Town of Paradise Valley
Action Report

Agenda Item:___
Date: June 7, 2012
Action Item

AGENDA TITLE

Adoption of Ordinance No. 652 Amending Town Code Chapter 2 Mayor and Council; and Adoption of Resolution No. 1257 Calling a Special Election for Voter Consideration of Repealing Direct Election of the Mayor

TO:	Mayor LeMarr and Town Council Members	Agenda Item Relates to Mission/Vision	• Provides high quality public services to a community which values limited government
FROM:	James C. Bacon, Jr., Town Manager B Andrew Miller, Town Attorney AM	Strategic Initiative	
DEPARTMENT:	Town Attorney	Other Policies or Statutory Requirements	
CONTACT:	Andrew M. Miller Town Attorney		

RECOMMENDATION

It is recommended that the Town Council discuss whether to adopt Ordinance No. 652 and Resolution No. 1257 and take action according to the outcome of that discussion.

SUMMARY STATEMENT

At its May 24, 2012 Work/Study meeting, Council discussed reconsideration of the ballot measure that implemented the direct election of the Mayor. This was partially in response to the submittal of 500 petition signatures during the Call to the Public at the May 10, 2012 council meeting. In 2009, the Council voted to refer Ordinance No. 606 (see attached) to the voters at the regular election on March 9, 2010. The proposition passed by a vote of 1,617 to 1,434.

If the Council desires to place the question of direct election on the ballot again, it would be appropriate to adopt a resolution calling for a special election on November 6, 2012 asking the electorate to repeal and replace Ordinance No. 606. Adoption of attached Ordinance No. 652 and Resolution No. 1257 would provide for the conditional revision of the Town Code to go back to the method of having the office of mayor selected by the Council provided that the town electorate votes at the November 6, 2012 general election to approve returning to this method of selecting the mayor.

If the Council desires to take action on draft Ordinance No. 652 and draft Resolution No. 1257, the proposition on reverting back to selection of the mayor by the Town Council would appear on Maricopa County's November ballot along with the federal and state office elections. It is estimated that the election would cost $11,000. This has not been included in the Fiscal Year 2012-2013 budget.

BUDGETARY IMPACT

$11,000

ATTACHMENT(S)

Ordinance No. 652, *Conditionally* Amending Town Code Chapter 2 Mayor and Council
Resolution No. 1257, Calling a Special Election for Voter Consideration of Repealing Direct Election of the Mayor

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 652

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, REPEALING ORDINANCE 606 REGARDING DIRECT ELECTION OF THE MAYOR, PROVIDING FOR SUBMISSION OF THE QUESTION TO THE VOTERS AT A SPECIAL ELECTION WITH CONDITIONAL ENACTMENT; AND AMENDING CHAPTER 2 MAYOR AND COUNCIL, SECTION 2-1-1 AND SECTION 2-2-1.

WHEREAS, Arizona Revised Statutes §9-232.03 provides for an alternative procedure for the mayor to be directly elected by electors rather than selected by the common council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

Section 1: Article 2-1-1 is hereby amended to read as follows, with deletions shown as strikethrough and added script shown in bold type:

Section 2-1-1 Elected Officers [451]

The elected officers of the Town shall be ~~a Mayor and~~ **seven** ~~six~~ Council Members, **one of whom shall be designated as Mayor in accordance with Section 2-2-1 for a term of two (2) years**. The Mayor and Council Members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors. ~~The Mayor shall be directly elected every two years commencing with the year 2012.~~ Council Members shall serve four-year staggered terms **as provided in A.R.S. § 9-232.02, with the first class consisting of three (3) Council Members and the second class consisting of four (4) Council Members.**

Section 2: Article 2-2 is hereby amended to read as follows, with deletions shown as strikethrough and added script shown in bold type:

~~Section 2-2-1 Election of the Mayor~~

~~Beginning with the election held on the second Tuesday in March 2012, the Mayor of the Town of Paradise Valley shall be directly elected by the qualified electors of the Town. The term of office shall be two years.~~

Section 2-2-1 Selection of Mayor

At the first regular meeting in June of each election year, the Council shall select a Mayor from among their number. Provided, however, if the Council is unable to choose a Mayor at that meeting, the Council Member currently holding the mayoral position shall continue to act as Mayor until the Council selects a Mayor.

Should the Council Member holding the mayoral position at the time of the election not be re-elected or is otherwise unable to continue as Mayor, the Town Clerk shall call the Council to order and a Mayor Pro Tem shall be chosen from among the duly elected Council Persons. The Mayor Pro Tem shall have for the time necessary, the same powers and duties as Mayor, until a member is selected as Mayor in the manner provided above.

Section 3: REFERRAL TO THE PEOPLE
The Paradise Valley Town Council hereby refers this ordinance to the people pursuant to Arizona Revised Statutes §9-232.03.

Section 4: CONDITIONAL ENACTMENT
The provisions of this ordinance shall not become effective until approved by a majority vote of qualified electors voting at the Special Election to be held on November 6, 2012.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this ___ day of _____, 2012.

_____
Scott P. LeMarr, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2012.

ATTEST:

_____

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

_____

Andrew M. Miller, Town Attorney

RESOLUTION NUMBER 1257

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA CALLING FOR A SPECIAL ELECTION; AUTHORIZING THE CLERK TO DEVIATE ONE TIME FROM THE ALL-MAIL BALLOT PROCESS AND CONSOLIDATE THE TOWN'S ELECTION BALLOT WITH MARICOPA COUNTY'S ELECTION BALLOT; ADOPTING A FEE FOR THE SUBMISSION OF PUBLICITY PAMPHLET ARGUMENTS; AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY ELECTIONS DEPARTMENT FOR ELECTION SERVICES

WHEREAS, Town Code §2-3-6 provides that the Council may call a special election for the purpose of determining the outcome of a referendum; and

WHEREAS, Ordinance Number 652, as adopted by the Paradise Valley Town Council, calls for a Special Election seeking voter ratification to repeal Ordinance Number 606 regarding the direct election of the mayor; and

WHEREAS, Arizona Revised Statutes §16-204 declares four dates on which elections may be held in Arizona, and

WHEREAS, Arizona Revised Statutes §19-124(D) provides that any person filing a publicity pamphlet argument shall deposit with the Chief Elections Officer, at the time of filing, an amount of money to offset a portion of the cost of printing the argument.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

Section 1. Designation of Election Date

The Town Clerk shall call a Special Election to be held on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of the Town of Paradise Valley the question of whether to repeal Ordinance Number 606, direct election of the mayor.

Section 2.

The Town Clerk is hereby authorized to deviate one time from all-mail ballot voting as required by Resolution 1020 and conduct the Special Election as a consolidated polling place election with Maricopa County.

Section 3. Publicity Pamphlet Argument Fee

The Town Clerk is authorized, in accordance with A.R.S. §19-124, to collect a fee of Twenty-Five dollars ($25.00) for the printing of publicity pamphlet arguments. All fees must be deposited with the Town Clerk at the time the argument is filed.

Section 4. Authorization to Enter into an Intergovernmental Agreement

It is deemed in the best interest of the Town of Paradise Valley and its citizens for the Town to enter into an intergovernmental agreement with the Maricopa County Elections Department, which agreement is known as, Menu of Services.

The Town Clerk is hereby authorized and directed to execute and deliver said agreement on behalf of the Town of Paradise Valley. A copy of said agreement shall remain on file in the office of the Town Clerk pursuant to Arizona Public Records Law.

PASSED, ADOPTED AND APPROVED, by the Mayor and Council of the Town of Paradise Valley, Arizona on this ___th day of _____ 2012.

TOWN OF PARADISE VALLEY

By:_____
Scott P. LeMarr, Mayor

ATTEST:

By:_____
Duncan Miller, Town Clerk

APPROVED AS TO FORM

By:_____
Andrew M. Miller, Town Attorney