

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 04-23

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, DECLARING THE DOCUMENT ENTITLED “CITY OF BUCKEYE 2023 CITY OFFICERS UPDATE” AS A PUBLIC RECORD; ADOPTING THE SAME BY REFERENCE; AMENDING THE BUCKEYE CITY CODE, CHAPTER 2, MAYOR AND COUNCIL, CHAPTER 3, ADMINISTRATION CODE, AND CHAPTER 24, PROCUREMENT CODE, AS SET FORTH IN THE “CITY OF BUCKEYE 2023 CITY OFFICERS UPDATE”; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, that certain document entitled the “City of Buckeye 2023 City Officers Update,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and

WHEREAS, the Mayor and City Council of the City of Buckeye, Arizona, believe that it is in the best interest of the City to amend particular sections of the City Code applicable to the City’s senior management officials, in order to promote effective management and good personnel administration.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “City of Buckeye 2023 City Officers Update,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending certain sections of Chapter 2 (Mayor and Council), Chapter 3 (Administration Code), and Chapter 24 (Procurement Code), as set forth in the “City of Buckeye 2023 City Officers Update.”

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof

Section 6. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Buckeye, Arizona, this 17th day of January, 2023.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

K. Scott McCoy, City Attorney

CITY OF BUCKEYE 2023 CITY OFFICERS UPDATE

SECTION 1. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-1 (Officers in General), Section 3-1-1 (Officers) is hereby amended to read as follows, with all other provisions of Article 3-1 remaining unchanged:

Section 3-1-1 – Officers

City officers shall include the city manager, city attorney, city magistrate, any deputy city managers, and the heads of all major city departments. Except for the chief financial officer, city clerk, city engineer, police chief, and fire chief, the heads of major city departments shall have the title of “director.” The city manager, city attorney, and city magistrate shall be appointed by and shall serve at the pleasure of the council. All other officers shall be appointed by and shall serve at the pleasure of the city manager.

SECTION 2. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-2 (Officers), Section 3-2-2 (City Clerk) is hereby amended to read as follows, with all other provisions of Article 3-2 remaining unchanged:

Section 3-2-2 – City Clerk

A. Office Created. The office of city clerk is hereby created and established.

B. Powers and Duties. The powers and duties of the city clerk shall include, without limitation:

1. The city clerk or the city clerk's authorized designee shall keep a true and correct record of all business transacted by the council. The city clerk or authorized designee shall give notice of all council meetings, keep a permanent record of the council's proceedings, and authenticate and maintain, as permanent records of the city, all ordinances and resolutions passed by the council. The city clerk or the designee of the city manager shall compile and maintain the Buckeye City Code, as revised.
2. The city clerk or the city clerk's authorized designee shall countersign all contracts approved by the city council and executed by the mayor, numbering and registering the same, and maintain them in accordance with state records retention laws.
3. The city clerk or the city clerk's authorized designee shall keep convenient for public inspection all public records and public documents as provided by state statute.
4. The city clerk or the city clerk's authorized designee shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.
5. The city clerk or the city clerk's authorized designee shall process, record, file, publish, and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by council.
6. The city clerk or the city clerk's authorized designee shall serve as the elections official for the city, and shall conduct all municipal elections to ensure conformity with the city code and state statute.

7. The city clerk or the city clerk's authorized designee shall perform those administrative duties that are directed by the city manager in addition to those specified by this code.
8. The city clerk or the city clerk's authorized designee shall administer the city's records management program to ensure consistency and compliance with state law, and to protect and preserve the permanent records of the city.

C. Records Management Program.

1. There shall be a records management program within the city as required by A.R.S. § 41-1346, as amended. The records management program shall be applicable to all departments, officials, employees, and representatives of the city.
2. The city clerk or the city clerk's authorized designee will oversee the program and act as the city's liaison to the Arizona State Department of Library, Archives and Public Records to ensure that accurate records retention and disposition of schedules are maintained and adhered to, and that all reporting requirements are met.
3. The city clerk or the city clerk's authorized designee shall develop policies and procedures to provide efficient, cost-effective management and control of all forms of records (hard copy and electronic media) and to ensure compliance with federal, state, and municipal regulations. These policies will be incorporated into the city's records management manual and submitted to the city manager for final approval prior to implementation.

SECTION 3. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-2 (Officers), Section 3-2-3 (City Engineer) is hereby amended to read as follows, with all other provisions of Article 3-2 remaining unchanged:

Section 3-2-3 – City Engineer

- A. Office Created. The office of city engineer is hereby created and established.
- B. Powers and Duties. The city engineer shall have those powers and duties set forth by state law as well as city ordinance, resolution, order or directive. The city engineer shall have other duties as the council or city manager may deem necessary.

SECTION 4. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-2 (Officers), Section 3-2-4 (City Attorney) is hereby amended to read as follows, with all other provisions of Article 3-2 remaining unchanged:

Section 3-2-4 – City Attorney

- A. Office Created. The office of the city attorney is hereby created and established.
- B. Powers and Duties. The powers and duties of the city attorney shall include, without limitation:
 1. The city attorney shall act as the legal counselor and advisor of the council and other city officials and, as such, shall give his or her opinion in writing when requested.

2. The city attorney shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council.
3. The city attorney shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council.
4. The city attorney shall return all ordinances and resolutions submitted for consideration by the council, with his or her approval or disapproval as to form noted thereon, together with reasons therefore.
5. The city attorney shall prosecute and defend all suits, actions or causes where the city is a party and shall report to the council, when required, the condition of any suit or action to which the city is a party.
6. The city attorney shall oversee all legal services provided to the city, including the services of the city prosecutor and any outside counsel.

C. Procurement of legal services. No contract for legal services, including the services of attorneys, expert witnesses, or special investigative services, may be awarded without the authorization of the city attorney, except when the office of the city attorney is vacant or as otherwise provided by law.

SECTION 5. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-2 (Officers), Section 3-2-5 (City Magistrate) is hereby amended to read as follows, with all other provisions of Article 3-2 remaining unchanged:

Section 3-2-5 - City Magistrate

- A. Office Created. The office of the city magistrate is hereby created and established.
- B. Powers and Duties. The city magistrate shall be the presiding judge of the city's municipal court and shall perform those functions necessary to the maintenance of the municipal court as provided by state statute. Additional powers and duties of the city magistrate are set forth in Section 5-2-5 of this code.

SECTION 6. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-2 (Officers), Section 3-2-6 (Assistant to the City Council) is hereby deleted in its entirety, with all other provisions of Article 3-2 remaining unchanged.

SECTION 7. The Buckeye City Code, Chapter 3 (Administration Code), Article 3-3 (Personnel System), Section 3-3-1 (Creation and Scope) is hereby amended to read as follows, with all other provisions of Article 3-3 remaining unchanged:

Section 3-3-1 - Creation and Scope

There is hereby adopted a merit system for the employees of the city, the provisions of which shall apply to all employees of the city except elected officials, city officers identified in Section 3-1-1 of this Code, persons engaged under contract to supply expert, professional or technical services,

seasonal employees, temporary employees, volunteer firefighters, and volunteer personnel who receive no regular compensation from the city.

SECTION 8. The following provisions of the Buckeye City Code, Chapter 3 (Administration Code), Article 3-3 (Personnel System), Section 3-3-2 (Conditions of Employment) are hereby amended to read as follows, with all other provisions of Article 3-3 remaining unchanged:

Section 3-3-2 - Conditions of Employment

No employee or applicant for employment shall be discriminated against on the basis of race, color, national origin, religion, gender, age, disability, marital or familial status, veteran status or political affiliation.

SECTION 9. The following provisions of the Buckeye City Code, Chapter 24 (Procurement Code), Article 24-3 (Formal Procurement Procedures), Section 24-3-12 (Retention of Professional and Legal Services) are hereby amended to read as follows, with all other provisions of Article 24-3 remaining unchanged:

Section 24-3-12 – Retention of Professional Services

- A. For purposes of this section, the term “technical registrant” means a person who provides any of the professional services listed in A.R.S. Title 32, Chapter 1, as amended. The city shall procure professional services from technical registrants in the manner prescribed in A.R.S. Title 34, as amended.
- B. Except as provided in subsections 24-3-12 (A) above, the city may procure professional services by soliciting statements of qualifications for providing such services or by direct selection, pursuant to the administrative regulations promulgated by the procurement officer. The procurement of professional services through the use of statements of qualifications shall be as follows:
 - 1. Persons engaged in providing the designated types of professional services may submit statements of qualifications in providing such professional services. The city shall supply a uniform format for statements of qualifications based upon department needs.
 - 2. The procurement officer shall give adequate notice of the need for such services through a notice of request for qualifications or request for proposals. The request shall describe the services required, list the types of information and data required of each offeror and state the relative importance of particular qualifications.
 - 3. The procurement officer shall appoint a committee to review qualifications. The committee shall consist of the procurement officer and one or more professionals licensed, registered or admitted to the profession which is the subject of the procurement. Discussions with offerors who submit proposals may be conducted to determine qualifications for further consideration. Award shall be made to the offeror determined in writing to be the best qualified. Compensation shall be negotiated after an award is made.

4. The procurement officer shall conduct negotiations with the offeror determined to be the most qualified to establish fair and reasonable compensation. If compensation cannot be agreed upon with the best qualified offeror, then negotiations will be formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable.
 5. The contract award shall be made by the city council to the offeror determined in writing by the procurement officer to be best qualified based upon (a) the evaluation factors set forth in the request for qualifications or request for proposals and (b) agreement between the city and the offer as to fair and reasonable compensation.
 6. The procurement officer shall maintain a list of technical registrants who are properly licensed with the State of Arizona Board of Technical Registration, that have expressed an interest in performing work for the city and have provided evidence of their professional qualifications for such work. The list may be categorized to reflect the person or firm's primary field of expertise.
 7. The procurement officer will notify each person or firm listed on the register annually of their status and invite updating of their professional qualifications. In addition to publication in the official newspaper of the city, a public advertisement may be placed in a major territorial newspaper of general circulation inviting firms to apply for inclusion on the city's list of prequalified technical registrants.
 8. Firms who have failed to provide satisfactory evidence of qualifications or have performed unsatisfactorily during the past twenty-four (24) months may be subject to corrective action in accordance with section 24-3-18 of this chapter.
- C. Any contract for professional services not exceeding two hundred fifty thousand dollars (\$250,000.00) annually may be procured, awarded, approved, executed and delivered by the procurement officer in accordance with the procedures authorized in this section.
- D. If procurement is by direct selection of prequalified technical registrants, a written determination by the procurement officer citing the basis of award and for the selection of the particular technical registrant shall be included in the contract file. The best interests of the city shall be considered in each instance.