

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Submit amendments to the Charter of the City of Goodyear Article IX, Section 5; Article IX, Section 6; and Article II Section 13	STAFF PRESENTER: Roric Massey, City Attorney CASE NUMBER: None OTHER PRESENTER: None
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PROPOSED ACTION:

ADOPT ORDINANCE NO. 2018-1406 PROPOSING AND SUBMITTING AMENDMENTS TO THE CHARTER OF THE CITY OF GOODYEAR; AMENDMENT TO ARTICLE IX, SECTION 5 OF THE CHARTER OF THE CITY OF GOODYEAR, TO CHANGE THE DATES OF CITY ELECTIONS TO THE FALL OF EVEN NUMBERED YEARS; AMENDMENT TO ARTICLE IX SECTION 6 PROVIDING THAT A CANDIDATE WHO RECEIVES THE MAJORITY OF VOTES CAST IN THE PRIMARY COUNCIL ELECTION SHALL BE DECLARED ELECTED TO OFFICE; AND TO ARTICLE II SECTION 13 PROVIDING THAT INDUCTIONS OF THE MAYOR AND CITY COUNCIL SHALL OCCUR AT THE FIRST REGULAR MEETING IN JANUARY FOLLOWING THE DATE OF A GENERAL ELECTION; AND DECLARING AN EMERGENCY.

BACKGROUND AND PREVIOUS ACTIONS:

This Ordinance will refer to the voters of the City the questions of whether to change the City Charter to move the City's current City Council election schedule in spring of odd-numbered years to the fall of even-numbered years in compliance with Arizona House Bill 2826(2012) and HB 2604(2018), and to change the induction dates of newly elected City Councilmembers to the first Regular Meeting following a General Election, and whether to change the City Charter to provide that a candidate receiving the majority of votes cast in a City Council primary election shall be declared elected to office.

STAFF ANALYSIS:

Proponents of House Bill 2826 and HB 2604 argue that by aligning State and Local election schedules, voter participation will increase and a cost savings will be realized for the various governmental entities.

In 2012, the Arizona Legislature approved House Bill 2826, known as "Consolidated Elections", which required that all regular elections for any subdivisions of the State (including counties, cities, towns, and school districts) must be held in during the fall of even-numbered years, beginning in 2014.

In 2014, the Arizona Court of Appeals, ruled that the requirements of House Bill 2826 did not apply to Charter Cities like Goodyear, that had elections scheduled on different election cycles.

In 2018, the Arizona Legislature passed House Bill 2604 which required that any city that still had elections on dates other than fall of even years would be required to move their elections to the consolidated elections cycle should that city experience a "significant decrease" in voter turnout

which is defined as a decrease of at least 25% in registered voter participation in a local election in comparison to the voter turnout in the most recent election in which the office of Governor was on the ballot. House Bill further restricted counties from administering any election for a city experiencing the defined significant decrease if the city does not move its election date. House Bill 2604 also lengthened the terms of office of elected officials impacted by the legislation to account for the change in election dates.

The Goodyear City Charter currently requires that City elections be held in the spring of odd-number years with the next regularly scheduled election in 2019. The passage of the new state laws have created a conflict with the Goodyear City Charter regarding when City elections will be held, and potentially will create future uncertainty and increased costs in securing a party to administer City elections should Maricopa County be prohibited from running future City elections as contemplated in House Bill 2604.

Moving to a fall of even-numbered year election cycle will avoid the uncertainty on whether future elections will be impacted by House Bill 2604. The proposed Charter amendment also clarifies that only votes cast in the Goodyear election shall be used in the calculation of a majority for the purposes of a candidate being elected to office following a primary election.

Should the electors of the City approve the proposed Charter amendment, current City Council terms would be extended as an operation of law since a Councilmember remains in office until their successor is qualified, and would be in compliance with A.R.S. § 16-204.02 which specifies that terms of office be extended to account for the adjustment of the election cycle. Council seats that are elected in the spring of 2019 will serve until the next election in fall of 2024, and the Office of Mayor and the remaining Council seats that would have been the subject of the spring of 2021 election, will move to the fall of 2022 election.

FISCAL ANALYSIS:

If approved, this question will be included on the ballot for the spring 2019 election cycle in a Special Election that will coincide with the scheduled City Primary Election. The cost of this election is anticipated to be approximately \$95,000 and the cost is included in the FY2019 budget.

RECOMMENDATION:

City staff recommends adopting Ordinance 2018-1406 submitting an amendment to Article IX, Section 5; Article IX, Section 6; and Article II Section 13 of the Charter of the City of Goodyear.

ATTACHMENTS:

Ordinance No. 2018-1406