



**TOWN OF CAPE ELIZABETH
TOWN CLERK'S OFFICE**

Town Hall

320 Ocean House Road
Cape Elizabeth, ME 04107

799-7665

Area Code 207

Website: www.capeelizabeth.com

To: Town Council

From: Debra M. Lane, Town Clerk *DML*

Re: Citizens Petition

Date: November 5, 2021

On November 2, 2021 a citizens' petition was filed entitled, **Cape Elizabeth Citizen Petition to Send Town Center Affordable Housing Amendments to Referendum** pursuant to the **Council-Manager Charter**:

ARTICLE VIII Initiative and Referendum

Sec. 1. Petition for overrule of ordinance. All ordinances, except emergency ordinances passed pursuant to Article II, Section 12 shall be subject to overrule by a referendum.

1. If, within 20 days after the enactment of any such ordinances, 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. Pending action by referendum, the referred ordinance 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 petition was filed within 20 days after the enactment of the Town Center Affordable Housing Amendments on October 13, 2021.

- The petition containing 1197 signatures was certified by the Town Clerk.
- A total of 1155 signatures were certified as registered voters of Cape Elizabeth as of the date of certification.
- Registered voters as of 11/2/2021 – 8689. The certified number of signatures exceeds the required number of registered voters as required by the provisions of the Charter (10%) to refer the reference in the petition to referendum.

In order to fulfill the two additional charter requirements, items will be placed on the November and December council agendas as follows:

- November 8 – schedule a special meeting on Wednesday, December 1, 2021 at 7:00 p.m. (Town Hall or Zoom?) for the purpose of holding the public hearing
- December 13 - schedule the referendum vote

Staff recommends this schedule to meet the charter requirements, avoid a number of special meetings, provide the public with as much advance notice of the public hearing, provide time for noticing requirements and avoid meetings during Thanksgiving week (week of November 22).

I would be remiss if I did not thank and acknowledge Deputy Town Clerk Kathy Maxwell for her work on the certification. Particularly with an election in the midst of the certification, Kathy did an outstanding job of meeting the demands of the office. Thank you, Kathy!

Please let me know if you have any questions.

Thank you very much.



CERTIFICATION OF THE TOWN CLERK
TOWN OF CAPE ELIZABETH

I, Debra M. Lane, do hereby certify that I am the Town Clerk of the Town of Cape Elizabeth, Maine and that a citizens' petition was filed with the Town Clerk on November 2, 2021 entitled **Cape Elizabeth Citizen Petition to Send Town Center Affordable Housing Amendments to Referendum.**

Said petition was submitted pursuant to the **Council-Manager Charter, Article VIII Sec. 1** following a vote (5-2) of the Cape Elizabeth Town Council on October 13, 2021 relating to the Town Center Affordable Housing Amendments, draft dated August 3, 2021.

The petition, containing 49 individual sheets, has been certified by the Town Clerk with signatures of registered voters of Cape Elizabeth as of the certification date being noted as valid; signers not registered were noted as invalid.

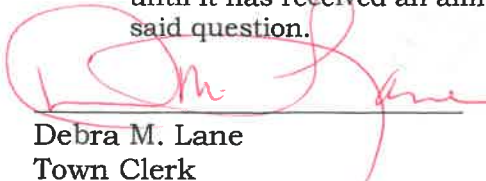
The number of registered voters on November 2, 2021 was 8689.

Said petition contains 1197 signatures of which **1155 signatures were certified** to be registered voters of Cape Elizabeth as of the certification date; 42 signatures were invalid.

ARTICLE VIII Initiative and Referendum

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Debra M. Lane
Town Clerk

Dated at Cape Elizabeth, Maine this 5th day of November 2021.

