GLENDALE

City of Glendale
Office of the City Attorney

24 January 2014

Charter Amendment Process

At the January 7, 2014 Council Meeting, during the council items of special interest, Councilmember Alvarez requested "staff give information on looking at [the city] charter". In response to the council member's request, please accept this brief memorandum regarding the Charter amendment process.

Article XV of the Glendale City Charter provides that the Charter may be amended and that all amendments to the Charter shall be made in accordance with state law. The applicable state law sections are Arizona Revised Statutes 9-283 and 19-143 (Copies have been attached below).

Arizona Revised Statutes 9-283 and 19-143 allow the legislative body to amend the Charter by placing the matter on a ballot for a vote by the qualified electors. If the Council desires to have the matter placed on the ballot, A.R.S. 19-143 requires that a majority of the council vote in favor of placing the amendment on the ballot, the amendment filed with the Clerk no less than sixty (60) days before the election (60 days before the Primary (August 26) is 06/27/2014 and 60 days before the General (November 4) is 9/5/2014).

Alternatively, the Charter may be amended by the initiative process. The initiative process is a citizen-driven process and requires obtaining signatures to place the matter on the ballot. An initiative requires 15% of the qualified electors voting at the last general election to sign a petition to have the matter placed on the ballot. In the event that the initiative will qualify, it is submitted to the City Clerk for consideration at the next election. It is important to note that the council has the discretion to enact the initiative and refer it to the people or it may enact the ordinance or amendment without referring it to the people.

When considering amending the Charter, please be advised of the following procedural considerations:

- Per the City Clerk, the cost for a City-wide (based on about 110,000 voters) Primary or General election, with a publicity pamphlet, would cost approximately $90,000;
- Maricopa County requires the City to provide ballot language to them 105 days prior to an election:
  - For the Primary Election the 105 deadline is May 13, 2014;
  - For the General Election the 105 deadline is July 22, 2014.

Please let me know if you desire additional information

Michael D. Bailey
City Attorney

Arizona Revised Statues 9-283. Approval of charter; recording and filing; amendment
A. Upon approval the charter shall become the organic law of the city and supersede any charter then existing and all ordinances inconsistent with the new charter.
B. A copy of the charter, certified by the chief executive officer of the city, and authenticated by the seal of the city, together with a statement similarly certified and authenticated setting forth the submission of the charter to the electors and its ratification by them, shall, after approval of the charter by the governor, be made in duplicate, and one copy shall be filed in the office of the secretary of state and the other in the archives of the city, after being recorded in the office of the county recorder, and thereafter all courts shall take judicial notice of the charter.
C. The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city to the qualified electors thereof, or by petition as provided in this article, at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided in this article for the approval of the charter.

19-143. Initiative petition in cities; action of council; amendment of charter
A. The whole number of votes cast at the city or town election at which a mayor or councilman was chosen last preceding the submission of the application for an initiative petition is the basis for computing the number of qualified electors of the city or town required to sign the petition unless the city or town by charter or ordinance provides an alternative basis for computing the number of necessary signatures.
B. If an ordinance, charter or amendment to the charter of a city or town is proposed by initiative petition, it shall be filed with the city or town clerk, who shall submit it to the voters of the city or town at the next ensuing election. The council may enact the ordinance or amendment and refer it to the people or it may enact the ordinance or amendment without referring it to the people, and in that case it is subject to referendum petition as other ordinances. The mayor shall not have power to veto either of such measures.
C. Amendments to a city or town charter may be proposed and submitted to the people by the council, with or without an initiative petition, but they shall be filed with the clerk for submission not less than sixty days before the election at which they are to be voted upon, and no amendment of a charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The council may by ordinance order special elections to vote on municipal measures.

This opinion shall supersede any prior opinions of this Office that specifically address the subject matter herein to the extent of any direct inconsistency between this and the prior opinion.