

RESOLUTION NO.

Late Backup

WHEREAS, on March 29, 2018, an initiative petition was filed with the Austin city clerk concerning CodeNEXT (or any subsequent comprehensive revisions of the City's land development laws); and

WHEREAS, the initiative petition would require voter approval of CodeNEXT, and CodeNEXT includes revisions to the City's zoning regulations; and

WHEREAS, on April 23, 2018, the Austin city clerk certified that the petition met the requirement for the minimum number of valid signatures of qualified voters to be considered sufficient; and

WHEREAS, in accordance with Article IV, § 4 of the Austin City Charter, upon receipt of an initiative petition certified by the city clerk to be sufficient, the Austin City Council has the obligation to either (a) pass the initiated ordinance without amendment within ten (10) days after the date of certification or (b) order an election and submit the initiated ordinance without amendment to a city-wide vote on the next allowable municipal election date; and

WHEREAS, on April 26, 2018, the Austin City Council voted 6-4 (with one member absent) to not pass the initiated ordinance without amendment within ten (10) days after the date of certification to the council; and

WHEREAS, the City of Austin's power of initiative and referendum may be limited by state law.

WHEREAS, Chapter 211.015 of the Texas Local Government Code (Zoning Referendum in Home-Rule Municipality) provides for an election concerning a municipality's zoning regulations through a referendum election only when a

municipality seeks to repeal its zoning regulations in their entirety or when a municipality seeks to initially adopt zoning regulations; and

WHEREAS, the next allowable municipal election date is November 6, 2018;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council hereby determines not to place the aforementioned petition-sponsored ordinance on the November 6, 2018 ballot.

BE IT FURTHER RESOLVED:

The City Council takes this action today, more quickly than is required by law, in order to ensure there is ample time and opportunity for legal challenges to Council's action so as to not preclude the opportunity to have the item placed on the next allowable municipal election date as provided below.

BE IT FURTHER RESOLVED:

The City of Austin will place the petition-sponsored ordinance on the November 6, 2018, ballot if a court, pursuant to a challenge of today's action, determines the City of Austin was under a legal requirement to place the matter on the ballot since the Council did not adopt the petition-sponsored ordinance.

ADOPTED: _____, 2018 **ATTEST:** _____

Jannette S. Goodall

City Clerk