

ORDINANCE NO. 807

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 2 "MAYOR AND COUNCIL" (DECLARED BY RESOLUTION NO. 1925 TO BE A PUBLIC RECORD), WHICH AMENDS SECTIONS 2-01-040 "VACANCIES IN COUNCIL" AND 2-01-070 "BOND" IN ARTICLE 2-01 "COUNCIL", SECTIONS 2-03-010 "PRIMARY ELECTION," 2-03-030 "GENERAL ELECTION NOMINATION," 2-03-040 "ELECTION TO OFFICE," 2-03-050 "CANDIDATE FINANCIAL DISCLOSURE," AND 2-03-060 "NOMINATION MATERIALS" IN ARTICLE 2-03 "COUNCIL ELECTION", AND SECTIONS 2-06-030 "TIME OF FILING PETITIONS" AND 2-06-040 "STATEMENT IN CIRCULATOR'S AFFIDAVIT" IN ARTICLE 2-06 "SPECIAL ELECTIONS" IN CHAPTER 2 "MAYOR AND COUNCIL" OF THE TOWN CODE TO CONFORM TO RECENT ARIZONA STATUTORY REVISIONS AND OTHERWISE UPDATE THE CODE; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS AND SUBSECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on March 30, 2015, the Governor of Arizona signed into law H.B. 2214 (amending A.R.S. §9-821.01), which reformulates the manner of determining the majority of votes cast in city/town council or mayoral elections and establishes guidelines for candidates to be elected at the primary or advance to the general or runoff election; and

WHEREAS, the Council desires now to amend Chapter 2 of the Town Code to correlate with A.R.S. §9-821.01, as amended, and to make certain other changes as a matter of housekeeping; and

WHEREAS, the Council finds that these revisions to the Town's election procedures are in the best interest of the community and will further the health, safety and welfare of the community; and

WHEREAS, ARS §9-802 provides for adoption by reference of certain lengthy documents designated as "public records" (in order to save on publication costs); and

WHEREAS, the document entitled "Amendments to Chapter 2 "Mayor and Council" has been declared by Resolution No. 1925 to be such a "public record";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That certain document entitled "Amendments to Chapter 2 "Mayor and Council" declared to be a "public record" by Resolution No. 1925 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

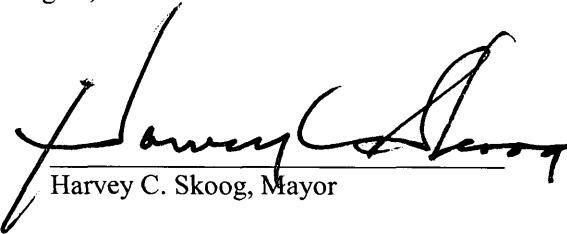
SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this _____ day of August, 2015.




Harvey C. Skoog, Mayor


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney

Amendments to Chapter 2 “Mayor and Council”

SECTION 1. That Section 2-01-040 “Vacancies in Council” in Article 2-01 “COUNCIL” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended to read as follows:

2-01-040 Vacancies in Council.

The Council shall fill a vacancy that may occur by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty (30) days before the nomination petition deadline. Otherwise, the appointment is for the unexpired term. The member appointed shall meet the qualifications established in A.R.S. §9-232 (as amended).

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 778, Amended, 09/26/13; Ord. No. 807, Amended, 08/27/15)

SECTION 2. That Section 2-01-070 “Bond” in Article 2-01 “COUNCIL” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-01-070 Bond.

Prior to taking office, the Mayor and every Councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the State and to and for the use and benefit of the Town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. ~~A person so injured or aggrieved~~ persons may bring suit on such bond ~~under provisions identical to those contained in accordance with~~ §38-260 of the Arizona Revised Statutes (as amended). Bonds shall be in such sum as shall be provided from time to time by resolution, and nothing herein shall preclude the Town from arranging for such bonds through its insurance carrier or municipal retention pool. ~~‡~~The premium for such bonds shall be paid by the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

SECTION 3. That Section 2-03-010 “Primary Election” in Article 2-03 “COUNCIL ELECTION” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-03-010 Primary Election.

Any candidate, ~~including a candidate for the office of Mayor or Town Council,~~ who shall receive at the primary election a majority of all ~~the~~ votes cast at that election for that office shall be declared ~~to be~~ elect to the office for which ~~he~~ the person is a candidate effective as of the date of the general election, and no further election shall be held as to ~~said~~ such candidate; provided that if more candidates receive a majority of votes cast than there are ~~offices~~ seats to be filled for the office, from among those candidates who receive a

~~majority of votes cast the candidates who receive the highest number of votes then those equal into the number to the offices of seats to be filled receiving the highest number of votes for the office shall be declared elected to that office. For the purposes of this Section, the total number of all actual votes tabulated cast for the all candidates for the an office whose names were lawfully on the ballot for that office, divided by the number of seats to be filled for the office and then divided by two (2) and rounded to the highest whole number of mayor, constitutes the total number of votes cast at the election and shall be the basis for calculating whether a candidate for mayor or city council has received a majority of all votes cast at the that election for the office.~~

(Ord. No. 5, Enacted, 12/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 774, Amended, 08/22/13; Ord. No. 807, Amended, 08/27/15)

SECTION 4. That Section 2-03-030 "General Election Nomination" in Article 2-03 "COUNCIL ELECTION" in Chapter 2 "MAYOR AND COUNCIL" of the Town Code is hereby amended to read as follows:

2-03-030 General Election Nomination.

~~If, at any the primary election held as above provided, there be any office for which no candidate is elected receives the majority of the votes cast (or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast), of the candidates who did not receive the majority of votes cast the number who advance to the general or runoff then as to such office, the primary election shall be considered to be a primary election for nomination of candidates for such office, and the general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at the general municipal election shall be those not elected at the primary election, shall be equal in number to twice the number of seats to be elected to any given filled for the office, and the candidates or less than that number if there be less than that number named on the primary election ballot. Persons who received the highest number of votes for the respective offices at the primary election shall be the only candidates at the general or runoff election, provided that, if there be any person who, under the provisions of this Article, would have been entitled to become a candidate for any office except for the fact that some other more than one candidate received an equal number of votes therefor and that number was the highest number of votes for the office, then all such persons candidates receiving an the equal number of votes shall likewise become be candidates for such office at the general or runoff election.~~

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

SECTION 5. That Section 2-03-040 "Election to Office" in Article 2-03 "COUNCIL ELECTION" in Chapter 2 "MAYOR AND COUNCIL" of the Town Code is hereby amended to read as follows:

2-03-040 Election to Office.

The candidates equal in number to the persons seats to be elected filled for the office who receive the highest number of votes at the general or runoff election shall be declared

elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected shall be determined by lot in the presence of the candidates.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

SECTION 6. That Section 2-03-050 “Candidate Financial Disclosure” in Article 2-03 “COUNCIL ELECTION” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-03-050 Candidate Financial Disclosure.

Each candidate for the office of Mayor or Councilmember shall file a financial disclosure statement when such candidate files a nomination ~~paper~~materials. The statement shall contain such information as required by ~~State~~Arizona statute.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

SECTION 7. That Section 2-03-060 “Nomination Materials” in Article 2-03 “COUNCIL ELECTION” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-03-060 Nomination Materials.

A person desiring to become a candidate and have his or her name printed on the official ballot for municipal office shall file a nomination ~~paper~~petition signed by electors qualified to vote for the candidate whose nomination petition they are signing equal to at least five percent (5%) and not more than ten percent (10%) of the highest vote cast for an elected official of the Town at the last preceding election at which an official of the Town was elected, along with~~and~~ other nomination materials, not less than ninety (90) days nor more than one hundred twenty (120) days before the primary election date. All such nomination papers must be completed and filed with the Town Clerk by 5:00 p.m. on the last day for filing such papers.

(Ord. No. 195, Enacted, 11/10/88; Ord. No. 445, Amended, 09/24/98; Ord. No. 631, Amended, 06/30/05; Ord. No. 807, Amended, 08/27/15)

SECTION 8. That Section 2-06-030 “Time of Filing Petitions” in Article 2-06 “SPECIAL ELECTIONS” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-06-030 Time of Filing Petitions.

- A. Initiative petitions shall be filed at least one hundred and twenty (120) days prior to the next ensuing primary or general election at which they are to be voted upon. Nothing herein shall preclude the Town Council from determining to call a special election to vote on an initiative matter.

- B. Referendum petitions shall be filed within thirty (30) days after the adoption of the any ordinance or resolution to be referred subject to referendum. For the purposes of this subsection, an ordinance or resolution is adopted when it has been signed (and, if required, embossed) after appropriate Council action as set forth in Town Code §2-05-070 (as amended). If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of application for an official number or on the same business day of said application, the thirty-day period shall be calculated from the date such copy of the ordinance or resolution is available. For any local matter subject to referendum enacted without an ordinance or resolution, the 30-day period shall be calculated from the date the official minutes are approved by the Council and signed by the Town Clerk.

(Ord. No. 445, Enacted, 09/24/98; Ord. No. 807, Amended, 08/27/15)

SECTION 9. That Section 2-06-040 “Statement in Circulator’s Affidavit” in Article 2-06 “SPECIAL ELECTIONS” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code is hereby amended to read as follows:

2-06-040 Statement in Circulator’s Affidavit.

Any affidavit required under ~~state~~Arizona law by persons circulating initiative, referendum or recall petitions, verifying (among other things) that each individual printed the individual’s own name and address on the sheet was and signed the petition sheet in the circulator’s presence on the date indicated, and that in the circulator’s belief each signer’s name and address are correctly stated and each signer is a qualified elector of the Town, shall also include a statement by the circulator that the circulator ~~believes he or she, if not a resident of Arizona,~~ is otherwise qualified to register to vote in the election on the initiative, referendum or recall county at all times during their circulation of the petition sheet. The form of the affidavit as set forth in applicable Arizona statutes shall not be modified. Any petition sheet that contains a partially completed affidavit or an affidavit that has been modified is invalid.

(Ord. No. 445, Enacted, 09/24/98; Ord. No. 807, Amended, 08/27/15)