

CHARTER OF THE

CITY OF DOUGLAS, ARIZONA

The original charter for the City of Douglas was prepared by the Board of Freeholders as provided by law and submitted to the qualified electors on May 18, 1982. Approval was granted for the Charter by Governor Bruce Babbitt on October 1, 1982, with the exception of Article VIII, Section 2, which was approved by Governor Rose Mofford on December 10, 1990.

The charter was amended by a majority of the qualified voters voting thereon on March 10, 1998, and the amendments were approved by Governor Jane Dee Hull on June 29, 1998.

The charter was amended by a majority of the qualified voters voting thereon on May 17, 2005, and the amendments were approved by Governor Janet Napolitano on July 29, 2005.

The Charter was amended by a majority of the qualified voters voting thereon on May 17, 2011, and the amendments were approved by Governor Janice Brewer on November 14, 2011.

**CHARTER OF THE CITY OF
DOUGLAS, ARIZONA**

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS AND BOUNDARIES.

Sec. 1. Incorporation.

The inhabitants of the City of Douglas, Arizona, 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 Douglas, Arizona."

Sec. 2. Form of government.

The municipal government provided by this Charter shall be known as MAYOR-COUNCIL-MANAGER 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 Mayor and Council, hereinafter referred to as "the Mayor and 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 they be not prescribed, then in such manner as may be prescribed by ordinances.

Sec. 3. Powers of the City.

The City shall have all the powers, functions, rights, privileges and immunities possible under the Constitution and general laws of Arizona as fully as though they were specifically enumerated in this Charter, and all of the powers, functions, rights, privileges and immunities granted or to be granted, either expressly or by implication, to Charter cities and to cities and towns incorporated under the provisions of Title 9, Arizona Revised Statutes, not in conflict herewith, and in addition, the City:

- A. May acquire property within or without its corporate limits for any City purpose in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation. The City may lease, sell, convey and otherwise dispose of any real or personal property owned by the City in the manner, for such consideration, and upon such conditions as may be determined by the Council.
- B. May 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 floodwaters 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 the violations thereof.
- C. May 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 by adopting land use and development regulations including, but not limited to, an official map and zoning and subdivision regulations.

- D. May levy and collect assessments and file liens on real property to collect amounts owed to the City for garbage and trash collection, sewer rental charges and water charges, ambulance charges and other City 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. May prescribe the number of times a notice is to be published, the place of publications and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.
- F. May control and regulate the use and enjoyment of its streets and alleys, public grounds, or ways.
- G. May 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: (a) public utility easements; (b) water production, storage and transmission; (c) sewage collection, treatment and disposal; (d) park land and development; (e) school sites; (f) dedication and improvement of public rights-of-way; (g) bike paths and other necessary transportation; (h) drainage; (i) flood control; and (j) 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. May 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. May adopt specific plans for and use for areas within the City for the purpose of refining the comprehensive plan.
- J. May require removal of all signs not conforming to the zoning ordinance. Signs not in conformance upon the effective date of this Charter shall have the privilege of amortization as determined by ordinance.
- K. May provide remedies to prevent, abate, and control pollution, including pollution of the air, water, and noise pollution, and exercise its rights and privileges under equity or under common law or statutory law to suppress nuisances or to abate pollution in any form.
- L. 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, a combination of them, or with the United States or any department or agency thereof.

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.

Sec. 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 II. THE MAYOR AND COUNCIL

Sec. 1. Powers of the Mayor and Council.

All powers of the City, not in conflict with the Constitution of the State of Arizona and subject to the limitations of this Charter, shall be vested in the Mayor and Council, which 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.

Sec. 2. Number; selection.

The Council shall consist of a Mayor nominated and elected at large and six Councilmen nominated and elected from within their respective City Wards. There shall be one

Councilman from each Ward. (Amended 3/10/98)

Sec. 3. Elections.

The first general election for the office of Mayor and Councilmen under the terms of this Charter, shall be held the third Tuesday in May, 1984. Commencing in 1984, and every two years thereafter, the general election shall be held on the third Tuesday in May.

Sec. 4. Term of Mayor.

Commencing with the election held in 2012, the Mayor shall be elected for a term of four years and serve until his successor is elected and qualified. No person shall be eligible to succeed himself in the office of Mayor for more than two consecutive terms. (*Amended May 17, 2011*).

Sec. 5. Term of Councilmen.

Councilmen serving on the date this Charter takes effect shall continue to serve until the election and qualification of each member's successor at the election held in 1984. Commencing with the election held in 1984, the Council seats for Wards 2, 4, and 6 shall have a two year term of office and the Council seats for Wards 1, 3, and 5 shall have a four year term of office. At each subsequent election the term of office for all Council seats shall be four years. No Councilman shall serve more than two consecutive terms which terms or partial terms shall not exceed eight years.

Sec. 6. Qualifications.

- A. The Mayor shall be a qualified elector of the City, at least twenty-five years of age, and shall hold no other elected public office for which he receives

compensation. The Mayor shall have physically resided in the City of Douglas for at least three years next preceding the date of such election or appointment. The Mayor must reside within the City limits during the term of this office. If the Mayor shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. City employees are not eligible to stand for election or serve as Mayor.

- B. Councilmen shall be qualified electors of the City, at least twenty-one years of age and shall hold no other elected public office for which they receive compensation. Councilmen shall have physically resided in the City of Douglas for at least three years next preceding the date of such election or appointment. In addition thereto, a Councilman shall have physically resided within the ward from which he stands for election or appointed for at least one year preceding the election or appointment. Councilmen must reside within the City and the Ward from which they were nominated and elected and/or appointed during their term in office. If a Councilman shall cease to possess any of these qualifications or shall have been convicted of a crime involving moral turpitude, his office shall immediately become vacant. City employees are not eligible to stand for election or serve as Councilmen.
- C. In the event that a Councilman ceases to reside within the Ward from which he was elected by reason of Ward redistricting, then said Councilman shall

continue to serve out the remainder of this term. Time of residency in the area realigned prior to redistricting shall be continued and considered as time of residency in the new Ward for purposes of voting and seeking office.

Sec. 7. Duties of Mayor.

The Mayor shall be the chairman of the Council and preside over its deliberations. He may make and second motions and shall have a voice and vote in all its proceedings. He shall be chief executive of the City government for all purposes and recognized by the Governor for purposes of military law and civil defense and shall have executive but no regular administrative duties. On a majority vote (four votes) of the Council, the Mayor can be instructed to investigate the affairs of any department of the City government and the official conduct of any officer of the City and report same to the Council. On behalf of the Council, the Mayor shall confer and advise with the Manager to insure that Council programs and policies are being carried out in full. In addition thereto, the Mayor shall govern the City by proclamation during times of riot, civil insurrection, major disaster and times of great public danger. Unless otherwise provided herein, the Mayor shall appoint members to the various committees, boards and commissions with the consent of the Council. (Amended May 17, 2011).

Sec. 8. Mayor Pro Tempore.

The Mayor shall designate a member of the Council as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the Mayor. The Mayor Pro Tempore shall perform

the duties of the Mayor during his absence or disability.

Sec. 9. Salaries of Mayor and Councilmen

The Mayor shall be paid \$300 per month and Councilmen shall be paid \$ 200 per month which shall become effective upon adoption of this Charter. Any subsequent change must be done by amendment to the Charter and affirmative vote of the people.

Sec. 10. 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.

Sec. 11. Induction of Mayor and Council into Office.

On the first regular meeting during the month next following the general election, the Council shall hold a meeting for the purpose of inducting the newly elected Mayor and Councilmen, and to organize the Council.

Sec. 12. Absence to Vacate Office.

If the Mayor or any Councilman shall be absent without appropriate excuse from regular meeting which time shall exceed three consecutive months and which absences shall be duly recorded in the journal, he shall thereupon cease to hold office and the office shall be deemed vacant. (Amended 3/10/98)

Sec. 13. Vacancies in Council and Office of Mayor.

- A. In case of a vacancy, for whatever reason, in the office of Mayor, the Mayor Pro Tempore shall act as Mayor until such vacancy is filled. The Council, by a majority vote of its remaining members, shall within thirty-one days, but not less than fifteen days from the date of vacancy, fill the vacancy in the office of Mayor from its own membership. Upon appointment of one of the Councilmen to the office of Mayor, said Councilman's seat shall be deemed vacated and shall be filled in the manner provided in Subsection B hereof.
- B. In case of a vacancy, for whatever reason, in the Council, the remaining members, including the Mayor, shall, by a majority vote, select a qualified person from the Ward in which the vacancy occurs. The vacancy in the Council shall be filled within thirty-one days, but not less than fifteen days from the date of the vacancy. The appointed Councilman shall serve until the next general election, or until his successor shall have been qualified.
- C. If the vacated Council seat has in excess of two years remaining in its term, the appointed Councilman shall serve until the next election. At that election, candidates for Councilman from said Ward shall run for the remainder of the unexpired term of the vacated Council seat, and the ballot shall designate that said candidates are running for the unexpired term, or other suitable designation indicating that it is a "short term" of two years. In the event that the unexpired term shall be in excess of two years, but there is insufficient time

within which candidates can have their name placed on the ballot for the primary election, then, in that event, the Council, including the Mayor, shall fill the vacated Council seat in the same manner as if the vacancy were for a period of two years or less.

- D. Should a tie vote occur in an attempt to select a person to fill such vacancy, and because thereof, there shall be failure to choose within a manner shown in this Section, the City Magistrate shall be entitled to vote in the same manner and with the same effect as a member of the Council for the sole purpose of filling the vacancy. In the event that the City Magistrate is unable, for any reason, to cast the tie-breaking vote as provided herein, then the Cochise County Supervisor for this district shall cast the deciding vote. (Amended 3/10/98)

Sec. 14. Meetings of Council, boards, commissions and committees.

A. The Council shall meet regularly at such times and at such places as may be prescribed by its rules, but not less frequently than one time each month. Notices of such meetings shall be posted in places convenient to the public and the places of such posting shall be kept on file with the City Clerk.

