

## ORDINANCE NO. 969

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 1, CHAPTER 1.16, KETCHUM MUNICIPAL CODE, "INITIATIVE AND REFERENDUM"; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current section of the Ketchum Municipal Code regarding initiatives and referendums is not in conformance with Idaho Code; and

WHEREAS, the City Council desires to amend Ketchum Municipal Code, Title 1, Chapter 1.16, "Initiative and Referendum".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1: Sections **1.16.010** through **1.16.120**, of the Ketchum City Code are hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

### Chapter 1.16 INITIATIVE AND REFERENDUM

#### **1.16.010 Creation of right.**

The people of this city shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth in this chapter. (Ord. 273 § 1, 1978)

#### **1.16.020 Number of petitioners required.**

To enact an ordinance by initiative or to repeal an ordinance by referendum, there shall be attached or appended to the petition the signatures of the legal voters of the city equal to at least twenty (20) percent of the total number of electors who cast votes at the last general election in the city. (Ord. 795 § 1, 1999; Ord. 273 § 2, 1978)

#### **1.16.030 Form of petition.**

The initiative petition shall be in substantially the following form:

#### WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

Initiative petition to the mayor and council of the City of Ketchum, Idaho:



signatures within the sixty (60) seventy-five (75) days allowed shall be declared null and void ab initio in its entirety. (Ord. 273 § 5, 1978)

**1.16.060 Verification on sheets for signatures.**

Each and every signature sheet of each petition containing signatures shall be verified on the face of such sheet in substantially the following form by the person who circulated such sheet of the petition, by his or her affidavit:

STATE OF IDAHO

COUNTY OF

I, \_\_\_\_\_, swear, under penalty of perjury, that I am a resident of the City of Ketchum, Blaine County, Idaho and at least eighteen (18) years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and the person was eligible to sign this petition.

Signature  
Post Office Address

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_ DAY OF \_\_\_\_\_,  
1920 .

(Notary Seal)  
Notary Public  
Residing at  
(Ord. 273 § 6, 1978)

**1.16.070 Examination and certification of signatures.**

A. All petitions with attached signature sheets shall be presented on the same day to the city clerk, who shall make a cursory examination of them to determine whether the petitions apparently contain the necessary number of signatures.

1. If the total number of signatures on the petitions is not sufficient to satisfy the number required by Section 1.16.020, all petitions with attached signature sheets shall be retained by the city clerk who shall notify in writing the person filing the petition of the number of signatures needed, ~~and further signatures may be gathered, if within the time limit of Section 1.16.050.~~ The city clerk shall promptly transmit the petitions and attached signature sheets to the county clerk.

2. If the cursory examination of the signature sheets reveals: (a) erasures on any signatures; (b) illegible or undecipherable signatures; (c) signatures not properly identified by all of the information required on the sheet; and (d) signatures of persons who have requested in writing to have their names removed from the petition; the ~~city~~ county clerk shall summarily reject such signatures and they shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the county clerk. ~~If the~~

~~total number of signatures not rejected is not sufficient to satisfy the number required by Section 1.16.020, all petitions with attached signature sheets shall be retained by the clerk who shall notify in writing the person filing the petition of the number of signatures needed and further signatures may be gathered, if within the time limit of Section 1.16.050.~~

B. All petitions presented to the city clerk found to apparently contain the necessary number of signatures, after the cursory examination provided for above, shall be filed with the city clerk and become public records of the city not to be returned. The city county clerk shall examine each such signature purported to be that of a registered elector of the city, and compare each such signature with the registration documents available to the city county clerk. The city county clerk shall summarily reject all signatures which are not the signatures of a registered elector of the city, and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the city county clerk. The city county clerk may take not to exceed ~~ten (10)~~ fifteen (15) business days after filing of the petition to complete his or her examination. The city county clerk shall certify each signature found to comply with all of the requirements of this chapter by an appropriate mark following each signature. The city clerk shall total the number of certified signatures, and if found to total the number of signatures required by Section 1.16.020, shall proceed as provided in Section 1.16.080. (Ord. 273 § 7, 1978)

#### **1.16.080 Sufficiency of petition--Effect of council--Action--Election.**

A. In the event that a petition filed with a city clerk does not contain the required number of certified signatures, the city clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures, ~~and specify the number of additional signatures required to make the petition valid. A petition defective for lack of certified signatures must be perfected within the sixty (60) day period from the date that the city clerk approves the form of the petition. If the petition is not perfected within that period, the clerk shall declare the petition null and void ab initio in its entirety.~~

B. In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the city council at its next meeting that the initiative or referendum petition is in proper form.

1. If the petition is for a referendum, the city council shall have thirty (30) days from the date of certification of the petition to repeal the ordinance being referred to the voters. In the event the council repeals the ordinance, the referendum petition shall be declared null and void.

2. If the petition is an initiative petition, the city council shall have thirty (30) days to pass an ordinance substantially as proposed by the petition. In the event the council passes such an ordinance, the initiative petition shall be null and void.

3. In the event the city council neither repeals the ordinance which is the subject of a referendum petition, nor enacts an ordinance which is the subject of an initiative petition an election shall be ordered by the city clerk to be conducted city-wide. ~~A special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petition; provided that, in the event a municipal election will occur within the ninety (90) days, the initiative or referendum shall be submitted at the time of~~

the municipal election. (Ord. 273 § 8, 1978) Initiative and referendum elections shall be held on the nearest date authorized in Idaho Code § 34-106(1) which falls more than forty-five (45) days after the city clerk orders that such initiative or referendum election shall be held.

**1.16.090 Form of ballot.**

The city council shall prepare a ballot for an initiative or referendum election in one of the following ways:

A. If the full text of the ordinance or proposed ordinance to be voted upon does not exceed three hundred (300) words in length, it may be set out in full on the election ballot; or

B. If the full text of the ordinance or proposed ordinance to be voted upon exceeds three hundred (300) words in length, and the council votes not to have it printed at length on the election ballot, it shall, with the assistance of the city attorney, prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot. (Ord. 273 § 9, 1978)

**1.16.100 Conduct of election.**

Initiative or referendum elections, whether special or general, shall be conducted and the results canvassed and certified in all respects as near as practicable, in like manner as general elections except as otherwise provided. (Ord. 273 § 10, 1978)

**1.16.110 Canvass of returns.**

The mayor and council shall meet within five days after such election to canvass the votes cast at such election, and the city clerk shall immediately announce the results. Any initiative measure approved by a majority of the votes cast shall be in full force and effect from the date of such announcement. Any ordinance which is the subject of a referendum receiving less than a majority of the votes cast shall be repealed, effective on the date of such announcement. (Ord. 273 § 11, 1978)

**1.16.120 Prohibited acts--Penalties.**

Pursuant to Title 34, Chapter 18 of the Idaho Code, a person is guilty of a felony who:

- A. Signs any name other than his or her own to any initiative or referendum petition;
- B. Knowingly signs his or her name more than once on the same initiative or referendum petition;
- C. Knowingly signs his or her name to any initiative or referendum petition if he or she is not a registered city elector;
- D. Willfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any initiative or referendum petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such petition;
- E. Presents to any officer for filing any initiative or referendum petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed;



F. Circulates or causes to circulate any initiative or referendum petition, knowing the same to contain false, forged or fictitious names;

G. Makes any false affidavit concerning any initiative or referendum petition or the signature appended to such petition;

H. Offers, proposes or threatens for any pecuniary reward or consideration:

1. To offer, propose, threaten or attempt to sell, hinder or delay any initiative or referendum petition or any part or any signatures thereon,

2. To offer, propose or threaten to desist from beginning, promoting or circulating any initiative or referendum petition,

3. To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest. (Ord. 795 § 2, 1999: Ord. 273 § 12, 1978)

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence clause, or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.


PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO  
and APPROVED by the Mayor this 21<sup>st</sup> of February, 2006.

CITY OF KETCHUM, IDAHO

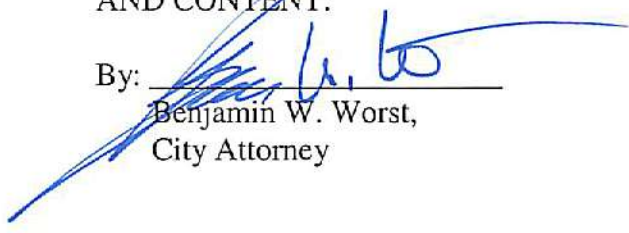


\_\_\_\_\_  
Randall Hall,  
Mayor

ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

APPROVED AS TO FORM  
AND CONTENT:

By:   
Benjamin W. Worst,  
City Attorney



Handwritten scribble or signature in the upper left quadrant.

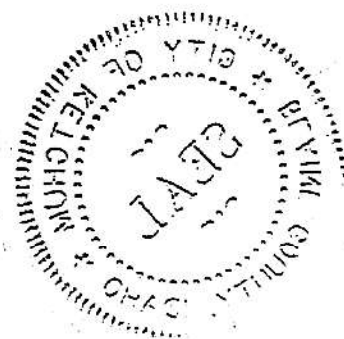




EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 969  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 1, CHAPTER 1.16, KETCHUM MUNICIPAL CODE, "INITIATIVE AND REFERENDUM"; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 969 of the City of Ketchum, Blaine County, Idaho, adopted on February 21, 2006, is as follows:

**Section 1:** Conforms Title 1, Chapter 1.16, "Initiative and Referendum" of the Ketchum Municipal Code to be in compliance with applicable Idaho Code.

**Section 2:** Provides a savings and severability clause.

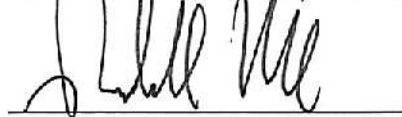
**Section 3:** Provides a repealer clause.

**Section 4:** Provides for publication of a summary of the Ordinance.

**Section 5:** Establishes the effective date.

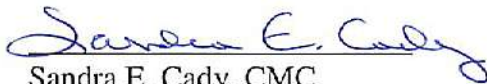
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



Randall Hall, Mayor

ATTEST:

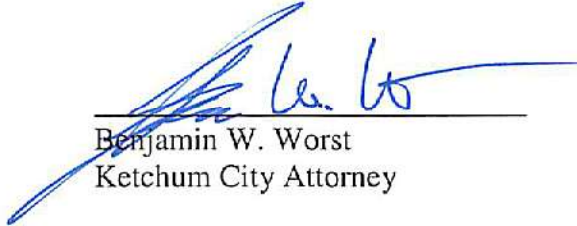


Sandra E. Cady, CMC  
City Treasurer/Clerk

**STATEMENT OF LEGAL ADVISOR**

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 967 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 21<sup>st</sup> day of February, 2006.



Benjamin W. Worst  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: March 1, 2006