



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
City Attorney	Nina P. Williams - City Attorney	August 2, 2022

ITEM

Ordinance 2022-11: **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO SUBMITTING ORDINANCE No. 2022-06 TO A SPECIAL REFERENDUM ELECTION, AND CALLING A SPECIAL CITY ELECTION FOR NOVEMBER 8, 2022**

BACKGROUND

Reconsideration of Ord 2022-06 (on July 19, 2022)

Following passage of Ordinance 2022-03, approving the development commonly known as the Salida Bottling Company (SBC) project, a referendum petition was timely filed with the City Clerk.

Pursuant to C.R.S. 31-11-105, and upon a determination of petition sufficiency (which occurred on Friday, July 8), the Council “promptly” reconsidered Ordinance 2022-06 at the regular July 19, 2022 City Council meeting, and voted to not repeal said Ordinance.

Adoption of ordinance referring Ord 2022-06 to voters

Because the Ordinance was not repealed, the Council must now refer the matter to City voters for their consideration at a regular or special election, to be held no sooner than 60 days after the referendum petitions are determined to be sufficient (Sept. 6, 2022) and by no later than 150 days after that date.

Ordinance 2022-11 accomplishes compliance with a number of requirements in the election law. Specifically, it:

- (a) refers the question of approval of Ordinance 2022-06 to voters, as required by the referendum statutes;
- (b) “calls” a special City election to be held in conjunction with the coordinated election to be conducted by the County Clerk on November 8, 2022, (the 123rd day after petition sufficiency), as required by the Municipal Election Code; and
- (c) sets a ballot title for the referendum, also as required in the referendum statutes.

The Council must “call” a special election for November 8, 2022 because that is not a regular municipal election date. Once passed on second reading, the City Clerk will transmit the City’s ballot content to the County Clerk under current statutory and IGA guidance.

FISCAL NOTE

There are always some costs associated with participation in a coordinated election. These costs are affected by how many issues the City refers to the ballot in November.



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STAFF RECOMMENDATION

The City Attorney recommends approval of Ordinance 2022-11: **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO SUBMITTING ORDINANCE No. 2022-06 TO A SPECIAL REFERENDUM ELECTION, AND CALLING A SPECIAL CITY ELECTION FOR NOVEMBER 8, 2022.**

SUGGESTED MOTION

A City Council member should state, "I move to approve on second reading Ordinance 2022-11: **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO SUBMITTING ORDINANCE No. 2022-06 TO A SPECIAL REFERENDUM ELECTION, AND CALLING A SPECIAL CITY ELECTION FOR NOVEMBER 8, 2022**

CITY OF SALIDA, COLORADO
ORDINANCE NO. 11
(Series of 2022)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO SUBMITTING ORDINANCE No. 2022-06 TO A SPECIAL
REFERENDUM ELECTION, AND CALLING A SPECIAL CITY ELECTION FOR
NOVEMBER 8, 2022**

WHEREAS, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the State of Colorado;

WHEREAS, pursuant to C.R.S. § 31-11-105, a referendum petition protesting Ordinance No. 2022-06 was timely filed with the City clerk and a final determination of petition sufficiency has taken place;

WHEREAS, pursuant to said statute, at its regular meeting held on July 19, 2022, the Salida City Council reconsidered and chose not to repeal Ordinance No. 2022-06;

WHEREAS, pursuant to said statute the Council is required to submit Ordinance No. for approval to the voters of the City of Salida;

WHEREAS, pursuant to C.R.S. 31-11-111 Council is required to fix a ballot title for the referendum, endeavoring to accommodate the general understanding of a “yes” or “no” vote, as directed in subsection (3) of said statute:

WHEREAS, the foregoing obligations also require that the City call a special election in order to afford Salida voters the opportunity to vote on the Ordinance No. 2022-06 referendum,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AS FOLLOWS:

Section 1. Pursuant to C.R.S. 31-10-108, a special election of the City of Salida is called for Tuesday, November 8, 2022

Section 2. The following question shall be submitted to the registered electors of the City of Salida at the special City election to be held in conjunction with the coordinated general election to be held on Tuesday, November 8, 2022 and conducted by the County Clerk. The County Clerk shall cause a notice of election for the referendum question to be published as part of the coordinated general election publication in substantially the same form as set below and add the question to the City’s General Election Ballot:

**SHALL ORDINANCE No. 2022-06, CONCERNING THE SALIDA BOTTLING
COMPANY PROJECT, BE APPROVED?**

Section 3. If a majority of the votes cast on the ballot questions submitted at the general election to be held on Tuesday, November 8, 2022, are in favor such question, Ordinance No. 2022-06 shall take effect.

INTRODUCED ON FIRST READING on this 19th day of July, 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2022, and set for second reading and public hearing on the ____ day of _____, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this ____ day of _____, 2022.

City of Salida

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk