

ORDINANCE No. 13-97

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.015 TOWN COUNCIL GENERALLY RELATED TO ASSUMPTION OF OFFICE IN JANUARY AFTER ELECTION; AND BY ADDING NEW §§ 30.042 ELECTION DAY AND 30.043 REFERENDUM AND INITIATIVE ELECTIONS RELATED TO SETTING FORTH THE DATES FOR ELECTIONS IN COMPLIANCE WITH ARS § 16-204; AND BY AMENDING § 30.045 ELECTION OF MAYOR, RELATED TO DIRECT ELECTION OF THE MAYOR; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Whereas, the Town of Dewey-Humboldt currently holds its primary and general elections in the spring of odd-numbered years; and

Whereas, Arizona Revised Statutes Section 16-204 requires candidate elections for municipalities be held in the fall of even-numbered years;

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.15 Town Council Generally is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.15 Town Council Generally

(A) *Number and term.* The elected officials of the town shall be seven Councilmembers (including the Mayor) who shall constitute the Town Council. COUNCILMEMBERS SHALL SERVE FOUR-YEAR STAGGERED TERMS AS PROVIDED IN STATE LAW. Each Councilmember's ~~term~~ shall continue in office until assumption of duties of office by ~~their~~-HIS duly elected and sworn successor. COUNCILMEMBERS ELECTED IN 2011 OR APPOINTED TO FILL THE TERM OF A COUNCILMEMBER ELECTED IN 2011 SHALL SERVE UNTIL THE ASSUMPTION OF DUTIES BY COUNCILMEMBERS ELECTED IN THE FALL 2014 ELECTION. COUNCILMEMBERS ELECTED IN THE SPRING 2013 ELECTION SHALL SERVE UNTIL ASSUMPTION OF DUTIES BY COUNCILMEMBERS ELECTED IN THE FALL 2016 ELECTION.

* * *

(G) *Assumption of office.* Immediately prior to assumption of the duties of office, each Councilmember shall ~~publicly~~ sign the Council Code of ETHICS ~~Conduct~~ and take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or by the Town Clerk. Councilmembers of the town shall assume the duties of office at ~~a~~ THE FIRST regularly scheduled Council meeting ~~immediately following or concurrent with the canvassing of the vote of the general election or as otherwise provided~~ OF THE COUNCIL in JANUARY NEXT FOLLOWING THE DATE OF THE PRIMARY OR GENERAL ELECTION AT WHICH THE COUNCILMEMBERS WERE ELECTED ~~state law~~. Assumption of an elected office will result in the automatic resignation of all other town offices, elected or appointed.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, is hereby amended to add new Section 30.042 Elections of Councilmembers and 30.043 Referendum and Initiative Elections to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.042 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.

§ 30.043 REFERENDUM AND INITIATIVE ELECTIONS

(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. CALL A SPECIAL ELECTION TO BE HELD ON ANY DATE AUTHORIZED BY A.R.S. SECTION 16-204.

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

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.045 Election of Mayor is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.045 Election of Mayor.

(A) *Direct election of the Mayor.* ~~Beginning with the election to be held on March 13, 2007,~~ The Mayor of the town shall be directly elected by the qualified electors of the town.

(B) *Term of office.* The term of office of the Mayor shall be two years, EXCEPT THAT TO ACCOMMODATE THE CONSOLIDATED ELECTIONS LAW, ARS § 16-204, THE TERM OF THE MAYOR ELECTED IN 2013 WILL END IN JANUARY, 2015, AT THE TIME OF ASSUMPTION OF DUTIES BY THE MAYOR ELECTED IN THE FALL 2014 ELECTION.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

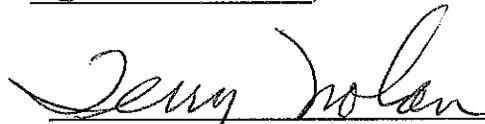
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 4th day of June, 2013, by the following vote:

AYES: 4

NAYES: 1 ABSENT: 1

EXCUSED: _____ ABSTAINED: _____

APPROVED this 4th day of June, 2013.


Terry Nolan, Mayor

ATTEST:



Judy Morgan, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Phyllis L.N. Smiley

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-97 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 4th DAY OF June, 2013, WAS POSTED IN THREE PLACES ON THE 5th DAY OF June, 2013.



Judy Morgan, Town Clerk