

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: _____
Amend No. _____

Date Prepared: February 22, 2010

Council Meeting Date: March 2, 2010

TO: Honorable Mayor and Council
FROM: Steve Kemp, City Attorney
SUBJECT: Charter Amendment—Official Advertising

RECOMMENDATION: It is my recommendation should the Mayor and Council desire to change the charter pertaining to official advertising and an official newspaper, that the Mayor and Council adopt the attached resolution placing a charter amendment on the ballot proposing to amend the Peoria City Charter.

SUMMARY:

Attached is a Resolution placing a proposition before the voters of the City of Peoria at the August 24, 2010 regular election. This resolution pertains to an amendment of the City Charter, Article VII, Section 10 pertaining to publication of ordinances and resolutions and Article VIII, Section 4, Contracts for official advertising.

The proposed amendment would grant the City the option of placing official notices on the City Website in lieu of publication in an official newspaper. The period of time for posting would remain the same as the publication period. The amendment also recognizes that the City may desire to provide additional notices above and beyond the required notices in some matters.

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Action Date:

The amendment does not require that the City change its process but provides this option at the council's discretion.

At the prior City Council session, the Council consensus was that this resolution be placed on the open session agenda for discussion and consideration by Council.

FISCAL NOTE: (If Applicable)

ATTACHMENT:

- 1. Proposed Resolution**

CITY CLERK USE ONLY:

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RESOLUTION NO. 2010-

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VII, SECTION 10 PERTAINING TO PUBLICATION OF ORDINANCES AND RESOLUTIONS AND AMENDING ARTICLE VIII, SECTION 4, PERTAINING TO CONTRACT FOR OFFICIAL ADVERTISING

TEXT OF PROPOSED AMENDMENT

IT IS RESOLVED by the Mayor and Council of the City of Peoria:

1. The following amendment of Article VII, Section 10 is proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of Mayor after completion of the official canvass in accordance with Article X, Section 2 of the Peoria City Charter.

2. The Charter of the City of Peoria, Arizona is amended by amending Article VII, Section 10 to read as follows:

Sec. 10. Publication of ordinances and resolutions.

~~Prior to their becoming effective, 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.~~

1. Published in the official newspaper of the City
2. If the Council has elected to publish official notices on the City's web page, the ordinance shall be published on the City's web page in lieu of publication in an official newspaper.

Emergency measures shall be published twice in the official newspaper or in the alternative placed on the City's web page for not less than two consecutive weeks, after their passage in the manner provided by ordinance.

3. The following amendment of Article VIII, Section 4 is proposed to become valid when approved by a majority of the qualified electors voting thereon and upon

proclamation of Mayor after completion of the official canvass in accordance with Article X, Section 2 of the Peoria City Charter.

4. The Charter of the City of Peoria, Arizona is amended by amending Article VIII, Section 4 to read as follows:

Sec. 4. Official Notices; Contracts for official advertising.

A. As an alternative to publication in an official newspaper, the City Manager with consent of the Council may direct that all official notices of the City that are required under this code or the laws of the State of Arizona or the United States to be published in an official newspaper, may be published on the City's web site for a period equal to that for which the notice must be published. Such publication on the City's website for the required period shall be deemed to be full compliance with all publication requirements. Nothing in this provision shall preclude the city from adopting policies and procedures to provide for additional public notice as the City may determine to be appropriate and proper for a particular form of notice

BA. The City Manager ~~shall~~ may 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.

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

5. The proposed amendment approved by the Mayor and a majority of the members of the City Council and entered into the minutes shall be submitted by the Peoria City Clerk to the qualified electors of the City at the August 24, 2010 regular election as provided by Article X, Section 2 of the Peoria City Charter.

6. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria this _____ day of _____, 2010, as follows:

Ayes: _____ Nays: _____

Bob Barrett, Mayor

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney