

Mayor
Cathy Carlat

Palo Verde
District
Michael Finn,
Vice Mayor

Acacia
District
Vicki Hunt,
Mayor Pro Tem

Ironwood
District
Bill Patena

Mesquite
District
Bridget
Binsbacher

Pine
District
Carlo Leone

Willow
District
Jon Edwards

Amendment #1 November 26, 2018

City Council Meeting Notice & Agenda

Tuesday, November 27, 2018
City Hall, Ironwood Conference Room
8401 West Monroe Street
Peoria, AZ 85345



Special Meeting

4:00 P.M. Convene

Roll Call

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1 C. Canvass of November 6, 2018 General Election

Discussion and possible action to adopt **RES. 2018-121** approving the Canvass of Election for the General Election held on November 6, 2018.

2 C. Authorization to Hold an Executive Session

Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

- (a) Employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the evaluation process and performance review of the Municipal Judge pursuant to A.R.S. § 38-431.03.A.1.

Adjournment

Executive Session

Convene immediately following Special City Council Meeting
Executive Room, City Council Chamber

Under the provisions of A.R.S. 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

Executive Session Agenda

3. An Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:
 - (a) Employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the evaluation process and performance review of the Municipal Judge pursuant to A.R.S. § 38-431.03.A.1.

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the Council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Call To The Public (Non-Agenda Items)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.

Public Notice

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/mayor-and-city-council/city-council-videos>

City Manager

Jeff Tyne

City Clerk

Rhonda Geriminsky

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 1C.

Date Prepared: 11/7/2018

Council Meeting Date: 11/27/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Rhonda Geriminsky, City Clerk
SUBJECT: Canvass of November 6, 2018 General Election

Purpose:

Discussion and possible action to adopt **RES. 2018-121** approving the Canvass of Election for the General Election held on November 6, 2018.

Summary:

Pursuant to Arizona Revised Statutes § 16-642, City Council must meet and canvass the General Election held on November 6, 2018. The canvass is the act that declares the election results official. State Statute requires the canvass to be completed not less than six days and not more than twenty days following the election. The deadline for this action is November 26, 2018.

The Maricopa County Board of Supervisors is scheduled to approve the Canvass of Election on November 26, 2018. Therefore, pursuant to A.R.S. 16-642 (C), City Council met on November 16, 2018 and approved the postponement of the Canvass of Election until November 27, 2018.

Previous Actions/Background:

On April 3, 2018, City Council directed the City Clerk to publish the *Call and Notice of Election* for a citywide Primary Election on August 28, 2018 and if necessary, a General Election on November 6, 2018. The Council authorized staff to add additional issues to the ballot as directed by Council, or by appropriate administrative action.

On September 12, 2018, City Council adopted the Canvass of Election for the August 28, 2018 Primary Election. Based on the results from the Primary Election, a runoff General Election was necessary for the office of Councilmember for the Acacia District.

On November 6, 2018, a runoff General Election was conducted and the ballot included candidates for the office of Councilmember for the Acacia District.

On November 16, 2018, City Council approved the postponement of the Canvass of Election.

Options:

Adopt the Resolution approving the Canvass of Election for the November 6, 2018 General Election.

Staff Recommendation:

This is a request for City Council to adopt a resolution approving the official Canvass of Election for the November 6, 2018 General Election.

ATTACHMENTS:

Resolution

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

RESOLUTION NO. 2018-121

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE MARICOPA COUNTY REGULAR GENERAL ELECTION HELD ON NOVEMBER 6, 2018.

WHEREAS, the City of Peoria, Arizona did hold a general election on November 6, 2018; and

WHEREAS, the election returns have been presented to and hereby canvassed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria, Arizona, as follows:

SECTION 1. That the total number of ballots cast and total voter turnout at said general election, as shown by the final results as reported by Maricopa County, are set forth on the Summary Report, attached and incorporated into this resolution.

SECTION 2. That the number of votes cast at each precinct at said general election, as shown by the final results as reported by Maricopa County, are set forth on the Precinct Canvass Report, attached and incorporated into this resolution.

SECTION 3. That the number of rejected ballots by precinct at said general election, as shown by the final results as reported by Maricopa County, are set forth on the Rejected Ballots Report, attached and incorporated into this resolution.

SECTION 4. That the total number of votes cast at said general election for the candidates of the Acacia District Councilmember are as follows:

<u>Candidates Name</u>	<u>Votes Cast</u>
Burback, Brittany	2,971
Hunt, Vicki	3,201

SECTION 5. That it is hereby found, determined and declared of record, that the following candidate did, pursuant to Peoria City Code Chapter 4, Section 4.1(c), receive the highest number of votes and will be issued a Certificate of Election in January 2019 at the official swearing-in ceremony:

<u>Name</u>
Hunt, Vicki

SECTION 6. That all orders or resolutions in conflict be, and the same are, to the extent of such conflict, hereby repealed, and that this resolution be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 27th day of November, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

MRC_20181106_E
November 6, 2018
Summary Report
MARICOPA COUNTY
FINAL OFFICIAL RESULTS

Peoria-Council-Acacia	(5)	5/5	100.00%
Under Votes:	1514		
Over Votes:	7		
- BURBACK, BRITTANY	2,971	48.00%	
- HUNT, VICKI	3,201	51.71%	
Write-In Candidate	18	0.29%	
Total ...	6,190	100.00%	

MRC_20181106_E

11/6/2018

Precinct Canvass

MARICOPA COUNTY

1 Peoria-Council-Acacia

				1	1	1	1	1							
	Registered	Ballots Cast	Turnout (%)	BURBACK, BRITTANY	HUNT, VICKI	Write-In Candidate	Over Votes	Under Votes							
0125 COMET	2485	1530	61.57	490	655	1	3	381							
0466 OSUNA PARK	3251	1776	54.63	733	759	6	1	277							
0497 PEORIA HEIGHTS	2223	990	44.53	424	386	1	1	178							
0645 SUNDANCE	2063	1103	53.47	402	492	2		207							
0702 VOGEL	4424	2312	52.26	922	909	8	2	471							
	14446	7711	53.38	2971	3201	18	7	1514							

EV36Batch-V10.rpt

Date: 11/20/2018

**MARICOPA COUNTY
RECORDER'S INFORMATION SYSTEMS CENTER
REJECTED BALLOTS BY PRECINCT / CPC**

Page: 1

Time: 9:58 pm

Election Title: MARICOPA COUNTY

Election Number: 1341

Election Date: 11/06/2018

PEORIA - ACACIA DIST 5

<u>Precinct/CPC Number</u>	<u>Precinct/CPC Name</u>	<u>Reason</u>	<u>Number Rejected</u>
			0
0125	COMET	NO SIGNATURE	4
0466	OSUNA PARK	RETURNED LATE	3
		NO SIGNATURE	4
0497	PEORIA HEIGHTS	BAD SIGNATURE	1
		RETURNED LATE	2
0645	SUNDANCE	BAD SIGNATURE	1
		NO SIGNATURE	2
0702	VOGEL	BAD SIGNATURE	1
		RETURNED LATE	3
		NO SIGNATURE	7

Bad Signature Total: 3**No Signature Total: 17****Total Rejected: 20****Returned Late Total: 8****Total Rejected + Late: 28**