

MAYOR AND COUNCIL

CHAPTER 2 MAYOR AND COUNCIL

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Section 2-1-1 Elected Officers¹

- A. The elected officers of the town shall be a mayor and six council members. The mayor and council members shall constitute the common council and shall continue in office until assumption of duties of office by their duly qualified successors.
- B. The mayor shall be directly elected every four years for a term of four years.
- C. Council members shall serve four-year, overlapping terms.

Section 2-1-2 Corporate Powers

The corporate powers of the town shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

Section 2-1-3 Duties of Office

The mayor and members of the council shall assume the duties of their office at the first regularly scheduled council meeting in January following the election at which elected and as provided for in A.R.S. §16-642.

Section 2-1-4 Vacancies in Council

- A. Vacancies will be filled as provided for in State Law.

Section 2-1-5 Compensation

The compensation of elective officers of the town shall be fixed from time to time by resolution of the council.

¹Ordinance 39-93

Ordinance 411-07 and voter approval March 11, 2008

Ordinance 538-13

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Section 2-1-6 Oath of Office

Prior to assumption of the duties of office, the Mayor and each Council Member shall take and subscribe to the oath of office as provided for in A.R.S. §38-232 and acknowledge the receipt of the Council Policies and Procedures Handbook.

A. If appointed, at or before commencement of the term of office.

B. If elected, at any time after receiving the Officer's Certificate of Election, and at or before commencement of the term of office.

Section 2-1-7 Bond

Prior to taking office, each member of the council shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the town. Nothing in this section shall preclude the town from obtaining a blanket bond as allowed or required by state law.

Section 2-1-8 Financial Disclosure Statement

Each member of the council shall file a financial disclosure statement at such times, in such form and with such information as provided by resolution of the council and pursuant to state law.

Ordinance 507-11

Ordinance 538-13

ARTICLE 2-2 MAYOR

- 2-2-1 Selection of Mayor
- 2-2-2 Vice Mayor
- 2-2-3 Acting Mayor
- 2-2-4 Powers and Duties of the Mayor
- 2-2-5 Absence of Mayor
- 2-2-6 Failure to Sign Documents

Section 2-2-1 Selection of Mayor

The Mayor shall be directly elected by the qualified electors of the city. The regular term of office for the Mayor shall be four years.

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Section 2-2-2 Vice Mayor

Effective January 2017 at a meeting in January of each year, the Mayor shall nominate from among the members a Council Member to serve a one-year term as Vice-Mayor. The nomination shall be voted upon by the Mayor and Council.

The Vice Mayor shall perform the duties of the Mayor during any absence or disability of the Mayor.

The Vice Mayor shall assist the Mayor in the management of the council meeting agenda items.

Section 2-2-3 Acting Mayor

In the absence or disability of both the mayor and vice mayor, the council may designate another of its members to serve as acting mayor who shall have all the powers, duties and responsibilities of the mayor during such absence or disability.

Section 2-2-4 Powers and Duties of the Mayor

The powers and duties of the mayor shall include the following:

- A. He shall be the chief executive officer of the town.
- B. He 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.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the council or any statutes, ordinances or this code shall require.
- E. He shall make such recommendations and suggestions to the council as he may consider proper.
- F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:
 1. Imposition of a curfew in all or any portion of the town.
 2. Ordering the closing of any business.
 3. Closing to public access any public building, street or other public place.
 4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- G. He shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the town.

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Section 2-2-5 Absence of Mayor

The mayor shall not absent himself from the town for a greater period than fifteen consecutive days without the consent of the council.

Section 2-2-6 Failure to Sign Documents

If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor or, in his absence, an acting mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

ARTICLE 2-3 ELECTIONS

2-3-1	Consolidated Election Dates
2-3-2	Primary Election
2-3-3	Non-Partisan Ballot
2-3-4	General Election Nomination
2-3-5	Election to Office
2-3-6	Candidate Financial Disclosure
2-3-7	Qualified Elector; Definition
2-3-8	Petition Circulators

Section 2-3-1 Consolidated Election Dates

All elections shall be held pursuant to A.R.S. §16-204, as amended.

Section 2-3-2 Primary Election

Any candidate who shall receive at the primary election a majority of all the votes 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 election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled, those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected. A majority of votes cast shall be determined as set forth in A.R.S. § 9-821.01.

Section 2-3-3 Non-Partisan Ballot

Elections shall be non-partisan and nothing on the ballot in any election shall be indicative of the support of a candidate. Candidate's names shall appear on the ballot pursuant to the procedure set forth in A.R.S. §16-464, as amended.

Section 2-3-4 General Election Nomination

If at any primary election held as above provided there be 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 general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at the general municipal election shall be (A) those not elected at the primary election who received the

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highest number of votes, and (B) equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot. Persons who receive 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 article, 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, all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 2-3-5 Election to Office

The candidates equal in number to the persons to be elected who receive the highest number of votes at the general election shall be declared elected.

Section 2-3-6 Candidate Financial Disclosure

Each candidate for the office of mayor or councilmember shall file a financial disclosure statement when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the council and pursuant to state law.

Section 2-3-7 Qualified Elector; Definition¹

- A. Every resident of the town is qualified to register and vote in town elections if he or she:
1. Is a citizen of the United States;
 2. Will be eighteen years of age or more on or before the date of the next town election following registration;
 3. Will have been a resident of the town and registered to vote prior to midnight of the twenty-ninth day preceding the date of the next town election;
 4. Is able to write his or her name, or make a mark, unless prevented from doing so by physical disability;
 5. Has not been convicted of treason or a felony, unless restored to civil rights; and
 6. Has not been adjudicated an incapacitated person as defined by A.R.S. § 14-5101, or its successor statute.
- B. For the purposes of this article, "resident" means an individual who has actual physical presence in the town, combined with an intent to remain. A temporary absence shall not result in a loss of residence if the individual has an intent to return following his or her absence. An individual has only one residence for purposes of this article.

Section 2-3-8 Petition Circulators

All circulators of nomination petitions for mayor or council member and all circulators of recall, referendum or initiative petitions or petitions for other measures, shall be qualified to register to vote in this state. Pursuant to A.R.S. §16-315, as amended, if the petition

¹ Amended by Ordinance 312-05

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circulator is not a resident of the state, the petition circulator shall register as a circulator with the Secretary of State before circulating the petition.

ARTICLE 2-4 INITIATIVE AND REFERENDUM

- 2-4-1 Power Reserved; Time of Election²
- 2-4-2 Number of Signatures
- 2-4-3 Time of Filing
- 2-4-4 Sample Ballots and Publicity Pamphlets
- 2-4-5 Petition Circulators

Section 2-4-1 Power Reserved; Time of Election²

- A. There is reserved to the qualified electors of the town the power of initiative and the referendum as prescribed by the state constitution, Arizona Revised Statutes and this code.
- B. Any proper initiative matter shall be voted on by all qualified electors at the next ensuing town primary or general election pursuant to subsection A of Section 2-6-3.
- C. That upon presentation of a certificate to the council by the town clerk that all steps required by the Arizona constitution and the state statutes concerning referendum have been complied with, the council may call a special election on the matter referred on any future consolidated election date as set forth in A.R.S. § 16-204 (B) as it exists now or as it may be amended. The special election must comply with all other provisions of law regarding elections.
- D. The call of a special election for referendum matters shall be valid only upon the affirmative vote of four members of the council voting on said request and call. Should the required number of votes to call the special election not be obtained, then the referendum matter shall appear on the ballot at the next regular town primary or general election.
- E. If a special election on a referendum matter is called for by the council pursuant to subsection D of this section, then in addition to all other notices required by law, the Town Clerk shall notify the person or organization that requested the referendum petition of the council decision by first class mail, postage prepaid at the address shown upon the request for referendum petition number.

² Amended by Ordinance 313-05

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Section 2-4-2 Number of Signatures¹

A. The total number of electors qualified to vote at the last town election, whether regular or special, immediately preceding the date upon which any initiative petition is filed, shall be the basis for computing the number of signatures of qualified electors of the town required to file an initiative petition.

B. The basis for computing the number of signatures of qualified electors of the town required to file a referendum petition shall be determined by state law.

Section 2-4-3 Time of Filing¹

A. Initiative petitions shall be filed at least one hundred twenty days (120) prior to the election at which they are to be voted upon.

B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the town clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of application for an official number or on the same business day of the application, the thirty day period shall be calculated from the date such ordinance or resolution is available.

Section 2-4-4 Sample Ballots and Publicity Pamphlets¹

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted on:

A. A publicity pamphlet, containing the entire text of the official ballot, shall be mailed by the town clerk to each household within the town in which a registered voter resides before the earliest date for receipt by registered voters of any requested early ballot for the election at which the measure(s) are to be voted on but not less than 10 days before the election subject to State Law.

B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition. Arguments submitted by the person filing the initiative or referendum shall appear first. The remaining arguments shall be placed in the order in which they were filed.

C. Arguments supporting and opposing propositions appearing on the ballot shall be filed with the office of the town clerk by 5:00 p.m. not less than ninety (90) days prior to the election at which the propositions are to be voted upon. If time does not permit compliance with the ninety (90) day deadline, the town clerk may establish a separate deadline for filing referendum ballot arguments. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

1. Arguments must relate to the propositions proposed by initiative or referred by referendum which will appear on the ballot.
2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or opposition to the proposition.
3. Arguments may not exceed three hundred words in length.

¹ Amended by Ordinance 313-05
Ordinance 508-11

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4. Arguments must contain the original notarized signature of each person sponsoring it. Arguments submitted by organizations shall be signed by two executive officers of the organization, or if the argument is sponsored by a political committee, it must be signed by the committee's chairman or treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet.
5. No person or organization shall submit more than one argument for each proposition to be voted on.
6. Each argument shall be accompanied by a deposit in the amount of \$200.00 to offset proportional costs of printing. This requirement shall not be waived on any account.

SECTION 2-4-5 PETITION CIRCULATORS

All circulators of nomination petitions for mayor or council member and all circulators of recall, referendum or initiative petitions or petitions for other measures, shall be qualified to register to vote in this state pursuant to A.R.S. §16-315, as amended, if the petition circulator is not a resident of the state, the petition circulator shall register as a circulator with the Secretary of State before circulating the petition.

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ARTICLE 2-5 COUNCIL PROCEDURE

- 2-5-1 Regular Meetings
- 2-5-2 Special Meetings
- 2-5-3 Meetings to Be Public
- 2-5-4 Quorum
- 2-5-5 Agenda
- 2-5-6 Consent Agenda
- 2-5-7 Order of Business; Proceedings of the Council
- 2-5-8 Committees and Commissions
- 2-5-9 Voting
- 2-5-10 Suspension of Rules

Section 2-5-1 Regular Meetings¹

The council shall hold one regular meeting each month on the first Wednesday of each month at the hour of 5:30 p.m. Should the first Wednesday of the month fall on a day designated by law as a legal holiday, the meeting shall be held at the same hour on a day other than the legal holiday as determined by the mayor. All regular meetings of the town council shall be held at the Queen Creek Town Hall unless specifically designated in writing in all required public notices.

Section 2-5-2 Special Meetings

The mayor, upon his own motion, or the clerk, upon the written request of two members, may convene the council at any time by notifying the members of the date, hour and purpose of such special meeting, and by giving such additional notice as required by state law.

Section 2-5-3 Meetings to Be Public

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in a closed executive session pursuant to the provisions of state law.

Section 2-5-4 Quorum

A majority of the council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

Section 2-5-5 Agenda

Prior to each council meeting, or on or before a time fixed by the council for preparation and distribution of an agenda, whichever is earlier, the clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the council, prepare an agenda according to the order of business and furnish each councilmember, the mayor and the attorney with a copy.

¹ Amended by Ordinance 30-93; Ordinance 570-15

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Section 2-5-6 Consent Agenda

- A. When any item of business requires action by the council, but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a consent agenda.
- B. The consent agenda shall be introduced by a motion "To approve the Consent Agenda," and shall be considered by the council as a single item.
- C. There shall be no debate or discussion by any member of the council regarding any item on the consent agenda, beyond asking questions for simple clarification.
- D. All items on the consent agenda which require public hearings shall be open for hearing simultaneously, and the mayor shall announce, or direct the town clerk to announce, the titles of all such items.
- E. Upon objection by any member of the council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. Such objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.
- F. Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.

