

**RESOLUTION NO. 2023-39**

**RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ORDERING AND CALLING A SPECIAL ELECTION OF THE CITY FOR NOVEMBER 7, 2023, TO SUBMIT QUESTIONS TO THE QUALIFIED ELECTORS OF FLAGSTAFF WITH RESPECT TO AMENDMENTS TO THE FLAGSTAFF CITY CHARTER AND A POTENTIAL QUESTION PROPOSED BY REFERENDUM RELATED TO ORDINANCE NO. 2023-11**

**RECITALS:**

WHEREAS, at the direction of the Flagstaff City Council, the City Clerk appointed members to an Internal Charter Review Committee to review potential amendments to the Flagstaff City Charter; and

WHEREAS, after recommendation by the Committee, the City Council agreed to order the submission of questions to the voters; and

WHEREAS, a referendum concerning Ordinance No. 2023-11 is currently being circulated and have until July 6, 2023, 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, to determine the sufficiency of valid signatures for inclusion on the November 7, 2023, 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 the Arizona Revised Statutes; therefore, arguments will be accepted for the referendum question outlined in Exhibit A, attached hereto and made a part hereof, with the understanding that the question may eventually not be placed on the November 7, 2023, ballot.

**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 Mail-Ballot Election (the "Election") to be held on November 7, 2023, 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

- (A) notice of the Election 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 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 6. That the Official Ballot shall be in substantially the form attached hereto as Exhibit "A."

SECTION 4. 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 9, 2023.

SECTION 5. That the election shall be a Mail Ballot Election unless a polling place election is required for another ballot issue.

SECTION 6. That 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.

SECTION 7. 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 8. 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.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:

A – Official Ballot

B – Notice for Arguments