

ORDINANCE No. 6016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, PROPOSING AMENDMENTS TO THE MESA CITY CHARTER, ARTICLE II (CITY COUNCIL), SECTION 211 (ORDINANCES IN GENERAL), RELATING TO ORDINANCE POSTING AND PUBLICATION PROCEDURES TO CONFORM WITH STATE LAW MODERNIZATION EFFORTS.

Whereas, for Arizona charter cities, the city charter serves as the foundational document for municipal governance.

Whereas, Mesa City Charter Section 211, entitled “Ordinances in General,” establishes the general requirements governing City ordinances, other than emergency ordinances.

Whereas, Mesa City Charter Section 211(B)(1) governs the notice procedures for proposed ordinances. It requires, following the introduction of an ordinance, that the City Clerk post a copy of the ordinance in three public places within the City and that a summary of the ordinance be published in a newspaper prior to a public hearing.

Whereas, Mesa City Charter Section 211(B)(4) governs the notice procedures for ordinances once adopted. Following adoption, the City Clerk must post a copy of the ordinance in three public places within the City and a full copy of the adopted ordinance must be published in a newspaper.

Whereas, because of the definition of “publication” contained in Mesa City Charter Section 211(D), the City must pay to print a version of the ordinance in a newspaper at two different junctures: first, a summary following introduction; and second, a full copy following adoption by City Council.

Whereas, the current provisions of Mesa City Charter Section 211 were adopted following a citizen initiative in 1992. At that time, public notice depended far more heavily on physical postings and newspapers. The initiative focused on providing the public with meaningful notice of proposed changes to City ordinances and a fair opportunity to review and participate in the ordinance-adoption process before City Council action.

Whereas, Arizona Revised Statutes (“A.R.S.”) § 9-813 also sets forth notice procedures of certain ordinances. Prior to 2021, A.R.S. § 9-813 required such ordinances to be posted in three public places within a city or town.

Whereas, in 2021, the Arizona Legislature amended A.R.S. § 9-813 with the goal of promoting transparency, efficiency, and modernization of government. The amendments were intended to reflect modern methods of public access and communication, including online publication and reduction in newspaper readership, while continuing to require public notice. The 2021 amendment reduced the number of required postings, from three public postings to one, and added a requirement that such ordinances be posted to the city or town’s website.

Whereas, pending state legislation, if signed into law, would modify governmental entities’ publication requirements. If passed, state law would generally provide that a government’s newspaper publication obligations are fulfilled if the complete text of the notice is posted on the

government's website and a reference advertisement is printed in at least one newspaper. This change would substantially reduce publication costs borne by governmental entities.

Whereas, the current language of Mesa City Charter Section 211 does not reflect the modern practices adopted by the Arizona Legislature, advances in and access to technology, nor the possibility of the State further modernizing publication requirements, which would reduce costs. It is proposed that Mesa City Charter Section 211 be amended like the prior and contemplated changes at the state level.

Whereas, the proposed amendments will: (1) add a requirement that each ordinance be posted on the City's website; (2) revise the number of physical public postings to require ordinances be posted at one physical location in Mesa, instead of three; and (3) update the definition of "publication" so the City can utilize modern publication practices as permitted by the State. Although the statutory posting requirements apply only to certain municipal ordinances (those imposing a penalty, fine, forfeiture or other punishment), these proposed amendments are intended to extend the City's posting obligations to each ordinance, regardless of subject matter. This will provide the public with greater notice of, and access to, ordinances under City Council consideration than state law would otherwise require.

Whereas, the City Council finds and determines that amending Mesa City Charter Section 211 is appropriate to: (1) more closely align with modernized procedures for ordinance posting and publication in state law; (2) modernize the City's requirements for posting and publishing ordinances to better reflect how residents access public information today; and (3) promote transparency, efficiency, and public awareness while preserving advance notice of and opportunities for public participation in proposed ordinances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA:

Section 1. Mesa City Charter Amendments. Subject to approval by the voters of the City of Mesa and Governor of the State of Arizona, Mesa City Charter, Article II, Section 211 is amended as follows, with text written in **BOLD AND CAPITALIZED** indicating new language and text written in ~~strike through~~ representing removed language:

