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COMMITTEES:
JUDICIARY
MUNICIPAL OVERSIGHT & ELECTIONS, Vice Chairman
RULES

DISTRICT 3

Arizona House of Representatives

1700 West Washington
Phoenix, Arizona 85007

Via email only to:

Arizona Attorney General's Office
Attn: Hayleigh Crawford
Solicitor General's Office, Special Litigation Section
agopinionrequests@azag.gov

With a copy via email only to:

Mayor Ginny Dickey
gdickey@fountainhillsaz.gov

Dear Ms. Crawford:

When a vacancy occurred on the Fountain Hills Town Council (the "Council") it deadlocked with respect to filling that vacancy via vote on 9/17/24.¹ The Council has not agendized the filling of the vacancy for October.² As a consequence, it does not appear that the Town Council will ever fill this vacancy, as it is compelled to do by law, but will simply wait until the winner of the election takes office.

A.R.S. § 9-235, however, states: "The council shall fill a vacancy that may occur[.]" Accordingly, the Council has no discretion to wait until the voters fill the vacancy but, rather, is required to fill the vacancy itself pending the voters' chosen candidate taking office.

Therefore, pursuant to A.R.S. § 41-194.01, I am requesting that your office investigate whether the Fountain Hills Town Council is in violation of A.R.S. § 9-235.

Sincerely,

/s/Representative Alexander Kolodin

/s/Representative Joseph Chaplik

September, 30th, 2024

P.S. We have copied Fountain Hills mayor Ginny Dickey on this letter and it is our sincere hope that she will ensure that this issue is resolved promptly.

¹ See <https://www.youtube.com/watch?v=7EcgWx5-igo> (last accessed Sept. 30th, 2024).

² See

https://destinyhosted.com/agenda_publish.cfm?id=36868&mt=ALL&vl=true&get_month=10&get_year=2024&dsp=ag&seq=632 (last accessed Sept. 30th, 2024).