

**ORDINANCE NO. 09-14**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTER 2, MAYOR AND COUNCIL, ARTICLE 2-1, COUNCIL, RELATING TO VACANCIES IN COUNCIL.

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the Fountain Hills Town Code, Chapter 2, Mayor and Council, Article 2-1, Council, Section 2-1-4, Vacancies in Council, is hereby deleted in its entirety and replaced with the following:

**Section 2-1-4            Vacancies in Council**

- A.     The Council shall fill any vacancy that may occur in the Council by any method provided by ARIZ. REV. STAT. § 9-235, as amended.
- B.     In the case of a vacancy that may occur in the Office of the Mayor, the Council shall appoint, from the remaining Council Members, one person to serve as Mayor for the remainder of the Mayor's term. The Council shall then fill, in the manner set forth in Subsection 2-1-4(A) above, the vacancy in the Council created by appointing a Council Member to serve as Mayor.
- C.     All vacancies shall be filled in a reasonable period of time from the occurrence of the vacancy.

SECTION 2. That, if any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed therefrom without affecting the validity of the remaining portions of this Ordinance.

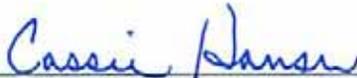
SECTION 3. That the Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, November 5, 2009.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Jay T. Schlum, Mayor

  
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Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Richard L. Davis, Town Manager

  
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Andrew J. McGuire, Town Attorney