

RESOLUTION NO. 2022-34

RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ORDERING AND CALLING A SPECIAL BOND ELECTION OF THE CITY FOR NOVEMBER 8, 2022, IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION, TO SUBMIT TWO BOND QUESTIONS TO THE QUALIFIED ELECTORS OF FLAGSTAFF WITH RESPECT TO SELLING AND ISSUING GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$77,285,000, TO BE REPAID WITH SECONDARY PROPERTY TAXES

RECITALS:

WHEREAS, the City Council of the City of Flagstaff, Arizona (the "City") hereby finds and determines that certain, future capital needs of the City can be financed best through the issuance and sale of bonds of the City, the debt service with respect to which shall be paid through the levy of secondary (*ad valorem*) property taxes; and

WHEREAS, Article XVI of the Charter of the City requires the approval of a majority of the qualified electors of the City if the amount to be expended is for other than utilities, public safety and street facilities and is more than \$1,000,000 (adjusted annually by the consumer price index since the effective date of such restriction); and

WHEREAS, pursuant to Section 35-452, Arizona Revised Statutes, the City Council must order an election to determine whether such indebtedness shall be authorized through the issuance and sale of bonds of the City, the debt service with respect to which shall be paid through the levy of secondary (*ad valorem*) property taxes.

ENACTMENTS:

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

SECTION 1. That the City Council hereby orders and calls a Special Bond Election (the "Election") to be held on November 8, 2022, for the purpose of submitting to the qualified electors of the City the questions substantially in the form set forth in Exhibit "A" attached hereto (together, the "Official Ballot").

SECTION 2. That the aggregate principal amount of the bonds to be authorized at the Election shall be \$77,285,000; the maximum rate of interest to be paid thereon shall be not more than ten percent (10%) per annum; the minimum and maximum number of years bonds of any issue or series authorized at the Election may run from their date shall be 1 year and 20 years, respectively; the purposes for which the money derived from the sale of the bonds will be expended shall be as more fully set forth in the Official Ballot; the current constitutional debt limit of the City is \$319,611,760, being twenty-six percent (26%) of the net assessed full cash value of the taxable property in the City (which debt limit is based on the estimated value provided by the Assessor of Coconino County, Arizona for 2022/2023; the City currently has \$34,661,467 aggregate principal amount of general obligation debt outstanding as of July 1, 2022.

SECTION 3. That

- (A) notice of the Election of November 8, 2022, shall be given by mailing an Informational Pamphlet (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 City Clerk 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 4. 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, and shall be in a form the City Clerk deems acceptable.

SECTION 5. That the Official Ballot shall be in substantially the form attached hereto as Exhibit "A."

SECTION 6. That the City Clerk 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 5:00 p.m. MST on August 10, 2022.

SECTION 7. 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:

1. establishes the election precincts for the General/Special 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;
2. designates each polling place in each precinct as so designated for such precinct;
3. 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
4. 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 8. That

- (A) the City Clerk is hereby authorized and directed to coordinate with Coconino County, Arizona (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 9. 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 City Clerk 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 City Clerk is hereby further authorized to take all other necessary action to facilitate the Election.

SECTION 10. 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 21st day of June, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

A – Official Ballot

B – Notice for Arguments