

SPECIAL COUNCIL MEETING
Tuesday, October 13, 2015, 4:30 p.m.
Casper City Hall
Council Chambers

2015 CITY COUNCIL GOALS

Downtown - The City of Casper will foster growth and prosperity of the City's core through infrastructure development, creating public spaces and supportive facilities.

Infrastructure - The City of Casper will create the conditions for economic development by expanding and maintaining its physical assets and equipment, including streets, water lines, parking garages, fire stations, buildings and parks.

Recreation - The City of Casper will support, maintain and upgrade its current recreational facilities and programs and develop recreational opportunities that provide citizens and visitors with a variety of affordable activities for all ages that serve to enhance quality of life.


Council Goals Scorecard <i>Actions to Date</i>
11
55
31

AGENDA

1. ROLL CALL
2. RESOLUTION
 - A. Setting the Date for a Special Election for the Adoption or Rejection of Ordinance No. 15-13, Authorizing a Proclamation Setting the Date of the Special Election, the Locations of the Polling Places, and Number of Election Judges Therefor.
3. ADJOURNMENT

October 9, 2015

MEMO TO: John C. Patterson, City Manager

FROM: V.H. McDonald, Assistant City Manager 

SUBJECT: Consideration of a Resolution Setting the Date for a Special Election for the Adoption or Rejection of Ordinance No. 15-13, Authorizing a Proclamation Setting the Date of the Special Election, the Locations of the Polling Places, and Number of Election Judges Therefor.

Recommendation:

That the City Council, by Resolution, set the date for a special election for the adoption or rejection of Ordinance No. 15-13, authorize a Proclamation setting the date of the special election, the locations of the polling places, and number of election judges therefor.

Summary:

Subsequent to the Wyoming Supreme Court's decision and guidance regarding the disallowing of certain signatures from the referendum petition for Ordinance No. 15-13, as the City Clerk I reevaluated those signatures. Subsequently, on September 4, 2015, I certified to the City Council that the necessary number of signatures was obtained to subject Ordinance No. 15-13 to a referendum vote.

In accordance to Wyoming Statutes, the City Council considered repealing Ordinance No, 15-13 by Ordinance No. 23-15, the passage of which failed on second reading on September 22, 2015, thereby the City Council found that Ordinance No. 15-13 shall be submitted to the electors of the City of Casper at a special election pursuant to the provision of W.S. § 22-23-1007.

W.S. §§ 22-23-802 and 22-23-803 require that the City Council proclaim the date of the special election, the locations of the polling places and a sufficient number of qualified electors residents in the municipality to serve as judges of the election. These required items are set forth in a resolution for Council's consideration.

RESOLUTION NO. 15-277

A RESOLUTION SETTING THE DATE FOR A SPECIAL ELECTION FOR THE ADOPTION OR REJECTION OF ORDINANCE NO. 15-13, AUTHORIZING A PROCLAMATION SETTING THE DATE OF THE SPECIAL ELECTION, THE LOCATIONS OF THE POLLING PLACES, AND NUMBER OF ELECTION JUDGES THEREFOR.

WHEREAS, the Casper City Council passed Ordinance No. 15-13, entitled “An Ordinance Amending Certain Sections of Chapter 8.16 of the Casper Municipal Code, Pertaining to Smoking in Public Places,” said Ordinance having been passed on third reading on June 18, 2013; and,

WHEREAS, Ordinance No. 15-13 amended a prior ordinance, being Ordinance No. 17-12, entitled “An Ordinance Repealing in Its Entirety, Chapter 8.16, of the Casper Municipal Code, Smoking in Public Places, and Creating a New Chapter 8.16, Smoking in Public Places, of Title 8, Health and Safety, of the Casper Municipal Code,” said Ordinance No. 17-12 having been passed on third reading by the Casper City Council on June 19, 2012; and,

WHEREAS, Ordinance No. 15-13 relaxed many of the prohibitions for smoking in public places as otherwise set forth in Ordinance No. 17-12; and,

WHEREAS, the passage of Ordinance No. 15-13 resulted in a referendum petition drive by an organization known as the “Smoke Free Committee” to subject this Ordinance to a referendum vote pursuant to the provisions of W.S. §§ 22-23-1005; and,

WHEREAS, the Casper City Clerk found that the referendum petitions regarding Ordinance No. 15-13 were legally insufficient as the petition drive was short sixty-one (61) valid signatures of qualified electors that resided in the City of Casper; and,

WHEREAS, Kimberly Holloway, Individually, and as a Member of the Smoke-Free Committee, contested the City Clerk’s determination and filed a “Complaint for Review of Determination and Declaratory and Injunctive Relief” in the District Court for the Seventh Judicial District of the State of Wyoming (hereinafter the “District Court”); and,

WHEREAS, the District Court found in favor of Kimberly Holloway, Individually, and as a Member of the Smoke-Free Committee, finding that the City Clerk was legally incorrect when the City Clerk disallowed signatures from the referendum petitions for the reason that their stated addresses did not match the Natrona County Voter Registration List; and,

WHEREAS, the City of Casper, and V.H. McDonald, in his capacity as the City Clerk, appealed the District Court’s decision to the Wyoming Supreme Court; and,

WHEREAS, the Wyoming Supreme Court upheld the District Court in part and reversed the Court in part regarding its decision on the actions of the City Clerk in disallowing the sixty-one (61) signatures from the referendum petitions; and,

WHEREAS, as a result of the decision by the Wyoming Supreme Court, Kimberly Holloway, Individually, and as a Member of the Smoke-Free Committee, was provided the opportunity to verify the information of certain petitioners who had signed the referendum petitions, but had stated a different address than that shown on the Natrona County Voter Registration List; and,

WHEREAS, signed statements of residency were obtained from those petitioners to verify that they were the same individuals that lived at the residence address listed on the voter registration list; and,

WHEREAS, this verification process was done in order to comply with the Wyoming Supreme Court's decision; and,

WHEREAS, as a result of this verification process, the City Clerk certified that the necessary number of signatures were obtained to subject Ordinance No. 15-13 to a referendum vote as provided by law; and,

WHEREAS, W.S. § 22-23-1006 provides that once a Municipal Clerk determines that a referendum petition is legally sufficient, he shall certify it to the governing body who shall then suspend the ordinance, and pursuant thereto, Ordinance No. 15-13 was suspended by Resolution No. 15-255 by the Casper City Council; and,

WHEREAS, the Casper City Council considered repealing Ordinance No. 15-13 by Ordinance No. 23-15, the passage of which failed on second reading on September 22, 2015, and thereby the Casper City Council found that Ordinance No. 15-13 shall be submitted to the electors of the City of Casper at a special election pursuant to the provisions of W.S. § 22-23-1007; and,

WHEREAS, W.S. §§ 22-23-802 and 22-23-803 provide that the City Council shall proclaim the date of the special election, the number and locations of the polling places, and designate a sufficient number of qualified electors resident in the municipality to serve as judges of the election; and,

WHEREAS, the Casper City Council finds that the Proclamation set forth below is sufficient, pursuant to W.S. §§ 22-23-802 and 22-23-803, to proclaim the date of the special election for the adoption or rejection of Ordinance No. 15-13, and to give notice of the locations of the polling places, which are not ward or precinct specific for said election.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the adoption or rejection of Ordinance No. 15-13 shall be submitted to the electors of the City of Casper at a special election pursuant to the provisions of W.S. § 22-23-1007 and W.S. § 22-23-801 *et seq.*

BE IT FURTHER RESOLVED: That the special election for the adoption or rejection of Ordinance No. 15-13 is hereby set to be held on Tuesday, November 3, 2015 between the hours of 7:00 a.m. and 7:00 p.m. at the following polling locations, which are not ward or precinct specific, and for which the Casper City Council hereby designates that at least three (3) qualified electors, resident in the City of Casper, shall serve as judges of the election at each polling place:

Roosevelt High School
140 East K Street
Casper, Wyoming (in the gymnasium)

Senior Citizens' Center
1831 East 4th Street
Casper, Wyoming (in the activities room)

Natrona County Fairgrounds
Hall of Champions
1700 Fairgrounds Road
Casper, Wyoming

Casper Shrine Club
1501 West 39th Street
Casper, Wyoming

Restoration Church
411 S. Walsh Drive
Casper, Wyoming

Community Health of Casper
5000 Blackmore Road
Casper, Wyoming (2nd floor)

ABSENTEE VOTING shall be taken for this special election until 7:00 p.m. on November 3, 2015 at the following absentee polling location:

Natrona County Courthouse
Elections Office
200 North Center, Room 154
Casper, Wyoming 82601

BE IT FURTHER RESOLVED: That the "Proclamation" as set forth below is hereby approved, which Proclamation shall be published at least twice in a newspaper of general circulation in the City of Casper pursuant to the provisions of W.S. § 22-23-802:

PROCLAMATION SETTING A SPECIAL ELECTION FOR THE ADOPTION OR REJECTION OF ORDINANCE NO. 15-13 OF THE CASPER MUNICIPAL CODE ENTITLED “AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 8.16 OF THE CASPER MUNICIPAL CODE, PERTAINING TO SMOKING IN PUBLIC PLACES.”

Notice is hereby given that a special election shall be held for the purpose of submitting Ordinance No. 15-13 of the Casper Municipal Code entitled “An Ordinance Amending Certain Sections of Chapter 8.16 of the Casper Municipal Code, Pertaining to Smoking in Public Places” to the electors of the City of Casper, Wyoming for its adoption or rejection on Tuesday, November, 3, 2015 between the hours of 7:00 a.m. and 7:00 p.m. at the following polling locations, which are not ward or precinct specific:

Roosevelt High School
140 East K Street
Casper, Wyoming (in the gymnasium)

Senior Citizens’ Center
1831 East 4th Street
Casper, Wyoming (in the activities room)

Natrona County Fairgrounds
Hall of Champions
1700 Fairgrounds Road
Casper, Wyoming

Casper Shrine Club
1501 West 39th Street
Casper, Wyoming

Restoration Church
411 S. Walsh Drive
Casper, Wyoming


Community Health of Casper
5000 Blackmore Road
Casper, Wyoming (2nd floor)

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Natrona County Courthouse
Elections Office
200 North Center, Room 154
Casper, Wyoming 82601

PASSED, APPROVED, AND ADOPTED THIS _____ day of _____, 2015.

APPROVED AS TO FORM:



City Attorney

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V.H. McDonald
City Clerk

Charlie Powell
Mayor