

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

RESOLUTION NO. 2022-04

A RESOLUTION OF THE DISTRICT BOARD OF THE FLAGSTAFF
DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION
DISTRICT OF FLAGSTAFF CALLING A SPECIAL ELECTION FOR
FEBRUARY 22, 2023, FOR THE PURPOSE OF SUBMITTING TO THE
PROPERTY OWNERS OF THE DISTRICT THE ELECTION OF BOARD OF
DIRECTORS

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 which included the selection of the initial Board of Directors to serve a term of one year; and

WHEREAS, in compliance with A.R.S. 48-6802(D), subsequent members of the board of directors shall be real property owners in the district who shall be elected at large by the real property owners in the district who shall serve a term of four (4) years; and

WHEREAS, Section 4.2 of the Rules of Operation, adopted by Resolution No. 2014-10 on September 2, 2014, states that subsequent members of the board of directors shall be increased from three (3) members to five (5) members, who shall serve a four-year term; and

WHEREAS, in compliance with A.R.S. 48-6818, the Board of Directors have selected to hold an election on February 22, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE FLAGSTAFF
DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT AS FOLLOWS:**

Section 1. THAT a special election of the qualified electors of the District is hereby called to be held on February 22, 2023, (hereinafter referred to as the "Election"), at which there shall be submitted to the qualified electors of the District the names of candidates to serve as members of the Board of Directors for a term of four (4) years, commencing on March 5, 2023.

Section 2. THAT the Board of Directors has elected to hold a mail-ballot election and pursuant to A.R.S. 16-558 shall request from the Coconino County Board of Supervisors approval to hold said mail-ballot election and ballots will be received up until 3:00 p.m. on February 22, 2023, at the Office of the Flagstaff City Clerk (District Clerk), 211 West Aspen, Flagstaff, Arizona, 86001.

Section 3. THAT packets to become a candidate will be available beginning December 12, 2022, and must be filed in the office of the District (City) Clerk, 211 West Aspen, Flagstaff, Arizona, 86001, by 5:00 p.m. on January 11, 2023. Documents required to be filed include:

1. Nonpartisan Nomination Paper, Affidavit of Qualification and Campaign Finance Laws Statement (one form)

2. Nonpartisan Nomination Petitions signed by at least five (5) qualified voters of the District

Section 4. 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 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 district once a week for two consecutive weeks before the election.
- (D) the District shall pay return postage for said mail ballots.

Section 5. THAT each elector shall sign the Affidavit of Prospective Elector as to Ownership of Land in substantially the form hereto attached and marked Exhibit 'B'; and

Section 6. THAT

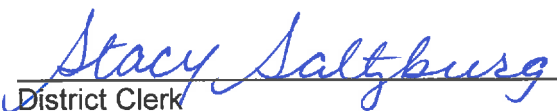
- (A) the Election shall be held, conducted and canvassed in conformity with the provisions of the general election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are property owners of the District.
- (B) all expenditures 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 District 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 8th day of November, 2022.



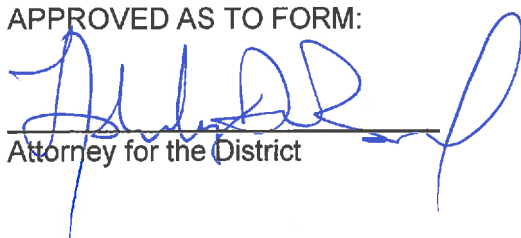
 Chairman

ATTEST:



 District Clerk

APPROVED AS TO FORM:



 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 to select members of the Board of Directors of the Flagstaff Downtown Business Improvement and Revitalization District will be held on February 22, 2023. This will be a mail-ballot election and ballots will be received until 3:00 p.m. on election day.

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. 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 3:00 p.m. on February 22, 2023. 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.

Questions regarding the District mail-ballot election process may be directed to the District Clerk at 928.266.5182.

Dated this 8th day of November, 2022.

**FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT
AND REVITALIZATION DISTRICT**

Stacy Saltzburg, District Clerk

EXHIBIT 'B'

**AFFIDAVIT OF PROSPECTIVE ELECTOR
AS TO OWNERSHIP OF LAND
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 an owner of land in the Flagstaff Downtown Business Improvement and Revitalization District, 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