

**CITY OF YACHATS
ORDINANCE NO. 310**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 1.08 ELECTIONS,
SECTION 1.08.130 – MEASURES REFERRED BY COUNCIL**

WHEREAS, State Statues do not require that electors be allowed to challenge an explanatory statement prepared for the County Voters Pamphlet; and

WHEREAS, the Circuit Court will dismiss a challenge filed if a copy of the challenge is not timely filed with the City Elections Officer; and

WHEREAS, having city staff prepare the ballot title for the city attorney to review and approve is a better way to manage City resources by reducing costs;

NOW THEREFORE, the City of Yachats ordains as follows:

Yachats Municipal Code Chapter 1.08 Elections, Section 1.08.130 – Measures Referred by Council is hereby amended to read

Section 1.08.130 Measures Referred by Council.

A. The council may directly refer to the electors any ordinance adopted by it or any proposed ordinance, property tax, bond or other proposition or question. It may also directly refer to the electors any proposed amendment, revision or the repeal of the charter.

B. The city attorney shall ~~prepare-review~~ a ballot title and explanatory statement prepared by City staff to ensure that it conforms to the requirements of state law. The council shall certify and file the ballot title and explanatory statement with the recorder.

C. The recorder shall publish in a newspaper of general circulation in the city a notice of receipt of the ballot title ~~and explanatory statement~~ including notice that an elector may file a petition for review of the ballot title ~~or explanatory statement~~ not later than the date set in subsection D.

D. Any elector may petition the Oregon Circuit Court to challenge the ballot title or ~~explanatory statement~~ certified by the council. Such petition must be filed with the Circuit Court within seven business days of council filing of the ballot title. Any person filing a petition of review with the Circuit Court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the Circuit Court. This requirement does not invalidate a petition that is timely filed with the Circuit Court.

E. A measure shall be considered filed under this section as of the date the council delivers its certified ballot title to the recorder.

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

APPROVED by the Mayor this ____ day of _____.

Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder