

*Second Reading Copy*

**ORDINANCE NO. 2015-35**

**AN ORDINANCE PROPOSING AN AMENDMENT TO SECTIONS 15-1 AND 15-2 OF THE TOWN OF CASTLE ROCK HOME RULE CHARTER TO PROVIDE FOR THE WITHDRAWAL OF A SIGNATURE FROM AN INITIATIVE OR REFERENDUM PETITION 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 has called a special municipal election as part of the coordinated election on November 3, 2015,

**WHEREAS**, neither the Town Charter nor the statutes governing the process for municipal initiative and referendum expressly authorize the withdrawal of a signature on a petition requesting an initiated or referred measure,

**WHEREAS**, state statutes governing statewide initiatives authorizes the withdrawal of a signature from a petition on or before the date the petition is filed with the Secretary of State,

**WHEREAS**, it is appropriate for the registered electors of the Town to have a similar right to withdraw a signature from a local initiative or referendum petition, 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.** Sections 15-1 and 15-2 of the Town of Castle Rock Home Rule Charter are amended by adding a new 15-1(c) and 15-2(c) to read as follows:

**Section 15-1. Initiative.**

- (c) A registered elector who has signed an initiative petition may request the removal of his or her signature from the petition any time on or before the date the initiative petition is filed with the Town Clerk. Such request shall be made on a form prescribed by the Town Clerk and in accordance with the requirements of any applicable ordinance which is not inconsistent with this Charter.

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**Section 15-2. Referendum.**

- (c) A registered elector who has signed a referendum petition may request the removal of his or her signature from the petition any time on or before the date the referendum petition is filed with the Town Clerk. Such request shall be made on a form prescribed by the Town Clerk and in accordance with the requirements of any applicable ordinance which is not inconsistent with this Charter.

**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 Sections 15-1 and 15-2 of the Town of Castle Rock Home Rule Charter be amended to authorize the withdrawal of a signature by a registered elector on an initiative or referendum petition on or before the date of filing of such petition, as provided in Ordinance No. 2015-35?

\_\_\_\_ 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.

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**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.

**APPROVED ON FIRST READING** this 4<sup>th</sup> 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 18<sup>th</sup> 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