Legislation Details (With Text)

File #:	15-281 **Version:** 1	**Name:**	
Type:	Study Session Item	**Status:**	Agenda Ready
File created:	11/10/2015	**In control:**	Town Council
On agenda:	11/19/2015	**Final action:**	11/19/2015
Title:	Discussion of Amendments to Election Code and Fee Schedule		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Ordinance 692 - Election Code Amendments, 2. Resolution 1337 Fee Schedule - Police Department, 3. PowerPoint - Code Amendments		

Date	Ver.	Action By	Action	Result
11/19/2015	1	Town Council		

Study Session Item

TO: **Mayor Collins and Town Council Members**

FROM: Kevin Burke, Town Manager
Duncan Miller, Town Clerk

DATE: November 19, 2015

DEPARTMENT: Town Manager

Duncan Miller 480-348-3610

AGENDA TITLE:
Discussion of Amendments to Election Code and Fee Schedule

<u>PURPOSE AND GOAL</u>
The purpose of this study session item is to brief the Town Council on amendments to the Town Code and Fee Schedule. Ordinance Number 692 amends the election chapter of the Town Code to bring it into compliance with recent changes in state law. There is no policy question to be decided as the amendments either conform to state statute or they are based on factors outside the Town's control. Resolution Number 1337 adds a Residential Parking Permit fee and increases the Vehicle Towing Administrative Hearing fee.

Town Council Rules and Procedures require that all ordinances must be heard in Study Session at least one meeting prior to vote. Although resolutions are not required to be heard in Study Sessions, the Council recently adopted the Residential Parking Permit as a trial program. The ordinance requires that the Town Manager bring back the permit fee for Council approval.

ELECTION CODE AMENDMENTS

Proposed Ordinance Number 692 includes amendments required by state law and general clean-up and clarifying text.

State Election Law Changes

In 2013, the Arizona Legislature adopted the "Consolidated Elections Law" mandating that all local elections for mayor and council must be held in the fall of even numbered years. This law necessitated changes in other election laws and procedures. In 2014, the Legislature passed a session law governing the formula to be used in determining whether a local candidate was elected at the Primary Election and/or whether there would be a run-off election.

In order to be elected at the Primary Election, candidates must receive a majority of the total votes cast. Prior to 2014, the Town Code defined "total votes cast" as the total number of voters who voted for the office of mayor. The 2014 Session Law preempted that provision and replaced it with a new formula. In 2015, the Legislature made the formula permanent law.

Total Votes Cast Formula (A.R.S. §9-821.01)

The new method calls for adding the total number of votes cast for all candidates for an office; dividing that sum by the number of seats to be filled at the election and then dividing the result of that calculation by two and rounding the number to the highest whole number. If more candidates receive a majority than there are offices to be filled, the candidates receiving the highest number of votes equal to the number of seats to be filled shall be declared elected.

In the following example, there are six candidates running for three council seats and their vote totals are as follows:

John Smith	100
Mary Smith	90
John Doe	90
Mary Doe	70
John Jones	55
Mary Jones	40
TOTAL	445

445 is divided by three (the number of seats to be filled) which equals 148.3. The result is then divided by two (74.166) and rounded up to the nearest whole number (75). In consequence, candidate receiving 75 or more votes would win at the primary. So John Smith, Mary Smith and John Doe would fill the 3 seats. If more candidates than there are offices to be filled had received 75 votes or more, then the three candidates with the most votes would be declared winners.

In a second example, if John Doe had only received 72 votes, then John Doe and Mary Doe would complete in the General Election for the third seat. John Jones and Mary Jones would not be on the November ballot.

This formula can make it easier for local candidates to win at the primary. If the Town had used the prior method in 2014, there would have been a November run-ff. Having a state-wide standard also makes declaring winners more definitive and less likely to be challenged in court.

Sections 2-3-3, 2-3-4, and 2-3-5 (Clean up)

There are no substantive changes to Sections 2-3-3, 2-3-4, and 2-3-5. The amendment to Section 2-

3-3 more clearly states that if a General or Run-off Election is necessary, only twice the number of candidates as seats to be filled will appear on the ballot. Section 2-3-4 simply clarifies when newly elected council members take office and Section 2-3-5 is renumbered.

Mail Ballot Elections (2-3-6 deleted)

Section 2-3-6, which directs the Town Clerk to conduct primary and general elections using the all-mail ballot voting procedure, is being deleted. State statute permits municipalities and school districts to hold all-mail ballot elections, but not counties. In 2014, the Maricopa County Elections Department reasoned that because of the consolidated elections law, municipalities could still hold all-mail ballot elections and that all other races for state and federal offices would be included on the ballot. Essentially the county was joining the local ballot. However, this created many procedural difficulties especially on election day. Counties across Arizona have decided not to provide all-mail balloting services on consolidated election dates. However, voters on the permanent early voter list may still vote early, but each precinct will have a polling location on election day.

FEE SCHEDULE AMENDMENTS

Residential Parking Permit Fee - $20

In June 2015, the Town Council adopted Ordinance Number 688 authorizing the Town Manager to designate, subject to Town Council approval, areas of Town in which on-street parking is restricted to vehicles with parking permits. The ordinance also authorizes the Town Manager to establish a fee to cover the administrative costs of the permits, subject to Town Council approval. The recommendation is to create a $20 fee that would allow each resident up to 3 parking passes.

To date, no neighborhoods have been designated restricted parking areas nor are any being considered at this time. The ordinance was adopted as a pilot program. It requires a one year review and automatically sunsets in July 2017. Even so, it is appropriate for the Town Council approve the fee in the event a neighborhood requests the designation during the remainder of the trial period.

Vehicle Impound Administrative Hearing - $150

A.R.S. §28-3511 requires an administrative hearing whenever the Police Department impounds a vehicle. The Town currently charges a $65 fee which has not been updated for more than 10 years. All other departments in the Valley charge $150. It is recommended that the Town's fee be increased to match surrounding communities in order to cover current administrative costs.

ATTACHMENT(S):
Ordinance Number 692
Resolution Number 1337
PowerPoint Presentation