



CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. R2020-03-001 adopted at the regular/special meeting of the City of Nogales, Arizona, Mayor and Council, held on the 3rd day of March, 2020.

I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of December, 2020



Leticia Robinson, City Clerk



Resolution No. R2020-03-001

A RESOLUTION OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, REFERRING AN AMENDMENT TO CITY CHARTER TO THE ELECTORS AT THE GENERAL ELECTION IN NOVEMBER, 2020 REGARDING ADMINISTRATIVE ORGANIZATION OF CITY GOVERNMENT: REPEALING SECTIONS 66 THROUGH 70 AND SECTIONS 72 AND 73; AMENDING SECTION 7.5.2(3); AND ADOPTING NEW SECTIONS 1 THROUGH 3 OF CHAPTER VIII

WHEREAS, the Charter of the City of Nogales was approved and adopted by the people of Nogales at a special election in 1926; and

WHEREAS, pursuant to article 13 section 2 of the Arizona constitution, charter amendments may be referred by the legislative body of a charter city to the qualified electors at a special or general election for consideration and approval; and

WHEREAS, the Council of the City of Nogales believes that the following question should be submitted to the qualified electors of the City at the upcoming election to be held on November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Nogales, Arizona, that the following proposed amendment to the City Charter be submitted to the qualified electors at the election to be held on November 3, 2020: Exhibit A, attached hereto.

PASSED, ADOPTED, AND APPROVED by the Council of the City of Nogales, Arizona, this 03rd day of March, 2020.


Arturo R. Garino, Mayor

ATTEST:


Leticia Robinson, City Clerk

APPROVED AS TO FORM:

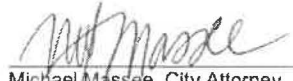

Michael Massee, City Attorney

EXHIBIT "A"

PROPOSED CHARTER AMENDMENT SUBMITTED BY THE CITY COUNCIL OF THE CITY OF NOGALES

OFFICIAL TITLE: A RESOLUTION OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA PROPOSING AN AMENDMENT TO THE CITY CHARTER CHAPTER VIII, ADMINISTRATION, REPEALING SECTIONS 66, 67, 67a, 69, 70, 72 and 73; AMENDING SECTION 75.2; ADDING NEW CHAPTER VIII ADMINISTRATION, SECTIONS 1 THROUGH 3, AND RENUMBERING SECTIONS 74 THROUGH 84 AS SECTIONS 4 THROUGH 17 OF CHAPTER VIII

DESCRIPTIVE TITLE: Pursuant to the Arizona Constitution and Revised Statutes, this Nogales City Charter Amendment declares that City departments shall be created and abolished by ordinance or resolution adopted by City Council and department directors shall be hired, demoted and removed by the City Manager with the consent and approval of the City Council.

~~Sec. 66. Administrative departments created and enumerated.~~

~~There are hereby created for the management and conduct of the property, business and affairs of the City of Nogales nine (9) administrative departments, as follows:~~

~~Public works,~~

~~Police,~~

~~Finance,~~

~~Law,~~

~~Judiciary,~~

~~Public Health,~~

~~Public library,~~

~~Fire and~~

~~Recreation.~~

~~Sec. 67. Public works department.~~

~~The public works department shall be in charge of the superintendent of streets who shall be a qualified elector of the City of Nogales, and it shall have charge~~

~~of the municipal water system and such other municipally-owned public utilities as may be established hereafter, the construction, improvement, care and maintenance of the city's streets, sewers, cemeteries, buildings, and all public improvements of every kind and nature, the inspection of weights and measures, and buildings and any and all parts and details of construction thereof, and it shall perform such other functions as may be prescribed from time to time by resolution of the board of aldermen. The office of superintendent of streets may be held by any other appointive officer of the City of Nogales. The board of aldermen may provide by resolution for the appointment of a city engineer who shall be a registered professional engineer under the laws of the State of Arizona, and he shall perform such duties and functions as shall be prescribed by the board of aldermen.~~

~~Sec. 67a. Recreation department.~~

~~The recreation department shall be in [the] charge of the recreation director, and it shall have charge of municipal recreational facilities, services, and programs, and shall perform such other functions as shall be prescribed from time to time by resolution of the board of aldermen.~~

~~Sec. 68. Police department.~~

~~The police department shall be in [the] charge of the chief of police, and it shall have charge of the municipal services of police, city pound, and shall perform such other functions as shall be prescribed from time to time by resolution of the board of aldermen.~~

~~Sec. 68a. Fire department.~~

~~The fire department shall be in [the] charge of the fire chief, and it shall have charge of the municipal fire prevention facilities, services, and programs, and shall perform such other functions as shall be prescribed from time to time by resolution of the board of aldermen.~~

~~Sec. 69. Finance department.~~

~~The finance department shall be in [the] charge of the city clerk and treasurer, who shall be ex-officio clerk of the board of aldermen, and it shall have charge of the city funds and treasury, the keeping of the city records, documents and accounts, the auditing of the accounts of city officers and departments, the assessment and collection of city taxes, licenses and rents, the insuring of city property, and the administration of all matters pertaining to the revenue accounts and records of the city, and it shall perform such other functions as shall be prescribed from time to time by resolution of the board of aldermen.~~

Sec. 70. Law department.

The law department shall be in [the] charge of the city attorney, and shall advise and counsel heads of departments and other city officers, the mayor and board of aldermen, upon all legal questions, prepare or examine and pass upon all contracts, leases, conveyances and other instruments to which the city is a party, represent the city in all court proceedings instituted by or against the city, and have charge of all the legal affairs of the city.

Sec. 72. Public health department.

The public health department shall be in [the] charge of the city health officer, who shall be a regularly licensed, qualified and practicing physician in the City of Nogales, and it shall have charge of all matters affecting the health of the inhabitants of the city, the control of infectious and contagious diseases, the inspection of all foods, water, milk and other beverages, and the regulation of the sale and consumption thereof, and the inspection and regulation of sanitary conditions throughout the city, and the performance of such other functions as shall be prescribed from time to time by resolution of the board of aldermen.

Sec. 73. Public library department.

The public library department shall be in [the] charge of a board of trustees appointed as provided by the laws of the State of Arizona, until otherwise provided by city ordinance, and it shall have control, management and supervision of the Nogales Public Library and Free Reading Room, and shall perform such other functions as shall be prescribed from time to time by resolution of the board of aldermen. Until otherwise provided by city ordinance, said board of trustees shall be appointed and shall perform their functions in the manner now provided by the laws of the State of Arizona.

Sec. 75.2. Powers and duties of city manager.

The city manager shall be the chief administrative officer and head of the administrative branch of the city government. He shall be responsible for the proper administration of all affairs of the city and to that end, subject to the provisions of this Charter. The mayor or city council and its members shall deal with the administrative service solely through the city manager and neither the mayor nor the city council nor any member thereof shall give orders to any subordinates of the city. Any member of the city council, including the mayor, violating the provisions of this section, or offering a resolution or ordinance in violation of this section, may be sanctioned.

The city manager shall have the authority and shall be required to:

- (1) Devote his entire time to the discharge of his official duties, attend all meetings of the council unless excused therefrom by the council or mayor;
- (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- (3) Appoint, promote, remove and demote ~~for cause~~, subject to CONSENT AND APPROVAL BY THE COUNCIL AND ADVISORY rights of appeal, ~~and in compliance with applicable personnel rules and regulations~~, all department heads of the city except the city clerk, city attorney, city magistrates and city police judges;
- (4) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;
- (5) 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 affairs of the city;
- (6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe;
- (7) Supervise the purchasing for all departments of the city;
- (8) The city manager shall take part in the discussion of all matters coming before the council;
- (9) Perform other duties as may be prescribed by this Charter or required of him by the council, not inconsistent with this Charter;
- (10) The city manager in consultation with the mayor shall set the agenda for each regular and special meeting of the council. Items may be placed on the agenda by any councilman or citizen of the city by presenting the item to the mayor for inclusion. If the councilman's request is denied, two councilmen may make the request in writing to the mayor and city manager and the item shall be included on the agenda at the next regular council meeting.

Consideration of petitions by citizens of the city. If a citizen of the city is denied a place on the agenda, he may appear before the city council and present a written petition. Such petition must be acted on by the city council in the regular course of business, within 30 days, or be placed on the agenda at the next regular council meeting.

CHAPTER VIII. ADMINISTRATION

Sec. 1. Creation of offices and departments.

Upon recommendation of the City Manager, the City Council by ordinance or resolution may create, change and abolish offices, departments, boards and commissions.

Sec. 2. Department heads generally; divisions of departments; appointment of officers, etc.

- (a) At the head of each department of the City shall be a director who shall be an officer of the City and shall have supervision and control of the department, subject to the City Manager. Two or more departments may be headed by the same individual. The Manager may head one or more department and directors of departments may also serve as chiefs of divisions.
- (b) The work of each department may be distributed among such divisions thereof as may be established by ordinance or resolution upon the recommendation of the City Manager. Pending the passage of an ordinance or resolution distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.
- (c) The director of a department created by City Council pursuant to this chapter shall be appointed by the Manager with the consent and approval of the City Council, and each of said officers shall hold office until removed or reduced in rank by the Manager with consent and approval of the City Council. None of the merit protections of the Nogales Personnel Manual or related regulations shall apply to these officers, except that removal or reduction in rank is subject to an advisory appeal to the appeals commission

Sec. 3. Members of boards and commissions.

- (a) The Council shall appoint the members of all boards and commissions of the City created by charter or by ordinance.
- (b) Members of boards and commissions shall not be deemed City officers, as that term is used herein.

[Editor's Note: Remaining sections of Chapter VIII not affected by this charter amendment shall be renumbered as Chapter VIII Sections 4 and following.]