

RESOLUTION 01-24

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, (A) ORDERING AND CALLING A PRIMARY ELECTION TO BE HELD ON TUESDAY, JULY 30, 2024, AND, IF NECESSARY, A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, TO NOMINATE CANDIDATES FOR MAYOR-AT-LARGE AND COUNCILMEMBER SEATS FOR DISTRICTS 1, 2, AND 3 IN THE CITY OF BUCKEYE; (B) DECLARING THAT THE COUNCIL DEEMS THE GRANTING OF A FRANCHISE WITH SOUTHWEST GAS CORPORATION BENEFICIAL FOR THE CITY OF BUCKEYE AND ORDERING THAT AT THE PRIMARY ELECTION, THERE SHALL BE SUBMITTED TO THE VOTERS OF THE CITY OF BUCKEYE THE QUESTION AS TO WHETHER OR NOT SAID FRANCHISE SHALL BE GRANTED TO SOUTHWEST GAS CORPORATION; (C) DESIGNATING OR PROVIDING FOR THE MANNER IN WHICH THE CITY CLERK SHALL CONDUCT THE ELECTION; (D) THE DEADLINE FOR VOTER REGISTRATION; AND (E) SPANISH TRANSLATION OF ELECTION MATERIALS.

WHEREAS, the Mayor and Council (collectively, the “Council”) desire to submit the qualified electors of the City of Buckeye (the “City”) the (i) selection of candidates for Councilmember seats for Districts 1, 2, and 3 and Mayor-at-Large in the City; and

WHEREAS, the Council may consolidate the election with any other election conducted in the City on July 30, 2024, and November 5, 2024, as applicable; and

WHEREAS, Arizona Revised Statute § 9-501, *et seq.*, authorizes the City of Buckeye to enter into franchise agreements with public utilities; and

WHEREAS, Southwest Gas Corporation desires to obtain a franchise with the City of Buckeye in the form set forth in the Franchise Agreement between Southwest Gas Corporation and The City of Buckeye Arizona (the “Franchise Agreement”), on file with the City Clerk of the City of Buckeye, and incorporated herein by reference; and

WHEREAS, the City of Buckeye, at the request of Southwest Gas Corporation, desires to conduct an election for the purpose of submitting to the electors of the City of Buckeye the question of whether the proposed franchise shall be granted; and

WHEREAS, the Council finds that granting a franchise to Southwest Gas Corporation to be beneficial for the City.

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

Section 1. Order and Call of Election; Purpose. The primary election (“Primary

Election”) is hereby ordered and called to be held in and for the City on Tuesday, July 30, 2024, to:

- A. Nominate candidates for three (3) Councilmember seats and Mayor-at-Large whose names shall appear on the ballot at the general election to be held on November 5, 2024 (the “General Election” and together with the Primary Election, the “Election”), if necessary. Any candidates receiving a majority of all the votes cast at the Primary Election will be declared elected without running at the General Election.
- B. Submit the question as to whether the franchise under the terms and conditions of the Franchise Agreement shall be granted to Southwest Gas Corporation in the City of Buckeye. The ballots used at the franchise election shall be substantially in the following form, which final language shall be subject to approval by the City Clerk and the City Attorney:

SHALL THE PROPOSED FRANCHISE BE GRANTED TO
SOUTHWEST GAS CORPORATION FOR A PERIOD OF TWENTY-
FIVE (25) YEARS FOR THE USE OF CITY RIGHTS-OF-WAY FOR
GAS UTILITY PURPOSES?

Section 2. Publication of the Call and Notice of Election. The publication of the call and notice of the Election shall be given, or caused to be given, by the City Clerk, as provided by law, and as may be deemed necessary and appropriate in the City Clerk’s discretion to advise the public of the Election.

Section 3. Conduct of Election; Contracts. The Election may be conducted by mail ballot according to Arizona Revised Statutes § 16-409, as amended, and the City Clerk is hereby authorized to determine the manner in which the Election shall be conducted. The Mayor, City Manager or City Clerk is authorized and directed to enter into an intergovernmental agreement with the Maricopa County Recorder and/or the Maricopa County Elections Department to conduct the Election. The Election shall be conducted and the votes cast thereat shall be counted and tabulated, and the returns thereof shall be made in the manner provided by law. Only persons who are qualified electors of the City shall vote at the Election. The Election may be consolidated with any other election conducted in the City on July 30, 2024, and November 5, 2024.

Section 4. Deadline for Voter Registration. Maricopa County registration and voting lists will be used for the Election. To be qualified to vote in the Primary Election, a City resident must be registered to vote by July 1, 2024. To be qualified to vote in the General Election, a City resident must be registered to vote by October 7, 2024. For those persons on the permanent early voter list, official ballots will be mailed by Maricopa County Elections Department to qualified electors for the Primary Election and for the General Election.

Section 5. Voting Rights Act Submission and Spanish Translation. To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to the Election will be translated into Spanish and posted, published, and/or recorded in each instance where posting, publication, and/or recording for such proceedings are required, such as this call of election, the notice of election, ballots, all early voting materials, and all instructions contained in the mail

ballot materials.

Section 6. Ballots. The City Clerk is hereby authorized and directed to cause ballots to be printed and mailed to the qualified electors offering to vote at the Election. The Election may be conducted in the manner determined to be in the best interests of the City by the Maricopa County Elections Department and the City Council or either of them.

Section 7. Canvass of Election. The returns of the Election shall be made to the Council, which shall meet on a day that is not less than six (6) days nor more than twenty (20) days after the Election to canvass the returns and certify the results, all as provided by law. The Council will be governed by the vote of the majority of the ballots cast on the questions submitted. The City Clerk shall record a copy of the Council Resolution canvassing the results in the office of the Maricopa County Recorder.

PASSED AND ADOPTED by the Mayor and Council of the City of Buckeye, Arizona,
This 20th day of February, 2024.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

K. Scott McCoy, City Attorney