

**TOWN OF GYPSUM, COLORADO**

**ORDINANCE NO. 01**

**(Series 2020)**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF GYPSUM, COLORADO THE QUESTIONS OF:**

- A. AMENDING SECTIONS 2.3 AND 2.4 OF THE GYPSUM HOME RULE CHARTER OF THE TOWN OF GYPSUM TO REVISE THE TIMELINE FOR FILING PETITIONS FOR CANDIDATES FOR THE MAYOR AND COUNCILMEMBERS TO COINCIDE WITH THE TIMELINES FOR OVERSEAS VOTERS AS SET FORTH IN COLORADO HOUSE BILL 15-1130 AND TO SPECIFY THE PROCESS FOR OFFICER'S RECALL; AND**
- B. AMENDING ARTICLE III OF THE GYPSUM HOME RULE CHARTER OF THE TOWN OF GYPSUM, RELATING TO THE INITIATIVE AND REFERENDUM PROCESSES; AND**
- C. AMENDING SECTIONS 4.8, 7.3 AND 7.4 OF THE GYPSUM HOME RULE CHARTER RELATING TO THE POWERS AND DUTIES OF THE MAYOR; AND**
- D. AMENDING SECTION 8.4 OF THE GYPSUM HOME RULE CHARTER TO PERMIT COPIES OF ORDINANCES UNDER CONSIDERATION BY THE TOWN COUNCIL TO BE PROVIDED VIA HARD COPY OR ELECTRONICALLY; AND**
- E. AMENDING SECTION 6.5 AND ADDING A NEW SECTION 1.8 TO THE GYPSUM HOME RULE CHARTER TO DESIGNATE THE TOWN'S WEBSITE AS THE OFFICIAL LOCATION FOR POSTINGS AND PUBLICATIONS OF NOTICES AND DOCUMENTS.**

**WHEREAS**, the Town of Gypsum ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's Home Rule Charter effective October 21, 1982 ("Charter"); and

**WHEREAS**, Article I, Section 1.5 of the Charter states that the Charter may be amended in the manner provided in the Colorado Constitution and Title 31, Article 2 of the Colorado Revised Statutes, which permits for the adoption of an ordinance by Town

Council submitting the proposed amendment to a vote of the registered electors of the Town; and

**WHEREAS**, the Town Council hereby finds and determines that the submittal of the following amendments to the Charter are appropriate and necessary to the function and operation of the Town:

A. To change the time period for filing of petitions for candidates for Mayor and Councilmembers from between 20 and 60 days prior to the election, to between 71 and 91 days prior to the election in order to coincide with the timelines related to overseas voters as set forth in House Bill 15-1130; and

B. To redefine the powers and duties of the Mayor to shift the day-to-day oversight and operational duties to the Town Manager; and

C. To allow for copies of ordinances under consideration by the Town Council to be provided either via hard copy or electronically, including posting on the Town's website; and

D. To designate the Town's website as the official location for postings and publications required by the Charter and Gypsum Municipal Code; and

E. To clarify the initiative and referendum processes.

**WHEREAS**, pursuant to Section 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

**WHEREAS**, pursuant to Section 1.5 of the Charter and Section 31-2-210(1)(b), C.R.S., the Town may amend the Charter by submitting the proposed amendments to a vote of the registered electors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, as follows:

**Section 1. Town Charter Amendment Relating to Elections and Recall of Officers.** Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Gypsum that the following proposed amendment to Sections 2.3 and 2.4 of the Charter will be submitted to the registered electors of the Town at the regular municipal election to be held on April 7, 2020, by deleting the words that are struck over and by adding the capitalized and double-underlined words:

### **2.3 - Nominating Petitions and Required Signatures.**

Nominating petitions for each candidate for Mayor and Councilman shall be signed by not fewer than 20 registered voters; petitions shall be filed not earlier than ~~60~~ 91 days and not later than ~~20~~ 71 days before the regular Town Election.

### **2.4 – Recall.**

Any elected official of the Town may be recalled at any time after the completion of six months in office by the electors entitled to vote for a successor of such incumbent, as mandated in the Colorado Constitution, Article XXI, AND PURSUANT TO PART 5, ARTICLE 4, TITLE 31, C.R.S.

**Section 2. Town Charter Amendments Relating to Initiatives and Referendums.** Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Gypsum that the proposed amendments to Article III of the Charter, as shown on the attached Exhibit A, will be submitted to the registered electors of the Town at the regular municipal election to be held on April 7, 2020, by deleting the words that are struck over and by adding the capitalized and double-underlined words.

**Section 3. Town Charter Amendments Relating to Powers and Duties of the Mayor.** Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Gypsum that the following proposed amendments to Sections 4.8, 7.3, and 7.4 of the Charter will be submitted to the registered electors of the Town at the regular municipal election to be held on April 7, 2020, by deleting the words that are struck over and by adding the capitalized and double-underlined words:

#### **4.8 - Powers of the Mayor.**

The Mayor shall have the following powers and duties:

1. The Mayor shall have all power and authority necessary for the efficient performance of his duties.
2. THE MAYOR SHALL BE THE PRESIDING OFFICER OF THE TOWN COUNCIL AND SHALL HAVE THE SAME VOTING POWERS AS ANY MEMBER OF SAID COUNCIL. THE MAYOR SHALL BE CONSIDERED A MEMBER OF THE GOVERNING BODY AND THE TOWN COUNCIL AND SHALL BE RECOGNIZED AS THE HEAD OF THE TOWN GOVERNMENT FOR ALL CEREMONIAL PURPOSES, BY THE COURTS FOR SERVING CIVIL PROCESSES, AND BY THE

GOVERNMENT FOR PURPOSES OF MILITARY LAW.  
IN ADDITION, THE MAYOR SHALL EXERCISE SUCH  
POWERS AND PERFORM SUCH OTHER DUTIES AS  
ARE CONFERRED UPON HIM BY THIS SECTION 4.8  
OR THE ORDINANCES OF THE TOWN.

- ~~2. The Mayor shall be the head of the administrative branch of the Town government. He shall be responsible to the Council for the proper administration of affairs of the Town and to that end he shall:~~
- ~~a) Appoint, suspend, transfer and remove all employees of the Town, except as otherwise provided herein, subject to personnel regulations adopted by the Town. Except for the purposes of inquiry, the Council and its members shall deal with the administrative service of the Town solely through its Mayor, and neither the Council nor any member shall give orders to any subordinates of the mayor, either publicly or privately.~~
  - ~~b) Prepare the budget annually, submit it to the Council and be responsible for its administration after adoption.~~
  - ~~c) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on all finances and administrative activities of the Town for the preceding year.~~
  - d) 3. THE MAYOR SHALL perform such other duties as may be prescribed by this Charter, or required of him by the Council not inconsistent with this Charter.
  - e) 4. To recommend THE MAYOR SHALL RECOMMEND to the Council for adoption, such measures as he may deem necessary, and to attend Council meetings with the right to vote and take part in discussions.
  - f) 5. Emergencies: In case of riot, insurrection, or other extraordinary emergencies, the Mayor shall have the authority to execute any action reasonable or necessary for the protection of life and property. Such authority shall include, but not be limited to, establishing regulations governing conduct and activities

related to diminishing the emergency and if the emergency continues, the Mayor shall convene the Council which may take such action as it deems necessary.

### **7.3 - Budget.**

The ~~Mayor~~ TOWN MANAGER shall annually prepare and submit to the Council a budget and accompanying message. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as the ~~Mayor~~ TOWN MANAGER deems desirable or the Council may require. In organizing the budget, the ~~Mayor~~ TOWN MANAGER shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear statement showing comparative figures for income and expenditures the preceding fiscal year. The ~~Mayor~~ TOWN MANAGER or other qualified persons appointed by the Council shall prepare and submit to the Council, on or before the first regularly scheduled Council meeting in October of each year, a recommended budget for the next fiscal year.

### **7.4 - Capital Program.**

The ~~Mayor, with such assistance as he may desire or the Council may direct,~~ TOWN MANAGER shall prepare and submit to the Council a long range capital program, two weeks prior to the submission of his recommended budget. The capital program shall include, but not be limited to:

- a) a clear list of all capital improvements which are proposed to be undertaken during the following fiscal year with appropriate supporting information as to the necessity for the improvement;
- b) cost estimates, method of financing and recommended schedules for each such improvement;
- c) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition. The bonded and other indebtedness of the Town shall show the department authorized and the condition of special funds, if any.

**Section 4. Town Charter Amendment Relating to the Procedure for Adoption of Ordinances.** Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Gypsum that the following proposed amendment to Subsection 8.4(b) of the Charter will be submitted to the registered electors of the Town at the regular municipal election to be held on April 7, 2020, by deleting the words that are struck over and by adding the capitalized and double-underlined words. The remainder of Section 8.4 shall remain unchanged.

**8.4 - Procedure.**

Except for emergency ordinances and ordinances making general codification of existing ordinances, the following procedure for enactment of ordinances shall be as followed:

- b) The ordinance shall be read in full or in cases where copies of the ordinance are available to the public EITHER ELECTRONICALLY OR BY HARD COPY, said ordinance may be read by title only. ORDINANCES ARE AVAILABLE ELECTRONICALLY IF POSTED TO THE TOWN'S WEBSITE, OR WHEN PROVIDED, UPON REQUEST, TO AN INDIVIDUAL VIA EMAIL OR OTHER ELECTRONIC MEANS.

**Section 5. Town Charter Amendment Relating to Postings and Publications.** Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Gypsum that the following proposed amendment to the Charter to add a new Section 1.8, Posting and Publication, and amend Section 6.5 by deleting the words that are struck over and by adding the capitalized and double-underlined words, will be submitted to the registered electors of the Town at the regular municipal election to be held on April 7, 2020.

**1.8 POSTING AND PUBLICATION.**

THE TOWN'S OFFICIAL WEBSITE SHALL BE THE OFFICIAL LOCATION FOR ANY POSTINGS OR PUBLICATION OF ITEMS REQUIRED BY THIS CHARTER OR THE GYPSUM MUNICIPAL CODE.

### **6.5 - Industrial Development Revenue Bonds.**

The Town may authorize, by ordinance, without an election, INDUSTRIAL DEVELOPMENT REVENUE BONDS pursuant to the provisions of the Colorado Revised Statutes, as from time to time amended; provided such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the Town at least 30 days prior to the public hearing.

**Section 6. Ballot Titles.** The official ballot shall contain the ballot titles which shall also be the designation and submission clauses for the questions:

- (a) “Shall the Gypsum Home Rule Charter be amended to change the time period for submittal of petitions for candidates for Mayor or Councilmembers to between 71 and 91 days prior to the election, and to specify the process for Officer’s recall, as set forth in Ordinance No. 01 (Series 2020)?”
- (b) “Shall the Gypsum Home Rule Charter be amended to add further clarification to the required procedures for the initiative and referendum processes, as set forth in Ordinance No. 01 (Series 2020)?”
- (c) “Shall the Gypsum Home Rule Charter be amended to redefine the powers and duties of the Mayor to shift the day-to-day oversight and operational duties to the Town Manager, as set forth in Ordinance No. 01 (Series 2020)?”
- (d) “Shall the Gypsum Home Rule Charter be amended to permit copies of ordinances under consideration by the Town Council to be provided to the public either via hard copy or electronically, including posting to the Town website or via email or other electronic form, as set forth in Ordinance No. 01 (Series 2020)?”
- (e) “Shall the Gypsum Home Rule Charter be amended to designate the Town’s website as the official location for postings and publications required by the Charter and Gypsum Municipal Code, as set forth in Ordinance No. 01 (Series 2020)?”

**Section 7. Election.** At the regular municipal election to be held on April 7, 2020, the ballot questions set forth in this Ordinance shall be submitted to the electors

and the Charter shall be thereby amended if a majority of the registered electors of the Town voting thereon approve the ballot questions.

**Section 8. Public Inspection.** The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Town Clerk.

**Section 9. Public Hearing.** A public hearing on this Ordinance shall be held on the 28<sup>th</sup> day of January, 2020, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 10. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.


**Section 11. Ratifications of Prior Actions.** Any and all actions previously taken by the Election Official, the Town Clerk, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws to facilitate the Election which were consistent with this Ordinance are hereby ratified and confirmed.

**Section 12. Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

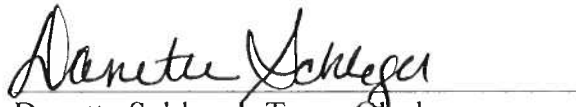


INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 14<sup>TH</sup> DAY OF JANUARY, 2020.

