

ORDINANCE NO. 5104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PROPOSING TO AMEND SECTION 203 OF THE MESA CITY CHARTER TO SET THE PROCEDURES FOR FILLING A VACANCY IN THE OFFICE OF MAYOR AND COUNCIL DISTRICT OFFICE.

**WHEREAS**, the City Charter currently states that if a vacancy in the office of Mayor occurs, the Vice Mayor will serve as Mayor for the remainder of the term,

**WHEREAS**, the City Council believes the voters of the City of Mesa should elect the Mayor if the office becomes vacant with more than two (2) years remaining in the term,

**WHEREAS**, the City Council believes that if any district council office also becomes vacant it should be filled at the same election as for the office of Mayor, and

**WHEREAS**, Council desires to change the City Charter to require an election to fill a vacancy in the Office of Mayor if the vacancy occurs with more than two (2) years remaining in the term,

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Mesa, Arizona, as follows:

Section 1: That Section 203 of the Mesa City Charter is amended as follows, subject to approval by the voters of the City of Mesa and the Governor of the State of Arizona:

**203(B) Vice Mayor:** Within thirty (30) days after taking office, each Council shall elect from the Council a Vice Mayor who shall act as Mayor during absence or disability of the Mayor. ~~and if the office of Mayor becomes vacant, he shall become Mayor for the unexpired term, and the Council shall elect a new Vice Mayor within thirty (30) days.~~

**203(C) FILLING A VACANCY IN THE OFFICE OF MAYOR**

- (1) IF THE OFFICE OF MAYOR BECOMES VACANT WITH TWO (2) YEARS OR LESS REMAINING IN THE TERM, THE VICE MAYOR SHALL SERVE AS MAYOR FOR THE REMAINDER OF THE TERM. THE COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT. THE DISTRICT COUNCIL OFFICE THAT BECOMES VACANT DUE TO THE ASCENSION OF THE VICE MAYOR TO MAYOR WILL BE FILLED AS DESCRIBED IN SECTION 206.

- (2) IF THE OFFICE OF MAYOR BECOMES VACANT WITH MORE THAN TWO (2) YEARS REMAINING IN THE TERM, THE VICE MAYOR SHALL BECOME THE MAYOR PRO TEMPORE. THE COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT.
- (a) THE COUNCIL SHALL CALL AN ELECTION TO FILL THE OFFICE OF MAYOR, TO BE HELD CONCURRENT WITH THE NEXT COUNCIL ELECTION OR BY A SPECIAL ELECTION. THE ELECTION WILL BE HELD NOT LESS THAN 120 DAYS AND NOT MORE THAN 365 DAYS FROM THE DATE THE VACANCY OCCURS.
  - (b) ALL CANDIDATES FOR THE OFFICE OF MAYOR MUST DECLARE THEMSELVES A CANDIDATE FOR MAYOR AND FILE A STATEMENT OF ORGANIZATION WITHIN TEN (10) DAYS FROM THE DATE THE VACANCY OCCURS. IF THE MAYOR PRO TEMPORE OR A COUNCILMEMBER DECLARES HIMSELF A CANDIDATE FOR MAYOR, HE SHALL RESIGN HIS DISTRICT COUNCIL OFFICE IF REQUIRED IN SECTION 205.
  - (c) IF COUNCIL CALLS AN ELECTION TO FILL A VACANCY IN THE OFFICE OF MAYOR AND ONE OR MORE DISTRICT COUNCIL OFFICES ARE ALSO VACANT, THE COUNCIL MAY REQUIRE THAT THE VACANCIES IN THE COUNCIL DISTRICT OFFICES BE FILLED AT THE SAME ELECTION AS THE OFFICE OF MAYOR.
  - (d) AFTER FILING A STATEMENT OF ORGANIZATION, CANDIDATES FOR VACANT POSITIONS SHALL BE ENTITLED TO CIRCULATE NOMINATION PETITIONS FOR THE OFFICE AS SOON AS THE VACANCIES OCCUR.
  - (e) THE PROCEDURE FOR NOMINATION AND ELECTION SHALL BE THE SAME AS FOR THE REGULAR MAYOR AND COUNCIL ELECTION TO THE EXTENT POSSIBLE.
  - (f) IF THE MAYOR PRO TEMPORE DOES NOT RUN FOR THE OFFICE OF MAYOR, HE WILL SERVE AS MAYOR PRO TEMPORE UNTIL A SUCCESSOR MAYOR IS ELECTED AND QUALIFIED.
- (1) THE COUNCIL MAY APPOINT A PERSON TO SERVE AS DISTRICT COUNCILMEMBER FOR THE OFFICE THAT BECOMES TEMPORARILY UNFILLED DUE TO THE ASCENSION OF VICE MAYOR TO MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECOMES VACANT. THE APPOINTED DISTRICT COUNCILMEMBER'S TERM WILL END WHEN THE

MAYOR PRO TEMPORE RESUMES HIS POSITION AS DISTRICT COUNCILMEMBER. THE ORIGINAL TERM OF THE DISTRICT COUNCIL OFFICE REMAINS UNCHANGED.

Section 2: Effective Date: In accordance with Section 903(C) of the Mesa City Charter, this ordinance and the Charter amendment it describes shall not go into effect unless approved by a majority of the voters voting thereon at the next City election and approved by the Governor of the State of Arizona.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 2<sup>nd</sup> day of July, 2012.

APPROVED:



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Mayor

ATTEST:

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City Clerk