

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 24R
Amend No. _____

Date Prepared: April 14, 2010

Council Meeting Date: April 20, 2010

TO: Honorable Mayor and Council
FROM: Steve Kemp, City Attorney
SUBJECT: Reconsideration of Charter Amendment pertaining to
Appointment of Department Directors

RECOMMENDATION:

SUMMARY: The City Council previously directed the City Attorney to prepare a draft charter amendment pertaining to the requirement of confirmation of the appointments of deputy city managers and department directors at the time of the appointment of the current fire chief. In accordance with that direction, the City Attorney prepared and submitted to the Council for its consideration a draft charter amendment.

On March 2, 2010, the City Council adopted on a vote of 5 ayes and 2 nays¹ a proposed resolution submitting a charter amendment to the qualified electors of the City at the August 24, 2010 general election. The proposed charter amendment provided that the provision of the city charter pertaining to appointments of deputy city managers and department directors be modified.

Subsequently, four council members submitted to the Mayor and City Clerk a request to place on the city council agenda a request for reconsideration of this item. Pursuant to the charter, the clerk has placed this item on the agenda for reconsideration.

This item will consist of a two part process. First, Council must act on the motion for reconsideration. This motion must be made by a council member on the prevailing side. If no motion is made, the agenda item is finished. If a proper motion is made for reconsideration of the item, any member of the council may second. Discussion on the

¹ For purposes of this report, it is important to note the vote. Ayes: Mayor Barrett, Council members, Hunt, Carlat, Pearson, and Evans. Nays: Vice Mayor Aames, Council member Leone

CITY CLERK USE ONLY:

- Consert Agenda**
- Carry Over to Date**
- Approved**
- Unfinished Business (Date heard previous)**
- New Business**
- Public Hearing: No Action Taken**

ORD# _____
LCON# _____
RES# 2010-16A
LIC# _____
Action Date: _____

motion is limited solely to whether the item should be reconsidered. There is to be no substantive discussion on the item. If the motion to reconsider fails, then the council proceeds to the next agenda item.

If the motion to reconsider passes, then the Council will proceed to the substantive agenda item. At this point, it is as if the item is before the council for the first time, a motion must be made and seconded for any disposition of the item. As this matter is one of parliamentary and council procedure, the city attorney will be prepared to address any questions that the council may have.

FISCAL NOTE: (If Applicable)

ATTACHMENT:

1. Council Communication regarding Charter Amendment pertaining to appointment Directors
2. Resolution submitting to the qualified electors a proposed charter amendment pertaining to the appointment of department directors.

CITY CLERK USE ONLY:

- Consert Agenda**
- Carry Over to Date**
- Approved**
- Unfinished Business (Date heard previous)**
- New Business**
- Public Hearing: No Action Taken**

ORD#
LCON#
Action Date:

RES# 2010-16A
LIC#

**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: 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

CITY CLERK USE ONLY:

ORD#

RES#

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#
LCON#
Action Date:

RES#
LIC#

RESOLUTION NO. 2010-16A

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 provisions of the city code, personnel rules and regulations, the City Manager may 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 _____ 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