B. All meetings of the City's Council, boards, commissions and committees shall be open to the public in accordance with Arizona Revised Statutes pertaining to the open meeting law.

Sec. 15. Special meetings.

The Mayor, or Mayor Pro Tempore acting as Mayor, may call, or at the request of three Councilmembers shall call, a special meeting

of the Council for a time not earlier than twenty-four hours after written notice is given to all members of the Council or the notice is left at their place of abode. In case of an emergency, a meeting may be held upon such notice as is appropriate to the circumstances. At such meeting, business concerning only such emergency shall be acted upon.

Sec. 16. 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 the public inspection.

Sec. 17. Quorum; ayes and nays.

A majority of the members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum can be assembled. 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.

Sec. 18. Failure to vote.

No member of the Council shall be excused from voting except upon matters involving the consideration of his official conduct or in such matters as he may have a conflict of interest as set forth in the existing laws of this State. In all other cases, each Councilmember must cast a vote of aye or nay.

Sec. 19. Consideration of petitions.

Any citizen of the City may appear before the Council at any regular meeting and present a written petition. Such petitions shall be considered and action taken thereon by the Council at the next regular meeting. (Amended 3/10/98)

Sec. 20. Conduct of Council as to powers authorized by Charter when no procedure established by State 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 shall by ordinance prescribe the procedure.

ARTICLE III. THE CITY MANAGER

Sec. 1. Appointment of Manager.

The Manager shall be appointed by the Council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the Council. Whenever the word "Manager" is used in this Charter it shall be construed to mean the City Manager of the City of Douglas, Arizona.

Sec. 2. Residence.

Residence in the City at the time of appointment of a Manager shall not be required as a condition of the appointment, but within ninety days after reporting for work the Manager must become a resident of the City unless the Mayor and Council approves his residence outside the City.

Sec. 3. Eligibility.

No member of the Council shall be eligible for appointment as a Manager until one year has elapsed after such Councilmember shall have ceased to be a member of the Council.

Sec. 4. Bond.

The Manager shall furnish a corporate surety bond to be approved by the Council in such sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. The premium for such bond shall be a proper charge against the City.

Sec. 5. Acting City Manager.

By letter filed with the City Clerk, the Manager shall designate, subject to approval of the Council, qualified City administrative officers to exercise the power and perform the duties of the Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

Sec. 6. Compensation.

The Manager shall receive such compensation as the Council shall from time to time determine. In addition, the Manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties.

Sec. 7. Powers and duties.

The Manager shall be the administrative head of the government of the City under the direction and control of the Council. He shall be responsible for the administration of all affairs of the City which are under his control. In addition to his general powers as administrative head, it shall be his duty and he shall have the powers set forth in the following subsections:

A. Law Enforcement. It shall be the duty of the Manager to see that all laws and

ordinances of the City and that all franchises, contracts, permits and privileges granted by the Council are faithfully observed and to report any failure in that regard to the Council, which shall give such instruction and direction as it may desire for remedial, corrective or terminating action by the Manager.

B. Authority Over Employees. It shall be the duty of the Manager, and he shall have the sole authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the City under his jurisdiction through their departmental heads.

C. Power of Appointment and Removal. Subject to the exceptions expressly provided by this Charter, it shall be the duty of the Manager to, and he shall appoint, remove, promote and demote any and all officers and employees of the City, except City Magistrate, City Attorney, City Clerk and Treasurer, City Physician and Counsel. All this shall be subject to all applicable personnel ordinances, rules and regulations.

D. Ordinances. It shall be the duty of the Manager to recommend to the Council for adoption, such measures and ordinances as he deems necessary.

E. Attendance at Council Meetings. It shall be the duty of the Manager to attend all meetings of the Council unless, at his request, he is excused therefrom by the Mayor individually or by the Council. The Manager shall present definite recommendations relative to each item on the agenda for approval, rejection or modifications by the Council.

F. Financial Matters. It shall be the duty of the Manager to keep the Council fully advised as to the needs of the City in such form and at such times as requested by the Council.

G. Budget. It shall be the duty of the Manager and Treasurer, with the advice of the finance committee, to prepare and submit the proposed annual budget. (Amended 3/10/98)

H. Expenditure Control and Purchasing. It shall be the duty of the Manager to see that no indebtedness is incurred or expenditure made in violation of the State laws applicable to cities or applicable provisions of this Charter.

I. Investigations and Complaints. It shall be the duty of the Manager to make investigations into the affairs of the City and any department or division thereof. It shall be the duty of the Manager to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in said City and report all findings to the Council.

Sec. 8. Internal relations.

A. Council-Manager Relations. The Council and its members shall deal with the administrative services of the City only through the Manager, except for the purpose of inquiry, and neither the Council, nor any member thereof, shall give orders or instructions to any employee or officer other than the Manager. The Manager shall take his orders and instructions from Mayor with the advice and consent of the Council only if promulgated at a duly convened meeting of the Council, and no individual Councilman shall give any orders or instructions to the Manager except for purpose of inquiry.

B. Attendance at Commission Meetings. The Manager may attend any and all meetings of all commissions, boards or committees created by the Council, upon his own volition or upon the direction of the Mayor and

Council. At such meetings which the Manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the Council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees.

