



Board of Supervisors Memorandum

October 3, 2023

Appointment of Interim Vail Town Council if Voters Approve Incorporation

Background

The Vail incorporation question will be on the November 7, 2023 ballot for those registered to vote within the proposed town boundaries. The Elections Department anticipates requesting Board approval of the canvas on November 21. If voters approve incorporation, two additional actions will be required of the Board at the time of approving the canvas:

1. Approval of a resolution declaring the community incorporated by name and by its metes and bounds (A.R.S. § 9-101(E)), and
2. Appointment of an interim seven-member town council to serve until elections for permanent council members are held in May. Interim council members are to meet within 20 days to select a Mayor. (A.R.S. § § 9-231(A)(B)(C), 9-232(A))

If voters do not approve incorporation, no appointments will be made and no resolution will be necessary.

Recommended Appointment Process

Regarding appointment of an interim town council, there are no statutory provisions specifying how the Board would appoint members. I suggest following the path the Board typically uses in making appointments to fill other elected vacancies. Usually the Clerk of the Board gives notice that applications for the positions will be accepted and then the Board appoints from those who have applied. Applications include a letter of interest stating at a minimum how the applicant meets the qualifications, a resume, and a financial disclosure statement. The qualifications to serve as a council member are specified in A.R.S. § 9-232(A). Council members should have resided in the proposed town boundaries for at least one year and be 18 years old. They must also be a qualified elector as defined by A.R.S. § 16-121.

Based on these two statutes, the qualification requirements that would be requested and reviewed by the Clerk would include:

1. Proof of age 18
2. Proof of residency for at least 12 months at an address within the proposed town boundaries
3. Proof of voter registration

Shown below is an example of the notice used for filling a Constable position.

The Honorable Chair and Members, Pima County Board of Supervisors
Re: Appointment of Interim Vail Town Council if Voters Approve Incorporation
October 3, 2023
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Notice of the Pima County Board of Supervisors

Constable, Justice Precinct 1 — Vacancy Appointment Process

The Pima County Board of Supervisors is accepting Letters of Interest, Resumes and Financial Disclosure Statement Forms from individuals interested in being considered for the appointment to fill the vacancy of Pima County Constable, Justice Precinct 1. All documents should be submitted to:

Melissa Manriquez, Pima County Clerk of the Board
Pima County Administration Building
33 N. Stone Ave., Suite 100
Tucson, AZ 85701

The submission deadline has been extended to Friday, Dec. 23, 2022, at 5 p.m.

To be eligible to fill the vacancy, an individual must be:

- 18 years of age or older at the time of the appointment;
- Literate in English;
- Registered to vote in the precinct;
- A resident of the precinct (check [HERE](#) by inputting your address and making sure "Justice of the Peace 01" comes up in the search results); and
- The same political party as the person vacating the office, in this case a Republican.

The [Financial Disclosure Statement Form and Instruction Manual](#) can be obtained from the Pima County [Clerk of the Board's home page](#), by emailing a request to the Clerk of the Board at COB_Mail@pima.gov or by calling 520-724-8449.

The names of individuals to be considered for the appointment will be posted to the Pima County Homepage as submissions are received.

Comments in support or concern may be submitted to the Clerk of the Board via U.S. Mail at the address above or by email at COB_Mail@pima.gov.

The Pima County Board of Supervisors will make the appointment to fill the vacancy at its meeting on Jan. 10, 2023. The individual appointed will serve through December 31, 2024.

Publish: Daily Territorial Newspaper
Dec. 12 and 19, 2022

Process and Schedule

Since this process is up to the Board, I am placing this item on the Board's October 3, 2023 meeting for direction on how to proceed.

A suggested process and schedule could include:

- October 3 - Board meeting with direction to proceed
- October 8 and 16 - Advertise in Daily Territorial
- October 20 - Deadline to submit applications
- Clerk of the Board adds names of applicants to webpage as they are received.
- After October 20, Clerk of Board sends applicants information to Recorder to verify proof of residency and voter registration
- After Recorder verification, Clerk of the Board sends letter of interest and resumes of all qualified applicants to Board of Supervisor members for their review.
- Individual members of the Board of Supervisors could choose to meet with one or more applicants.

- November 21 - Board of Supervisors canvases the election. If voters approve incorporation, the Board also approves a resolution declaring the community incorporated and appoints an interim seven-member Town council.

Recommendation

If voters approve incorporation of the community of Vail into a Town at the November 7, 2023 election, the Board of Supervisors will be required to appoint an interim seven-member town council at the same time the Board approves the canvas and declares the Town incorporated. I recommend the Board prepare for this possibility by following the process used by the Clerk of the Board to fill other elected vacancies, and as outlined in this memorandum. This would include a solicitation of applications. The Clerk of the Board, with assistance from the Recorder's Office, would review applications to ensure applicants meet the qualifications to serve on a town council. The Clerk of the Board would transmit applications for qualified applicants to the Board of Supervisors prior to the November 21 Board meeting, which is the anticipated meeting for canvassing the election.

Sincerely,



Jan Lesher
County Administrator

JKL/anc – September 19, 2023

c: The Honorable Gabriella Cazares-Kelly, Pima County Recorder
Hilary Hiser, Chief Deputy Recorder
Melissa Manriquez, Clerk of the Board
Carmine DeBonis, Jr., Deputy County Administrator
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Constance Hargrove, Director, Elections Department
Nicole Fyffe, Senior Advisor, County Administrator's Office