

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Kevin Burke, City Manager
Date: 01/26/2012
Meeting Date: 01/31/2012



TITLE: Consideration and Acceptance of Resignation: Councilmember Art Babbott.

RECOMMENDED ACTION: Accept the resignation.

ACTION SUMMARY:

- Policy Decision or Reason for Action: Council member Babbott has announced his intention to submit a letter of resignation to Council on January 31.
 - Decision Points: There are no subsidiary decisions points.
- Financial Impact: None.
- Connection to Council Goal:
 - Effective Governance
 - Statutory Compliance
- Has there been a previous Council decision on this topic? No.
- Options:
 - Take no action and allow the resignation to become effective as of the date tendered. (This is an acceptable action, but it would result in a 10-day delay before the resignation would be final, greatly compressing the time within which to recruit a successful candidate to the vacancy.)

Division Director (*Acknowledgment that all reviews have been completed and required approvals initialed below.*)

ADDITIONAL INFORMATION:

Background/History:

Councilmember Art Babbott is expected to tender his resignation from the Flagstaff City Council effective January 31, 2012.

Key Considerations:

The Arizona Revised Statutes § 9-291-3, requires a resignation to be lawfully accepted by the governing body before a vacancy officially occurs. In the event there is no action by the governing body, ARS § 38-296(C) provides that the resignation becomes official ten days after it is submitted, but is retroactive to the date of the resignation.

However, State Statute also notes that if a candidate declares for another elected seat before they are in the last year of their current term, the seat held becomes vacant.

The Flagstaff City Charter, Article II, Section 10, Vacancies in the Council and the Office of Mayor, directs that vacancies in the Council be filled within 31 days of the vacancy occurring.

Given the short time frame in which to fill a Council vacancy, it is important for the Council to accept Councilmember Babbott's resignation in order to start the clock running on the 31-day time period to fill the vacancy.

Options and Alternatives:

See Options and Alternatives on Page 1.

Attachments

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____
_____	REAL ESTATE	_____	_____		_____

DATE OF COUNCIL APPROVAL: _____