

THIS IS NOT A BALLOT

This is the COMPLETE BALLOT TEXT for
The City of Steamboat Springs Referendum 2C

BALLOT TITLE

“Shall Article 8 of the City Charter, entitled “Initiative and Referendum”, be amended to lower the percentage of registered electors required to refer a matter back to City Council from twenty percent (20%) to ten percent (10%) of those registered at the last Regular Municipal Election; and shall the language prohibiting the referral of “ordinances for the zoning or rezoning of specific real property” be deleted; all to bring the City Charter into compliance with the Colorado Constitution?”

BALLOT TEXT

SHALL ARTICLE 8 OF THE CITY CHARTER, ENTITLED “INITIATIVE AND REFERENDUM”, BE AMENDED AS SET FORTH BELOW:

ARTICLE 8 -- INITIATIVE AND REFERENDUM

Section 8.1-- General Authority:

- (a) *Initiative:* The ~~qualified~~ REGISTERED electors of the City shall have the power to propose any ordinance to the Council, in accordance with the provisions of this article of the Charter, except ordinances concerning budget, capital program, appropriation of any revenues, or levy of taxes, or salaries of City officers or employees. In the event Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to ~~qualified~~ REGISTERED electors at a City election for their acceptance or rejection.
- (b) *Referendum:* The ~~qualified~~ REGISTERED electors of the City shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to the budget, capital program, appropriation of any revenues, levy of taxes, calling a special election, or authorizing the issuance of securities (except as provided in Section 10.9), ~~ordinances for the zoning or rezoning of specific real property~~ or ordinances to meet the contractual obligations of the City.

Section 8.2-- Petitioners' Committee; Affidavit:

Any five (5) ~~qualified~~ REGISTERED electors of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.3-- Petitions:

- (a) *Number of Signatures:* Initiative petitions must be signed by ~~qualified~~ REGISTERED electors of the City in number to at least fifteen (15) per cent of the total number of electors registered to vote at the last regular municipal election. Referendum petitions must be signed by ~~qualified~~ REGISTERED electors of the City equal in number to at least ~~twenty~~ TEN (20 10) per cent of the total number of electors registered to vote at the last regular municipal election.
- (b) *Form and Content:* All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto

throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- (c) *Affidavit of Circulator:* Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for Filing Referendum Petitions:* Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered, except as otherwise provided in this Charter.

Section 8.4-- Procedure after Filing:

- (a) *Certificate of Clerk: Amendment:* Within ten (10) days after a petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.3, and within five (5) days after it is filed the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the City Clerk shall promptly present his certificate to the Council, and such certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council Review:* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) *Court Review: New Petition:* A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 8.5-- Referendum Petitions; Suspension of Effect of Ordinance:

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws petition, or
3. The Council repeals the ordinance, or
4. Certification of a favorable vote of ~~qualified~~ REGISTERED electors of the City on the ordinance.

Emergency ordinances shall continue in effect unless the majority of the entire Council votes to suspend the ordinance pending an election.

Section 8.6-- Action on Petitions:

- (a) *Action by Council:* When an initiative or referendum petition has been finally determined sufficient, the Council shall either:
1. Adopt the ordinance as submitted by an initiatory petition;
 2. Repeal the ordinance, or part thereof, referred to by a referendum petition; or
 3. Determine to submit the proposal provided for in a petition to the ~~qualified~~ REGISTERED electors of the City; provided, however, that the Council shall have power to change the detailed language of any proposed initiative ordinance and to affix the title thereto, so long as the general character of the measure will not be substantially altered; and provided further, that repeal of any referred ordinance may be effected only by a majority vote of the entire Council.
- (b) *Submission to Voters:* The vote of the ~~qualified~~ REGISTERED electors on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final Council vote thereon. If no regular municipal election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may at its discretion provide for special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.
- (c) *Withdrawal of Petitions:* An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of ~~qualified~~ REGISTERED electors by filing with the City Clerk a request for withdrawal signed by a majority of the petitioners' committee. With the consent of the majority of the Council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.7-- Submission by Council:

The Council on its own motion, shall have the power to submit at a regular or special election any proposed ordinance or any question to a vote of the ~~qualified~~ REGISTERED electors.

Section 8.8-- Results of Election:

- (a) *Initiative:* If a majority of the ~~qualified~~ REGISTERED electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum:* If a majority of the ~~qualified~~ REGISTERED electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.
- (c) *Amendment or Repeal:* An ordinance adopted by the electorate may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted or amended, or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this article, or, if submitted to the electorate by the Council on its own motion.