

ORDINANCE NO. 064, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING ARTICLES II, IV AND XIII OF THE
CITY CHARTER RELATED TO ALIGNMENT WITH AMENDED OR
FURTHER DEVELOPED LAWS AND REMOVING
INCONSISTENCIES

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that poses a ballot question that will align the Charter language with amended or further developed laws, helping to

minimize the need to update the Charter with future legal developments, and remove inconsistencies to avoid confusing the public.

I. Proposed revisions to Article II Section 8 regarding limits on Council campaign contributions continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some political speech is protected by the U.S. or Colorado constitution.

J. Proposed revisions to the definitions article of the Charter (Article XIII) specify which City employees are prohibited from contributing to Council elections for consistency with state law and correspond to changes in Article II.

K. Proposed revisions to Section 11 of Article II incorporate state law provisions regarding City Council executive sessions.

L. Proposed revisions to Section 5 of Article IV clarify that City records are available for public inspection and disclosure consistent with state open records laws.

M. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

N. The Council finds that these proposed revisions to Articles II, IV, and XIII of the City Charter, regarding changes to the Charter that will align it with amended or further developed laws, removing inconsistencies and minimizing the need for future Charter updates, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II, IV, and XIII, set forth below to the voters for approval at the November 4, 2025, municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed changes to Articles II, IV and XIII of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. CITY COUNCIL

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Section 8. Campaign contributions.

- (a) **Council to set limits.** The Council will act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

(b) *Employee contributions.* It is unlawful for any confidential or policy-level employees of the city to contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any Council candidate.

(c) *Other contributions.* ~~No~~ It is unlawful for any political party, ~~or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or a contract with the city~~ to may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any Council candidate, except to the extent protected as free speech under the Constitution of the United States or the Constitution of the state of Colorado.

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Section 11. Meetings, quorum, executive session.

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By two-thirds (2/3) vote of those present and voting, the Council may go into executive session, which shall be closed to the public. Executive sessions may only be held to:

- (1) discuss personnel matters; or
- (2) consult with attorneys representing the city regarding specific legal questions involving litigation or potential litigation and/or the manner in which particular policies, practices or regulations of the city may be affected by existing or proposed provisions of federal, state or local law; or
- (3) consider water and real property acquisitions and sales by the city; or
- (4) consider electric utility matters if such matters pertain to issues of competition in the electric utility industry; or
- (5) discuss and consider any other matter authorized by the Colorado Open Meetings Law, Section 24-6-401, Colorado Revised Statutes, as amended.

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ARTICLE IV. GENERAL PROVISIONS

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Section 5. Records to be public.

All ~~e~~City records shall be available for public inspection, as required and permitted by Colorado law, subject only to reasonable restrictions. ~~Upon payment of a reasonable fee, a copy or a certified copy of any city record shall be furnished by the custodian thereof. A certified copy of any city record shall be prima facie evidence of its contents.~~

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ARTICLE XIII. DEFINITIONS.

Certain words and phrases used in this Charter are hereby declared to have the following meanings:

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"Confidential employee" means a public employee required to develop or present management positions with respect to employer-employee relations, or whose duties normally require access to confidential information, or to contribute significantly to decision-making on management positions.

...

"Policy level employee" means a public employee with significant decision-making responsibilities to formulate policies or programs, or administer a service area or department.

...

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:


**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. __**

Shall Articles II, IV, XIII of the Charter of the City of Fort Collins be amended to improve consistency with amended or further developed laws and removing inconsistencies, in order to minimize conflicts between the Charter legal developments, by:

- Changing Section 8 of Article II about contributions to City Council elections to:
 - Specify which city employees are prohibited from contributing to Council elections for consistency with state law;
 - Continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some speech is protected by the U.S. or Colorado constitution;
- Adding definitions to Article XIII to correspond to the changes to Article II; and
- Adding language to Section 11 of Article II incorporating state law provisions regarding City Council executive sessions; and
- Clarifying language in Section 5 of Article IV that City records are available for public inspection and disclosure consistent with state open records laws?

____ Yes/For
____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.



Mayor Pro Tem

ATTEST:



City Clerk

Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett

