

RESOLUTION NO. 2015-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FLAGSTAFF, COCONINO COUNTY, ARIZONA, CALLING A
SPECIAL ELECTION FOR NOVEMBER 3, 2015, AND
APPROVING THE BALLOT LANGUAGE FOR SAID ELECTION**

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; and

WHEREAS, the Charter Review Committee considered potential amendments and provided those to the City Manager; and

WHEREAS, after recommendation by the City Manager, the City Council submitted questions to the voters on some proposed amendments to the Flagstaff City Charter and said election was held on May 19, 2015; and

WHEREAS, the City Council directed staff to obtain further citizen input on other potential amendments to the flagstaff City Charter, which was completed, and after further review by the City Council the following questions are directed to be placed on the ballot for a mail-ballot special election to be held November 3, 2015.

ENACTMENTS:

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

Section 1. THAT a special mail-ballot election of the qualified electors of the City is hereby called to be held on November 3, 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 August 5, 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 of the City of Flagstaff, this 16th day of June, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

EXHIBIT 'A'
FORM OF OFFICIAL BALLOT
OFFICIAL BALLOT

QUESTION NO. 1

Shall the Charter of the City of Flagstaff, Arizona, Article II, Section 13, SPECIAL MEETINGS, be amended as follows:

*The Mayor **OR CITY MANAGER** may, or, at the request of three (3) members of the Council, shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than three (3) hours after the notice is given.¹ Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.*

OFFICIAL TITLE: AMENDMENT TO ARTICLE I, SECTION 13, *SPECIAL MEETINGS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article II, Section 13, *Special Meetings*, to allow the City Manager to call special meetings.

A **YES** vote shall have the effect of amending Article II, Section 13, of the Charter to allow the City Manager to call special meetings.

YES

A **NO** vote shall have the effect of not amending Article II, Section 13, of the Charter and maintaining that only the Mayor or three members of Council may call special meetings.

NO

¹ ARS §38-431.02 preempts the ability of the Mayor or Council to call a special meeting for a time not earlier than three (3) hours; **therefore, twenty-four (24) hours is required.**

QUESTION NO. 2

Shall the Charter of the City of Flagstaff, Arizona Article III, Section 3, POWERS AND DUTIES [of the City Manager], paragraph (c) be amended as follows:

Article III, Section 3 – POWERS AND DUTIES [of the City Manager]

The City Manager shall:

(a)...

(b)...

*(c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, **EXCEPT THAT THE COUNCIL MAY ESTABLISH subject to such merit system regulations REQUIRING NOTICE AND A REVIEW OR HEARING PRIOR TO ANY LAYOFF, SUSPENSION, DEMOTION, AND TERMINATION as the Council may adopt;***

OFFICIAL TITLE: AMENDMENT TO ARTICLE III, SECTION 3, *POWERS AND DUTIES [of the City Manager]*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article III, Section 3, *POWERS AND DUTIES [of the City Manager]*, to provide for the Council to establish regulations requiring notice and review or hearing prior to any layoff, suspension, demotion, and termination.

A **YES** vote shall have the effect of amending Article III, Section 3, of the Charter to allow Council to establish regulations regarding notice and review or hearing prior to any layoff, suspension, demotion, or termination of city employees.

YES

A **NO** vote shall have the effect of not amending Article III, Section 3, of the Charter and, if the citizens vote for Question No. 3, a no vote gives the City Manager power over personnel rules. If the citizens vote against Question No. 3, a no vote will have no effect because the Council will continue to establish regulations.

NO

QUESTION NO. 3

Shall the Charter of the City of Flagstaff, Arizona Article IV, Section 5, PERSONNEL RULES AND REGULATIONS, be amended as follows:

~~The Council shall, by ordinance, provide for the establishment of THE CITY MANAGER SHALL ESTABLISH~~ Personnel Rules and Regulations, **EXCEPT THOSE RESERVED TO THE COUNCIL UNDER THIS CHARTER**, for the purpose of regulating and controlling ~~the appointments, promotions, demotions, discharges, and reinstatements of~~ all officers and employees of the City, except those elected by the people, members of appointive boards and commissions, **and** volunteers who serve without pay, ~~and also except~~ the City Manager, the City Attorney, and the Police Judges.

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

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article IV, Section 5, PERSONNEL RULES AND REGULATIONS, to allow the City Manager to establish personnel rules and regulations.

A **YES** vote shall have the effect of amending Article IV, Section 5, of the Charter to allow 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 Charter, and maintaining that the Council shall establish personnel rules and regulations.

NO

QUESTION NO. 4

Shall the Charter of the City of Flagstaff, Arizona, Article IX, Section 5, PRIMARY ELECTIONS, be amended as follows:

Article IX, Section 5 –~~PRIMARY ELECTIONS~~ PRIMARY AND GENERAL ELECTIONS

- (a) ~~The Primary Election shall be held on the first Tuesday in February in even numbered years. THE PRIMARY ELECTION SHALL BE HELD IN THE SUMMER AND THE GENERAL ELECTION SHALL BE HELD IN THE FALL OF EVEN-NUMBERED YEARS, ON DAYS PROVIDED FOR BY ARIZONA STATUTES AS MAY BE AMENDED.~~ *The two candidates receiving the highest number of votes at the Primary Election for each office for which there is a vacancy will be considered nominated for such office, and their names shall be printed on the ballot for the General Election; provided, that if there be any person who, under the provisions of this Section would have been entitled to become a candidate for any office except for the fact that some other candidate received said equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.*

- (b) *In the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.*

so long as the canvass of election shows that: (a) a majority of the qualified electors voting in this election approve this amendment; and (b) more votes are cast in favor of this amendment than the number of votes cast in favor of the option presented (Ballot Question No. 5).

OFFICIAL TITLE: AMENDMENT TO ARTICLE IX, SECTION 5, *Primary AND GENERAL Elections*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article IX, Section 3, *Primary AND GENERAL Elections*, to hold candidate elections in the summer/fall of even-numbered years.

A **YES** vote shall have the effect of amending Article IX, Section 5, of the Charter to hold candidate elections in the summer and fall of even-numbered years. **YES**

A **NO** vote shall have the effect of not amending Article IX, Section 5, of the Charter to hold candidate elections in the summer and fall of even-numbered years. If both Question No. 4 and 5 fail, the City will hold another election to determine future election dates. **NO**

QUESTION NO. 5

Shall the Charter of the City of Flagstaff, Arizona, Article IX, Section 5, PRIMARY ELECTIONS, be amended as follows:

Article IX, Section 5 –~~PRIMARY ELECTIONS~~ PRIMARY AND GENERAL ELECTIONS

- (c) ~~The Primary Election shall be held on the first Tuesday in February in even numbered years.~~ **THE PRIMARY AND GENERAL ELECTIONS SHALL BE HELD IN THE SPRING OF ODD-NUMBERED YEARS, ON DAYS PROVIDED FOR BY ARIZONA STATUTES AS MAY BE AMENDED.** *The two candidates receiving the highest number of votes at the Primary Election for each office for which there is a vacancy will be considered nominated for such office, and their names shall be printed on the ballot for the General Election; provided, that if there be any person who, under the provisions of this Section would have been entitled to become a candidate for any office except for the fact that some other candidate received said equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.*
- (d) *In the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.*

so long as the canvass of election shows that: (a) a majority of the qualified electors voting in this election approve this amendment; and (b) more votes are cast in favor of this amendment than the number of votes cast in favor of the other option presented (Ballot Question No. 4).

OFFICIAL TITLE: AMENDMENT TO ARTICLE IX, SECTION 5, *Primary AND GENERAL Elections*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article IX, Section 3, *Primary AND GENERAL Elections*, to hold candidate elections in the spring of odd-numbered years.

A **YES** vote shall have the effect of amending Article IX, Section 5, of the Charter to hold candidate elections in the spring of odd-numbered years.

YES

A **NO** vote shall have the effect of not amending Article IX, Section 5, of the Charter to hold candidate elections in the spring of odd-numbered years. If both Question No. 4 and 5 fail, the City will hold another election to determine future election dates.

NO

QUESTION NO. 6

Shall the Charter of the City of Flagstaff, Arizona, Article IX, Section 6, TIME OF HOLDING THE GENERAL ELECTION, be amended as follows:

~~**Article IX, Section 6 – TIME OF HOLDING THE GENERAL ELECTION**~~

~~**The General Election shall be held on the first Tuesday in March in each even-numbered year.**~~

OFFICIAL TITLE: AMENDMENT TO ARTICLE IX, SECTION 6, *Time of Holding the General Election*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding an amendment to Article IX, Section 6, *Time of Holding the General Election*, to eliminate this section of the Charter and combine the primary and general elections in one section.

A **YES** vote shall have the effect of amending Article IX, Section 6, of the Charter to eliminate this section of the Charter and combine the primary and general election dates in one section.

YES

A **NO** vote shall have the effect of not amending Article IX, Section 6, of the Charter and the City will hold another election to remedy the inconsistency in the Charter language.

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 June 16, 2015, (the "Resolution"), a special election in and for the City was ordered and called to be held on November 3, 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, August 5, 2015.

Arguments must contain the original notarized signature of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the notarized signature of two executive officers of the organization or if sponsored by a political committee it shall contain the notarized signature of the committee's chairman or treasurer. The person or persons signing the argument shall identify themselves by giving their residence or post office address and a telephone number, which information shall not appear in the pamphlet. Each argument shall not exceed three hundred words in length.

If you have any questions about the foregoing, please contact Elizabeth Burke, City Clerk, at 928-213-2076.

/s/ Elizabeth Burke