

ORDINANCE NO. 1418-610

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CHARTER AND REFERRING SUCH AMENDMENTS TO THE QUALIFIED ELECTORS OF THE CITY OF AVONDALE FOR CONSIDERATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2010.

BE IT ORDAINED BY THE COUNCIL OF CITY OF AVONDALE as follows:

SECTION 1. That Article II, Sections 3 and 4 of the Avondale City Charter are hereby amended to read as follows:

Section 3 Term of mayor; election in 1961.

The term of office of mayor shall commence on the first business day in January following his election, and shall be for four (4) years or until his successor is elected and qualified. The first election for mayor shall be held at the primary and general elections in 1961, as provided in this charter. No person shall be eligible to hold the office of mayor for more than eight (8) years in any twelve (12) year period, except that a partial term to which a person is appointed to fill a vacancy in the office of mayor preceding such person's election to the office of mayor shall not be counted for the purposes of the term limits set forth herein; PROVIDED FURTHER, THAT THE HOLDING OVER PERIOD SET FORTH IN ARTICLE IX, SECTION 12 HEREIN SHALL NOT BE COUNTED FOR THE PURPOSE OF THE TERM LIMITS SET FORTH IN THIS SECTION.

Section 4 Terms of councilmen; election in 1961; designation of long-term and short-term councilmen.

The terms of office of councilmen shall commence on the first business day in January following their election, and, except as otherwise herein provided, shall be for four (4) years or until their successors are elected and qualified. At the primary and general elections to be held in 1961, as provided in this charter, six (6) councilmen shall be elected. The councilmen so elected shall be divided into long-term and short-term councilmen. The three (3) receiving the highest number of votes shall fill said offices for the long terms and the other three (3) shall fill said office for the short terms. The long-term councilmen shall serve full four-year terms or until their successors are elected and qualified. Thereafter, in each odd numbered year, three (3) councilmen shall be elected

and shall serve four-year terms. No person shall be eligible to hold the office of councilman for more than eight (8) years in any twelve (12) year period, except that a partial term to which a person is appointed to fill a vacancy in the office of councilman preceding such person's election to the office of councilman shall not be counted for the purposes of the term limits set forth herein; PROVIDED FURTHER THAT THE HOLDING OVER PERIOD SET FORTH IN ARTICLE IX, SECTION 12 HEREIN SHALL NOT BE COUNTED FOR THE PURPOSE OF THE TERM LIMITS SET FORTH IN THIS SECTION.

SECTION 2. That Article IX, Sections 6 and 9 of the Avondale City Charter are hereby amended to read as follows:

Section 6 Time of holding primary elections.

Primary elections shall be held on the tenth Tuesday before the first Monday in November or on the date otherwise prescribed by state law of each odd-numbered year commencing in 1961 AND ENDING IN 2009. COMMENCING IN 2012, PRIMARY ELECTIONS SHALL BE HELD EVERY EVEN-NUMBERED YEAR ON THE TENTH TUESDAY BEFORE THE FIRST MONDAY IN NOVEMBER OR ON THE DATE OTHERWISE PRESCRIBED BY STATE LAW.

.....

Section 9 Time of holding general election.

COMMENCING IN 1961 AND ENDING IN 2009, there shall be a general municipal election held every odd-numbered year on the first Tuesday after the first Monday in November or on the date otherwise prescribed by state law, unless same is unnecessary by reason of other provisions herein. COMMENCING IN 2012, THERE SHALL BE A GENERAL MUNICIPAL ELECTION HELD EVERY EVEN-NUMBERED YEAR ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OR ON THE DATE OTHERWISE PRESCRIBED BY STATE LAW, UNLESS SAME IS UNNECESSARY BY REASON OF OTHER PROVISIONS HEREIN.

SECTION 3. That Article IX of the Avondale City Charter is hereby amended to include a new Section 12, Holding Over for Election Year Change, to read as follows:

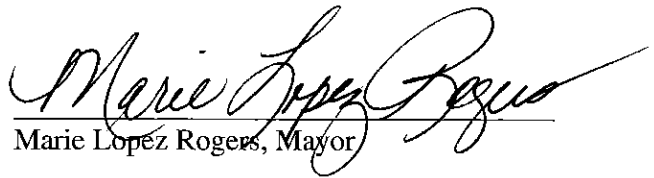
Section 12 Holding over for election year change.

For the purpose of facilitating the change in election years set forth in Sections 6 and 9 of this Article, the mayor and councilmen holding office on the tenth Tuesday before the first Monday in November 2011, whose terms would have expired on December 31, 2011, shall hold over in office until their successors are elected and qualified in 2012 and the councilmen holding office on the tenth Tuesday before the first Monday in November 2013, whose terms would have expired on December 31, 2013, shall hold over in office until their successors are elected and qualified in 2014.

SECTION 4. That this Ordinance shall be submitted to the qualified electors of the City of Avondale at the General Election to be held on November 2, 2010 and the individual provisions set forth in Sections 1, 2 and 3 herein shall be effective only upon approval of the majority of qualified electors voting at such election.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

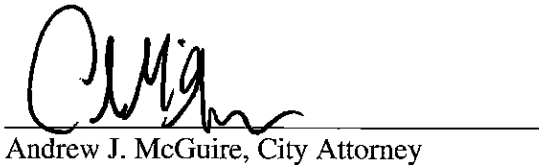
PASSED AND ADOPTED by the Council of the City of Avondale, June 21, 2010.


Marie Lopez Rogers, Mayor

ATTEST:


Carmen Martinez, City Clerk

APPROVED AS TO FORM:


Andrew J. McGuire, City Attorney