

City Council Meeting Notice & Agenda



Tuesday, March 25, 2014
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Study Session

5:00 P.M. Convene

Pledge of Allegiance
Roll Call

Study Session Agenda

Subject(s) for Discussion Only

1. Proposed City Charter Amendment Regarding Council Assistants
2. Proposed City Charter Amendment Regarding Council Meeting Agenda Items
3. Proposed City Charter Amendment Creating City Treasurer Position
4. Charter Amendments – Review Committee
5. Fiscal Year 2015 Budget Study Session

Adjournment

Mayor
Bob Barrett

Palo Verde
District
Ron Aames,
Vice Mayor

Acacia
District
Tony Rivero

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Pine
District
Carlo Leone

Willow
District
Jon Edwards

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 – Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

PUBLIC NOTICE:

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 1

Date Prepared: March 13, 2014

Council Meeting Date: March 25, 2014

TO: Mayor and City Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Proposed City Charter Amendment – Council Assistants

Purpose:

This is a request for the Mayor and Council to consider placing a proposed amendment to the Peoria City Charter on the August 2014 Regular Election Ballot pertaining to council assistants.

Background/Summary:

A Policy and Appointments Council Subcommittee Meeting was held on February 11, 2014 to discuss adopting a proposed charter amendment as to council assistants. This amendment allows Council to employ council assistants for professional support to the Mayor and Council under the City's budget. It gives the Council the right to hire council assistants. The council assistants would be considered covered employees under the City employee merit system. The council assistants would have to comply with the City's personnel rules and regulations.

According to this proposed amendment, once the Mayor or a Council member's term ended, the council assistant would be assigned to a new Council member. If any Council member objected to their assigned council assistant, the City Manager would transfer the person to another available position in the City.

Previous Actions:

This matter was discussed at a Policy and Appointments Council Subcommittee Meeting held on February 11, 2014.

Options:

A: Direct staff to prepare a Resolution as Council determines to be appropriate

B: Direct staff not to prepare a Resolution

Staff's Recommendation:

If the Council desires to proceed with the proposed City Charter amendment pertaining to council assistants, staff will draft a proposed Resolution and present it to the Council for consideration and possible action.

Fiscal Analysis:

Not Applicable

Narrative:

Not Applicable

Exhibit:

Exhibit 1: Proposed City Charter amendment – council assistants

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7321

PROPOSED CHARTER AMENDMENT REGARDING COUNCIL ASSISTANTS

Amend Article II of the City Charter by amending Section 1 pertaining to Powers of the Council; generally and by adding a new Section 2 pertaining to Powers of the council; council assistants as follows:

ARTICLE II. THE COUNCIL

Sec. 1. Powers of the council; generally.

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.

Sec. 2. Powers of the council; council assistants

A. In accordance with the adopted budget of the City, assistants may be employed to provide professional support to the Mayor and members of council. Persons employed as assistants to the Mayor and council shall be hired by the council, however such positions shall be subject to all other personnel rules and regulations of the City and shall be deemed to be covered positions under the merit employment system adopted by the City.

B. Upon the conclusion of service by the Mayor or council member to which the assistant is assigned, the person employed as an assistant shall be assigned to the incoming council member unless such council member objects, in which case, the City Manager shall use their best efforts to transfer a person serving as an assistant to another available position in city employment for which they may be qualified.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: March 13, 2014

Council Meeting Date: March 25, 2014

TO: Honorable Mayor and Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Proposed City Charter Amendment – Placement of Agenda items on Regular or Special City Council Meeting Agendas

Purpose:

This is a request for the Mayor and Council to consider placing a proposed amendment to the Peoria City Charter on the August 2014 Regular Election Ballot pertaining to placement of agenda items on Regular or Special City Council Meeting Agendas.

Background/Summary:

A Policy and Appointments Council Subcommittee Meeting was held on February 11, 2014 to discuss adopting a proposed City Charter amendment as to placement of agenda items on Regular or Special City Council Meeting agendas. This amendment allows the Mayor to schedule Regular City Council Meetings with the City Manager's input. It allows Council members to place an item on a Regular City Council Meeting. Three (3) Council members can submit a written request to the Mayor. If the Mayor fails to respond to the request, the three (3) council members can file a written request with the City Manager and City Clerk's Office. Then the item can be placed on the next regularly scheduled City Council meeting agenda.

In addition, Special Meetings can be requested by three (3) City Council members submitting a written request to the Mayor. The Mayor has twenty-four (24) hours to respond to their requests. If the Mayor is absent or fails to respond to the request, a written request must be filed with the City Manger and City Clerk's Office. Notice will be given to all Council by the City Clerk's Office. Then the Special City Council Meeting will be held as soon as possible.

Previous Actions:

A Policy and Appointments Council Subcommittee Meeting was held on February 11, 2014 and discussed Special Meetings.

Options:

A: Direct staff to prepare a Resolution as Council determines to be appropriate

B: Direct staff not to prepare a Resolution

Staff's Recommendation:

If the Council desires to proceed with the proposed City Charter amendment pertaining to placement of agenda items on Regular or Special City Council Meeting agendas, staff will draft a proposed Resolution and present it to the Council for consideration and possible action.

Fiscal Analysis:

Not Applicable

Narrative:

Not Applicable

Exhibit:

Exhibit 1: Proposed City Charter amendment – placement of agenda items on Regular or Special City Council Meeting agendas

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7321

PROPOSED CHARTER AMENDMENT REGARDING PLACEMENT OF AGENDA ITEMS

Amend Article II, Sections 14 and 15 of the City Charter pertaining to Meetings of council, boards, commission and committees and Special Meetings as follows:

ARTICLE II. THE COUNCIL

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. The Agenda for regularly scheduled meetings shall be set by the Mayor with input from the City Manager. A member of council may request an item be placed on a regularly scheduled agenda. Three members of the Council may request in writing that an item be placed on a regularly scheduled council agenda. Upon receipt of such request, the Mayor shall have not less than twenty-four hours to act upon such written request. If the Mayor fails to act within a reasonable time, three members of council shall file a written request to place the item on the agenda with the City Manager and City Clerk. The item shall then be placed on the next regular scheduled meeting agenda.

C. 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.

Ⓒ D. 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.

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

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 by 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.~~

Special meetings of the Council shall be held in accordance with the following:

1. Upon not less than twenty four hours after notice is given and posted pursuant to law.
2. Upon request of the Mayor or if the Mayor is absent or fails to act, then upon written request of three members of Council filed with the Mayor. The Mayor shall have not less than twenty-four hours to act upon such a written request. In the event the Mayor fails to act, three members of Council shall file a written request for a special meeting with the City Manager and City Clerk.
3. Notice shall be given to all Council members by the City Clerk in the manner most practicable.
4. Special meetings shall be scheduled and held without undue delay.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 3

Date Prepared: March 13, 2014

Council Meeting Date: March 25, 2014

TO: Mayor and Council
FROM: Stephen M. Kemp, City Attorney
SUBJECT: Proposed City Charter Amendment - City Treasurer

Purpose:

This is a request for the Mayor and Council to consider placing a proposed amendment to the Peoria City Charter on the August 2014 Regular Election Ballot pertaining to a City Treasurer.

Background/Summary:

A Policy and Appointments Council Subcommittee Meeting was held on February 11, 2014 to discuss adopting a proposed City Charter amendment to create the position of a City Treasurer. This proposed charter amendment allows the City Treasurer to be the chief financial officer over the City's money. It describes the Treasurer's responsibilities and job duties.

Previous Actions:

This matter was discussed at a Policy and Appointments Council Subcommittee Meeting held on February 11, 2014.

Options:

A: Direct staff to prepare a Resolution as Council determines to be appropriate

B: Direct staff not to prepare a Resolution

Staff's Recommendation:

If the Council desires to proceed with adopting the proposed City Charter amendment as to appointing a City Treasurer, staff will draft a proposed Resolution and present it to the Council for consideration and possible action.

Fiscal Analysis:

Not Applicable

Narrative:

Not Applicable

Exhibit:

Exhibit 1: Proposed City Charter amendment – City Treasurer

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7321

PROPOSED CHARTER AMENDMENT CREATING CITY TREASURER POSITION

Amend Article III, Section 3 of the City Charter pertaining to the City Manager as follows:

ARTICLE III. THE CITY MANAGER

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 the City Treasurer 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) In consultation with the City Treasurer, 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) Cooperate with the City Treasurer for the effective and efficient administration of the City.

~~(6)~~ (7) 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.

Amend Article IV, of the City Charter by adding a new Section 4 pertaining to the City Treasurer and amend Section 5:

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS, OFFICES AND
EMPLOYEES

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.

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.

Sec. 4. City treasurer.

A. The city treasurer shall be the chief financial officer of the city, shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and shall prepare the official financial and accounting records of the city.

B. The city treasurer shall issue monthly public financial statements to the council within fifteen (15) business days of the month end, except for reports at fiscal year end, which shall be prepared as directed by the council. The monthly financial statements shall include, but not be limited to, the actual, budgeted, and prior year comparisons of revenue and expenditures of each office, division and department, and any additional information required by ordinance.

C. The council shall adopt by ordinance a process for evaluation of the city treasurer 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 treasurer shall not be adopted as an emergency item.

Sec. 45. 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, city treasurer and municipal judge.

Amend Article VI of the City Charter pertaining to Finance and Taxation and the Finance Director, by amending Section 1.

ARTICLE VI. FINANCE AND TAXATION

Sec. 1. ~~Finance director~~ City Treasurer.

~~The city manager shall, with approval of the council, shall appoint an officer who shall have the title of finance director~~ City Treasurer and who shall perform all of the functions under this charter, codes and policies of the city assigned to the

Chief Financial Officer and Finance Director and shall employ such deputies and assistants as he deems necessary and, who shall be responsible to the ~~city manager~~ council, 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.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4

Date Prepared: March 18, 2014

Council Meeting Date: March 25, 2014

TO: Honorable Mayor and Council

FROM: Carl Swenson, City Manager

SUBJECT: Charter Amendments – Review Committee

Purpose:

This is a request for City Council to review and discuss the creation of a Charter Amendment Review Board whose members would consist of Peoria residents that are appointed by the Mayor and Council. The purpose of the Charter Amendment Review Board would be to review the proposed charter amendments submitted by the City Council and staff. Through a transparent process, the Charter Amendment Review Board would hold public meetings to review and discuss each charter amendment, and to receive input and comments from the public.

After a thorough review of each proposed charter amendment, the Charter Amendment Review Board would make recommendations to the Mayor and Council regarding each proposed charter amendment.

Previous Actions:

None

Options:

- A:** Create a Charter Amendment Review Board consisting of Peoria residents.
- B:** Maintain the current Charter Amendment review process.

Staff's Recommendation:

Create a Charter Amendment Review Board consisting of Peoria residents.

Contact Name and Number: Carl Swenson, City Manager, x7739