

ARTICLE IX. INITIATIVE AND CITIZEN REFERENDUM¹

City Council and Charter Review – no changes:

Sec. 9.01. General authority for initiative and citizen referendum.

- (a) *Initiative.* The registered voters of the city shall have power to propose ordinances or resolutions to the city council and, if the city council fails to adopt an ordinance or resolution so proposed without any change in substance, to adopt or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, levy of taxes, compensation of city officers or employees, except for the compensation for the city councilmembers, or any other matter prohibited by general law.
- (b) *Citizen Referendum.* The registered voters of the city shall have power to require reconsideration by the city council of any adopted ordinance or resolution, and, if the city council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any emergency ordinance or resolution, or ordinance or resolution relating to appropriation of money, levy of taxes, compensation of city officers or employees or any other matter prohibited by general law.

¹Editor's note(s)—Ord. No. 2013-36, exh. A, adopted Nov. 26, 2013, amended art. IX in its entirety to read as herein set out. Former art. IX, §§ 9.01—9.07 was entitled "Initiative and Referendum", and derived from Ord. No. 1232-86, exh. A, §§ 17, 18, adopted Oct. 14, 1986; and Ord. No. 99-3, § 2, adopted Jan. 26, 1999.

City Council version:

Sec. 9.02. Commencement of proceedings; petitioners' committee; affidavit.

- (a) *Time for filing citizen referendum.* Citizen referendum affidavits and initiating petitions must be filed within 30 days after adoption by the city council of the ordinance or resolution sought to be reconsidered.

30 days? Extend to 60 days. (Feinsod)

- (b) Any five registered voters may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit and initiating petition stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and 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 resolution, citing the ordinance or resolution sought to be reconsidered. Within ten business days after the affidavit of the petitioners' committee is filed, the city clerk shall, upon determining that the petition complies with requirements of section 9.02, issue the appropriate petition blanks to the petitioners' committee. If the city clerk determines that the petition does not comply with the requirements of section 9.02, the city clerk shall complete a certificate specifying the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Thereafter, the petitioners' committee shall be entitled to submit a corrected petition or seek judicial review.

Charter Review version – no change:

Sec. 9.02. Commencement of proceedings; petitioners' committee; affidavit.

- (a) *Time for filing citizen referendum.* Citizen referendum affidavits and initiating petitions must be filed within 30 days after adoption by the city council of the ordinance or resolution sought to be reconsidered.
- (b) Any five registered voters may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit and initiating petition stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and 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 resolution, citing the ordinance or resolution sought to be reconsidered. Within ten business days after the affidavit of the petitioners' committee is filed, the city clerk shall, upon determining that the petition complies with requirements of section 9.02, issue the appropriate petition blanks to the petitioners' committee. If the city clerk determines that the petition does not comply with the requirements of section 9.02, the city clerk shall complete a certificate specifying the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Thereafter,

the petitioners' committee shall be entitled to submit a corrected petition or seek judicial review.

City Council version:

Sec. 9.03. Petitions.

- (a) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten percent of the total number of registered voters of the city.

Should stipulate that signatures on petitions include date signed. (d) below refers to within 6 months of submission. (Moore)

- (b) *Form and content.* All papers of a petition shall be uniform in size and style. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.
- (c) *Affidavit of circulator.* All papers of a petition shall have attached to them when filed an affidavit executed by the person circulating them stating that he or she personally circulated the papers, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she 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 or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.
- (d) *Time for filing final petition signatures.* All signatures on final petitions must be signed within six months of submission to the city clerk.

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- (b) *Form and content.* All papers of a petition shall be uniform in size and style. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date of signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.

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- (d) *Time for filing final petition signatures.* All signatures on final petitions must be ~~signed~~ dated within the six months prior to ~~of~~ submission to the city clerk.

City Council Version:

Sec. 9.04. Procedure after filing.

- (a) *Certificate of city clerk; amendment.* The final petition with the required number of signatures and affidavits shall be assembled as one instrument for filing with the city clerk. Within 20 days after the final petition is filed purporting to have the required number of signatures, the city clerk shall complete a certificate as to its compliance with provisions of sections 9.03 and 9.04, 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 final 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 five working days after receiving the copy of the city clerk's certificate specifying insufficiency. In such case, the petitioners' committee may amend the final petition with a supplementary petition with additional signatures and affidavits within 30 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 9.03 and within five working days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the final 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 final petition. If a final petition or amended petition is certified sufficient, or if a final petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request city council review under subsection (b) of this section within the time required, the city clerk shall promptly present his or her certificate to the city council and the certificate shall then be a final determination as to the sufficiency of the final petition as amended.

- (b) *City Council review.* If a petition has been certified insufficient by the city clerk and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the petitioners' committee may, within five working days after receiving the copy of such certificate, file a request that it be reviewed by the city council. The city council shall review the certificate at the next regularly scheduled meeting no earlier than ten days following the filing of such request and

approve or disapprove it, and the city council's determination shall then be a final determination as to the sufficiency of the final petition as amended.

- (c) *Court review; new petition.* A final determination as to the sufficiency of a final petition or a final petition as amended 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.

Some of the time limits may be restrictive considering the unique make-up of our city residents.
(Feinsod)

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scheduled meeting no earlier than ten days following the filing of such request and approve or disapprove it, and the city council's determination shall then be a final determination as to the sufficiency of the final petition as amended.

- (c) *Court review; new petition.* A final determination as to the sufficiency of a final petition or a final petition as amended 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.

City Council and Charter Review – no changes.

Sec. 9.05. Citizen referendum petitions; suspension of effect of ordinance or resolution.

When a final citizen referendum petition, purporting to include the required number of signatures, is filed with the city clerk, the ordinance or resolution 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 the petition; or
- (3) The city council repeals the ordinance or resolution; or
- (4) After a vote of the registered voters on the ordinance or resolution has been certified.

City Council and Charter Review – no changes.

Sec. 9.06. Action on petitions.

- (a) *Action by city council.* When an initiative or citizen referendum petition has been finally determined sufficient, the city council shall promptly consider and vote on the proposed initiative ordinance or resolution or vote on the reconsideration of the citizen referendum ordinance or resolution sought to be repealed. If the city council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the citizen referendum ordinance or resolution sought to be repealed, within 30 days after the date the final petition was finally determined sufficient, it shall submit the proposed initiative ordinance or resolution or the citizen referendum ordinance or resolution sought to be repealed, to the voters of the city.
- (b) *Submission to voters of proposed initiative or citizen referendum ordinances or resolutions.* The vote of the voters of the city on a proposed initiative ordinance or resolution or a citizen referendum ordinance or resolution shall be held not less than 30 days and not later than one year from the date of the final city council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed initiative

ordinance or resolution or citizen referendum ordinance or resolution shall be made available at the polls.

- (c) *Withdrawal of petitions.* An initiative petition or citizen referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

City Council and Charter Review – no changes.

Sec. 9.07. Results of election.

- (a) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance or resolution vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances or resolutions of the same kind adopted by the city council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Citizen referendum.* If a majority of the registered voters voting on a citizen referendum ordinance or resolution vote in favor of its repeal, it shall be considered repealed upon certification of the election results.