

RESOLUTION NO. 2012-33

A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF PEORIA, MARICOPA COUNTY,
ARIZONA **PROPOSING AN AMENDMENT TO THE
CITY OF PEORIA, ARIZONA, CITY CHARTER,
AMENDING ARTICLE II, SECTION 13 PERTAINING
TO VACANCIES IN THE OFFICE OF MAYOR AND
COUNCIL.**

TEXT OF PROPOSED AMENDMENT

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. The following amendment of Article II, Section 13 is proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the Mayor after completion of the official canvass in accordance with Article X, Section 2 of the Peoria City Charter.

SECTION 2. The Charter of the City of Peoria, Arizona is amended by amending Article II, Section 13 to read as follows:

Sec. 13. Vacancies in the office of mayor and council.

A. ~~In case of a vacancy~~ If a vacancy occurs in the office of the mayor prior to the next regular election for the position of mayor, there shall be a special election held to fill the unexpired portion of the term. For purposes of this section, the next regular election is deemed to be the primary election. ~~the vice-mayor, should they be otherwise qualified, shall become mayor and continue in office until the expiration of the unexpired term. Should the vice-mayor not be qualified because of age to assume the office of mayor, the council shall choose a mayor who is qualified from among its membership. Should no member of the council be qualified by age, a mayor shall be chosen to fill the unexpired term by special election. Upon taking the oath of office for the position of mayor, the seat of the council position held by the vice-mayor or council member shall be deemed to be vacant.~~ The vacancy and special election shall be held subject to the following provisions:

- (1) Within three (3) business days, the council shall convene and select a member of the council to serve as mayor until a special election can be held. The selection shall be done by nomination and vote of the council with the candidate receiving the most votes deemed elected. The member who is elected shall succeed to the position of mayor until the date of the canvass of the special election at which time the candidate elected as mayor shall fill the remainder of the unexpired term of office.
- (2) The procedures for nomination and election shall be the same as for regular elections for the position of Mayor to the extent possible.
- (3) In the event the council fails to select a member to serve as mayor, the vice mayor shall preside over the council until the mayor is selected.

B. If a vacancy occurs seven hundred and forty (740) days or more prior to the next regular election for the vacant position, there shall be a special election held to fill the unexpired portion of the term. For purposes of this Section, the next regular election is deemed to be the primary election. The special election shall be held subject to the following provisions:

- (1) There shall be a period of ten (10) days from the date the vacancy occurs during which any person desiring to run for the vacant office must declare as a candidate for the office by filing a written statement declaring their intention to be a candidate with the city clerk.
- (2) Upon expiration of the ten day period in subsection B. (1), the city clerk shall schedule a special election on the first available election date permitted by state law and this charter.
- (3) The procedures for nomination and election shall be the same as for regular council elections to the extent possible.
- (4) The council shall not less than twelve (12) days nor more than fifteen (15) days from the date any vacancy occurs appoint in the manner provided in paragraph C of this section, a person to fill the vacant office for a term ending the first business day after the canvass of votes is completed following the election of a candidate to fill the unexpired term of office.

C. In the case of a vacancy on the council which occurs less than seven hundred and forty (740) days prior to the next regular election for a council member from the district in which the vacancy occurred, the vacancy shall be filled as follows:

- (1) A vacancy shall be filled by a qualified elector residing in the district in which the vacancy exists.

- (2) The first candidate receiving an affirmative majority of the votes of the mayor and council members present shall be selected to fill the vacancy. If more than two candidates are nominated and no candidate receives a majority of the votes of mayor and council members present, then a second ballot shall be held and the two candidates having received the most votes deemed nominated and voted on by the mayor and council members present.
- (3) The appointment shall be until their successor at the next regular election shall be elected and qualified.

D. If a vacancy in the office of council occurs after the canvass of a primary election or general election in which a candidate has been elected for the seat that has become vacant, the person elected for such vacant seat shall be deemed to be appointed for the remainder of the term of the seat that has become vacant upon taking the oath of office. If no person has been elected at the primary election, the council may elect to leave the seat vacant until the canvass of the general election and then the seat shall be filled in accordance with this paragraph.

E. A vacancy in the office of mayor or the council shall exist, except under the recall provisions of this charter, when the respective elected official fails to qualify within thirty (30) days after commencement of his term, dies, resigns, removes from the city, absents himself from the duties of his office without the consent of the council as provided in the charter, is convicted of intentionally violating any of the provisions of this charter, or of a felony, or is judicially declared an incapacitated person as defined by statute.

SECTION 3. The proposed amendment approved by the Mayor and a majority of the members of the City Council and entered into the minutes shall be submitted by the Peoria City Clerk to the qualified electors of the City at the August 28, 2012 regular election as provided by Article X, Section 2 of the Peoria City Charter.

SECTION 4. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,

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Arizona this 20th day of March, 2012, as follows:

Ayes: _____ Nays: _____

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney