PART I THE CHARTER*

***State law references:** Adoption of charters, A.R.S. § 9-281.

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

Sec. 1. Incorporation.

The inhabitants of the City of Glendale, 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 Glendale".

Sec. 2. Form of government.

The municipal government provided by this charter shall be known as the 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 council, hereinafter referred to as "the 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 the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 3. Powers of city.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by

purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. Except as prohibited by the constitution of this state or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the government of the United States, the State of Arizona, Maricopa County, or any other municipal corporation of this state for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, public utilities, and buildings (when used for public purposes), all when deemed for the best interest of the city. 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.

The city 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:

(1) Public utility easements.

(2) Water production, storage and transmission.

(3) Sewage collection, treatment and disposal.

(4) Park land and development.

(5) School sites.

(6) Dedication and improvement of public rights-of-way.

(7) Bike paths and other necessary transportation.

(8) Drainage.

(9) Flood control.

(10) 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.

(3-16-76)

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 COUNCIL

Sec. 1. Powers of the council.

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who 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 and six (6) other members to be elected by the qualified electors of the City of Glendale as follows:

(a) The mayor shall be elected from the city at large, pursuant to the election procedure (primary and general elections) specified in ordinances which are adopted according to law or as provided for under the City of Glendale Charter.

(b) The six (6) other council members shall be elected from six (6) geographic districts within the City of Glendale. Each district shall contain a substantially equal number of electors. Electors in each district shall vote only for the council candidates nominated from the district in which the electors reside.

(c) Each candidate for one of the six (6) council seats shall at the time of nomination and during his tenure maintain his permanent residence within the district from which he is nominated.

(d) No candidate for the six (6) council seats may run for more than one district in any regular election.

(2-9-88)

Sec. 3. Term of mayor.

The term of the office of Mayor shall commence at 7:00 p.m. on the first regularly scheduled meeting in December following the election for such office, and it shall be for four (4) years or until a successor is elected and qualified.

(5-25-70; 5-18-04; Res. No. 3824(Prop. 101), 1-25-05)

Sec. 4. Terms of council members.

The term of the office of council members shall commence at 7:00 p.m. on the first regularly scheduled meeting in December following the election for such office, and it shall be for four (4) years or until their successors are elected and qualified.

(5-25-70; 5-18-04; Res. No. 3824(Prop. 101), 1-25-05)

Sec. 5. Qualifications.

The mayor shall be at least twenty-five (25) years of age on the date of his election or appointment; the mayor and council members shall be qualified electors of the city at the time of election; shall hold no other public office for which they receive compensation except that of a notary public or member of the national guard or naval or military reserve; and shall have resided in said city for one (1) year next preceding the date of such election or appointment. If the mayor or any councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

(3-16-76)

Sec. 6. 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 recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.

Sec. 7. Vice mayor.

The council shall designate one (1) of its members as vice mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability.

(3-15-88)

Sec. 8. Salaries of mayor and council members.

The annual salary of the mayor and council members shall be payable in installments consistent with the city employee payroll system but not to exceed the annual salary as set in the following manner. A salary commission may be appointed by the city council. The commission shall be composed of five members, none of which are city employees or city elected officials. The members of the commission shall serve without compensation. The commission shall conduct a review of the rates of pay for elected city officials. Such review by the commission shall be made for the purpose of determining and providing the pay levels appropriate to the duties and responsibilities of the offices. The commission may hold public hearings to aid it in its work. The commission shall submit to the city council a report of the results of the review conducted by the commission of the offices subject to this section together with its recommendations. The council may accept, reject or modify the recommendations of the commission. Any proposed increase in council salaries must be approved by the voters at the next election. The salaries shall become effective immediately after the voters approve the recommendations. The salaries in effect at the time of this charter amendment remain in effect until amended in the fashion herein prescribed.

[The annual salary of the mayor and council members shall be as follows:]

Mayor . . . $48,000.00

Council member . . . $34,000.00

(3-15-88; Res. No. 3107, § 1, 2-25-97; Res. No. 3948, §§ 1, 2, 4-11-06)

Sec. 9. 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. 10. Induction of mayor and council members into office.

At 7:00 p.m. on the day set for the first regularly scheduled meeting in December following the general election, the council shall hold a meeting for the purpose of inducting the newly elected mayor and council members, and to organize the council.

(5-25-70; 5-18-04; Res. No. 3824(Prop. 101), 1-25-05)

Sec. 11. Absence to terminate membership.

If any councilman shall be absent from more than two (2) consecutive regular meetings without the consent of the council, he shall thereupon cease to hold office.

If the mayor shall be absent for more than two consecutive regular meetings without the consent of the council, he shall thereupon cease to hold office.

Sec. 12. Vacancies in council and office of mayor.

The council, by a majority vote of its remaining members, shall fill the vacancies in its own membership and in the office of mayor for the unexpired terms.

Sec. 13. Council meetings; open to public.

The council shall meet regularly at such times and at such place as may be prescribed by its rules, but not less frequently than two (2) times each month. All meetings of the council shall be open to the public and shall be in compliance with the provisions of the laws of the state pertaining to public meetings and proceedings.

(3-16-76)

Sec. 14. Special meetings.

(Covered under section 13 by reference to Arizona Revised Statutes, § 38-501 as amended.)

(3-16-76)

Sec. 15. 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 public inspection.

Sec. 16. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be ayes and nays and shall be entered in the journal.

Sec. 17. Failure to vote.

No member of the council shall be excused from voting, except upon matters involving

the consideration of his own official conduct or if a conflict of interest exists as defined by the laws of this state pertaining to conflict of interest of officials and employees. In all other cases a failure to vote shall be entered on the minutes as an affirmative vote.

(3-16-76)

Sec. 18. Consideration of citizen requests.

Any citizen of the city may appear before the council at any regular meeting and present a request. The council shall take action or direct that action be taken on such request within thirty (30) days.

(3-15-88)

Sec. 19. Interference in administrative service.

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal therefrom. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interests of the city.

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 therefor, then the council shall by ordinance prescribe the procedure.

ARTICLE III. THE CITY MANAGER

Sec. 1. Appointment of city manager.

The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties provided in this charter. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

Sec. 2. The city manager; qualifications.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge

of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

Sec. 3. City manager; powers and duties.

The city manager shall be chief executive 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, he shall have the power 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 the 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, and when deemed necessary for the good of the service, lay-off, suspend, transfer, demote or remove all department heads, officers and employees of the city, subject to such merit system regulations as the council may adopt;

(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 the affairs of the city;

(6) Repealed (3-16-76);

(7) 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.

Sec. 4. Right of city manager to seat in council.

The city manager shall be entitled to a seat in the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council.

Sec. 5. Assistant city manager.

The assistant city manager shall be appointed in accordance with the personnel provisions and shall act on behalf of the city manager in his or her absence. In the event the city manager resigns or is removed for any reason, the council shall appoint an acting city manager at the first regular meeting following such vacancy.

(3-24-76; 3-15-88)

Sec. 6. Removal of city manager.

The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. Within ten days, the city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty. If the removal is for malfeasance, or misfeasance in the performance of his duties or he shall be convicted of a crime involving moral turpitude, the council shall cause to be paid him any salary due him to the date of the preliminary resolution. Otherwise, the manager shall be paid forthwith upon his removal his salary for the next two calendar months following the adoption of the preliminary resolution of removal.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS, OFFICES AND EMPLOYEES

Sec. 1. Administrative departments and offices.

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.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.

The council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

Sec. 2. City clerk.

The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinance. He will serve at the pleasure of the council.

Sec. 3. City treasurer.

The council shall appoint an officer of the city, who shall have the title of city treasurer, 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 the laws of this state, or as provided by ordinance and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council.

Sec. 4. City attorney.

The council shall appoint the city attorney who shall be the chief legal adviser of all officers, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the city in all legal proceedings. 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. He will serve at the pleasure of the council.

Sec. 5. Merit basis of appointment.

Appointments and promotions in the administrative service of the city shall be made in accordance to merit and fitness to be ascertained, so far as practicable, by competitive examination.

Sec. 6. Merit system to be established.

The council shall, by ordinance, provide for the establishment of a merit system for the purpose of regulating and controlling the appointments, promotions, demotions, discharges and reinstatements of all officers and employees of the city except those elected by the people and also except the city manager, city clerk, city treasurer, city attorney and city judge.

ARTICLE V. APPOINTIVE BOARDS AND COMMISSIONS

Sec. 1. Appointive boards and commissions.

The council may, by ordinance, create boards or commissions as in its judgment are required or as are now or hereafter provided by law, and may grant to them such power and duties as are not consistent with the provisions of this charter.

Sec. 2. Mayor and city manager ex-officio members.

The mayor and city manager shall be ex-officio members, without voting privileges, of all boards and commissions.

ARTICLE VI. FINANCE AND TAXATION

Sec. 1. Fiscal year.

The fiscal year of the city shall commence on the first day of July of each year.

Sec. 2. Council to provide for tax system; use of county services.

The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of this state, now or hereafter in force and comply with the requirements thereof whereby assessments may be

made by the assessor of the county in which the city is situated, and taxes collected by the tax collector of said county for and in behalf of the city. Other provisions of this charter concerning the assessments, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Sec. 3. Submissions of estimates to council; scope of city manager's estimate.

On or before the first regular council meeting in June of each year, or on such date in each year as shall be fixed by the council, the city manager shall prepare and submit in writing to the council the estimates of each department and his own personal report and recommendation and estimate as to the probable expenditures of the city for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department, and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking fund.

Sec. 4. Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year. The budget shall be prepared in such detail as to show the aggregate sum and the items thereof allowed for each and every purpose, and such budget, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published in the official newspaper of the city once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.

Sec. 5. Public hearing and adoption of budget.

The council shall hold a public hearing at the regularly scheduled meeting at which it levies taxes as designated in the following section at which time and place any taxpayer who may appear shall be heard in favor of or against any proposed expenditure or tax levy. When such hearing shall have been concluded, the council shall finally determine and adopt estimates or proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the current fiscal year. The total amounts in the budget proposed for expenditure shall not exceed the total amounts proposed for expenditure in the published estimate.

(5-25-70; 5-18-04)

Sec. 6. Adoption of ordinance fixing tax rate.

On the day set for making tax levies, but not later than the third Monday in August, the council shall meet and adopt an ordinance levying upon the assessed valuation of the property within the city, subject to the provisions of this charter, a rate of taxation upon each one hundred

dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 7. Additional taxes for special purposes.

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the city, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment for the furnishing of city services and the maintenance of all municipally owned and operated utilities.

The council shall have the power to levy a transaction privilege tax (sales tax) subject to approval by a majority of the qualified electors voting in the election.

Sec. 8. Taxes to be uniform and for public purposes only; property to be assessed as provided by law.

All taxes shall be uniform upon the same class of property within the corporate limits, and shall be levied and collected for public purposes only. All property shall be assessed as provided by law.

Sec. 9. Tax exempt property.

All the property within the city shall be subject to taxation, to be ascertained as provided by ordinance, except that property which is exempt from taxes under the laws of the United States, the laws of this state, under this charter and ordinances of this city.

Sec. 10. Budget establishes appropriations; method of expenditure.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named and may be changed only by ordinance. The council shall, by ordinance, provide for the method of expending the appropriations subject to the limitations of this charter and any applicable state law.

(3-15-88)

Sec. 11. Transfer of appropriations.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the city manager and within the last three months of the fiscal year, the council may by ordinance transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Sec. 12. Appropriations lapse at end of year.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 13. 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. 14. Cash basis fund set up; transfer of sums from cash basis fund to other funds.

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 other sources, a sum equal to not less than two and one-half cents ($.02 1/2) on each one hundred dollars ($100.00) 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 (4) months or other necessary period of the succeeding fiscal year.

The council shall have the 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 moneys so transferred from the cash basis fund shall be returned thereto before the end of the fiscal year.

Sec. 15. Transfer of sums from any funds to interest funds; and investments in depositories.

Whenever there shall not be sufficient moneys, in any of the interest funds for the bonded indebtedness of the city to pay the interest on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having moneys therein to such interest funds the necessary amounts of money to pay the interest on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient moneys shall accrue in said bonded indebtedness funds, from the regular tax levied therefor.

The council may cause city moneys to be deposited or invested in any depository or other investment so long as such deposit or investment is not contrary to the laws of the state.

(3-16-76)

Sec. 16. Independent annual audit.

Prior to the end of each fiscal year the council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report

to the council and to the city manager. This section shall not preclude the city council from executing a contract with an accounting firm for more than one year subject to annual appropriation and a maximum three-year agreement. (3-15-88)

Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall 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.

ARTICLE VII. ORDINANCES AND RESOLUTIONS

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

The council shall act by ordinance, resolution or motion.

(3-15-88)

Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and 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 council of the City of Glendale as follows:"

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

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(a) Adopt or amend a city code or establish, alter or abolish any city department, office or agency.

(b) Provide for a fine or penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

(c) Levy any tax or assessment.

(d) Sale or lease of public property.

(e) Provide or establish fire limits.

(5-25-70; 3-24-76; 3-15-88)

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

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

(a) Copies of a proposed ordinance and proposed resolution shall be in possession of the mayor and council at least seventy-two (72) hours prior to the meeting and shall be posted in compliance with the provisions of the laws of the state.

(b) By request of the mayor or any member of the council, a full reading of the proposed ordinance or resolution shall be ordered, otherwise such ordinance or resolution heretofore mentioned shall be read by number and title only. The measure may be passed and adopted at any time after such reading.

(c) Copies of titles of proposed ordinances and resolutions heretofore mentioned shall be available to the public for examination and posted at city hall seventy-two (72) hours before the hour the city council convenes to act upon the ordinance or resolution.

Should copies be not so available, such ordinance or resolution must be read in full before the vote thereon.

Ordinances without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

(5-25-70; 3-24-76; 3-15-88)

Sec. 7. Emergency measures; effective date.

An emergency measure is one passed by the affirmative vote of five-sevenths of the members of the council for the immediate preservation of the public peace, health or safety, in which the emergency is set forth and defined. An emergency measure shall take effect immediately upon its passage.

(5-25-70; 3-16-76)

Sec. 8. Motions to reconsider.

When an ordinance put upon final passage fails to pass, and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four (24) hours thereafter.

Sec. 9. Signing of ordinances and resolutions.

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

Sec. 10. Publication of ordinances 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 once in the official newspaper of the city before they become effective and operative.

Emergency ordinances necessary for the immediate preservation of the peace, health or safety of the city which have been passed by the necessary five-sevenths vote of the members of the council and become effective and operative immediately, shall be published in the official newspaper of the city within fifteen (15) days after their passage.

(5-25-70)

Sec. 11. How ordinances to be revised, 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 in 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 him in files or in books for that purpose; 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 in 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.

(3-16-76)

Sec. 14. Procedure for adoption by reference.

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 (3) 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.

A penalty clause may be enacted by reference thereto, without setting forth in full such penalty clause.

(3-16-76)

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 Maricopa 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, may 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 (3) 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. Amendments 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 Glendale by the mayor or the city 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 files or in books kept for that purpose.

(3-16-76)

Sec. 2. Competitive bidding.

The city council shall establish by ordinance formal guidelines regulating the purchase of goods and services by the city. Such ordinance shall specify the conditions pursuant to which formal competitive bidding shall be required, conditions pursuant to which informal competitive bidding shall be required and those conditions under which no bidding for city contracts shall be required.

(3-15-88)

Sec. 3. Purchases.

The council, by ordinance, not inconsistent with this charter, shall provide for the organization, conduct and operation of a purchasing department.

(5-25-70; 3-16-76)

Sec. 4. Bids.

The advertisement 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 notice shall be published at least once in the official newspaper, not less than five (5) days prior to the opening of bids. Bidding will be by sealed proposals only and under such regulations as may be prescribed by the council or in compliance with the laws of this state.

(3-16-76)

Sec. 5. Transfer and sale of property.

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

Sec. 6. Contracts for official advertising.

The city manager shall let annually contracts for official advertising for the ensuing fiscal year. For this purpose he or she shall submit to each legal newspaper published in the city, a notice describing the contemplated advertising and asking for sealed proposals. The proposals shall specify the type and spacing to be used at the rate or rates named in the bid. The city manager shall let the contracts for such official advertising to the lowest and best bidder publishing a newspaper of general circulation in the city; provided that in his or her discretion he or she may reject any and all bids and proceed to secure new bids in the manner provided herein. This section shall not preclude the city council from executing a contract for more than one year subject to annual appropriation. (3-15-88)

The newspaper to which the award for such advertising is made shall be known and designated as the official newspaper.

Sec. 7. Fraud and collusion.

Any member of the council or any officer or employee of the city who shall aid or assist a bidder in securing a contract to furnish labor, materials, equipment, supplies or services at a higher price than 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 accept materials, supplies or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed, or to receipt of a greater amount or different kind of material, supplies or equipment than has been actually received, shall be guilty of a misdemeanor and shall be removed from office.

Sec. 8. 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 city 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 city manager.

Sec. 9. Personal interest.

No member of the council or any officer or employee of the city shall have a financial interest as defined by the laws of this state pertaining to conflict of interest of officers and employees, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies, equipment or services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the council.

(3-16-76)

ARTICLE IX. ELECTIONS

Sec. 1. Permitted types of elections.

Elections to be held in the city shall be either primary, general or special.

(a) Primary elections shall be held for the purpose of making nominations for the general elections 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 nomination 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 further and additional provisions relating to the nomination 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 this charter. The nomination petition for mayor shall be signed by qualified electors in the City of Glendale from the city at large. The nomination petition for any member of the six council seats shall only be signed by qualified electors who reside within the district that said councilman seeks to be nominated from.

(2-9-88)

Sec. 3. Qualifications of electors;

registration.

The qualifications of electors shall be as required by the constitution and laws of this state for state and county electors.

Registration of voters shall be as required by the laws of this state and the register of qualified electors shall be compiled from the general county register.

(3-16-76)

Sec. 4. Arrangement of names not to reveal source of candidacy or support of candidacy or support of candidates.

The names of the candidates for each office shall be arranged 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.

Sec. 5. Time of holding primary elections.

Primary elections shall be held in even numbered years on the eighth Tuesday before the first Tuesday after the first Monday in November.

(5-25-70; 5-18-04; Res. No. 3824(Prop. 101), 1-25-05)

Sec. 6. Majority to elect in primary.

At the primary election any candidate 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 candidate.

Sec. 7. Nomination for general election.

If at any primary election there be any office or offices to which no candidate therefor was elected, then, said election shall be considered to be a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Sec. 8. Time of holding general elections.

General elections shall be held in even numbered years on the first Tuesday after the first Monday in November.

(5-25-70; 5-18-04; Res. No. 3824(Prop. 101), 1-25-05)

Sec. 9. Candidates receiving most votes to be elected.

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

Sec. 10. Special elections.

The council shall provide the time, manner and means of holding any special election. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

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 elective officers. The provisions of the constitution and general laws of this state, as the same now exists 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.

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 City Court of the City of Glendale, Maricopa County, State of Arizona."

Sec. 2. When open; transaction of certain business on non-juridical days.

The city court shall always be open, except on non-juridical days, and on such non-juridical days it may transact such business within its jurisdiction as is authorized by law to be transacted by courts of justice of the peace, relative to businesses within their jurisdiction.

Sec. 3. Jurisdiction generally.

Said court shall, within the territorial limits of said city, have and exercise jurisdiction as follows:

(a) It shall have and exercise exclusive original jurisdiction of all proceedings of a criminal nature for the violation of any ordinance of said city, and of every action of a civil nature for the enforcement of a penalty, or the recovery of a penalty or forfeiture imposed by any ordinance of the city for violation thereof, or for neglect to perform any duty by any ordinance imposed, and of every action for the collection of any license, fine or penalty due from any person to said city, and required to be paid, or which is due and collectible under the ordinance of said city.

(b) The city court shall have concurrent jurisdiction with the justices of the peace, in the precincts where said city is established, over all violations of the laws of the

state committed within the limits of said city; said concurrent jurisdiction shall be subject to the rules of civil procedure applicable to trials before justices of the peace.

Sec. 4. Presiding officer; appointment; term; justice of peace as city judge.

The presiding officer of the city court shall be a city judge, who shall be appointed by the council and shall hold office during the pleasure of the council.

A justice of the peace in the city shall be eligible to the office of city judge without forfeiting his office as justice of the peace.

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

All fines, penalties and fees collected by the city judge shall be paid to the properly designated officer of the city authorized to receive them.

Sec. 6. Power of city judge to issue writs and processes and to hear cases; nature of writs and processes; records to be kept; duty of police to execute, serve and make proper return of writs and processes.

For the proper carrying out of the jurisdiction, vested in said city judge, he shall be entitled and authorized to issue and cause to be served, any and all writs and processes, and he shall have full authority to hear and determine all matters properly coming before him and coming within his jurisdiction herein specified. The writs and processes to be used shall be similar to those used by justices of the peace in cases of a similar nature, and proper record shall be kept of the issuance of writs and processes and returns, and of any kind and all other actions taken relative thereto, and the actions of the court thereon. The police of the city are hereby authorized and directed to execute and serve any and all writs and processes issued out of said city court by said judge, and proper return shall be made by such officer to the same extent as is required of constables and sheriffs in the service and execution of similar papers.

Sec. 7. Ordinances 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 of franchises.

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 election 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.

Sec. 2. Establishment of municipally owned and operated utilities.

The city shall have 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 near-by 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 of 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 utility, and provide reasonable reserves for such purpose.

ARTICLE XIII. GENERAL PROVISIONS

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the city manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 2. Official bonds.

All elected and appointed officers and such other employees as the council may by general ordinance require to do so, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

Sec. 3. 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 constitution.

Sec. 4. Liability insurance.

The council shall provide liability protection covering the city and its officers, agents, and employees while engaged in governmental or proprietary capacities.

(3-15-88)

Sec. 5. Short title.

This charter, adopted by the people of the city of Glendale, shall be known and may be cited as the "Council-Manager Charter of Glendale."

Sec. 6. Separability clause.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with this section or part of section to which such holding shall directly apply.

Sec. 7. Violations of charter and city ordinances; imprisonment of violators.

The violation of any provision 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 an ordinance may be imprisoned in the city jail, or, if the council, by ordinance, shall so prescribe, in the county jail of this county, in which case the expense of such imprisonment shall be a charge in favor of said county against the city.

Sec. 8. 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.

ARTICLE XIV. SUCCESSION IN GOVERNMENT

Sec. 1. Rights of officers and employees preserved.

Nothing in this charter contained, 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, grades, 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 provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office.

Sec. 3. Continuance of present offices,

departments or agencies.

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 proceedings 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.

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 and commissions.

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as was granted them until such boards and commissions 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 taking effect of this charter, 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 thereof, are hereby continued in force until the same shall be duly amended or repealed.

Sec. 9. Inauguration of government under this charter.

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 XV. 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 at Glendale, Maricopa County, Arizona, this 7th day of March, 1957, and respectfully submitted.

TABLE INSET:

_____ W. C. Jack Chairman	_____ Donald Van Camp Vice-Chairman
_____ Vernon E. Solt	_____ R. K. Trueblood
_____ W. O. Nelson	_____ Chester E. Gillett
_____ Donald E. Sell	_____ Albert L. Carney
_____ R. P. Barnard	_____ Walt B. Adams, Sr.
_____ Edward P. LeGendre	_____ Charles Traubel
_____ Donald E. Watt	_____ Winter D. White

BOARD OF FREEHOLDERS

_____
W. A. Gilchrist
Secretary to the Board of Freeholders

CHARTER COMPARATIVE TABLE

The original charter, articles I through XV, is set out as adopted on March 7, 1957. The following table shows the disposition of subsequent amendments.

TABLE INSET:

Ordinance/Resolution Number	Approval Date	Disposition	
		Article	Section
	5-25-70	II	3-4, 10
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		VII	5--7, 10

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Res. No. 3824	1-25-05	II	3, 4, 10
		IX	5, 8
Res. No. 3948	4-11-06	II	8