

COUNCIL DECISION REQUEST

SUBJECT: Replacement of Council Member Barriger

MEETING DATE: March 30, 2006

CSP ITEM: Yes No x

ITEM NO.:

TENTATIVE SCHEDULE: N/A

SUBMITTED BY: Fred Carpenter *FC*

AMOUNT BUDGETED: N/A

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

EXPENDITURE REQUIRED: N/A

CONT. FUNDING REQUIRED: N/A

EXHIBITS (If Applicable, To Be Attached):

- (1) Letter of resignation
- (2) Town code provision for replacement
- (3) State law provisions for replacement
- (4) Memo from Mayor Brewer
- (5) Schedule for replacement
- (6) Blank application form

RECOMMENDED MOTION

I move to accept the resignation of Council Member Barriger and proceed with selection of a replacement as follows....

SUMMARY OF THE BASIS FOR RECOMMENDED MOTION: Yesterday we received the attached letter from Council Member Barriger announcing his resignation from the Council effective May 1, 2006. Both State statutes and the Town Code contain provisions for filling vacancies that occur, copies attached. State statutes allow vacancies to be filled either by appointment for the unexpired term or appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty days before the nomination petition deadline. That deadline has passed with respect to the current election cycle, which means the first option, which mirrors Town Code, is the appropriate method. Neither State statutes nor the Town Code prescribe a specific method for appointment. Mayor Brewer has prepared the attached memorandum for Council consideration in connection with the appointment. If this is the approach selected by Council, the attached schedule could be followed to enable the vacancy to be filled by May 11.

PROS: N/A

CONS: N/A

PUBLIC INPUT (if any): None

MAR 30 2006 *Sp. 2*

March 23, 2006

Mayor Barbara Brewer
Honorable Councilmembers
Town of Payson
303 N. Beeline Highway
Payson, Arizona 85541

Mayor
3-27-06
TB
Payson Council
Put City to

RECEIVED
Town Clerk
MAR 27 2006
Town of Payson

Dear Mayor Brewer and Honorable Councilmembers,

Due to personal reasons, I have decided to resign my seat on the Payson Town Council. I request that my resignation become effective May 1, 2006.

My wife Anna Jo and I will be moving from Payson to Redding, CA as soon as we are able to sell our home. We have thoroughly loved living in Payson and have a very fond affection for the town and it's people. In our twelve years of living here we have seen the town steadily grow to become even more attractive and desirable than it was when we first arrived. We hope that in some small way we have contributed to making Payson a better place for those who live here and for those who will choose to make Payson their home in the future.

It has been an honor and a pleasure to have had the opportunity to serve on the Payson Town Council with such dedicated and capable colleagues as yourselves. The citizens of Payson truly owe you all a debt of gratitude for your wisdom, vision and tireless efforts in dealing with the hard issues effecting the present and future of the Town of Payson. As a Payson citizen, you certainly have my gratitude and heartfelt thanks.

I also want to thank all of the town employees who do such a wonderful job of keeping Payson running so smoothly. Without their pleasant and professional support I'm sure I would not have been able to function well on the Council. The Town is blessed to have such a capable group of people looking out for its interests.

It has been my privilege to work with all of you. I thank you for your support and especially for your friendships.

Sincerely,

George Barriger
George Barriger
1403 E. Graham Ranch Trail
Payson, AZ 85541

Initiative and Referendum

- 30.65 Power reserved; time of election
- 30.66 Number of signatures
- 30.67 Time of filing
- 30.68 Sample ballots and publicity pamphlets

TOWN COUNCIL**§ 30.01 COMPOSITION OF COUNCIL; TERM.**

The elected officers of the town shall be a Mayor and six Councilmembers. The Mayor and Councilmembers shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors. The regular term of office for the Mayor shall be two years, and the term of office for Councilmembers shall be four years.

('82 Code, § 2-1-1) (Am. Ord. 221, passed 11-29-84) (Am. Ord. 282, passed 12-11-86)

§ 30.02 CORPORATE POWERS.

The corporate powers of the town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion. No Councilperson has individual authority to direct staff or employees of the town.

('82 Code, § 2-1-2) (Am. Ord. 244, passed 8-8-85)

§ 30.03 DUTIES OF OFFICE.

Councilmembers shall assume the duties of office at the regularly scheduled Council meeting next following the date of the general election at which, or effective as of the date of which, the Councilmembers were elected.

('82 Code, § 2-1-3)

§ 30.04 VACANCIES IN COUNCIL.

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason.

('82 Code, § 2-1-4)

CITIES AND TOWNS

CITIES AND TOWNS

§ 9-239

of six hundred to eight hundred fifty
tions; removal

may pass an ordinance increasing the membership to seven, with the additional two members
to be elected at the first election subsequent to the passage of the ordinance.

C. A city or town may only hold a general election on a date prescribed by § 16-204.
Amended by Laws 1959, Ch. 64, § 1; Laws 1969, Ch. 36, § 2; Laws 1974, Ch. 54, § 1, eff. May 1, 1974;
Laws 1981, Ch. 101, § 1; Laws 1996, Ch. 271, § 8, eff. April 23, 1996.

§ 9-232.04. District system as alternative organization

A. The common council, by a majority vote of the qualified electors of the town who vote
on that issue, may elect to be governed by a district system of municipal government. In
accordance with that election, the common council by a majority vote shall adopt a resolution
or ordinance that divides the town into not more than six districts, and the council members
shall thereafter be elected from districts by the residents of the district.

B. A mayor of the town shall be elected, who is the chief executive officer of the town.
Added by Laws 2000, Ch. 249, § 3, eff. Sept. 1, 2000.

§ 9-235. Vacancies in council

A. The council shall fill a vacancy that may occur by either of the following:
1. Appointment for the unexpired term.
2. Appointment until the next regularly scheduled council election if the vacancy occurs
more than thirty days before the nomination petition deadline.

B. The member appointed shall meet the qualifications established in § 9-232.
Amended by Laws 2003, Ch. 87, § 1.

§ 9-236. Mayor; duties

Research References

Treatises and Practice Aids

2 Arizona Practice § 12.13, Service On Political Entities.

§ 9-237. Appointive officers

In addition to the common council, the officers of every town shall be a town clerk, town
marshal, town engineer and other officers deemed necessary by the common council, who
shall be appointed as provided by ordinance of the town.

Amended by Laws 1998, Ch. 23, § 1.

Research References

Treatises and Practice Aids

2 Arizona Practice § 12.13, Service On Political Entities.

§ 9-239. Council powers relating to appointive officers

A. The common council may prescribe the duties and compensation of all officers of the
town, and provide, by ordinance, the manner of filling vacancies in such offices. The council
may appoint, from time to time, officers and agents of the town whose appointment is not
provided for in this article, and remove them.

B. The common council may require all officers to give bond for the due discharge of their
duties in such sums and with such security as it may direct and approve, and for default of
giving security, may declare an office vacant.

C. The common council may provide severance pay for town officers by ordinance or by
contract with an individual officer.

Amended by Laws 2000, Ch. 240, § 1.

er article 2, 3 or 4 of this chapter,¹ in which at
re than eight hundred fifty nor less than six
be a mayor, four councilmen, a chief of police,
auditor and police judge, and a treasurer.
cept councilmen, shall be two years. Each
years. The recorder shall be elected as other

uesday in May of each odd-numbered year at
d shall be elected.

love an officer for malfeasance in office.
196.

RUSTEES GOVERNMENT
CORPORATION

oration by board of supervisors

ferences

rs; vacancies

the first year of the corporate existence of the
hose term of office will expire as provided in
Monday of the week preceding the week in
l by the board of supervisors will expire. The
ration shall be on the same day. An election
all be held annually thereafter. The board by
e annual election after the first election to a

ee, the vacancy shall, on certificate of the fact
l of supervisors of the proper county, be filled
rm.

196.

ORPORATED UNDER
GOVERNMENT

ion

ated under the provisions of § 9-101 shall be
i council shall be appointed by the board of
ed, and the members shall continue in office
The successors shall be elected by qualified
or that purpose on the third Tuesday in May
h two years thereafter, unless and until the
e provisions of subsection C of this section.
consist of five members if the population is
ers if the population exceeds fifteen hundred
after the population of such town exceeds
test official United States census, the council

MEMORANDUM

TO: Councilmembers
FROM: Mayor Brewer
SUBJECT: Suggested Method for Filling Vacancy
Created by Resignation of Council
Member George Barriger
DATE: March 28, 2006

We are all saddened by the untimely resignation of Council Member George Barriger. He has indeed served this community well and will be sorely missed.

I asked the town manager to put together a schedule for filling this vacancy that will enable us to do so by May 11. I propose that each remaining Council Member submit by April 26 the name of one individual whom they believe would be suitable for the appointment. Potential candidates should be requested to complete the attached application form, which has been adapted from our application forms for membership on boards, commissions and committees. Applications received will be distributed on April 28 with a special meeting to be held at 5:00 pm on Tuesday May 2 to fill the vacancy. The selected council member would then be sworn in on May 9, which would be in time to begin serving in the office at the May 11 regular Council meeting.

I request a motion be made to establish this process at this Thursday's meeting.

Schedule for Replacing Council Member Barriger

March 30	Accept resignation/Discuss process and decide on replacement selection method
March 31 - April 26	Receive applications
May 2	Special Council meeting to select replacement
May 9	Swear in replacement
May 11	Replacement takes office



**TOWN OF PAYSON
COUNCIL VACANCY**

**READ THE FOLLOWING INSTRUCTIONS CAREFULLY
BEFORE FILLING OUT YOUR APPLICATION
TYPE OR PRINT CLEARLY IN INK ONLY**

*All applicants must be an elector of the Town of Payson to serve as a Council Member.

Please furnish all requested information

If an item does not apply to you, or if there is no information to be given, Write in the letters "NA" for "Not Applicable."

A resume may be submitted, however, please complete all information requested on the application.

Resume Attached: Yes No

Are you currently serving on any of the Town's Boards, Committees, or Commissions?
 Yes No

Applicant's Name: _____

Address: _____ City _____ State _____ Zip _____

Mailing Address (if different): _____ City _____ State _____ Zip _____

HM Phone: _____ WK Phone: _____ E-mail _____

How many years have you been a resident of the Town of Payson? _____

Have you previously been appointed to any position by the Town of Payson? ___ Yes ___ No

If so, to what position and for what length of term? _____

In answering the following questions, if more space is required, please attach a separate sheet of paper.

Please provide background information, which you feel, qualifies you for the appointment. This should include education, employment history, community service, special interests, skills, and personal philosophy.

What are your perceptions of the duties, responsibilities, and role of a Council Member?

What do you feel are the major issues facing the Town?

What do you hope to accomplish as Council Member?

If appointed to the Council, are you willing to serve the full term of the appointment through June 30, 2008?

Please list past and present memberships in organizations and offices held, if applicable.

Signature of Applicant

Date

Note: Thank you for your interest in serving your community. Your application will be forwarded to the Mayor for consideration.