

**FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT
AND REVITALIZATION DISTRICT
OF FLAGSTAFF, ARIZONA**

RESOLUTION NO. 2014-05

A RESOLUTION OF THE DISTRICT BOARD OF THE FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT OF FLAGSTAFF CALLING A SPECIAL ELECTION FOR JUNE 4, 2014, FOR THE PURPOSE OF SUBMITTING TO THE PROPERTY OWNERS AND QUALIFIED ELECTORS OF THE DISTRICT A QUESTION AUTHORIZING THE DISTRICT BOARD TO LEVY AN AD VALOREM TAX AT A MAXIMUM RATE NOT TO EXCEED TWO DOLLARS AND THIRTY NINE CENTS (\$2.39) PER ONE HUNDRED DOLLARS (\$100) OF THE ASSESSED VALUATION FOR ALL REAL PROPERTY IN THE DISTRICT

WHEREAS, on February 4, 2014, the City Council of the City of Flagstaff, Arizona (the "City"), adopted a Resolution ordering and declaring the formation of the Flagstaff Downtown Business Improvement and Revitalization District (the "District") in the City of Flagstaff, Arizona; and

WHEREAS, the District is a special purpose tax levying revitalization district as provided in Section 48-6807 of the Arizona Revised Statutes, and is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City; and

WHEREAS, in accordance with Arizona Revised Statutes §48-6817 and §48-6818 the District Board wishes to call a Special Election for June 4, 2014, to submit to the qualified electors a question of authorizing the District Board to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation for all real property in the district.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AS FOLLOWS:

Section 1. THAT a special election of the qualified electors of the District is hereby called to be held on June 4, 2014 (hereinafter referred to as the "Election"), at which there shall be submitted to the qualified electors of the District the question authorizing the District Board to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation for all real property in the district.

Section 2. THAT

- (A) notice of the Election shall be given by posting notices in three public places within the boundaries of the district not less than twenty days before the election; and

- (B) the Clerk of the District shall mail to the property owners and qualified electors of the district notice of said election in substantially the form attached hereto and marked Exhibit 'A'; and
- (C) the Clerk of the District shall publish in a newspaper of general circulation in the municipality once a week for two consecutive weeks before the election.

Section 3. THAT the official ballot for the Election shall be in substantially the form hereto attached and marked Exhibit 'B'; and

Section 4. THAT each elector shall sign the Affidavit of Prospective Elector as to Ownership of Land or Other Qualification to Vote in substantially the form hereto attached and marked Exhibit 'C'; and

Section 5. THAT the election shall be a polling place election to be held from 9:00 a.m. to 3:00 p.m. on Wednesday, June 4, 2014, in the City Council Conference Room, Flagstaff City Hall, 211 West Aspen, Flagstaff, Arizona.


Section 6. THAT

- (A) the Election shall be held, conducted and canvassed in conformity with the provisions of the general election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are property owners and qualified electors of the District.
- (B) all expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditures shall be paid from current operating funds of the District.
- (C) the Clerk of the City is hereby further authorized to take all other necessary action to facilitate the Election.

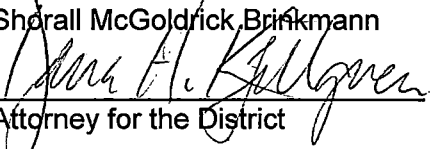
PASSED by the District Board of the Flagstaff Downtown Business Improvement and Revitalization District this 6th day of May, 2014.



 Chairman

ATTEST:


 District Clerk

APPROVED AS TO FORM:


 Sherall McGoldrick Brinkmann
 Attorney for the District

EXHIBIT 'A'
**NOTICE OF ELECTION
OF THE BOARD OF DIRECTORS OF THE
FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT
AND REVITALIZATION DISTRICT**

NOTICE IS HEREBY GIVEN that an election for the authorization of the Board of Directors of the Flagstaff Downtown Business Improvement and Revitalization District to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation for all real property in the District will be held on Wednesday, June 4, 2014. The polls will open at 9:00 a.m. and will close at 3:00 p.m. The polling place shall be at Flagstaff City Hall, Council Conference Room (First Floor), 211 West Aspen, Flagstaff, Arizona 86001.

At a Regular Meeting of the Board of Directors ("Board") of the District held May 6, 2014, the Board voted unanimously to adopt an acreage system of voting for District Elections beginning in 2014. In accordance with Title 48, Chapter 19, Article 5 of the Arizona Revised Statutes, all bona fide owners of land in the District are entitled to vote under the acreage system of voting for each office and question in District elections. Each qualified elector of the District is entitled to the number of votes or fractional votes equal to the number of acres or fractional acres, rounded to the next one-seventh acre, owned by that owner in the Voting Division for the Director being elected, but not more than 1,280 votes as provided by A.R.S. 48-3043.

The District has created an Election Register for each Voting Division. The name of a landowner must appear on the Election Register in order for the landowner to be qualified to vote in District Elections. Individual or sole proprietorship landowners must be residents of Arizona. All landowners must have owned their property for at least 90 days before the District Election. Joint owners may cast votes in the proportion to their ownership in the acreage. Acreage held by a corporation may be voted by an officer of the corporation if designated by resolution of the corporation's board of directors and if the District receives the corporation's resolution by 5:00 p.m. on Friday, May 23, 2014. Partnerships, executors, guardians, limited liability companies, and trusts may designate an individual, authorized by statute, to cast the votes for the entity; however, they must also submit a resolution to the District on or before Election Day authorizing their Designated Voter.

Please feel free to contact District staff at (928) 213-2076 to obtain a Certificate and Resolution for authorizing your entity's Designated Voter.

Dated this 6th day of May, 2014.

**FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT
AND REVITALIZATION DISTRICT**

Elizabeth A. Burke, District Clerk

EXHIBIT 'B'
FORM OF OFFICIAL BALLOT

Number of Eligible Votes: _____ representing _____ acres.

OFFICIAL BALLOT

QUESTION NO. 1

OFFICIAL TITLE: SUBMISSION TO THE PROPERTY OWNERS AND QUALIFIED ELECTORS A QUESTION AUTHORIZING THE DISTRICT BOARD TO LEVY AN AD VALOREM TAX AT A MAXIMUM RATE NOT TO EXCEED TWO DOLLARS AND THIRTY NINE CENTS (\$2.39) PER ONE HUNDRED DOLLARS (\$100) OF THE ASSESSED VALUATION FOR ALL REAL PROPERTY IN THE DISTRICT.

DESCRIPTIVE TITLE: Authorization of the District Board to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation of all real property in the District for the operation and maintenance expenses of the District.

A **YES** vote shall have the effect of authorizing the District Board to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation for all real property in the District

TAX, YES

A **NO** vote shall have the effect of not authorizing the District Board to levy an ad valorem tax at a maximum rate not to exceed two dollars and thirty nine cents (\$2.39) per one hundred dollars (\$100) of the assessed valuation for all real property in the District

TAX, NO

EXHIBIT 'C'
AFFIDAVIT OF PROSPECTIVE ELECTOR AS TO OWNERSHIP OF
LAND OR OTHER QUALIFICATION TO VOTE
PURSUANT TO SECTIONS §16-121 AND/OR §48-3043,
ARIZONA REVISED STATUTES

State of Arizona)
County of Coconino)
City of Flagstaff) ss.
Flagstaff Downtown Business Improvement)
and Revitalization District)

COMES NOW the undersigned and deposes and says:

"I am (place mark next to 1, 2 or 3 to indicate your eligibility)

1. _____ a qualified elector in the Flagstaff Downtown Business Improvement and Revitalization District and reside at _____, where I resided at the date of my registration; or

2. _____ a qualified elector in the Flagstaff Downtown Business Improvement and Revitalization District and reside at _____, where I resided at the date of my registration, AND a qualified voter pursuant to 48-3043 of the Arizona Revised Statutes (complete section 4) or

3. _____ a qualified voter pursuant to § 48-3043 of the Arizona Revised Statutes (complete section 4)

4. I am an owner of land in the Flagstaff Downtown Business Improvement and Revitalization District, the expansion and improvement of which is the subject of the election to which this affidavit applies, and therefore a qualified elector of such district; or otherwise qualified to vote pursuant to Section §48-3043 of the Arizona Revised Statutes (being a bona fide owner of land within the district holding title or evidence of title of record, including: an entrymen upon public lands under the public land laws of the United States or a certificate of purchase from the State of Arizona, who has held such title for ninety (90) days and who is a resident of the State of Arizona; when the holder of record title is a married person, the spouse in whose name the title stands; if record title is held in more than one name, each owner otherwise possessing the qualifications of an elector voting the number or fractions of acres represented by my legal interest or proportionate share of and in the lands; the administrator or executor of a deceased person or the guardian of a minor or an incompetent person, appointed and qualified under the laws of the State of Arizona, representing such person or estate; an officer of a corporation designated and authorized by a resolution of the board of directors of the corporation representing the corporation; the general partner of a partnership in whose name title to property within the district is vested as a holder of title or evidence of title, who is designated and authorized in writing by all of the general partners; or the trustee of a trust in which there are more than one trustee, in whose name title to property within such district is vested as a holder of title or evidence of title)."

My vote represents _____ acres

Printed Name of Affiant

Printed Name of Entity Represented by Affiant, if any

I, THE UNDERSIGNED, DO SOLEMNLY SWEAR (OR AFFIRM) THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Affiant