

ORDINANCE No. 16-128

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, SUBCHAPTER ELECTIONS, § 30.046 OPTIONAL PROCEDURES FOR MUNICIPAL ELECTIONS RELATED TO CALCULATING MAJORITY OF VOTES CAST; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

Whereas, in 2015, the Arizona legislature amended Arizona Revised Statutes Section 9-821.01 regarding the method to be used to calculate a majority of votes cast; and

Whereas, the Dewey-Humboldt Town Code does not currently provide a method of calculating the majority of votes cast and the Town Council desires to clarify that State law shall determine the method of calculations,

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, Subchapter Elections, Section 30.046 Optional Procedure for Municipal Elections is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.046 Optional Procedure for Municipal Elections.

(A) Any candidate who receives at the primary election a majority of all votes cast AT THAT ELECTION FOR THAT OFFICE shall be declared to be elected to the office for which he or she THAT PERSON is a candidate, effective as of the date of the general election, and no further election shall be held as to that candidate; provided, that if more candidates receive a majority OF VOTES CAST then there are ~~offices~~SEATS to be filled FOR THAT OFFICE, THEN those candidates WHO RECEIVE ~~equal in number of the offices to be filled with~~ the highest number of votes EQUAL TO THE NUMBER OF SEATS TO BE FILLED FOR THE OFFICE shall be declared elected TO THAT OFFICE. THE MAJORITY OF VOTES CAST SHALL BE DETERMINED PURSUANT TO ARIZONA STATE LAW.

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 5th day of April, 2016, by the following vote:

AYES: 6 (six)

NAYES: 0 (zero) ABSENT: 1 (one)

EXCUSED: _____ ABSTAINED: _____

APPROVED this 5th day of April, 2016.

Terry Nolan (Acting)
Terry Nolan, Mayor

ATTEST:

Judy Morgan
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin
Susan D. Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-128 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 5th DAY OF April, 2016, WAS POSTED IN THREE PLACES ON THE 6th DAY OF April, 2016.

Judy Morgan
Judy Morgan, Town Clerk