sec. 6. Reading and passage of ordinances and resolutions; effective date.

All proposed ordinances, and resolutions having the effect of ordinances, shall be subject to the following requirements for passage at any meeting of the city council:

- (1) Copies of a proposed ordinance, or proposed resolution having the effect of an ordinance, shall be delivered to the mayor and council, or left at their usual place of

abode, not less than twenty-four (24) hours prior to the meeting at which action will be taken on the ordinance or resolution.

- (2) An ordinance or resolution having the effect of an ordinance shall be read and considered by number only. The measure may be passed and adopted at any time after such reading. On motion duly adopted, a reading of the title or a full reading of a proposed ordinance, or resolution having the effect of an ordinance, shall be ordered. The measure may be passed and adopted at any time after such reading.
- (3) Copies of titles of proposed ordinance, or resolution heretofore mentioned, shall be posted at the city hall and such other places as the city council may prescribe not less than twenty-four (24) hours before the meeting at which action is taken thereon. During such period, copies of the entire ordinance, or resolution heretofore mentioned, shall be available for inspection by the public during the city's regular business hours. If the titles are not posted, or copies made available, as herein set forth, the matter shall not be brought before the city council.
- (4) In the event that an amendment of substantive matter is proposed during the action taken by the council upon any ordinance or resolution as heretofore mentioned, such ordinance or resolution containing such proposed amendment shall not be adopted without following the provision set forth in subparagraph (3) of section 6 of article VII hereof. For the purpose of this subsection, the term "amendment of substantive matter" means an amendment which, either by addition, alteration, or deletion, alters the sense, meaning or effect of the proposed ordinance, but shall not be deemed to include the changing of capitalization for the purpose of uniformity, or the correction of manifest clerical typographical errors.

(Approved by voters on 3-11-97; Approved by Governor on 5-28-97)

Sec. 7. Emergency measures; effective date.

An emergency measure is one which is necessary for the immediate preservation of the peace, health or safety of the city and one which is passed by the affirmative vote of three-fourths of the members of the city council. An emergency measure shall take effect immediately upon its passage, provided it states in a separate section the reason it is necessary that it should become immediately operative. An emergency provision may be added to a proposed ordinance or resolution at the same meeting it is introduced upon the affirmative vote of three-fourths of the city council.

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 8. Motions to reconsider.

When an ordinance, put upon final passage, fails to pass, and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four (24) hours thereafter.

Sec. 9. Signing of ordinances and resolutions.

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk within five (5) days after adoption, but failure to so sign and attest shall not affect the validity of such ordinance or resolution.

Sec. 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 in the official newspaper of the city in the manner provided by ordinance before they become effective and

operative. Emergency measures shall be published twice in the official newspaper of the city after their passage in the manner provided by ordinance.

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 11. Method of amending, revising or re-enacting of ordinances.

Ordinances shall not be revised, re-enacted or amended by reference to title only, but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances.

Sec. 12. Repealing or suspending ordinances.

No ordinance or section thereof shall be repealed or suspended except by ordinance adopted in the manner provided in this charter.

Sec. 13. Filing, recording and certifying of ordinances and resolutions and using ordinances and resolutions as evidence.

All ordinances and resolutions shall be filed and safely kept by the city clerk and duly recorded and certified by the clerk in records kept for that purpose and record copies thereof

certified by the city clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this state, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of the passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

(Approved by voters on 5-21-05; approved by Governor on 7-05-05)

Sec. 14. Procedure for adoption by reference.

The city council may enact the provisions of a code or public record theretofore in existence by reference without setting forth the provisions in full, but the adopting ordinance shall be published in full and not less than three copies of the code or public record shall be in the office of the city clerk and kept available for public use and inspection during regular business hours. A code or public record enacted by reference may be amended in the same manner.

Sec. 15. Recording of certain ordinances.

Ordinances extending or changing the boundaries of the city, zoning territory, or establishing or vacating streets, alleys or subdivisions, in addition to publication, shall be recorded in the office of the Maricopa County Recorder, and the same shall constitute public notice to all parties of the legal import thereof.

Sec. 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. Amendments to the code shall be enacted in the same manner as ordinances.

((Approved by voters on 8-24-10; approved by Governor on 9-30-10) Res. 2010-18, 3-2-10, Amended SUPP 2012-04)

## **ARTICLE VIII. CONTRACTS**

Sec. 1. Preparation.

Sec. 2. Contracts for improvements, services and purchases.

Sec. 3. Transfer and sale of property.

Sec. 4. Contracts for official advertising.

Sec. 1. Preparation.

All contracts shall be drawn under the supervision of and approved as to form by the city attorney. Such contracts shall be in writing, executed in the name of the City of Peoria, Arizona, by the mayor or city manager, except as may be otherwise provided either by this charter or by law, and must be attested by the city clerk, who shall number and register the same.

Sec. 2. Contracts for improvements, services and purchases.

A. Any equipment, material or supplies to be purchased, or services to be obtained for or on behalf of the city, or contract to be awarded for any city improvements, shall be awarded under such rules, regulations and ordinances as the city council may adopt.

B. The city council may by ordinance grant a monetary preference to local bidders providing such preference was set forth in the call for bids, or otherwise set forth by ordinance.

C. The city council, at its discretion, may reject any and all bids.

Sec. 3. Transfer and sale of property.

The city manager may transfer to or between offices, departments and agencies, or sell at public auction, surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

Sec. 4. Contracts for official advertising.

A. The City Manager shall award for a period not to exceed four (4) years, contracts for official advertising. For this purpose, he shall submit to each legal newspaper of general circulation in the City, a notice describing the contemplated advertising and asking for sealed proposals. The proposals shall specify the type and spacing to be used at the rate or rates named in the bid. The City Manager shall let the contracts for such official advertising to the lowest and best bidder publishing a newspaper of general circulation in the City; provided that such bid shall not exceed the newspaper's published open rates; provided further, that in his discretion, he may reject any and all bids and proceed to secure new bids in the manner provided herein.

B. The newspaper to which the award for such advertising is made shall be known and designated as the official newspaper.

(Approved by voters on 3-11-97; Approved by Governor on 5-28-97)

## **ARTICLE VIII.1. ETHICS**

Sec. 1. Prohibited Activities.

Sec. 2. Fraud and collusion.

Sec. 3. Avoidance of fraudulent contracts.

Sec. 4. Personal interest.

Sec. 5. Regulation of Lobbying.

Sec. 6. Enforcement.

Sec. 1. Prohibited Activities.

A. No person shall be appointed to, removed from or discriminated against with respect to any city position because of race, color, religion, sex, age, disability or national origin.

B. In regard to any test, certification or appointment, no person shall willfully make any false statement, certificate, mark, rating or report, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations.

C. No person who seeks appointment or promotion to any city position or administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with their test, appointment, promotion or proposed promotion. Nor shall any city officer or employee ask or receive anything of value for aid or offer of aid in connection with any city appointment, employment or promotion.

D. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

E. No person who holds any compensated appointive city position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take part in the management of a political campaign of any such candidate. This section shall not be construed to limit a person's rights as a qualified elector.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

Sec. 2. Fraud and collusion.

Any member of the council or any officer or employee of the city who shall aid or assist a bidder in securing a contract to furnish labor, materials, equipment, supplies or services at a higher price than that proposed by any other bidder, or who shall favor one (1) bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies or services called for or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies or equipment than has been actually received, shall be guilty of a misdemeanor and, upon conviction thereof, shall be removed from office.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

Sec. 3. Avoidance of fraudulent contracts.

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the city manager shall advertise for new bids for said city improvements and/or supplies, materials, equipment and services required, or the council may provide for such public work to be done by the city under the direction of the city manager.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

Sec. 4. Personal interest.

A. Any member of the council, or any officer or employee of the city who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to the city or a contractor supplying the city, shall make known that interest in the official records of the city and shall refrain from voting upon or otherwise participating in any manner as a member of the council, officer or employee in such contract, sale or purchase.

B. Any member of the council, or any officer or employee of the city who has, or whose relative has, a substantial interest in any decision of the council, or any board or commission of the city of which he is a member or to which he makes recommendations, shall make known such interest in the official records of such council, board or commission and shall refrain from participating in any manner as a member of the council or an officer or employee in such decision.



