

ORDINANCE NO. 2015-32

AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 15-2(b) OF THE TOWN OF CASTLE ROCK HOME RULE CHARTER TO INCREASE THE PERCENTAGE OF REQUIRED SIGNATURES OF REGISTERED ELECTORS ON A REFERENDUM PETITION FROM FIVE PERCENT TO TEN PERCENT AND REFERRING TO THE ELECTORATE THE QUESTION OF APPROVING THIS CHARTER AMENDMENT AT THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 3, 2015; AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING

WHEREAS, by Ordinance No. 2015-29, the Town Council called a special municipal election as part of the coordinated election on November 3, 2015,

WHEREAS, the Town of Castle Rock Home Rule Charter provides that a referendum petition must be signed by five percent of registered electors,

WHEREAS, Section 1, Article V of the Colorado Constitution permits a local government to require that a referendum petition contain the signatures of a minimum of ten percent of the registered electors,

WHEREAS, a referred measure is of significant import and should represent the intent of a greater percentage of registered electors than is currently provided in the Charter, and

WHEREAS, in order to be assured that this Ordinance is in effect and in compliance with all statutory and Municipal Code requirements, it is necessary to adopt this Ordinance on an emergency basis on second and final reading.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment to the Town Charter. Section 15-2(b) of the Town of Castle Rock Home Rule Charter is amended to read as follows:

Section 15-2. Referendum.

- (b) A referendum petition shall be signed by registered electors of the Town equal in number to at least ten percent of the total number of electors of the Town registered on the date the form of the petition is approved by the Town Clerk.

Section 2. Election Referral. Before the Charter amendment proposed in this Ordinance shall become effective, such amendment shall be submitted to and receive the approval of a majority of the registered electors of the Town voting thereon at the special

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municipal election to be held on November 3, 2015 conducted in accordance with Ordinance No. 2015-29. The ballot title and question shall read as follows:

Castle Rock Charter Amendment ___:

Shall Section 15-2(b) of the Town of Castle Rock Home Rule Charter be amended to increase the percentage of registered voter signatures required on a referendum petition from five percent to ten percent, as provided in Ordinance No. 2015-32?

_____ Yes

_____ No

Section 3. Construction. Approval by the voters of any Charter amendment which repeals any section or portion of the Charter shall not be construed to be a limitation, denial, or suspension of any power of the Town of Castle Rock, or any power of the Town Council otherwise vested in or authorized to the Tow or the Town Council by the Constitution or statutes of the State of Colorado.

Section 4. Filing; Effective Date. Within twenty (20) days after approval of the Charter amendments authorized, the Town Clerk shall file with the Secretary of State a certified copy of each such amendment. The amendments shall take effect on the date of such filing.

Section 5. Repeal; Savings Clause. All acts, orders, resolutions, ordinances, or parts thereof, in conflict herewith shall be repealed at the time the amendments provided for herein take effect. However, no such repeal shall be construed to destroy any property right, contract, right, or right of action of any nature or kind, vested in or against the Town by virtue of any such act, order, resolution, ordinance or part thereof, theretofore existing or otherwise accruing to the Town.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 7. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public peace, health and safety for this Ordinance to take effect upon its adoption.

Section 8. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

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APPROVED ON FIRST READING this 4th day of August, 2015 by a vote of - 5 - for and - 0 - against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

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PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this 18th day of August, 2015, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney