

ORDINANCE NO. 14-783

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CODE OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, TITLE III, ADMINISTRATION, CHAPTER 30 GOVERNING BODY, SUBHEADING TOWN COUNCIL BY AMENDING § 30.003 DUTIES OF OFFICE TO CHANGE THE DATE FOR ASSUMING OFFICE FROM JUNE TO DECEMBER; AMENDING SUBHEADING "MAYOR" BY AMENDING THE NAME OF § 30.020 ELECTION TO CLARIFY THAT IT REFERS TO DIRECT ELECTION OF THE MAYOR; AND BY AMENDING § 30.021 VICE MAYOR TO CHANGE THE ELECTION OF THE VICE MAYOR FROM JUNE TO DECEMBER; DELETING SUBHEADING "COUNCIL ELECTION" AND §§ 30.040 PRIMARY ELECTION, 30.041 NON-POLITICAL BALLOT, 30.042 GENERAL ELECTION NOMINATION, 30.043 ELECTION TO OFFICE, AND 30.044 CANDIDATE FINANCIAL DISCLOSURE TO UPDATE THE PROVISIONS AND MOVE THEM TO NEW CHAPTER 37; AMENDING CHAPTER 36 LEGISLATIVE PROVISIONS BY DELETING SUBHEADINGS "INITIATIVE AND REFERENDUM" AND "PETITION CIRCULATORS" AND SECTIONS 36.20 POWER RESERVED; TIME OF ELECTION, 36.21 NUMBER OF SIGNATURES, 36.22 TIME OF FILING, 36.23 SAMPLE BALLOTS AND PUBLICITY PAMPHLETS AND 36.40 QUALIFIED ELECTOR; DEFINITION; AND BY ADDING NEW CHAPTER 37 ELECTIONS, SUBHEADING "IN GENERAL", § 37.001 ELECTION DAY RELATED TO SETTING FORTH THE DATES FOR ELECTIONS IN COMPLIANCE WITH A.R.S. SECTION 16-204, SUBHEADING "COUNCIL ELECTIONS", §§ 37.020 NON-POLITICAL BALLOT, 37.021 ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION, 37.022 GENERAL ELECTION NOMINATION, 37.023 ELECTION TO OFFICE, 37.024 CANDIDATE FINANCIAL DISCLOSURE, AND SUBHEADING "INITIATIVE AND REFERENDUM ELECTIONS", §§ 37.030 POWER RESERVED, 37.031 TIME OF ELECTION AND 37.032 NUMBER OF SIGNATURES, ALL RELATED TO REORGANIZING THE CODE FOR CLARITY AND TO UPDATE THE CODE TO CONFORM TO STATE LAW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town of Chino Valley currently holds its primary and general elections in the spring of odd-numbered years; and

WHEREAS, Arizona Revised Statutes § 16-204 was amended to require candidate elections for municipalities beginning in the year 2014 to be held in the fall of even numbered years; and

WHEREAS, Arizona Revised Statutes § 16-204 was also amended to provide an alternative method for municipalities to calculate the number of votes cast at a municipal election for the purpose of determining whether a candidate for mayor or council received a majority of the votes cast at a primary election; and

WHEREAS, the Town Council hereby determines that adopting the alternative allowed by the statute may reduce election expenses to the Town,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY, AS FOLLOWS:

Section I. In General.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 30 Town Council, is hereby amended by amending Section 30.003 Duties Of Office to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.003 DUTIES OF OFFICE.

The Mayor and Council members shall assume the duties of office at the first regularly scheduled meeting in ~~JUNE~~DECEMBER following an election at which the Mayor or Council members were elected.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 30 Town Council, is hereby amended by amending Section 30.020 Election to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.020 DIRECT Election OF MAYOR.

The Mayor shall be directly elected by the qualified electors of the town.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 30 Town Council, is hereby amended by amending Section 30.021 Vice Mayor to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.021 VICE MAYOR.

At the first regular meeting in ~~JUNE~~DECEMBER following an election, the newly elected Mayor shall nominate ~~ONE~~ of the Council members as Vice Mayor, and upon approval by the majority of the Council including the Mayor, the Vice Mayor shall be so elected and shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 30 Town Council, is hereby amended by deleting the heading "Council Election" and Sections 30.040 Primary Election, 30.041 Non-Political Ballot, 30.042 General Election Nomination, 30.043 Election to Office, and 30.044 Candidate Financial Disclosure.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 36 Legislative Provisions, is hereby amended by deleting the headings "Initiative and

Referendum” and “Petition Circulators” and Sections 36.20 Power reserved; time of election, 36.21 Number of Signatures, 36.22 Time of Filing, 36.23 Sample ballots and Publicity Pamphlets, and 36.40 Qualified Elector; Definition.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, is hereby amended by creating a new Chapter 37 Elections to read as follows:

CHAPTER 37: ELECTIONS

IN GENERAL

§ 37.001 ELECTION DAY.

COMMENCING WITH THE ELECTIONS IN 2014, THE PRIMARY ELECTION SHALL BE HELD ON THE DATE OF THE PRIMARY ELECTION OF THE STATE OF ARIZONA. THE GENERAL ELECTION SHALL BE HELD ON THE DATE OF THE GENERAL ELECTION OF THE STATE OF ARIZONA.

COUNCIL ELECTIONS

§ 37.020 NON-POLITICAL BALLOT.

NOTHING ON THE BALLOT IN ANY ELECTION SHALL BE INDICATIVE OF THE SOURCE OF THE CANDIDACY OR SUPPORT OF THE CANDIDATE.

§ 37.021 ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION.

A. AT THE PRIMARY ELECTION, ANY CANDIDATE FOR THE OFFICE OF MAYOR OR TOWN COUNCIL WHO RECEIVES A MAJORITY OF ALL VOTES CAST AT SUCH ELECTION SHALL BE DECLARED ELECTED TO THE OFFICE FOR WHICH HE OR SHE IS A CANDIDATE, EFFECTIVE AS OF THE DATE OF THE GENERAL ELECTION, AND NO FURTHER ELECTION SHALL BE HELD AS TO SUCH CANDIDATE.

B. IF MORE CANDIDATES RECEIVE A MAJORITY THAN THERE ARE OFFICES TO BE FILLED, THEN THOSE EQUAL IN NUMBER TO THE OFFICES TO BE FILLED RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED.

C. THE TOTAL OF ALL VOTES CAST FOR THE CANDIDATES FOR THE OFFICE OF MAYOR CONSTITUTES THE TOTAL NUMBER OF VOTES CAST AT THE ELECTION AND SHALL BE THE BASIS FOR CALCULATING WHETHER A CANDIDATE FOR MAYOR OR TOWN COUNCIL HAS RECEIVED A MAJORITY OF ALL VOTES CAST AT THE ELECTION.

§ 37.022 GENERAL ELECTION NOMINATION.

IF AT A PRIMARY ELECTION THERE IS ANY OFFICE FOR WHICH NO CANDIDATE WAS ELECTED, THEN AS TO THAT OFFICE, THE ELECTION SHALL BE CONSIDERED TO BE A PRIMARY ELECTION FOR NOMINATION

OF CANDIDATES FOR THE OFFICE, AND A GENERAL ELECTION SHALL BE HELD TO VOTE FOR CANDIDATES TO FULFILL THE OFFICE. CANDIDATES TO BE PLACED ON THE BALLOT AT THE GENERAL ELECTION SHALL BE THOSE NOT ELECTED AT THE PRIMARY ELECTION, SHALL BE EQUAL IN NUMBER TO TWICE THE NUMBER TO BE ELECTED TO ANY GIVEN OFFICE OR LESS THAN THAT NUMBER IF THERE ARE FEWER THAN THAT NUMBER NAMED ON THE PRIMARY ELECTION BALLOT, AND PERSONS WHO RECEIVE THE HIGHEST NUMBER OF VOTES FOR THE RESPECTIVE OFFICES AT THE PRIMARY ELECTION SHALL BE THE ONLY CANDIDATES AT THE GENERAL ELECTION; PROVIDED, THAT IF THERE IS ANY PERSON WHO, UNDER THE PROVISIONS OF THIS SUBCHAPTER, WOULD HAVE BEEN ENTITLED TO BECOME A CANDIDATE FOR ANY OFFICE EXCEPT FOR THE FACT THAT SOME OTHER CANDIDATE RECEIVED AN EQUAL NUMBER OF VOTES THEREFOR, THEN ALL SUCH PERSONS RECEIVING AN EQUAL NUMBER OF VOTES SHALL LIKEWISE BECOME CANDIDATES FOR THE OFFICE.

§ 37.023 ELECTION TO OFFICE.

THE CANDIDATES EQUAL IN NUMBER TO THE PERSONS TO BE ELECTED WHO RECEIVE THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED.

§ 37.024 CANDIDATE FINANCIAL DISCLOSURE.

EACH CANDIDATE FOR THE OFFICE OF MAYOR OR COUNCILMEMBER SHALL FILE A FINANCIAL DISCLOSURE STATEMENT WHEN THE CANDIDATE FILES A NOMINATION PAPER. THE STATEMENT SHALL CONTAIN SUCH INFORMATION AS REQUIRED BY RESOLUTION OF THE COUNCIL PURSUANT TO STATE LAW.

INITIATIVE AND REFERENDUM ELECTIONS

§ 37.030 POWER RESERVED.

THERE IS RESERVED TO THE QUALIFIED ELECTORS OF THE TOWN THE POWER OF THE INITIATIVE AND REFERENDUM AS PRESCRIBED BY THE STATE CONSTITUTION.

§ 37.031 TIME OF ELECTION.

A. WHEN A REFERENDUM OR INITIATIVE IS REQUIRED TO BE PLACED UPON THE BALLOT, THE COUNCIL SHALL DO SO EITHER:

1. AT THE NEXT REGULARLY SCHEDULED TOWN PRIMARY OR GENERAL ELECTION OR STATE GENERAL ELECTION; OR
2. AT ITS DISCRETION, THE COUNCIL MAY CALL A SPECIAL ELECTION TO BE HELD ON ANY DATE AUTHORIZED BY

A.R.S. SECTION 16-204 TO PLACE A REFERENDUM OR INITIATIVE UPON THE BALLOT.

B. AT ALL TIMES THE CITIZENS SHALL RETAIN THE RIGHT TO VOTE BY ABSENTEE BALLOT.

§ 37.032 NUMBER OF SIGNATURES.

A. THE BASIS UPON WHICH THE NUMBER OF QUALIFIED ELECTORS OF THE TOWN REQUIRED TO FILE AN INITIATIVE PETITION SHALL BE THE TOTAL NUMBER OF REGISTERED VOTERS QUALIFIED TO VOTE IN THE LAST TOWN ELECTION, WHETHER PRIMARY, GENERAL, OR SPECIAL, IMMEDIATELY PRECEDING THE DATE UPON WHICH ANY INITIATIVE PETITION IS FILED.

B. THE BASIS UPON WHICH THE NUMBER OF QUALIFIED ELECTORS OF THE TOWN REQUIRED TO FILE A REFERENDUM PETITION SHALL BE AS DETERMINED BY STATE LAW.

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of April, 2014 by the following vote:

AYES: 7
NAYS: 0

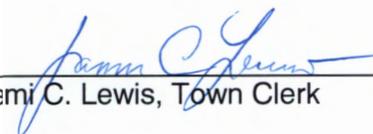
ABSENT: 0
ABSTAINED: 0

APPROVED this 22nd day of April, 2014.



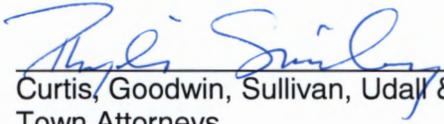
Chris Marley, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

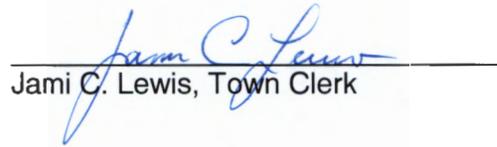
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys

By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-783 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22ND DAY OF APRIL, 2014, WAS POSTED IN THREE PLACES ON THE 23RD DAY OF APRIL, 2014.



Jami C. Lewis, Town Clerk