



# Board of Supervisors Memorandum

October 17, 2023

## Revised - Review and Approval of Process for Appointment of Interim Vail Town Council if Voters Approve Incorporation

### Background

On November 7, 2023 voters within the proposed town boundaries of Vail will vote on whether or not the area of Vail should become an incorporated jurisdiction. If the effort is successful, the Board of Supervisors is required by State Statute to appoint an interim Town Council. At the October 3, 2023 meeting of the Board of Supervisors, a draft process for the appointment of an interim Vail Town Council was presented to the Board. The Board of Supervisors directed staff to revise the proposed process so that it did not begin prior to the election. A revised process is delineated below.

Following the November 7, 2023 election, the canvas of ballot question regarding the Vail incorporation is scheduled approved by the Board at the November 21, 2023 meeting. If voters approve incorporation, two additional actions will be required of the Board at the time of approving the canvas:

1. Approval of a resolution declaring the community incorporated by name and by its metes and bounds (A.R.S. § 9-101(E)), and
2. Appointment of an interim seven-member town council to serve until elections for permanent council members are held in May. Interim council members are to meet within 20 days to select a Mayor. (A.R.S. § § 9-231(A)(B)(C), 9-232(A))

If voters do not approve incorporation, no appointments will be made and no resolution will be necessary.

### Recommended Appointment Process

Regarding appointment of an interim town council, there are no statutory provisions specifying how the Board would appoint members. I suggest following the path the Board typically uses in making appointments to fill other elected vacancies. Usually the Clerk of the Board gives notice that applications for the positions will be accepted and then the Board appoints from those who have applied. Applications include a letter of interest stating at a minimum how the applicant meets the qualifications, a resume, and a financial disclosure statement. The qualifications to serve as a council member are specified in A.R.S. § 9-232(A). Council members should have resided in the proposed town boundaries for at least one year and be 18 years old. They must also be a qualified elector as defined by A.R.S. § 16-121.

Based on these two statutes, the qualification requirements that would be requested and reviewed by the Clerk would include:

OCT 13 2:23 PM '23 OCT 13 2:23 PM '23

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Revised - Review and Approval of Process for Appointment of Interim Vail Town  
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1. Proof of age 18
2. Proof of residency for at least 12 months at an address within the proposed town boundaries
3. Proof of voter registration

Shown below is an example of the notice used for filling a Constable position.

#### Notice of the Pima County Board of Supervisors

Constable, Justice Precinct 1 — Vacancy Appointment Process

The Pima County Board of Supervisors is accepting Letters of Interest, Resumes and Financial Disclosure Statement Forms from individuals interested in being considered for the appointment to fill the vacancy of Pima County Constable, Justice Precinct 1. All documents should be submitted to:

Melissa Manriquez, Pima County Clerk of the Board  
Pima County Administration Building  
33 N. Stone Ave., Suite 100  
Tucson, AZ 85701

The submission deadline has been extended to Friday, Dec. 23, 2022, at 5 p.m.

To be eligible to fill the vacancy, an individual must be:

- 18 years of age or older at the time of the appointment;
- Literate in English;
- Registered to vote in the precinct;
- A resident of the precinct (check [HERE](#) by inputting your address and making sure "Justice of the Peace 01" comes up in the search results); and
- The same political party as the person vacating the office, in this case a Republican.

The [Financial Disclosure Statement Form and Instruction Manual](#) can be obtained from the Pima County [Clerk of the Board's home page](#), by emailing a request to the Clerk of the Board at [COB\\_Mail@pima.gov](mailto:COB_Mail@pima.gov) or by calling 520-724-8449.

The names of individuals to be considered for the appointment will be posted to the Pima County Homepage as submissions are received.

Comments in support or concern may be submitted to the Clerk of the Board via U.S. Mail at the address above or by email at [COB\\_Mail@pima.gov](mailto:COB_Mail@pima.gov).

The Pima County Board of Supervisors will make the appointment to fill the vacancy at its meeting on Jan. 10, 2023. The individual appointed will serve through December 31, 2024.

Publish: Daily Territorial Newspaper  
Dec. 12 and 19, 2022

#### Process and Schedule

The suggested process and schedule is as follows:

- October 17 - Board meeting with direction to proceed
- November 7 – Voters consider the incorporation of the proposed town boundaries of Vail.
- November 8 (or as soon as election results are available and the determination of the incorporation is apparently decided) Postings begin on Pima County Website and information distributed in press releases and social media.
- *Clerk of the Board adds names of applicants to webpage as they are received.*

The Honorable Chair and Members, Pima County Board of Supervisors  
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- November 13 - Deadline to submit applications
- November 14 - Clerk of Board sends applicants information to Recorder to verify proof of residency and voter registration
- November 16 - Clerk of the Board sends letter of interest and resumes of all qualified applicants to Board of Supervisor members for their review.
- November 16 and/or 17 – League of Women Voters conducts forum(s) with qualified applicants.
- November 21 - Board of Supervisors canvases the election. If voters approve incorporation, the Board also approves a resolution declaring the community incorporated and appoints an interim seven-member Town council.

Recommendation

If voters approve incorporation of the community of Vail into a Town at the November 7, 2023 election, the Board of Supervisors will be required to appoint an interim seven-member town council at the same time the Board approves the canvas and declares the Town incorporated. I recommend the Board prepare for this possibility by following the process used by the Clerk of the Board to fill other elected vacancies, and as outlined in this memorandum. This would include a solicitation of applications. The Clerk of the Board, with assistance from the Recorder's Office, would review applications to ensure applicants meet the qualifications to serve on a town council. The League of Women Voters will conduct a public forum with the qualified candidates. The Clerk of the Board would transmit applications for qualified applicants to the Board of Supervisors prior to the November 21 Board meeting.

Sincerely,



Jan Leshner  
County Administrator

JKL/anc – October 13, 2023

c: The Honorable Gabriella Cazares-Kelly, Pima County Recorder  
Melissa Manriquez, Clerk of the Board  
Carmine DeBonis, Jr., Deputy County Administrator  
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Constance Hargrove, Director, Elections Department  
Nicole Fyffe, Senior Advisor, County Administrator's Office