

ORDINANCE NO. 19-1214

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE CHAPTER 2.04, CITY ADMINISTRATION AND CITY COUNCIL, REGARDING FUTURE AGENDA ITEMS, COUNCIL REQUESTS, PUBLIC REQUESTS, CALL TO THE PUBLIC, AND BOARDS AND COMMISSIONS

IT IS ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, as follows:

Section 1: That Lake Havasu City Code Section 2.04.090, Special Meetings, is amended as follows:

§ 2.04.090 SPECIAL MEETINGS.

A SPECIAL MEETING OF THE CITY COUNCIL MAY BE SCHEDULED AS REQUESTED IN ACCORDANCE WITH SECTION 2.04.280 OR BY THE CITY MANAGER, The Mayor, or the Clerk upon the written request of 4 members of by notifying the members of the Council AND THE PUBLIC OF THE SPECIAL MEETING IN ACCORDANCE WITH THE ARIZONA OPEN MEETING LAW. of the day, hour and purpose of the special meeting; except, that announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of the special meeting. The public shall be given at least 24 hours' notice of any special meeting by posting of the notice in at least 3 public places; except, that in the case of an actual emergency, a meeting may be held upon the notice as is appropriate to the circumstances. Only such business may be transacted at a special meeting as may be listed in the call for the meeting.

Section 2: That Lake Havasu City Code Section 2.04.110, Work Sessions, is amended as follows:

§ 2.04.110 WORK SESSIONS.

The Council may meet informally in work sessions REQUESTED IN ACCORDANCE WITH SECTION 2.04.280 OR SCHEDULED BY THE CITY MANAGER at the call of the Mayor or of any 4 members of the Council to review forthcoming programs of the city, receive progress reports on current problems or projects, or to receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. No official action can be taken at a work session.

Section 3: That Lake Havasu City Code Section 2.04.130, Executive Sessions, is amended as follows:

§ 2.04.130 EXECUTIVE SESSIONS.

A. AN EXECUTIVE SESSION OF THE CITY COUNCIL MAY BE SCHEDULED AS REQUESTED IN ACCORDANCE WITH SECTION 2.04.280 OR BY THE CITY MANAGER OR CITY ATTORNEY, The Mayor, or the Clerk upon the written request of 4 members of by notifying the members of the Council AND THE PUBLIC OF THE EXECUTIVE SESSION IN ACCORDANCE WITH THE ARIZONA OPEN MEETING LAW.

B. The Council may VOTE DURING recess any regular or special meeting to meet in executive session, at the call of the Mayor or any 4 members of the Council, to RECEIVE LEGAL ADVICE ON ANY MATTER LISTED ON THE AGENDA privately discuss matters of confidential concern to the well-being of the city, pursuant to A.R.S. § 38-431.03.

Section 4: That Lake Havasu City Code Section 2.04.250, Order of Business, is amended as follows:

§ 2.04.250 ORDER OF BUSINESS.

The Order of Business of each meeting of the City Council shall be contained in the Agenda as prepared by the City Clerk and approved by the Mayor. The Agenda shall be sequentially numbered by item and followed by a brief description, if applicable. The Agenda shall list the specific matters to be discussed, considered, or decided at the meeting and may contain the following items: Call to Order; Invocation; Pledge of Allegiance; Roll Call; Call to the Public; Correspondence; Communications; Petitions; Announcements; City Manager Report; Public Hearings; Current Events; Future Meetings; Future Agenda DISCUSSION Items; and Adjourn. The Order of Business may be rearranged upon the direction and approval of the Mayor.

Section 5: That Lake Havasu City Code Section 2.04.280, Council Requests, is amended as follows:

§ 2.04.280 COUNCIL REQUESTS.

A. Any member of the Council may request that an item be RESEARCHED FURTHER OR placed on the agenda for consideration, discussion, and/or legal action by:

1) making a request during the Future Agenda Items during a meeting MAKING A MOTION AND RECEIVING A SECOND, NO VOTE NECESSARY, DURING THE FUTURE DISCUSSION ITEMS PORTION OF A CITY COUNCIL MEETING AND THEN THE REQUESTING COUNCILMEMBER WILL WORK WITH THE CITY MANAGER TO DETERMINE THE BEST COURSE OF ACTION FOR HANDLING THE REQUEST; OR

2) SUBMITTING A WRITTEN REQUEST TO THE MAYOR AND THEN THE MAYOR WILL WORK WITH THE COUNCILMEMBER(S) AND THE CITY MANAGER TO DETERMINE THE BEST COURSE OF ACTION FOR HANDLING THE REQUEST.

B. IF IT IS DETERMINED THAT A REQUEST SHOULD BE PLACED ON A FUTURE CITY COUNCIL AGENDA, THE CITY MANAGER WILL OBTAIN THE NECESSARY INFORMATION AND MATERIALS FOR PLACEMENT OF THE ITEM ON A FUTURE AGENDA.

C. THE MAYOR MAY SUBMIT ITEMS FOR PLACEMENT ON AN AGENDA BY PROVIDING WRITTEN NOTICE TO ALL COUNCILMEMBERS AND THEN HE OR SHE WORK WITH THE CITY MANAGER TO OBTAIN THE NECESSARY INFORMATION AND MATERIALS FOR PLACEMENT OF THE ITEM ON A FUTURE AGENDA.

D. All communication should be addressed to Council as a whole and not to any individual member thereof.

Section 6: That Lake Havasu City Code Section 2.04.290, Public Requests, is amended as follows:

§ 2.04.290 PUBLIC REQUESTS.

Interested parties or their authorized representatives may request that an item be placed on the City Council meeting agenda by ~~providing the~~ SUBMITTING A WRITTEN request to the City Clerk or the City Council as a whole. THE CITY MANAGER OR DESIGNEE WILL RESEARCH THE REQUEST TO DETERMINE IF IT CAN BE HANDLED ADMINISTRATIVELY OR REQUIRES CITY COUNCIL ACTION. IF DETERMINED THAT THE MATTER SHOULD BE PLACED BEFORE THE CITY COUNCIL, THE CITY MANAGER WILL ENSURE THAT DOCUMENTATION, IF ANY, IS COMPILED AND ANY NECESSARY MATERIALS FORWARDED TO THE CITY CLERK IN THE SAME MANNER AS OTHER ITEMS ARE PRESENTED TO THE CITY COUNCIL, AND THE CITY CLERK SHALL PLACE THE ITEM ON THE NEXT AVAILABLE REGULAR MEETING AGENDA. IF THE CITY MANAGER DETERMINES THAT THE MATTER IS NOT APPROPRIATE TO BE PLACED ON A COUNCIL AGENDA, THE CITY CLERK SHALL NOTIFY THE CITIZEN THAT THEIR REQUEST WILL NOT BE PLACED ON THE AGENDA AND PROVIDE ANY ADDITIONAL INFORMATION, AS APPLICABLE. Only the party or authorized representatives making the request may present the item to the City Council, unless permitted otherwise by the City Council. All questions directed to the City Council must be made through the Chairperson. The presentation of the item at the City Council meeting shall be limited to 10 minutes unless additional time is granted.

Section 7: That Lake Havasu City Code Section 2.04.500, Call to the Public, is amended as follows:

§ 2.04.500 CALL TO THE PUBLIC.

Any individual wishing to address the Council on any issue within the Council's jurisdiction will be given the opportunity to speak at the call to the public. Two calls to the public will be placed

on the agenda of all regular meetings of the Council. One call to the public will be placed on the agenda of all special meetings and work session meetings of the Council; however, in the event of multiple meeting on 1 day, there shall be no more than 2 calls to the public. Members of the public may only address the Council at 1 of the 2 scheduled calls to the public. MEMBERS OF THE PUBLIC ADDRESSING THE COUNCIL SHALL STEP UP TO THE MICROPHONE, GIVE HIS OR HER NAME IN AN AUDIBLE TONE OF VOICE FOR THE RECORD AND, UNLESS FURTHER TIME IS GRANTED BY THE COUNCIL, SHALL LIMIT HIS OR HER ADDRESS TO THE COUNCIL TO THREE (3) MINUTES. During the call to the public, the Council is limited by state law to responding to criticism, asking staff to review the issue or asking that the issue be placed on a future agenda. Any issue to be considered, discussed or decided by Council must be properly noticed as an agenda item for consideration, discussion, and legal action as prescribed by this code and the Arizona Open Meeting Laws.

Section 8: That Lake Havasu City Code Section 2.04.520, Ordinances in General, is amended as follows:

§ 2.04.520 ORDINANCES IN GENERAL.

A. Every proposed ordinance shall be introduced in the form required for final adoption. No ordinance, except as otherwise provided, shall contain more than one subject, which shall be identified in the title of the ordinance. The enacting clause shall read: "~~Be~~-It IS ordained by the Mayor and City Council of Lake Havasu City, Arizona..."

B. A motion to introduce an ordinance may be made at any regular or special meeting of the Council.

1. Upon introduction of any ordinance, the City Clerk shall file a reasonable number of copies in the City Clerk's office and in such other public place as the Council may designate.

2. A public hearing to adopt the ordinance shall follow the introduction by not less than seven days. It may be held separately or in conjunction with a regular or special Council meeting.

3. After the hearing, the Council may adopt the ordinance, with or without amendment, or reject it.

4. As soon as practicable after adoption of any ordinance, the City Clerk shall publish and/or post such ordinance as required by law.

C. The provisions of subsection B. of this section shall not apply to: emergency ordinances designated as such in their titles; zoning ordinances for which an opportunity for public hearing has been held before the planning and zoning commission; or ordinances adopting a budget or tax levy.

Section 9: That Lake Havasu City Code Section 2.04.600, Council Requests for Ordinances or Resolutions, is deleted in its entirety.

~~§ 2.04.600 COUNCIL REQUESTS FOR ORDINANCES OR RESOLUTIONS.~~

~~—Any member of the Council may request the City Manager to have prepared proposed ordinances or resolutions to be placed on a future Council agenda.~~

Section 10: That Lake Havasu City Code Section 2.04.610, General, is amended to add anew subsection (F) as follows:

§ 2.04.610 GENERAL.

F. BOARD REQUESTS: COMMITTEE, BOARD, OR COMMISSION MEMBERS MAY REQUEST THAT AN ITEM BE CONSIDERED FOR POSSIBLE FUTURE DISCUSSION BY ANY MEMBER MAKING A MOTION AND RECEIVING A SECOND, NO VOTE NECESSARY, DURING THE “FUTURE DISCUSSION ITEMS” PORTION OF A COMMITTEE, BOARD, OR COMMISSION MEETING. THE DEPARTMENT LIAISON RESPONSIBLE FOR THAT COMMITTEE, BOARD, OR COMMISSION WILL DETERMINE THE BEST COURSE OF ACTION TO TAKE FOR HANDLING EACH REQUEST. ALL COMMUNICATION SHOULD BE ADDRESSED TO COMMITTEE, BOARD, OR COMMISSION AS A WHOLE AND NOT TO ANY INDIVIDUAL MEMBER THEREOF.

Section 11: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 12: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 thereof.

PASSED AND ADOPTED by the City Council of Lake Havasu City, Arizona, on _____, 2019.

APPROVED:

Cal Sheehy, Mayor

ATTEST:

Kelly Williams, City Clerk

APPROVED AS TO FORM:

REVIEWED BY:

Kelly Garry, City Attorney

Jess Knudson, City Manager