ORDINANCE NO. 689

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 30.35 OF THE CODE OF THE TOWN OF PAYSON, REPEALING RULES 4.1, 4.2, AND 4.3 OF THE TOWN COUNCIL MEETINGS RULES OF PROCEDURE, AND ADOPTING AN AMENDED SCHEDULE FOR REMAINING 2006 TOWN COUNCIL MEETINGS (CHANGING REGULAR COUNCIL MEETINGS TO 5:00 PM ON THE FIRST AND THIRD THURSDAYS OF EACH MONTH).

WHEREAS, A.R.S. §9-233 requires that the Town schedule its regular Council meetings by Ordinance; and

WHEREAS, the Town complied by enacting Section 30.35 of the Town Code and Rule 4.1 of the Town Council Meetings Rules of Procedure which provide that regular Town Council meetings are to be held on the second and fourth Thursdays of each month at 6:00 p.m.; and

WHEREAS, it is the desire of the Mayor and Common Council to schedule the regular Town Council meetings on the first and third Thursdays of each month at 5:00 p.m.,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 30.35 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

§ 30.35 MEETINGS.

(A) *Regular meetings.*

(1) The Town Council shall hold regular meetings on the first ~~second~~ and third ~~fourth~~ Thursdays of each calendar month. Council meetings shall be held at five ~~six~~ o'clock p.m.

(2) The Council may, by motion duly adopted, decide to cancel, reschedule or delay a regular or special meeting of the Council as a result of foul weather, disaster, conflicts with legal holidays or other prudent reasons which the Council deems appropriate to cancel, reschedule or delay a meeting. Any motion adopted by the Council to cancel, reschedule or delay a Council meeting, whether a regular or special session, shall state the reason for the action, and shall state whether the meeting is rescheduled to a new date or time, or is canceled.

(3) All scheduled meetings of the Council shall be held in the Town Hall facility unless some other place is designated on the agenda ~~for the meeting~~.

(B) *Special meetings*. The Mayor, Town Manager, or Town Attorney may schedule a special Council meeting. ~~or the Clerk, upon the written request of three members, may convene the Council at any time by notifying the members of the date, hour and purpose of a special meeting.~~

First Reading & Public Hearing JUN 2 2 2006 Cx.3

(C) *Meetings to be public.* All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

(D) *Quorum.* A majority of the Council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

Section 2. Rules 4.1, 4.2, and 4.3 of the Town Council Meetings Rules of Procedure are hereby repealed.

Section 3. This Ordinance 689 shall become effective September 1, 2006.

Section 4. The Town Council meeting schedule for September 1, 2006 through December 31, 2006 is hereby amended, and as amended shall be as set forth in Exhibit A, attached hereto.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 689 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 689. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 689 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2006, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 689

(To be provided by the Clerk's office prior to second reading)

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MEMORANDUM

6/13/06

TO: **Mayor and Common Council**

FROM: **Legal Department**

SUBJECT: **Ordinance 689**

At the Town Council's June 8, 2006 meeting, our department was directed to draft an ordinance to change the Council's Regular Meetings to 5:00 pm on the first and third Thursdays of each month. Ordinance 689 does this. While at it, a few other related sections were revised. Below is a section by section summary of the Ordinance.

Section 1. Amends the Town Code, such that Regular Meetings of the Council will be on the first and third Thursdays at 5:00 p.m. It also conforms the Town Code to the current practice of how Special Meetings are scheduled. As it currently exists, the requirements for scheduling a special meeting may be in violation of Arizona's Open Meeting law. This Section also clarifies that the place of meetings can be changed by the wording on the agenda.

Section 2. Repeals Rules 4.1, 4.2, and 4.3 of the Town Council Rules. These rules are redundant of Town Code section 30.35 which is amended in Section 1 of the Ordinance.

Section 3. Provides for a delayed effective date so that all previously noticed Public Hearings and other scheduling issues can be resolved.

Section 4. At the beginning of each year, the Council formally adopts a schedule of all Regular and Special Meetings. This section would adopt an amended schedule for the last four months of the year based upon the provisions of this Ordinance.

If you have further questions, please call or stop by our office.