

## RESOLUTION NO. 2014-31

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADJUSTING THE COMMENCEMENT DATE FOR THE MAYOR AND COUNCILMEMBER TERMS AND ESTABLISHING AN EFFECTIVE DATE

#### RECITALS:

WHEREAS, in 1997 Flagstaff City Council adopted Ordinance No. 1951 requiring primary and general elections to be held in March and May respectively of even-numbered years, to comply with A.R.S. §16-204; and

WHEREAS, in 2012 the Arizona Legislature again amended A.R.S. §16-204, purporting to preempt cities and towns from holding primary and general elections other than the tenth Tuesday before the first Tuesday after the first Monday in November; and, the first Tuesday after the first Monday in November, respectively (simultaneous with state and national candidate elections); and

WHEREAS, in 2012 litigation was filed by the cities of Tucson and Phoenix challenging the state's purported preemption of city charter provisions relating to local election dates; and

WHEREAS, the Flagstaff City Council determined it was in the best interests of the community to conform with A.R.S. §16-204 until the legality of the preemption was determined, and thus City Council candidate primary and general elections are proceeding on August 26 and November 4, 2014 respectively; and

WHEREAS, on August 18, 2014, the Arizona Court of Appeals in *City of Tucson, City of Phoenix v. Arizona et al*, 2 CA-CV 2013-0146 ruled that A.R.S. §16-204 improperly intrudes on the constitutional authority of charter cities to establish election dates, but such decision is subject to appeal; and

WHEREAS, the Flagstaff City Council is repealing Ordinance No. 1951 as the election dates provided for in such ordinance no longer comply with A.R.S. §16-204 as amended; and

WHEREAS, the Flagstaff City Council desires to establish the election terms of the Mayor and Council Members to be elected on November 4, 2014.

#### ENACTMENTS:

#### NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

##### SECTION 1.

Term of Mayor. The term of office of the Mayor shall commence on the first meeting in December following election, and shall be for two (2) years or until a successor is elected and inducted.

Term of Councilmembers. The term of office of Councilmembers shall commence on the first meeting in December following their election, and except as otherwise provided herein, shall be for

four (4) years or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.

**SECTION 2.**

This resolution shall become effective October 16, 2014.

**PASSED AND ADOPTED** by the City Council and approved by the Mayor of the City of Flagstaff this 9th day of September, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY