

4. Sec. 2.22 - Initiative

Charter Review Committee

Amendment Summary

Section 2.22

Brief Summary of Amendment

Prohibits the Council from submitting any proposed ordinance to the voters that contains provisions that would substantially conflict with an ordinance that has been proposed by an Initiative Petition filed with the City Clerk.

Committee Vote

Yes: Katie Baird, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Lok Yin Wu

No: Jason Gauthier, Andrea Reay, Steve Wamback

Abstain: Nicholas Carr

Absent: Diamatris Winston

Amendment

Section 2.22 – The Council by its own motion may submit ~~any~~ a proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition- except that any proposed ordinance submitted by the Council may not contain provisions that would substantially conflict with any proposed ordinance that has been provided to the City Clerk in the form of an Initiative Petition.

Amendment Positions

Rationale for Amendment:

The proposed amendment to the Charter specifies that while the City Council retains the authority to submit a proposed ordinance to the voters for approval or rejection, it introduces a safeguard concerning citizen-led initiatives. Specifically, ordinances proposed by the Council cannot contain provisions that substantially conflict with another proposed ordinance that has already been submitted to the City Clerk in the form of an Initiative Petition. This change is designed to protect the integrity of citizen-led initiatives, ensuring that such proposals are given a fair chance to be considered by voters without interference from conflicting Council-proposed ordinances. This adjustment ensures that the Council's power to propose ordinances directly to the voters does not undermine or negate the efforts of citizens interested in shaping policy through the initiative process.

Dissenting Position(s):

Restricting the City Council's authority to place ordinances onto the ballot stifles a deliberative and democratic policy making process and undermines the Council's ability to effectively serve the interests of the broader community. By prohibiting the council from introducing similar ordinances, it sidelines elected officials and diminishes their mandate to govern.

This amendment sets a troubling precedent by prioritizing one form of civic engagement over another. While initiatives brought forth by citizens deserve respect and consideration, they should not serve as an absolute constraint on the council's legislative authority. Such a restriction risks entrenching gridlock and stifling productive dialogue within the legislative process.

Further, the language of the amendment lacks clarity and fails to define what constitutes a "substantially similar" ordinance, leaving it open to subjective interpretation and potential abuse. This ambiguity only adds to the uncertainty surrounding the proposed change and raises concerns about its implications for future governance.