ORDINANCE N⁰ 10-79

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE CODE OF DEWEY-HUMBOLDT, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING SECTION 30.016 VACANCIES ON TOWN COUNCIL, RELATED TO THE PROCESS FOR FILLING VACANCIES ON THE TOWN COUNCIL PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR A SAVINGS CLAUSE.

Whereas, the Mayor and Council find it in the best interest of the Town to revise the procedures set forth in the Code of Dewey-Humboldt related to filling vacancies on the Town council.

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

Section 1 In General.

The Code of Dewey-Humboldt, Arizona is hereby amended by amending Chapter 30 Town Council and Officials, by amending Section 30.016 Vacancies on Town Council to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

30.016 VACANCIES ON TOWN COUNCIL.

(A) *Generally.* The Council shall fill by appointment, for the unexpired term, any vacancy that may occur FOR WHATEVER REASON.

(B) *Time of appointment.* Council shall appoint the substitute new council member or mayor as soon as possible after the Council receives notice that a seat will be vacated. This will typically result in an appointment being made prior to the seat being vacated, effective as of the known future date of the vacancy, if the notice of vacancy occurs during an active Council election season (i.e., after the deadline for candidates to file papers to run and before the last election cycle for which papers were to be filed is complete), the vacancy appointment will not be made until the election cycle is complete (i.e., until after all votes have been cast). Election of a sitting Councilmember or Mayor to another office constitutes (as of the date of the election) notice that a vacancy will exist as of the date of assumption of office.

(C) *Application.* Upon notice that a vacancy on the Council exists or will exist as of a known future date, the Council will call for applications by individuals interested in being appointed, with a specific deadline for such applications to be received by the town at the town offices. The call for applications will be advertised. Application forms will be prepared by the Town Clerk. Completed applications will be submitted by applicants to the Town Clerk, who will collect the applications and schedule interviews with the Town

Council. In the event that the vacancy occurs during or because of a town election, all unelected persons on the ballot for the vacated position (Councilmember or Mayor) will be considered applicants without further filing.

(D) *Nomination in addition to application; interviews.* After the deadline, the Council will meet in a public meeting to consider the applications and may nominate any candidates that individual Councilmembers deem to be qualified and notify those individuals of a time and place for interviews to be held. The Council may prepare interview questions in advance of the interviews and provide them to applicants. Interviews of applicants will be held in a public meeting; however, no public comment on the interviews or applicants will be accepted. The outcome of the ballot election will constitute the recommendation of the interview pane), which will be a consent agenda item at the next regular or special Council meeting. Council may convene in a properly noticed special Council meeting for purposes of voting and selecting a candidate or may choose to delay this action to a future regular or special meeting.

(E) *Ballots.* All applicants and nominees will be included on ballots for voting by the Council. Each Councilmember and Mayor will vote by paper ballot, ranking each candidate from most preferred ("1") to least preferred (if four candidates, "4"). Incomplete ballots will be disqualified. In the presence of Council, staff will tabulate the results from all complete ballots.

(F) *Preferential voting.* Substitute applicants and nominees shall be elected by a preferential voting process requiring each voter to rank all the candidates on the ballot in the order of the voter's preference. When electing multiple candidates from a single ballot, the victorious candidate's votes will be eliminated and the remaining votes in each will be promoted if a higher-ranking vote was cast for the first victorious candidate. If no applicant or nominee attains a majority of first place votes, then the applicant or nominee for that office who receives the lowest ranking shall be eliminated from the running, and the votes cast for that applicant or nominee shall be distributed according to the next valid preference on the ballot. The lowest ranking candidate is that one with the least preferred average placement. The process shall continue until a single applicant or nominee for each office attains a majority, or until all applicants and nominees are eliminated or a tie occurs. If there is a tie for the lowest number of votes and more than two applicants or nominees remain in contention, then both tied applicants or nominees will be eliminated. In the event of a tie between the final round applicants or nominees, then second place votes will be counted as first place votes for each applicant and nominee. This process will be repeated for all subsequent ranks until there is no longer a tie. In the event that all ranks are counted and a tie remains, the counting process will recommence including all previously eliminated ballots, counting all second place votes as first place votes.

Section II.   Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.
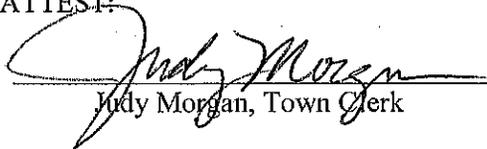
Section III   Savings Clause.

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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 7th day of December, 2010.
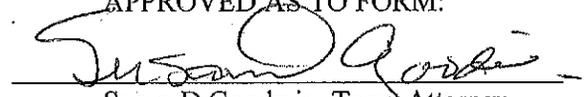
_____
Len Marinaccio, Mayor

ATTEST:

_____
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

_____
Susan D Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 10-79 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT ON THE 7th DAY OF DECEMBER, 2010, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 201_.

_____
Judy Morgan, Town Clerk

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