**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE AUGUST 2, 2022 ELECTION IN AND FOR THE TOWN OF TUSAYAN, ARIZONA, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF THE QUESTION OF PURCHASING AND ACQUIRING ANY PLANT OR PROPERTY OR PORTION OF PLANT OR PROPERTY OF HYDRO RESOURCES WATER SYSTEMS; DESIGNATING OR PROVIDING FOR THE MANNER IN WHICH THE ELECTION IS CONDUCTED, VOTER REGISTRATION DEADLINES AND EARLY VOTING DATES, THE TRANSLATION OF ELECTION MATERIALS AND RELATED MATTERS; AND RATIFYING ALL ACTIONS TAKEN AND TO BE TAKEN WITH RESPECT TO THE ELECTION IN FURTHERANCE OF THIS RESOLUTION.**

WHEREAS, Ariz. Rev. Stat. § 9-511 authorizes the Town of Tusayan ("Town") to construct, purchase, acquire, own and maintain, within or without the Town limits, a water system and to purchase, acquire and own real property for such purpose; and

WHEREAS, the Mayor and Council of the Town of Tusayan, Arizona ("Town Council"), determine that purchase and acquisition by the Town, as authorized in Title 9, Chapter 5, Article 2, Arizona Revised Statutes, of any plan or property or portion of plant of property of Hydro Resources Water Systems, which is devoted to the business of or services rendered by a public utility; and

WHEREAS, Hydro Resources, Inc. desires to sell, convey, transfer, assign and deliver to the Town real property and personal property associated and necessary for the operations of Hydro Resources Water System; and

WHEREAS, Ariz. Rev. Stat. § 9-514 requires authorization by the affirmative vote of a majority of the qualified electors of the Town voting at a general or special municipal election duly called and held for the purpose of voting on the question of whether the Town shall purchase, acquire or lease a water system; and

WHEREAS, the Town of Tusayan desires to conduct a special election, concurrent with the August 2, 2022 election, for the purpose of submitting to the electors of the Town of Tusayan the question of whether the voters approve of the Town's purchase and acquisition of the Hydro Resources Water System; and

WHEREAS, the Town Council believes it to be in the best interest of the Town to order and call a special election to be held on August 2, 2022 for purposes of submitting such question to the qualified electors of the Town.

**NOW THEREFORE BE IT RESOLVED** BY THE MAYOR AND TOWN COUNCIL OF TUSAYAN, ARIZONA, as follows:

SECTION 1. **Order for Election; Ballot**. Pursuant to Ariz. Rev. Stat. § 9-514, a special election ("Election") in the Town of Tusayan, Arizona, is hereby ordered and called to be held on August 2, 2022 ("Election Day"), to submit to the qualified electors of the Town the question relating to the purchasing and acquiring any plant or property or portion of plant or property of Hydro Resources Water System devoted to the business or services rendered by a public utility as set

forth in the official ballot for the Election (hereinafter referred to as the "Official Ballot"). The Official Ballot shall be in substantially the form attached hereto and marked as Exhibit A, which is part of this resolution and the terms of which are incorporated by reference herein. The Town Manager Town Clerk, and Town Attorney are authorized and directed to complete the legal descriptions in the ballot and take such actions as are necessary to perform their duties with respect to the Election.

SECTION 2. **Publication of the Call of the Election.** For either an all-mail ballot election or a polling place election, the publication of the call of the Election shall be given, or caused to be given by the Town Clerk as provided by law and as may be deemed necessary and appropriate in the Town Clerk's discretion to advise the public of the election.

SECTION 3. **Conduct of Election; Expenditures.** The election will be conducted as a mail ballot according to Ariz. Rev. Stat. § 16-409, as amended, or a polling place election as determined by Coconino County. The Election may be consolidated with any other election in the Town on August 2, 2022. The Town is hereby authorized to request the Coconino County Elections Department to have ballots printed in substantially the form of Exhibit A and to deliver them to the election officials to be given to the qualified electors of the Town appearing to vote in the Election as provided by law. The Town authorizes all expenditures as may be necessary to order, notice, hold and administer the Election, including without limitation, the cost of return postage to return the voted mail ballots, which expenses shall be paid from current operating funds of the Town. The Town may enter into an intergovernmental agreement with Coconino County to carry out the Election.

SECTION 4. **Deadline for Voter Registration.** Coconino County registration and voting lists will be used for the Election. A voter in this Election must be a qualified elector of the Town, which is defined as a person who is registered to vote and whose name appears on the Coconino County voter registration rolls within the boundaries of the Town twenty-nine (29) days prior to the date of the Election. To be qualified to vote in the Election, a Town resident must be registered to vote by July 5, 2022.

SECTION 5: **Early Voting.** Early voting will be permitted at the Election in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

SECTION 6. **Establishing Polling Places; Voting System.** As applicable, the polling places used in the Town will be the polling places established by Coconino County and used for conducting previous elections in the Town, if available. The polls will be open from 6:00 a.m. until 7:00 p.m. on Election Day. Ballots shall be counted by the voting system in use by the Coconino County Elections Department for the recordation of the electors' choices as authorized by Arizona law.

SECTION 7: **Informational Pamphlet.** The notice of the Election may be given by mailing an informational pamphlet (hereinafter referred to as the "Informational Pamphlet") and sample ballot to each household with the Town that contains a registered voter within the time period set forth in the applicable sections of the Arizona Revised Statutes. The Informational Pamphlet may be prepared by the Town Clerk, and the Town Clerk is hereby authorized and directed to cause the Informational Pamphlet to be provided as and under the circumstances described herein in the form the Clerk deems acceptable. The Informational Pamphlet shall contain the information and a sample of the Official Ballot in a form from the Town Clerk deems acceptable.

SECTION 8. **Voting Rights Act and Spanish Translation.** To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to this election will be translated into Spanish and posted, published, distributed, and/or recorded in each instance where posting, publication, distribution, and/or recording of such proceedings are required, such as this call of election, notices, ballots, the informational pamphlet, all early voting materials and all instructions relating thereto, including instructions at the polling places.

SECTION 9. **Canvass of Election.** The official returns from the Election shall be made to the Town Council and the Election shall be canvassed and the results thereof certified by the Town Council within twenty (20) days after the Election.

SECTION 10. **Other Actions.** The Town Clerk is hereby authorized to take all necessary action to facilitate the Election and comply with all applicable laws, including entering into one of more contracts or agreements with the Coconino County Recorder and with the Coconino County Elections Department for election services.

SECTION 11. **Ratification.** All actions of the Town Council, officers, employees and agents of the Town which are in conformity with the purposes and intent of this resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

**PASSED AND ADOPTED** by the Mayor and Council of the Tusayan, Arizona, this 9 day of February, 2022.

**FOR THE TOWN OF TUSAYAN:**

~~Clarinda Vail, Mayor~~ Brady Harris, Vice-Mayor

**ATTESTED TO:**

Logan Keel, Town Clerk

**REVIEWED BY:**

Charlie Hendrix, Town Manager

**APPROVED AS TO FORM:**

Aaron D. Arnson, Town Attorney

**CERTIFICATION**

I, Logan Keel, the duly appointed Town Clerk of the Town of Tusayan, Arizona, do hereby certify that the above and foregoing Resolution No. 2022-05 was duly passed by the Town Council of the Town of Tusayan, Arizona, at a regular meeting held on February 9, 2022, and that a quorum was present thereat and that the vote thereon was 3 ayes and 2 nays; 0 did not vote or were absent.

DATED: February 14, 2022.

Logan Keel

Logan Keel, Town Clerk

## EXHIBIT A

## TOWN OF TUSAYAN
## AUGUST 2, 2022 SPECIAL ELECTION
## FORM OF OFFICIAL BALLOT

Shall the Town of Tusayan, Arizona, be authorized to purchase and acquire any plant or property or portion of plant or property of Hydro Resources Water System devoted to the business of or services rendered by a public utility?