

ORDINANCE NO. 1552

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 2: MAYOR, CITY COUNCIL AND APPOINTED BOARDS AND COMMISSION, ARTICLE 2-21: BOARD OF ADJUSTMENT AND APPEALS/MUNICIPAL PROPERTY CORPORATION/PUBLIC SAFETY PERSONNEL RETIREMENT BOARD, § 2-21-3: PUBLIC SAFETY PERSONNEL RETIREMENT BOARD, BY REPEALING AND REPLACING IN ITS ENTIRETY SECTION 2-21-3, PUBLIC SAFETY PERSONNEL RETIREMENT BOARD; REPEALING ANY CONFLICTING PROVISIONS AND PROVIDING FOR SEVERABILITY.

WHEREAS, Apache Junction City Code ("A.J.C.C."), Volume I, Chapter 2: Mayor, City Council and Appointed Boards and Commission, Article 2-21: Board of Adjustment, Municipal Property Corporation, Public Safety Personnel Retirement Board, was last updated by Ordinance No. 1520 on December 7, 2021, in order to address quorum issues; and

WHEREAS, the city council discussed the desire to further amend the Public Safety Personnel Retirement Board filling of vacancies provision (§2-21-3) to preserve the board complement any time before the annual October appointment cycle to avoid any imbalance of policy interests; and

WHEREAS, the city council subsequently directed staff to change the above-noted section.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

Apache Junction City Code, Volume I, Chapter 2: Mayor, Council, and Appointed Boards and Commission, Article 2-21: Board of Adjustment and Appeals/Municipal Property Corporation/Public Safety Personnel Retirement Board, by repealing and replacing in its entirety section 2-21-3, Public Safety Personnel Retirement Board, is hereby amended as follows:

Pursuant to A.R.S. § 38-847(A), the city has previously established a local board to administer public safety personnel retirement matters under Title 38, Chapter 5, Article 4 (A.R.S. § 38-841 *et seq.*) The Board shall be

composed of 5 members comprised of the mayor, two sworn police officers, and two citizens.

Under A.R.S. § 38-847(B), a term for any appointed member shall be for a period of 4 years, with an expiration date of October 31 of succeeding years unless sooner removed by the council, either with or without cause. The terms of the members shall be so staggered that no more than 2 members shall expire in any one year.

In the event that the Board membership complement falls below the 5-member board, the city council may fill the vacancy before the annual October appointment cycle from the then-existing talent bank or solicit applications/applicants to maintain the balance of representation.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION THIS ____ DAY OF _____, 2024.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2024.

ATTEST:

WALTER "CHIP" WILSON
Mayor

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney