

RESOLUTION NO. 2024-28

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ORDERING AND CALLING A SPECIAL ELECTION OF THE CITY FOR NOVEMBER 5, 2024, IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION, TO SUBMIT TWO QUESTIONS TO THE QUALIFIED ELECTORS OF FLAGSTAFF WITH RESPECT TO THE POSSIBLE CONTINUATION OF THE CITY LODGING, RESTAURANT AND LOUNGE (BBB) TAX; AND THE POSSIBLE INCREASE AND CONTINUATION OF A LOCAL TRANSACTION PRIVILEGE TAX (SALES TAX) FOR THE PURPOSES OF PUBLIC TRANSIT

RECITALS:

WHEREAS, the City Council may refer a question to the qualified electors of the City concerning whether to approve or continue a local transaction privilege tax levy, as called for in the City Charter, Article VI, Section 2(b); and

WHEREAS, the City Council wishes to obtain voter approval to continue the City Lodging, Restaurant and Lounge (BBB) tax for an additional period ending June 30, 2043; and

WHEREAS, the City of Flagstaff currently levies a collective local transaction privilege tax rate of 0.295%, and the proceeds of such tax are designated to pay for public transportation purposes, as referenced in the City Code Section 3-05-008-0800, subsections (A)(5),(7),(8),(9), (10) and as approved by a majority of the qualified electors voting to approve such tax (referred to hereafter as the "Transit Tax"); and

WHEREAS, the City Council has received a request from the Mountain Line Governing Board that the community consider increasing the Transit Tax by 0.205% for a total tax of 0.500% effective July 1, 2025 and continue the tax for an additional ten (10) year period ending June 30, 2040; and

WHEREAS, the City Council desires to call a Special Election on November 5, 2024 in conjunction with the City's General Election to provide the Flagstaff voters with the opportunity to consider the two proposed ballot questions.

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 Election (the "Election") to be held on November 5, 2024 in conjunction with the City's General Election, 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 November 5, 2024 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 3. 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 7, 2024.

SECTION 5. 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 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 18th day of June, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

- Exhibits:
A – Official Ballot
B – Notice for Arguments