

CITY CHARTER CITY OF MESA

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AMENDMENTS APPROVED MAY 3, 1976
DOCKET NO. 11667, Pages 597 - 600

AMENDMENTS APPROVED AUGUST 1, 1978
DOCKET NO. 13142, Pages 792 - 795

AMENDMENT APPROVED APRIL 26, 1982
DOCKET NO. 16000, Pages 1027 - 1029

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DOCUMENT NO. 98-0584855

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PREAMBLE TO MESA CITY CHARTER

We reaffirm our faith in the Declaration of Independence and the Constitution of the United States of America and especially in the conviction that the rights of man come from God and not government. This Charter, therefore, provides for officials and regulations for the government of the City of Mesa, Arizona, to which certain powers are given, and all powers not given - except those pre-empted by the United States of America and the State of Arizona - remain with the elected officials of this City and its citizens.

MESA CITY CHARTER

ARTICLE I - POWERS OF THE CITY

Section 101: NAME AND POWERS OF THE CITY

The existing municipal corporation known as the "City of Mesa" shall continue to be a body politic and corporate, with all powers possible under the Constitution and general laws of Arizona as fully as though they were enumerated in this Charter and all the rights and powers granted or to be granted to Charter cities and to cities and towns incorporated under the provisions of Title IX, A.R.S. and these further rights and powers, to-wit:

- (A) To acquire by purchase, condemnation, or otherwise and to lease, within or without the City, land or other property necessary to establish and operate any lawful municipal function.
- (B) To lease, sell, convey, exchange, and otherwise dispose of any real or personal property owned by the City in the manner, for such consideration, and upon such conditions as may be determined by the Council. (Amd. Charter Election 3-30-76)
- (C) To receive bequests, donations, gifts, and grants of all kinds of property in fee simple or in trust for charitable or other purposes and to do all acts necessary to carry out the purposes thereof, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms thereof or absolutely if such bequest, donation, gift, grant, or trust be unconditional.
- (D) To join with the United States, State of Arizona, any political subdivision, board, commission, or agency, or any combination of them, in order to acquire and develop jointly sources of water, electricity, or gas and to construct works for their joint operation and to unite with such entities in bond issues therefor.

Section 101.1:

In addition to the zoning regulations authorized by the general laws of the State and pursuant to the procedures set forth therein, the Council by ordinance may adopt and enforce exterior design and landscaping guidelines for buildings, structures, and open spaces. (Amd. Charter Election 3-25-86)

Section 101.2: RESTRICTION ON USE OF EMINENT DOMAIN

Private property shall not be taken for any use, except as specifically provided for in the Arizona Constitution. The City shall not take any property through eminent domain without a public hearing and public vote of the City Council. In no event may any private real property acquired by the City through eminent domain be dedicated, sold, leased or otherwise transferred to a private person, partnership, corporation or any other entity for a period of ten (10) years following the acquisition of the property by the City. (Amd. Charter Election 3-9-04/IN02-1)

Section 102: CONSTRUCTION

The powers of the City under this Charter shall be construed liberally in favor of the City. Mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this Article.

Section 103: INTERGOVERNMENTAL RELATIONS

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one (1) or more states, political subdivisions, school districts, Indian tribal councils, or any board, commission, or agency, or combination of them, or with the United States or any department or agency thereof.

ARTICLE II - CITY COUNCIL

Section 201: COMPOSITION, ELIGIBILITY, TERMS, AND ELECTIONS

(A) **COMPOSITION.** There shall be a City Council consisting of a Mayor and six (6) other district Councilmembers elected by the qualified electors of the City as follows: (Amd. Charter Election 5-19-98)

1. The Mayor shall be elected from the City at large. (Amd. Charter Election 5-19-98)
2. The six (6) other Councilmembers shall be elected, one (1) from each of six (6) geographical districts within the City of Mesa. (Amd. Charter Election 5-19-98)
3. The initial district boundaries and all subsequent redistricting shall be established by a five- (5-) person nonpartisan Commission appointed by the City Council. The City Council shall approve the Commission's recommendations or if disapproved, send recommendations back to the Commission for reconsideration: the second recommendation from the Commission shall then be deemed final. (Amd. Charter Election 5-19-98)
4. For identification purposes, districts shall be numbered one (1) through six (6). (Amd. Charter Election 5-19-98)
5. The initial district boundaries shall be substantially equalized by geography and population according to the 1995 United States mid-decennial census, and thereafter, district boundaries shall be substantially equalized by geography and population according to each succeeding United States decennial census. The redrawing of district boundaries shall not remove the residence of an incumbent Councilmember from the district he was elected to represent during his term in that office. District boundaries shall not be redrawn between the first day nominating papers for Mayor and/or Councilmember may be filed and the date of the immediately following City General Election. (Amd. Charter Election 5-19-98)

(B) **ELIGIBILITY.** Only qualified electors of the City shall be eligible to hold the office of Mayor or Councilmember. (Amd. Charter Election 5-19-98)

1. Each candidate for Mayor must have been a resident of the City or annexed area for at least two (2) years immediately preceding his filing nomination papers, and shall continue residence in the City for the term for which such candidate is elected. (Amd. Charter Elections 3-29-94 & 5-19-98)

2. Each candidate for one (1) of the six (6) Council positions must have been a resident of his district within the City or annexed area for at least two (2) years immediately preceding his filing nomination papers, and shall continue such residence therein for the term for which such candidate is elected. (Amd. Charter Elections 3-29-94 & 5-19-98)

(C) **TERM OF COUNCILMEMBER.** The term of office of Councilmember shall commence at the first (1st) regular meeting of the City Council in June following their election and except as otherwise provided herein, shall be for a period of four (4) years or until their successors are elected and qualified.* (Amd. Charter Election 3-30-76)

(D) **TERM OF MAYOR.** The term of Mayor shall commence at the first (1st) regular meeting of the Council in June following the election and shall be for four (4) years or until a successor is elected and qualified.* (Amd. Charter Election 3-29-94)

(E) **LIMITATION OF TERMS.** No person shall be eligible to be elected to the office of Councilmember for more than two (2) consecutive four- (4-) year terms, and no person shall be eligible to be elected to the office of Mayor for more than two (2) consecutive four- (4-) year terms. A person shall not be eligible to be elected to a combination of Councilmember and Mayor for more than sixteen (16) consecutive years. A person elected to two (2) consecutive four- (4-) year terms as Councilmember or two (2) consecutive four- (4-) year terms as Mayor or a combination of same as above set forth shall not be eligible to hold either office again until four (4) years have elapsed. Elected or appointed terms of less than four (4) years as Councilmember or Mayor shall not be counted in the above time limitations. A Councilmember or Mayor who resigns shall not be eligible for re-election or appointment until the second (2nd) succeeding City election following the date of tender of written resignation, except as provided in Section 205(A)1. (Amd. Charter Elections 3-30-76 & 3-29-94)

* Pursuant to Section 701 (F) of this Charter and Ordinance 5292, the Mayoral and Council election dates were aligned with state elections under A.R.S. § 16-204; and under Ordinance 5292, adopted by the Mesa City Council on June 15, 2015, the term of office of the Office of Mayor and Councilmember shall commence on or after the first Monday in January in the year following the election.

(F) **ELECTIONS.** Elections for Mayor and/or Councilmember shall be held in each even-numbered year as provided in Article VII. Districts that contain the residences of Councilmembers whose first four- (4-) year term expires in 2000 shall each elect one (1) district Councilmember in the 2000 City election cycle. A drawing by lot of the remaining districts shall be conducted, if necessary, to insure that there shall be elections in three (3) of the six (6) districts in the 2000 City election cycle. These three (3) districts shall hold district City Council elections every four (4) years. The remaining three (3) districts shall hold district City Council elections every four (4) years beginning in the 2002 City election cycle. (Amd. Charter Election 5-19-98)

1. Any candidate for the office of Mayor who shall receive at the primary election the number of votes constituting a majority of all of the valid ballots cast for the office of Mayor shall be declared elected. Any candidate for the office of district Councilmember who shall receive at the primary election the number of votes constituting a majority of all of the valid ballots cast for the office of Councilmember in that district shall be declared elected. If a voter votes for two (2) or more candidates for a certain office, that ballot and vote shall not count for that same office. Nothing on the ballot shall indicate the affiliation of any candidate with any other person, party, or group. (Amd. Charter Elections 11-8-94/2936 & 5-19-98)

2. A general election shall be held for those seats where no candidate was elected at the primary election. For the office of Mayor and for each district Councilmember seat, the two (2) persons (or more than two [2] in the event of a tie vote) receiving the highest number of valid votes cast for that office shall be the only persons named on the ballot at the general election. (Amd. Charter Elections 11-8-94/2936 & 5-19-98)

3. Electors shall vote for only one (1) district Councilmember candidate from the Council district in which the electors reside, and one candidate for Mayor from the City at large. (Amd. Charter Election 5-19-98)

Section 202: COMPENSATION

Effective at the commencement of the terms of the Councilmembers elected in 1968, the monthly salary of the Mayor shall be three hundred dollars (\$300), and the monthly salary of each Councilmember shall be one hundred dollars (\$100). The Council may by ordinance change the compensation of the Mayor or Councilmembers, but any ordinance increasing such salaries shall not become effective within six (6) months nor prior to the commencement of the terms of the Councilmembers elected at the next succeeding regular election. In addition to their salary, the Mayor and Councilmembers shall receive their actual and necessary expenses incurred in performing the duties of their office.* (See Ord. 2106, adopted 8-25-86, for change of Mayor's salary to one thousand six hundred dollars [\$1,600] per month and each Councilmember's salary to eight hundred dollars [\$800] per month.***) See Ord. 5196, adopted 12-9-2013, adjusting the salaries of the Mayor and Councilmembers and addressing vehicle and communication allowances and City benefits.****

* Pursuant to Ordinance 3937 adopted October 22, 2001, the Mayor and City Councilmembers shall be compensated \$150.00 per month for the use of their vehicle while performing the duties of their office.

Pursuant to Ordinance 4343 adopted February 22, 2005, the Mayor and City Councilmembers shall select the option of receiving an allowance of up to \$80.00 per month for the use of their personal cellular telephones while performing the duties of their office, or submitting the cost of the City business calls for reimbursement.

** Effective June 5, 2000, the salary for Mayor is \$2,800 per month (or \$33,600 per year), and the salary for Councilmember is \$1,400 per month (or \$16,800 per year), pursuant to Ordinance 3445. Effective July 1, 2001, and each year thereafter, the salary for Mayor and Councilmember shall be adjusted by the cost-of-living change, if any, made for City of Mesa employees for the applicable fiscal year. (3445)

*** Pursuant to Ordinance 5196 and effective at the beginning of Council terms in January 2015, the annual salary for Mayor is \$73,545 and \$36,832 for Councilmembers. The annual salary will be adjusted by a cost-of-living adjustment, if any, provided to Mesa City employees. Effective January 8, 2014, is a vehicle allowance of \$550 per month for the Mayor and \$350 per month for Councilmembers and a communication allowance of \$80 per month for the Mayor and Councilmembers. The Mayor and Councilmembers are eligible for City benefits consistent with those provided to executive level City employees, which may be amended as employee benefits are amended.

**** Pursuant to Ordinance 5314 and effective at the beginning of Council terms in January 2017, the annual salary for Mayor is \$73,545 and \$40,582 for Councilmembers. The annual salary will be adjusted by a cost-of-living adjustment, if any, provided to Mesa City employees. Effective January 2017, is a vehicle allowance of \$550 per month for the Mayor and \$350 per month for Councilmembers and a communication allowance of \$100 per month for the Mayor and Councilmembers. The Mayor and Councilmembers are eligible for City benefits consistent with those provided to executive level City employees, which may be amended as employee benefits are amended.

Section 203: MAYOR AND VICE MAYOR

- (A) **MAYOR.** The Mayor shall be a member of the Council and its presiding officer. He shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law and civil defense. Neither the Mayor nor any other Councilmember shall have any administrative duties. (Amd. Charter Election 3-30-76)
- (B) **VICE MAYOR.** Within thirty (30) days after taking office, each Council shall elect from the Council a Vice Mayor who shall act as Mayor during absence or disability of the Mayor. Amd. Charter Election 11-6-2012/5104)
- (C) **FILLING A VACANCY IN THE OFFICE OF MAYOR**
 - 1. If the office of Mayor becomes vacant with two (2) years or less remaining in the term, the Vice Mayor shall serve as Mayor for the remainder of the term. The Council shall elect a new Vice Mayor within thirty (30) days of when the office of Mayor became vacant. The district council office that becomes vacant due to the ascension of the Vice Mayor to Mayor will be filled as described in Section 206. (Amd Charter Election 11-6-2012/5104)
 - 2. If the office of Mayor becomes vacant with more than two (2) years remaining in the term, the Vice Mayor shall become the Mayor Pro Tempore. The Council shall elect a new Vice Mayor within thirty (30) days of when the office of Mayor became vacant. (Amd Charter Election 11-6-2012/5104)
 - (a) The Council shall call an election to fill the office of Mayor, to be held concurrent with the next Council election or by a special election. The election will be held not less than 120 days and not more than 365 days from the date the vacancy occurs. (Amd Charter Election 11-6-2012/5104)
 - (b) All candidates for the office of Mayor must declare themselves a candidate for Mayor and file a Statement of Organization within ten (10) days from the date the vacancy occurs. If the Mayor Pro Tempore or a Councilmember declares himself a candidate for Mayor, he shall resign his district council office if required in Section 205. (Amd Charter Election 11-6-2012/5104)

- (c) If Council calls an election to fill a vacancy in the office of Mayor and one or more district council offices are also vacant, the Council may require that the vacancies in the council district offices be filled at the same election as the office of Mayor. (Amd Charter Election 11-6-2012/5104)
- (d) After filing a Statement of Organization, candidates for vacant positions shall be entitled to circulate nomination petitions for the office as soon as the vacancies occur. (Amd Charter Election 11-6-2012/5104)
- (e) The procedure for nomination and election shall be the same as for the regular Mayor and Council election to the extent possible. (Amd Charter Election 11-6-2012/5104)
- (f) If the Mayor Pro Tempore does not run for the office of Mayor, he will serve as Mayor Pro Tempore until a successor Mayor is elected and qualified. (Amd Charter Election 11-6-2012/5104)
 - (i) The Council may appoint a person to serve as district Councilmember for the office that becomes temporarily unfilled due to the ascension of Vice Mayor to Mayor within thirty (30) days of when the office of Mayor becomes vacant. The appointed district Councilmember's term will end when the Mayor Pro Tempore resumes his position as district Councilmember. The original term of the district council office remains unchanged. (Amd Charter Election 11-6-2012/5104)

Section 204: GENERAL POWERS AND DUTIES

Policy making and all other powers of the City shall be vested in the Council, except as otherwise provided by law or in this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 205: PROHIBITIONS

(A) **HOLDING OTHER OFFICE.** During the term for which elected, neither the Mayor nor any Councilmember shall hold any City employment or elected public office except Precinct Committeeman. For the purposes of this Section, "elected public office" shall include both offices in which the incumbent receives a salary or compensation and in which the incumbent receives no salary or compensation and shall include, but not be limited to, any position which involves the exercise of some portion of the sovereign power. (Amd. Charter Elections 3-25-86 & 3-29-94)

1. To be eligible to run for the office of Mayor at any time other than the last year of the term for which elected, a Councilmember shall submit a written, irrevocable resignation to the City Clerk at least ninety (90) days prior to the primary election or other election to choose a Mayor, to be effective immediately. (Amd. Charter Election 3-29-94)
2. Neither the Mayor nor any Councilmember shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which elected. (Amd. Charter Election 3-29-94)

(B) **APPOINTMENTS AND REMOVALS.** Neither the Mayor nor any Councilmember shall in any manner, except as provided in Section 303(B), dictate appointment or removal of any administrative officer or employee subject to appointment by the Manager or his subordinates, but the Council may express its views and discuss freely with the Manager such appointments and removals. (Amd. Charter Election 3-30-76)

(C) **INTERFERENCE WITH ADMINISTRATION.** Except for the purpose of inquiries, or investigations authorized under Section 208, the Council shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any order to any such officer or employee, either publicly or privately.

(D) **BARGAINING PROHIBITED.** The City shall not bargain collectively with any employee, group of employees, employee organizations, or any representative of any employee organization with respect to wages, hours, or working conditions.

Section 206: VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

(A) **VACANCIES.** The office of Mayor or Councilmember shall become vacant upon the member's death, resignation, forfeiture of office, or removal from office in any manner authorized by law. (Amd. Charter Election 3-14-00/3739)

(B) **FORFEITURE OF OFFICE; OTHER FORMS OF DISCIPLINE. (AMD. CHARTER ELECTION 3-14-00/3739)**

1. The Mayor or a Councilmember shall forfeit their office if they (1) lack at any time during their term of office any qualification for the office prescribed by this Charter or by law, or (2) violate any express prohibition of this Charter. (Amd. Charter Election 3-14-00/3739)

2. In addition, it shall constitute grounds for forfeiture of office, suspension, censure, reprimand, monetary penalty, letter of warning, other form of discipline, or some combination of the foregoing penalties, at the sole discretion of the City Council, if five (5) or more City Councilmembers agree that a Councilmember, including the Mayor, or a citizen advisory board member appointed under Section 501 of this Charter, has: (Amd. Charter Election 3-14-00/3739)

(a) Violated the mandatory code of ethics for Councilmembers and citizen advisory board members adopted by the Mesa City Council by resolution and in effect when the alleged conduct occurred; (Amd. Charter Election 3-14-00/3739)

(b) Within two years before their first election or appointment, or during their term of office, been convicted, indicted, arrested, or the subject of a direct criminal complaint regarding a crime involving violence, dishonesty, or sexual misconduct; (Amd. Charter Election 3-14-00/3739)

(c) Been absent from three (3) consecutive and duly noticed meetings without being excused for good cause; or (Amd. Charter Election 3-14-00/3739)

(d) Engaged in any other conduct demonstrating a lack of fitness for office. (Amd. Charter Election 3-14-00/3739)

(C) **FILLING OF VACANCIES.** In the event of a vacancy in the Council which occurs ten (10) days or less prior to the final date for filing nomination petitions for the next succeeding election, the Council may appoint a qualified person to serve for the unexpired term. If the vacancy occurs more than ten (10) days prior to the final date for filing nomination petitions for the next election, the Council may appoint a qualified person to serve until the office is filled at the election.

1. **ACTION IF COUNCIL FAILS TO APPOINT.** If the Council fails to make such an appointment within thirty (30) days following the occurrence of the vacancy, the Council shall call a special election to fill the vacancy. Such election shall be held not later than one hundred twenty (120) days following the occurrence of the vacancy and shall otherwise be governed by the provisions of Article VII hereof. The person elected to such office at the special election shall hold office for the entire unexpired term.

2. **REDUCTION BELOW A QUORUM.** Notwithstanding the requirements in Section 209(D) that a quorum of the Council consists of an absolute majority, if at any time the membership is reduced to less than an absolute majority, the remaining members may by majority action appoint additional members to raise the membership to an absolute majority. As used in this Charter, the term "absolute majority" shall mean a majority of the whole number of the Council, including the Mayor.

Section 207: JUDGE OF QUALIFICATIONS AND FITNESS (AMD. CHARTER ELECTION 3-14-00/3739)

The Council shall be the judge of the election, qualification, and fitness of its members and of citizen advisory board members appointed under Section 501 of this Charter, and of the grounds for forfeiture of their office or other discipline. For that purpose the City Council, or its designees, if it so chooses, shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing upon request made within ten (10) calendar days of receipt of the charge or charges. Notice of such hearing shall be published at least one (1) week in advance of the hearing. Decisions made by the City Council under this Section shall be subject to review by the courts. (Amd. Charter Election 3-14-00/3739)

Section 208: INVESTIGATIONS

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency. For this purpose, it may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and punishable as directed by Council ordinance.

Section 209: PROCEDURE

(A) **MEETINGS.** The Council shall hold a regular meeting at least twice in every month at such times and place as the Council may prescribe by ordinance. Special meetings may be held on the call of the Mayor or of an absolute majority of the Council and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member and the public. News media located in the City shall be given prior notice of the time and place of such meetings. All such regular or special meetings shall be open to the public, provided, however, that the Council may recess and discuss in executive session any matter which might defame or prejudice the character or reputation of any person, matters relating to negotiations for the acquisition of real estate or public utilities or to the settlement of claims or litigation, or personnel matters, and provided that the final action thereon shall not be taken by the Council except at a public meeting. The Council may hold informal meetings in advance of any regular or special meetings for the purpose of discussing matters on the agenda or other matters pertaining to the welfare of the City. (Amd. Charter Election 3-29-94)

- (B) **RULES AND JOURNAL.** The Council shall determine its own rules, order of business, and conduct of public meetings and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (C) **VOTING.** Voting on all ordinances and resolutions other than commendations and ceremonial resolutions shall be by written aye or nay on an individual ballot containing the name of the Councilmember. Voting on other matters may be by voice vote, provided that upon the request of any Councilmember, voting on any question shall be by written ballot as above set forth. Votes by written ballot shall be tabulated immediately by the Clerk and the ayes and nays made public and recorded. The Council may by ordinance adopt any other means of voting which requires each Councilmember to vote without knowledge of any other Councilmember's vote until the voting has been tabulated. No Councilmember shall abstain from voting except on matters involving his own official conduct or a conflict of his disclosed personal interest. (Amd. Charter Election 3-30-76)
- (D) **QUORUM.** An absolute majority of the Council shall constitute a quorum, but fewer may adjourn and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 206(C)2, shall be valid or binding unless adopted by a vote of an absolute majority.

Section 210: ACTION REQUIRING AN ORDINANCE

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (A) Adopt or amend a City Code or establish, alter, or abolish any City department, office, or agency.
- (B) Impose or provide for imposing a fine or other penalties.
- (C) Regulate rates and fees charged by public utilities and fix rates and fees for City-owned utilities.
- (D) Amend or repeal any ordinance previously adopted.

Section 211: ORDINANCES IN GENERAL

- (A) **FORM.** Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one (1) subject, which subject shall be clearly expressed in its title. The enacting clause shall be, "Be it ordained by the City Council of the City of Mesa . . ."
- (B) **PROCEDURE.** An ordinance may be introduced by any Councilmember at any regular or special meeting. (Amd. Charter Elections 3-30-76 & 3-31-92)
 1. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Councilmember. The Clerk shall file copies in his office to be made available to the public, shall post a copy in each of the three (3) public places designated for the posting of public meeting notices and agendas, and shall publish at least one (1) time a summary of the ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. (Amd. Charter Election 3-31-92)
 2. The public hearing shall follow the publication by at least six (6) days and shall be held during a regular Council meeting. The public present shall have an opportunity to be heard. (Amd. Charter Election 3-31-92)
 3. After the public hearing, the Council may adopt the ordinance or reject it. However, if the ordinance is amended in any manner, the Council shall not adopt it until the ordinance and its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. (Amd. Charter Election 3-31-92)
 4. All adopted ordinances shall be publicly posted as provided in Subsection (B)1 and shall be published in full within two (2) weeks following adoption as provided in Subsection (D). (Amd. Charter Election 3-31-92)
- (C) **EFFECTIVE DATE.** Except as otherwise provided in Section 212, every ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.

- (D) **“PUBLISH” DEFINED.** As used in this Charter, the term "publish" means to print at least one (1) time in one (1) or more newspapers of general circulation in the City. (Amd. Charter Election 3-31-92)
- (E) **DAY OF PUBLICATION.** Whenever not inconsistent with any other requirement of law, the City Council shall by resolution, designate two (2) days of the week on which legal notices may be published. The Council shall designate one (1) day as primary and one (1) day as secondary, that will be used if needed. (Amd. Charter Election 3-9-04/4131)

Section 212: EMERGENCY ORDINANCES

- (A) **“EMERGENCY” DEFINED.** As used in this Section, an emergency ordinance is one necessary for the immediate preservation of the public peace, health, or safety.
- (B) **MATTERS NOT TO BE CLASSIFIED AS “EMERGENCIES.”** Ordinances levying taxes or granting, renewing, or extending a franchise or regulating the rate charged by any public utility for its services, except as otherwise provided in this Charter, shall not be classified as emergency measures.
- (C) **PROCEDURE.** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance. The ordinance shall contain in one section after the enacting clause a declaration stating that an emergency exists and describing in clear and specific terms the necessity for declaring such ordinance to be an emergency measure required for the immediate preservation of the public peace, health, or safety. (Amd. Charter Election 3-31-92)
- (D) **ADOPTION.** The Council may by a three-fourths (3/4) affirmative vote of its members adopt an emergency ordinance, with or without amendments, on the date of its introduction or at any regular or special meeting. It shall become effective upon adoption. After adoption, the ordinance shall be publicly posted and published as provided for ordinances in general. (Amd. Charter Election 3-31-92)

Section 213: CODES AND PUBLIC RECORDS

- (A) **PROCEDURE.** The Council may adopt any standard Code or Public Record by reference thereto in an adopting ordinance in the manner set forth in the statutes of the State of Arizona. The procedure and requirements governing such an adopting ordinance shall otherwise be as prescribed for ordinances generally.
- (B) **DISTRIBUTION.** Copies of any adopted standard Code or Public Record shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

Section 214: AUTHENTICATION, RECORDING, CODIFICATION

- (A) **AUTHENTICATION AND RECORDING.** The City Clerk shall authenticate by his signature and record in full in a properly indexed book all adopted ordinances and resolutions.
- (B) **CODIFICATION.** The City Code shall be updated and made available to the public. All City ordinances and resolutions having the effect of law shall be codified. The name shall be "Mesa City Code."

ARTICLE III - CITY MANAGER

Section 301: APPOINTMENT

The Council shall by vote of at least two-thirds (2/3) of its members appoint the City Manager for an indefinite term, and the Council shall fix his compensation. He shall be chosen on the basis of his qualifications for the office, with first preference given to applicants who reside in Mesa. He shall within sixty (60) days after his appointment and thereafter during his tenure in office reside in the City of Mesa. He shall be a citizen of the United States of America.

Section 302: REMOVAL

The Council may remove the Manager at any regular or special meeting by a vote of at least two-thirds (2/3) of the Council. It may pay him severance pay not exceeding two (2) months' salary. A dismissed Manager shall, upon his request, have a public hearing; however, the action of the Council shall be final and not subject to review by any court or agency. This Charter vests all authority to suspend and remove the Manager in the Council.

Section 303: DUTIES

The Manager shall be the chief administrative officer of the City, responsible to the Council for the administration and coordination of all departments, boards, and affairs assigned to him by this Charter, by ordinance, or by resolution. He shall have authority and responsibility to:

- (A) Attend Council meetings and present information and recommendations he deems necessary or as requested by any member of the Council, but he shall have no vote.
- (B) Recommend and upon approval by the Council, appoint all City officers (except those subject to Council appointment pursuant to Section 401) and when deemed necessary suspend and after approval of the Council, remove them.
- (C) Pursuant to the merit system regulations appoint, and when necessary remove, all employees of the City, except as he may authorize heads of departments and offices to appoint and remove their own subordinates. Any unexcused voluntary absence of any employee shall constitute resignation.
- (D) Recommend to the Council personnel policies and assignments for efficient operation of the City government.
- (E) Submit to the Council the annual budget and capital program.
- (F) Supervise all expenditures and purchases of the City.
- (G) See that all laws, provisions of this Charter, and acts of the Council subject to enforcement by him or by officers under his direction are faithfully executed.
- (H) Execute, or cause to be executed by his designated representative, all contracts and other lawful documents authorized by the Council.
- (I) Perform any other lawful duties required of him by the Council.

Section 304: RESTRICTIONS

- (A) The Manager shall not engage in any other employment during his tenure of office.

- (B) The Manager shall take no part in campaigns for election of Mayor or Councilmembers other than to cast his vote and express privately his opinions. (Amd. Charter Election 3-30-76)
- (C) The Manager shall not exercise any policy making or legislative functions. All law enforcement policies shall be determined by the Council.

Section 305: ACTING CITY MANAGER

By letter filed with the City Clerk, the Manager shall designate a qualified City employee, and an alternate, to become Acting Manager in the event of his temporary absence or disability. The Council may revoke such designation and appoint another employee to serve as Acting Manager until the Manager shall return.

ARTICLE IV – DEPARTMENTS, OFFICES, AND AGENCIES

Section 401: APPOINTIVE OFFICERS

- (A) **CITY CLERK.** Upon the recommendation of the Manager, the Council shall appoint a City Clerk and fix his compensation. The City Clerk shall give notice of formal Council meetings to its members and to the public, keep the journal of its proceedings, and perform any other lawful duties assigned by this Charter, the Council, or the Manager. The City Clerk shall serve at the pleasure of the Council.
- (B) **CITY ATTORNEY.** The Council shall appoint a City Attorney and fix his compensation. He shall serve as the chief legal advisor to the Council, the Manager, and all City departments, offices, and agencies. He shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter, law, or ordinance. The City Attorney shall serve at the pleasure of the Council.
- (C) **CITY MANAGER.** There shall be a City Manager appointed in accordance with Article III of this Charter.
- (D) **CITY MAGISTRATE.** The Council shall appoint one (1) or more City Magistrates, each of whom shall be a member of the Arizona Bar. Compensation of City Magistrates shall be fixed by the Council. Magistrates shall serve at the pleasure of the Council.

- (E) **CITY AUDITOR.** The Council shall appoint a City Auditor and fix his compensation. He shall conduct all audits requested by the City Council or the Manager, to ensure that the City is functioning economically, efficiently and effectively in accordance with legislative and management directives. The City Auditor shall serve at the pleasure of the Council.

Section 402: GENERAL PROVISIONS

- (A) **CREATION OF DEPARTMENTS AND OFFICES.** In addition to the offices and departments established by this Charter, the Council may establish by ordinance additional City departments, offices, or agencies and prescribe their functions.
- (B) **DIRECTION BY MANAGER.** Except as otherwise provided by Section 401 of this Charter, each department, office, and agency shall be under the direction and supervision of the Manager.

Section 403: PERSONNEL SYSTEM

- (A) **MERIT SYSTEM.** All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- (B) **PERSONNEL DIRECTOR.** There shall be a Personnel Director, appointed by the Manager as provided in Section 303(B), who shall administer the personnel system of the City.
- (C) **MERIT SYSTEM BOARD.** There shall be a Merit System Board consisting of three (3) or more members who shall hold no other City office.
- (D) **PERSONNEL RULES.** The Personnel Director, the Merit System Board, and the Manager shall prepare personnel rules which shall be proposed to the Council, and the Council may by ordinance adopt them, with or without amendment.

Section 404: PERSONNEL APPEALS BOARD

There shall be a Personnel Appeals Board consisting of three (3) or more members, none of whom shall be members of the Merit System Board. The Personnel Appeals Board, assisted by the Personnel Director, shall prepare rules and provide for grievance procedures. The Manager shall submit these rules and procedures, with his recommendation, to the Council, which may by ordinance adopt them, with or without amendment. The Personnel Appeals Board, after a hearing, may render advisory opinions to the Manager, with a copy to the aggrieved employee.

Section 405: PLANNING DEPARTMENT

There shall be a Planning Department, headed by a Director, which department shall be responsible for planning the orderly development of the City.

Section 406: PLANNING AND ZONING BOARD

There shall be a Planning and Zoning Board. Members of the Board shall hold no other City office, but City officials may serve as advisors to the Board. The Board, with the assistance of the Planning Director, may make recommendations to the Manager and the Council on all matters pertaining to the physical development of the City. It shall be consulted on the comprehensive plan and the implementation thereof as provided in Sections 407 and 408 and shall perform such other functions as provided by law.

Section 407: COMPREHENSIVE PLAN

- (A) **CONTENT.** The Council shall adopt, and may from time to time modify, a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the City.
- (B) **EFFECT.** The comprehensive plan shall serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements.

Section 408: IMPLEMENTATION OF THE COMPREHENSIVE PLAN

- (A) **AREA IMPROVEMENT.** The Council may by ordinance provide for improvement, rehabilitation, and conservation programs for: (1) the alleviation or prevention of obsolescence, blight, or other conditions of deterioration; (2) the achievement of the most appropriate use of land; and (3) expend for such purposes funds of the City and may issue bonds for such purposes in the manner provided by the laws of the State of Arizona.
- (B) **HOUSING CODE.** No housing code shall be adopted by the Council without approval of the qualified electors of the City voting thereon at a general or special election.* The Council may implement an Individual Residential Rental Inspection program as authorized by State law. (Amd. Charter Election 11-4-08/4831)

Section 409: BOARD OF ADJUSTMENT

The Council shall, as required by state law, establish a Board of Adjustment, none of whose members shall be members of the Planning and Zoning Board or employees of the City, and shall provide standards and procedures for such Board. The Board shall hear and rule on appeals from administrative decisions, petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of the land, and such other matters as may be required by the Council or by law.

Section 410: CITY COURT

There shall be a City Court of one (1) or more divisions, each presided over by a City Magistrate, with jurisdiction established by state law or by ordinance.

ARTICLE V - BOARDS AND COMMISSIONS

Section 501: BOARDS AND COMMISSIONS

- (A) **CREATION.** The Council may by ordinance create such advisory boards or commissions as in its judgment are required or as now are provided by law and may grant to them such powers and duties as are consistent with this Charter. The Council may abolish any board or commission not required by law or by Charter. A civilian Police Review Board is prohibited by this Charter.

- (B) **APPOINTMENT.** The Mayor shall appoint all board and commission members with the approval of the Council. Appointees shall be residents of the City. (Amd. Charter Election 3-29-94)
- (C) **TERMS.** Terms of board and commission members shall be staggered terms of three (3) years, except as otherwise provided by law. No member shall serve more than two (2) complete consecutive terms; however, a person may be reappointed after the lapse of three (3) years.

ARTICLE VI - FINANCE AND TAXATION

Section 601: FISCAL POWERS

The powers of the City concerning budget, taxation, finance, and fiscal matters shall be limited only by the provisions of the Constitution and laws of the State and by this Charter.

Section 602: TAXES

- (A) **TRANSACTION PRIVILEGE TAX.** The Council shall have the power to levy a transaction privilege tax (commonly called sales tax), provided that no such tax, if based on gross income, gross proceeds of sale, or gross receipts, shall be levied at a rate in excess of one percent (1%), unless such rate is approved by a majority of the qualified electors voting on the question at a general or special election.
- (B) **INCOME TAX.** No tax shall be levied on incomes unless approved by a majority of the qualified electors voting thereon at a general or special election.
- (C) **REAL ESTATE TAX.** No tax shall be levied on real estate unless approved by a majority of the qualified electors voting thereon at a general or special election. (Amd. Charter Election 3-14-00/IN99-2)
- (D) **PERSONAL PROPERTY TAX.** No tax shall be levied on personal property unless approved by a majority of the qualified electors voting thereon at a general or special election. (Amd. Charter Election 3-14-00/IN99-2)

* On March 14, 2000, the voters approved Proposition 400 (Ordinance No. 3478), which created a housing code for certain issues. See Title 8, Chapter 6 of the Mesa City Code.

Section 603: CLAIMS OR DEMANDS AGAINST THE CITY

The Council shall prescribe by ordinance the manner in which claims or demands against the City shall be presented, audited, and paid and may impose reasonable requirements with regard to notice and prompt presentation as a condition of payment.

Section 604: SPECIAL FUNDS AND RESERVE ACCOUNTS

The Council may establish such cash basis funds, special funds, and reserve accounts as it deems necessary.

Section 605: CAPITAL PROGRAM (AMD. CHARTER ELECTION 11-6-2012/5105)

(A) **SUBMISSION TO COUNCIL.** Prior to the beginning of each fiscal year, the Manager shall prepare and submit to the Council a five- (5-) year capital program. (Amd. Charter Election 11-6-2012/5105)

(B) **CONTENTS.** The capital program shall include:

1. A clear, general summary of its contents.
2. A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, method of financing, and recommended time schedules for each such improvement.
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 606: COUNCIL ACTION ON CAPITAL PROGRAM

(A) **NOTICE AND HEARING.** Prior to adoption, the Council shall publish a general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public.
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

(B) **ADOPTION.** The Council by resolution shall adopt the capital program, with or without amendment, on or before the date the annual budget is adopted. (Amd. Charter Election 3-25-86)

Section 607: INDEPENDENT ANNUAL AUDIT

Prior to the end of each fiscal year, the Council shall designate a Certified Public Accountant who shall prepare, as of the end of the fiscal year, an audit of the financial transactions of the City government. He shall submit a long-form report, including recommendations concerning policy and fiscal procedures, to the Council and to the Manager. Such Accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers.

Section 608: ORDINANCES AND RESOLUTIONS ON BUDGET

Notwithstanding any other provisions of this Charter, all ordinances or resolutions necessary in connection with the adoption of the annual budget may be adopted and go into effect immediately on the affirmative vote of at least two-thirds (2/3) of the members of the Council.

Section 609: PROCUREMENT (AMD. CHARTER ELECTIONS 3-30-76 AND 3-9-04/4126)

(A) **INTENT.** It is the general intent that open, competitive bidding be followed in the purchase of materials, supplies, commodities, equipment, insurance and capital improvements (collectively the "materials") whenever possible. The City Council shall establish by ordinance a procedure to implement this policy and may determine exceptions thereto. For Section 609(B), the City Council shall accept those bids that, under all circumstances, appear to be in the best interest of the City unless all bids be rejected. (Amd. Charter Election 3-9-04/4126)

(B) **CITY COUNCIL APPROVED PURCHASES.** Procurement of materials, when the cost will exceed twenty-five thousand dollars (\$25,000), shall be made after giving public notice, as defined in Section 609(G), using either formal written invitation for bid (IFB), or request for proposal (RFP). The City Manager or designee shall determine which procurement method (IFB or RFP) will be most practicable and advantageous to the City for the procurement of materials. (Amd. Charter Election 3-9-04/4126)

(C) **SMALL DOLLAR PROCUREMENT PROCEDURE.** Procurement of materials, when the cost will not exceed twenty-five thousand dollars (\$25,000) shall be made using small dollar purchase procedures to be developed and implemented by the City Manager or designee. For purchases of less than five thousand dollars (\$5,000), the City Manager or designee shall adopt policies and procedures to provide for efficient and cost effective purchasing practices and the maintaining of appropriate records of such purchases. (Amd. Charter Election 3-9-04/4126)

(D) **EMERGENCY PROCUREMENTS.** Notwithstanding any other provisions of this Section, the City Manager or designee may make or authorize others to make emergency procurements of materials where necessary for the immediate preservation of the public peace, health, or safety and compliance with established procurement procedures are impracticable or contrary to the public interest. An emergency procurement shall be limited to those materials necessary to satisfy the emergency. Any emergency procurement exceeding the dollar limit for City Council approval shall be scheduled for discussion at the next reasonably available City Council meeting. (Amd. Charter Election 3-9-04/4126)

(E) **COOPERATIVE PURCHASING.** The City Manager or designee shall have the authority to participate with the State of Arizona or other political subdivisions of this State, or any other State and its political subdivisions and the Federal Government for the procurement of materials in cooperative purchasing agreements. Participation in cooperative purchasing agreements shall be deemed to be compliance with this Section. Any cooperative purchasing agreement exceeding the dollar limit for City Council approval shall be approved prior to commencing any purchase. (Amd. Charter Election 3-9-04/4126)

(F) **ELECTRONIC BIDDING.** If the City Manager or designee determines that electronic bidding is more advantageous than other procurement methods provided in this Section, a procurement officer may use electronic bidding to obtain bids for the purchase of materials using procedures developed and implemented by the City Manager or designee. If electronic bidding is used for the purchase of materials requiring City Council approval, public notice shall be given as defined in Section 609(G). (Amd. Charter Election 3-9-04/4126)

(G) **PUBLIC NOTICE.** Notwithstanding Section 211(D) of this Charter, for purposes of this Section, public notice, publish or advertising shall mean the distribution or dissemination of information to interested parties at least one (1) time using methods that are reasonably available. Such methods may include, but are not limited to, publication in newspapers of general circulation, electronic or paper mailing lists, or any electronic method providing widespread circulation. (Amd. Charter Election 3-9-04/4126)

Section 610: INSURANCE

(A) **GENERAL INSURANCE.** The City is empowered to insure any of its property against such risks as it may determine.

