

ORDINANCE NO. 1533

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2023 CITY OF APACHE JUNCTION PERSONNEL RULES"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, since the last revision to the Apache Junction Personnel Rules in 2016, some provisions have become outdated and need modification, with the more substantive being as follows: 1) the overall purpose of the personnel rules; 2) definitions; 3) Equal Employment Opportunity Program and non-discrimination; 4) ethics and professional conduct; 5) outside employment and volunteer activities; 6) recruitment and selection; 7) sick leave in accordance with the 2016 passage of Proposition 206; 8) overtime factors and contributors to hours worked; 9) meal breaks; 10) performance review; 11) drug-free workplace policy; and 12) personnel rules violations and grounds for discipline; and

WHEREAS, Resolution No. 23-02 declares as public record the document entitled "2023 City of Apache Junction Personnel Rules"; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies, or one paper copy and one electronic copy, of the code changes or public record, are filed in the office of the city clerk and are made available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, public records which may be adopted by reference include those relating to personnel rules.

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

SECTION I            IN GENERAL

That certain document known as "2023 City of Apache Junction Personnel Rules", three paper copies, or one paper copy and one electronic copy of which are filed in the

office of the city clerk, and are made available for public use and inspection, which document was made a public record by Resolution No. 23-02 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II            REPEALING ANY CONFLICTING ORDINANCES

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.

SECTION IV        DECLARING AN EMERGENCY

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the mayor and city council of the City of Apache Junction.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 7th DAY OF March, 2023.

SIGNED AND ATTESTED TO THIS 7th DAY OF March, 2023.

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WALTER "CHIP" WILSON  
Mayor

ATTEST:

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JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

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RICHARD J. STERN  
City Attorney