

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney

SUBJECT

Second Reading of Ordinance No. 109, 2025, Establishing the Charter Amendments to Appear on the November 4, 2025, Municipal Election Ballot and the Related Ballot Order.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 17, 2025, finalizes the Charter Amendments to be placed on the November 4, 2025, ballot and sets the preferred order for them.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14, 2024, Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office worked with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

At its December 10, 2024, Work Session, Council considered various categories of changes, including:

1. Clean Up Items which included modernization of language, ensuring alignment with State law, adding clarification, and making corrections; and
2. Clarifications that raised some policy questions which included qualifications of candidates and members, vacancies, conflicts of interest, and sales to the City.

At its January 28, 2025, Work Session, Council considered reformatting the existing Charter and replacing outdated or unclear language as well as suggestions on topical groupings and prioritization for presentation to voters. The groupings considered included:

1. Group and Priority 1 - Corrections;
2. Group and Priority 2 – Alignment with amended or further developed laws and removing inconsistencies;
3. Group and Priority 3 – Modernizing publication requirements;
4. Group and Priority 4 – Modernizing conflicts of interest;
5. Group and Priority 5 – Vacancies; and
6. Group and Priority 6 – Repeal provisions made unnecessary due to changes in law or circumstances.

Additional items discussed included campaign contributions and absences from Council meetings.

The Council has adopted the following Ordinances:

A. Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024. This includes:

- Clarifying in Section 2(d) of Article II that a registered elector must notify the City Clerk before seeking a court determination to challenge the qualifications of any member of the Council; and
- Updating language in Section 2(e)(1) of Article IX about determining the number of votes cast in a specific race to work with the new ranked voting rules that were approved in November 2024; and
- Changing language in Section 2(e)(1) of Article X to restore the number of days for a signature gatherer to circulate an initiative petition by increasing it from 63 days to 77 days;

B. Ordinance No. 064, 2025, 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. This includes:

- 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;

C. Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions. This includes:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and
 - Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
 - Delay the effective date of the ordinance until publication requirements are met; and
 - Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City's website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X;

D. Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest. This includes:

- Allowing City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allowing City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job; and

E. Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions. This includes:

- Changing the words " shall" to " will,"" must" or "may," or other words to improve clarity; and
- Making the language more inclusive by taking out words " he" and " she" and related word forms; and

- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that:
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and
 - Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross- references throughout the Charter.

These Ordinances were adopted on second reading on April 15, 2025.

At its June 3, 2025, Work Session, Council discussed changes related to vacancies and supported staff bringing back a related Charter Amendment for consideration on June 17, 2025. If approved, related Ordinance 109, 2025, will submit to a vote of the Registered Electors in the City of Fort Collins a proposed Charter Amendment Amending the City Charter regarding the vacancy process. This includes:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy.

At the June 3, 2025 Work Session, Council was supportive of the following order for the Charter Amendment ballot questions:

- Ordinance No. 063, 2025, Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.
- Ordinance No. 067, 2025, Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.
- Ordinance No. 065, 2025, Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.
- Ordinance No. 064, 2025, 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.

- Ordinance No. 066, 2025, Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.
- Ordinance No. 108, 2025, Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

Each of the above-referenced Ordinances included the ballot language as stated.

Approval of this item will confirm the Charter Amendments that will be placed on the November 4, 2025 ballot in Council's preferred order.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ordinances reflect the recommendations of the Election Code Committee and Council.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in June 17, 2025, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 109, 2025