Sec. 9. Removal procedure.

A. The Council may remove the Manager at any time by a 5/7th vote of its members. If requested, the Council shall grant him a public hearing within thirty days following notice of removal. During the interim the Council may suspend the Manager from duty, but shall continue his salary and, if the removal becomes final, shall pay his salary for one calendar month following the final removal date. In the event of involuntary removal of the Manager by the Council for willful misconduct in office, the Manager shall forfeit any and all severance pay.

B. Discretion of Council. In removing the Manager, the Council shall act at its discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing.

C. Resignation of Manager. The Manager shall provide the Council a minimum of forty-five days written notice of intention to resign his position unless a shorter period of time is approved by the Council. The Manager shall assist the Council in the recruitment and selection of a replacement if requested by the Council. In the event of resignation due to health reasons, the period of written notice shall be determined in conference between the Manager and the Council.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS, OFFICES AND EMPLOYEES

Sec. 1. Administrative Departments and Offices.

A. 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.

B. The Council may assign additional functions or duties to offices, departments or agencies. Where the positions are compatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter.

C. The Council shall provide for the number, title, qualifications, powers, duties and compensations of all officers and employees of the City.

Sec. 2. City Clerk.

The Mayor, with approval of the Council, shall appoint an officer who shall have the title of City Clerk, who shall be responsible to the Council, and who shall give notice of all Council meetings, keep the journal of the Council's proceedings authenticated by his signature and recorded in full, in books kept for that purpose, all ordinances and resolutions. He shall perform such other duties as required by this Charter or by ordinance.

Sec. 3. City Treasurer.

The Mayor, with the approval of the Council, shall appoint an officer who shall have

the title of City Treasurer, who shall be responsible to the Council 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 ordinance. He shall always be bound by the Constitution, laws of this State, this Charter and City ordinances. Legal garnishments may be served upon him.

Sec. 4. City Attorney.

The Mayor, with the approval of the Council, shall appoint the City Attorney, who shall be an attorney at law, duly licensed to practice in the State of Arizona, who shall be the chief legal advisor of all officers, departments and agencies of the City. He shall represent the City in all legal proceedings and 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. The Council shall have control of all litigation of the City, and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein, and may provide for the payments for such additional legal services and all proper service or work done on behalf of the City in connection with its legal matters.

Sec. 5. Reserved.

(Amended 5/17/05)

Sec. 6. Merit System to be established.

A. Merit Principle. All appointments and promotions of City employees except those elected by the people and also excluding all officers and department heads shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

B. Merit System Board. There shall be a Merit System Board consisting of five members appointed by the Mayor, with the approval of the Council, from the qualified electors who have been bona fide residents of the City for at least five years next preceding such appointment. No more than three members shall have the same political affiliation. The Personnel Director shall provide necessary staff assistance to the Merit System Board.

1. The term of office shall be for three years. Terms will expire on June 30, except that a member shall continue to serve until his successor is duly appointed and qualified. Of the members of the Board first appointed, two shall be for a term ending June 30, 1983; two for a term ending June 30, 1984; one for a term ending June 30, 1985. Each and every appointment thereafter will be for three years.

C. Personnel Appeals Board. There is hereby created a Personnel Appeals Board to consist of five qualified electors of the City of Douglas, appointed by the Mayor, with the approval of the Council, to perform the following:

1. Hear grievances submitted by employees as defined in the City Personnel Rules and Regulations.

D. The Personnel Appeals Board shall conduct informal hearings without courtroom procedures or formal rules of evidence, as provided in the City Personnel Rules. Both parties shall be granted an opportunity to present their position. Legal counsel may be present. Within ten working days following the conclusion of a hearing, the Personnel Appeals Board shall announce its decision and furnish a written copy of its findings to the aggrieved and the Manager.

E. The time limits specified for submission of grievances may be extended to a definite date by mutual agreement of the employee and the Manager. However, failure of the employee to meet the designated time limits will constitute a dismissal of the appeal.

F. Personnel Rules. The City Manager shall prepare personnel rules which shall be proposed to the Council and the Council shall adopt them with or without amendment. (Amended 3/10/98 by deleting Sections 6(B) and 6(D)(2) revising Sections 6(E) and (G) and renumbering the remaining sections)

ARTICLE V. APPOINTIVE BOARDS AND COMMISSIONS

Sec. 1. Appointive Boards and Commissions.

The Council may, by ordinance or resolution create or abolish boards, commissions or committees as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Sec. 2. Standing Committees.

A. The following are hereby established as standing committees of the City:

1. Finance Committee
2. Board of Adjustment
3. Planning and Zoning Commission

Sec. 3. Mayor and Manager, ex-officio members.

The Mayor may appoint himself, or any member of the Council, or the Manager as an ex-officio member, without voting privileges, to any or all boards, commissions or committees. In addition, the Mayor, in his discretion, may make such an appointment of

any member of the Council or the manager not as an ex-officio appointment, but as any regular appointment with full voting privileges.

ARTICLE VI. FINANCE AND TAXATION

Sec. 1. Fiscal.

The powers of the City concerning budget, taxation, financial and fiscal powers shall be limited only by the provisions of the Constitution and laws of the State and this Charter.

Sec. 2. Taxing powers.

A. The Council shall have the power to levy and collect ad valorem and excise taxes, including, but not limited to, a transaction privilege tax, a use tax, and a business license tax, and all other taxes not prohibited by Federal or State Constitution or laws, for any or all of the following purposes:

1. To pay the interest and maintain the sinking fund of the bonded indebtedness of the City.
2. For the establishment and support of free public libraries and for the construction and maintenance of public buildings.
3. For advertising and promoting the advantages of the City.
4. To create a reserve fund for replacement of equipment, for the furnishing of City services and the maintenance of all municipally owned and operated utilities.
5. For the general expenses incurred in the operation of City government.
6. For local public improvements.
7. For any other lawful municipal purpose.

B. The enumeration herein of the types of taxes and the purposes for which such taxes

may be levied and collected shall not be deemed to limit in any way the taxing powers of the City.

Sec. 3. Claims or demands against the City.

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

Sec. 4. Cash basis fund set up; transfer of sums from cash basis fund to other funds.

A. The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money collected from the annual tax levy, and from the money received from the other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount of such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

B. The Council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all monies so transferred from the cash basis fund shall be returned thereto before the end of the fiscal year.

Sec. 5. Depositories for City monies; investments.

In addition to authority granted by Arizona Statutes, the Council may cause City monies to

be deposited or invested in Certificates of Deposit or other forms of deposits or investments, in any financial institution in the State, upon sufficient security being given the City therefore by said financial institution. The Council may adopt ordinances implementing this authority and the appropriate City official may, pursuant to said ordinance, invest City monies not needed to pay current bills as therein directed.

Sec. 6. Independent audit and review.

Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant, who, as of the end of the fiscal year, shall make up an audit of accounts and other evidence of financial transactions of the City government, and shall submit a long-form report, including recommendations concerning policy and fiscal procedures, to the Council, and to the City Manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. He shall, within specifications approved by the Council, 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. The Council may call for such special audits as it may deem necessary or appropriate.

ARTICLE VII. ORDINANCES AND RESOLUTIONS

Sec. 1. Council to act by motion, resolution or ordinance.

The Council shall act by motion, resolution or ordinance.

Sec. 2. Ayes and nays to be recorded.

A roll call vote shall be taken upon final action of all ordinances and resolutions and such vote shall be entered upon the journal of the proceedings of the Council.

Sec. 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.

Sec. 4. Enacting Style.

The enacting clause of all ordinances passed by the Council shall be in these words: “be it ordained by the Mayor and Council of the City of Douglas, Arizona as follows.”

Sec. 5. When actions to be taken by ordinance.

In addition to other acts required by State or Federal law or by specific provisions of the Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

1. Levy any tax or assessment.
2. Establish, alter or abolish any City department, office or agency.
3. Regulate the rates and fees charged for City services.
4. Establish or change fire zones or limits.
5. Grant, renew or extend a franchise.
6. Establish or change zoning districts.
7. Abandon or vacate streets, alleys or subdivisions.
8. Authorize the borrowing of any money.
9. Impose or provide for imposing a fine or other penalties.
10. Adopt a code by reference or amend the City code.
11. Amend or repeal any ordinance.

12. Appropriate, acquire, sell, lease or exchange any real property.

13. Provide for a specific improvement district.

Sec. 6. Reading and passage of ordinances and resolutions; effective date.

All proposed ordinances and resolutions having the effect of ordinances shall be subject to the following requirements for passage at any meeting of the Council:

A. Copies of a proposed ordinance or proposed resolution having the effect of an ordinance shall be made available to the Mayor and Council at least forty-eight hours prior to the meeting. (Amended 3/10/98)

B. There shall be a full reading of proposed ordinances or resolutions having the effect of an ordinance unless the full reading is waived by a majority of the Council. Thereafter, those ordinances or resolutions heretofore mentioned may be read by number and title only. (Amended May 17, 2011).

C. Copies of titles of proposed ordinances or resolutions heretofore mentioned shall be posted at the City Hall forty-eight hours before the hour the City Council convenes to act upon the ordinance or resolution. During the said forty-eight hour period, copies of the entire proposed ordinance or resolution heretofore mentioned, shall be made available for inspection by the public at any time during the City’s regular business hours. In the event that copies are not so made available for inspection by the public and the said title is not so posted, the ordinance or resolution shall not be brought before the Council for action.

Sec. 7. Emergency measures; effective date.

An emergency measure is one which is necessary for the immediate preservation of the peace, health or safety of the City and one

which is passed by the affirmative vote of six of the seven elected members of the Council and which receives the approval of the Mayor. An emergency measure shall take effect immediately upon its passage, so long as it states in a separate section, the reason why it is necessary that it should become immediately operative. An emergency measure may be added to an ordinance upon its second reading and final passage at the same meeting as when first introduced upon the affirmative vote of six of the seven members of the Council and upon its receiving the approval of the Mayor. (Amended 3/10/98)

Sec. 8. Motion to reconsider.

When an ordinance fails to pass and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four hours thereafter.

Sec. 9. Signing of ordinances and resolutions.

All ordinances and resolutions shall be approved as to form by the City Attorney prior to signature by the Mayor and attestation by the City Clerk within five days after adoption, but failure to so sign and attest shall not affect the validity of such ordinance or resolution.

Sec. 10. Publication of ordinance and resolutions.

All ordinances, except those necessary for the immediate preservation of the peace, health or safety of the City, and resolutions having the effect of ordinances, shall be published at least twice in a newspaper of general circulation in the City before they become effective and operative. Emergency measures shall be published twice in a newspaper of general

circulation in the City within fifteen days after their passage.

Sec. 11. How ordinances to be reviewed, re-enacted and amended.

Ordinances shall not be revised, re-enacted or amended by reference to title only, but the 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 by the method provided in this Charter for the adoption of ordinances.

Sec. 12. How ordinances to be repealed or suspended.

No ordinance or section thereof shall be repealed or suspended except by ordinance adopted in the manner provided in this Charter.

Sec. 13. 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 the Clerk in books kept for that purpose marked "City Ordinances" and "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 as 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 the passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Sec. 14. Procedure for adoption by reference.

A. 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 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.

B. 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.

Sec. 15. Recording of certain ordinances.

All ordinances extending or changing the boundaries of the City, zoning territory or establishing or vacating of streets, alleys or subdivisions, after publication, shall be recorded in the office of the County Recorder of Cochise County, and, after being so recorded, the same shall constitute public notice to all parties of the legal import thereof.

Sec. 16. Codification of ordinances.

Any and 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 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. Amendment to the code shall be enacted in the same manner as ordinances.

ARTICLE VIII. CONTRACTS

Sec. 1. Preparation.

All contracts shall be drawn under the supervision of the City Attorney, must be in writing, executed in the name of the City of Douglas by the Mayor or Manager, 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.

Sec. 2. Contracts for City improvements or purchases.

A. Contracts or purchases less than \$5,000.00. No bids or quotations shall be required for any contract or purchase not in excess of \$ 5,000.00. (Amended May 17, 2011).

B. Contracts or purchases for personal property, materials or services over \$5,000.00 but which do not exceed the aggregate dollar amount established from time to time by the Arizona legislature in A.R.S. Section 41-2535, or its successor statute. Quotations shall be required, when available, for any contract, City improvement or purchase of personal property, materials or services over \$5,000.00 to the aggregate dollar amount established from time to time by the Arizona legislature in A.R.S. Section 41-2535 or its successor statute, inclusive. The City Manager or his agents

hereunder shall request or obtain written quotations from at least three qualified persons when available and keep a record of the quotations and of the award of contracts and purchases for public examination and inspection. The City Council may establish more formal bidding procedures for certain types of contracts and purchases in this dollar range, with Council approval. (Amended May 17, 2011).

C. Contracts or purchases of personal property, materials, or services (other than employment contracts) in excess of the aggregate dollar amount established in A.R.S. Section 41-2535. (Amended may 17, 2011).

D. Formal bidding requirements. Advertisements 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 advertisement shall be published at least twice in a newspaper of general circulation in the City, not less than five days prior to the opening of bids. Bidding shall be by sealed bids only and under such regulations as may be prescribed by the Council.

E. To the extent permitted by law, the Council in its discretion, may by ordinance grant a monetary preference to local bidders provided such preference when ordained is stated in the bid offer. (Amended 3/10/98; May 17, 2011).

Sec. 3. Transfer and sale of property.

A. The Manager may sell, or may transfer to or between offices, departments and agencies, surplus or obsolete supplies, materials and equipment, subject to such regulations as the Council may prescribe.

B. The Council may sell such portions of the real and personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe.

Notice of the sale shall be done in accordance with the following schedule:

1. The Manager may sell or otherwise dispose of any personal property having a value of \$500.00 or less with one published notice. Written advice shall be given to the Council prior to such sale or disposal.

2. Personal property valued in excess of \$500.00 shall be sold after notice of sale has been published at least two times not less than five days prior to the sale.

3. Real property shall be sold after published notice of the sale has been made at least one time per week for three weeks prior to the sale.

4. When bids are required or requested, the Council shall have the right to reject any and all bids.

5. No City employee, elected or appointed City official or member of his immediate family shall be permitted to bid, purchase or acquire any City property.

Sec. 4. Fraud and collusion.

Any member of the Council or any officer or employee of the City who shall knowingly aid or assist a bidder in securing a contract to furnish labor, materials, equipment, supplies or services at a higher price than that 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 character 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

certify to a greater amount of labor or service performed than has been actually performed or to receipt for a greater amount or different kind of material, supplies or equipment than has been actually received, shall be guilty of a misdemeanor and, upon conviction thereof, shall be removed from Office.

Sec. 5. Avoidance of contracts made through fraud and collusion.

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Manager shall advertise for new bids for said City improvements and/or supplies, materials, equipment and services required, or the Council may provide for such public work to be done by the City under the direction of the Manager.

Sec. 6. Personal interest.

The provisions of the laws of this State relating to, and defining conflicts of interest, of all officers and employees of the City, shall apply to and govern in all matters of conflict of interest.

ARTICLE IX. ELECTIONS

Sec. 1. Type of elections.

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

A. Primary elections shall be held for the purpose 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 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.

Sec. 2. Application of State law.

The provisions of the laws of this State relating to and governing the nominations of elective officers and the conduct of elections and each and every provision of said law, with all amendments thereto shall apply and shall govern the nomination of elective officers and the conduct of elections, except as otherwise provided in this Charter. The Council shall have the power to make any additional provisions relating to the nominations of officers and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this State or the provisions of the Charter.

Sec. 3. Qualifications of electors; registration.

A. The qualifications of electors shall be as required by the Constitution and laws of this State for State, County and City electors.

B. Registration of voters shall be ordained by the City Council in accordance with State and Federal law.

Sec. 4. Qualifications of candidates.

Qualifications of candidates shall be as prescribed in Article II, Section 6 of this Charter.

Sec. 5. Arrangement of names on ballot.

A. The names of the candidates for Mayor shall be arranged on the ballot, 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.

B. The names of the candidates for Councilman shall be arranged by the Ward they represent and as provided by law. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Sec. 6. Nomination for primary election.

A. Nominations for primary elections shall be by petition of nomination, which shall consist of a printed form or facsimile thereof, which shall be furnished to applicants by the City Clerk.

B. The petition or petitions for nomination of Mayor, shall contain the signatures of qualified voters, aggregating not less than 5% nor more than 10% of the total number of electors voting at the last preceding municipal election for the office of Mayor.

C. The petition or petitions for nomination of a Councilman, shall contain the signatures of qualified voters, aggregating not less than 5% nor more than 10% of the number of electors voting for Mayor in the nominee's Ward, at the last preceding election at which a Mayor was elected.

D. Nominating petitions for the primary election shall be presented to the City Clerk in accordance with State election law timetables established in A.R.S. 16-311, or its successor statute. The City Clerk shall endorse on each petition the date and time when the same was received by him, and shall determine that the nominating petitions are substantially in the required form and contain the requisite number of signatures, prior to causing the qualified candidate's name to be printed on the ballot. Notice shall be given to the candidate within

five working days of receipt of the petition as to whether the candidate's name will be printed on the ballot.

(Amended 3/10/98; 5/17/05)

Sec. 7. Majority to elect in primary.

A. At the primary election, any candidate for Mayor, who shall receive a majority of all the votes cast at such election, shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said office.

B. At the primary election, any candidate for Councilman, who shall receive a majority of all the votes cast for said office at such election, shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said office.

Sec. 8. Nomination for general election.

A. If in a primary election one candidate for Mayor does not receive a majority of the votes cast at large, then the two candidates with the highest number of votes will be considered nominated and their names will appear on the ballot of the general election. In case of a tie for second place, that candidate with the highest number of votes and those tied for second place will appear on the ballot of the general election. These shall be the only candidates for Mayor in the general election.

B. If in a primary election one candidate for Councilman in a Ward, does not receive a majority of the votes cast at large for Councilman then the two candidates with the highest number of votes will be considered nominated and their names will appear on the ballot of the general election. In case of a tie for second place that candidate with the highest number of votes and those tied for second place, will appear on the ballot of the general

election. These shall be the only candidates for Councilmen from that Ward in the general election.

Sec. 9. Plurality to elect in general election.

A. The candidate for Mayor, who shall receive the highest number of votes at the general election shall be declared elected.

B. At the general election, any candidate for Councilman who receives the highest number of all the votes cast for the office for which he is a candidate shall be declared elected. (Amended 3/10/98)

C. In case of ties, the decision as to the winner shall be determined by lot.

Sec. 10. Time of holding primary elections.

Primary elections shall be held in even numbered years on a date set by the Mayor and Council by ordinance in accordance with State law. (Amended 3/10/98)

Sec. 11. Time of holding general elections.

General elections shall be held on the third Tuesday in May in each even numbered year.

Sec. 12. Special elections.

The Council shall provide the time, manner and means of holding any special election.

Sec. 13. Early voting.

The method and manner for early voting shall be established by the Arizona legislature in Title 16, Chapter 4, Article 8 of Arizona Revised Statutes, or their successor statutes. (Amended 5/17/05)

Sec. 14. Canvassing returns and declaring of election results.

Within seven days after any election, the Mayor and Council shall canvass returns and declare the results of such election. The City Clerk shall issue a certificate to each candidate elected to office at any election.

Sec. 15. Alignment of Ward boundaries.

A. Within twelve months of the effective date of this Charter and using the 1980 census official count, the Council shall reapportion and realign the boundaries of Wards.

B. Such realignment shall thereafter be made within twelve months after release of official census information indicating a shift in population which will result in an imbalance of more than five percent in Ward population.

**ARTICLE X. INITIATIVE,
REFERENDUM AND RECALL**

Sec. 1. Initiative, referendum; recall.

There is hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of the elective officers. The provisions of the Constitution and general laws of this State, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of elective officers, shall apply to the use thereof in the City so far as such provisions are not in conflict with the provisions of this Charter.

Sec. 2. Submission of measures to electors.

The Mayor and Council may, by Majority vote, submit to the electors at any regular or special election, any ordinance, referendum, measure or question. (Amended 3/10/98)

ARTICLE XI. CITY COURT

Sec. 1. Establishment.

There shall be and is hereby established in the City a municipal court, to be known and designated "The Douglas Municipal Court of the City of Douglas, Cochise County, State of Arizona. (Amended 5/17/05)

Sec. 2. State laws control.

The City Court shall be created in accordance with the general statutes of the State and all statutes pertaining to the jurisdiction and procedure of said Court shall be fully observed.

Sec. 3. Presiding officer; appointment; term.

The presiding officer of the City Court shall be a City Magistrate, who shall be appointed by the Mayor and Council and shall hold office for a fixed term of office according to City ordinance. (Amended 3/10/98)

Sec. 4. Qualifications of City Magistrate.

A person to be qualified for the office of City Magistrate shall have resided in the City for at least one year and shall be at least thirty years of age.

Sec. 5. Disposition of fines, penalties and fees.

All fines, penalties and fees collected by the City Magistrate shall be paid promptly to the designated officer of the City authorized to receive them.

Sec. 6. Ordinance to give effect.

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

ARTICLE XII. FRANCHISE AND PUBLIC UTILITIES

Sec. 1. Elections for approval and term of franchise.

No franchise shall be granted, extended or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a primary, general or special election; the Council shall submit any matter for approval or disapproval to such electors at any primary or general election or call a special election for such purpose at any time upon thirty days notice; and the Council shall require, before calling any such election, that the estimated expense thereof (to be determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk. No franchise shall be granted, extended or renewed for a longer time than twenty-five years and no exclusive franchise shall ever be granted.

Sec. 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 for 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, enlargement or improvement of existing

utilities and provide reasonable reserves for such purpose.

ARTICLE XIII. PUBLICITY OF RECORDS

Sec. 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 citizens organization, or any representative of the press at all reasonable times and under such reasonable regulations as established by the Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, including, but not limited to lists of names and addresses of the citizens of the City, and except those records and documents which have been decreed as being exempt from such disclosure by State or Federal laws or by a court of competent jurisdiction of the State of Arizona or the United States of America.

ARTICLE XIV. GENERAL PROVISIONS

Sec. 1. Official bonds.

All elected and appointed officers, and such other employees as the Council may by general ordinance require, shall give bond in such surety and amount as may be ordained by the Council. The premiums for such bonds shall be paid by the City.

Sec. 2. 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 of office, in the form of the official oath required by the State Constitution.

Sec. 3. Insurance.

The Council may procure liability insurance covering the City and its officers, agents, employees and members of boards, commissions and committees while engaged in governmental or proprietary capacities. The City may secure such other insurance as may be deemed necessary or appropriate by the Council. The premiums for such insurance shall be paid by the City.

Sec. 4. Short title.

This Charter, adopted by the people of the City of Douglas, shall be known and may be cited as the CHARTER OF THE CITY OF DOUGLAS, ARIZONA.

Sec. 5. Separability clause.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any persons or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Sec. 6. Violations of Charter and City ordinances; imprisonment of violators.

The violation of any provisions of this Charter, or any ordinance of the City, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the State of Arizona, or may be redressed by civil action, at the option of the Council. Any person sentenced to imprisonment for violation of a provision of this Charter, or of any

ordinance may be imprisoned in the City jail, or, if the Council, by ordinance, shall so prescribe, in the County jail of Cochise County.

Sec. 7. 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.

Sec. 8. Charter review.

A citizens committee shall be appointed by the Mayor and Council every six years and charged with the responsibility of reviewing the Charter and recommending proposed Charter revisions to the Mayor and Council, if any changes are deemed necessary. (Added 3/10/98)

ARTICLE XV. GENDER

Sec. 1. Gender.

Wherever the context of this instrument 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, association or society as well as a natural person.

ARTICLE XVI. SUCCESSION IN GOVERNMENT

Sec. 1. Rights of officers and employees preserved.

Nothing in this Charter, 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 this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, rank, grade, 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.

Sec. 2. Continuance of present officers.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made for the performance of such duties or for the discontinuance of such office.

Sec. 3. Continuance of present offices, departments or agencies.

A. 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 proceeding or other matters within the scope of the powers and duties prescribed by this 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.

B. 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.

Sec. 4. Continuance of appointive boards, commissions and committees.

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

Sec. 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.

Sec. 6. Continuance of contracts.

All contracts entered into by the City, or for its benefit, prior to the time this Charter takes effect, shall continue in full force and effect.

Sec. 7. Pending actions and proceedings.

The adoption of this 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.

Sec. 8. Ordinances to remain in force.

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

Sec. 9. Inauguration of government under this Chapter.

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 XVII. AMENDMENTS

Sec. 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.

Dated in Douglas, Cochise County, Arizona, this 8th day of March 1982, and respectfully submitted.