

ORDINANCE NO. 4975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA PERTAINING TO THE TITLE 1 OF THE MESA CITY CODE; AMENDING SECTION 1-20-4 OF THE MESA CITY CODE, BY ADDING NEW PARAGRAPHS 1-20-4(I) AND 1-20-4(J) DELEGATING AUTHORITY TO THE CITY MANAGER TO GRANT AND ASSIGN CERTAIN EASEMENTS AND DEDICATE RIGHTS-OF-WAY AND EASEMENTS TO THE PUBLIC FROM CITY OWNED LAND AND RE-LETTERING THE EXISTING 1-20-4(I) TO BE 1-20-4(K).

Note:
BOLD AND ALL CAPS --- indicates proposed addition

WHEREAS, the Mesa City Charter Section 101(B) provides that the City Council may determine the manner in which to lease, sell, convey, exchange, and otherwise dispose of any real property owned by the City; and,

WHEREAS, the City Council has determined that in certain circumstances it is appropriate to have the City Manager dedicate rights-of-way and easements to the public from City owned property and to grant or assign certain easements to entities such as Salt River Project, Qwest, Cox Communication, Flood Control District of Maricopa County, Arizona Department of Transportation, El Paso Natural Gas Company, Roosevelt Water Conservation District, and Southwest Gas, as described in this Ordinance, and therefore has delegated this authority to the City Manager as provided herein.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Title 1, Chapter 20, Section 4 is amended by adding a new paragraphs (I) and (J) and re-lettering the existing paragraph (I) to (K), which shall read as follows:

1-20-4 DUTIES:

The Manager shall be the chief administrative officer of the City, responsible to the Council for administration and coordination of all departments, boards, and affairs assigned to him by this Chapter, by ordinance, or by resolution. He shall have authority and responsibility to:

(A) Attend Council meetings and present information and recommendations he deems necessary or as requested by any member of the Council, but he shall have no vote.

(B) Recommend to, and upon approval by the Council, appoint all City officers (except those subject to Council appointment pursuant to Section 401 of the Mesa City Charter), and when deemed necessary, suspend, and after approval of the Council, remove them.

(C) Pursuant to the merit system regulations, appoint, and when necessary remove, all employees of the City, except as he may authorize heads of departments and offices to appoint and remove their own subordinates. Any unexcused voluntary absence of any employee shall constitute resignation.

(D) Recommend to the Council personnel policies and assignments for efficient operation of the City government.

(E) Submit to the Council the annual budget and capital program.

(F) Supervise all expenditures and purchases of the City.

(G) See that all laws, provisions of this Chapter, and acts of the Council subject to enforcement by him or by officers under his direction are faithfully executed.

(H) Execute or cause to be executed by his designated representative all contracts and other lawful documents authorized by the Council.

(I) GRANT OR ASSIGN EASEMENTS TO UTILITY AND TELECOMMUNICATION ENTITIES, PUBLIC AGENCIES, OR GOVERNMENTAL ENTITIES FOR UTILITY AND TELECOMMUNICATION EASEMENTS, STORM WATER AND DRAINAGE EASEMENTS, AND SIMILAR TYPES OF EASEMENTS THAT ARE INTENDED TO BENEFIT THE PUBLIC OR TO ALLOW UTILITY SERVICES TO CITY OWNED PROPERTY. THE GRANTS OR ASSIGNMENTS MAY BE FROM CITY OWNED PROPERTY, CITY RIGHTS-OF-WAY, OR OTHER PROPERTY FOR WHICH THE CITY HAS A PROPERTY RIGHT THAT ALLOWS IT TO GRANT OR ASSIGN SUCH EASEMENTS.

(J) DEDICATE RIGHTS-OF-WAY AND EASEMENTS TO THE PUBLIC FROM CITY OWNED PROPERTY.

~~(K)~~ Perform any other lawful duties required of him by the Council.

Section 2: SEVERABILITY.

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

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 3rd day of May, 2010.

APPROVED:



Mayor

ATTEST:



City Clerk

