

RESOLUTION NO. 2017-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ORDERING THAT A SPECIAL ELECTION WILL BE HELD ON MAY 15, 2018, IN AND FOR THE TOWN OF FOUNTAIN HILLS, ARIZONA, TO SUBMIT TO THE QUALIFIED ELECTORS THE FOLLOWING QUESTION: THE PROPOSED AMOUNT TO BE RAISED BY PRIMARY (AD VALOREM) PROPERTY TAXES; AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the Town of Fountain Hills, Arizona (hereinafter referred to as the "Town"), determined that the Town should levy primary (ad valorem) property taxes in the next and each succeeding tax year for the purposes permitted by applicable law; and

WHEREAS, the Town has determined that the Town's Environmental Program fee will no longer be collected upon the voters' approval of the primary (ad valorem) property tax; and

WHEREAS, the Town must submit the proposed amount to be raised by primary (ad valorem) property taxes for approval of the qualified electors of the Town; and

WHEREAS, the Town of Fountain Hills will utilize the proceeds of the primary property tax for improving streets, ensuring police and fire services continue to be fully funded, and avoiding a revenue shortfall in the near future; and

WHEREAS, the Town may consolidate the special election (the "Election") with any other election conducted in the Town on May 15, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AS FOLLOWS:

SECTION 1. Pursuant to Arizona Revised Statutes §42-17056, as amended, the Town must submit the proposed amount to be raised by primary (ad valorem) property taxes for approval of the qualified electors of the Town; and

That the Election, in and for the Town, is hereby ordered and called to be held on May 15, 2018, at which time there shall be submitted to the qualified electors of the Town the ballot question of whether the Town is authorized to levy a primary (ad valorem) property tax not to exceed \$7,000,000.00.

SECTION 2. That the official ballot for the Election (hereinafter referred to as the "Official Ballot") shall be in substantially the form attached hereto as Exhibit "A."

SECTION 3. That notice of the Election is ordered to be given by causing the mailing of an informational/publicity pamphlet (hereinafter the "Information Pamphlet") with a sample of the Official Ballot ("Sample Ballot") to every household within the Town in which a registered voter of the Town resides, as shown by the Maricopa County Recorder's register. The Information Pamphlet and Sample Ballot shall be mailed before the earliest date for receipt by registered voters of the ballot for the Election

The Town Clerk is hereby directed to cause the preparation and distribution of the Information Pamphlet and Sample Ballot for the Town pursuant to Arizona Revised Statutes §42-17056. The officers of the Town are hereby authorized to prepare and deliver, or cause to be prepared and delivered, to the Town Clerk the information necessary or appropriate for completing the Information Pamphlet, including the amount proposed to be raised by primary (ad valorem) property taxes in the first year such a tax is levied and that this amount will be the base for determining levy limitations for the Town in subsequent years.

The Town Clerk is hereby directed and authorized to request arguments "For" and "Against" the subject matter of the Election by providing the notice in the form and by the means provided in the form attached hereto and marked Exhibit "B" (hereinafter referred to as the "Request for Arguments"). The Town Clerk is authorized to revise the form of notice hereto as necessary to comply with all applicable laws. Pursuant to Arizona Revised Statutes § 19-124, as amended, the Town hereby sets the period from January 31, 2018, through 5:00 PM on February 14, 2018, as the period to submit arguments "For" or "Against" the question of whether the Town should levy primary (ad valorem) property taxes in the next and each succeeding tax year.

The Town Clerk is authorized to publish a notice stating the deadline for filing with the Town of arguments "For" or "Against" the subject matter of the Election for inclusion in the Information Pamphlet. Such notice shall be published in a newspaper of general circulation within the Town.

Each argument "For" or "Against" the subject matter of the Election shall be submitted electronically through the Town's web site portal: www.fh.az.gov. Each argument must include a sworn statement from the person sponsoring the argument; for organizations submitting arguments, the sworn statement must be from two executive officers; and for political action committees submitting arguments, the sworn statement must be from the committee's chairman or treasurer.

Arguments are limited to 300 words in length. With each argument supporting or opposing the subject matter of the Election, the sum of One Hundred Dollars and No/100 (\$100.00) shall be deposited with the Town to offset a portion of the proportionate cost of paper and printing the argument in the Information Pamphlet. Electronic submittal of the payment shall be completed at the end of the argument submittal process on the Town's web site: www.fh.az.gov.

SECTION 4. The Election will be conducted as an all-mail ballot election, and the votes cast shall be counted and tabulated and the returns thereof will be made in the manner provided by law. Only persons who are qualified electors of the Town will be allowed to vote. A qualified elector must be registered to vote by April 16, 2018, to vote in the Election. Official Ballots for the Election will be mailed to qualified electors beginning April 18, 2018.

SECTION 5. The Town Clerk is hereby authorized and directed to cause ballots to be printed and delivered to the election boards to be furnished to the qualified electors. The Town Clerk is hereby authorized and directed to enter into a contract with the Maricopa County Recorder to obtain precinct registers for the Election, and to enter into an agreement with the Maricopa County Elections Department to conduct the Election on behalf of the Town. The Town Clerk is hereby authorized to take all necessary action to facilitate the Election.

SECTION 6. To comply with the Voting Rights Act of 1965, as amended, the following information pertaining to this Election shall be translated into Spanish and posted, published and/or

recorded in each instance where posting, publication and recording of such proceedings are required: this call of the election, ballot and any instructional materials, and the Information Pamphlet.

SECTION 7. A Ballot Center shall be designated by the Maricopa County Elections Department. The Ballot Center shall be open ten (10) days prior to the Election between the hours of 10:00 AM and 6:00 PM. The Ballot Center shall be open between the hours of 6:00 AM and 7:00 PM on the day of the Election.

SECTION 8. All expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditure shall be paid from current operating funds of the Town.

SECTION 9. The election officials will forward the votes cast to the Town Council for canvassing the results. The Mayor and Council will meet in the Fountain Hills Council Chambers on a day that is within twenty (20) days after the Election date to canvass the returns of the Election. The Mayor and Council will be governed by the vote of the majority on the question submitted.

If the Election results authorize implementation of the primary (ad valorem) property tax, a copy of the approved resolution shall be sent to the Arizona Property Tax Oversight Commission, and Maricopa County shall be notified that the Town will be levying a property tax in the fiscal year following the Election.

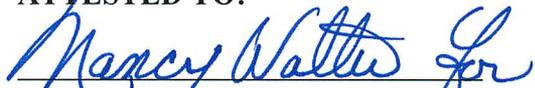
SECTION 10. That, by reason of the urgent need for the proceeds of the collection of the tax herein sought to be authorized, the immediate operation of this Resolution is necessary for the preservation of the public peace, health and welfare, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law and is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, on November 21, 2017.

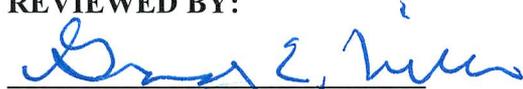
FOR THE TOWN OF FOUNTAIN HILLS:


Linda M. Kavanagh, Mayor

ATTESTED TO:


Bevelyn J. Bender, Town Clerk

REVIEWED BY:


Grady E. Miller, Town Manager

APPROVED AS TO FORM:

 FOR:
Fredda Bismar, Interim Town Attorney

CERTIFICATION

I, Bevelyn J. Bender, the duly appointed Clerk of the Town of Fountain Hills, Arizona, do hereby certify that the above and foregoing Resolution No. 2017-47 was duly passed by the Mayor and Council of the Town of Fountain Hills, Arizona, at a regular meeting held on November 21, 2017, and the roll call of the vote thereon was 6 Ayes, 0 Nays, and that the Mayor and 5 Councilmembers were present thereat.

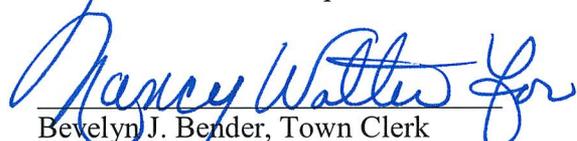

Bevelyn J. Bender, Town Clerk
Town of Fountain Hills, Arizona

EXHIBIT A

OFFICIAL BALLOT

**FOR SPECIAL ELECTION IN AND FOR THE TOWN OF FOUNTAIN HILLS,
ARIZONA ON MAY 15, 2018.**

QUESTION

PURPOSE:

PRIMARY (AD VALOREM) PROPERTY TAX IMPLEMENTATION

Shall the Mayor and Council of the Town of Fountain Hills, Arizona, be authorized to levy a primary (ad valorem) property tax not to exceed \$7,000,000.00? If such amount is approved by the voters, it will be the base for determining levy limitations for the Town for subsequent fiscal years.

PRIMARY LEVY, YES

PRIMARY LEVY, NO

EXHIBIT B

**REQUEST FOR ARGUMENTS “FOR” OR “AGAINST”
THE TOWN OF FOUNTAIN HILLS, ARIZONA
PROPERTY TAX QUESTION**

Notice is hereby given that the Town of Fountain Hills will hold a Special Election as follows:

Special Election **Tuesday, May 15, 2018**

Question: Shall the Mayor and Council of the Town of Fountain Hills, Arizona, be authorized to levy a primary (ad valorem) property tax not to exceed \$7,000,000.00? If such amount is approved by the voters, it will be the base for determining levy limitations for the Town for subsequent fiscal years.

SUBMITTING ARGUMENTS. Pursuant to the Arizona Revised Statutes §19-124 and §19-141, as amended, the Town hereby sets the date of **February 14, 2018, at the hour of 5:00 PM**, as the deadline to submit arguments “For” or “Against” the Town’s primary property tax ballot question for inclusion in the Information Pamphlet.

Filing period to submit arguments: January 31, 2018, to 5:00 PM on February 14, 2018.

Each “For” or “Against” argument shall not exceed 300 words in length and shall contain the sworn statement from the person sponsoring the argument. Any persons wishing to submit an argument “For” or “Against” the property tax question may do so by submitting it electronically through the portal available to the public on the Town’s web site: www.fh.az.gov. If the argument is sponsored by an organization, it shall contain the sworn statement of two executive officers of the organization; or if sponsored by a political committee, it shall contain the sworn statement of the committee’s chairman or treasurer. The person or persons signing the argument shall also identify themselves by giving their residence or post office address and a telephone number, which information shall not appear in the Information Pamphlet.

Payment, in the amount of One Hundred Dollars and No/100 (\$100.00), shall be deposited with the Town to offset a portion of the proportionate cost of paper and printing the argument and must be received before the argument can be officially received as filed. Electronic submittal of the payment shall be the final step when submitting the electronic “For” or “Against” argument on the Town’s web site.

This election shall be an all-mail ballot election. The last day to register to vote at this election is Monday, April 16, 2018.

For more information, please contact the Town Clerk’s office at: 16705 E. Ave. of the Fountains, Fountain Hills, AZ 85268; telephone: 480-816-5115

Bevelyn J, Bender, Town Clerk

Date

Published in the Times: January 31, 2018 and February 7, 2018