



## Legislation Text

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**File #:** 21-046, **Version:** 1

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An Ordinance Amending Section 108 (Ordinance Approval and Adoption; Disapproval or Veto) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to City Council Ballot Referrals by Ordinance

**Presenter:**

Don Knight, City Councilmember  
Tom Strand, City Councilmember  
Dave Geislinger, City Councilmember

**Summary:**

For several years, City Councilmembers have conducted meetings with staff to identify necessary “scrubs” to the City Code. This proposed amendment to City Code section 1.2.108 would require all ballot referrals by City Council be accomplished through ordinance. Currently, several types of ballot issues are referred by resolution, which provides no ability for the Mayor to veto those particular questions. Additionally, this ordinance would amend this Code section to eliminate the Mayor’s restriction from vetoing initiated ordinances or initiated Charter amendments.

**Background:**

City Code section 1.2.108 provides for the basic structure for approval, adoption, disapproval and veto authority over ordinances. The proposed amendment to City Code section 1.2.108(A) would require that City Council refer all ballot measures through adoption of an ordinance and would result in Mayoral authority to veto ballot measures.

The City Councilmembers working with City staff to “scrub” the City Code identified that a ballot referral through a resolution by Council would provide the Mayor with no opportunity to veto a question. The result would be that, depending on the question, there could be a significant impact on the executive branch’s ability to perform its functions if passed by the voters. By requiring that all ballot questions be referred by ordinance, the Mayor would have the opportunity to veto the ordinance and underlying question. The City Councilmembers studying the issue believe that the proposed amendments to the Code provide the appropriate balance between legislative and executive authority over ballot issues. Like other ordinances, City Council would still retain its ability to override a Mayoral veto pursuant to City Code section 1.2.108(C)(3).

In addition to the requirement that ballot items be referred by ordinance, this proposed Code amendment would eliminate the limitation on Mayoral veto power over an initiated ordinance or initiated Charter amendment. City Charter section 3-70(e)(2) does not set forth a limitation on the Mayor’s authority to veto these types of initiated referrals. Instead, section 1.2.108(B)(3)(d) of the City Code was adopted in 2010 during the implementation of the Council-Mayor form of government as a stand-alone provision and limitation of veto authority within the City Code. City Council is

required to refer initiated ordinances and initiated Charter amendments. As a result, the elimination of the veto prohibition will have limited practical effect because the Council would be required to override the Mayor's veto referring the question. This amendment to the Code will provide for consistency with the City Charter and the rest of the City Code.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Council could choose not to adopt the ordinance and amendments to the City Code.

**Proposed Motion:**

Move to adopt an ordinance amending Section 108 (Ordinance Approval and Adoption; Disapproval or Veto) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to City Council ballot referrals by ordinance.

An amendment to the City Code requiring all ballot referrals by City Council be accomplished through the adoption of an ordinance.