

## ORDINANCE NO. 821

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING §2-01-050 OF THE TOWN CODE TO CHANGE THE COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS (FROM \$1,050.00 TO \$1,500.00 PER MONTH FOR THE MAYOR AND \$700.00 TO \$1,000.00 PER MONTH FOR COUNCIL MEMBERS), EFFECTIVE JANUARY 1, 2017; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS IN ARTICLE 2-01 IN CHAPTER 2 OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, ARS §9-821.01(A) provides Arizona towns with an option to allow candidates for mayor and council who receive a majority of all votes cast at the primary election to be declared elected, effective as of the date of the subsequent general election; and

WHEREAS, the Town Council first exercised this option for Prescott Valley by Ordinance No. 5 (dated December 14, 1978), and said option is now codified in Town Code §2-03-010; and

WHEREAS, ARS §9-232.01 provides that town councils may prescribe by ordinance or resolution a salary for the mayor and council members; and

WHEREAS, Arizona Constitution Article IV, Part 2, §17 prohibits the compensation of any public officer being increased or diminished during his/her term of office; and

WHEREAS, by Ordinance No. 219 (dated January 25, 1990) the Town Council first provided a salary for the Mayor and Council members, setting \$200.00 per month for the Mayor and \$100.00 per month for Council members; and

WHEREAS, by Ordinance No. 339 (dated October 27, 1994) the salaries were increased to \$400.00 per month for the Mayor and \$200.00 per month for Council members; and

WHEREAS, Ordinance No. 339 also amended Town Code §2-01-050 to specify that any ordinance changing compensation would need to be adopted prior to the primary election in the event no general election were held; and

WHEREAS, by Ordinance No. 410 (dated January 23, 1997) the salaries were increased to \$700.00 per month for the Mayor and \$400.00 per month for Council members; and

WHEREAS, by Ordinance No. 687 (dated May 10, 2007) the salaries were increased to \$1,050.00 per month for the Mayor and \$700.00 per month for Council members; and

WHEREAS, Ordinance No. 687 further amended Town Code §2-01-050 to allow ordinances changing compensation to be adopted prior to the general election (even if all candidates had been elected at a primary election and no general election would be held), as permitted by the Arizona Constitution; and

WHEREAS, Arizona Constitution Article IV, Part 2, §17 provides that when any increase or decrease in compensation of any board composed of two or more officers whose respective terms are not coterminous, becomes effective as to any officer of that board, then the increase or decrease becomes effective as to each officer; and

WHEREAS, Arizona Attorney General Opinion I90-094 (R90-135) explains that some municipal council members may receive during their term a salary increase passed by them during that term, if (a) an election has occurred for other council members, (b) those other members have started their new term, and (c) those other members are now receiving the salary increase; and

WHEREAS, Town Code §2-01-050 requires any modification of salaries for the Mayor and Council to be passed by a two-thirds (2/3) vote; and

WHEREAS, Town Code §2-01-050(A)(2) also provides that any increase in compensation will not begin to be earned until January 1 of the following year; and

WHEREAS, it is now proposed that the salaries of the Mayor and Council members be increased so as not to discourage qualified individuals from seeking Town office because of the time commitments involved;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

SECTION 1. That Section 2-01-050 “Compensation” in Article 2-01 “COUNCIL” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

**2-01-050 Compensation.**

The compensation of the Mayor and Council members is fixed herein and may be modified from time to time by an ordinance that shall be passed only with a two-thirds (2/3) vote of the Council; provided that the compensation allowed to the Mayor and

Council members shall be subject to the provisions of Article IV, Part 2, Section 17 of the Arizona Constitution.

- A. Any increase or decrease in compensation shall be subject to the following:
  - 1. It shall become effective for the Mayor and all Council members after the date set for the regular election (notwithstanding that the Mayor and/or any one (1) Councilmember may have been elected at the primary election), following passage of the ordinance increasing or decreasing the compensation; and
  - 2. Following the election, the increase or decrease in compensation will not actually begin to be earned until the first (1st) day of January.
- B. In the event the Mayor or a Councilmember holds office by reason of appointment, he or she will have the same right to compensation as would the elected official whose position the appointee filled.
- C. The Mayor and each Councilmember shall be fully compensated unless his or her non-attendance at Council meetings is found by a majority of the other Council members to be unreasonable in a formal vote thereon. In that event, compensation shall be reduced in an amount commensurate with the percentage of unreasonable absences as determined by a majority of the Council.
- D. The rate to be paid to the Mayor shall be ~~\$1,050.00~~1,500.00 per month.
- E. The rate to be paid to a member of the Common Council shall be ~~\$700.00~~1,000.00 per month.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 219, Amended, 01/25/90; Ord. No. 339, Amended, 10/27/94; Ord. No. 410, Amended, 01/23/97; Ord. No. 687, Amended, 05/10/07; Ord. No. 774, Amended, 08/22/13; Ord. No. \_\_\_\_\_, Amended, 10/27/16)

SECTION 2. That all other Sections and Subsections in Article 2-01 “COUNCIL” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code, not herein amended, shall remain in full force and effect.

SECTION 3. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Prescott Valley that this Ordinance be effective upon its passage and approval according to ARS §19-142(B) and §2-05-060 of the Town Code (due to the need to change compensation prior to the beginning of the next term of office), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

PASSED AND APPROVED by a two-thirds vote of the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 27<sup>th</sup> day of October, 2016.

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HARVEY C. SKOOG, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney