



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**DEBRA ROUNDTREE, et al. v. CITY OF PAGE, et al.
CV-24-0144-PR**

PARTIES:

Petitioners/Plaintiffs:

Debra Roundtree, Steven Kidman, and Page Action Committee (collectively, “Petitioners”).

Respondents/Defendants:

City of Page; Kary Holloway, in her official capacity as City Clerk; and Kim Larson, in her official capacity as Acting Deputy Clerk (collectively, “Respondents”).

Amicus Curiae:

Daniel R. Luster and Lyle S. Dimblatt (in support of Petitioners).
League of Arizona Cities and Towns (in support of Respondents).

FACTS:

Following the exit of the City of Page’s largest employer, the City Council sought to increase economic growth and development in the City. The City’s Community Development Director, the Council, and community members decided that a downtown revitalization project (“the Streetscape Project”) would help the City meet its economic development goals. Before moving forward with the Streetscape Project, the Council worked with an advisory group, visited other streetscapes in Arizona, and held public meetings. During an approximate six-year period that the City worked on the Streetscape Project, the City appropriated funds and hired an engineering firm to complete a design concept, and Streetscape Project renderings were presented at public meetings. The Council stated that the continued development and implementation of the Streetscape Project was its top priority, and it approved a budget with a corresponding appropriation. The Council also began approving and entering into contracts with engineering and construction firms.

In October 2023, Petitioners started collecting signatures and applied for a serial number for an initiative petition, I-2023-03 (“Initiative”). This Initiative would add a new chapter to the City’s general ordinances relating “to maintaining the size and lanes of Lake Powell Boulevard.” The Initiative provided, in relevant part:

The citizens of Page, Arizona do hereby find and determine that it is in the best interest of the citizens to maintain the size and number of traffic lanes at Laek [*sic*] Powell Boulevard from Rim View Drive to Aspen Street as presently existed on October 1, 2023. And further, that making changes that degrade the usefulness of this portion of road is wasteful of the public fisc and harmful to the general welfare.

...

Neither public resources of the City nor outside funds from any source shall be used in anyway [*sic*] to facilitate, encourage, support, or actualize a reduction in the number of lanes or size of Lake Powell Boulevard between Rim View Drive and Aspen Street from the current size and number of lanes.

Petitioners submitted petition sheets in March 2024, and the City began its statutory review. However, the next month the City rejected the Initiative because its subject matter did not constitute a legislative act. Petitioners then filed a special action complaint in Superior Court against Respondents, seeking declaratory and mandamus relief. Petitioners simultaneously applied for preliminary and permanent injunctions to compel the City to process and transmit the Initiative in accordance with A.R.S. § 19-121.01, and an order to show cause as to why the relief they sought should not be granted.

After an expedited hearing, the Superior Court denied Petitioners' requests for declaratory, injunctive, mandamus, and other relief, except as to issues regarding signatures irrelevant to the present appeal. The Superior Court determined that the Initiative's subject matter is not legislative, as the Streetscape Project's implementation was the responsibility of the City's employees, and this implementation "clearly includes a determination as to the size or number of lanes on roads contained within the Streetscape Project." The Superior Court found that, because the Initiative seeks only to control the size and number of lanes of a portion of Lake Powell Boulevard, it is administrative. Thus, because article 4, part 1, section 1(8) of the Arizona Constitution reserves "[t]he powers of the initiative and the referendum . . . to the qualified electors of every incorporated city, town and county as to all local, city, town or county matters on which such incorporated cities, towns and counties are or shall be empowered by general laws to legislate," the Superior Court concluded that Petitioners did not show that the Initiative could be included on the ballot.

Petitioners appealed, and the Court of Appeals affirmed. Explaining that the dispositive question was "whether the Initiative's subject matter is legislative rather than administrative and therefore legally sufficient for the ballot," the Court of Appeals found no error in the Superior Court's judgment. The Court of Appeals determined that article 4, part 1, section 1(8) of the Arizona Constitution undermines Petitioners' argument that initiatives, unlike referenda, are not required to be legislative. Finding that the Initiative is administrative and not legislative under the test set forth in *Wennerstrom v. City of Mesa*, 169 Ariz. 485 (1991), the Court of Appeals affirmed the Superior Court's decision.

ISSUE:

The Arizona Supreme Court granted review as to the following rephrased issue:

1. Does the Initiative comply with article 4, part 1, section 1(8) of the Arizona Constitution?

CONSTITUTIONAL PROVISIONS:

Article 4, part 1, section 1(8) of the Arizona Constitution provides:

Local, city, town or county matters. The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated

city, town and county as to all local, city, town or county matters on which such incorporated cities, towns and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen percent of the qualified electors may propose measures on such local, city, town or county matters, and ten percent of the electors may propose the referendum on legislation enacted within and by such city, town or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

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