

RESOLUTION NO. R2014.63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, CALLING A SPECIAL ELECTION ON AUGUST 26, 2014, FOR THE QUALIFIED ELECTORS OF THE CITY OF TEMPE, ARIZONA, FOR THE PURPOSE OF DETERMINING WHETHER TO AMEND THE TEMPE CITY CHARTER, ARTICLE IV, SECTION 4.02(C), MERIT SYSTEM BOARD; ARTICLE V, SECTION 5.03, CLAIMS OR DEMANDS AGAINST CITY; ARTICLE IX, SECTION 9.01(A)(1), ACTIVITIES PROHIBITED; AND GENERALLY, TO REFLECT GENDER NEUTRAL LANGUAGE THROUGHOUT THE TEMPE CITY CHARTER.

WHEREAS, the City of Tempe 2014 Primary or Regular Election will be held on August 26, 2014; and,

WHEREAS, the Tempe City Charter, Article IX, Section 9.02, Charter amendments, provides that Charter amendments may be initiated by the City Council and that all proposed amendments shall be submitted to the qualified electors of the City at a general or special election; and,

WHEREAS, the Arizona Constitution, Article XIII, Section 2 and Arizona Revised Statutes §§ 9-283(C) and 19-143(C) provide that the Tempe City Charter may be amended by amendments proposed and submitted by the City Council of the City of Tempe to the qualified electors at a general or special election; and,

WHEREAS, the Tempe City Council desires to submit four proposed Charter amendments on a Special Election ballot to be voted by the voters at the City of Tempe Primary/Special Election on August 26, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

Section 1. That a Special Election be held on August 26, 2014 in conjunction with the Primary or Regular Election to be held on that date.

Section 2. That the following questions be submitted to the qualified electors of the City of Tempe, to determine whether the Tempe City Charter should be amended:

SHALL ARTICLE IV, SECTION 4.02(C) OF THE TEMPE CITY CHARTER BE AMENDED TO READ AS FOLLOWS:

Sec. 4.02. Merit system.

(c) *Merit system board.* There shall be a merit system board consisting of three (3) members AND TWO (2) ALTERNATE MEMBERS appointed by the council from ~~the qualified electors~~ RESIDENTS of the city for staggered terms of three (3) years. Members of the board shall hold no other city office or city employment. The personnel officer shall provide necessary staff assistance for the merit system board.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES

NO

SHALL ARTICLE V, SECTION 5.03 OF THE TEMPE CITY CHARTER BE AMENDED TO READ AS FOLLOWS:

Sec. 5.03. Claims or demands against city.

The council shall prescribe, by ordinance, the manner in which claims or demands against the city shall be presented, audited and paid and may impose reasonable requirements with regard to notice and prompt presentation as a condition of payment. Provided, however, that the city shall not be liable for damages for injuries to any person or property unless the injured person or the owner of the damaged property or someone on his behalf shall, within ~~ninety (90)~~ ONE HUNDRED EIGHTY (180) days after the injury or damage, ~~give to the city manager~~ and PROVIDE to the city clerk notice, in writing, of such injuries or damage, stating fully in such notice, when,

where, and how the injuries or damage occurred AND OTHERWISE PROVIDING NOTICE IN ACCORDANCE WITH STATE LAW.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES

NO

SHALL ARTICLE IX, SECTION 9.01(A)(1) OF THE TEMPE CITY CHARTER BE AMENDED TO READ AS FOLLOWS:

Sec. 9.01. Prohibitions and penalties.

(a) *Activities prohibited.*

- (1) No person shall be appointed to, removed from, favored in any way, or discriminated against with respect to any city position because of race, ~~sex, political or religious affiliation~~ COLOR, GENDER, GENDER IDENTITY, SEXUAL ORIENTATION, RELIGION, NATIONAL ORIGIN, FAMILIAL STATUS, AGE, POLITICAL AFFILIATION, DISABILITY, OR UNITED STATES MILITARY VETERAN STATUS, EXCEPT AS SUCH FAVOR MAY BE AUTHORIZED BY LAW.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES

NO

SHALL THE TEMPE CITY CHARTER BE AMENDED GENERALLY, AS FOLLOWS:

Amend the City Charter throughout to replace "Councilman" with "Councilmember", "Councilmen" with "Councilmembers", "he" with "he/she", and "his" with "his/her".

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES

NO

Section 3. That the electors favoring the above Charter amendments shall vote "YES" and the electors opposing said amendments shall vote "NO".

Section 4. That the Special Election shall be held in conformity with the provisions of the Tempe City Charter, Tempe City Code and the general election laws of the State of Arizona.

Section 5. That the City Clerk is hereby authorized to sign the Maricopa County Menu of Services agreement for the conduct of the August 26, 2014 Special Election, as authorized by contract between the City of Tempe and Maricopa County (C93-40).

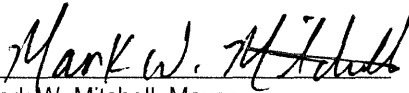
Section 6. That the City Council shall cause the ballot and publicity pamphlets to be printed and shall provide a sufficient number of ballots to conduct the election.

Section 7. That arguments supporting or opposing the Charter amendments to be published in the publicity pamphlet shall be filed with the City Clerk on or before May 28, 2014. 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

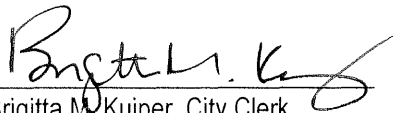
appear in the pamphlet. With each argument supporting or opposing the proposition, one hundred dollars (\$100.00) shall be deposited with the City Clerk to offset a portion of the proportionate cost of paper and printing the argument.

Section 8. That if a majority of the qualified electors of the City voting at the election vote in favor of any of the proposed Charter amendments, it shall be the duty of the City Council, immediately upon canvassing the vote cast in the election as provided, to transmit a certified copy of the approved Charter amendment(s) to the Governor of the State of Arizona for approval, as provided by the Tempe City Charter and the Arizona Constitution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 24th day of April, 2014.


Mark W. Mitchell, Mayor

ATTEST:


Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:


Judith R. Baumann, City Attorney