

## ORDINANCE NO. 18-1202

### AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE TITLE 2 ADMINISTRATION AND PERSONNEL REGARDING FILLING OF VACANCIES, VICE-MAYOR, AND OTHER MINOR REVISIONS

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

**Section 1:** That Lake Havasu City Code Section 2.04.040, Filling of Vacancies, is amended as follows:

#### **§ 2.04.040 FILLING OF VACANCIES.**

- A. ~~The Council shall fill by appointment any vacancy on the City Council for whatever reason, pursuant to the provisions of § 2.04.041 of this code.~~ If a vacancy ON THE CITY COUNCIL occurs more than 30 days before the nomination petition deadline, the appointment shall be until the next regularly scheduled City Council election. If a vacancy occurs less than 30 days before the nomination petition deadline, the appointment shall be for the whole length of the unexpired term.
- B. EXCEPT FOR THE OFFICE OF THE MAYOR, THE COUNCIL SHALL FILL BY APPOINTMENT ANY VACANCY ON THE CITY COUNCIL FOR WHATEVER REASON, PURSUANT TO THE PROVISIONS OF § 2.04.041 OF THIS CODE. Upon the creation of any vacant position on the City Council, the City Clerk shall promptly advise the Council, the public and all local news media of the fact of the vacancy and shall solicit applications, resumes and letters of recommendation from the public for the appointment to the vacant position.
- C. Applications and supporting materials for appointment to a vacant position on the City Council shall be accepted by the Clerk for a period of 14 days from the date of the notice provided pursuant to subsection B. hereof. No application tendered to or received by the Clerk after the date may be considered for appointment by the Council.
- D. IN THE CASE OF A VACANCY THAT MAY OCCUR IN THE OFFICE OF THE MAYOR, THE CITY COUNCIL SHALL APPOINT, FROM THE REMAINING COUNCILMEMBERS, ONE PERSON TO SERVE AS MAYOR IN ACCORDANCE WITH SUBSECTION A ABOVE. THE COUNCIL SHALL THEN FILL THE VACANCY IN THE COUNCIL THAT WAS CREATED BY APPOINTING A COUNCILMEMBER TO SERVE AS MAYOR IN ACCORDANCE WITH SUBSECTION A ABOVE.

**Section 2:** That Lake Havasu City Code Section 2.04.140, News Reporters Attending Council Meetings, is amended as follows:

**§ 2.04.140 NEWS REPORTERS ATTENDING COUNCIL MEETINGS.**

Reporters representing all mass news media having an interest in matters discussed at all meetings described in §§ 2.04.080 through ~~2.04.130~~ 2.04.110 of this chapter shall be allowed to attend all such meetings.

**Section 3:** That Lake Havasu City Code Section 2.04.210, Questions to be Stated, is amended as follows:

**§ 2.04.210 QUESTIONS TO BE STATED.**

The Chairperson shall state all questions submitted for a vote ~~and announce the result.~~

**Section 4:** That Lake Havasu City Code Section 2.08.030, Vice-Mayor – Section by Council – Powers and Duties, is amended as follows:

**§ 2.08.030 VICE-MAYOR—~~SELECTION BY COUNCIL~~—POWERS AND DUTIES.**

The Council members shall, at the first regular meeting ~~after their election~~ IN DECEMBER EACH YEAR, OR AS SOON AS PRACTICABLE, designate one of its members as Vice-Mayor UPON APPROVAL OF THE MAJORITY OF THE COUNCIL, who shall serve at the pleasure of the Council. The Vice-Mayor shall perform the duties of the Mayor during his or her absence or disability. IF A VICE MAYOR IS UNABLE TO COMPLETE THE TERM AS VICE MAYOR, THE COUNCIL SHALL SELECT ONE OF ITS MEMBERS TO FILL THE UNEXPIRED TERM.

**Section 5:** That Lake Havasu City Code Section 2.08.080, Vacancies in the Office of Mayor, is repealed and deleted in its entirety.

**~~§ 2.08.080 VACANCIES IN THE OFFICE OF MAYOR.~~**

~~—A.— Should the Office of Mayor ever, for any reason, become vacant, the Vice Mayor shall assume the Office of Mayor and serve in the capacity for the remainder of the unexpired Mayoral term.~~

~~—B.— Should the Vice Mayor decline to assume Mayoral office for any reason, he or she may do so without resigning as Vice Mayor. In such event, the City Council shall appoint from among its number a member who shall serve as Mayor for the remainder of the unexpired Mayoral term.~~

~~—C.— Upon assumption of the Office of Mayor, the incoming Mayor shall vacate his or her seat upon the City Council, and shall not return to the City Council to serve the unexpired portion, if~~

~~any, of his or her term without first standing for election subsequent to the expiration of the unexpired Mayoral term.~~

**Section 6:** That Lake Havasu City Code Section 2.12.030, Nominations to Fill Offices – General Election Procedure, is amended as follows:

**§ 2.12.030 NOMINATIONS TO FILL OFFICES – GENERAL ELECTION PROCEDURE.**

If at any election held as provided in this chapter there is any office for which no candidate is elected, then as to such office the primary election shall be considered to be a primary election for nomination of candidates for such office, and ~~the~~ A SECOND OR general ~~municipal~~ election shall be held to vote for candidates to fill the office. Candidates to be placed on the ballot at the general ~~municipal~~ election shall be those not elected at the primary election, and shall be equal in number to twice the number to be elected to any given office or less than that number if there are less than that number named on the primary election ballot. Persons who receive the highest number of votes for the respective offices at the first election shall be the only candidates for the second election, provided that if there is any person who, under the provisions of this chapter, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving ~~an~~ SAID equal number of votes shall likewise become candidates for the office.

**Section 7:** That Lake Havasu City Code Section 2.24.050, Ordinances, Resolutions, Budgets and Notices, is amended as follows:

**§ 2.24.050 ORDINANCES, RESOLUTIONS, BUDGETS AND NOTICES.**

The Clerk shall process, record, file, ~~publish~~ and, if required by state statute, post AND PUBLISH all ordinances, resolutions, budgets, and notices that may be passed by the Council.

**Section 8:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 9:** 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 \_\_\_\_\_, 2018.

APPROVED:

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Mark S. Nexsen, Mayor

ATTEST:

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Kelly Williams, City Clerk

APPROVED AS TO FORM:

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Kelly Garry, City Attorney

REVIEWED BY:

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Jess Knudson, City Manager