

ORDINANCE NO. 26-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, AMENDING ARTICLE 1 OF CHAPTER 2 OF THE MUNICIPAL CODE
CONCERNING PREPETITION PROCEDURES AND TITLE SETTING AND
DECLARING AN EMERGENCY**

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipality authorized to act and legislate on election matters; and

WHEREAS, Section 14.7 of the Castle Pines Home Rule Charter (“Charter”) provides for the amendment of the Charter in the manner provided by Article XX of the Constitution of the State of Colorado at any general election or special election called for such purpose (1) upon questions that may be submitted to the electors by a majority of the City Council or (2) upon questions that may be submitted by the electors; and

WHEREAS, Section 14.7 of the Charter further provides that the City Council may adopt local charter amendment procedures by ordinance rather than rely on state statute; and

WHEREAS, Section 5.4 of the Charter similarly provides that the City Council may adopt local procedures for initiative and referendum that amend the state law procedures set forth in Title 31, Article 11, C.R.S.; and

WHEREAS, the process to amend a home rule charter is set forth in Article 2 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, the City Council finds that the procedures in state law lack specificity and clarity; and

WHEREAS, the City anticipates that petitions to amend the Charter may be submitted to the City and the City Council desires to have procedures in place to guide the process; and

WHEREAS, the City Council finds that an emergency exists that warrants the adoption of this Ordinance in that the City has no procedures related to initiated measures to amend the home rule charter and currently anticipates that initiatives will be submitted; and

WHEREAS, the City Council desires to provide a clear and transparent framework and structure for citizen petitions that will assist citizens and City staff in navigating the prepetition process, and it is not the intent of City Council to limit or abridge in any manner the legislative power of initiative and referendum reserved to the electors of the City.

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

Section 1. Recitals. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Amendments. Article 1, titled Elections, of Chapter 2, titled Administration, of the Municipal Code, is hereby amended to add a new header, to be titled **Part I**, before the first section identified as Section 2-1-10, and to add a new Part II after Section 2-1-40 to read in full as follows:

PART II

PREPETITION PROCEDURES AND TITLE SETTING

Sec. 2-1-100. Definitions

Sec. 2-1-110. Home Rule Charter

Sec. 2-1-120. Initiative Requirements

Sec. 2-1-130. Initiative Review Committee

Sec. 2-1-140. Petition Review and Petition Title Setting

Sec. 2-1-150. Other Petition Requirements

Sec. 2-1-100. Definitions.

Ballot Title means language printed on the ballot that is comprised of the submission clause, that accurately and fairly expresses the true intent and meaning of the proposed text of the initiative, and the title.

Draft means the proposed text of the initiative which, if passed by the registered electors of the City, becomes the actual language of the initiative, together with recommended placement of the measure in the City Charter.

Initiative means a proceeding commenced by a Petition Committee to propose legislative Charter amendments, legislative ordinances, referendum or recall by petition to secure its submission to the registered electors of the City or to the legislative body for approval.

Municipal Home Rule Act of 1971 means Part 2 of Article 2 of Title 31 of the Colorado Revised Statutes as amended.

Petition Committee means a group consisting of five (5) electors of the City of Castle Pines who have submitted an affidavit for the purpose of circulating a petition to be signed by registered electors of the City.

Petition Title means the title of the petition set by the Initiative Review Committee prior to circulation for signatures from registered electors of the City that accurately and fairly expresses the true intent and meaning of the proposed text of the initiative.

Recall means the procedure by which an elected official may be removed from office by a vote of the registered electors of the City.

Referendum means the principle or practice of submitting to the registered electors of the City an ordinance adopted by the City Council.

Submission clause means language attached to the ballot title to form a question which can be answered by "yes" or "no".

Sec. 2-1-110. Home Rule Charter.

The City Charter controls the procedure of recall, initiative and referendum. It is the purpose of this part to clarify those procedures and to establish a prepetition process for initiative without modification of the Charter. The Municipal Home Rule Act of 1971, as amended, controls amendments to the Charter. It is the purpose of this part to clarify the procedures and establish a prepetition process for Charter amendments, without modification of the Municipal Home Rule Act of 1971.

Sec. 2-1-120. Initiative Requirements.

a. Legislative findings. The City Council hereby finds that a single subject requirement for initiatives is necessary to prohibit the practice of "log rolling" whereby diverse and unrelated matters are passed as one matter because no single matter could be passed on its own merits. Council further finds that this single subject limitation on initiatives submitted for voter approval facilitates concentration on the meaning and wisdom of the proposal preventing surprise and deception as to the matter being put to a vote. The Council hereby further finds that people have the right to petition their government through the initiative process. However, neither the Colorado Constitution nor the City Charter reserves to the people the right to exercise executive or administrative powers.

b. Single subject initiatives required. The Initiative Review Committee shall ensure that initiatives contain only single subjects, to enable voters to understand the subject matter of the initiative. Matters proposed for submission to the electorate must be necessarily or properly connected and not disconnected or incongruous.

c. Legislative matters. The Initiative Review Committee shall ensure that initiatives contain only legislative matters as authorized by the Colorado Constitution and City Charter. If a proposed initiative contains administrative matters, then the Initiative Review Committee shall make a Petition Committee aware of those and shall sever those matters from the proposed initiative.

Sec. 2-1-130. Initiative Review Committee.

There is hereby created an Initiative Review Committee. The purpose of the committee shall be to review, comment and render opinions on initiated home rule charter amendments and to setting petition titles. The Initiative Review Committee shall consist of the City Manager, the City Clerk, and the City Attorney, or their respective designees.

Sec. 2-1-140. Petition Review and Petition Title Setting.

a. The original draft of a proposed initiative shall be submitted by a Petition Committee to the City Clerk without a title.

b. The Petition Committee shall write the original draft of every initiative in plain, nontechnical language and in a clear and coherent manner. To the extent possible, drafts shall be worded with simplicity and clarity so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposal or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

c. The City Clerk shall immediately submit the original draft to the Initiative Review Committee for review and comment. No later than ten (10) business days after the date of submission to the City Clerk, unless withdrawn by the Petition Committee, the Initiative Review Committee shall submit its comments and necessary edits to the Petition Committee concerning the format and/or substance of the draft. Comments from the Initiative Review Committee shall also contain any necessary editorial changes to promote compliance with the plain language provisions of this section and Section 2-1-120.

d. Following receipt of the Initiative Review Committee's comments, the Petition Committee may revise the draft to incorporate some or all of the comments of the Initiative Review Committee and shall incorporate the necessary edits provided by the Initiative Review Committee. Revisions must be submitted by the Petition Committee to the Initiative Review Committee within fifteen (15) business days for review and comment. If the Initiative Review Committee has no additional comments concerning the revised draft, it may so notify the Petition Committee in writing and will then designate and fix the petition title. If any substantial revision is made to the draft, other than revisions in direct response to the comments of the Initiative Review Committee, the revised draft shall be resubmitted to the Initiative Review Committee in accordance with subsection c of this section.

e. Upon completion of the final language for the proposed initiative by the Petition Committee, the Initiative Review Committee shall designate and fix a proper and fair petition title. Immediately after it is fixed the City Clerk shall deliver the designated petition title to the Petition Committee.

f. In setting a petition title, the Initiative Review Committee shall consider initiative requirements and the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title shall unambiguously state the principle of the provision sought to be added, amended or repealed.

g. If the Petition Committee is not satisfied with the decision of the Initiative Review Committee on necessary edits to the petition or is not satisfied with the title provided by the Initiative Review Committee and claims that it is unfair or does not fairly express the true meaning and intent of the proposed initiative, the Petition Committee shall file a written request to the City Clerk for a meeting with the Initiative Review Committee within five (5) business days after the title is fixed. The meeting with the Initiative Review Committee shall be held within five (5)

business days thereafter. If the Petition Committee is not satisfied with the ruling of the Initiative Review Committee an appeal may be taken to District Court within five (5) business days thereafter.

h. If a timely request for a meeting, or a timely appeal to District Court is not filed, the decision of the Initiative Review Committee shall be final and conclusive and any appeal will be deemed waived.

i. In the event a request for a meeting with the Initiative Review Committee is requested or an appeal is filed in accordance with this section, the period for circulating a petition in accordance with the City Charter shall not begin until a final decision is rendered by the Initiative Review Committee or District Court, as applicable; except, that under no circumstances shall the period for returning the circulated petition for sufficiency determination be more than ninety (90) days prior to the election at which the petition is to be voted upon.

Sec. 2-1-150. Other petition requirements.

Except as provided in this Part II, the Municipal Home Rule Act and Article 11 of Title 31 of the Colorado Revised Statutes shall govern the petition requirements and signatures.

Section 3. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 5. Safety Clause. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 6. Emergency Declared. This Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the City Council finds it in the best interests of the registered electors and citizens of the City to have procedures in place to guide the prepetition process due to the anticipated submission of a petition to amend the City Charter.

Section 7. Publication and Effective Date. This Ordinance shall be effective immediately upon adoption, if approved as an emergency measure. If this Ordinance is approved as a non-emergency ordinance, it shall be effective thirty (30) days after adoption and final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code, and the City Clerk is directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter.

INTRODUCED, READ, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES THE 7th DAY OF APRIL, 2026 BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS (¾) OF THE MEMBERS OF THE CITY COUNCIL PRESENT. A PUBLIC COMMENT PERIOD DURING A REGULAR OR SPECIAL CITY COUNCIL MEETING SHALL BE HELD WITHIN THIRTY (30) DAYS FOLLOWING ADOPTION OF THIS ORDINANCE FOR THE SOLE PURPOSE OF PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman

Tracy Engerman (Apr 8, 2026 22:05:01 MDT)

Tracy Engerman, Mayor

Approved as to form:

Linda Michow

Linda Michow (Apr 8, 2026 12:38:03 MDT)

Linda C. Michow, City Attorney