

**RESOLUTION NO. 2020-37**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION, TO SUBMIT TO THE REGISTERED VOTERS OF FLAGSTAFF A QUESTION TO APPROVE THE CONTINUATION OF A 1% CITY TRANSACTION PRIVILEGE (SALES) TAX, EXCLUDING THE TAX ON FOOD, THROUGH JUNE 30, 2035**

**RECITALS:**

WHEREAS, the Flagstaff City Charter Article VI, Section 2(b) provides that the Council shall have the power to levy a transaction privilege (sales) tax subject to approval by a majority of the registered voters voting in the regularly scheduled general election; and

WHEREAS, over the years Flagstaff voters have approved several tax rates imposed on the gross revenues received from the privilege of engaging in certain taxable business activities in the City, all as set forth in the Model City Tax Code (Chapter 3-05 of the City Code) and state laws; and

WHEREAS, the 1% sales tax rate generates revenues for local government operations (unrestricted); and

WHEREAS, the 1% sales tax rate will expire on November 4, 2024, unless a majority of the Flagstaff registered voters voting in a regularly scheduled general election approve a continuation of the sales tax rate; and

WHEREAS, the City Council desires to call a Special Election on November 3, 2020 in conjunction with the City's General Election to provide the Flagstaff voters with the opportunity to approve continuation of the 1% sales tax, excluding food items, for a period commencing November 5, 2024 and continuing through June 30, 2035; and

**ENACTMENTS:**

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

SECTION 1: That the City Council hereby calls a Special Election of the City to be held on November 3, 2020, for the purpose of submitting to the qualified electors of the City the question substantially in the form set forth in Exhibit "A" attached hereto (the "Official Ballot").

SECTION 2: That

- (A) notice of the Special Election of November 3, 2020, shall be given by mailing an 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 so mailed according to law and the provisions of this resolution under the circumstances described herein.

SECTION 3: That the Informational Pamphlet shall contain the information required by Section 35-454, Arizona Revised Statutes, as amended, and a sample of the Official Ballot shall be in a form the Clerk of the City deems acceptable.

SECTION 4: That the Official Ballot shall be in substantially the form attached hereto as Exhibit "A."

SECTION 5: That the Clerk of the City is hereby authorized to request arguments for and against the appropriate subject matter of the Election for inclusion in the Informational Pamphlet by providing the notice in substantially the form attached hereto as 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 City Council are posted and publishing the Notice of Arguments in the *Arizona Daily Sun*. The deadline to submit arguments shall be 4:00 p.m. MST on August 5, 2020.

SECTION 6: That the polling places and the time the polls will be opened and closed shall be as provided in the Informational Pamphlet. The City Council hereby:

- (A) establishes the election precincts for the General Election as those with the same boundaries as the election precincts as provided in Section 16-411, Arizona Revised Statutes, as amended, except as otherwise provided hereby;
- (B) designates each polling place in each precinct as so designated for such precinct;
- (C) approves the consolidation of any precincts as determined to be necessary by the Clerk of the City and by such indication deems such consolidation as necessary for purposes of the Election; and
- (D) with respect to any polling place for a precinct designated within an adjacent precinct, finds that no suitable polling place is available within such precinct.

SECTION 7: That

- (A) the Clerk of the City is hereby authorized and directed to coordinate with the County to have printed and, if appropriate, delivered to the election officers at said polling places, to be by them furnished to the qualified electors of the City offering to vote at the Election, the appropriate version of the Official Ballot.
- (B) in order to comply with the Voting Rights Act of 1965, as amended, the following items pertaining to the Election shall be translated into Spanish as required, to-wit: Informational Pamphlet, Official Ballot, Notice for Arguments, early voting materials and instructions at the polling places.

SECTION 8: 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) early voting shall be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.
- (C) the Clerk of the City is authorized and directed, if necessary, to enter into a contract with the County Recorder of the County, to obtain precinct registers for the Election and, if necessary, to enter into an agreement with the Elections Department of the County to conduct the Election for the City.
- (D) 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.
- (E) the Clerk of the City is hereby further authorized to take all other necessary action to facilitate the Election.

SECTION 9: That

- (A) the Election shall be canvassed and the results thereof certified by the City Council within twenty (20) days of the Election, as provided by law.
- (B) the City Council shall file and record in the office of the County Recorder of the County a certificate disclosing with respect to the Election the purpose of the Election, the total number of votes cast and the total number of votes for and against creating the indebtedness and stating whether or not the indebtedness is ordered in each case.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 16th day of June, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

Exhibits:

A – Official Ballot

B – Notice for Arguments

EXHIBIT A  
OFFICIAL BALLOT

PROPOSITION NO. XXX

**OFFICIAL TITLE:** A MEASURE REFERRED TO THE PEOPLE BY THE FLAGSTAFF CITY COUNCIL SEEKING AUTHORIZATION TO CONTINUE A CITY TRANSACTION PRIVILEGE TAX (SALES TAX), EXCLUDING THE TAX ON FOOD, AT THE PRESENT RATE OF ONE PERCENT (1%) THROUGH JUNE 30, 2035.

**DESCRIPTIVE TITLE:** Consideration of an extension of a Transaction Privilege (Sales) Tax at the existing rate of 1% (\$0.01) commencing November 5, 2024 through June 30, 2035, in order to fund local government operations.

Proposition XXX

A "yes" vote shall have the effect of continuing a Transaction Privilege Tax (Sales Tax), excluding the tax on food, through June 30, 2035 at the existing 1% rate. Yes

A "no" vote shall have the effect of not approving the continuation a Transaction Privilege Tax (Sales Tax), excluding the tax on food, at the existing 1% rate and allowing this existing Transaction Privilege Tax (Sales Tax) to expire on November 4, 2024. No

## EXHIBIT "B"

## FORM OF NOTICE FOR ARGUMENTS

REQUEST FOR ARGUMENTS FOR AND AGAINST ISSUES TO  
BE PLACED ON THE BALLOT OF THE CITY'S GENERAL  
ELECTION TO BE HELD ON NOVEMBER 3, 2020

Pursuant to resolutions adopted by the Council of the City of Flagstaff, Arizona (the "City"), on July 7, 2020, (the "Resolutions"), the following question to be considered by the qualified electors of the City were ordered to be placed on the ballot at the City's General Election to be held on November 3, 2020 (the "Election").

Notice of the Election will be given by mailing an informational pamphlet to include arguments for and against the questions to be considered at the Election. (The full text of the questions to be considered at the Election are included in the respective resolutions which are available at the Office of the Clerk, 211 West Aspen Avenue, Flagstaff, Arizona 86001, and will be available on the City's website under City Clerk/Elections). Any person interested in providing any such argument(s) is hereby requested to provide the same to the City Clerk, before 4:00 p.m., Arizona time on Wednesday, August 5, 2020.

In accordance with Arizona Revised Statutes, each argument filed shall not exceed 300 words and shall contain the sworn statement of each person sponsoring it; if the argument is sponsored by an organization, it shall contain the sworn statement of two executive officers of the organization or if sponsored by a political committee it shall contain the sworn statement of the committee's chairman or treasurer. Each argument filed shall also be submitted in electronic format to the City Clerk's Office at [stacy.saltzburg@flagstaffaz.gov](mailto:stacy.saltzburg@flagstaffaz.gov). 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.

PROPOSITION NO. XXX Transaction Privilege Tax (Sales Tax) Renewal. (Resolution No. 2020-16)

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

/s/ Stacy Saltzburg  
Stacy Saltzburg, Flagstaff City Clerk