

RESOLUTION NO. 14-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SNOWFLAKE, NAVAJO COUNTY, ARIZONA AUTHORIZING THE PROCEDURE TO RESOLVE THE WITHDRAWAL OF THE SOLE CANDIDATE FOR THE OFFICE OF MAYOR IN THE PRIMARY ELECTION.

WHEREAS, the Primary Election for the Town of Snowflake was set for August 26, 2014 and continued from that date to November 4, 2014 by Resolution No. 14-13 to be able to correct an error on the ballot wherein Navajo County Election Services incorrectly set out a 3 council seat election instead of a 2 council seat election on the ballot; and,

WHEREAS, Jason Whiting qualified as the only candidate for the Office of Mayor of the Town Snowflake; and,

WHEREAS, subsequently, he was appointed as a member of the Board of Supervisors for Navajo County; and,

WHEREAS, he filed his resignation as a councilman and has withdrawn his candidacy for Mayor; and,

WHEREAS, the ballots for the November 4, 2014 Primary Election have been printed and early balloting is ongoing; and

WHEREAS, using applicable state statutes, case law, and the Snowflake Town Code

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Snowflake that the procedure to resolve the withdrawal of the sole candidate for the Office of Mayor in the Primary Election is as follows:

Section 1

That Barbara Flake, Town Clerk, notify Navajo County Election Services that Jason Whiting has been appointed to the Navajo County Board of Supervisors.

Accordingly, he has tendered his resignation as a Town Councilman, and has also withdrawn as a candidate for Mayor for the Town of Snowflake.

Section 2

That the Town of Snowflake is following the precedent set forth in Paul Katan v. City of Prescott, In the Court of Appeals, State of Arizona, Division One, No. 1 CA-CV 09-0611, EL, Department D; also cited as Katan v. City of Prescott, 221 P.3d 370.

Section 3

That Barbara Flake, Town Clerk, will not accept write-in applications from any candidate since no statute or town code section permits write-in applications for the Town of Snowflake nonpartisan Primary Election to be held on November 4, 2014 and the following General Election in March, if needed.

Section 4

That the Town will therefore fill the vacancy of Mayor as set forth in Snowflake Town Code, Section 1-5-1, and will thereafter place the election of the Mayor at or upon the next available election in August 2016.

PASSED and ADOPTED this ____ day of _____ 2014 by the Mayor and Council of the Town of Snowflake.

Kelly S. Willis, Mayor

ATTEST:

Barbara Flake, Town Clerk

APPROVED AS TO FORM:

Robert M. Hall, Town Attorney