

RESOLUTION NO. 8108

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE CALLING A SPECIAL ELECTION FOR TUESDAY, MARCH 9, 2010 FOR THE PURPOSE OF REFERRING TO THE QUALIFIED ELECTORS OF THE CITY OF SCOTTSDALE, FOR APPROVAL OR DISAPPROVAL, ORDINANCE NO. 3873 AND ORDINANCE NO. 3874; PROVIDING FOR THE MANNER IN WHICH THE CITY CLERK SHALL CONDUCT THE ELECTION; AND AUTHORIZING A GENERAL FUND CONTINGENCY TRANSFER IN THE AMOUNT OF \$280,000.

WHEREAS, on November 3, 2009, the Council of the City of Scottsdale adopted Ordinance No. 3873, entitled, "An ordinance of the Council of the City of Scottsdale, Arizona, amending section 447, Article IV, Appendix C of the Scottsdale Revised Code, relating to the transient lodging tax, and submitting the amendment to a vote of the qualified electors of the city at a special election to be held on March 9, 2010;" and

WHEREAS, on November 3, 2009, the Council of the City of Scottsdale adopted Ordinance No. 3874, entitled, "An ordinance of the Mayor and Council of the City of Scottsdale, Arizona, proposing five amendments to the City Charter and submitting the proposed amendments to a vote of the qualified electors of the city at a special election to be held on March 9, 2010;" and

WHEREAS, pursuant to its authority under Article 9, Section 8 of the Scottsdale City Charter, the City Council may call for a special election; and

WHEREAS, the next available consolidated election date at which all statutory requirements for calling the special election can be met is March 9, 2010; and

WHEREAS, a General Fund Contingency transfer to the City Clerk Elections Budget is required to fund the election.

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale as follows:

Section 1. Municipal election date; purpose.

A special election ("Special Election") shall be held in the City of Scottsdale on Tuesday, March 9, 2010, to permit the qualified electors of the City to vote to approve or disapprove Ordinance No. 3873, entitled, "An ordinance of the Council of the City of Scottsdale, Arizona, amending section 447, Article IV, Appendix C of the Scottsdale Revised Code, relating to the transient lodging tax, and submitting the amendment to a vote of the qualified electors of the city at a special election to be held on March 9, 2010;" and Ordinance No. 3874, entitled, "An ordinance of the Mayor and Council of the City of Scottsdale, Arizona, proposing five amendments to the City Charter and submitting the proposed amendments to a vote of the qualified electors of the city at a special election to be held on March 9, 2010."

Section 2. Publication of the call and notice of election.

The publication of the call and notice of the Special Election shall be given, or caused to be given, by the City Clerk, as provided by law, and as may be deemed necessary and appropriate in the City Clerk's discretion to advise the public of the elections.

Section 3. Deadline for voter registration and early voting dates.

Maricopa County registration and voting lists will be used for the Special Election. To be qualified to vote in the Special Election, a resident must be registered to vote by Monday, February 8, 2010.

Early voting will be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended. Applications for early ballots for the Special Election will be available to qualified City electors beginning Sunday, December 6, 2009. Official ballots for the Special Election will be available beginning Thursday, February 11, 2010.

Section 4. Conduct of election.

The City Clerk is hereby authorized to sign Maricopa County's Menu of Services agreement for the conduct of the March 9, 2010 Special Election.

Section 5. Information (publicity) pamphlet.

The City Clerk shall cause to be printed and mailed in order to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots, a publicity pamphlet, pursuant to A.R.S. § 19-141. Arguments supporting or opposing the ballot measure(s) to be published in the publicity pamphlet shall be filed with the City Clerk not less than ninety (90) days before the election, which, for the March 9, 2010 Special Election, is 5:00 p.m., Wednesday, December 9, 2009.

Each argument shall not exceed 300 words in length and shall contain the original, notarized signature of each person sponsoring it. If the argument is sponsored by an organization, the original, notarized signatures of two executive officers are required. If the argument is sponsored by a political committee, the original, notarized signature of the committee's chair or treasurer is required. Persons signing shall also identify themselves by giving their residence or post office address and a telephone number, which shall not appear in the pamphlet. With each argument supporting or opposing the proposition, one hundred dollars (\$100.00) shall be deposited with the City Clerk, for a proportionate cost of paper and printing the argument.

Section 6. Spanish translation.

To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to these elections will be translated into Spanish and posted, published, and recorded in each instance where posting, publication, and recording for such proceedings are required, such as this call of election, the notice of election, ballots, all early voting materials, and all instructions at the polling places.

Section 7. Establishing polling places.

The polling places used in the City of Scottsdale will be the polling places established by

Maricopa County and used for conducting previous elections in the City of Scottsdale, if available.

Section 8. Hours of the polling places.

The polls will be open from 6:00 a.m. until 7:00 p.m. on Election Day.

Section 9. Appointment of election boards.

The election board workers for the Special Election shall be appointed, or authorized to be appointed, by the City Clerk as may be deemed necessary and appropriate in the City Clerk's discretion to insure all polling places are fully staffed as required by law.

Section 10. Voting system.


Voting shall be by the Insight Optech Optical Scan System in use by Maricopa County Elections Department for the recordation of the electors' choices as authorized by Arizona Revised Statutes and pre-cleared by the United States Department of Justice.

Section 11. Funding.

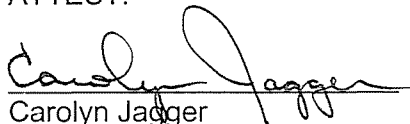
The City Council authorizes a budget transfer from the General Fund Operating Contingency to the City Clerk Elections Budget (100-01035-52826), to be distributed within the appropriate Elections Budget categories and accounts, in the amount of two hundred and eighty thousand dollars (\$280,000) to fund the Special Election.

PASSED AND ADOPTED by the Mayor and City Council of the City of Scottsdale, Maricopa County, Arizona, this 17<sup>th</sup> day of November, 2009.

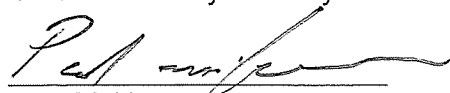
CITY OF SCOTTSDALE,  
a municipal corporation

  
\_\_\_\_\_  
W.J. "Jim" Lane  
Mayor

ATTEST:

  
\_\_\_\_\_  
Carolyn Jagger  
City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Paul M. Norman  
Senior Assistant City Attorney