

AGENDA

TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, January 7, 2015 at 5:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a Meeting and Municipal Code workshop open to the public on Wednesday, January 7, 2015 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

TOWN COUNCIL WORKSHOP

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

MAYOR GREG BRYAN
VICE MAYOR AL MONTOYA

COUNCILMEMBER BILL FITZGERALD
COUNCILMEMBER JOHN RUETER
COUNCILMEMBER CRAIG SANDERSON

** One or two Councilmembers may attend by telephone*

3. DISCUSSION OF INCORPORATING THE INITIATIVE REGARDING DIRECT ELECTION OF THE MAYOR (PASSED BY THE VOTERS ON NOVEMBER 4, 2014) INTO THE TOWN CODE

The Council may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 & A.4 for discussion and consultation with the Town Attorney in order to receive legal advice and give direction concerning the process for integrating the language of the initiative into the Town Code.

4. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE

A. Chapter 2 – Mayor and Council (Articles 1 & 2)

B. Chapter 3 – Manner of Elections

5. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this ____ day of December, 2014, at _____ p.m. in accordance with the statement filed by the Tusayan Town Council

Signature of person posting the agenda

ITEM NO. 4A

**CHAPTER 2
COUNCIL AND MAYOR**

Article 1 Council

Article 2 Mayor

**Article 1
Council**

2.1.1 Elected Officers

2.1.2 Corporate Powers

2.1.3 Assumption of Office

2.1.4 Oath of Office

2.1.5 Vacancies in Council

Section 2.1.1 Elected Officers

- The elected officers of the Town shall be five (5) Council members one of whom shall be elected as Mayor in accordance with article 2 of this chapter. The Mayor and Council members shall constitute the Town Council and shall continue in office until assumption of duties of office by their duly elected successors.
- The term of office of each Council member (other than the Mayor) shall be four years or until a successor is elected and sworn in.
- The term of the office of Mayor shall be two years or until a successor is elected and sworn in.
- Council members (other than the Mayor) shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with two (2) members in one class and two (2) in the other class.

Section 2.1.2 Corporate Powers

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

Section 2.1.3 Assumption of Office

Members of the Council (including the Mayor) shall assume the duties of office at the first Council meeting following the canvass of the November general election at which the Council members and Mayor were elected. If (i) a Council candidate receives a majority of all votes cast (as determined by Section 3.2.1 of their Code) at a primary election, or (ii) a candidate for Mayor shall receive a majority of votes cast for the office of Mayor, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

Section 2.1.4 Oath of Office

Immediately before assumption of the duties of office, each Council member (including the Mayor) shall, in public, take and subscribe to the oath of office.

Section 2.1.5 Vacancies in Council

The office of any Council member (including the Mayor) is deemed vacant pursuant to ARS § 38-291, as may be amended

The Council shall fill by appointment for the unexpired term any vacancy on the Council within 60 days, unless the vacancy occurs more than thirty days before the nomination petition deadline for the next election at which voters may elect a candidate to fill the vacant position, in which case the appointment shall be for a term until such election. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

Section 2.1.6 Limitation on Filing for Election by Incumbent

Except during the final year of the term being served, an incumbent Council member may not file for the office of the Mayor unless the incumbent Council member formally resigns from elected office. Once an incumbent resigns from elected office, the office is declared vacant.

Section 2.17 Limitation on Running for Multiple Offices

A person may not run for Town Council and the office of Mayor at the same time.

Article 2 Mayor

2.2.1 Determination of Mayor and Vice Mayor

2.2.2 Acting Mayor

2.2.3 Powers and Duties of the Mayor

2.2.4 Failure to Sign Documents

Section 2.2.1 Determination of Mayor and Vice Mayor

Beginning with the first regular election for Town Council after November 19, 2014, the Mayor of the Town of Tusayan shall be elected by the qualified electors of the Town. The Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

Section 2.2.2 Vacancy in the Position of Mayor

Upon the vacancy in the position of Mayor, at the first meeting following the creation of the vacancy, the Council shall fill the position by appointment from among the members of the

Council until the next election at which the Mayor's position can be filled. The creation of a vacancy on Council arising out of the appointment of a Council member to fill the position of Mayor shall be filled as prescribed by Section 2.1.5 of this Code.

Section 2.2.2 Powers and Duties of the Mayor

The powers and duties of the Mayor shall include the following:

- A. He or she shall be the chief executive officer of the Town
- B. He or she shall be the chairman of the Council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all of its proceedings.
- C. He or she shall enforce the provisions of this code.
- D. He or she shall execute and authenticate by his or her signature such instruments as the Council, or any statutes, ordinances, or this code shall require.
- E. He or she shall make recommendations and suggestions to the Council as he or she may consider proper.
- F. He or she shall govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute a great danger to the Town and its residents.

In such areas of the Town as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the Town so designated in the proclamation, and all persons living or residing within such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.

- 1. During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.
- G. He or she shall perform such other duties required by state statutes and this code as well as those duties required as chief executive officer of the Town.

Section 2.2.3 Acting Mayor

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to service as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability.

Section 2.2.4 Failure to Sign Documents

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand, or other document or instrument requiring his or her signature for five days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor, or in his or her absence, the acting Mayor to sign such ordinance, resolution, contract, warrant, demand, or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

Section 2.1.5 Vacancies in Council

The office of any Council member is deemed vacant pursuant to ARS § 38-291, as may be amended, if such member fails to discharge the duties of his or her office for three (3) consecutive months, including failure to attend Council meetings unless otherwise authorized by the Council.

The Council shall fill by appointment for the unexpired term any vacancy on the Council within 60 days, unless (1) a primary election for Council is set within 120 days and (2) all statutory requirements for filing candidacy papers can be satisfied. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

ITEM NO. 4B

**CHAPTER 3
MANNER OF ELECTIONS**

Article 1 Election Procedures and Call of Elections

Article 2 Election Results

Article 3 Ballot Procedures

Article 4 Initiatives and Referendums

Article 1

Election Procedures and Call of Elections

3.1.1 Election Procedures

3.1.2 Call of Election

Section 3.1.1 Election Procedures

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §9-821.01 City and Town Elections, as may be amended.

Section 3.1.2 Call of Election

Although not required by statute, in order to inform the electors of the Town, the Town Clerk shall cause to be published a 'Call of Election' approximately 100 days prior to the election date in order to inform the public about the election and to alert candidates to filing dates. Nothing on the ballot shall be indicative of the source of the candidacy or the support of the candidate.

Article 2

Election Results

3.2.1 Primary Election Option

3.2.2 General Election

3.2.3 Declaration of Office

3.2.4 Candidates Receiving an Equal Number of Votes

3.2.5 Assuming Office

Section 3.2.1 Primary Election Option

A candidate is declared elected to the Town Council in the Primary Election if that candidate receives a number of votes greater than the "majority of votes cast" as determined based on following formula:

- a. add the total number of votes cast for all candidates for an office;
- b. divide the sum under subparagraph (a) by the number of seats to be filled at the election; and then
- c. divide the result of that calculation by two and rounding the number to the highest whole number.

If more candidates receive a "majority of votes cast" than there are seats to be filled for the office, from among those candidates who receive a "majority of votes cast," the candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office.

Section 3.2.2 General Election

If at the primary election no candidate receives the "majority of the votes cast" as determined pursuant to Section 3.2.1 or the number of seats to be filled for the office is more than the number of candidates who receive a "majority of votes cast," of the candidates who did not receive a "majority of votes cast," the number of candidates who advance to the general election shall be equal in number to twice the number of seats to be filled for the office. The candidates at the general election shall be those candidates who received the highest number of votes for the office but the number of candidates shall not be more than twice the number of seats to be filled for the office. If more than one candidate received an equal number of votes and that number was sufficient to allow the candidate to be on the ballot, then all candidates receiving the equal number of votes shall be candidates at the general election.

Section 3.2.3 Declaration of Office

The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general runoff election shall be declared elected to that office.

Section 3.2.4 Candidates Receiving Equal Number of Votes

If two or more candidates receive an equal number of votes for the same office and a higher number than any other candidate, whether it is after a canvass or recount, the result shall be determined by lot in the presence of the candidates. The Town Clerk must give five (5) days' notice of the time and place of determining the election by lot to the candidates.

Section 3.2.5 Assuming Office

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election. If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

Article 3
Ballot Procedures

3.3.1 County Elections Agreement

Section 3.3.1 County Elections Agreement

The Town shall enter into an intergovernmental agreement with Coconino County Elections Department and Recorder for conducting the election, for electronically scanning and matching the voter signatures and counting of the ballots.

Article 4
Initiatives and Referendums

3.4.1 Power Reserved, Time of Election

3.4.2 Number of Signatures

3.4.3 Time of Filing

3.4.4 Sample Ballots and Publicity Pamphlets

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §19-141 and any other relevant sections as they may apply. In the event applicable statutes are amended, this Article 4 shall be revised to comply therewith.

Section 3.4.1 Power Reserved; Time of Election

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the State Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council for such purpose.

Section 3.4.2 Number of Signatures

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 3.4.3 Time of Filing

- A. Initiative petitions shall be filed at least one hundred twenty (120) days prior to the election at which they are to be voted upon.
- B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of the application for an official number or on the same business day of the application, the thirty-day period shall be calculated from the date such ordinance or resolution is available.

Section 3.4.4 Sample Ballots and Publicity Pamphlets

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

- A. A publicity pamphlet, containing the entire text of the official ballot shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than ten (10) days prior to the election to which the sample ballot pertains.
- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.
- C. Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the Office of the Town Clerk not less than ninety (90) days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

1. Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.
2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or in opposition to the proposition.
3. Arguments may not exceed three hundred words in length.
4. Arguments must be signed by the person submitting them and notarized pursuant to ARS §19-124. Arguments submitted by organizations shall be signed on behalf of the organization by two (2) executive officers of the organization authorized to take such action, or if a political committee, by the Chairman or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.
5. No person or organization shall submit more than one argument for each proposition to be voted upon.
6. Each argument shall be accompanied by a deposit at the time of filing in an amount determined by the Town Clerk to offset proportional costs of printing. Any unused portion of the deposit will be returned to the filer. This requirement shall not be waived on any account. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested.