

**ORDINANCE NO. (O)11-19**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE, CHAPTER 2, MAYOR AND COUNCIL, ARTICLE 2-1, COUNCIL, SECTION 2-1-6, VACANCY, TO REFLECT A CHANGE IN STATE LAW DEALING WITH APPOINTMENT OF COUNCIL VACANCIES; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

**WHEREAS**, Oro Valley is a political subdivision of the State of Arizona, is vested with all rights, privileges, and benefits and entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

**WHEREAS**, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O)89-21, adopting that certain document entitled "Oro Valley Town Code, Chapter 2, Mayor and Council"; and

**WHEREAS**, in the 2011 legislative session, the Arizona legislature adopted SB 1318 which amended ARS § 9-235 dealing with filling of vacancies on city and town councils; and

**WHEREAS**, the Town desires to adopt the proposed amendment to Chapter 2, Mayor and Council, Article 2-1, Council, Section 2-1-6, Vacancy, to bring the Oro Valley Town Code into compliance with recent legislative changes dealing with the filling of Council vacancies.

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that** the certain document known as the "Oro Valley Town Code", Chapter 2, Mayor and Council, Article 2-1, Council, Section 2-1-6, Vacancy, is amended as follows:

**SECTION 1.** Oro Valley Town Code, Chapter 2, Article 2-1-6, Vacancy, is hereby amended as follows with additions in ALL CAPS and deletions in ~~strikethrough~~ text.

**Chapter 2 Mayor and Council**

**Article 2-1 Council**

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**Section 2-1-6 Vacancy**

...

**D. Office of Council Member.** In the event of a vacancy created in the office of Council Member, the Council shall fill such vacancy, by appointment UNTIL THE NEXT REGULARLY SCHEDULED COUNCIL ELECTION IF THE VACANCY OCCURS MORE THAN THIRTY DAYS BEFORE THE NOMINATION PETITION DEADLINE FOR THAT ELECTION, OTHERWISE for the unexpired term of that vacancy. The individual appointed by the Council to fill a vacancy among the membership of the Council pursuant to ARS 9-235, must also meet the qualifications of ARS 9-232(A).


...

**SECTION 2.** All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.


**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 6th day of July, 2011.

**TOWN OF ORO VALLEY**

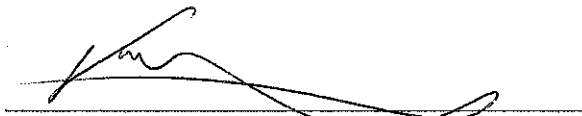
  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
Julie K. Bower, Town Clerk

Date: 7/7/11

**APPROVED AS TO FORM:**

  
Tobin Rosen, Town Attorney

Date: 7/6/11

**PUBLISH:** DAILY TERRITORIAL  
JULY 12, 13, 14, 15, 2011

**POSTED:** 7/12/11 - 8/12/11