TOWN OF GYPSUM

By:   
Stephen M. Carver, Mayor *Pro Tem*  
*Tom Edwards*

Attest:


  
Danette Schlegel, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 28<sup>TH</sup> DAY OF JANUARY, 2020, BY A VOTE OF 76 IN FAVOR AND 0 AGAINST.



TOWN OF GYPSUM

By:   
Stephen M. Carver, Mayor

Attest:

  
Danette Schlegel, Town Clerk

(SEAL)

**EXHIBIT A**

**AMENDMENTS TO ARTICLE III OF THE GYPSUM MUNICIPAL CHARTER**

## ARTICLE III. - INITIATIVE AND REFERENDUM

### 3.1 - Initiative.

The registered electors of the Town shall have the power to propose any ordinance to the Council in accordance with the provisions of this article of the Charter. In the event Council fails to adopt said proposed ordinance without any change in substance, the proposed ordinance shall be submitted to the registered electors at a Town election for their acceptance or rejection.

### 3.2 - Referendum.

The registered electors of the Town shall have the power to require reconsiderations by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election in accordance with the provisions of this article of this Charter. WITHIN THIRTY (30) DAYS AFTER FINAL PUBLICATION OF AN ORDINANCE, A REFERENDUM PETITION COMPLYING WITH SECTION 3.3 OF THIS CHARTER PROTESTING AGAINST THE EFFECT OF THE ORDINANCE OR ANY PART THEREOF MAY BE FILED WITH THE TOWN CLERK.

IF A REFERENDUM PETITION IS FILED, THE ORDINANCE OR PART THEREOF PROTESTED AGAINST SHALL NOT TAKE EFFECT, AND, UPON A FINAL DETERMINATION OF PETITION SUFFICIENCY, THE TOWN COUNCIL SHALL PROMPTLY RECONSIDER THE ORDINANCE. IF THE PETITION IS DECLARED NOT SUFFICIENT BY THE TOWN CLERK OR FOUND NOT SUFFICIENT IN A PROTEST, THE ORDINANCE SHALL FORTHWITH TAKE EFFECT, UNLESS OTHERWISE PROVIDED THEREIN.

IF, UPON RECONSIDERATION, THE ORDINANCE OR PART THEREOF PROTESTED IS NOT REPEALED, THE TOWN COUNCIL SHALL SUBMIT THE MEASURE TO A VOTE OF THE REGISTERED ELECTORS AT A REGULAR OR SPECIAL ELECTION HELD NOT LESS THAN SIXTY (60) DAYS AND NOT MORE THAN ONE HUNDRED FIFTY (150) DAYS AFTER THE FINAL DETERMINATION OF PETITION SUFFICIENCY, UNLESS OTHERWISE REQUIRED BY THE STATE CONSTITUTION. THE ORDINANCE OR PART THEREOF SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE MEASURE AT THE ELECTION VOTE IN FAVOR OF THE MEASURE.

### 3.3 - Petitions.

1. NO PETITION SHALL BE CIRCULATED UNLESS THE FORM OF THE PETITION HAS FIRST BEEN APPROVED BY THE TOWN CLERK.

2. Number of Signatures - Initiative petitions require SIGNATURES OF at least 15% and referendum petitions require SIGNATURES OF at least 10%, respectively, of the total number of electors registered to vote at the last municipal election.
3. WARNING - AT THE TOP OF EACH PAGE OF EVERY INITIATIVE OR REFERENDUM PETITION SECTION, THE FOLLOWING SHALL BE PRINTED, IN A FORM AS PRESCRIBED BY THE TOWN CLERK:

WARNING: IT IS AGAINST THE LAW:  
FOR ANYONE TO SIGN ANY INITIATIVE OR REFERENDUM PETITION  
WITH ANY NAME OTHER THAN HIS OR HER OWN OR TO  
KNOWINGLY SIGN HIS OR HER NAME MORE THAN ONCE FOR THE  
SAME MEASURE OR TO KNOWINGLY SIGN A PETITION WHEN NOT  
A REGISTERED ELECTOR WHO IS ELIGIBLE TO VOTE ON THE  
MEASURE.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED  
ELECTOR OF THE TOWN OF GYPSUM.

DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR HAVE  
HAD READ TO YOU THE PROPOSED INITIATIVE OR REFERRED  
MEASURE OR THE SUMMARY IN ITS ENTIRETY AND UNDERSTAND  
ITS MEANING.

4. Form and Content -
  - (A) A SUMMARY OF THE PROPOSED INITIATIVE OR ORDINANCE THAT IS THE SUBJECT OF A PETITION SHALL BE PRINTED FOLLOWING THE WARNING ON EACH PAGE OF A PETITION SECTION. THE SUMMARY SHALL BE TRUE AND IMPARTIAL AND SHALL NOT BE AN ARGUMENT, OR LIKELY TO CREATE PREJUDICE, EITHER FOR OR AGAINST THE MEASURE, AND SHALL BE PREPARED BY THE TOWN CLERK.
  - (B) THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE THAT IS THE SUBJECT OF A PETITION SHALL BE PRINTED FOLLOWING THE SUMMARY ON THE FIRST PAGE OR PAGES OF THE PETITION SECTION THAT PRECEDE THE SIGNATURE PAGE. IF THE TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE REQUIRES MORE THAN ONE PAGE OF A PETITION SECTION, THE WARNING AND SUMMARY NEED NOT APPEAR AT THE TOP OF OTHER THAN THE INITIAL TEXT PAGE.

(C) There shall also be specified the name and mailing address of TWO PERSONS WHO SHALL REPRESENT THE PROPONENTS THEREOF IN ALL MATTERS AFFECTING THE PETITION AND to whom NOTICES OR INFORMATION CONCERNING THE PETITION should be sent.

(D) ALL PAPERS OF A PETITION SHALL BE UNIFORM IN SIZE AND STYLE, AND SHALL BE ASSEMBLED AS ONE INSTRUMENT FOR FILING.

5. SIGNATURES - THE SIGNATURE PAGE(S) SHALL CONSIST OF THE WARNING AND THE SUMMARY, FOLLOWED BY RULED LINES NUMBERED CONSECUTIVELY FOR REGISTERED ELECTORS' SIGNATURES. IF A PETITION SECTION CONTAINS MULTIPLE SIGNATURE PAGES, ALL SIGNATURE LINES SHALL BE NUMBERED CONSECUTIVELY, FROM THE FIRST SIGNATURE PAGE THROUGH THE LAST. THE SIGNATURE PAGES SHALL FOLLOW THE PAGE OR PAGES ON WHICH THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE THAT IS THE SUBJECT OF THE REFERENDUM PETITION IS PRINTED. EACH SIGNATURE SHALL BE EXECUTED IN INK AND SHALL BE FOLLOWED BY THE PRINTED NAME, STREET NUMBER AND NAME, THE CITY OR TOWN, THE COUNTY, AND THE DATE OF SIGNING.

6. CIRCULATOR'S AFFIDAVIT - FOLLOWING THE SIGNATURE PAGES OF EACH PETITION SECTION, THERE SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED AFFIDAVIT EXECUTED BY THE PERSON WHO CIRCULATED THE PETITION SECTION, WHICH SHALL INCLUDE THE FOLLOWING:

(A) THE AFFIANT'S PRINTED NAME, THE ADDRESS AT WHICH THE AFFIANT RESIDES, INCLUDING THE STREET NAME AND NUMBER, THE MUNICIPALITY, THE COUNTY, AND THE DATE THE AFFIANT SIGNED THE AFFIDAVIT.

(B) THAT THE AFFIANT HAS READ AND UNDERSTANDS THE LAWS GOVERNING THE CIRCULATION OF PETITION;

(C) THAT THE AFFIANT WAS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME THE SECTION OF THE PETITION WAS CIRCULATED AND SIGNED BY THE LISTED ELECTORS;

(D) THAT THE AFFIANT CIRCULATED THE SECTION OF THE PETITION;

(E) THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE AFFIANT'S PRESENCE;

- (F) THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE;
- (G) THAT, TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND BELIEF, EACH OF THE PERSONS SIGNING THE PETITION SECTION WAS, AT THE TIME OF SIGNING, A REGISTERED ELECTOR; AND
- (H) THAT THE AFFIANT HAS NOT PAID OR WILL NOT IN THE FUTURE PAY AND THAT THE AFFIANT BELIEVES THAT NO OTHER PERSON HAS PAID OR WILL PAY, DIRECTLY OR INDIRECTLY, ANY MONEY OR OTHER THING OF VALUE TO ANY SIGNER FOR THE PURPOSE OF INDUCING OR CAUSING SUCH SIGNER TO AFFIX THE SIGNER'S SIGNATURE TO THE PETITION.

THE TOWN CLERK SHALL NOT ACCEPT FOR FILING ANY SECTION OF A PETITION THAT DOES NOT HAVE ATTACHED THERETO THE NOTARIZED AFFIDAVIT REQUIRED. ANY DISASSEMBLY OF A SECTION OF THE PETITION THAT HAS THE EFFECT OF SEPARATING THE AFFIDAVIT FROM THE SIGNATURE PAGE OR PAGES SHALL RENDER THAT SECTION OF THE PETITION INVALID AND OF NO FORCE AND EFFECT. ANY SIGNATURE ADDED TO A SECTION OF A PETITION AFTER THE AFFIDAVIT HAS BEEN EXECUTED SHALL BE INVALID.

- 7. Time for Filing Petitions - All signatures on the petitions shall be obtained within 30 days before the date of filing the petition with the Town Clerk.
- 8. ANY PETITION SECTION THAT FAILS TO CONFORM TO THE REQUIREMENTS OF THIS SECTION 3.3 OR THAT IS CIRCULATED IN A MANNER OTHER THAN THAT PERMITTED BY THIS SECTION 3.3 SHALL BE INVALID.

### **3.4 - Procedures.**

The petitioners shall certify that the correct number of signatures are contained in the petition. Within ten (10) days from the filing of any petition, the Clerk shall determine whether the petition is signed by the correct number of registered voters and if sufficient, shall attach a certificate of sufficiency. If the petition is insufficient, the Clerk shall immediately notify the petitioners by certified mail, at the address designated by the petitioners. The petition may then be amended within ten days of receipt of notification of the certificate of insufficiency. Upon filing of the amended petition, the Clerk shall, within five (5) days, examine the amended petition, and shall attach a certificate. If still insufficient, the Clerk shall notify the petitioners of the insufficiency of the petitions and the proceeding shall terminate. Petitions shall be retained only for a period of one (1) year. The termination of any proceeding due to insufficiency of petition shall preclude the initiation of any proceeding pertaining to the same subject matter.

### 3.5 – PROTESTS.

1. WITHIN NINE (9) DAYS AFTER AN INITIATIVE OR REFERENDUM PETITION IS FILED, A PROTEST IN WRITING UNDER OATH MAY BE FILED WITH THE TOWN CLERK BY ANY REGISTERED ELECTOR WHO RESIDES IN THE TOWN, SETTING FORTH SPECIFICALLY THE GROUNDS FOR SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS ARTICLE III. NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE PROTEST BY SECTION AND LINE NUMBER. THE TOWN CLERK SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS AND TO THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS AFTER SUCH NOTICE IS MAILED.
2. THE TOWN CLERK SHALL FURNISH A REQUESTING PROTESTER WITH A LIST OF THE REGISTERED ELECTORS IN THE TOWN AND SHALL CHARGE A FEE TO COVER THE COST OF FURNISHING THE LIST.
3. EVERY HEARING SHALL BE HELD BEFORE THE TOWN CLERK. THE TOWN CLERK SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER PERSON IS DESIGNATED BY THE TOWN COUNCIL AS THE HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER THAN TEN (10) BUSINESS DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS. THE DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE GYPSUM MUNICIPAL COURT UPON APPLICATION OF THE PROTESTER, THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS, OR THE TOWN, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED FORTHWITH.



### **3.6 - Council Action on Petitions.**

When an initiative or referendum petition has been finally determined sufficient, the Council shall, within not more than 60 days, either:

- a) Adopt the ordinance without alteration and as submitted by the initiatory petition;
- b) Repeal the ordinance or part thereof referred to by the referendum petition, or;
- c) Submit the proposal provided for in the initiative or referendum petition, without alteration, to the registered electors of the Town as provided in this Charter. THE TOWN COUNCIL SHALL FIX A BALLOT TITLE FOR EACH INITIATIVE OR REFERENDUM. The vote of the registered electors on a proposed or referred ordinance shall be held as provided in this Charter. Copies of the proposed or referred ordinance shall be made available to the public before the election and also at the polls at the time of the election.
- d) An initiative or referendum petition may be withdrawn at any time prior to the 30th day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by a majority of the petitioners. With the consent of the majority of the Council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.