

RESOLUTION NO. 1845

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, PROVIDING FOR COMPLIANCE WITH AMENDMENTS TO ARS §16-204, AS AMENDED BY THE ARIZONA STATE LEGISLATURE BY SESSION LAWS 353 (2012) AND SESSION LAWS 254 (2013), TO REQUIRE ALL MUNICIPALITIES TO HOLD REGULAR CANDIDATE ELECTIONS IN THE FALL OF EVEN-NUMBERED YEARS; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on August 28, 1978, the Yavapai County Board of Supervisors ordered the incorporation of the Town of Prescott Valley, and appointed seven members of the Common Council to serve until their successors were elected and qualified as provided by ARS §9-231; and

WHEREAS, ARS §9-231(A) provided that their successors would be elected on the third Tuesday in May following (and, on the third Tuesday in May each two years thereafter); and

WHEREAS, on September 5, 1978, the members of the Common Council met and selected a Mayor from among its members in accordance with ARS §9-232(C); and

WHEREAS, on December 14, 1978, the Council adopted Ordinance No. 5 as an emergency measure, providing that Town candidate elections would be non-partisan and that any candidate who received a majority of the ballots cast at a primary election would be declared elected as of the date of the general election (in accordance with ARS §9-821.01); and

WHEREAS, ARS §16-204 subsequently regularized primary election dates prior to general elections as the second Tuesday in March; and

WHEREAS, on January 11, 1979, the Common Council adopted Resolution No. 7 providing that the question of whether to elect Council members for 4-year staggered terms (as permitted by ARS §9-232.02) be submitted to the voters at the primary election to be held Tuesday, March 27, 1979; and

WHEREAS, on April 2, 1979, the Council adopted Resolution No. 16 canvassing the March 27, 1979 vote and declaring that three Council members had been elected at said primary election and indicating that the majority of those voting had approved 4-year staggered terms for Council members; and

WHEREAS, on April 5, 1979, the Council adopted Resolution No. 16A declaring that a general election would be held on May 15, 1979; and

WHEREAS, on May 21, 1979, the Council adopted Resolution No. 24 canvassing the May 15, 1979 vote and declaring that four Council members had been elected at said general election; and

WHEREAS, on May 24, 1979, a drawing of numbers was held in the regular Council meeting to determine which 3 members would have a 2-yr term and which 4 members would have a 4-yr term (in accordance with ARS §9-272); and

WHEREAS, on May 24, 1979, a Mayor was again selected from among the members of the Council; and

WHEREAS, effective July 1, 1979, the Common Council adopted Resolution No. 27 (June 28, 1979) and Ordinance No. 8 (June 28, 1979) adopting a new Town Code, including §2-2-1 providing for the Council to select a Mayor from among its members at the first regular meeting after its election to serve at the pleasure of the Council (in accordance with ARS §9-232(C)); and

WHEREAS, on September 6, 1984, the Council adopted Ordinance No. 104 providing that the question of whether to directly elect the Mayor (as permitted by ARS §9-232.03) be submitted to the voters at a special election to be held on Tuesday, November 6, 1984; and

WHEREAS, on November 12, 1984, the Council voted to approve the canvass of the November 6, 1984 election where the voters apparently approved the direct election of the Mayor; and

WHEREAS, at the May 21, 1985 general election, a Mayor was apparently voted on and approved directly by the voters, being sworn in on May 30, 1985; and

WHEREAS, a new Town Code adopted by Ordinance No. 178 (May 26, 1988) subsequently adopted §§2-01-010 and 2-02-010 providing for staggered terms of 4 years for the Mayor and 2 Council members beginning in 1985, and 4 Council members beginning in 1987; and

WHEREAS, at a general election held on May 19, 1981, the voters first approved for a 4 year period an alternative expenditure limitation proposed in accordance with Arizona Constitution Article 9, Section 20(9); and

WHEREAS, these elections (and the related terms) have continued as initiated for many years; and

WHEREAS, in 2012 the Arizona Legislature adopted HB 2826 (Session Laws 353) whereby it amended ARS §16-204 to require all municipalities in the state to hold their regular candidate elections in the fall of even-numbered years in order to correspond with state and federal elections; and

WHEREAS, said law becomes effective on January 1, 2014; and

WHEREAS, said law requires adjusting the length of terms for Mayor, Council member and for alternative expenditure limitation elections which have already been set in recent

elections; and

WHEREAS, the legality of alternatively shortening or extending such terms at the municipal level has been in question; and

WHEREAS, in 2013 the Legislature adopted SB 1454 (Session Laws 254) §22 to resolve this question; and

WHEREAS, said legislation provides that a city or town may lengthen the terms of office for its elected officials in order to comply with the prescribed consolidation of election dates; and

WHEREAS, said legislation further provides that cities or towns whose alternative expenditure limitations were set to expire in 2016 (or sooner) the penalties prescribed in ARS §41-1279.07 will not apply if the city or town seeks voter approval for a new alternative expenditure limitation in the fall of that year; and

WHEREAS, the Town most recently adopted its Alternative Expenditure Limitation at the primary election held on March 12, 2013; therefore it appears the Town will be required to hold any new election for an Alternative Expenditure Limitation in Fall 2016 rather than at a primary election in March 2017; and

WHEREAS, the consolidated election mandate of this recent amendment to ARS §16-204 risks unnaturally increasing the number of votes needed for a candidate for Mayor or Council member to be declared elected at the primary election (since voters may cast a ballot but may choose not to actually vote for local candidates after having voted for federal and state candidates); and

WHEREAS, in 2010 the Arizona Legislature attempted to address this concern by adopting HB 2491 (Session Laws 51) which allowed cities and towns to provide that the total of all votes tabulated for the candidates for the office of mayor would constitute the total number of votes cast at the election for purposes of calculating whether a candidate for mayor or city council has received a majority of all votes cast at the primary election;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, that:

Section 1. The term of the Mayor whose term initially was expected to end at the first regular Council meeting held after the canvass of the general election in May 2017 will now expire on or after the second Tuesday in January in the year following the canvassing of the consolidated elections to be held in Fall 2018.

Section 2. The terms of the Council members whose terms were expected to end at the first regular Council meeting held after the canvass of the general election in May 2015 will now expire on or after the second Tuesday in January in the year following the canvassing of the consolidated elections to be held in Fall 2016.

Section 3. The terms of the Council members whose terms were expected to end at the first regular Council meeting held after the canvass of the general election in May 2017 will now expire on or after the second Tuesday in January in the year following the canvassing of the consolidated elections to be held in Fall 2018.

Section 4. The alternative expenditure limitation approved on March 12, 2013 shall continue for FY 2013-14, FY 2014-15, FY 2015-16 and FY 2016-17. However, any new alternative expenditure limitation for FY 2017-18 through FY 2020-21 shall be held during the consolidated elections in Fall 2016 rather than in a primary election in March 2017.

Section 5. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of August, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney