

ARTICLE VIII Initiative and Referendum

Sec. 1. Petition for overrule of ordinance, action of council. All ordinances, ~~except emergency ordinances passed pursuant to Article II, Section 12, or any vote for a single capital expenditure or a single capital improvement, the total cost of which exceeds 0.05 percent of the last state valuation,~~ shall be subject to overrule by a referendum, as hereinafter provided; except the following shall not be subject to referendum:

1. If, within 20 days after the enactment of any such ordinances or passage of any such vote, a petition signed by not less than 10% of the registered voters of the Town of Cape Elizabeth is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance. or approving such vote. Pending action by referendum, the referred ordinance or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

1. The annual budget; ~~provided, however, if a single capital expenditure or a single capital improvement, the total cost of which exceeds 0.05 percent of the last state valuation, is included in the annual budget, then that part of the annual budget shall be subject to referendum;~~

Sec. 2. Referendum for approval of certain capital expenditures. Any vote by the council for a single capital expenditure of town funds or a single capital improvement; not arising from a fire or other casualty loss, nor arising from a federal or state mandate, the total cost of which exceeds One Million Dollars (\$1,000,000), whether as a separate vote or included in the approved annual budget, shall be submitted to a referendum vote at a time designated by the council. Pending action by referendum, the referred vote, or budget item, shall be suspended from going into operation until it has received an affirmative vote of the majority of voters voting on said question. This section shall not apply to the refinancing of previously authorized debt.

(The sections which follow will be renumbered as needed.)

Explanation 2. Emergency ordinances passed pursuant to Article II, Section 12. ~~If, within 20 days after the enactment of any such ordinances or passage of any such vote, a petition signed by not less than 10% of the registered voters of the Town of Cape Elizabeth is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance or approving such vote. Pending action~~

~~by referendum, the referred ordinance or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.~~

The intent of this proposal is to require most single capital expenditures exceeding \$1.0 million in value to be approved by the voters. The current provision is that a binding citizen vote occurs only after the town clerk receives a petition signed by 10% of the registered voters asking for a council approved capital expenditure valued at more than 0.05% of the state valuation to be overridden. Currently, approximately 750 signatures of voters are needed to attempt to override an expenditure exceeding \$855,375 in value.