ORDINANCE NO. 808

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 30.04 OF THE CODE OF THE TOWN OF PAYSON, RELATING TO VACANCIES IN THE COUNCIL.

WHEREAS, the Code of the Town of Payson, in Section 30.04, provides a means for the appointment of a replacement in the event of a vacancy on the Town Council;

WHEREAS, in 2011, the Arizona Legislature passed and the Governor signed SB1318 which amended the manner in which cities and towns may fill vacancies that occur in their common councils;

WHEREAS, it is the desire of the Mayor and Common Council to amend Section 30.04 of the Code of the Town of Payson to conform with the changes required by SB 1318,

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

Section 1. That Section 30.04 of the Code of the Town of Payson, is hereby amended and as amended shall read as follows:

§ 30.04 VACANCIES IN COUNCIL.

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

Council vacancies shall be filled as follows:

A. If the vacancy occurs more than thirty days before the nomination petition deadline for the next regularly scheduled primary election, the Council shall appoint a qualified elector for a term ending upon the canvass of the general election following such primary election.

B. If the vacancy occurs thirty days or less before the nomination petition deadline for the next regularly scheduled primary election, the Council shall appoint a qualified elector to the unexpired term of the vacancy.

Section 2. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance and each

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section, subsection, or portion thereof despite the fact that any one or more sections, subsections, or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney