

Second Reading Copy

ORDINANCE NO. 2015-34

AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 15-6 OF THE TOWN OF CASTLE ROCK HOME RULE CHARTER TO CHANGE THE TIMEFRAME FOR WHICH A PETITION FOR REFERENDUM OR INITIATIVE MAY BE WITHDRAWN AND REFERRING TO THE ELECTORATE THE QUESTION OF APPROVING THIS CHARTER AMENDMENT AT THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 3, 2015; AND PROVIDING FOR ITS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, Section 15-6 of the Town Home Rule Charter authorizes that a petition for an initiated ordinance or to refer an adopted ordinance may be withdrawn by the petition representatives at any time prior to 20 days before the election date on such measure,

WHEREAS, it is necessary and advisable to require that such withdrawal be accomplished earlier in the petition process in order to minimize the election expense and administrative time potentially incurred on a initiated and referendum process which is not ultimately placed before the voters for a decision,

WHEREAS, it is appropriate to require that such withdrawal be made not later than the date the Town Council must formally consider adoption of the initiated matter or referred ordinance pursuant to the process prescribed by the Charter and statute, and

WHEREAS, in order to be assured that this Ordinance is in effect and in compliance with all applicable 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 15-6 of the Town of Castle Rock Home Rule Charter is amended to read as follows:

Section 15-6. Withdrawal of Petition.

(a) An initiative, referendum or recall petition may be withdrawn by all persons designated in the petition as petition representatives on matters affecting the petition within the timeframes prescribed in this Section 15-6 and in compliance with any ordinance which does not conflict with this Section 15-6. Upon filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Second Reading Copy

(b) An initiative petition may be withdrawn prior to the Town Council's first consideration of any initiated ordinance pursuant to statutory requirements. The petitioner(s) must submit the withdrawal of such petition no later than 12:00 P.M. on the date Town Council is scheduled to first consider the initiated ordinance.

(c) A referendum petition may be withdrawn prior to Town Council's reconsideration of the ordinance subject to the referendum, pursuant to statutory requirements. The petitioner(s) must submit the withdrawal of such petition not later than 12:00 P.M. on the date the Town Council is scheduled to reconsider such ordinance subject to the referendum.

(d) A recall petition may be withdrawn prior to the twentieth day preceding the date of the recall election.

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 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 15-6 of the Town of Castle Rock Home Rule Charter be amended to change the timeframe in which an initiative or referendum petition can be withdrawn to not later than 12:00 PM on the date the Town Council is to consider the subject petition, as provided in Ordinance No. 2015-34?

____ 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 Town 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.

Second Reading Copy

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 8. 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 7. 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.

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

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

J:\LEGAL\ORDINANC\2015 Charter Amendments\2015 Charter Amendment 15-6 Withdrawal of Petition 2nd Reading.docx