

## RESOLUTION NO 2010-74

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE REGULAR PRIMARY ELECTION HELD ON AUGUST 24, 2010; AND ORDERING THE RECORDING OF SUCH RESOLUTION AND CERTIFICATE.

WHEREAS, the City of Peoria, Maricopa County, Arizona, by its duly appointed and acting City Clerk did issue a call and notice for a primary and, if necessary, general election on the 30th day of April, 2010 and the 7th day of May, 2010; and did cause to be submitted to the qualified electors of the City at a Regular Primary Election held in and for the City of Peoria on the 24th day of August, 2010 for the election of Mayor and Councilmembers for the Acacia, Palo Verde and Pine Districts; and

WHEREAS, on April 6, 2010 the Mayor and City Council of the City of Peoria, Maricopa County, Arizona, did take action to direct and authorize the City Attorney and City Clerk to take all steps necessary to accomplish submission of a franchise of Arizona-American Water Company to the qualified electors of the City, at a Regular Primary Election called and held in and for the City of Peoria on the 24th day of August, 2010; and

WHEREAS, the City of Peoria, Maricopa County, Arizona, by Resolution No. 2010-15, Resolution No. 2010-16, Resolution No. 2010-17, Resolution No. 2010-18 and Resolution No. 2010-20, adopted on March 2, 2010 did cause to be submitted to the qualified electors of the City at a Regular Primary Election called and held in and for the City of Peoria on the 24th day of August, 2010 for the purpose of submitting to the qualified electors of the City five referendum propositions; and

WHEREAS, the City Council did cause notice of the Regular Primary Election to be given by the City Clerk, publishing notice thereof in the Peoria Times newspaper as provided by law, such newspaper published in and having general circulation within said City, that said notice as so published did specify the place whereat such election was to be held, and the questions to be voted upon, copy of said notice with the affidavit of publication attached hereto –

Attachment "A" – Affidavit of Publication and Notice, being now on file and a part of the official records of the City Council of the City of Peoria; and

WHEREAS, the election returns are presented to and hereby canvassed by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Peoria, Maricopa County, Arizona, as follows:

SECTION 1. That the total number of ballots cast and total voter turnout at said Regular Primary Election, as shown by the final results as issued by the Maricopa County Recorder, is set forth on Exhibit "A" - Summary Report, attached and incorporated to this resolution.

SECTION 2. That the total number of votes cast for each candidate and the total number of votes for and against the propositions at each precinct at said Regular Primary Election, as shown by the final results as issued by the Maricopa County Recorder, is set forth on Exhibit "B" – Maricopa County Precinct Canvass, attached and incorporated to this resolution.

SECTION 3. That the total number of provisional ballots, the total number of provisional ballots tabulated, and the total number of provisional ballots found to be invalid and not counted is set forth on Exhibit "C" – Provisional Ballots HAVA Requirements, attached and incorporated to this resolution.

SECTION 4. That the total number of rejected ballots by precinct is set forth on Exhibit "D" – Rejected Ballots by Precinct, attached and incorporated to this resolution.

SECTION 5. That the total numbers of votes cast for the candidates for Mayor at said Regular General Election were as follows:

| <u>Mayor</u> | <u>Name</u>  | <u>Vote Total</u> |
|--------------|--------------|-------------------|
|              | Barrett, Bob | <b>18,987</b>     |

SECTION 6. That the total number of votes cast at said Regular Primary Election, for the candidates of Councilmember by District were as follows:

| <u>District</u> | <u>Name</u>      | <u>Vote Total</u> |
|-----------------|------------------|-------------------|
| Acacia          | Dragon, Jason D. | 692               |
|                 | Rivero, Tony     | 807               |
| Palo Verde      | Aames, Ron       | <b>2,240</b>      |
| Pine            | Leone, Carlo     | <b>2,435</b>      |

SECTION 7. That it is hereby found, determined and declared of record, that the following three candidates did receive more than one-half of the total number of valid votes cast and are hereby issued certificates of election:

|                                    |             |
|------------------------------------|-------------|
| Mayor                              | Bob Barrett |
| Councilmember, Palo Verde District | Ron Aames   |
| Councilmember, Pine District       | Carlo Leone |

SECTION 8. That it is hereby found, determined and declared of record, that the following candidates did not, pursuant to Peoria City Code (1992) Chapter 8, Section 8.2(a), receive the majority of the votes cast and are hereby issued Certificates of Nomination to be candidates in the General City Election to be held on November 2, 2010:

|        |                 |     |
|--------|-----------------|-----|
| Acacia | Jason D. Dragon | 692 |
|        | Tony Rivero     | 807 |

SECTION 9: That it is hereby found, determined, and declared of record that the following proposition is hereby passed having received a majority of the votes cast and shall go into effect as provided by law:

Proposition 405 – Franchise agreement with Arizona-American Water Company (Ordinance No. 2010-26)

**Votes Yes: 14,216**  
Votes No: 6,638

SECTION 10: That the official title, descriptive title and the effect of a yes vote and no vote, along with the vote count thereof is set forth on Exhibit “E” attached and incorporated to this resolution.

SECTION 11: Granting a franchise for a period of 15 years to Arizona-American Water Company as approved by the qualified electors of the City of Peoria, Arizona and hereby designated as:

Ordinance No. 2010-26 Arizona-American Water Company

SECTION 12: That it is hereby found, determined, and declared of record that the following ballot issues did not receive the approval of a majority of the electors of the City voting on the questions at the Regular Primary Election, and that the two issues did not pass:

Proposition 400 – Charter amendment pertaining to the removal of the requirement to keep a journal of city council proceedings. (Resolution No. 2010-15)

Votes Yes: 8,405  
**Votes No: 13,214**

Proposition 401 – Charter amendment pertaining to the city manager; powers and duties regarding appointments, promotions, removals and demotions of all officers and employees of the city by removing the requirement of city council approval for appointments of department directors. (Resolution No. 2010-16)

Votes Yes: 6,880  
**Votes No: 14,510**

SECTION 13: That the official title, descriptive title and the effect of a yes vote and no vote, along with the vote count thereof is set forth on Exhibit “F” attached and incorporated to this resolution.

SECTION 14: That it is hereby found, determined, and declared of record that the following propositions hereby passed having received a majority of the votes cast and shall go into effect as provided by law:

Proposition 402 – Charter amendment pertaining to the removal of the requirement for the enacting clause of all ordinances passed by the city council to be as follows: “Be it ordained by the Mayor and Council of the City of Peoria, Arizona”. (Resolution No. 2010-17)

**Votes Yes: 11,389**  
Votes No: 9,409

Proposition 403 – Charter amendment pertaining to ordinances and resolution; codification of ordinances regarding the removal of the requirement to maintain not less than three (3) written copies of the city code on file for use and examination by the public in the Office of the City Clerk. (Resolution No. 2010-18)

**Votes Yes: 11,738**  
Votes No: 9,200

Proposition 404 – Arizona Law requires the city’s General Plan be approved by voters every ten (10) years. The General Plan is the policy document guiding growth and development in its planning area. The General Plan addresses land use, transportation, economic development, recreation and open space, water resources, housing and public facilities. (Resolution No. 2010-20)

**Votes Yes: 14,378**

Votes No: 6,447

SECTION 15: That the official title, descriptive title and the effect of a yes vote and no vote, along with the vote count thereof is set forth on Exhibit "G" attached and incorporated to this resolution.

SECTION 16: That all orders or resolutions in conflict be and the same hereby are, to the extent of such conflict, hereby repealed, and that this resolution be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 7<sup>th</sup> day of September, 2010.

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Bob Barrett, Mayor

ATTEST:

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Rhonda Simmons, Acting City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

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