

ORDINANCE 2003-A251

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, TO REPEAL CHAPTER 15, ARTICLE 3.1 OF THE TOWN CODE REGARDING ELECTION LAWS AND CONFLICTS OF INTEREST

WHEREAS, it is in the best interest of the Town to repeal Town Code, Chapter 15, Article 3.1– Election Laws and Conflicts of Interest, and

WHEREAS, Chapter 15, Article 3.1 of the existing Town code should be repealed since it is difficult to enforce, costly to the public and in potential violation of other laws in its enforcement,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. Chapter 15, Article 3.1– Election Laws and Conflict of Interest, the Town Code is amended to read:

Article 3.1 ELECTION LAWS AND CONFLICTS OF INTEREST

~~**A.** The Town shall strictly enforce the Arizona Election Laws and violations of Arizona Revised Statutes Titles 16 and/or 19 relating to elections as criminal violations with either the prescribed criminal penalty in the Arizona Statutes or as a Class 2 Misdemeanor under this Article where no penalty is prescribed in the Arizona Revised Statutes.~~

~~**B.** All complaints of violations of election laws shall be filed by a written complaint to the Town Clerk who shall immediately transmit a copy of the complaint to the Town Attorney.~~

~~**C.** The Town Attorney is responsible for the overall investigation and prosecution of any violations of this article. The Town Attorney may delegate to any appointed, contracted, town employed, or special prosecutor, as appropriate for criminal violations, so long as the Town Attorney's duties under this ordinance are completely fulfilled, and the Town Attorney retains overall responsibility.~~

~~**D.** A filed complaint alleging that petitions for signatures, pursuant to ARS Title 16 and/or 19 are left unattended or obviously altered shall constitute Probable Cause to believe a violation of this Article has occurred, and shall require thorough investigation and appropriate prosecution pursuant to the provisions of this Article.~~

~~E.~~ The Town Attorney shall have the jurisdiction and duty to enforce the provisions of this Article and Arizona Revised Statutes, Titles 16 and/or 19, as above, pursuant to the following:

1. If the Complaint is filed by a citizen who is *not* a member of the Town Council, or an appointed employee of the Town as designated by this Code, or a relative of the Town Attorney as defined by this Code or State Law, the Town Attorney shall be deemed not to have a conflict of interest performing duties under this section.

2. Should the Town Attorney have a conflict of interest pursuant to E-1 above, the Town Attorney shall retain the services of an attorney, called a Special Prosecutor. The Special Prosecutor will prepare an estimated cost for the investigation and prosecution of the violation and submit such to the Town Council. Such expenditure shall be automatically authorized unless a member of the Town Council requests the item be placed on the agenda and five (5) members of the Council reject such authorization in a public meeting to be held within five (5) working days of the submission of the cost estimate to the Council.

3. The Town Manager will have a Camp Verde law enforcement official assigned to investigate complaints brought under this Article. That portion of the law enforcement official's activity directly associated with the investigation of complaints brought under this Article shall be supervised by the Town Attorney. Upon a documented finding by the Town Attorney, that a conflict of interest exists on behalf of the law enforcement official, the Town Attorney shall request assignment of a Camp Verde law enforcement official not subject to a conflict of interest or, if none is available, shall make arrangements with the Yavapai County Sheriff's Office to provide an investigating law enforcement official. Should a Special Prosecutor be retained pursuant to E-2 above, the Special Prosecutor shall arrange with the Yavapai County Sheriff's Office to provide an investigating law enforcement official.

~~F.~~ The Town Attorney or delegate prosecutor will prosecute the violators of this section upon sufficient showing of relevant evidence of the elements of the crime to warrant prosecution; provided however, that the Town Attorney is not required to contravene the provisions of the Arizona Rules of Professional Conduct.

~~G. The provisions of A, B, C, D, E, and F above are self-implementing and require no additional authorization to proceed. Failure by a Town Official to act in accordance with this Article shall be grounds for immediate termination of employment for cause.~~

Section 2. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance, including Ordinance 2002-A222, or any part of the code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

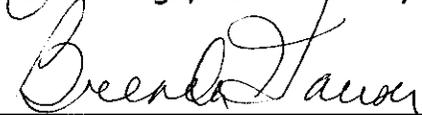
Section 3. This ordinance is effective upon completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 5 day of February 2003.

Approved as to Form:


Julie Kriegh, Town Attorney

Date 2-6-03


Brenda Hauser, Mayor

Attest:


Deborah Barber, Town Clerk