

SPECIAL COUNCIL MEETING
Tuesday, September 8, 2015
4:30 p.m.

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.

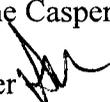
Recreation - The City of Casper will support, maintain and upgrade its current recreational facilities and programs and develop recreational opportunities that provide citizens and visitors with a variety of affordable activities for all ages that serve to enhance quality of life.

AGENDA

1. ROLL CALL
2. INTRODUCTION AND SWEARING IN OF NEW COUNCILMAN MILLER
 - A. Introduction of New Ward II Councilman Mr. Scott Miller
 - B. Municipal Court Judge issues Oath of Office to newly-elected Councilman Miller
 - C. Introduction of Councilman Miller's Family & Friends / Councilman Miller's Comments
3. ROLL CALL
4. RESOLUTION
 - A. Consent
 1. **Suspending Ordinance 15-13**, an ordinance amending certain **sections of Chapter 8.16** of the Casper Municipal Code, **pertaining to smoking in public places**.
5. ADJOURNMENT

September 3, 2015

MEMO TO: Honorable Mayor Powel and the Casper City Council

CC: John C. Patterson, City Manager 

FROM: V.H. McDonald, Assistant City Manager (City Clerk/Treasurer)

SUBJECT: City of Casper Ordinance No. 15-13 Referendum Petition Effort: Post Wyoming Supreme Court Decision and Referendum Committee's Statement of Residency Confirmation

Recommendation:

No recommendation, information only.

Summary:

Subsequent to the Wyoming Supreme Court decision concerning the referendum effort for City of Casper of Ordinance No. 15-13, pertaining to smoking in private places, the Referendum Committee was provided the opportunity to verify the information of certain signers. The verification process entailed the Committee obtaining signed Statements of Residency from signers verifying the signer lived at the residence listed on the voter registration list. This effort was done to comply with the Court's decision in order that the information for those signers' signatures could be reviewed to determine if it matched the voter registration list information as provided by the Natrona County Clerk.

As a result of the verification process, I am certifying 2,454 of the signatures submitted by the Referendum Committee as valid signatures. As a result the necessary number of signatures was obtained to make City of Casper Ordinance No. 15-13 subject to a referendum vote.

Accordingly, under Wyoming law, the Casper City Council must suspend Ordinance No. 15-13. Then City Council has the options of repealing the ordinance or presenting the question to the electors of the municipality.

An action to suspend the Ordinance No. 15-13 will be presented at a Special Council meeting to be held September 8, 2015.

This issue will be further discussed at the September 22, 2015 Council Work Session.

RESOLUTION NO.

A RESOLUTION SUSPENDING ORDINANCE NO. 15-13
IN COMPLIANCE WITH W.S. § 22-23-1006.

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 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 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 22-23-1006; 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 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, CPA, in His Capacity as the Administrative Services Director of the City of Casper, in which capacity he acts 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, which process entailed the Committee obtaining signed statements of residency from the petition signors that verified the signor, even though having stated a different address on the referendum petition, was the same individual 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 so that the petition signors' signatures could be reviewed to determine if they match the voter registration list information as otherwise had been provided by the Natrona County Clerk; and,

WHEREAS, as a result of this verification process, the City Clerk certified 2,454 of the signatures submitted on the referendum petitions as valid signatures, and as a result, the City Clerk has 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,

WHEREAS, as the City Clerk has certified that the referendum petition to subject Ordinance No. 15-13 to a municipal election is legally sufficient, the Casper City Council has to suspend the enforcement of Ordinance No. 15-13 pursuant to the provisions of W.S. § 22-23-1006; and,

WHEREAS, the Casper City Council finds that, pursuant to the provisions of W.S. § 22-23-1006, that it must immediately suspend the effect and the application of Ordinance No. 15-13 as previously passed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING, THAT: 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," is hereby suspended pending the procedures to subject this ordinance to a referendum petition election as provided by law.

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

APPROVED AS TO FORM.



ATTEST

CITY OF CASPER, WYOMING
A Municipal Corporation

V.H. McDonald
City Clerk

Charlie Powell
Mayor