Section 2-5-7 Order of Business; Proceedings of the Council

- A. The business of the council shall be taken up for consideration and disposition in an order set forth by the council.
- B. The mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in an orderly manner.
- C. Petitions, remonstrances, communications and comments or suggestions from citizens present at town council meetings shall be heard by the council. All such remarks shall be addressed to the council as a whole, and not to any member thereof. Such remarks shall be limited to three minutes, unless additional time is granted by the council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked a councilmember except through the presiding officer.

Section 2-5-8 Committees and Commissions

The council may create such committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the council may require and shall be governed by the standard form by-laws unless such committee or commission is specifically exempt from those by-laws. All members of such boards, committees and commissions shall serve at the pleasure of the council.

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Section 2-5-9 Voting

- A. The mayor shall vote as a member of the council.
- B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

Section 2-5-10 Suspension of Rules

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

ARTICLE 2-6 ORDINANCES, RESOLUTIONS AND CONTRACTS

- 2-6-1 Prior Approval
- 2-6-2 Introduction
- 2-6-3 Reading Required
- 2-6-4 Requirements for an Ordinance
- 2-6-5 Effective Date of Ordinances
- 2-6-6 Signatures Required
- 2-6-7 Publishing Required
- 2-6-8 Posting Required

Section 2-6-1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-6-2 Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the attorney or the clerk may present ordinances, resolutions and other matters or subjects to the council, and any councilmember may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, it shall not be considered.

Section 2-6-3 Reading Required

All ordinances shall be read by title only unless the council, by majority vote, requires reading in full.

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Section 2-6-4 Requirements for an Ordinance

Each ordinance may have only one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-6-5 Effective Date of Ordinances

- A. No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and signature by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the council.
- B. In addition to the provisions of subsection A of this section, the clerk shall certify the minutes of any council meeting at which an ordinance, resolution or franchise, except an emergency measure is passed. The thirty day period specified in subsection A of this section shall be calculated from the date of passage by the council and signature by the mayor.

Section 2-6-6 Signatures Required

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk.

Section 2-6-7 Publishing Required¹

Only such ordinances, orders, resolutions, motions, regulations or proceedings of the council shall be published as may be required by state statutes or expressly ordered by the council. Ordinances shall be published once each week for two consecutive weeks in a newspaper of general circulation.

Section 2-6-8 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three or more public places within the town and an affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.

¹Ordinance 98-97

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ARTICLE 2-7 PLANNING AND ZONING COMMISSION¹

- 2-7-1 Creation
- 2-7-2 Membership

Section 2-7-1 Creation

There is hereby created, pursuant to A.R.S. § 9-461, a Planning and Zoning Commission ("Commission"), herein known as the Town of Queen Creek Planning and Zoning Commission.

Section 2-7-2 Membership

- A. The commission shall consist of seven members. The members of the commission shall be residents of the town. The members shall be appointed by the mayor and council and shall serve at the pleasure of the mayor and council.
- B. All appointments or extension of terms shall be for a three year period and all terms shall end on August 31st of the third year after appointment or extension.
- C. Commission members shall serve without pay, except that they may be reimbursed for actual expenses incurred in connection with the duties of their office upon authorization or ratification by the council.

¹Ordinance 24-92

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ARTICLE 2-8 BOARD OF ADJUSTMENT¹

- 2-8-1 Creation
- 2-8-2 Membership
- 2-8-3 Terms

Section 2-8-1 Creation

There is hereby created, pursuant to the authority of the Town of Queen Creek Zoning Code, a Queen Creek Board of Adjustment.

Section 2-8-2 Membership

The membership of the board of adjustment shall consist of five members who shall be appointed by the mayor and council.

Section 2-8-3 Terms

All terms shall be for a period of three years.

ARTICLE 2-9 (RESERVED)²

¹ Amended by Ordinance 25-92

² Amended by Ordinance 312-05