CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 6C
Amend No. _____

Date Prepared: February 22, 2010 **Council Meeting Date: March 2, 2010**

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney

SUBJECT: Proposed Amendment to Article III, Section 3, Peoria City Charter pertaining to City Manager; powers and duties

RECOMMENDATION: It is my recommendation should the Mayor and Council desire to change the charter pertaining to City Manager; powers and duties, 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 III, Section 3, pertaining to City Manager; powers and duties. The proposed amendment would amend this section of the charter to delete the requirement that the appointment of Department Directors and Deputy City Managers be confirmed by the City Council.

The amendment recognizes that that City Council appoints the manager and directs staff through the city manager with the exception of other charter officers. At the prior

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CITY CLERK USE ONLY:

ORD# **RES#** 2010-16
LCON# **LIC#**
Action Date:

City Council study session, the council consensus was that a proposed resolution should be brought back to the Council for its consideration.

FISCAL NOTE: (If Applicable)

ATTACHMENT:

1. **Proposed Resolution**

ORD# **RES#** 2010-16
LCON# **LIC#**
Action Date:

REV. 08/08

RESOLUTION NO. 2010-16

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 III, SECTION 3 PERTAINING TO CITY MANAGER; POWERS AND DUTIES

TEXT OF PROPOSED AMENDMENT

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

1. The following amendment of Article III, Section 3 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 III, Section 3 to read as follows:

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;~~

(3) In compliance with applicable <u>provisions of the city code,</u> personnel rules and regulations, <u>the City Manager may</u> appoint, promote, remove and demote for cause, subject to rights of appeal, all officers and employees of the city. The

City Manager may recommend to the council the appointment and removal of the city attorney and presiding municipal judge in accordance with the provisions of the city code.

(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.

3. 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 municipal election as provided by Article X, Section 2 of the Peoria City Charter.

4. 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 2nd day of March, 2010, as follows:

Ayes:_____ Nays:_____

Bob Barrett, Mayor

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney