

ORDINANCE NO. 1438

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 2: MAYOR, COUNCIL, AND APPOINTED BOARDS AND COMMISSIONS, BY REPEALING ARTICLE 2-1: COUNCIL, SECTION 2-1-3 DUTIES OF OFFICE AND ARTICLE 2-3: COUNCIL ELECTION, SECTION 2-3-1 PRIMARY ELECTION, AND ADOPTING NEW PROVISIONS TO REPLACE THOSE NOTED ABOVE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, in 2010, the state legislature adopted new statutes which dictated that non-chartered cities and towns could only hold regularly scheduled candidate elections in even-numbered years (primary elections in August and general elections in November) to coincide with the state election schedule; and

WHEREAS, such statutory changes caused many city and towns' election ordinances to be void and unenforceable; and

WHEREAS, when candidates take office and when they are sworn in are two areas of the Apache Junction city code that were affected by the state mandate; and

WHEREAS, this ordinance amends the affected code provisions so that the legislatively-caused inconsistency is corrected.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

Apache Junction City Code, Volume I, Chapter 2: Mayor, Council, and Appointed Boards and Commissions, Article 2-1: Council, Section 2-1-3 Duties of Office and Article 2-3: Council Election, Section 2-3-1 Primary Election, are hereby repealed and are replaced as follows:

ARTICLE 2-1: COUNCIL, SECTION 2-1-3 DUTIES OF OFFICE.

Councilmembers shall assume the duties of office once sworn in at the first regular business meeting in January following the general election or at a special meeting in January following the general election on a date selected by council. There shall be no

interruption of a term of office even if councilmembers are elected outright in the preceding August primary election.

ARTICLE 2-3: COUNCIL ELECTION, SECTION 2-3-1 PRIMARY ELECTION.

Any candidate who receives the majority of the votes cast at the primary election as defined under A.R.S. § 9-821.01, as amended, shall be declared elected to the office for which he or she is a candidate, effective upon completion of the swearing-in ceremony held on such date as scheduled pursuant to Apache Junction City Code, Vol. I, Chapter 2: Mayor, Council, and Appointed Boards and Commissions, Article 2-1: Council, § 2-1-3 Duties of Office.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance or in conflict with any part of the code adopted herein by reference are also hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid, pre-empted or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

SECTION IV DECLARING AN EMERGENCY

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency shall be in full force and effect from and after its passage, adoption and approval by the Mayor and City Council of the City of Apache Junction.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2016.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2016.

JOHN S. INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

R. JOEL STERN
City Attorney