

**RESOLUTION NO. 2019-59**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN AND FOR THE TOWN OF FOUNTAIN HILLS, ON MAY 19, 2020, TO REFER TO THE VOTERS OF THE TOWN 1) ORDINANCE 19-03 REZONING 59.79 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF SHEA AND PALISADES BOULEVARDS FROM L-3 P.U.D. AND OSR TO DAYBREAK PAD; AND 2) RESOLUTION 2019-39, CHANGING ROUGHLY 23 ACRES NEAR THE NORTHEAST CORNER OF SHEA AND PALISADES BOULEVARDS FROM LODGING TO MULTI-FAMILY/MEDIUM**

**RECITALS:**

WHEREAS, on October 10, 2019, two applications for referenda petition serial numbers REF2019-01 and REF2019-02 were filed with the Town Clerk; and

WHEREAS, on October 31, 2019, petitions for each of the referenda questions were filed with the Office of the Town Clerk within the deadline established by Arizona Revised Statutes; and

WHEREAS, after review and procedures conducted by the Fountain Hills Town Clerk and subsequent random sampling voter registration verification by the Maricopa County Recorder's Office, it was determined that said petitions contained adequate numbers of signatures to place each item on the ballot; and

WHEREAS, the Fountain Hills Town Council believes it to be in the best interest of the Town to order and call a special election to be held on May 19, 2020.

**ENACTMENTS:**

**NOW THEREFORE BE IT RESOLVED** BY THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, ARIZONA, as follows:

**SECTION 1. Order and Call of Election.** A special election in the Town of Fountain Hills, Arizona, is hereby ordered and called to be held on May 19, 2020, to refer to the qualified electors of the Town Ordinance No. 19-03 (Daybreak Rezone) and Resolution 2019-39 (Daybreak General Plan Amendment), and other questions which may be ordered by the Town Council to be placed on said ballot after adoption of this resolution, as permitted by law.

**SECTION 2. Conduct of Election.** The election will be conducted by mail ballot according to A.R.S. 16-409, as amended, and the Town Clerk is hereby authorized to sign Maricopa County's Menu of Services Agreement for the conduct of the May 19, 2020 Special Election.

**SECTION 3. Informational Pamphlet.** The Town Clerk is hereby directed to cause the preparation and distribution of an informational pamphlet, which shall include the sample ballot for the Town; and, if the Town Clerk determines it to be in the Town's best interests, combine such informational pamphlet and sample ballot with any other informational pamphlet being

prepared for the May 19, 2020 Special Election. The Informational Pamphlet is to be mailed by April 20, 2020 to the residence of each registered voter of the Town as shown on the general county register.

**SECTION 4. Submitting Arguments.** The Town hereby sets the date of February 19, 2020, at the hour of 6:00 p.m., as the deadline to submit arguments FOR or AGAINST each of the questions. The Town Clerk is authorized to publish in a newspaper of general circulation within the Town a notice stating the deadline for the filing with the Town of arguments FOR or AGAINST, for inclusion in the informational pamphlet. A form of the notice requesting arguments FOR and AGAINST, including the deadline for submitting arguments, is attached hereto as Exhibit A. The Town Clerk is authorized to revise the form of notice hereto as necessary to comply with all applicable laws. Each argument shall not exceed 300 words in length and shall contained the sworn statement of each person sponsoring it. 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. Each argument shall also be submitted to the Town Clerk in electronic format. 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 questions, one hundred dollars (\$100.00) shall be deposited with the Town Clerk, for a proportionate cost of paper and printing the argument.

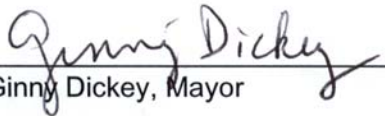
**SECTION 5. Deadline for Voter Registration and Mailing of Ballots.** Maricopa County registration and voting lists will be used for the special election. To be qualified to vote in the special election, a Town resident must be registered to vote by April 20, 2020. In an all-mail ballot election, all qualified electors who were registered by the registration deadline will receive a mail ballot. Official ballots for the special election will be mailed by Maricopa County Elections to qualified electors three to four weeks prior to the election date. The following locations will open as ballot replacement locations as noted:

Fountain Hills Community Center 13001 North La Montana Drive Fountain Hills, Arizona 85268	05/11/20 – 05/19/20
Maricopa County Elections Department – MCTEC 510 South 3 <sup>rd</sup> Avenue Phoenix Arizona 85003	04/22/20 – 05/19/20
Maricopa County Recorder/Elections Department – MESA 222 East Javelina Mesa, Arizona 85210	04/22/20 – 05/19/20


**SECTION 6. Ballots.** The Town Clerk is hereby authorized and directed to cause ballots to be printed and mailed to the qualified electors offering to vote at the election. The Mayor and the Town Clerk, or either of them, are authorized and directed to enter into one or more contracts or agreements with the Maricopa County Recorder and with the Maricopa County Elections Department for election services.

**PASSED AND ADOPTED** by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 17<sup>th</sup> day of December, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

  
\_\_\_\_\_  
Ginny Dickey, Mayor

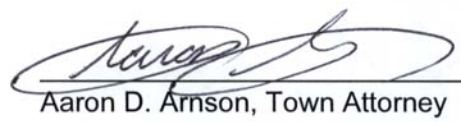
**ATTESTED TO:**

  
\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk

**REVIEWED BY:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Aaron D. Arnson, Town Attorney

**EXHIBIT A**  
**TOWN OF FOUNTAIN HILLS**  
**MAY 19, 2020 SPECIAL ELECTION**  
**REQUEST FOR STATEMENTS FOR OR AGAINST**

The Town of Fountain Hills, Arizona will hold a Special Election on Tuesday, May 19, 2020, to refer to the qualified electors of the Town Ordinance 19-03 (Daybreak Rezone) and Resolution 2019-39 (Daybreak General Plan Amendment), and other questions which may be ordered by the Town Council to be placed on said ballot after adoption of this resolution, as permitted by law.

Ballot language will be available in the Town Clerk's Office and on the Town's webpage by January 5, 2020.

Questions will be presented to the qualified voters of the Town of Fountain Hills in an informational pamphlet. The pamphlet will be mailed to the households of all registered voters prior to the start of early voting.

Any person(s) wishing to submit a statement FOR or AGAINST the questions may be submitted for publication in the informational pamphlet. Each argument cannot exceed 300 words in length and must contain the sworn statement of each person sponsoring it. 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. Each argument shall also be submitted to the Town Clerk in electronic format. A payment of one hundred dollars (\$100.00), to offset a portion of the cost of paper and printing the pamphlet, must accompany the filing of each argument.

Arguments must be submitted by 6:00 p.m. on February 19, 2020, at the following location:

Fountain Hills Town Clerk's Office  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268

For more information, please call the Fountain Hills Town Clerk Elizabeth Burke at 480.816.5115.