

ORDINANCE NO. 6017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, PROPOSING AMENDMENTS TO THE MESA CITY CHARTER, ARTICLE II (CITY COUNCIL), SECTION 209 (PROCEDURE), SUBSECTION A (MEETINGS), RELATING TO COUNCIL MEETING PROCEDURES TO CONFORM WITH STATE LAW.

Whereas, Mesa City Charter Section 209(A) sets forth certain procedures applicable to Council meetings, including the time, place, and frequency of regular meetings, public notice of meetings, and purposes for which the Council may convene an executive session.

Whereas, state law regulates these same procedures. Namely, (1) Arizona Revised Statutes (“A.R.S.”) § 9-233 requires the Council to “by ordinance, fix the time and place of holding stated meetings...”; (2) A.R.S. § 38-431.02 imposes specific requirements related to public notice of meetings; and (3) A.R.S. § 38-431.03 enumerates the purposes for which a public body may hold an executive session.

Whereas, as more specifically explained below, the current language in Charter Section 209(A) does not always accurately or wholly reflect state law and the Council therefore desires to amend Charter Section 209(A) to require conformance with state law rather than specifically enumerate the required procedures in Charter Section 209(A).

Whereas, as required by A.R.S. § 9-233, the Council, by ordinance and codified as Mesa City Code Section 1-5-2, has fixed the time and place of meetings as follows: “The regular meetings of the Mesa City Council will be held on the first and third Monday evenings of each month at five thirty (5:30) P.M. unless a notice providing otherwise is posted in accordance with the Arizona Open Meetings Act.” Although state law does not require the Council to fix the frequency of meetings, and state law and the City Code provide the Council with flexibility to determine the time and place of its meetings, Charter Section 209(A) limits that flexibility by providing, “the Council shall hold a regular meeting at least twice in every month...”

Whereas, the Council therefore desires to amend Charter Section 209(A) to reflect the language used in state law by stating that the Council shall, by ordinance, fix the time and place of holding regular meetings in accordance with state law. By doing so, the Council does not intend to substantially modify the current schedule for regular meetings, but to allow the flexibility, from time to time, to hold fewer than two regular meetings per month, such as when the Council’s business can be accomplished in fewer meetings or during months in which Council breaks are scheduled.

Whereas, A.R.S. § 38-431.02 requires, among other things, that the City conspicuously post on its website the location of where public meeting notices will be posted, including the physical and electronic locations; post all public meeting notices on the City’s website; post notice of scheduled executive sessions and the provision of law authorizing the executive session; and not hold meetings without at least twenty-four (24) hours’ notice to the Council and general public, subject to a narrow exception for actual emergencies. Charter Section 209(A) includes some, but not all, of the state law requirements for public notice of meetings and does not always accurately or wholly reflect state law.

Whereas, A.R.S. § 38-431.03 states that a public body may hold an executive session but only for the purposes listed in such statute. Charter Section 209(A) includes some, but not all, of the purposes for which the Council can hold an executive session and does not always accurately or wholly reflect state law.

Whereas, the Council therefore desires to further amend Charter Section 209(A) to reference state law by stating that public notice of all regular and special meetings shall be given in accordance with state law, and the Council may recess and hold an executive session only for those purposes allowed by state law. By doing so, inconsistencies with state law will be removed, Charter Section 209(A) will conform with state law without necessitating future amendments to reflect changes in state law, and Charter Section 209(A) will accurately reflect the procedures already in practice by the Council, which comply with state law.

Whereas, the Council finds and determines that amending Charter Section 209(A) is appropriate to reflect the language used in state law regarding the requirement to determine by ordinance the time and place of meetings, and avoid unnecessarily binding the Council to a minimum number of regular meetings per month; and to reference the state law requirements, and require conformance with such requirements, regarding public notice of meetings and the purposes for executive sessions.

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 the Governor of the State of Arizona, Mesa City Charter, Article II, Section 209(A) is amended as follows, with text written in **BOLD AND CAPITALIZED** indicating new language and text written in ~~strike through~~ indicating deleted language:

ARTICLE II – CITY COUNCIL

Section 209: PROCEDURE

- (A) MEETINGS. The Council shall, **BY ORDINANCE, FIX THE TIME AND PLACE OF** ~~holding a regular meeting~~ **S IN ACCORDANCE WITH STATE LAW** ~~at least twice in every month at such times and place as the Council may prescribe by ordinance.~~ Special meetings may be held on the call of the Mayor or of an absolute majority of the Council and, whenever practicable, upon no less than ~~twenty-four (24) hours' notice to each member and the public. News media located in the City shall be given prior notice of the time and place of such meetings.~~ **PUBLIC NOTICE OF ALL REGULAR AND SPECIAL MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH STATE LAW.** All such regular ~~or~~ **AND** special meetings shall be open to the public, provided, however, ~~that the Council may recess and discuss in~~ **HOLD AN** executive session ~~any matter which might defame or prejudice the character or reputation of any person, matters relating to negotiations for the acquisition of real estate or public utilities or to the settlement of claims or litigation, or personnel matters~~ **ONLY FOR THOSE PURPOSES ALLOWED BY STATE LAW;** and provided ~~that the final~~ **ANY REQUIRED COUNCIL** action thereon shall ~~not be taken by the Council except~~ at a public

meeting. The Council may hold informal meetings in advance of any regular or special meetings for the purpose of discussing matters on the agenda or other matters pertaining to the welfare of the City.

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, shall Mesa City Charter Section 209(A) relating to Council meetings be amended to require that the procedures for fixing the time and place of regular meetings and giving public notice of meetings, and the purposes for executive sessions be 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 209(A) 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, proposal to amend Mesa City Charter Section 209(A) relating to Council meetings to require that the procedures for fixing the time and place of regular meetings and giving public notice of meetings, and the purposes for executive sessions be in accordance with state law.

DESCRIPTIVE TITLE: To conform with state law, the City of Mesa proposes amendments to Mesa City Charter Section 209(A) relating to Council meetings to require that the procedures for fixing the time and place of regular meetings and giving public notice of meetings, and the purposes for executive sessions be in accordance with state law.

A "YES" vote shall have the effect of amending Mesa City Charter Section 209(A) relating to Council meetings to conform with state law.

A "NO" vote shall have the effect of retaining the existing Mesa City Charter Section 209(A) relating to Council meetings.

TAGLINE: To conform with state law, shall Mesa City Charter Section 209(A) relating to Council meetings be amended to require that the procedures for fixing the time and place of regular meetings and giving public notice of meetings, and the purposes for executive sessions be in accordance with state law?

A "YES" vote shall have the effect of amending Mesa City Charter Section 209(A) relating to Council meetings to conform with state law.

A "NO" vote shall have the effect of retaining the existing Mesa City Charter Section 209(A) relating to Council meetings.

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 the day of 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