C. No member of the council or any officer or employee of the city shall sell or supply to the city any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding.

D. As used in this section, the following definitions shall apply:

*Relative* means the spouse, children, siblings, and any relative of such person by blood or marriage in the first degree, according to the rules of civil law.

*Substantial interest* means the ownership of three (3) or more percent of the shares of a corporation for profit, provided the total annual income from dividends including the value of stock dividends, from the corporation equals five (5) or more percent of the total annual income of such member of the council, officer or employee, and any other payments made to him by the corporation which equals five (5) or more percent of his total annual income.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

Sec. 5. Regulation of Lobbying.

The city council shall prescribe by ordinance rules and regulations to govern the influencing of the passage or defeat of any official action of the council or the communication of any member of the council or appointed public officer for the purpose of influencing any official action by the city council.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

Sec. 6. Enforcement.

A. The city council shall direct the city manager and city attorney to cooperate in providing programs on ethics and public service to inform elected and appointive city positions about the ethics provisions in this charter, city codes and regulations.

B. The city council shall prescribe by ordinance penalties for the willful violation of the provisions of this article.

(Approved by voters on 3-14-95; approved by Governor on 6-28-95)

## ARTICLE IX. ELECTIONS

- Sec. 1. Types of elections.
- Sec. 2. Application of state law.
- Sec. 3. Qualifications of electors; registration.
- Sec. 4. Arrangement of names on ballot.
- Sec. 5. Conduct of elections
- Sec. 6. Majority to elect in primary.
- Sec. 7. Nomination for general election.
- Sec. 8. Candidates receiving most votes to be elected.
- Sec. 9. Special elections.

### Sec. 1. Types of elections.

Elections to be held in the city shall be either primary, general or special.

A. Primary elections shall be held for the purposes of making nominations for the general elections and electing officers as hereinafter provided, and for such other purposes as the council may prescribe.

B. General elections shall be held for the purpose of electing officers of the city and such other purposes as the council may prescribe.

C. The council may, by resolution or ordinance, order special or advisory elections, and shall provide the time and manner and means of holding any such elections.

### Sec. 2. Application of state law.

The provisions of the laws of this state relating to and governing the nomination of elective officers, and the conduct of elections, with all amendments thereto, shall apply and govern, as far as practical, the nomination of elective officers and the conduct of elections, except as otherwise provided in this charter. The city council shall have the power to make additional provisions relating to nominations and elections not contrary to the provisions of the laws of this state or the provisions of this charter.

### Sec. 3. Qualifications of electors; registration.

A. The qualifications of electors shall be residency within the city, and as required by the constitution and laws of this state for county electors.

B. Registration of voters shall be as required by the laws of this state and the register of

qualified voters shall be compiled from the general county register.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

Sec. 4. Arrangement of names on ballot.

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Sec. 5. Conduct of elections

A. The council shall provide by ordinance for the dates of holding primary and general elections for the offices of mayor and council members.

B. Any election provided for in this charter may be held on the same date as any state, county or district election held under state law or local ordinance.

(Approved by voters on 3-19-93; approved by Governor on 6-28-93)

Sec. 6. Majority to elect in primary.

At the primary election, any candidate who shall receive a majority of all the votes cast at such election shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. If more candidates receive a majority vote than vacancies to be filled, those receiving the highest number of votes shall be declared elected, equal to the number of vacancies.

Sec. 7. Nomination for general election.

If at any primary election there be any office or offices to which no candidate therefor was elected, then, said election shall be considered to be a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Sec. 8. Candidates receiving most votes to be elected.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said general election, shall be declared elected to such office.

Sec. 9. Special elections.

The council shall provide the time, manner and means of holding any special election. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

## **ARTICLE X. INITIATIVE, REFERENDUM AND RECALL**

Sec. 1. Initiative, referendum and recall.

Sec. 2. Submission of measures to electors.

Sec. 1. Initiative, referendum and recall.

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of the elective officers. The provisions of the constitution and general laws of this state, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of elective officers, shall apply to the use thereof in the city so far as such provisions are not in conflict with the provisions of this charter.

Sec. 2. Submission of measures to electors.

The mayor and council may submit for referendum to the electors, at any election, any ordinance, resolution, or measure that the mayor and council or the qualified electors have the authority to enact under this charter and the constitution and laws of the state.

## **ARTICLE XI. MUNICIPAL COURT**

Sec. 1. Establishment.

Sec. 2. When open; transaction of certain business on nonjudicial days.

Sec. 3. Jurisdiction generally.

Sec. 4. Presiding officer; appointment; term.

Sec. 5. Disposition of fines, penalties and fees.

Sec. 6. Power of the municipal judge to issue writs and processes and to hear cases; nature of writs and processes; records to be kept; duty of police to execute, serve and make proper return of writs and processes.

Sec. 7. Ordinances to give effect.

Sec. 1. Establishment.

There shall be and is hereby established in the city a municipal court, to be known and designated "The Municipal Court of the City of Peoria, Maricopa County, State of Arizona."

Sec. 2. When open; transaction of certain business on nonjudicial days.

The municipal court shall always be open, except on nonjudicial days, and on such nonjudicial days, it may transact such business within its jurisdiction as is authorized by law to be transacted by courts of justice of the peace, relative to businesses within their jurisdiction.

Sec. 3. Jurisdiction generally.

Said court shall, within the territorial limits of said city, have and exercise jurisdiction as follows:

- (1) It shall have and exercise exclusive original jurisdiction of all proceedings of a criminal nature for the violation of any ordinance of said city, and of every action of a civil nature for the enforcement of a penalty, or the recovery of a penalty or forfeiture imposed by any ordinance of the city for violation thereof, or for neglect to perform any duty by any ordinance imposed, and of every action for the collection of any license, fine or penalty due from any person to said city, and required to be paid, or which is due and collectible under the ordinance of said city.
- (2) The municipal court shall have concurrent jurisdiction with the justices of the peace, in the precincts where said city is established, over all violations of the laws of the state committed within the limits of said city; said concurrent jurisdiction shall be subject to the rules of civil procedure applicable to trials before justices of the peace.

Sec. 4. Presiding officer; appointment; term.

The presiding officer of the municipal court shall be a municipal judge, who shall be appointed by the council. He shall be a graduate of a law school and must be admitted to practice law in some state.

Sec. 5. Disposition of fines, penalties and fees.

All fines, penalties and fees collected by the municipal judge shall be paid to the properly designated officer of the city authorized to receive them.

Sec. 6. Power of the municipal judge to issue writs and processes and to hear cases; nature of writs and processes; records to be kept; duty of police to execute, serve and make proper return of writs and processes.

For the proper carrying out of the jurisdiction, vested in said municipal judge, he shall be entitled and authorized to issue and cause to be served, any and all writs and processes, and he shall have full authority to hear and determine all matters properly coming before him and coming within his jurisdiction herein specified. The writs and processes to be used shall be similar to those used by justices of the peace in cases of similar nature, and proper record shall be kept of the issuance of writs and processes and returns, and of any kind and all other actions taken relative thereto, and the actions of the court thereon. The police of the city are hereby authorized and directed to execute and serve any and all writs and processes issued out of said municipal court by said judge, and proper return shall be made by such officer to the same extent as is required of constables and sheriffs in the service and execution of similar papers.

Sec. 7. Ordinances to give effect.

The council shall pass all necessary ordinances to give effect to the provisions of this Article, not otherwise herein provided.

## **ARTICLE XII. FRANCHISE AND PUBLIC UTILITIES**

Sec. 1. Elections for approval of franchise.

Sec. 2. Establishment of municipally-owned and operated utilities.

Sec. 1. Elections for approval of franchise.

No franchise shall be granted, extended or renewed by the city without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a primary, general or special election; the council shall submit any matter for approval or disapproval to such electors at any primary or general election or call a special election for such purpose at any time upon thirty (30) days notice; and the council shall require, before calling any such election, that the estimated expense thereof (to be determined by the council) shall be first deposited by the applicant for such franchise with the city clerk. No franchise shall be granted, extended or renewed for a longer time than twenty-five (25) years and no exclusive franchise shall ever be granted.

Sec. 2. Establishment of municipally-owned and operated utilities.

The city shall have the power to own and operate any public utility to construct and install all facilities that are reasonably needed and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the municipally-owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of existing utilities, and provide reasonable reserves for such purpose.

### **ARTICLE XIII. PUBLICITY OF RECORDS**

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city, shall be open for inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times and under such reasonable regulations established by the city council, except records and documents the disclosure of which would have an important and harmful effect on the best interests of the city, including, but not limited to, lists of names and addresses of the citizens of the city, and except those records and documents which have been decreed as being exempt from such disclosure by state or federal laws or by a court of competent jurisdiction of the State of Arizona or the United States of America.

(Approved by voters on 11-8-83; approved by Governor on 12-5-83)

### **ARTICLE XIV. GENERAL PROVISIONS**

- Sec. 1. Official bonds.
- Sec. 2. Oath of office.
- Sec. 3. Liability insurance.
- Sec. 4. Short title.
- Sec. 5. Severability clause.
- Sec. 6. Violations of charter and city ordinances; imprisonment of violators.
- Sec. 7. Plenary and implied powers of the council.

Sec. 1. Official bonds.

The city council shall obtain and deliver to the city clerk a blanket bond, conditioned on faithful performance payable to the City of Peoria, Arizona, in the principal amount of not less than one hundred thousand dollars (\$100,000.00) for all officers and employees of the city, except the finance director. All city officers and employees are bonded pursuant to this section unless otherwise provided by ordinance. The finance director shall obtain and deliver to the city clerk an official bond in the amount of one hundred thousand dollars (\$100,000.00) or such greater sum as

the city council may fix. The city attorney shall determine the sufficiency of the bonds. The premiums on such bonds shall be paid by the city.

Sec. 2. Oath of office.

Every officer of the city, whether elected or appointed under the provisions of this charter, or under any ordinance of the city, shall, before entering upon the duties of his office, take and subscribe an oath of office, in the form of the official oath required by the constitution.

Sec. 3. Liability insurance.

The council shall procure liability insurance covering the city and its officers, agents, employees, and members of boards and commissions while engaged in governmental or proprietary capacities. The premiums on such insurance shall be paid by the city. The council may elect to comply with the requirements of this section by participating in an intergovernmental agreement with other political subdivisions for joint purchasing of insurance or to pool retention of risks or to create a self insurance program for the payment of liability claims against the city.

(Approval by voters on 3-19-93; Approval by Governor on 6-28-93)

Sec. 4. Short title.

This charter, adopted by the people of the City of Peoria, shall be known and may be cited as the CHARTER OF THE CITY OF PEORIA, ARIZONA.

Sec. 5. Severability clause.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any persons or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.



Sec. 6. Violations of charter and city ordinances; imprisonment of violators.

The violation of any provisions of this charter, or any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the State of Arizona, or may be redressed by civil action. Any person sentenced to imprisonment for violation of a provision of this charter, or any ordinance, may be imprisoned in the city jail, or, if the council, by ordinance, shall so prescribe, in the county jail of Maricopa County.

Sec. 7. Plenary and implied powers of the council.

The council shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express, as well as the implied powers granted in this charter, to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated and maintained in the city, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

#### **ARTICLE XV. GENDER**

Sec. 1. Gender.

Wherever the context of this instrument so requires words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation, company, partnership, association, or society as well as a natural person.

#### **ARTICLE XVI. SUCCESSION IN GOVERNMENT**

- Sec. 1. Rights of officers and employees preserved.
- Sec. 2. Continuance of present officers.
- Sec. 3. Continuance of present offices, departments or agencies.
- Sec. 4. Continuance of appointive boards and commissions.
- Sec. 5. Transfer of records and property.
- Sec. 6. Continuance of contracts.
- Sec. 7. Pending actions and proceedings.
- Sec. 8. Ordinances to remain in force.
- Sec. 9. Inauguration of government under this charter.

Sec. 1. Rights of officers and employees preserved.

Nothing in this charter contained, except as specifically provided, shall affect or impair the

rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this charter shall take effect or any provision of law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency.

Sec. 2. Continuance of present officers.

All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office.

Sec. 3. Continuance of present offices, departments or agencies.

A. Any office, department or agency provided for in this charter to be named or with powers and duties the same or substantially the same as those heretofore existing, shall be deemed a continuation of such office, department or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by this charter. Any office, department or agency, not provided for in this charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the council as heretofore provided in this charter.

B. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council, unless otherwise provided herein.

Sec. 4. Continuance of appointive boards and commissions.

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as was granted them until such boards and commissions shall be changed or abolished by the council as heretofore provided in this charter.

Sec. 5. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part

thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter, or under its authority, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Sec. 6. Continuance of contracts.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect.

Sec. 7. Pending actions and proceedings.

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency or officer thereof.

Sec. 8. Ordinances to remain in force.

All ordinances, resolutions and regulations of the city, in force at the time this charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in force until the same shall be duly amended or repealed.

Sec. 9. Inauguration of government under this charter.

If a majority of the qualified electors of the city, voting on the question, vote to ratify this charter, the provisions of this charter shall go into effect for all purposes immediately upon the approval of the governor as provided by the constitution of this state.

## **ARTICLE XVII. AMENDMENTS**

Sec. 1. Method of amendment.

This charter, or any part or article or section thereof, may be amended in the manner provided by the constitution of this state.

Dated in Peoria, Maricopa County, Arizona, this 17th day of January, 1983, and respectfully submitted.

## BOARD OF FREEHOLDERS

Lewis J. Devoono, Chairman  
James F. Brown, Vice-Chairman  
Joanne Smith, Secretary  
Earl F. Andersen  
Wayne Bradshaw  
Donald Buckeye  
Russell A. Gibbs  
David Murillo  
Alfonse Natalie  
George E. Pannkuk  
Arlene M. Seeton  
Edmund Tang  
J. Don Wagoner  
Ethel L. Wilton

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## CHARTER COMPARATIVE TABLE

This table shows the location of amendments to the Home Rule Charter.

Referendum Date	Governor's Approval Date	Section this Charter
11-8-83	12-5-83	Article I, § 2
11-8-83	12-5-83	Article II, §§ 1-6
3-13-01	6-14-01	Article II, § 9
11-8-83	12-5-83	Article II, § 11
11-8-83	12-5-83	Article II, § 13
11-8-83	12-5-83	Article II, § 14
11-8-83	12-5-83	Article IX, § 3
11-8-83	12-5-83	Article XIII, § 1
5-19-87	9-22-87	Article IV, § 4
5-19-87	10-1-87	Article IV, § 4
3-21-89	4-19-94	Article II, § 2
3-21-89	4-19-94	Article II, § 3
3-21-89	4-19-94	Article II, § 9
3-19-93	6-28-93	Article I, § 3
3-19-93	6-28-93	Article II, § 3
3-19-93	6-28-93	Article II, § 11
3-19-93	6-28-93	Article II, § 13
3-19-93	6-28-93	Article IX, § 5
3-19-93	6-28-93	Article XIV, § 3
3-14-95	6-28-95	Article VI, § 8
3-14-95	6-28-95	Article VIII, § 5
3-14-95	6-28-95	Article VIII, § 6
3-14-95	6-28-95	Article VIII, § 7
3-14-95	6-28-95	Article VIII.1, § 1
3-14-95	6-28-95	Article VIII.1, § 2
3-14-95	6-28-95	Article VIII.1, § 3
3-14-95	6-28-95	Article VIII.1, § 4
3-14-95	6-28-95	Article VIII.1, § 5
3-14-95	6-28-95	Article VIII.1, § 6
3-11-97	5-28-97	Article II, § 4
3-11-97	5-28-97	Article II, § 9
3-11-97	5-28-97	Article III, § 1
3-11-97	5-28-97	Article III, § 6

3-11-97	5-28-97	Article IV, §§ 2, 4
3-11-97	5-28-97	Article VII, § 6
3-11-97	5-28-97	Article VIII, § 4
3-14-03	9-16-03	Article II, § 11
9-07-04	7-28-05	Article II, § 13
9-07-04	7-28-05	Article III, § 3
5-21-05	7-05-05	Article II, § 9
5-21-05	7-05-05	Article III, § 1
5-21-05	7-05-05	Article IV, § 3
5-21-05	7-05-05	Article VII, §§ 2, 7, 10, 13
9-02-08	10-30-08	Article II, § 14
8-24-10	9-30-10	Article VII § 4 & §16
8-28-12	11-13-12	Article II, § 5