

ORDINANCE NO. 836

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, IMPLEMENTING CONSOLIDATED ELECTIONS (HB2826) RELATED TO THE TERMS OF THE CURRENT MAYOR AND COUNCIL AND HOME RULE (ALTERNATIVE EXPENDITURE LIMITATION) FOR FISCAL YEAR 2014/2015; AND AMENDING THE DEFINITION OF 'A MAJORITY OF VOTES CAST' AS USED IN SECTION 30.07 OF THE TOWN CODE.

WHEREAS, since its incorporation, the Town has held Candidate Elections (primary and general election for the Mayor and Council) in March and May of even numbered years; and

WHEREAS, three of the current Council members were elected or reelected during the 2010 March/May election cycle, three were reelected during the 2012 March/May election cycle, and the Mayor was reelected during the 2012 March/May election cycle; and

WHEREAS, pursuant to Administrative Policy A204 the Mayor and Council Members were sworn in and seated on the second Tuesday following the general election date; and

WHEREAS, pursuant to Section 30.01, the term of office for the Mayor is two years, the term of office for Council Members is four years, and the Mayor and Council Members shall "continue in office until assumption of duties of office by their duly elected successors;" and

WHEREAS, the dates and methods of the Town's elections and the length of terms of the Mayor and Council Members are subject to the regulations imposed by State Statute; and

WHEREAS, Article IX, Section 20 of the Arizona Constitution limits the amount a municipality may authorize and expend; and

WHEREAS, pursuant to subsection (9) of Article IX, Section 20 of the Arizona Constitution, the electors of a municipality have the right to select an alternative expenditure limitation, commonly referred to as "Home Rule;" and

WHEREAS, the electors of a municipality may consider the Home Rule option only at a regularly scheduled Candidate Election; and

WHEREAS, if the electors of a municipality choose Home Rule, such choice is valid for four fiscal years; and

WHEREAS, for the last 30 plus years, the electors of the Town of Payson have chosen Home Rule, with the most recent approval in March of 2010 for FY2010-2011, FY2011-2012, FY2012-2013, and FY2013-2014; and

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**SECOND READING AND PUBLIC HEARING**

WHEREAS, in 2012, the Arizona Legislature passed and the Governor signed HB 2826 (“Consolidated Elections”) which amended A.R.S. 16-204; and

WHEREAS, Consolidated Elections requires that all regular municipal Candidate Elections be conducted in the fall (August or September primary/November general) of even numbered years; and

WHEREAS, Consolidated Elections created two specific issues for the Town (1) Consolidated Elections prevents the Town from conducting its normal Candidate Elections during March/May of 2014 and (2) Consolidated Elections prevents the electors of the Town from voting on the Home Rule option prior to the Council’s adoption of the FY 2014-2015 budget; and

WHEREAS, Consolidated Elections will also create consolidated ballots for national, state, county, school, special districts, and local questions which has the potential for ballot fatigue, especially for local candidates and questions that will most likely be at the end of the ballot; and

WHEREAS, in 2013, the Legislature approved and the Governor signed SB1454; and

WHEREAS, Section 22 of SB1454 is an attempt to resolve several issues created by Consolidated Elections, including the two specific issues the Town faces; and

WHEREAS, Section 22(A) of SB1454 allows a municipality to “lengthen the terms of office for its elected officials” to comply with Consolidated Elections; and

WHEREAS, Section 22(B)(1) of SB1454 waives any penalties for a municipality that exceeds the State set expenditure limitation for FY 2014-2015 if (a) Consolidated Elections makes it impossible to submit Home Rule to the electors of the municipality in a timely manner; and (2) the Home Rule option is submitted to the electors during the fall 2014 election cycle; and

WHEREAS, the Town desires to comply with Consolidated Elections, utilize the provisions of SB1454 as it does so, and ensure that ballot fatigue does not cause unnecessary elections,

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

- Section 1. The Town shall hold its 2014 Candidate Elections (primary and general, if needed) during the 2014 fall election cycle (Primary Election August 26 and General Election November 4 of 2014).
- Section 2. The term of the current Mayor and Council Members shall be extended approximately 6 months until the successor of each is elected and can take office.
- Section 3. Administrative Policy A204 (relating to the seating of the Town Council) is repealed.

- Section 4. Following the election of a Mayor and Council Members in future elections, such Mayor and Council Members shall be seated at the first regularly scheduled meeting in December following their election, regardless of whether a general election was necessary.
- Section 5. The Council shall approve a FY2014-2015 budget and the amount of such budget shall be the alternative expenditure limitation for the FY 2014-2015.
- Section 6. Town Staff is directed to submit a new alternative expenditure limitation (Home Rule) ballot measure to the electors of the Town at the August 2014 primary election.
- Section 7. That Section 30.07 of the Town Code is hereby amended, and as amended shall read as follows:

30.07 COUNCIL ELECTIONS.

(A) *Primary election.*

- (1) Any candidate who receives a majority of the votes cast ~~shall receive~~ at the primary election ~~a majority of all the votes cast~~ shall be declared to be elected to the office for which he/she is a candidate effective as of the date of the general election, ~~and no further election shall be held as to the candidate;~~
- (2) ~~provided that if~~ If more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.
- (3) For the purposes of this subsection, the total number of votes cast for the office of Mayor shall be the basis for calculating whether a candidate received a majority of the votes cast.

- Section 8. If any section, subsection, or portion of this Ordinance 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.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

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Silvia Smith, Town Clerk

APPROVED AS TO FORM:



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Timothy M. Wright, Town Attorney