

Resol# 603

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*City of*  
**Scottsdale**  
**Charter**



*Scottsdale, Arizona*  
*Amended*

Original Charter  
Approved November 16, 1961  
by Governor Paul J. Fannin  
Amendments Approved  
by Governor Jack Williams  
January 17, 1968  
and  
May 17, 1973

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City of Scottsdale  
**CITY CHARTER**  
Scottsdale, Arizona

**ARTICLE 1 — Incorporation, Form of Government,  
Powers and Boundaries**

**Section 1 — Incorporation**

The inhabitants of the City of Scottsdale, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Scottsdale."

**Section 2 — Form of Government**

The municipal government provided by this charter shall be known as the **COUNCIL MANAGER FORM GOVERNMENT**. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the City, as prescribed by the constitution and applicable laws, and ordinances hereafter adopted by the City. All powers of the City shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

**Section 3 — Powers of City**

The City shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted, and these further rights and powers, to-wit:

- A. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require.

B. To designate and establish as floodways or flood plains, areas of land within the boundaries of the City reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together with surface and flood waters so as to prevent the loss of or injury to lives and damage to property and prevent and prohibit encroachments and obstructions within the floodway and flood plain areas so designated and established by the City together with criminal and civil penalties for violations thereof.

C. To adopt, and may from time to time modify, a comprehensive plan of the future physical development of the City to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements and the council may by ordinance implement said comprehensive plan by adopting land use and development regulations including but not limited to an official map and zoning and subdivision regulations.

D. To levy and collect assessments and file liens on real property to collect amounts owed to the City for garbage and trash collection and sewer rental charges and reasonable amounts expended by the City in the abatement of any nuisance, 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.

E. To prescribe the number of times a notice is to be published, the place of publication and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.

F. The City has the exclusive control and regulation of the use and enjoyment of its streets, alleys, public grounds or ways.

G. To require all persons, firms, or corporations responsible for new physical development within the City to provide for or furnish, or pay a fee in lieu of providing for or furnishing: (1) public utility

easements; (2) water production, storage and transmission; (3) sewage collection, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; and (10) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

- H. To require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building or structure other than a detached single-family dwelling.
- I. To adopt specific plans for land use for areas within the City for the purpose of refining the General Plan.
- J. To require removal of all signs not conforming to the zoning ordinance. Signs not in conformance upon the effective date of this amendment shall have the privilege of amortization as determined by ordinance.

Except as prohibited by the constitution of this state, or restricted by this charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

### Section 3-1 — 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 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.

### Section 4 — Boundaries

The boundaries of the City shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

## ARTICLE 2 — The Council

### Section 1 — Powers of the Council

All powers of the City, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

### Section 2 — Number: Selection

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

### Section 3 — Term of Mayor

The term of office of the mayor shall commence at the first regular meeting of the council in April following his election, and beginning in 1968 and thereafter shall be for four (4) years or until his successor is elected and qualified.

The first election for mayor after the adoption of this amendment to the charter shall be held at the primary election and general election if necessary in 1968 as provided in this charter. However, until that time, the incumbent mayor shall retain his office as provided by law.

#### Section 4 — Terms of Councilmen

The term of office of each councilman shall commence at the first regular meeting of the council in April following his election, and shall be for four (4) years, or until his successor is elected and qualified. Six (6) councilmen shall be elected in 1968, and the three (3) candidates receiving the greatest number of votes shall serve for a term of four (4) years, and the three (3) candidates receiving the next greatest number of votes shall serve for a term of two (2) years, and every two (2) years thereafter, three (3) councilmen shall be elected for four (4) year terms who shall be the three (3) candidates receiving the greatest number of votes. However, until that time, each incumbent councilman shall retain his office as provided by law.

#### Section 5 — Qualifications

The mayor and councilmen shall be qualified electors and real property owners of the City and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided in said City, or in an area annexed to said City, for one (1) year next preceding the date of such election or appointment. Incumbent councilmen to be eligible to run for the office of mayor shall submit his written irrevocable resignation to the city clerk at least ninety (90) days prior to the primary election to be effective the date the newly elected council takes office. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

#### Section 6 — Duties of the Mayor

- A. The Mayor shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- B. He shall be recognized as head of the City government for all ceremonial purposes and

by the governor for purposes of martial law, but shall have no regular administrative duties.

- C. The Mayor shall govern the City by proclamation during times of riot, civil insurrection, major disaster and times of great public danger.

#### Section 7 — Mayor Pro-tempore

The council shall designate one of its members as mayor pro-tempore, who shall serve in such capacity at the pleasure of the council. The mayor pro-tempore shall perform the duties of the mayor during his absence or disability.

#### Section 8 — Salaries of Mayor and Councilmen

The annual salary of the mayor shall be \$800.00, and of the councilmen shall be \$400.00, until changed by ordinance, but shall not be increased during the current term of mayor and councilmen enacting such ordinance.

#### Section 9 — Council to be Judge of Qualifications of its Members

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

#### Section 10 — Induction of Mayor and Council into Office

At the first regular meeting following the general election, the council shall hold a meeting for the purposes of inducting the newly elected mayor and councilmen, and to organize the council.

#### Section 11 — Vacancies in Council and Office of Mayor

The council, by majority vote of its remaining members, shall within thirty-one (31) days, fill the vacancy in its own membership including the office of mayor, by appointing a person to serve until the office is filled by election. If a vacancy in either the office of mayor or councilman occurs less than thirty (30) days prior to the final date for filing nomination petitions for the primary election, the council shall appoint by ma-

majority vote a person to serve the remainder of the unexpired term. If a vacancy occurs in the office of mayor more than thirty (30) days prior to the final date for filing nomination petitions for the primary election, the vacancy shall be filled for a four (4) year term at the next regular primary election and general election, if necessary, as provided in this charter. If a vacancy occurs in the office of councilman more than thirty (30) days prior to the final date for filing nomination petitions, the unexpired term shall be filled at the next regular primary election and general election, if necessary, as provided in this charter.

In any primary election or general election, if necessary, as provided in this charter, when more than three (3) vacancies exist in the office of councilman, and have to be filled at said election, the three (3) candidates receiving the greatest number of votes shall be elected for four (4) year terms as provided in Article 2, Section 4 of this charter and the candidate or candidates equal in number to the vacancies to be filled receiving the next greatest number of votes in descending order shall be elected for the unexpired term or terms.

#### Section 12 — Council Meetings; Open to Public

The council shall meet regularly at such times and at such places as may be prescribed by its rules, but not less frequently than two (2) times each month. All meetings of the council to conduct official business shall be open to the public.

#### Section 13 — Special Meetings

Special meetings may be called by the mayor or four (4) members of the council, with reasonable notice given to all members of the council.

#### Section 14 — Rules of Procedure; Journal

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection during regular office hours.

#### Section 15 — Quorum; Ayes and Nays

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time.

The vote on any question shall be by ayes and nays and shall be entered in the journal. At the request of any member of the council, a roll call vote shall be taken.

#### Section 16 — Consideration of Petitions

Any citizen of the City may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council in the regular course of business, within thirty (30) days.

#### Section 17 — Interference in Administrative Service

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Nothing in the section shall be construed, however, as prohibiting the council while in open sessions from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.

#### Section 18 — Conduct of Council as to Powers Authorized by Charter when No Procedure Established by Law

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefore, then the council may prescribe the procedure.

### ARTICLE 3 — THE CITY MANAGER

#### Section 1 — Appointment of City Manager

The council shall appoint an officer of the City who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he

shall have been elected, nor within one year after the expiration of his term.

### Section 2 — The City Manager; Qualifications

The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office shall reside within the City.

### Section 3 — City Manager; Powers and Duties

The city manager shall be the chief executive of the administrative branch of the City government. He shall be responsible to the council for the proper administration of all affairs of the City and to that end, subject to the provisions of this charter, he shall have power and shall be required to:

- (1) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed;
- (2) Appoint and when necessary for the good of the service remove all officers and employees of the City except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- (3) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption.
- (4) Keep the council advised at all times of the affairs and needs of the City and make reports annually, or more frequently if requested by the council, of all the affairs of the City;
- (5) Supervise the purchasing for all departments of the City.
- (6) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.
- (7) The city manager shall furnish a surety bond to be approved by the council. Said

bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the City.

### Section 4 — Acting City Manager

If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.

### Section 5 — Removal of City Manager

The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council.

## ARTICLE 4 — Administrative Department — Offices and Employees

### Section 1 — Administrative Departments and Offices

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the City as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the City.

Officers of the City shall become residents of the City within six (6) months after the start of their employment. The City council may by ordinance provide residency requirements for all other City employees.

#### Section 2 — City Clerk

The council shall appoint an officer of the City, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.

#### Section 3 — City Treasurer

The council shall appoint an officer of the City, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the City and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council.

The city treasurer shall furnish a surety bond to be approved by the City council. Said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the City.

#### Section 4 — City Attorney

The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.

#### Section 5 — Civil Service System to be Established

The City council shall create a civil service board within one (1) year after the adoption of this charter by the voters. The board shall consist of three qualified electors of the City to be appointed by the City council.

The term of the appointment of members shall be for six (6) years, except that of the members first appointed, one shall be appointed for a term of two (2) years, one for a term of four (4) years and one for a term of six (6) years.

Any vacancies during the unexpired term of an appointive member shall be filled by the council for the remainder of the term.

The civil service board shall prescribe, amend and enforce rules for the employees of the town, except those elected by the people and also excluding all officers and department heads. These rules shall have the effect of law after they have been approved by the City council.

### ARTICLE 5 — APPOINTIVE BOARDS AND COMMISSIONS

#### Section 1 — Appointive Boards and Commissions

The council may by ordinance create, change, and abolish boards or commissions as in its judgment are required, or as are now or hereafter provided by law and may grant to them such power and duties as are consistent with the provisions of this charter.

All members of appointive boards or commissions shall at the time of their appointment be a resident of the City, and shall maintain this residency for the duration of his term in office.

#### Section 2 — Mayor and City Manager Ex-officio Members

The mayor and city manager shall be ex-officio members without voting privileges, of all boards and commissions.

### ARTICLE 6 — FINANCE AND TAXATION

#### Section 1 — Fiscal Year

The fiscal year of the City shall commence on the first day of July each year.

#### Section 2 — Council to Provide for Tax System, Use of County Services

The council may by ordinance provide a system for the assessment, levy and collection of all City taxes, not inconsistent with the provisions of



this charter; provided, however, the council shall have power to avail itself of any law of this state, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the City is situated and taxes collected by the tax collector of said county for and in behalf of the City.

### **Section 3 — Submission of Estimates to Council; Scope of City Manager's Estimate**

On or before the second regular council meeting in May of each year, or on such date in each year as shall be fixed by the council, the city manager shall prepare and submit in writing to the council the estimates of each department and his own personal report and recommendations and estimate as to the probable expenditures of the City for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department, and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking fund.

### **Section 4 — Preparation and Tentative Adoption of a Budget; Publication of Budget and Notice of Meeting to Fix Tax Levies**

The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City for the ensuing fiscal year. The budget shall be prepared in such detail as provided by law, and, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published in the official newspaper of the City once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.

### **Section 5 — Public Hearing and Adoption of Budget**

The council, shall, at the first regular meeting in June and at the time and place designated in such notice, hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy.

When such hearings shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the next fiscal year.

- (a) After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice at least once in the official newspaper of the city, setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication at which time the council will hold a public hearing thereon.

### **Section 6 — Exceeding Adopted Budget**

Nothing in this article shall be construed to limit the power of the council to appear before the State Tax Commission or any other duly authorized state body for the purpose of requesting authorization to exceed the adopted budget for emergency or unanticipated municipal expenditures.

### **Section 7 — Adoption of Ordinance Fixing Tax Rate**

On the day set for making tax levies, but not later than the third Monday in August the council shall meet and adopt an ordinance levying upon the assessed valuation of the property within the City, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars (\$100.00) of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

### **Section 8 — Additional Taxes for Special Purposes**

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking funds

of the bonded indebtedness of the City and an additional amount deemed to be advisable and necessary for any public or municipal purposes.

#### **Section 9 — Transaction Privilege Tax**

The council shall have the power to levy a transaction privilege tax provided that no such tax levy computed or measured on the gross receipts, gross income or gross proceeds of sales of the taxpayer without deduction for cost of goods, or property or services sold or other costs shall be levied at a rate in excess of 1% of such gross receipts, gross income or gross proceeds of any such taxpayer unless such rate is approved by a majority of the qualified electors of the city, voting on the question of whether such rate should be approved at a general or special election wherein such question has been submitted.

#### **Section 10 — Tax Exempt Property**

All the property within the City shall be subject to taxation, except that property which is exempt from taxes under the laws of the United States and the laws of this state.

#### **Section 11 — Transfer of Appropriations**

The city manager, subject to the approval of the council, may at any time transfer any unencumbered appropriation balance or portion thereof of between general classifications of expenditures within an office, department or agency. At the request of the city manager and within the last three months of the fiscal year, the council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

#### **Section 12 — Claims or Demands against the City**

The council shall prescribe by ordinance the manner and limitations of time in which claims or demands against the City shall be presented, audited and paid.

#### **Section 13 — Transfer of Sums from any Funds to Principal and Interest Funds**

Whenever there shall not be interest or principal reduction funds for the bonded indebtedness of the city to pay the interest or any principal

payment on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having moneys therein to such interest or principal funds the necessary amounts of money to pay the interest or principal payment due on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient moneys shall accrue in said bonded indebtedness funds.

#### **Section 14 — Independent Annual Audit**

Prior to the end of each fiscal year the council shall designate certified public accountants who, as of the end of the fiscal year, shall make an independent audit of City government and shall submit their report to the council and to the city manager. All such audit reports shall be a matter of public record. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts or records of the City business, but within specifications approved by the council, shall post-audit the books and documents kept by the City and any separate or subordinate accounts kept by any other office, department or agency of the city government.

#### **Section 15 — Investment of Funds**

The council shall have the authority to invest all funds available at the highest available interest rate assuring that all monies are fully secured.

#### **ARTICLE 7 — ORDINANCES AND RESOLUTIONS**

##### **Section 1 — Council to Act by Resolution or Ordinance**

The council shall act by resolution or ordinance.

##### **Section 2 — Ayes and Nays to be Recorded**

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

##### **Section 3 — When Majority Vote Required**

A majority vote of all the members of the council shall be necessary to pass any ordinance or resolution having the effect of an ordinance.

#### **Section 4 — Enacting Style**

The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the Council of the City of Scottsdale as follows:"

#### **Section 5 — Reading or Posting and Passage of Ordinances and Resolutions: Effective Date**

All proposed ordinances and resolutions having the effect of ordinances, shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption provided if any amendments are proposed to a posted ordinance such amendments shall be read in full prior to its adoption.

A measure may be placed upon final passage at the same meeting as when introduced by unanimous consent of the council.

Measures without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

#### **Section 6 — Emergency Measures; Effective Date**

An emergency measure is one necessary for the immediate preservation of the public peace, health or safety, in which the emergency is set forth and defined. An emergency measure may be placed upon its second reading and final passage at the same meeting as when first introduced upon the affirmative vote of at least five (5) of the members of the council taken by ayes and nays.

An emergency measure shall take effect immediately upon its passage.

#### **Section 7 — Signing of Ordinances and Resolutions**

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

#### **Section 8 — Publication of Ordinances and Resolutions**

All ordinances and resolutions having the effect of ordinances except emergency measures shall be published once within ten (10) days of its passage, in the official newspaper of the City before they become effective and operative.

Emergency ordinances which have been passed by the necessary vote of five (5) members of the council shall be published one time in the official newspaper of the city within ten (10) days after their passage.

#### **Section 9 — How Ordinances and Resolutions are Revised — Re-enacted and Amended**

Ordinances, or resolutions having the effect of an ordinance, shall not be revised, re-enacted or amended by reference to title only, but the ordinance, or resolution having the effect of an ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances and resolutions.

#### **Section 10 — How Ordinances or Resolutions are Repealed or Suspended**

No ordinance, or resolution having the effect of an ordinance, or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter.

#### **Section 11 — Ordinances and Resolutions to be Filed, Recorded and Certified; Ordinances and Resolutions as Evidence**

All ordinances and resolutions shall be filed and safely kept by the city clerk and duly recorded and certified by him in books for that purpose marked "City Resolutions" respectively; and record copies thereof certified by the city clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this state, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

#### **Section 12 — Procedure for Adoption by Reference**

The council may enact the provisions of a code or public record theretofore in existence without

setting forth such provisions, but the adopting ordinance shall be published in full. At least three (3) copies of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

#### Section 13 — Codification of Ordinances

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code Amendments to the code shall be enacted in the same manner as ordinances.

### ARTICLE 8 — CONTRACTS

#### Section 1 — Preparation

All contracts shall be executed in the name of the City of Scottsdale by the mayor, except as it may be otherwise provided either by this charter or by law, and must be countersigned by the city clerk who shall number and register the same in a book kept for that purpose.

#### Section 2 — Contracts for City Improvements

Any city improvement costing more than \$5,000.00 shall be executed by a written contract except where such improvement is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$5,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as provided by law unless the Council rejects all bids.

#### Section 3 — Purchases

The City Manager shall contract for and purchase, or issue purchase authorization for all supplies, materials, equipment and services for the offices, departments and agencies of the City.

No bids shall be required for any contract or purchase not in excess of \$1,000.00. For any contracts and purchases from \$1,000.00 to \$5,000.00 inclusive, the city manager or his agents herunder shall invite written bids from at least three (3) qualified bidders and keep a record of the bids and of the awards of contracts or purchase for public examination or inspection.

Every such contract or purchase exceeding the sum of \$5,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as provided by law, unless the council rejects all bids.

#### Section 4 — Bids

The advertisement for bids shall distinctly and specifically state the character of the City improvement contemplated and/or the kind of supplies, materials, equipment and services required. Such notices shall be published at least once in the official newspaper of the City, not less than five (5) days prior to the opening of bids. Bidding will be by sealed proposals only and under such regulations as may be prescribed by the council.

#### Section 5 — Transfer of Property

The city manager may transfer to or between offices, departments and agencies supplies, materials and equipment, subject to such regulations as the council may prescribe.

#### Section 6 — Fraud and Collusion

Any member of the council or any officer or employee of the City who shall aid or assist a bidder in securing a contract to furnish labor, material, equipment, supplies or services at a higher price than proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the char-

acter of the labor, material, equipment, supplies or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies, or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies, or equipment than was actually received, shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

#### Section 7 — Personal Interest

No member of the council or any officer or employe of the City shall have a substantial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract, or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies, equipment or services. Any willful violations of this section shall constitute malfeasance in office and any officer or employe of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the persons contracting with the City shall render the contract voidable by the city manager or the council.

#### Section 8 — Lease of City Property

The council may lease any land, buildings or personal property on such terms and conditions as the council may prescribe. All leases shall be made to the highest responsible bidder, after publication of notice thereof in the official newspaper of the City once a week for at least two (2) weeks, stating explicitly the terms and conditions of the proposed lease. However, the council may, at its discretion reject any and all bids.

#### Section 9 — Sale of City Property

The City may sell and convey all or any part of its real or personal property in a manner provided by law.

### ARTICLE 9 — ELECTIONS

#### Section 1 — Permitted Types of Elections

Elections to be held in the City shall be either primary, general or special.

- (a) Primary elections shall be held for the purposes of making nominations for the general election and electing officers as hereinafter provided and for such other purposes as the council may prescribe.
- (b) General elections shall be held, when necessary, for the purpose of electing officers of the city and such other purposes as the council may prescribe.
- (c) All other municipal elections that may be held by authority of this charter, or of any law, shall be known as special elections.

#### Section 2 — Qualifications of Electors; Registration

The qualifications of electors shall be as required by the constitution and laws of this state for state, county and city electors. However, in voting on the question of issuing bonds, in addition to being qualified electors of the City, the elector must be a real property taxpayer.

Registration of voters shall be as required by the laws of this state and the register of qualified electors shall be compiled from the general county register.

#### Section 3 — Arrangement of Names Not to Reveal Source of Candidacy or Support of Candidates

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

#### Section 4 — Time of Holding Primary Elections

Primary elections shall be held on the fifth Tuesday preceding the holding of the general election.

#### Section 5 — Majority to Elect in Primary

Any candidate who shall receive at the primary election, the number of votes constituting a majority of all of the ballots cast, shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further elections shall be held as to said candidate provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates, equal in

number of the offices to be filled receiving the highest number of votes shall be declared to be elected.

#### Section 6 — Nomination for General Election

If at any primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered to be a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided, that if there be any person who under the provisions of this section 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, therefore, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

#### Section 7 — Time of Holding General Election

The next general municipal election, if necessary, shall be held on the fourth Tuesday in March, 1962, and thereafter there shall be general municipal elections, if necessary, held every two (2) years on the fourth Tuesday in March.

#### Section 8 — Candidates Receiving Most Votes to be Elected

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said general election shall be declared elected to such office. In any cases of ties, the decision as to winner shall be determined by lot.

#### Section 9 — Special Elections

The council shall provide the time, manner and means of holding any special election, provided that no election shall be called less than thirty (30) days following publication in the official newspaper of the City. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

### ARTICLE 10 — INITIATIVE, REFERENDUM AND RECALL

#### Section 1 — Initiative; Referendum and Recall

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of elective officers. The provisions of the constitution and general laws of the state, as the same now exist or hereafter may be amended, governing the initiative and referendum and recall of elective officers shall apply in the City.

No initiative measure, however, may change or alter, or remove or limit, any power, right, duty, privilege or immunity conferred by or established by this charter, and no initiative measure which in any way conflicts with a provision of this charter or responsibilities conferred by it, shall, to the extent of such conflict be operative.

### ARTICLE 11 — CITY COURT

#### Section 1 — Establishment

There shall be and is hereby established in the city a municipal court, to be known and designated "The City Court of Scottsdale, Maricopa County, State of Arizona."

#### Section 2 — Presiding Officer; Appointment; Term

The presiding officer of the city court shall be a duly licensed attorney in the State of Arizona, and shall be selected in a manner provided by ordinance and serve for a period of two (2) years. He shall receive such compensation as provided by the City council and may be removed by them for cause.

#### Section 3 — Ordinances to Give Effect

The council shall pass all necessary ordinances to give effect to the provisions of this article, not otherwise herein provided.

### ARTICLE 12 — FRANCHISE AND PUBLIC UTILITIES

A person desiring to obtain a franchise to operate a public utility from this City shall pre-

sent the franchise desired to the City council of the City and it shall be filed among its records.

If the council deems the granting of the franchise beneficial to the City, it shall pass a resolution, to be spread upon its record stating that fact, and shall submit the question to the qualified voters, as to whether or not the franchise shall be granted, at the following regular election held in the City or at a special election called for that purpose.

The proposed franchise shall be published in full in the official newspaper of the City once a week for four (4) consecutive weeks prior to the election and the cost of same, together with the election expenses shall be paid by the applicant for such franchise.

If a majority of the votes cast are in favor of granting the franchise, the council shall grant the franchise, only in the form filed and published.

A franchise shall not be granted for a longer term than twenty-five (25) years.

Before calling any such election, the estimated expense of publication and election thereof (to be determined by the council) shall be first deposited by the applicant for such franchise with the city clerk.

#### **Section 2 — Establishment of Municipally Owned and Operated Utilities**

The City shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The City may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the municipally owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged.

The council may by ordinance provide for the extension, enlargements or improvement of existing utility, and provide reasonable reserves for such purpose.

#### **Section 3 — Establishment of Classifications and Regulations of Rates of Public Utilities**

The City shall have full power to and may prescribe just and reasonable classifications to

be used and just and reasonable rates and charges to be made and collected by all corporations rendering public utility service within the corporate limits of the City of Scottsdale as now or hereafter constituted, except public service corporations as such corporations are defined and the regulation thereof delegated to the Arizona Corporation Commission by Article 15, Section 2, Arizona Constitution.

The City council may establish such boards as are necessary and convenient to discharge its duties pursuant to this enactment. The powers hereby conferred shall be exercised by the City council pursuant to ordinance providing for hearings and investigations and establishing procedures to be followed in determining and fixing fair value of any such utility property and a reasonable rate of return and providing for suitable penalties, civil and criminal, for violation of any lawful order or requirement made or imposed pursuant to any regulatory ordinance or in furtherance of any regulatory investigation.

### **ARTICLE 13 — GENERAL PROVISIONS**

#### **Section 1 — Publicity of Records**

All records and accounts of every office, department or agency of the City shall be open for inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations established by the City council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

#### **Section 2 — Official Bonds**

All elected and appointed officers and such other employees as the council may by ordinance or resolution require to do so, shall give bond in such amount and with such surety as may be approved by the council. The premium on such bonds to be paid by the City.

#### **Section 3 — Oath of Office**

Every officer of the City, whether elected or appointed under the provisions of this charter, or under any ordinance of the City shall, before

entering upon the duties of his office, take and subscribe an oath required by the State Constitution.

#### Section 4 — Short Title

This charter, adopted by the people of the City of Scottsdale shall be known and may be cited as the Charter Form of Government of the City of Scottsdale.

#### Section 5 — Plenary and Implied Powers of the Council

The Council shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express as well as the implied powers granted in this charter to the end that a complete, harmonious, and effective municipal government may be initiated, installed, operated and maintained in the City, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the City and its inhabitants.

### ARTICLE 14 — SUCCESSION IN GOVERNMENT

#### Section 1 — Rights of Officers and Employees Preserved

Nothing in the charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department, or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when the charter shall take effect and not inconsistent with the provisions of this charter, in relations to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department or agency.

#### Section 2 — Continuance of Present Officers

All persons holding executive and administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the perfor-

mance of such duties or the discontinuance of such duties.

#### Section 3 — Continuance of Present Offices, Departments and Agencies

Any office, department or agency provided for in this charter to be named or 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 the charter. Any office, department or agency not provided for in this charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the council as heretofore provided in this charter.

The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council, unless otherwise provided herein.

#### Section 4 — Continuance of Appointive Boards and Commissions

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the council as heretofore provided in this charter.

#### Section 5 — Transfer of Records and Property

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter, or under its authority shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.



### **Section 6 — Continuance of Contracts**

All contracts entered into by the City prior to the taking effect of this charter, shall continue in full force and effect.

### **Section 7 — Pending Actions and Proceedings**

The adoption of the charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the City or any office, department, agency or officer thereof.

### **Section 8 — Ordinances to Remain in Force**

All ordinances, resolutions and regulations of the City in force at the time of this charter taking effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

### **Section 9 — 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, the provisions of this charter shall go into effect for all purposes immediately upon the approval of the Governor as provided by the Constitution of this State.

## **ARTICLE 15 — GENDER**

### **Section 1 — Gender**

Wherever the context of this instrument so requires words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation, company, partnership or association, or society as well as a natural person.

## **ARTICLE 16 — AMENDMENTS**

### **Section 1 — Method of Amendment**

This charter, or any part or article or section thereof, may be amended in the manner provided by the constitution of this state.

137504 02-R MISC.

CERTIFICATION AND AUTHENTICATION OF CHARTER AMENDMENTS

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I, B. L. TIMS, O.D., as Mayor of the City of Scottsdale, Arizona, do hereby certify and attest that the following is a true, correct and authentic copy of amendments to the Charter of the City of Scottsdale, voted upon, ratified, and approved by the electors of said City at a Special Election held in the City of Scottsdale on Tuesday, April 10, 1973:

QUESTION #1

SHALL ARTICLE 1, SECTION 3, RELATING TO POWERS OF THE CITY BE AMENDED BY ADDING NEW PARAGRAPH G TO READ:

- G. To require all persons, firms, or corporations responsible for new physical development within the City to provide for or furnish, or pay a fee in lieu of providing for or furnishing: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, transmission, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; and (10) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

QUESTION #2

SHALL ARTICLE 1, SECTION 3, RELATING TO POWERS OF THE CITY BE AMENDED BY ADDING NEW PARAGRAPH H TO READ:

- H. To require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building or structure other than a detached single-family dwelling.

QUESTION #3

SHALL ARTICLE 1, SECTION 3, RELATING TO POWERS OF THE CITY BE AMENDED BY ADDING NEW PARAGRAPH I TO READ:

- I. To adopt specific plans for land use for areas within the City for the purpose of refining the General Plan.

MAY 17 1973-832

STATE OF ARIZONA } ss  
County of Maricopa }

I hereby certify that the within instrument was filed and recorded at request of

City of Scottsdale

In Docket 10141  
on page 1158-1162

Witness my hand and official seal the day and year aforesaid.  
PAUL N. MARRSTON  
County Recorder

By Linda Bauerland  
Deputy Recorder

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QUESTION #4

SHALL ARTICLE 1, SECTION 3, RELATING TO POWERS OF THE CITY BE AMENDED BY ADDING NEW PARAGRAPH J TO READ:

- J. To require removal of all signs not conforming to the zoning ordinance. Signs not in conformance upon the effective date of this amendment shall have the privilege of amortization as determined by ordinance.

QUESTION #5

SHALL ARTICLE 6, RELATING TO FINANCE AND TAXATION BE AMENDED BY ADDING NEW SECTION 15 TO READ:

Section 15 - Investment of Funds

The council shall have the authority to invest all funds available at the highest available interest rate assuring that all monies are fully secured.

QUESTION #6

SHALL ARTICLE 8, SECTION 2, RELATING TO CONTRACTS FOR CITY IMPROVEMENTS BE AMENDED TO READ:

Section 2 - Contracts for City Improvements

Any City improvement costing more than \$5,000.00 shall be executed by a written contract except where such improvement is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$5,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as provided by law unless the Council rejects all bids.

QUESTION #7

SHALL ARTICLE 8, SECTION 3, RELATING TO PURCHASES BE AMENDED TO READ:

Section 3 - Purchases

The City Manager shall contract for and purchase, or issue purchase authorization for all supplies, materials, equipment and services for the offices, departments and agencies of the City.

No bids shall be required for any contract or purchase not in excess of \$1,000.00. For any contracts and purchases from \$1,000.00 to \$5,000.00 inclusive, the city manager or his agents hereunder shall invite written bids from at least three (3) qualified bidders and keep a record of the bids and of the awards of contracts or purchase for public examination or inspection.

Every such contract or purchase exceeding the sum of \$5,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as provided by law, unless the council rejects all bids.

STATEMENT OF SUBMISSION OF  
CHARTER AMENDMENTS TO ELECTORS OF  
THE CITY OF SCOTTSDALE.

I further certify that the above charter amendments were submitted, voted upon and ratified by a majority of the qualified electors of the City of Scottsdale, Arizona, voting thereon at said special election; that the official returns of said special election were duly filed with the City Clerk of said City of Scottsdale after said election; that on the first Monday after said election, to-wit: April 16, 1973, the Council of the City of Scottsdale canvassed the returns of said election and found and determined the total number of votes cast for and against each of the seven (7) questions to be as follows:

	<u>For</u>	<u>Against</u>
QUESTION 1	7,339	1,028
QUESTION 2	7,510	833
QUESTION 3	7,437	892
QUESTION 4	7,425	795
QUESTION 5	7,411	780
QUESTION 6	6,318	1,912
QUESTION 7	6,147	2,160

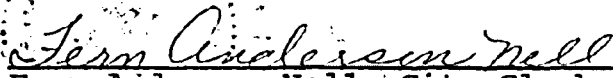
and that the proposed amendments to the charter of the City of Scottsdale as contained in said seven (7) questions were ratified by a majority of the qualified electors of the City of Scottsdale voting thereon.

IN WITNESS WHEREOF, I, the undersigned Mayor of the City of Scottsdale have hereunto set my hand, duly attested and sealed with the corporate seal of said City of Scottsdale by the City Clerk of said City of Scottsdale, this 19th day of April, 1973.



B. L. Tims, O.D., Mayor

Attest:

  
Fern Anderson Nell, City Clerk

STATE OF ARIZONA     )  
                              ) ss.  
County of Maricopa    )

I, FERN ANDERSON NELL, City Clerk of the City of Scottsdale, County of Maricopa, State of Arizona, do hereby certify and attest the foregoing to be a full, true and correct copy of the amendments to the Charter of the City of Scottsdale, which were voted upon, approved and ratified by the electors of said City at the Special Election held in the City of Scottsdale on Tuesday, April 10, 1973, and further certify and attest that said amendments to the Charter of the City of Scottsdale were submitted to, voted upon, approved and ratified by the electors of the City of Scottsdale at said election as set forth in the foregoing statement of submission, all as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Phoenix to be affixed hereunto this 19th day of April, 1973.



Fern Anderson Nell  
Fern Anderson Nell, City Clerk

GOVERNOR'S APPROVAL  
OF  
CHARTER AMENDMENTS

The foregoing Amendments to the Charter of the City of Scottsdale, State of Arizona, which were ratified, approved and passed by the electors of the City of Scottsdale at the Special Election had and held in the City of Scottsdale on the 10th day of April, 1973, having been duly submitted to me for approval, and not being in conflict with the Constitution of the State of Arizona, or with the laws of the State, said amendments to the Charter of the City of Scottsdale are hereby approved by me, in my capacity as Governor of the State of Arizona, pursuant to the provisions of Section 2 of Article XIII of the Constitution of the State of Arizona.

Dated at Phoenix, Arizona, this 17<sup>th</sup> day of May, 1973.

Jan Williams  
GOVERNOR OF ARIZONA

ATTEST:

L. J. Poffard  
Acting Secretary of State

A duplicate of the foregoing has this 17 day of May 1973, been filed in the office of the Secretary of State of the State of Arizona, as required by Sec. 2 of Article XIII of the Constitution of the State of Arizona.

L. J. Poffard  
Acting Secretary of State