(B) **LIABILITY INSURANCE.** The City may:

1. Insure itself against all or part of any liability for any injury.
2. Insure any employee of the City against all or any part of his liability for injury resulting from an act or omission within the scope of his employment.
3. Insure against the expense of defending a claim against the City or its employees, whether or not liability exists on such claim.
4. The insurance hereby authorized may be provided by:

(a) Self-insurance, which shall be funded by appropriations to establish and maintain a reserve fund for self-insurance purposes. This fund may be used for the payment of claims against the City or judgments rendered against the City or its employees. If a self-insurance plan is discontinued, the reserve funds shall revert to the general fund.

(b) Insurance with any insurer authorized to transact insurance business in this state.

(c) Any combination of insurance authorized by paragraphs (a) and (b) of this Subsection.

(C) **GROUP INSURANCE.** The City may participate to the extent determined by the Council in the cost of group insurance programs for City officers and employees.

Section 611: INVESTMENT OF CITY FUNDS

The Council may authorize the investment of any money subject to its control in any security authorized by the laws of the State of Arizona for the investment of sinking funds.

Section 612: LEVY AND ENFORCEMENT OF LIENS ON REAL PROPERTY

The Council may provide by ordinance for the levy and collection of assessments and the filing of liens on real property to enforce collection of reasonable amounts expended by the City in the abatement of any nuisance, the demolition and removal of any legally condemned building or structure, and the cleaning and renovating of vacant lots which are offensive to the sight or smell or hazardous to the public health.

Section 613: VOTER APPROVAL FOR CERTAIN PUBLIC EXPENDITURES

Notwithstanding any other provision of the Charter of the City of Mesa, the City shall not expend public funds, grant tax concessions or relief, or incur any form of debt in an amount greater than one million, five hundred thousand dollars (\$1,500,000), and/or exchange or grant City-owned land of a fair market value in excess of one million, five hundred thousand dollars (\$1,500,000) to construct or aid in the construction of any amphitheater, sports complex, cultural or entertainment facility, arena, stadium, convention facility, or multi-purpose facility without approval of the majority of the electorate voting thereon at the next ensuing election. (Amd. Charter Election 3-9-04/IN02-2)

ARTICLE VII - NOMINATIONS AND ELECTIONS

Section 701: CITY ELECTIONS

(A) **DATE OF ELECTION.** Except as provided below, the primary election shall be held on the last Tuesday of March of each even-numbered year, and the general election, if required, shall be held on the fifth (5th) Tuesday following the primary election.* (Amd. Charter Election 3-29-94)

(B) **QUALIFIED ELECTORS.** All residents of the City qualified by the Constitution and laws of the State of Arizona and registered to vote shall be qualified electors of the City.

(C) **REGISTRATION LISTS.** The Council may contract with the County to furnish registration lists of qualified electors and shall determine the date for closing registration for all City elections.

(D) **ABSENTEE VOTING.** Provisions for absentee voting shall apply to all general, primary, or special elections of the City and shall be exercised in the manner provided by general state law, provided that the Council may by ordinance prescribe absentee voting procedures.

* An election for the approval of an obligation or authorization of the assessment of secondary property taxes must be held on the first Tuesday after the first Monday in November, except as provided in Title 48 (see A.R.S. §16-204(F)(4)). Pursuant to Section 701(F) of this Charter and Ordinance 5292, the Primary election for the Offices of Mayor and Councilmember shall be held on the tenth Tuesday before the first Tuesday after the first Monday in November of even-numbered years. The General election shall be held on the first Tuesday after the first Monday in November of even-numbered years.

(E) **CONDUCT OF ELECTIONS.** Except as otherwise provided by this Charter, the provisions of the election laws of the State of Arizona shall apply. The Council shall adopt by ordinance all necessary election regulations consistent with law and with this Charter.

(F) **ALIGNMENT OF ELECTION DATES.** Notwithstanding any other provision of this Charter, the City Council may by ordinance change the primary and general election dates set forth in this Charter in order to align City of Mesa elections with elections in other cities, the Mesa school district, the county, the state, or the federal government. (Amd. Charter Election 3-29-94)

Section 702: WATCHERS AND CHALLENGERS

A regularly nominated candidate shall be entitled, upon written application to the City Clerk at least five (5) days before the election, to appoint one (1) person to represent him as watcher and challenger at each polling place. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the election laws of the State of Arizona.

Section 703: BALLOTS FOR ORDINANCES AND CHARTER AMENDMENTS

An ordinance or Charter amendment requiring a vote of the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described (ordinance) (amendment) be adopted?" Immediately below such question shall appear the words "yes" and "no" and a square by each in which by making a cross (x) the elector may cast his vote. The Council may provide for the use of mechanical or other devices for voting or the counting of votes not inconsistent with law.

ARTICLE VIII - INITIATIVE, REFERENDUM, AND RECALL

Section 801: GENERAL AUTHORITY

(A) **INITIATIVE AND REFERENDUM.** There is reserved to the electors of the City the power of the initiative and the referendum as prescribed by state law, except that the required number of signatures on petitions shall be computed on the total vote for Mayor in the preceding election and provided that any initiative or referendum matter may be voted on at the next ensuing primary or general election or the Council may call a special election for such purposes.

(B) **RECALL.** Recall of elected officers is reserved to the electors of the City as prescribed by state law.

ARTICLE IX - GENERAL PROVISIONS

Section 901: PERSONAL FINANCIAL INTEREST

(A) **DISCLOSURE OF INTEREST.** Any City officer, board or commission member, or employee who has a substantial financial interest, direct or indirect, by reason of ownership of tangible or intangible property, supplies, or services to the City shall make known that interest and shall refrain from voting upon or otherwise participating in making such sales or contracts.

(B) **PENALTY FOR VIOLATIONS.** Any willful violation of this Section shall constitute malfeasance in office or position, and any person found guilty thereof shall thereby forfeit such office or position. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the Council.

- (C) **REMOTE INTEREST.** A City officer, board or commission member, or employee shall not be deemed to have a substantial financial interest, direct or indirect, in any contract or in the sale of land, materials, supplies, or services to the City if such person has only a remote interest therein as defined by state law, or in the absence of state law, it shall be defined by ordinance.

Section 902: PROHIBITIONS AND PENALTIES

(A) **ACTIVITIES PROHIBITED.**

1. No person shall be appointed to, removed from, favored in any way, or discriminated against with respect to any City position because of race, sex, political or religious affiliation or nonaffiliation, or membership or nonmembership in a union.
2. No person shall willfully make any false statement, certificate, mark, rating, or report or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules, or regulations.
3. No person shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, promotion, or proposed promotion. Nor shall any City officer or employee ask or receive anything of value for aid or offer of aid in connection with any City appointment, employment, or promotion.
4. No person elected or employed by the City shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purposes whatever from any person holding any compensated appointive City position.

5. No person shall solicit for such purposes from compensated City personnel during their working hours.
6. No person who holds any compensated appointive City position shall make, solicit, or receive any contribution to the campaign funds of any candidate for municipal office or take part in the management, affairs, or election campaign of any such candidate, but he may exercise any other rights of a qualified elector.

- (B) **PENALTIES.** Any person who by himself or with others willfully violates any of the provisions of Section 902 shall upon conviction thereof be guilty of a misdemeanor and be punished as specified by City ordinance.

Section 902.1: ALCOHOLIC BEVERAGES; MESA COMMUNITY CENTER

The City of Mesa shall take such action as is necessary to enable any person, group, or organization hosting any function or event at the Mesa Community Center which desires to do so to make alcoholic beverages available to those attending the function or event in the manner prescribed by law. (Amd. Charter Election 3-30-82)

Section 903: CHARTER AMENDMENTS

- (A) **PROPOSAL OF AMENDMENTS.** Amendments to this Charter may be framed and proposed:

1. By ordinance of the Council containing the full text of the proposed amendment to be effective upon adoption in the manner provided by Subsection (C) of this Section.
2. By report of a Charter Commission created by ordinance.

3. By the electors using the initiative procedure as provided in this Charter or by ordinance or by law, except that there shall be no limitation as to subject matter and the initiative petition must be signed by the qualified electors of the City equal in number to at least fifteen percent (15%) of the total votes cast for the office of Mayor at the preceding election. The petitioners may withdraw the petition before the fifteenth (15th) day prior to the date scheduled for the City vote on the amendment.

- (B) **ELECTION.** After submission of a proposed amendment as above provided, the Council shall submit same to the electors. The complete text of the proposed amendment shall be published at least thirty (30) days prior to the election. The Council may submit such proposed amendment at the next primary or general election or may call a special election for such purpose. Such election shall be held not sooner than one hundred twenty (120) days after the submission of the proposed amendment. (Amd. Charter Elections 3-29-94 and 3-9-04/4127)
- (C) **ADOPTION OF AMENDMENT.** If a majority of the qualified electors of the City voting upon the proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, or if no time is fixed therein, thirty (30) days after its adoption by the electors and upon approval by the Governor of the State of Arizona.

Section 905: SEPARABILITY

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 906: GENDER

In this Charter words of the masculine gender include the feminine.

**ARTICLE X – SUCCESSION
IN GOVERNMENT**

**Section 1001: RIGHTS OF OFFICERS AND
EMPLOYEES PRESERVED**

Nothing in this Charter, except as specifically provided, shall affect or impair: (1) the rights or privileges of officers or employees of the City; (2) the functions and responsibilities of any office, department, or agency existing at the time this Charter takes effect; (3) any provision of law in force at the time this Charter takes effect and not inconsistent with the provisions of this Charter in relation to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other privileges of officers or employees of the City or any office, department, or agency.

**Section 1002: CONTINUANCE OF PRESENT
OFFICERS**

- (A) **MAYOR AND COUNCILMEMBERS.** The Mayor and Councilmembers serving at the time this Charter takes effect shall serve until the Mayor and Councilmembers provided for in Article II of this Charter shall have been elected and qualified. (Amd. Charter Election 3-30-76)
- (B) **APPOINTIVE OFFICERS.** All persons holding appointive office by the Council or the Manager at the time this Charter takes effect shall continue in office and in the performance of their duties unless relieved of office or until such office or duties are abolished or changed.

Section 1003: CONTINUANCE OF PRESENT OFFICES, DEPARTMENTS, AND AGENCIES

Continuity of certain powers and duties: Any office, department, or agency provided for in this Charter with powers and duties the same or substantially the same as those heretofore existing shall be deemed a continuation of such office, department, or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by this Charter.

Section 1004: CONTINUANCE OF APPOINTIVE BOARDS AND COMMISSIONS

All existing appointive boards and commissions shall continue with existing powers and duties until changed or abolished by the Council as provided in this Charter.

Section 1005: TRANSFER OF RECORDS AND PROPERTY

All records and property of any existing office, department, or agency shall be transferred to the office, department, or agency assuming its power and duties under this Charter.

Section 1006: PENDING MATTERS

(A) **CONTINUANCE OF CONTRACTS.** All contracts entered into by the City or for its benefit prior to the time this Charter takes effect shall continue in full force and effect.

(B) **PENDING ACTIONS AND PROCEEDINGS.** The adoption of this Charter shall not abate or otherwise affect any pending action or proceedings, civil or criminal, brought by or against the City or any office, department, agency, or officer thereof.

(C) **ORDINANCES TO REMAIN IN FORCE.** All ordinances, resolutions, and regulations of the City in force at the time this Charter takes effect and not inconsistent with the provisions hereof are hereby ratified and affirmed as if the same had been adopted pursuant to a grant of power under this Charter.

Section 1007: CONFORMITY OF CHARTER WITH STATE LAW

This Charter is and shall be cumulative of all other laws of the state governing cities of more than three thousand five hundred (3,500) inhabitants not in conflict herewith. The enumeration of the powers made in this Charter shall not be construed to preclude, by implication or otherwise, the City from doing any and all things not prohibited by the Constitution and laws of Arizona or by this Charter. Changes in state law concerning issues of statewide impact affecting the City and modifying this Charter may be reflected in this Charter through a footnote or other form of annotation. The City Council is authorized to direct the City Clerk to insert such footnotes or annotations. (Amd. Charter Election 3-29-94)

Section 1008: INAUGURATION OF GOVERNMENT UNDER THIS CHARTER

If a majority of the qualified electors of the City voting on the question vote to ratify this Charter, its provisions shall go into effect upon the approval of the Governor of the State of Arizona.

CERTIFICATE BY BOARD OF FREEHOLDERS

WHEREAS, the City of Mesa, in the County of Maricopa, State of Arizona, did on the 21st day of March 1967 at a special election duly called and held under and in accordance with the Constitution and laws of the State of Arizona elect WILLIAM J. ASHER, DILWORTH C. BRINTON, L. BLAIN CUMMARD, FRED E. EWART, JAMES E. GARDNER, HENRY H. HAWS, EARL N. HORLBECK, MAURICE I. JONES, G. LEE MUMFORD, LAWRENCE H. PACKARD, WEYMOUTH D. PEW, PATRICK G. POMEROY, LOUIS E. STRADLING and DAVID K. UDALL as a Board of Freeholders and qualified electors of said City to prepare and propose a Charter for said City.

BE IT KNOWN, that in pursuance of said provisions of the Constitution and laws of the State of Arizona, and within a period of ninety (90) days after said election, said Board of Freeholders did prepare and does propose the foregoing as and for the Charter of said City of Mesa.

DATED at Mesa, Arizona, this 2nd day of June 1967 and respectfully submitted.