

## CHAPTER 5

### THE COUNCIL

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#### **1-5-1: GENERAL POWERS:**

All powers and authority conferred upon the City of Mesa by the laws of the State of Arizona and not delegated to other officers or expressly reserved to the people of the City shall be vested in the Council. All powers vested in the Council shall be exercised in such manner as may be directed or authorized by law; provided, however, that only such action of the Council shall be by ordinance as may be required by the statutes of the State. All other powers of the Council shall be exercised by resolution, order, or motion. (1957 Code)

#### **1-5-2: MEETINGS:**

The regular meetings of the Mesa City Council will be held on the first and third Monday evenings of each month at five thirty (5:30) P.M. unless a notice providing otherwise is posted in accordance with the Arizona Open Meetings Act. Special meetings of the Council may be convened at any time by the Mayor or by the Clerk upon the written request of four (4) members. All meetings of the Council shall be held within the corporate limits of the City of Mesa (except that meetings with other governmental bodies may be held outside the City limits) and may be held at any place therein designated in the call of the meeting. Unless designated to be held at a place other than the Council Chambers, all meetings shall be held in the Council Chambers. (244,314,399,429,770,1458,2583)

#### **1-5-3: VOTES OF MEMBERS:**

The meetings of the Council shall be public, and a journal of its proceedings shall be kept by the Clerk under its direction. The ayes and nays shall be taken and entered on the journal in the final action upon the granting of franchises; making of contracts; purchasing, disposing of, or leasing City property; or the passage of any ordinance; and in all other cases, upon the call of any Councilman. Provided, however, that the Council may recess from time to time and meet in informal or executive sessions for the consideration of such matters as it may deem to be advisable or expedient.

#### **1-5-4: COMPULSORY ATTENDANCE:**

Any member of the Council at any regular or specially called meeting may, in writing, demand the attendance of the absent members, which said demand shall be entered on record forthwith by the Clerk; and it shall thereupon be the duty of the Chief of Police, upon the entry of said demand, to bring the said member forthwith to attend the Council meeting, and upon failure or refusal of said member to forthwith attend the Council meeting, it shall be the duty of the Chief of Police to arrest said member and bring him to the City Hall for attendance on such meeting, there to remain until the meeting has performed the business thereof and has regularly adjourned.

**1-5-5: MISCONDUCT OF MEMBERS:**

The Mayor shall be authorized to assess a fine of not more than twenty-five dollars (\$25.00) upon any member for disorderly conduct at any meeting of the Council upon a concurring vote of three (3) members thereof and to hold and direct such to be imprisoned until the payment of such fine.

Any member of the Council may be expelled for any cause determined sufficient by the Council upon a vote of five (5) of the members.

The judgment of the Council as to the causes for fine or expulsion shall be conclusive. (131)

**1-5-6: VICE MAYOR AND MAYOR PRO TEM:**

Upon the failure or refusal of the Mayor for five (5) days to sign any ordinance, resolution, contract, warrant, or other document or instrument requiring his signature, the Vice Mayor is authorized to sign such document or instrument, and his signature to such ordinance, resolution, contract, warrant, or other document or instrument shall have the same force and effect as that of the Mayor. In the absence of the Mayor and Vice Mayor at any meeting, the Clerk or any member may call the Council to order, and thereupon a Mayor Pro Tem shall be chosen who shall have, for the time necessary, the same powers and duties as the Mayor. (802)

**1-5-7: AGENDA: (3213)**

- (A) The City Manager will prepare and distribute all City Council meeting agendas. The City Manager will place such items on the agenda, and in such order, as necessary to accomplish the business of the City. (3213)
- (B) The City Manager will also place an item on the agenda at the request of the Mayor or three (3) Councilmembers. (3213)
- (C) At the request of any Councilmember, an item on a Council consent agenda will be removed from the consent portion of the agenda and will be separately considered. (3213)

**1-5-8: COUNCIL PROCEDURE: (131,3213)**

- (A) The Mayor or other presiding officer in the Mayor's absence will determine all questions of parliamentary or Council procedure not provided for by law. The Mayor will endeavor to conduct Council meetings so as to accomplish the public's business fairly, yet efficiently. (3213)
- (B) Neither staff nor a member of the audience shall speak at a Council meeting until recognized for that purpose by the Mayor. The Mayor shall not unreasonably refuse to recognize a Councilmember to speak; the Mayor may choose whether to recognize all other speakers. In addition, the Mayor may: (3213)
  1. Determine the order in which persons speak; (3213)
  2. Require a group to designate a spokesperson; (3213)
  3. Establish time limits for agenda items and speakers; and (3213)
  4. Take such other action as the Mayor deems necessary and appropriate in presiding over the meeting. (3213)

All speakers at Council meetings shall address their remarks to the Mayor. (3213)

- (C) The Mayor shall preserve order at all Council meetings. The Mayor may direct the sergeant-at-arms to remove persons from the meeting who, after warning: (3213)
1. Fail to address their remarks to the Mayor; (3213)
  2. Fail to address the agenda item under consideration; (3213)
  3. Make personal remarks about City Councilmembers or other persons; or (3213)
  4. Disrupt the meeting in any way. (3213)
- (D) A motion to reconsider a Council decision may be made only by a Councilmember who voted with the majority on that decision. (3213)
1. When the decision being reconsidered has an effective date, the motion to reconsider must be made before that effective date; otherwise, the motion is out of order. (3213)
  2. When the decision being reconsidered has no effective date (such as a decision not to take action), a motion to reconsider must be made within two (2) weeks of the original Council decision. (3213)
- (E) The Mayor's decision regarding parliamentary or Council procedure is final and nonappealable unless five (5) Councilmembers approve a motion to overrule the Mayor. A motion to overrule the Mayor is in order only if made at the same meeting as the Mayor's decision. If the Mayor's decision is overruled, that decision is final, nonappealable, and not subject to a motion for reconsideration. (3213)

**1-5-9: REMOVAL OF BOARD AND COMMISSION MEMBERS; RESIGN TO RUN**

- (A) By a vote of five (5) members of the City Council, Board and Commission members appointed by the Mayor and approved by the City Council under Section 501 of the City Charter may be removed for any cause deemed sufficient by the City Council, such as: (3353)
1. Lacking at any time during the Board member's term any qualification, including but not limited to Mesa residency or professional licensure, prescribed by the City Charter or law for that office; (3353)
  2. Violating any prohibition of the City Charter or Code pertaining to their office; (3353)
  3. Being convicted while in office of a felony or crime involving moral turpitude; or (3353)

4. Being absent from three (3) consecutive meetings of the Board without being excused by the chairperson. (3353)
  - (B) A Council decision to remove a Board or Commission member shall be effective in accordance with its terms, and shall be final and nonappealable. (3353)
  - (C) Board and Commission members appointed by the Mayor and approved by the City Council under Section 501 of the City Charter shall resign before running for any elective public office. This paragraph is self-executing and requires no vote by the City Council. (3353)