

ORDINANCE NO. 743

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SETTING THE ELECTION DATE; ESTABLISHING THE METHOD OF VOTING AND THE METHOD OF COUNTING THE BALLOTS FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, it is provided by law for the holding of an election on November 4, 2008; and

WHEREAS, Referendum Petition Number 08R-001 has been issued; and

WHEREAS, the Mayor and Common Council desire to call a Special Election for such referendum on November 4, 2008,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Designation of Special Election Date and Purpose.

That a Special Election shall be held on November 4, 2008 (the "Election Date"), to refer Resolution Number 2395, entitled "A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING A TERM-SHEET FOR A LEASE AGREEMENT WITH THE VALLEY OF THE SUN YMCA" pursuant to Referendum Petition No. 08R-001, and any other legally qualified ballot measures, to the qualified voters of the Town of Payson.

SECTION 2. Election Materials.

All election materials, including, but not limited to, the Public Notice and Ballot shall be both in English and Spanish. Although the Tonto-Apache Tribe has advised it is unnecessary to translate election materials into the Apache language, provisions have been made for an Apache language translator should the need arise.

SECTION 3. Voting Method; Ballots.

Voting shall be by mail ballot. The ballots will be counted by the Optical Scan System. The Town Clerk is hereby authorized and directed to cause the printing, counting and recordation of the ballots.

SECTION 4. Ballot Arguments.

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Arguments supporting or opposing measures appearing on the ballot shall be filed with the office of the Town Clerk by 5:00 p.m. not less than 60 days prior to the Election Date and shall otherwise comply with law.

SECTION 5. Other Actions.

That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes and intent of this Resolution Number

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 743 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 of this Ordinance Number 743. The Town Council of the Town of Payson declares that it would have adopted Ordinance Number 743 and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

SECTION 7. Conflicts With Other Enactments. All ordinances and resolutions in conflict with the provisions in this Ordinance No. 743 are hereby repealed to the extent of such conflict for purposes of the November 4, 2008 Special Election.

SECTION 8. Emergency Provision. Whereas, the immediate operation of the provisions of this Ordinance Number 743 is necessary for the preservation of the public peace, health, safety and welfare of the Town of Payson, and to accommodate submission of the ballot measure referenced herein to the qualified voters of the Town of Payson at the earliest possible opportunity, an emergency is declared to exist, and this Ordinance Number 743 shall be in full force and effect from and after the date of its passage and adoption by the Mayor and Common Council of the Town of Payson, and it is hereby exempt from the referendum provisions of the Constitution and Laws of the State of Arizona.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 17th day of July, 2008, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

Prepared by Town of Payson Legal Department
July 16, 2008 SIS
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