

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE,
CHAPTER 2.36 INITIATIVES AND REFERENDUMS

Annotated to show deletions and additions to the code sections being modified. Deletions are lined through in bold and additions are <u>in bold underline</u> .

WHEREAS, Article 7. Section 3 Elections of the Ashland City Charter provides:

Section 3. Special Elections The Council shall provide the time, manner and means for holding any special election which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.

WHEREAS, Jackson County elections office charges the City of Ashland for the cost of an election on an initiative or referendum petition based on a formula of one dollar for each registered voter in the City of Ashland; and

WHEREAS, the two hundred dollar deposit for election costs for initiative and referendum elections in the Ashland Municipal Code has not been updated since 1962; and

WHEREAS, the current deposit for costs is inadequate to cover the costs of initiative and referendum elections and must be updated to reflect actual costs charged to the City by the County; and

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1: Section 2.36.030, Deposit Required, is hereby amended to read as follows:

Section 2.36.030 Deposit Required.

Any person or persons, organization or organizations presenting or offering any initiative or referendum petition for final filing shall, at the time of offering said petition, deposit with the City Recorder either ~~two hundred dollars (\$200.00)~~ cash or a certified check drawn to the order of the City **of Ashland**, for **a sum as established by Resolution of the City Council, said sum**, which sum or check shall be held by the City Recorder until after the election and, in case the referred or proposed measure is defeated at such election, the entire cost of holding the election on such measure shall be paid from such deposit, and if any balance remains after payment of such election expense, such balance shall be returned to the proposer of any such measure. In the event any such initiative or referendum measure is enacted at the election held thereon, the entire amount of such deposit shall be returned to the proposer of such measure, and the expenses of such election shall be paid ~~from the general funds of the~~ **by the** City.

This provision is made for the purpose of preventing the depletion of City funds by

elections on matters in which the public is not interested and which have no merit.

SECTION 2. Severability.

If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3 Codification.

Provisions of this Ordinance shall be incorporated in the Ashland Municipal Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Sections 2 thru 3, unincorporated Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X Section 2 (C) of the City Charter on the _____ day of _____ 2009 and duly PASSED and ADOPTED on this _____ day of _____ 2009.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____ 2009.

John Stromberg, Mayor

Reviewed as to form:

Richard Appicello, City Attorney