



AGENDA MEMORANDUM
for the City Council Meeting September 3, 2024

DATE: August 30, 2024
TO: Mayor and Council
FROM: Rebecca Huerta, City Secretary
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Citizen Referendum – Request for Council Reconsideration of Ordinance 033436

CAPTION: Citizen Referendum – Request for Council Reconsideration of Ordinance 033436 amending Section 2-330 of the Code of Ordinances to provide for outside representation of City Officials for alleged violations before the Ethics Commission.

SUMMARY: The City Charter allows citizens to require the City Council to reconsider adopted ordinances through referendum proceedings. If the Council fails to reconsider an ordinance, the proponents can circulate a petition to gather signatures of at least 5% of registered voters to force an election on the issue.

BACKGROUND AND FINDINGS:

On August 29, 2024, the City Secretary was presented with the attached statement of intent to circulate a petition calling for a referendum. The Proponent requests reconsideration of Ordinance 033436, amending the ethics code that the Council adopted on August 20, 2024.

Article I of the City Charter provides the following procedures for when a statement of intent to circulate a referendum petition is received with five registered voters' signatures.

1. The statement must be filed no later than the tenth day after Council adoption.
2. The City Council has until the adjournment of the next regular City Council meeting following receipt of the statement (Sept. 3, 2024) to reconsider the ordinance.
3. If the Council fails to reconsider the ordinance within the allotted time, the City Secretary must provide petition pages to the proponent for circulation among the City's registered voters.
4. The petitioner will have 90 days to gather signatures of at least five percent of the registered voters to force an election on this issue.
5. If a petition is submitted, the city secretary will determine within 20 days whether enough signatures were obtained.
6. If the petition does not contain the required number of signatures, then the petitioner has an additional ten days to supplement signatures, with such supplemental signatures to be verified within ten days by the City Secretary.
7. If a valid petition is submitted, the Council would include a proposition to adopt or reject the proposed referendum on the ballot at the next available uniform election date, which is scheduled for May 3, 2025.

ALTERNATIVES: Council may:

1. do nothing – The City Secretary will give the Proponent petition pages.
2. reconsider the ordinance
 - If the ordinance fails, the ordinance will be repealed.
 - If the ordinance passes, the City Secretary will give the Proponent petition pages.

LIST OF SUPPORTING DOCUMENTS:

- Statement of Intent to Circulate Petition – Referendum
- Ordinance 033436