

AGENDA ITEM SUMMARY

DATE: 9/26/2011

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: MHC: NW

SUBJECT:

Ordinance No. 1092 (election consolidation amendments)

*Public Hearing
Oct. 10th*

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The state law was recently amended to provide that the county would administer all elections including municipal elections. The enclosed ordinance merely revises our ordinance to be consistent with state law.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Clerk	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	_____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Ordinance No. 1092 and to authorize the mayor to conduct the first reading with a roll call vote. _____

FOLLOW-UP REMARKS:

9/26 - council authorized this to go to public hearing for next mtg Oct. 10th for adoption & 1st reading. For Oct 24th mtg. need to waive 2nd reading & conduct 3rd reading & authorize mayor to sign ord. Publish ~~by~~ by Nov. 2nd

HAILEY ORDINANCE NO. 1092

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTIONS 1.14 AND 1.16 OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR REVISIONS ALLOWING THE BLAINE COUNTY COMMISSIONERS TO CANVASS VOTES CAST AT A CITY ELECTION; BY AMENDING SECTION 2.20.020 OF THE HAILEY MUNICIPAL CODE TO MAKE THE SECTION CONSISTENT WITH STATE LAW; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted ordinances providing for election procedures for municipal elections and initiative and referendum elections;

WHEREAS, effective January 1, 2011, Idaho law was amended to provide that the county administer all elections within the county including municipal elections; and

WHEREAS, the Mayor and the City Council find that amendments to Chapters 1.14, 1.16 and 2.20 of the Hailey Municipal Code are required to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 1.14.040 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

1.14.040 Canvass of returns. ~~The mayor and council~~ county commissioners shall meet within ~~six~~ ten (10) days after any city election to canvass the votes cast at such election, pursuant to Idaho Code Section ~~50-467-50-412~~, and the city clerk or designee shall enter the results of the election into the minutes of the city council proceedings and proclaimed as final.

Section 2. Section 1.16.110 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

1.16.110 Canvass of returns. ~~The Mayor and City Council~~ county commissioners shall meet within ~~six (6)~~ ten (10) days after the election to canvass the votes cast at such election, pursuant to Idaho Code Section ~~50-467-50-412~~, and the City Clerk or designee shall ~~immediately announce~~ enter the results of the election in the minutes of the city council proceedings and proclaimed as final. Any initiative measure approved by a majority of the votes cast shall be in full force and effect upon publication according to law ~~from the date of such announcement.~~ Any ordinance which is the subject of a referendum ~~receiving less than a majority of the votes cast shall repeal the ordinance,~~ shall be repealed, effective on the date of approval such announcement.

Section 3. Section 2.20.020 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

2.20.020 Runoff election. Pursuant to Idaho Code §50-707B, election to the city council shall henceforth require a majority of the votes cast for each council seat. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between two candidates receiving the highest number of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and ~~50-405~~ 50-429, Idaho Code. ~~The first notice of election shall be made by the city clerk not less than twenty (20) days next preceding any runoff election, and the designation of polling places shall be made by the city clerk not less than twenty (20) days next preceding any run off election.~~

Section 4. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 5. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND
APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2011.**

Richard L. Davis, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2011

