

RESOLUTION NO. 2383-03

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE
PRIMARY ELECTION HELD ON SEPTEMBER 9, 2003.

WHEREAS, the City of Avondale (the "City"), Arizona, did hold a primary election on the 9th day of September, 2003 (the "Election") for the nomination/election of the Mayor and three Council Members and for the purpose of voting on Proposition 400, a resolution submitting to the qualified electors of the City the question of authorizing a half-cent sales tax increase; and

WHEREAS, the Election returns have been presented to and have been canvassed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the total number of ballots cast at the Election, as shown by the poll lists, was 3,609.

SECTION 2. That the number of ballots to be verified was 75, and that voters found to be ineligible were 30.

SECTION 3. That the votes cast for the candidates for Mayor were as follows:

CANDIDATE	VOTES
Drake, Ron	2,443
Jones, Peggy	852
Lamontagne, Donald R.	236

SECTION 4. That the votes cast for the candidates for Council Member were as follows:

CANDIDATE	VOTES
Earp, Jason	1,720
Emmett, Ray	851
Gonzales, Yolanda Cano	730
Hedrick, Anita	1,310
Lucas, Mark	1,333
Lynch, Betty S.	1,537
Rogers, Marie Lopez	1,717

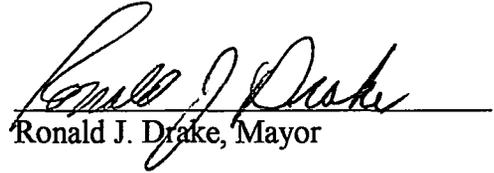
SECTION 5. That it is hereby found, determined and declared of record, that Ron Drake did receive more than one-half of the total number of valid votes cast for Mayor and is hereby issued a certificate of election.

SECTION 6. That the votes cast for Proposition 400 were as follows:

YES	2,706
NO	793

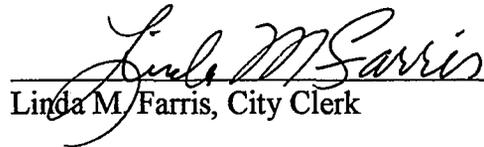
SECTION 7. That this Resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Council of the City of Avondale, September 15, 2003.



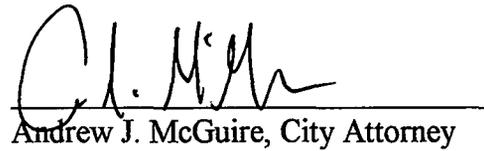
Ronald J. Drake, Mayor

ATTEST:



Linda M. Farris, City Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, City Attorney

RESOLUTION NO. 2381-03

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, RATIFYING THE REMOVAL OF PROPOSITION 401 FROM
THE SEPTEMBER 9, 2003 BALLOTS.

WHEREAS, a referendum petition was filed by Avondale residents challenging a Conditional Use Permit ("CUP") (Case No. AP02-523) for a self-storage facility in a C-2 zoning district granted by the Council of the City of Avondale (the "City Council"); and

WHEREAS, the City Clerk verified the signatures collected by the referendum petitioners and certified Proposition 401 for the September 9, 2003, ballot; and

WHEREAS, the CUP applicant, Timothy Redelsperger (the "Applicant"), filed a Special Action Complaint in Maricopa County Superior Court, *Redelsperger v. City of Avondale*, CV2003-001344, to have the referendum removed from the ballot, arguing that the City Council's decision to grant the CUP was administrative and therefore not referable; and

WHEREAS, the Superior Court ruled against the Applicant and the Applicant appealed to the Arizona Court of Appeals (the "Court of Appeals"); and

WHEREAS, the Court of Appeals ruled on July 22, 2003, that the City Council's decision to grant the CUP was not subject to referendum and instructed the Superior Court to enter declaratory and injunctive relief in favor of the Applicant; and

WHEREAS, the ballots for the September 9, 2003, election were scheduled to be distributed to voters on August 7, 2003; and

WHEREAS, City Staff directed the printer to reprint the ballot to remove Proposition 401 to avoid voter confusion; and

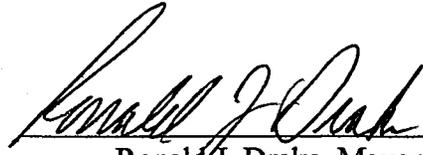
WHEREAS, the City Council desires to ratify the removal of Proposition 401 from the ballot for the September 9, 2003, election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That action taken to remove Proposition 401 from the September 9, 2003, election ballot prior to the date on which early ballots were scheduled to be mailed to voters is hereby ratified.

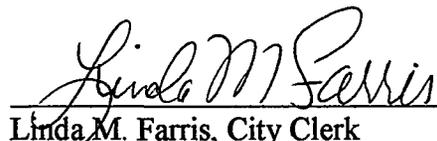
SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, August 18, 2003.



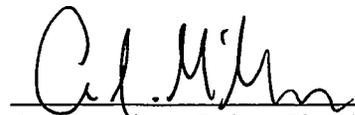
Ronald J. Drake, Mayor

ATTEST:



Linda M. Farris, City Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, City Attorney