

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-121  
Series of 2006

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A RESOLUTION OPPOSING THE PROPOSED AMENDMENT 38 TO THE COLORADO CONSTITUTION (ALSO KNOWN AS THE "PETITIONS" AMENDMENT)

WHEREAS, an initiated constitutional amendment, Amendment 38 to the Colorado Constitution, has been certified for consideration by the voters of the State of Colorado at the November 7, 2006 election;

WHEREAS, this measure conflicts with, and proposes to supersede, numerous provisions of the U.S. and Colorado Constitutions, existing state statutes and local laws, and the citizen-adopted charters of home rule municipalities that have effectively balanced the rights of the minority with the desires of the majority for over 125 years;

WHEREAS, this measure seeks to drastically lower the standards for placing measures on the ballot such that the ability for municipalities to provide everyday municipal government operations and services would be paralyzed;

WHEREAS, this measure would allow a disproportionately small number of disenchanting people to force municipalities to hold costly special elections at the expense of Colorado taxpayers;

WHEREAS, this measure will discourage job-producing businesses and industry from locating in Colorado municipalities because of the delay and uncertainty inherent in the decision-making processes of our elected local government officials;

WHEREAS, this measure, if adopted, will become the subject of extensive litigation, all at great cost and expense to the taxpayers, and will ultimately be found to violate various sections of the U.S. Constitution, including the free speech rights of municipal employees;

WHEREAS, this measure would force municipalities, at the expense of all taxpayers regardless of whether they support or oppose the proposed measure, to print and deliver petitions to anyone who asks, and to subsidize the efforts of proponents by printing and mailing their 1,000 word statement to every registered voter in the municipality while denying equal treatment to those who may oppose the measure;

WHEREAS, this measure proposes to replace the rule of "substantial compliance" and replace it with a "strictest compliance" standard for elections, and this will not allow for any mitigating remedy in the election process;

WHEREAS, this measure would make public officials strictly and personally liable for any honest mistakes an official may make in reviewing petitions and imposes an automatic \$3,000 penalty for such mistakes, which will make it extremely difficult, if not impossible, for municipalities to find employees willing to take on such work;

WHEREAS, the process for initiating and referring new laws in Colorado is one of the most liberal in the United States; and

WHEREAS, this measure is a very bad choice for the citizens of Northglenn and the State of Colorado for all the reasons set forth above.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City Council hereby states its opposition to the proposed Amendment 38 to the Colorado Constitution, known as the "Petitions" Amendment, that will appear on the November 7, 2006 election ballot.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2006.

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KATHLEEN M. NOVAK  
Mayor

ATTEST:

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DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney