

A PROPOSED AMENDMENT TO THE CITY OF BIG SPRING
CHARTER BY INCLUDING ARTICLE 14, ENTITLED "INITIATIVE
AND REFERENDUM"; INSTITUTING A PUBLIC INITIATIVE AND
REFERENDUM PROCESS

BE IT ORDAINED BY A MAJORITY OF QUALIFIED VOTERS OF THE CITY OF
BIG SPRING AS FOLLOWS:

THAT, the city of Big Spring Charter is hereby amended by including Article 14
entitled "Initiative And Referendum" which Article shall read as follows:

Article XIV.

Initiative And Referendum

Sec. 1. Initiative And Referendum - Procedure

Any proposed ordinance or resolution may be submitted to the Council for adoption, and any ordinance or resolution passed by the Council may be submitted to the people for repeal. In either event, the ordinance or resolution proposed to be adopted or repealed shall be set out in a written or printed instrument, which shall be filed with the person exercising the duties of City Secretary, and at the time of filing such written or printed instrument, and attached thereto, there shall be filed a statement signed by not less than five (5) qualified voters of the City of Big Spring, stating that they have proposed such ordinance or resolution for adoption or repeal, as the case may be, before any signatures are procured to the petitions hereinafter provided for. In the event the ordinance or resolution is one proposed to be adopted, such electors shall be regarded as "the initiating committee", and in the event it is desired to repeal an ordinance or resolution already existing, such electors shall be regarded as "the referring committee".

Sec. 2. Initiative And Referendum - Petitions

Before any such ordinance or resolution may be submitted to the Council for adoption or repeal, it shall be necessary that a petition signed by not less than four hundred (400) qualified voters residing within the City of Big Spring, stating that they have proposed such ordinance or resolution for adoption or repeal, as the case may be. All such petitions circulated for signatures shall be uniform in character and shall each have attached to the same an exact written or printed copy of the proposed ordinance or resolution sought to be adopted or repealed,

and shall be filed with the person discharging the duties of City Secretary within ninety (90) days from the filing of the statement thereinabove referred to.

Each signer of a petition shall sign his or her name in ink or indelible pencil in his own handwriting, and shall place or have placed on the same, following his name, his street number or place of residence within the City. The signatures to any such petition need not all be attached to the same paper, but to each paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature is genuine and that of the person whose name it purports to be, and that it was made in the presence of the affiant. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after a petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid, which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds.

Sec. 3. Initiative And Referendum – Hearing

When signatures have been obtained in the number above provided for and the petition and statement have been filed with the person exercising the duties of City Secretary, such officer shall submit all papers pertaining to such ordinance or resolution, and its proposed initiation or reference to the Council at its next regular meeting and such officer shall mail or transmit to each of the members of such initiating or referring committee, a notice of the time of the next regular meeting of the Council when such ordinance or resolution and its adoption or repeal shall be considered, or a time then set by the Council for its consideration, which hearing and consideration shall be open to the public, and the public shall be permitted to present arguments for or against such proposed ordinance or resolution. In the event that said ordinance or resolution is one to be repealed, said ordinance or resolution is to be considered suspended effective the date of the of the successful validation of said petition.

Sec. 4. Initiative And Referendum – Amendment Of Petition

An initiative or referendum petition may be amended at any time within thirty (30) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and

filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he/she shall file his/her certificate, to that effect in his/her office and notify the committee of the petitioners of his/her findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 5. Initiative And Referendum – Election

After such presentation of the petition to them and public hearing, the Council shall, within thirty (30) days from the date of the submission of such petition, take final action upon the same by either adopting or rejecting the ordinance or resolution thus initiated by petition, or by either repealing or refusing to repeal the ordinance or resolution thus sought to be repealed, and in either event the action of the Council shall be noted in its minutes. If the Council refuses to pass or to repeal the proposed ordinance or resolution, or passes the same in an amended form from that presented by the petition, or repeals only a part of such ordinance or resolution, instead of repealing the same in the manner set out in such petition of reference, then, in either event, such initiating committee, or such referring committee, or a majority thereof, may require that such ordinance or resolution, either in its original or amended form, be submitted to a vote of the electors for adoption or repeal, as the case may be.

When an ordinance or resolution proposed by petition is to be submitted to a vote of the electors for adoption or repeal, after the Council has acted upon the same, as provided for in the preceding paragraph, then such initiating or referring committee as the case may be, upon majority vote of such committees, shall certify their desire to have the same submitted for adoption or repeal not less than thirty (30) or more than sixty (60) days after the Council shall have taken action on the same, and shall file such certificates and statement with the person exercising the duties of City Secretary.

After receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person discharging the duties of the City Secretary, shall present such certificate and certified copy of the proposed ordinance or resolution to the Council at its next regular meeting. If any election is to be held at a date not less than ninety (90) days after such meeting of the Council, then such ordinance or resolution proposed for adoption or repeal shall be submitted by the Council to a vote of the electors at such election to be held, or at the next state scheduled general election.

Sec. 6. Initiative And Referendum – Ballot

The form of ballot for use in any election held for the adoption of any initiated ordinance or resolution shall state the title of the ordinance and contain a succinct statement of its nature and purpose and below such statement, on separate lines, there shall be printed the words: “FOR THE ORDINANCE (OR RESOLUTION)”, “AGAINST THE ORDINANCE (OR RESOLUTION)”. If a majority of the electors voting in such election shall vote in favor thereof it shall thereupon become an ordinance or resolution of the City when the result of such election shall have been declared.

The form of ballot for use in an election held for the repeal of any referred ordinance or resolution shall state the title of the ordinance or resolution and contain a succinct statement of the nature and purpose of the ordinance or resolution sought to be repealed, and below such statement, in separate lines, there shall be printed the words: “FOR THE REPEAL OF THE ORDINANCE (OR RESOLUTION)”, “AGAINST THE REPEAL OF THE ORDINANCE (OR RESOLUTION)”. If a majority of the electors voting in such election shall vote in favor of the repeal of such ordinance or resolution, then, the same shall be considered repealed, when the result of the election shall have been declared. If a majority of the electors voting in such election shall vote against the repeal of such ordinance or resolution, then, the same shall be considered in effect, when the result of the election shall have been declared. Provided, however, that nothing contained in this section shall affect the manner of calling elections to determine whether or not franchises shall be granted.

Sec. 7. Initiative And Referendum - Ordinances And Resolutions Acted Upon By Electors

The City Council shall not repeal, amend, or otherwise modify, an ordinance or resolution that has been initiated by the citizens and approved by a majority of the electors in an election authorized by this article, for a period of not less than two (2) years after the enactment of said ordinance. The City Council shall not re-initiate an ordinance or resolution that has been repealed by the citizens by means of a majority vote in an election authorized by this article, for a period of not less than two (2) years after the repeal of said ordinance.

Sec. 8. Effective Date

This amendment to the Charter of the City Of Big Spring shall be considered in effect immediately upon the certified approval of the majority of voters in the City, in the election when the question of said amendment was considered.