

**RESOLUTION NO. 10-68**

**INTRODUCED BY:**

**Councilperson Hamilton-Bruer**

**Councilperson Hoffman**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF CASTLE PINES  
NORTH ORDERING AN ELECTION AND REFERRING AND APPROVING BALLOT  
QUESTIONS TO BE SUBMITTED TO THE VOTERS AT THE COORDINATED  
ELECTION TO BE HELD ON NOVEMBER 2, 2010**

WHEREAS, by Resolution No. 10-64, the City Council of the City of Castle Pines North (“City Council”) approved an intergovernmental agreement with the Douglas County Clerk and Recorder regarding the City’s participation in a coordinated election to be held on November 2, 2010; and

WHEREAS, pursuant to C.R.S. § 31-11-104(1), an initiative petition (the “Petition”) for a proposed ordinance to abolish the Castle Pines Urban Renewal Authority (“Authority”) was filed in the office of the City Clerk on July 21, 2010; and

WHEREAS, by letter dated August 9, 2010, the Deputy City Clerk certified the sufficiency of signatures on the Petition as required by C.R.S. § 31-11-109, subject to expiration of the protest period authorized under C.R.S. § 31-11-110 which protest period expires on August 30, 2010; and

WHEREAS, the City Council hereby directs that the initiated ordinance proposing the abolishment of the Authority be submitted to the voters at the coordinated election to be held on November 2, 2010 subject to expiration of the protest period set forth in § 31-11-110, C.R.S.; and

WHEREAS, in addition to the initiated ordinance to be presented on the ballot, City Council desires to refer and approve a ballot question relating to House Bill 10- 1284, approved in 2010 by the Colorado General Assembly (“Colorado Medical Marijuana Code”), which authorizes by either a majority of registered electors of the municipality voting at a regular or special election or a majority of the members of the governing board for the municipality to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licensed businesses; and

WHEREAS, the City Council wishes to take advantage of the local option provided for in Section 12-43.3-106 of the Colorado Medical Marijuana Code, by presenting to the registered electorate of the City of Castle Pines North at the coordinated general election on November 2, 2010, the question of whether to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licensed businesses; and

WHEREAS, approval of the medical marijuana local option question by more “Yes” votes than “No” votes shall result in the immediate prohibition of such land uses within the City and the City Council shall act quickly to codify such prohibitions; and

WHEREAS, in accordance with § 31-11-111(2), C.R.S., the City Council further desires to submit to a vote of the registered electors of the City a question regarding the name change of the City; and

WHEREAS, the City Council hereby submits a question seeking voter approval to change the name of the City from The City of Castle Pines North to The City of Castle Pines; and

WHEREAS, in accordance with § 31-11-111(2), C.R.S., the City Council further desires to submit to a vote of the registered electors of the City an advisory question pertaining to the application for dissolution filed by the City with the Castle Pines North Metropolitan District pursuant to § 32-1-701(3) (the “Application for Dissolution”), C.R.S.; and

WHEREAS, the City Council hereby submits an advisory question to the registered electors of the City regarding the Application for Dissolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THAT:**

**Section 1.** The City Council of the City of Castle Pines North hereby calls a special City election to be held on November 2, 2010 as a coordinated election with Douglas County in accordance with C.R.S. §1-7-116 and in accordance with the terms of that certain intergovernmental agreement with the Douglas County Clerk and Recorder previously approved by City Council pursuant to Resolution No. 10-64.

**Section 2.** The City Council hereby refers and approves the following ballot questions in the order presented for submission to the voters and to appear on the ballot for the election to be held on November 2, 2010:

**QUESTION \_\_\_\_ :**

**SHALL THE OFFICIAL NAME OF THE CITY OF CASTLE PINES NORTH BE CHANGED TO THE CITY OF CASTLE PINES?**

**YES \_\_\_\_ NO \_\_\_\_**

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**QUESTION \_\_\_\_ :**

**SHALL THE CITY OF CASTLE PINES NORTH PROHIBIT MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS FROM OPERATING WITHIN THE CITY?**

