

## RESOLUTION NO. 2016-26

**RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION, TO SUBMIT POTENTIAL QUESTIONS TO THE REGISTERED VOTERS OF FLAGSTAFF REGARDING POSSIBLE CONTINUATION OF A LOCAL TRANSACTION PRIVILEGE TAX (SALES TAX), AND REGARDING THE POSSIBLE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT OF \$12,000,000 FOR A MUNICIPAL COURT FACILITIES PROJECT, A POTENTIAL QUESTION PROPOSED BY INITIATIVE ADDING A NEW TITLE 15, MINIMUM WAGE LAW, TO THE FLAGSTAFF CITY CODE AND A POTENTIAL QUESTION PROPOSED BY INITIATIVE TO PRESERVE CITY-OWNED REAL PROPERTY SOUTH OF BUFFALO AND MCPHERSON PARKS AS OPEN SPACE**

### RECITALS:

WHEREAS, the City of Flagstaff currently levies a collective local transaction privilege tax rate of 0.295%, excluding sales of food as exempt by state law, and the proceeds of such tax are designated to pay for public transportation purposes, as referenced in the City Code Section 3-05-008-0800, subsections (A)(5),(7),(8),(9), (10) and as approved by a majority of the qualified electors voting to approve such tax (referred to hereafter as the "Transit Tax") and the City Council desires to continue the Transit Tax for a period of ten years (ballot language to be considered separately); and

WHEREAS, voter authorization is required to sell and issue general obligation bonds in a principal amount up to \$12,000,000 and to expend funds therefrom for the purpose of design and construction of new facilities for the municipal court and prosecution staff and the City of Flagstaff desires to provide adequate court room facilities, prosecution facilities, prisoner transport and holding areas, separate circulation and movement for public, jurors, prisoners, and court staff, prosecution staff, space for all court events, as well as staff, jurors and the public and sufficient parking for all of the above (ballot language to be considered separately); and

WHEREAS, two separate initiatives are currently being circulated and have until July 7, 2016, in which to file said petitions; and

WHEREAS, from the time said petitions are filed with the City Clerk's Office a maximum of 38 days (not including Saturday, Sunday or legal holidays) is available for the City Clerk's Office and County Recorder's Office to perform their duties as required by Arizona Revised Statutes (A.R.S.), to determine the sufficiency of valid signatures for inclusion of either question on the November 8, 2016, ballot; and

WHEREAS, sufficiency of said numbers will not be available at the time of publishing a notice inviting arguments for or against proposed questions, in order to meet timing requirements of A.R.S.; therefore, arguments will be accepted for the two initiative questions outlined in Exhibit A, attached hereto and made a part hereof, with the understanding that one or both questions may eventually not be placed on the November 8, 2016, ballot.

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

Section 1. THAT a special election of the qualified electors of the City is hereby called to be held on November 8, 2016, at which there may be submitted to the qualified electors of the City questions amending the Flagstaff City Code by adding a new Title 15, Minimum Wage Law, (by initiative) and to preserve City-owned real property south of Buffalo and McPherson Parks as open space (by initiative), and regarding the possible continuation of a local transaction privilege tax (sales tax), and regarding the possible issuance of bonds in a principal amount of \$12,000,000 for a municipal court facilities project.

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 27 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 consideration of whether to move forward with a question regarding possible continuation of a local transaction privilege tax (sales tax), and regarding the possible issuance of bonds in a principal amount of \$12,000,000 for a municipal court facilities project shall be considered separately, and the official ballot question wording for each will be considered separately.

Section 4. THAT should it be determined that one or both of the pending initiatives receive the required number of valid signatures, the ballot question(s) shall be in substantially the form shown on Exhibit A.

Section 5. THAT the Clerk of the City is hereby authorized to request arguments for and against the subject matters 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 10, 2016.

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 5th day of July, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT 'A'

FORM OF OFFICIAL BALLOT

OFFICIAL BALLOT

**QUESTION NO. 1**

**Proposition XXX**

**OFFICIAL TITLE:** A MEASURE REFERRED TO THE PEOPLE BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RELATING TO CONTINUATION OF A TRANSIT SALES TAX LEVY FOR PUBLIC TRANSPORTATION.

**DESCRIPTIVE TITLE:** Consideration of a levy of a Transaction Privilege Tax at a rate of 0.295% (\$0.00295) for a period commencing July 1, 2020, through June 30, 2030, for the purposes of acquiring, constructing, improving, operating, and maintaining equipment and facilities for a public transit system within the City of Flagstaff.

Proposition XXX

A **YES** vote shall have the effect of approving a levy continuing a Transit Sales Tax through June 30, 2030, at the existing rate of 0.295%.

Yes

A **NO** vote shall have the effect of disapproving a levy, and allowing the existing Transit Sales Tax to expire on July 1, 2020.

No

**QUESTION NO. 2**

**Proposition XXX**

Purpose: **Bonds for Municipal Court Facilities**

Amount: **\$12,000,000**

**OFFICIAL TITLE:** A MEASURE REFERRED TO THE TO THE PEOPLE BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RELATING TO THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT OF \$12,000,000 TO DESIGN AND CONSTRUCT MUNICIPAL COURT FACILITIES.

**DESCRIPTIVE TITLE:** Consideration of the sale and issuance of bonds to provide adequate court room facilities, prosecution facilities, prisoner transport and holding areas, separate circulation and movement for public, jurors, prisoners and court staff, prosecution staff, space for all court events, as well as staff, jurors and the public and sufficient parking for all of the above, shall the City of Flagstaff be authorized to sell and issue general obligation bonds in a principal amount up to \$12,000,000 and expend funds therefrom:

- for the purpose of design and construction of new facilities for the municipal court and paying necessary related costs;
- for the purpose of design and construction of a parking garage or similar structure to enhance both municipal court and public parking availability and paying necessary related costs and
- to pay all costs and expenses properly incidental thereto and to the issuance of bonds?

The bonds may be issued in one or more series, will not mature more than 25 years from the date or dates of their issue, will bear interest at a rate or rates not to exceed \_\_\_\_\_% per annum, and will have such other provisions as are approved by the City Council. The following sentence has been included on this ballot as required by Arizona Revised Statutes 35-454(C): The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on the bonds.

A vote **FOR** the bonds shall have the effect of allowing the City Council to issue up to \$12,000,000 in general obligation bonds to design and construct municipal court facilities.

**For the Bonds**

A vote **AGAINST** the bonds shall have the effect of not allowing the City Council to issue up to \$12,000,000 in general obligation bonds to design and construct municipal court facilities.

**Against the Bonds**

**QUESTION NO. 3**

**Proposition XXX**

**OFFICIAL TITLE:** PROPOSED BY INITIATIVE PETITION, ADDING A NEW TITLE 15, MINIMUM WAGE ACT, TO THE FLAGSTAFF CITY CODE

**DESCRIPTIVE TITLE:** Amendment to the Flagstaff City Code by adding a new Title 15, Minimum Wage Act, to enact a minimum wage for the City of Flagstaff and providing for enforcement and remedies for violations of the City minimum wage

A **YES** vote shall have the effect of adding a new Title 15, Minimum Wage Act, to the Flagstaff City Code to enact a minimum wage for the City

**YES**

A **NO** vote shall have the effect of not adding a new Title 15, Minimum Wage Act, to the Flagstaff City Code and continuing to follow State and Federal laws related thereto

**NO**

**QUESTION NO. 4**

**Proposition XXX**

**OFFICIAL TITLE:** PROPOSED BY INITIATIVE PETITION, PRESERVING APPROXIMATELY 253 ACRES OF CITY-OWNED REAL PROPERTY COMMONLY KNOWN AS MCMILLAN MESA AND APPROXIMATELY 47 ACRES OF CITY-OWNED REAL PROPERTY SOUTH OF BUFFALO AND MCPHERSON PARKS, AS OPEN SPACE

**DESCRIPTIVE TITLE:** Preserving approximately 253 acres of city-owned real property, commonly known as McMillan Mesa, and approximately 47 acres of city-owned real property south of Buffalo and McPherson Parks, as open space, permitting the City to use up to ten acres of the property for the construction of a veterans' services facility.

A **YES** vote shall have the effect of preserving city owned real property as open space, permitting use of up to ten acres for the construction of a veterans' services facility

**YES**

A **NO** vote shall have the effect of not preserving city-owned real property as open space

**NO**

**EXHIBIT 'B'**

**FORM OF NOTICE FOR ARGUMENTS**  
REQUEST FOR ARGUMENTS FOR AND AGAINST PROPOSED  
QUESTIONS TO BE SUBMITTED AT THE NOVEMBER 8, 2016, ELECTION

Pursuant to a resolution adopted by the Council of the City of Flagstaff, Arizona (the City), on July 8, 2016, a special election in and for the City was ordered and called to be held on November 8, 2016. 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 questions to be considered at the Election as indicated below:

Question 1: Transit Tax (Resolution No. 2016-25)

Question 2: Courthouse Bonding (Resolution No. 2016-27)

Question 3: Minimum Wage Act (proposed by initiative; yet to be determined if this will appear on the ballot)

Question 4: Preservation of City-owned real property as Open Space (proposed by initiative; yet to be determined if this will appear on the ballot)

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 10, 2016. Further information on specific requirements for said arguments is included at A.R.S. §19-124.

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

/s/ Elizabeth Burke