ARTICLE II – CITY COUNCIL

Section 211: ORDINANCES IN GENERAL

- (A) FORM. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one (1) subject, which subject shall be clearly expressed in its title. The enacting clause shall be, "Be it ordained by the City Council of the City of Mesa..."
- (B) PROCEDURE. An ordinance may be introduced by any Councilmember at any regular or special meeting.
 - 1. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Councilmember. The Clerk shall file copies in his office to be made available to the public, shall post a copy **OF EACH ORDINANCE IN ACCORDANCE WITH THE STATE LAW ABOUT THE POSTING**

OF ORDINANCES AND NOTICES ~~in each of the three (3) public places designated for the posting of public meeting notices and agendas,~~ and shall publish at least one (1) time a summary of the ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

2. The public hearing shall follow the publication by at least six (6) days and shall be held during a regular Council meeting. The public present shall have an opportunity to be heard.
 3. After the public hearing, the Council may adopt the ordinance or reject it. However, if the ordinance is amended in any manner, the Council shall not adopt it until the ordinance and its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance.
 4. All adopted ordinances shall be publicly posted as provided in Subsection (B)(1) and shall be published in ~~full~~ **ACCORDANCE WITH STATE LAW** within two (2) weeks following adoption as provided in Subsection (D).
- (C) **EFFECTIVE DATE.** Except as otherwise provided in Section 212, every ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.
- (D) **“PUBLISH” DEFINED.** As used in this Charter, the term “publish” means to print, **DISPLAY, OR OTHERWISE MAKE AVAILABLE IN ACCORDANCE WITH STATE LAW.** ~~at least one (1) time in one (1) or more newspapers of general circulation in the City.~~
- (E) **DAY OF PUBLICATION.** Whenever not inconsistent with any other requirement of law, the City Council shall by resolution, designate two (2) days of the week on which legal notices may be published. The Council shall designate one (1) day as primary and one (1) day as secondary, that will be used if needed.

Section 2. Ballot Question. The following question shall be submitted to City of Mesa voters at the next general election:

To conform with state law modernization efforts, shall Mesa City Charter Section 211 relating to ordinances be amended to require ordinances to be posted on the City’s website, posted at one physical location in Mesa, and published in accordance with state law?

Section 3. Ballot Measure Language. The City Clerk is directed to provide to the Maricopa County Recorder’s Office, in substantially the form set forth in this Section 3, the official title, descriptive title and questions, and ballot tagline for the amendments to Mesa City Charter Section 211 proposed by this Ordinance to be placed on the ballot at the next general election. Notwithstanding the foregoing, the City Council acknowledges that the language may need to be modified for election or legal purposes, including spacing availability on a ballot. Therefore, the City Clerk is authorized to modify the language set forth in this Section 3 at her discretion, for any reasonable purpose.

OFFICIAL TITLE: To conform with state law modernization efforts, proposal to amend Mesa City Charter Section 211 relating to ordinances to require posting of ordinances on the City’s website, posting at one physical location in Mesa, and publication in accordance with state law.

DESCRIPTIVE TITLE: To conform with state law modernization efforts, the City of Mesa proposes amendments to Mesa City Charter Section 211 relating to ordinances to require ordinances be posted on the City’s website, revising the number of physical public postings to one physical location in Mesa, and updating language so copies of ordinances are published in accordance with state law.

A “YES” vote shall have the effect of amending Mesa City Charter Section 211 to modernize ordinance procedures by requiring posting of ordinances on the City’s website, posting at one physical location in Mesa, and publication in accordance with state law.

A “NO” vote shall have the effect of retaining the existing Mesa City Charter Section 211 relating to ordinances.

TAGLINE: To conform with state law modernization efforts, shall Mesa City Charter Section 211 relating to ordinances be amended to require ordinances to be posted on the City’s website, posted at one physical location in Mesa, and published in accordance with state law?

A “YES” vote shall have the effect of amending Mesa City Charter Section 211 to modernize ordinance procedures by requiring posting of ordinances on the City’s website, posting at one physical location in Mesa, and publication in accordance with state law.

A “NO” vote shall have the effect of retaining the existing Mesa City Charter Section 211 relating to ordinances.

Section 4. Recitals. The recitals above are fully incorporated in this Ordinance by this reference.

Section 5. Effective Date. In accordance with Mesa City Charter Section 903(C), if a majority of the qualified electors of the City voting upon the proposed Mesa City Charter amendment vote in favor of it, the amendment shall become effective the first day after approval by the Governor of the State of Arizona.

Passed and adopted by the City Council of the City of Mesa on June 1, 2026.

Mark Freeman, Mayor

ATTEST:

Holly Moseley, City Clerk