

## ORDINANCE NO. 1445

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, ARTICLE 2-3: COUNCIL ELECTION, BY ADDING SECTION 2-3-6 INITIATIVE, REFERENDUM AND RECALL SPECIAL ELECTIONS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Arizona Constitution, Article 4, Part 1, Section 1 and Article 8, Part 1, Section 1, qualified electors have the right of initiative and referendum and to recall public officers; and

WHEREAS, pursuant to *Dewey v. Jones*, 159 Ariz. 409, 767 P.2d 119 (App. Div. 2, Dept. A) (1989), the city has the authority to pass an ordinance which allows the city to establish special election dates for qualified referendum, initiative and recalls.

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 2-3: Council Election, be amended to add Section 2-3-6 Initiative, Referendum and Recall Special Elections, as follows:

## SECTION 2-3-6 INITIATIVE, REFERENDUM AND RECALL SPECIAL ELECTIONS

There is reserved to the qualified electors of the city the power of initiative, referendum, and recall as prescribed by the state constitution. When an initiative or referendum is required to be placed upon the ballot, the council shall do so at the next regularly scheduled general election, or at a special election on a date permitted under A.R.S. § 16-204, as amended. When a recall is required to be placed upon the ballot, the city clerk shall do so at the next regularly scheduled general election, or at a special election on a date permitted under A.R.S. § 16-204, as amended.

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the provisions of this ordinance or in conflict with any part of the code adopted herein by reference are also hereby repealed.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 \_\_\_\_\_, 2017.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
R. JOEL STERN  
City Attorney