

RESOLUTION NO. 2014-43

**RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,
ORDERING QUESTIONS BE SUBMITTED TO THE QUALIFIED ELECTORS
OF THE CITY WITH RESPECT TO AMENDMENTS TO THE FLAGSTAFF CITY
CHARTER, SAID QUESTIONS TO BE SUBMITTED AT A CITY SPECIAL
ELECTION TO BE HELD ON MAY 19, 2015**

RECITALS:

WHEREAS, at the direction of the Flagstaff City Council, the City Manager appointed members to a Charter Review Committee to review potential amendments to the Flagstaff City Charter; said amendments submitted by staff and members of the Charter Review Committee; and

WHEREAS, after recommendation by the City Manager, the City Council considered various options and agreed to order the submission of questions to the voters that were predominantly technical in nature, while directing staff to obtain further citizen input on specific questions more policy-related in nature.

ENACTMENTS:

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

Section 1. THAT a special mail-ballot election of the qualified electors of the City is hereby called to be held on May 19, 2015, (hereinafter referred to as the "Election"), at which there shall be submitted to the qualified electors of the City questions amending the Flagstaff City Charter.

Section 2. THAT

(A) notice of the Election shall be given by mailing an informational pamphlet (hereinafter referred to as the "Informational Pamphlet") to each household that contains a registered voter within the City not less than thirty-five (35) days before the date of the Election.

(B) the Clerk of the City is hereby authorized and directed to cause the Informational Pamphlet to be prepared and mailed according to law and the provisions of this resolution.

Section 3. THAT the official ballot for the Election shall be in substantially the form hereto attached and marked Exhibit 'A.'

Section 4. THAT the Clerk of the City is hereby authorized to request arguments for and against the subject matter of the Election for inclusion in the Informational Pamphlet by providing the notice in substantially the form attached and marked Exhibit 'B' (hereinafter referred to as the "Notice for Arguments") by posting the Notice of Arguments at all places at which notices of meetings of the Council of the City are posted

and publishing the Notice of Arguments once in the *Arizona Daily Sun*. The deadline to submit arguments shall be 5:00 p.m. MST on February 18, 2015.

Section 5. THAT the election shall be a Mail Ballot Election unless a polling place election is required for another ballot issue.

Section 6. THAT

(A) the Election shall be held, conducted and canvassed in conformity with the provisions of the general election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are qualified electors of the City.

(B) all expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditures shall be paid from current operating funds of the City.

(C) the Clerk of the City is hereby further authorized to take all other necessary action to facilitate the Election.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 201__.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT 'A'

FORM OF OFFICIAL BALLOT

OFFICIAL BALLOT

QUESTION NO. 1

OFFICIAL TITLE: AMENDMENT TO ARTICLE II, SECTION 3, *TERM OF THE MAYOR*, AND SECTION 4, *TERM OF COUNCILMEMBERS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article II, Section 3, *Term of the Mayor*, and Section 4, *Term of Councilmembers*, to combine both sections and provide for the beginning of terms for both mayor and councilmember to be set by ordinance.

A **YES** vote shall have the effect of amending Article II, Section 3, and Section 4, of the Flagstaff City Charter to combine said sections and provide for the beginning of terms to be set by ordinance **YES**

A **NO** vote shall have the effect of not amending Article II, Section 3, and Section 4, of the Flagstaff City Charter to combine said sections and provide for the beginning of terms to be set by ordinance **NO**

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QUESTION NO. 2

OFFICIAL TITLE: AMENDMENT TO ARTICLE II, SECTION 8, *INDUCTION*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article II, Section 8, *Induction*, to allow the induction date of Council and Mayor to be set by ordinance.

A **YES** vote shall have the effect of amending Article II, Section 8, of the Flagstaff City Charter to allow the induction date of Council and Mayor to be set by ordinance **YES**

A **NO** vote shall have the effect of not amending Article II, Section 8, of the Flagstaff City Charter to allow the induction date of Council and Mayor to be set by ordinance **NO**

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QUESTION NO. 3

OFFICIAL TITLE: AMENDMENT TO ARTICLE II, SECTION 10, *VACANCIES IN THE COUNCIL AND THE OFFICE OF MAYOR*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article II, Section 10, *Vacancies in the Council and the Office of Mayor*, to clarify how to calculate the period of vacancy for replacement of councilmembers.

A **YES** vote shall have the effect of amending Article II, Section 10, of the Flagstaff City Charter to clarify how to calculate the period of vacancy for replacement of councilmembers **YES**

A **NO** vote shall have the effect of not amending Article II, Section 10, of the Flagstaff City Charter to clarify how to calculate the period of vacancy for replacement of councilmembers **NO**

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QUESTION NO. 4

OFFICIAL TITLE: AMENDMENT TO ARTICLE III, SECTION 3(c), *POWERS AND DUTIES*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article III, Section 3(c), *Powers and Duties*, to clarify the powers and duties granted to the City Manager and City Council.

A **YES** vote shall have the effect of amending Article III, Section 3(c), of the Flagstaff City Charter to clarify the powers and duties granted to the City Manager and City Council **YES**

A **NO** vote shall have the effect of not amending Article III, Section 3(c), of the Flagstaff City Charter to clarify powers and duties granted to the City Manager and City Council **NO**

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QUESTION NO. 5

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV, SECTION 2, *THE CITY CLERK*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article IV, Section 2, *The City Clerk*, to remove the requirement that Council approve appointment of the City Clerk.

A **YES** vote shall have the effect of amending Article IV, Section 2, of the Flagstaff City Charter to remove the requirement that Council approve appointment of the City Clerk

YES

A **NO** vote shall have the effect of not amending Article V, Section 2, of the Flagstaff City Charter to remove the requirement that Council approve appointment of the City Clerk

NO

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QUESTION NO. 6

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV, SECTION 3, *THE CITY TREASURER*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article IV, Section 3, *The City Treasurer*, to remove the requirement that Council approve appointment of the City Treasurer.

A **YES** vote shall have the effect of amending Article IV, Section 3, of the Flagstaff City Charter to remove the requirement that Council approve appointment of the City Treasurer

YES

A **NO** vote shall have the effect of not amending Article V, Section 2, of the Flagstaff City Charter to remove the requirement that Council approve appointment of the City Treasurer

NO

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QUESTION NO. 7

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV SECTION 4, *THE CITY ATTORNEY*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article IV, Section 4, *The City Attorney*, to authorize the non-exclusive power of the City Attorney to call an Executive Session with the Council.

A **YES** vote shall have the effect of amending Article IV, Section 4, of the Flagstaff City Charter to authorize the non-exclusive power of the City Attorney to call an Executive Session with the Council

YES

A **NO** vote shall have the effect of not amending Article IV, Section 4, of the Flagstaff City Charter to authorize the non-exclusive power of the City Attorney to call an Executive Session with the Council

NO

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QUESTION NO. 8

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV, SECTION 5, *PERSONNEL RULES AND REGULATIONS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article IV, Section 5, *Personnel Rules and Regulations*, directing the Council to adopt an ordinance requiring the City Manager to establish Personnel Rules and Regulations.

A **YES** vote shall have the effect of amending Article IV, Section 5, of the Flagstaff City Charter to direct the Council to adopt an ordinance requiring the City Manager to establish Personnel Rules and Regulations

YES

A **NO** vote shall have the effect of not amending Article IV, Section 5, of the Flagstaff City Charter to direct the Council to adopt an ordinance requiring the City Manager to establish Personnel Rules and Regulations

NO

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QUESTION NO. 9

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 6, *READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article VII, Section 6, *Reading and Passage of Ordinances and Resolutions: Effective Date*, to require three fourths of all of the members elected or appointed to council to affirmatively vote for the final read of an ordinance on the same date as first reading.

A **YES** vote shall have the effect of amending Article VII, Section 6, of the Flagstaff City Charter to require three fourths of all of the members elected or appointed to council to affirmatively vote for the final read of an ordinance on the same date as first reading

YES

A **NO** vote shall have the effect of not amending Article VII, Section 6, of the Flagstaff City Charter to require three fourths of all of the members elected or appointed to council to affirmatively vote for the final read of an ordinance on the same date as first reading

NO

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QUESTION NO. 10

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 7, *EMERGENCY MEASURES: EFFECTIVE DATE*, AND SECTION 9, *PUBLICATION OF ORDINANCES AND RESOLUTIONS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article VII, Section 7, *Emergency Measures: Effective Date*, and Section 9, *Publication of Ordinances and Resolutions*, to require the affirmative vote of three-fourths of all members elected to the city council, to be consistent with state law.

A **YES** vote shall have the effect of amending Article VII, Sections 7 and 9, of the Flagstaff City Charter to require the affirmative vote of three-fourths of all members elected to the city council for an emergency measure, to be consistent with state law

YES

A **NO** vote shall have the effect of not amending Article VII, Sections 7 and 9, of the Flagstaff City Charter to require the affirmative vote of three-fourths of all members elected to the city council for an emergency measure, to be consistent with state law

NO

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QUESTION NO. 11

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 9, *PUBLICATION OF ORDINANCES AND RESOLUTIONS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article VII, Section 9, *Publication of Ordinances and Resolutions*, to provide consistency with state law as to publication requirements of ordinances and resolutions.

A **YES** vote shall have the effect of amending Article VII, Section 9, of the Flagstaff City Charter to provide consistency with state law as to publication requirements of ordinances and resolutions

YES

A **NO** vote shall have the effect of not amending Article VII, Section 9, of the Flagstaff City Charter to provide consistency with state law as to publication requirements of ordinances and resolutions

NO

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QUESTION NO. 12

OFFICIAL TITLE: AMENDMENT TO ARTICLE VIII, Section 10, *SALE OF CITY PROPERTY*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article VIII, Section 10, *Sale of City Property*, to establish a procedure for sale of property when no bids are submitted after notice has been published.

A **YES** vote shall have the effect of amending Article VIII, Section 10, of the Flagstaff City Charter to establish a procedure for sale of property when no bids are submitted after notice has been published

YES

A **NO** vote shall have the effect of not amending Article VIII, Section 10, of the Flagstaff City Charter to establish a procedure for sale of property when no bids are submitted after notice has been published

NO

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QUESTION NO. 13

OFFICIAL TITLE: AMENDMENT TO ARTICLE IX, SECTION 4, *NOMINATION FOR PRIMARY ELECTION*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: Amendment to Article IX, Section 4, *Nomination for Primary Election*, to require petitions for nomination to be presented to the City Clerk between 90 and 120 days before the date set for the Primary Election, to be consistent with state law and provide adequate time for preparing ballots.

A **YES** vote shall have the effect of amending Article IX, Section 4, of the Flagstaff City Charter to require petitions for nomination to be presented to the City Clerk between 90 and 120 days before the date set for the Primary Election

YES

A **NO** vote shall have the effect of not amending Article IX, Section 4, of the Flagstaff City Charter to require petitions for nomination to be presented to the City Clerk between 90 and 120 days before the date set for the Primary Election

NO

EXHIBIT 'B'**FORM OF NOTICE FOR ARGUMENTS
REQUEST FOR ARGUMENTS FOR AND AGAINST PROPOSED
AMENDMENTS TO THE FLAGSTAFF CITY CHARTER**

Pursuant to a resolution adopted by the Council of the City of Flagstaff, Arizona (the "City"), on _____ (the "Resolution"), a special election in and for the City was ordered and called to be held on May 19, 2015 (the "Election"). Notice of the Election will be given by mailing an informational pamphlet to each household that contains a registered voter, with such pamphlet to include arguments for and against the proposed amendments to the Flagstaff City Charter to be considered at the Election. Any person interested in providing any such argument is hereby requested to provide the same to the City Clerk, before 5:00 p.m., Arizona time on Wednesday, February 18, 2015. If you have any questions about the foregoing, please contact Elizabeth Burke, City Clerk, at 928-213-2076.

/s/ Elizabeth Burke

Elizabeth Burke, Flagstaff City Clerk