

ORDINANCE № 09-56

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING TOWN COUNCIL RULES AND PROCEDURES RELATED TO COUNCIL MEMBERS ON COMMITTEES; CLARIFYING RANK CHOICE VOTING; AND DEFINING THE VICE MAYOR SELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Town of Dewey-Humboldt municipal government operates under a council-manager form of government as established by the Town ordinance;

Whereas, under this form of government, the Council is the sole elected representative of the citizens and is sole source of legislative authority and the sole finder of legislative fact;

Whereas, the Council provides legislative direction, sets Town policy and monitors its execution by Town staff;

Whereas, the benefits of democracy can only be realized by the citizens of the Town if the rules and procedures governing the authority, continuity, accountability of all elected and appointed agencies of the Town are well understood;

Whereas, such Rules and Procedures were adopted by the Town Council on April 7, 2009, as Ordinance № 09-49 to increase the welfare of the citizens of the Town by defining and ensuring the due process of democratic action; and

Whereas, over the intervening months, Council members have noticed a few gaps or confusing items in the Council Rules and Procedures;

Now therefore, the Town Council of the Town of Dewey-Humboldt does ordain as follows:

1. Amendment. That certain document known as the Town Council Rules and Procedures, adopted as Ordinance № 09-49 (the "Council Rules"), is hereby amended by the Town of Dewey-Humboldt, as follows.

1.1. Council Rules § 4.4 is hereby amended as follows (~~strike through~~ indicates old language being removed and SMALL CAPS indicates new language): "Individual Councilmembers shall not attempt to pressure or influence board, commission or committee (each, an "agency") decisions, recommendations or priorities, absent the approval of the Council. The role of Council liaison is to observe and report to the Council and the agency the activities and actions of the agency and the Council, respectively. COUNCIL MEMBERS MAY NOT SERVE AS MEMBERS OF ANY TOWN AGENCY."

1.2. Council Rules § 2.1.8.5 is hereby amended as follows: "2.1.8.5 *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

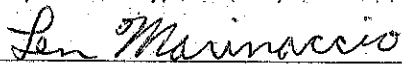
nominee attains a majority of first place votes, then the applicant or nominee for that office who receives the lowest RANKING number of first place votes shall be eliminated from the running, and the votes cast for that applicant or nominee shall be distributed according to the next valid preference 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."

1.3. Council Rules § 2.2.4 is hereby amended as follows: "~~2.2.4 The Vice Mayor serves at the pleasure of the Council and can be replaced at any time by a majority vote of the Council.~~ In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor. ABSENT A VOTE OF NO-CONFIDENCE, THE COUNCIL WILL APPOINT THE MOST SENIOR COUNCIL MEMBER WHO HAS NOT ALREADY BEEN THE VICE MAYOR TO THE VICE MAYOR POSITION. A COUNCIL MEMBER WILL SERVE IN THE ROLE OF VICE MAYOR FOR A SINGLE YEAR OR UNTIL REMOVED. "

2. Severability. The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

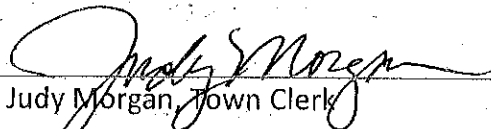
3. Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force October 8, 2009, and shall be codified as of January 1, 2010.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 8th day of September 2009.

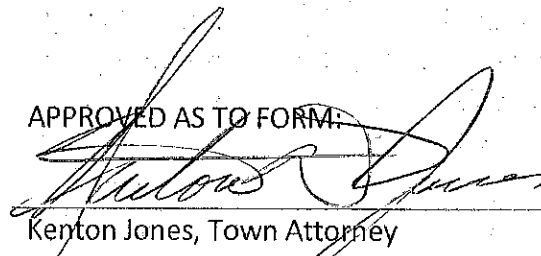


Len Marinaccio, Mayor

ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Kenton Jones, Town Attorney