**YES \_\_\_\_ NO \_\_\_\_**

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**QUESTION \_\_\_\_ :**

**IN THE EVENT THE CASTLE PINES NORTH METROPOLITAN DISTRICT (“DISTRICT”) DISSOLUTION PROCEEDING, WHICH WAS INITIATED BY THE CITY OF CASTLE PINES NORTH IN AN EFFORT TO DELIVER COST SAVINGS BY COMBINING MUNICIPAL AND DISTRICT SERVICES, SHOULD RESULT IN A FUTURE ELECTION WHEREIN THE REGISTERED VOTERS OF THE DISTRICT ARE ASKED TO CONSIDER A PLAN FOR DISSOLUTION, WHICH ENTITY WOULD YOU PREFER TO PROVIDE WATER AND WASTEWATER SERVICES FOR RESIDENTS CURRENTLY SERVED BY THE DISTRICT, ASSUMING FOR PURPOSES OF THIS ADVISORY QUESTION THAT EACH OF THE POSSIBLE OPTIONS SET FORTH BELOW WOULD RESULT IN COMPARABLE NET SAVINGS TO THE AVERAGE TAXPAYER WITHIN THE CITY? (CHOOSE ONE)**

- THE CITY OF CASTLE PINES NORTH**
- PARKER WATER AND SANITATION DISTRICT**
- THE TOWN OF CASTLE ROCK**
- CENTENNIAL WATER AND SANITATION DISTRICT**
- NO PREFERENCE**

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**QUESTION \_\_\_\_ :**

**SHALL THE FOLLOWING ORDINANCE ABOLISHING THE CASTLE PINES URBAN RENEWAL AUTHORITY BE ADOPTED?**

**YES \_\_\_\_ NO \_\_\_\_**

**ORDINANCE NO. \_\_\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES NORTH  
ABOLISHING THE CASTLE PINES URBAN RENEWAL AUTHORITY**

WHEREAS, by Resolution No. 10-27, the City Council of the City of Castle Pines North formed the Castle Pines Urban Renewal Authority, also referred to in the City's documents as the Castle Pines North Urban Renewal Authority; and

WHEREAS, by Resolution No. 10-46, the Castle Pines Urban Renewal Authority adopted an urban renewal plan; and

WHEREAS, pursuant to C.R.S. § 31-25-115(2), an urban renewal authority may be abolished by ordinance, provided that adequate arrangements have been made for payment of any outstanding indebtedness and other obligations of the urban renewal authority; and

WHEREAS, the Castle Pines Urban Renewal Authority has no outstanding indebtedness or other obligations.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:

Section 1. The Castle Pines Urban Renewal Authority, also known as the Castle Pines North Urban Renewal Authority, is hereby abolished, pursuant to C.R.S. § 31-25-115(2).

Section 2. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions are severable.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after publication following final passage without alteration by the City Council of the City of Castle Pines North, or if the City Council fails to adopt this Ordinance within twenty (20) days following the final determination of initiative petition sufficiency, upon approval by the majority of the registered electors of the City of Castle Pines North voting on the measure at an election held for that purpose.

INTRODUCED, READ AND PASSED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH this \_\_\_ day of \_\_\_\_, 2010.

READ, PASSED AND ADOPTED UPON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH this \_\_\_ day of \_\_\_\_, 2010.

\_\_\_\_\_  
Jeffrey T. Huff, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon DeRouen, City Clerk

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Linda C. Michow, City Attorney

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**Section 3.** For purposes of C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot questions set forth herein and the ballot titles for such questions shall be the text of the questions themselves.

**Section 4.** This Resolution shall be effective **as of 5 p.m. on August 30, 2010** to allow for the protest period required pursuant to C.R.S. § 31-11-110 to expire. Should there be a written protest of the Petition filed with the City Clerk, the ballot question relating to the initiated ordinance shall be removed and deemed severed from this Resolution in accordance with Section 7 below.

**Section 5.** The Deputy City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of any of the ballot questions the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.


**Section 6.** The Interim City Manager, City Attorney, and Deputy City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot questions and issues to be printed and placed on the ballot for the election.

**Section 7.** If any section, paragraph, clause or provision of this resolution shall for any reason be held to be ineffective, invalid or unenforceable, the ineffectiveness, invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH by a vote of six (6) in favor, none against, and one (1) absent this 24<sup>th</sup> day of August, 2010.

  
Jeffrey T. Huff, Mayor

ATTEST:

  
Sharon DeRouen, City Clerk

APPROVED AS TO FORM:

  
Linda C. Michow, City Attorney



# City of Castle Pines North, Colorado

## CITY COUNCIL COMMUNICATION FORM

### AGENDA ITEM – RESOLUTION NO. 10-68, ORDERING AN ELECTION AND APPROVING BALLOT QUESTIONS TO BE SUBMITTED TO THE VOTERS AT THE COORDINATED ELECTION TO BE HELD ON NOVEMBER 2, 2010

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**FROM:** Linda Michow, City Attorney

**DATE:** August 18, 2010

**ITEM:** Resolution No. 10-68

**NEXT STEP:** Direct Staff to implement election procedures in conjunction with Douglas County; continue adherence to Fair Campaign Practices Act

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**I. REQUEST OR ISSUE:** Resolution No. 10-68 would order an election to be held on November 2, 2010 in conjunction with the statewide election and in coordination with Douglas County. Resolution No. 10-68 further approves ballot questions to be placed on the ballot.

**II. RECOMMENDED ACTION / NEXT STEP:** Adopt the Resolution and continue compliance with Fair Campaign Practices Act.

**III. FISCAL IMPACTS:** By participating in the November general election, the City will incur costs under the IGA with Douglas County. The estimated amount of expenditure is approximately \$15,000.00. Council will need to seek input from Hammersmith Management Inc. to determine this impact on the 2010 budget.

**IV. BACKGROUND INFORMATION:** On July 21, 2010, the Council received a citizens' petition for an initiated ordinance to abolish the Castle Pines Urban Renewal Authority ("URA"). The Deputy City Clerk certified the sufficiency of the petition on August 9, 2010. This certification is subject to a 40 day protest period provided in C.R.S. § 31-11-110 which commenced on July 21, 2010, and will expire on August 30, 2010. The protest period allows for registered electors to challenge the signed petition or circulators' affidavits as noncompliant with state law. Assuming there is no timely filed protest as of August 30, 2010, the initiated ordinance is required to be submitted to the voters at a municipal election held not less than 60 days and not more than 150 days following the clerk's certification of petition sufficiency. To meet this requirement, the City Council intends to hold a special election on November 2, 2010 as a coordinated election with Douglas County.

As requested by City Council, there are other ballot questions submitted by the City that are proposed to be on the ballot. One relates to House Bill 10- 1284, approved in 2010 by the Colorado General Assembly ("Colorado Medical Marijuana Code"), which authorizes by either a majority of registered electors of the City voting at a regular or special election or a majority of the members of City Council vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licensed businesses. It is staff's understanding that the City Council wishes to take advantage of the local option provided for in § 12-43.3-106 of the Colorado Medical Marijuana Code, by presenting to the registered electorate of the City of Castle Pines North at the coordinated general election on November 2, 2010, the question of whether to prohibit the

operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licensed businesses.

A third proposed ballot question seeks to change the city's name from The City of Castle Pines North to The City of Castle Pines. Under C.R.S. § 31-2-401, the process to change the name of a municipality may be initiated by petition filed with the City Council signed by registered electors equal in number to fifty percent (50%) of the total votes cast for all candidates for mayor in the last regular election of the city. As this statutory process is permissive and not mandatory, the City Council may choose to refer the question to the registered electors at an election. City Council has directed the City Attorney's Office to proceed with a referred ballot question on the name change. Accordingly, Resolution No. 10-68 includes a ballot question seeking voter approval to change the city name to The City of Castle Pines.

**V. LEGAL ISSUES:** The ballot questions are authorized pursuant to Article 11 of Title 31 of the Colorado Revised Statutes. Specifically, pursuant to C.R.S. § 31-11-104, the initiated ordinance to abolish the URA is required to be submitted to the registered electors at an election held not less than 60 and not more than 150 days following the determination of sufficiency of the Petition. The statutory time period coincides with the November 2, 2010 general election. The City Council is also authorized to submit any question to a vote of the registered electors of the City pursuant to C.R.S. § 31-11-111 (2) .

The order of the ballot questions on the ballot will be as presented in Resolution No. 10-68. The Colorado Secretary of State's Election Rules dictate the order of ballot questions, with referred measures (e.g., medical marijuana question, city name change) appearing before citizen initiated petitions (e.g., abolishment of URA). See Rule 6.5.2 (c), 8 CCR 1505.

Following Council's approval of Resolution No. 10-68, the City will be required to publish the initiated ordinance at least once in the newspaper prior to the date of the election. This publication requirement is intended to provide the electors with information regarding the ordinance in advance of the election, similar to how a Council ordinance is published in advance of second reading.

As Council is aware, under the Fair Campaign Practices Act, the City is prohibited from expending public money on urging voters to vote in favor or against any ballot question. This restriction applies to all three ballot questions through the date of the election.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

**VII. SUMMARY AND ALTERNATIVES:** With the exception of the question on the initiated ordinance, City Council could decide not to submit any ballot questions to the voters at the November 2, 2010 election. City Council could also decide to modify the text of each ballot question presented in Resolution No. 10-68.

cc: CPN Elected Officials via Council Meeting Packet  
CPN Staff via Email