

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA
CITY CODE TITLE 1, CHAPTER 17 ENTITLED “CLERK”.

WHEREAS, Article IV (Departments, Offices, and Agencies), Section 401(A) (Appointive Officers) of the Mesa City Charter authorizes the appointment of a City Clerk.

WHEREAS, Title 1, Chapter 17 of the Mesa City Code entitled “Clerk” sets forth certain duties of the City Clerk.

WHEREAS, an error resulting from a minor mistake or inadvertence that does not alter sense, meaning or effect, commonly known as “scrivener’s errors”, can occur in the codification of the City Code or in an ordinance or resolution of the City Council.

WHEREAS, the City Council finds that granting the City Clerk the authority to correct scrivener’s errors without the need for City Council action is in the best interests of the City as it will allow for the prompt correction of such errors without the need to take unnecessary City Council and staff time to make a formal correction.

WHEREAS, the City Council desires to amend the language of Mesa City Code Title 1, Chapter 17 to: (a) provide the City Clerk with the authority to correct scrivener’s errors in the City Code and any City Council adopted ordinance or resolution; and (b) to make other, minor changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, AS FOLLOWS:

Text written in **BOLD, ALL CAPS AND UNDERLINED** indicates new language and text written in ~~strike through~~ represents removed language.

SECTION 1. Mesa City Code Title 1, Chapter 17 entitled “Clerk” is amended as follows:

CHAPTER 17

CITY CLERK

SECTION:

1-17-1: APPOINTMENT

1-17-2: DUTIES

1-17-3: AUTHORITY TO CORRECT SCRIVENER’S ERRORS

1-17-1: APPOINTMENT:

~~Upon the recommendation of the Manager,~~ The **CITY** Council shall appoint a City Clerk and fix **HER** compensation.

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1-17-2: DUTIES:

The CITY Clerk shall give notice of CITY Council meetings to its members and to the public, keep the journal of its proceedings, and perform any other lawful duties assigned by ~~this~~ THE CITY Charter, CITY ORDINANCE, OR the CITY Council, ~~or the Manager~~. The CITY Clerk shall serve at the pleasure of AND REPORT TO the CITY Council ~~and report to the City Manager or the Manager's designee~~.

1-17-3: AUTHORITY TO CORRECT SCRIVENER'S ERRORS

(A) THE CITY CLERK IS AUTHORIZED TO CORRECT SCRIVENER'S ERRORS IN THE CITY CODE AND TO ANY ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL, INCLUDING EXHIBITS THERETO, WITHOUT THE NEED FOR RE-ADOPTION OF THE CITY CODE PROVISION, ORDINANCE OR RESOLUTION.

(B) AS USED IN THIS SECTION, A SCRIVENER'S ERROR MEANS AN ERROR RESULTING FROM A MINOR MISTAKE OR INADVERTENCE THAT DOES NOT ALTER SENSE, MEANING OR EFFECT. SCRIVENER'S ERRORS INCLUDE THE FOLLOWING TYPES OF ERRORS: MISSPELLING, GRAMMATICAL, NUMBERING, CROSS-REFERENCING, CAPITALIZATION, TYPOGRAPHICAL, FORMATTING, MISTRANScribing OR OMITTING AN OBVIOUSLY NEEDED WORD, OR INCONSISTENCY WITH THE RULES OF STYLE ADOPTED FOR THE CITY CODE.

(C) A SCRIVENER'S ERROR CORRECTION MADE UNDER THE AUTHORITY GRANTED BY THIS SECTION WILL BE DOCUMENTED AS FOLLOWS:

(1) A CORRECTION TO AN ORDINANCE OR RESOLUTION WILL BE ACCOMPANIED BY A SCRIVENER'S NOTE ON OR ATTACHED TO THE CORRECTED ORDINANCE OR RESOLUTION.

(2) A CORRECTION TO THE CITY CODE WILL BE NOTED WITH ANY EXPLANATORY OR HISTORICAL NOTES RELATED TO THE DOCUMENT.

SECTION 2. RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 3. EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

SECTION 4. PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference 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,
ARIZONA, this 2nd day of December, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk