

RESOLUTION NO. 2023-39

RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ORDERING AND CALLING A SPECIAL ELECTION OF THE CITY FOR NOVEMBER 7, 2023, TO SUBMIT QUESTIONS TO THE QUALIFIED ELECTORS OF FLAGSTAFF WITH RESPECT TO AMENDMENTS TO THE FLAGSTAFF CITY CHARTER AND A POTENTIAL QUESTION PROPOSED BY REFERENDUM RELATED TO ORDINANCE NO. 2023-11

RECITALS:

WHEREAS, at the direction of the Flagstaff City Council, the City Clerk appointed members to an Internal Charter Review Committee to review potential amendments to the Flagstaff City Charter; and

WHEREAS, after recommendation by the Committee, the City Council agreed to order the submission of questions to the voters; and

WHEREAS, a referendum concerning Ordinance No. 2023-11 is currently being circulated and have until July 6, 2023, in which to file said petitions; and

WHEREAS, from the time said petitions are filed with the City Clerk's Office a maximum of 38 days (not including Saturday, Sunday or legal holidays) is available for the City Clerk's Office and County Recorder's Office to perform their duties as required by Arizona Revised Statutes, to determine the sufficiency of valid signatures for inclusion on the November 7, 2023, ballot; and

WHEREAS, sufficiency of said numbers will not be available at the time of publishing a notice inviting arguments for or against proposed questions, in order to meet timing requirements of the Arizona Revised Statutes; therefore, arguments will be accepted for the referendum question outlined in Exhibit A, attached hereto and made a part hereof, with the understanding that the question may eventually not be placed on the November 7, 2023, ballot.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AS FOLLOWS:

SECTION 1. That the City Council hereby orders and calls a Special Mail-Ballot Election (the "Election") to be held on November 7, 2023, for the purpose of submitting to the qualified electors of the City the questions substantially in the form set forth in Exhibit "A" attached hereto (together, the "Official Ballot").

SECTION 2. That

- (A) notice of the Election shall be given by mailing an Informational Pamphlet to each household that contains a registered voter within the City not less than thirty-five (35) days before the date of the Election.

- (B) the City Clerk is hereby authorized and directed to cause the Informational Pamphlet to be prepared and so mailed according to law and the provisions of this resolution under the circumstances described herein.

SECTION 6. That the Official Ballot shall be in substantially the form attached hereto as Exhibit "A."

SECTION 4. That the City Clerk is hereby authorized to request arguments for and against the appropriate subject matter of the Election for inclusion in the Informational Pamphlet by providing the notice in substantially the form attached hereto as marked Exhibit "B" (hereinafter referred to as the "Notice for Arguments") by posting the Notice of Arguments at all places at which notices of meetings of the City Council are posted and publishing the Notice of Arguments in the *Arizona Daily Sun*. The deadline to submit arguments shall be 5:00 p.m. MST on August 9, 2023.

SECTION 5. That the election shall be a Mail Ballot Election unless a polling place election is required for another ballot issue.

SECTION 6. That the City Clerk is hereby authorized and directed to coordinate with Coconino County, Arizona (the "County") to have printed and, if appropriate, delivered to the election officers at said polling places, to be by them furnished to the qualified electors of the City offering to vote at the Election, the appropriate version of the Official Ballot.

SECTION 7. That

- (A) the Election shall be held, conducted, and canvassed in conformity with the provisions of the general election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are qualified electors of the City.
- (B) early voting shall be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.
- (C) the City Clerk is authorized and directed, if necessary, to enter into a contract with the County Recorder of the County, to obtain precinct registers for the Election and, if necessary, to enter into an agreement with the Elections Department of the County to conduct the Election for the City.
- (D) all expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditures shall be paid from current operating funds of the City.
- (E) the City Clerk is hereby further authorized to take all other necessary action to facilitate the Election.

SECTION 8. That

- (A) the Election shall be canvassed, and the results thereof certified by the City Council within twenty (20) days of the Election, as provided by law.
- (B) the City Council shall file and record in the office of the County Recorder of the County a certificate disclosing with respect to the Election the purpose of the Election, the total

number of votes cast and the total number of votes for and against creating the indebtedness and stating whether or not the indebtedness is ordered in each case.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of June, 2023.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Exhibits:

A – Official Ballot

B – Notice for Arguments

EXHIBIT A

OFFICIAL BALLOT

PROPOSITION NO. 461

OFFICIAL TITLE: AMENDMENT TO ARTICLE IX, SECTION 4, *NOMINATION FOR PRIMARY ELECTION*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to change the deadline for submission of candidate petitions to be consistent with state law and allow the Council to modify the minimum required signatures for City Council candidates as permitted by state law.

A **YES** vote shall have the effect of amending Article IX, Section 4, of the Charter to change the deadline for submission of candidate petitions to be consistent with state law and allow the Council to modify the minimum required signatures for City Council candidates as permitted by state law.

YES

A **NO** vote shall have the effect of not amending Article IX, Section 4, of the Charter to change the deadline for submission of candidate petitions to be consistent with state law and allow the Council to modify the minimum required signatures for City Council candidates as permitted by state law.

NO

PROPOSITION NO. 462

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 2, *PURCHASES, ~~AND CONTRACTS~~, AND FOR CITY IMPROVEMENTS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to increase the threshold dollar amount requiring formal solicitation from \$50,000 to \$100,000 and to update procurement language to reflect best practices.

A **YES** vote shall have the effect of amending Article VII, Section 2, of the Charter to increase the threshold dollar amount requiring formal solicitation from \$50,000 to \$100,000 and to update procurement language to reflect best practices.

YES

A **NO** vote shall have the effect of not amending Article VII, Section 2, of the Charter to increase the threshold dollar amount requiring formal solicitation from \$50,000 to \$100,000 and to update procurement language to reflect best practices.

NO

PROPOSITION NO. 463

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV, SECTION 1, *ADMINISTRATIVE DEPARTMENTS AND OFFICES*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment removing the requirement that heads of departments, the city clerk, the city treasurer, and city attorney reside within the limits of the City of Flagstaff.

A **YES** vote shall have the effect of amending Article IV, Section 1, of the Charter to remove the requirement that heads of departments, the city clerk, the city treasurer, and city attorney reside within the limits of the City of Flagstaff.

YES

A **NO** vote shall have the effect of not amending Article IV, Section 1, of the Charter to remove the requirement that heads of departments, the city clerk, the city treasurer, and city attorney reside within the limits of the City of Flagstaff.

NO

PROPOSITION NO. 464

OFFICIAL TITLE: AMENDMENT TO ARTICLE VIII, SECTION 3, *BIDS-PROCUREMENT*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to update the language to reflect best practices for the variety of procurement methods that exist.

A **YES** vote shall have the effect of amending Article VIII, Section 3, of the Charter to update the language to reflect best practices for the variety of procurement methods that exist.

YES

A **NO** vote shall have the effect of not amending Article VIII, Section 3, of the Charter to update the language to reflect best practices for the variety of procurement methods that exist.

NO

PROPOSITION NO. 465

OFFICIAL TITLE: AMENDMENT TO ARTICLE VIII, SECTION 9, *LEASES AND SALE OF CITY REAL PROPERTIES*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow for the sale of real property for a specific purpose and consolidate related provisions within the Charter.

A **YES** vote shall have the effect of amending Article VIII, Section 9, of the Charter to allow for the sale of real property for a specific purpose and consolidate related provisions within the Charter.

YES

A **NO** vote shall have the effect of not amending Article VIII, Section 9, of the Charter to allow for the sale of real property for a specific purpose and consolidate related provisions within the Charter.

NO

PROPOSITION NO. 466

OFFICIAL TITLE: AMENDMENT TO ARTICLE VIII, SECTION 1, *PREPARATION*, SECTION 5, *CONTRACTS FOR OFFICIAL ADVERTISING*, SECTION 6, *FRAUD AND COLLUSION*, AND SECTION 7, *AVOIDANCE OF CONTRACTS MADE THROUGH FRAUD AND COLLUSION*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to update language in Sections 1, 5, 6, and 7, to be consistent and inclusive of all procurement methods.

A **YES** vote shall have the effect of amending Article VIII, Sections 1, 5, 6, and 7, of the Charter to update language to be consistent and inclusive of all procurement methods.

YES

A **NO** vote shall have the effect of not amending Article VIII, Sections 1, 5, 6, and 7, of the Charter to update language to be consistent and inclusive of all procurement methods.

NO

PROPOSITION NO. 467

OFFICIAL TITLE: AMENDMENT TO ARTICLE IV, SECTION 5, *PERSONNEL RULES AND REGULATIONS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow the City Manager, rather than the Council, to establish personnel rules and regulations.

A **YES** vote shall have the effect of amending Article IV, Section 5, of the Charter to allow the City Manager, rather than the Council, to establish personnel rules and regulations. **YES**

A **NO** vote shall have the effect of not amending Article IV, Section 5, of the Charter to allow the City Manager, rather than the Council, to establish personnel rules and regulations. **NO**

PROPOSITION NO. 468

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 5, *WHEN ACTIONS ARE TO BE TAKEN BY ORDINANCE*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to clarify that an ordinance is only needed for property exchanges in fee simple and an is not required to borrow money.

A **YES** vote shall have the effect of amending Article VII, Section 5, of the Charter to clarify that an ordinance is only needed for property exchanges in fee simple and an ordinance is not required to borrow money. **YES**

A **NO** vote shall have the effect of not amending Article VII, Section 5, of the Charter to clarify that an ordinance is only needed for property exchanges in fee simple and an ordinance is not required to borrow money. **NO**

PROPOSITION NO. 469

OFFICIAL TITLE: AMENDMENT TO ARTICLE V, SECTION 1, *APPOINTIVE BOARDS AND COMMISSIONS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow non-city residents to serve on Boards and Commissions.

A **YES** vote shall have the effect of amending Article V, Section 1, of the Charter to allow non-city residents to serve on Boards and Commissions. **YES**

A **NO** vote shall have the effect of not amending Article V, Section 1, of the Charter to allow non-city residents to serve on Boards and Commissions. **NO**

PROPOSITION NO. 470

OFFICIAL TITLE: AMENDMENT TO ARTICLE XVI, AMENDMENT NO. 2 – *VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to eliminate Article XVI, Amendment No. 2 of the Charter.

A **YES** vote shall have the effect of amending Article XVI, Amendment No. 2, of the Charter to eliminate this section of the Charter. **YES**

A **NO** vote shall have the effect of not amending Article XVI, Amendment No. 2, of the Charter to eliminate this section of the Charter. **NO**

PROPOSITION NO. 471

OFFICIAL TITLE: AMENDMENT TO ARTICLE XVI, AMENDMENT NO. 1 – *VOTE REQUIRED FOR CERTAIN TYPES OF BOND ISSUES*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to eliminate Article XVI, Amendment No. 1 of the Charter.

A **YES** vote shall have the effect of amending Article XVI, Amendment No. 1, of the Charter to eliminate this section of the Charter. **YES**

A **NO** vote shall have the effect of not amending Article XVI, Amendment No. 1, of the Charter to eliminate this section of the Charter. **NO**

PROPOSITION NO. 472

OFFICIAL TITLE: AMENDMENT TO ARTICLE XII, SECTION 1 – *ELECTIONS FOR APPROVAL OF FRANCHISES*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to change the time period required to call a franchise election to be consistent with state law.

A **YES** vote shall have the effect of amending Article XII, Section 1, of the Charter to change the time period required to call a franchise election to be consistent with state law. **YES**

A **NO** vote shall have the effect of not amending Article XII, Section 1, of the Charter to change the time period required to call a franchise election to be consistent with state law. **NO**

PROPOSITION NO. 473

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 6 – *READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow three-fourths of all members elected or appointed to the Council to read an ordinance for the final time at the same meeting as the first reading.

A **YES** vote shall have the effect of amending Article VII, Section 6, of the Charter to allow three-fourths of all members elected or appointed to the Council to read an ordinance for the final time at the same meeting as the first reading.

YES

A **NO** vote shall have the effect of not amending Article VII, Section 6, of the Charter to allow three-fourths of all members elected or appointed to the Council to read an ordinance for the final time at the same meeting as the first reading.

NO

PROPOSITION NO. 474

OFFICIAL TITLE: AMENDMENT TO ARTICLE VI, SECTION 1 – *FISCAL*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow the Council to self-administer the adopted tax code.

A **YES** vote shall have the effect of amending Article VI, Section 1, of the Charter to allow the Council to self-administer the adopted tax code.

YES

A **NO** vote shall have the effect of not amending Article VI, Section 1, of the Charter to allow the Council to self-administer the adopted tax code.

NO

PROPOSITION NO. 475

OFFICIAL TITLE: AMENDMENT TO ARTICLE VIII, SECTION 10 – SALE OF CITY PERSONAL PROPERTY, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to specify the sale of the City’s personal property, increase the threshold dollar amount for sale or disposal of personal property from \$500 to \$1,000, update the language to reflect best practices, and consolidate all provisions related to personal property into one section of the Charter.

A **YES** vote shall have the effect of amending Article VIII, Section 10, of the Charter to specify the sale of the City’s personal property, increase the threshold dollar amount for sale or disposal of personal property from \$500 to \$1,000, update the language to reflect best practices, and consolidate all provisions related to personal property into one section of the Charter.

YES

A **NO** vote shall have the effect of not amending Article VIII, Section 10, of the Charter to specify the sale of the City’s personal property, increase the threshold dollar amount for sale or disposal of personal property from \$500 to \$1,000, update the language to reflect best practices, and consolidate all provisions related to personal property into one section of the Charter.

NO

PROPOSITION NO. 476

OFFICIAL TITLE: AMENDMENT TO ARTICLE VII, SECTION 13 – PROCEDURE FOR ADOPTION BY REFERENCE AND SECTION 15 – CODIFICATION OF ORDINANCES, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to change the number of required physical copies to be consistent with state law.

A **YES** vote shall have the effect of amending Article VII, Sections 13 and 15, of the Charter to change the number of required physical copies to be consistent with state law.

YES

A **NO** vote shall have the effect of not amending Article VII, Sections 13 and 15, of the Charter to change the number of required physical copies to be consistent with state law.

NO

PROPOSITION NO. 477

OFFICIAL TITLE: AMENDMENT TO ARTICLE VI, SECTION 4 – CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to eliminate Article VI, Section 4 of the Charter.

A **YES** vote shall have the effect of amending Article VI, Section 4, of the Charter to eliminate this section of the Charter. **YES**

A **NO** vote shall have the effect of not amending Article VI, Section 4, of the Charter to eliminate this section of the Charter. **NO**

PROPOSITION NO. 478

OFFICIAL TITLE: AMENDMENT TO ARTICLE XI, MUNICIPAL ~~POLICE~~ COURT, SECTION 1 – STATE LAWS CONTROL, SECTION 2 – MAGISTRATE(S) ~~POLICE JUDGE(S)~~, APPOINTMENT, TERM, AND SECTION 3 – SERVICE OF PROCESS, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to update court language to reflect current terminology.

A **YES** vote shall have the effect of amending Article XI, Header, and Sections 1, 2, and 3, of the Charter to update court language to reflect current terminology. **YES**

A **NO** vote shall have the effect of not amending Article XI, Header, and Sections 1, 2, and 3, of the Charter to update court language to reflect current terminology. **NO**

PROPOSITION NO. 479

OFFICIAL TITLE: AMENDMENT TO ARTICLE II, SECTION 16 – *FAILURE TO VOTE*, OF THE FLAGSTAFF CITY CHARTER

DESCRIPTIVE TITLE: A measure referred to the people by the City Council regarding a Charter amendment to allow a member of the Council who has a declared conflict of interest be excused from voting.

A **YES** vote shall have the effect of amending Article II, Section 16, of the Charter to allow a member of the Council who has a declared conflict of interest be excused from voting. **YES**

A **NO** vote shall have the effect of not amending Article II, Section 16, of the Charter to allow a member of the Council who has a declared conflict of interest be excused from voting. **NO**

PROPOSITION NO. 480

OFFICIAL TITLE: A Measure Referred to the People by Referendum No. 01-2023 Relating to Ordinance No. 2023-11: An Ordinance of the City Council of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 98.39 acres of real property from Rural Residential (40.47 acres) and Estate Residential (57.92 acres) to Highway Commercial (63.18 acres) and Public Facilities (35.21 acres) and adding the Resource Protection Overlay to APN 112-10-036, 112-10-037, and 112-05-125 generally located at 1120 W Purple Sage Trail.

DESCRIPTIVE TITLE: Consideration of Ordinance 2023-11 amending the Flagstaff Zoning Map to rezone approximately 98.39 acres of real property from Rural Residential (40.47 acres) and Estate Residential (57.92 acres) to Highway Commercial (63.18 acres) and Public Facilities (35.21 acres) and adding the Resource Protection Overlay to APN 112-10-036, 112-10-037, and 112-05-125 generally located at 1120 W Purple Sage Trail.

A **YES** vote shall have the effect of approving Ordinance No. 2023-11 amending the Flagstaff Zoning Map to rezone approximately 98.39 acres of real property from Rural Residential (40.47 acres) and Estate Residential (57.92 acres) to Highway Commercial (63.18 acres) and Public Facilities (35.21 acres) and adding the Resource Protection Overlay to APN 112-10-036, 112-10-037, and 112-05-125 generally located at 1120 W Purple Sage Trail. **YES**

A **NO** vote shall have the effect of not approving Ordinance No. 2023-11 amending the Flagstaff Zoning Map to rezone approximately 98.39 acres of real property from Rural Residential (40.47 acres) and Estate Residential (57.92 acres) to Highway Commercial (63.18 acres) and Public Facilities (35.21 acres) and adding the Resource Protection Overlay to APN 112-10-036, 112-10-037, and 112-05-125 generally located at 1120 W Purple Sage Trail. **NO**

FORM OF NOTICE FOR ARGUMENTS

**REQUEST FOR ARGUMENTS FOR AND AGAINST ISSUES TO
BE PLACED ON THE BALLOT OF THE CITY'S SPECIAL
ELECTION TO BE HELD ON NOVEMBER 7, 2023**

Pursuant to Resolution No. 2023-39 adopted by the City Council of the City of Flagstaff, Arizona, (the "City"), on June 20, 2023 (the "Resolution"), a special election in and for the City was ordered and called to be held on November 7, 2023 (the "Election").

Notice of the Election will be given by mailing an informational pamphlet. Such information is to include arguments for and against the proposed amendments to the Flagstaff City Charter and arguments for and against a potential Referendum No. 01-2023 relating to Ordinance No. 2023-11. In the event the referendum is unsuccessful for any reason at any time in qualifying for the ballot, the arguments regarding the referendum will not be included in the publicity pamphlet.

The text of the questions to be considered at the Election is included in the Resolution which is available at the Office of the City Clerk at 211 West Aspen Avenue, Flagstaff, Arizona 86001, and will be available on the City's website at <https://www.flagstaff.az.gov/2105/Elections>. Any person interested in providing any such argument(s) is hereby requested to provide the same to the City Clerk in electronic format at stacy.saltzburg@flagstaffaz.gov, before 5:00 p.m., MST on Wednesday August 9, 2023.

Each argument filed shall not exceed 300 words and in accordance with Arizona Revised Statutes, must include a sworn statement from the person sponsoring the argument; for organizations submitting arguments the sworn statement must be from two executive officers and for political action committees submitting arguments the sworn statement of the committee's chairman or treasurer must be included. The names of persons and entities submitting written arguments shall be included in the publicity pamphlet. Persons signing the argument must identify themselves by giving their residence address and telephone number, which may not appear in the publicity pamphlet, except that the person's city or town and state of residence shall appear in the pamphlet. Arguments must be submitted in electronic format to the City Clerk's Office at stacy.saltzburg@flagstaffaz.gov. Any argument that is submitted that does not comply with the above requirements may not be included in the pamphlet.

If you have any questions about the foregoing, please contact Stacy Saltzburg, City Clerk, at stacy.saltzburg@flagstaffaz.gov or 928-213-2076.

/s/ Stacy Saltzburg, MMC

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City Clerk, City of Flagstaff, Arizona