

ORDINANCE No-15-117

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 ADDING NEW § 30.044 RECALL ELECTIONS RELATED TO SETTING FORTH THE APPLICABILITY AND REQUIREMENTS FOR RECALLING THE MAYOR AND COUNCILMEMBERS IN COMPLIANCE WITH ARIZONA STATE LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

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, is amended to add new Section 30.44 Recall Elections to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.044 RECALL ELECTIONS

(A) *OFFICERS SUBJECT TO RECALL.* ANY PUBLIC OFFICER OF THE TOWN HOLDING AN ELECTIVE OFFICE, WHETHER BY ELECTION OR APPOINTMENT, IS SUBJECT TO RECALL BY THE QUALIFIED VOTERS OF THE TOWN, SUBJECT TO THE LIMITATIONS AND REQUIREMENTS SET FORTH IN ARTICLE 8 OF THE ARIZONA CONSTITUTION AND TITLE 19, CHAPTER 2 OF THE ARIZONA REVISED STATUTES.

(B) *LIMITATIONS.*

(1) A RECALL PETITION SHALL NOT BE CIRCULATED AGAINST A PUBLIC OFFICER OF THE TOWN UNTIL HE HAS HELD OFFICE FOR AT LEAST SIX MONTHS.

(2) AFTER ONE RECALL PETITION AND ELECTION, NO FURTHER RECALL PETITION SHALL BE FILED AGAINST THE SAME OFFICER DURING THE TERM FOR WHICH HE WAS ELECTED UNLESS THE PETITIONERS SIGNING THE PETITION FIRST, AT THE TIME OF APPLICATION FOR THE SUBSEQUENT RECALL PETITION, PAY ALL EXPENSES OF THE PRECEDING ELECTION INTO THE PUBLIC TREASURY FROM WHICH SUCH ELECTION EXPENSES WERE PAID.

(3) SIGNATURES OBTAINED ON RECALL PETITIONS BY A COMMITTEE OR ANY OF ITS OFFICERS AGENTS, EMPLOYEES, OR MEMBERS BEFORE THE FILING OF THE COMMITTEE'S STATEMENT OF ORGANIZATION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION.

(C) *RESIGNATION OF OFFICER.*

(1) IF A PERSON AGAINST WHOM A RECALL PETITION IS FILED DESIRES TO RESIGN, THE PERSON MAY DO SO BY FILING A WRITTEN TENDER OF RESIGNATION WITH THE TOWN CLERK WITHIN FIVE DAYS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS, AFTER THE FILING OF THE PETITION, AS PRESCRIBED IN ARIZONA REVISED STATUTES, SECTION 19-208.03.

(2) A VACANCY CREATED BY SUCH RESIGNATION SHALL BE FILLED AS PROVIDED IN SECTION 30.016 OF THIS CODE.

(D) *ELECTION.*

(1) IF THE OFFICER AGAINST WHOM A RECALL PETITION IS FILED DOES NOT RESIGN WITHIN THE TIME PERIOD SET FORTH IN THIS SECTION, THE TOWN CLERK SHALL, WITHIN FIFTEEN DAYS, ORDER A SPECIAL RECALL ELECTION TO BE HELD ON THE NEXT FOLLOWING CONSOLIDATED ELECTION DATE PURSUANT TO ARIZONA REVISED STATUTES SECTION 16-204 THAT IS NINETY DAYS OR MORE AFTER THE ORDER CALLING THE ELECTION.

(2) UNLESS THE OFFICER OTHERWISE REQUESTS IN WRITING, THE NAME OF THE OFFICER AGAINST WHOM THE RECALL PETITION WAS FILED SHALL BE PLACED AS A CANDIDATE FOR THE OFFICE ON THE OFFICIAL BALLOT WITHOUT NOMINATION.

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 6th day of October, 2015, by the following vote:

AYES: Four (4)

NAYES: Zero (0) ABSENT: Three (3)

EXCUSED: Zero (0) ABSTAINED: Zero (0)

APPROVED this 6th day of October, 2015.


Ferry Nolan, Mayor *Jack Hamilton*
Vice Mayor

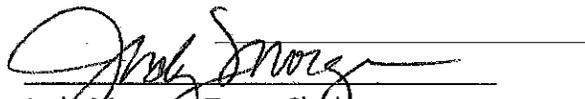
ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-117 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 6TH DAY OF OCTOBER, 2015, WAS POSTED IN THREE PLACES ON THE 8th DAY OF October, 2015.


Judy Morgan, Town Clerk