

Art. X, Sec. 2 (e) Petition deadlines and submittal.

(1) To be valid, the initiative petition must be filed no more than sixty-three (63) days after the City Clerk's approval of the form for circulation.

Art. IX, Sec. 2(e) Number of signatures required.

(2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the total of first choice votes cast at the last preceding regular city election for the office to which the incumbent sought to be recalled was elected.

Art. VIII, Sec. 7 Certification of election results.

(a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections must complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, will be declared elected to that office. In event of a tie, the selection will be made by the Board of Elections by lot after notice to the candidates affected. The City adopts the applicable requirements and procedures outlined in the Colorado Municipal Election Code of 1965, as amended, for contests to officers declared duly elected. In case the candidate elected is disqualified by court order after the date of issuance of the certificate of election, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote shall be elected. If there is no other elected successor who qualifies or if the vote tabulation can no longer be rerun, the office will be deemed vacant, and will be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request in a City-administered election, the Board of Elections must complete an amended certificate declaring the results of the election by no later than five (5) business days after the completion of the recount.

Art II, Sec.11 Meetings, quorum, executive session.

The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. Notice of any special meeting shall be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings shall be open to the public. A majority of the members of Council shall constitute a quorum sufficient to transact business. A smaller number can adjourn a meeting to a later date and time, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one (1) week. In the event of an emergency, natural disaster, or unforeseen circumstance that renders the holding of a meeting undesirable or impracticable, the City Manager may, with agreement of the Mayor, cancel a City Council meeting and shall make a reasonable attempt to notify the public and the other members of Council of such cancellation before the scheduled time of the meeting. No other action, except to adjourn, may be taken by the Council in the absence of a quorum, unless the absence of a quorum is due to the filing of conflict of interest disclosure statements by all absent members, in which event at least three (3) remaining members may transact business. By majority vote of those present and voting, the Council may approve any action of the Council except the passage of emergency ordinances and the approval of executive sessions. 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.

Art. II, Sec. 18 Vacancies.

- (a) A vacancy exists when a Councilmember:
 - (1) dies, resigns, or moves from the city or the District from which elected or appointed;
 - (2) assumes another elective office;
 - (3) fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution;
 - (4) is judicially declared mentally incompetent;
 - (5) is convicted of a felony that disqualifies the Councilmember from serving in public office in Colorado under the Colorado Constitution, or is declared by the City Clerk, more than sixty (60) days after the date of issuance of the certificate of election of such Councilmember, to have previously been convicted of a disqualifying felony pursuant to a written protest filed under Section 2 of this article; or
 - (6) in the case of an appointed member of the Council, is declared by the City Clerk to lack any qualification for the office of Councilmember.

Except for the office of Mayor, any vacancy on the Council shall be filled within forty-five (45) days by appointment of the Council. The person so appointed shall serve until the next regular election, when the electors will select a person to fill the vacancy for the remainder of the term, if any. This selection process shall be subject to the following exception: If the time for filling the vacancy by appointment would fall within forty-five (45) days prior to any regular election, and the remaining unexpired term of the Councilmember to be replaced is more than two (2) years, then the vacancy shall be filled by the newly constituted Council following their election, within forty-five (45) days after their terms of office begin.

Under this exception, the term of office of the Councilmember appointed shall run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position shall have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy representing a member elected from a District, any person appointed or elected to fill such vacancy shall be from the same District, as such District is constituted at the time of the appointment or election.

- (b) The following shall apply to filling vacancies in the office of Mayor:
 - (1) If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.
 - (2) If the position of Mayor becomes vacant within the forty-five (45) days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said regular election, at which time the office of

Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members, and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.

- (3) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

Art. IV, Sec. 5: Records to be public.

All city records shall be available for public inspection, 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.

Art. VIII, Sec. 8: Campaign contributions.

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.

No 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 contract with the city may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

Art. IV, Sec. 7: Publication.

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice shall be published at least once in a local newspaper of general circulation in the city, which is devoted to dissemination of news of a general character, unless a different form of notice is specified in this Charter or in the ordinance, rule, or regulation requiring the notice.

Art. II, Sec. 6 Ordinances, publication, effective date.

The Council shall act by ordinance, resolution, or motion. The ayes and nays shall be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present shall vote; if a member fails to vote when present, he or she shall be recorded as voting in the affirmative. All legislative enactments and every act creating, altering, or abolishing any agency or office, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance, which shall not be so altered or amended on the final passage as to change the original purpose.

All ordinances, except the annual appropriation ordinance and any ordinance making a general codification of ordinances, shall be confined to one (1) subject which shall be clearly expressed in the title. All ordinances shall be formally introduced at a regular or special Council meeting in written or printed form by any member of the Council and considered on first reading and action taken thereon. No ordinance, except an emergency ordinance, shall be finally passed on the first reading or at the meeting at which it is first introduced. An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. Reading of an ordinance shall consist only of reading the title thereof, provided that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public, and provided further that

any member of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading. Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting. Emergency ordinances shall require for passage the affirmative vote of at least five (5) members of the Council and shall contain a specific statement of the nature of the emergency. No ordinance granting any franchise or special privilege which involves a benefit to any private person or entity shall ever be passed as an emergency ordinance.

The enacting clause of all ordinances passed by the Council shall be as follows: "Be it ordained by the Council of the City of Fort Collins."

Art IV, Sec 3 Residency requirements.

Directors of a city service area or a group of city service areas, deputy city managers, and assistant city managers shall reside within the Fort Collins Urban Growth Area during their tenure in office, but need not reside within the Fort Collins Urban Growth Area prior to their appointment. City department heads may live outside the Urban Growth Area during their tenure in office, but only if their places of residence are within five miles of the city limits, as measured by a straight line connecting the parcel of property upon which the residence is situated to the nearest boundary line of the city. City department heads appointed prior to March 6, 1985, shall not be subject to this residency requirement.

Art V, Sec. 6 Maximum mill levy.

The mill levy shall not exceed fifteen (15) mills on each dollar of assessed valuation of taxable property within the city for all purposes. Any mill levy in excess of the fifteen (15) mills aforesaid shall be absolutely void as to the excess and it shall be unlawful for the Assessor to extend and for the Treasurer to collect any such excess.

Art V, Sec.19.3 Revenue securities.

(a) The city, by Council action and without an election, may issue securities made payable solely from revenues derived from the operation of the project or capital improvement acquired with the securities' proceeds, or from other projects or improvements, or from the proceeds of any sales tax, use tax or other excise tax, or solely from any source or sources or any combination thereof other than ad valorem taxes of the city.

(b) The Council may, by ordinance, establish any one or more of the city's water, wastewater, storm drainage or electrical utilities as an enterprise of the city. The Council may also, by ordinance, authorize any such city-owned enterprise, acting by and through the Council, sitting as the board of the enterprise, to issue its own revenue bonds or other obligations (including refunding securities) on behalf of the city, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the city used in the operation of the enterprise. Such revenue bonds or other obligations shall be issued by ordinance of the board of the enterprise, adopted in the same manner and subject to referendum to the same extent as ordinances of the Council.

The Council shall not appoint any persons other than its own members to serve on the board of the enterprise or delegate to any other person or entity the powers reserved to the board of the enterprise hereunder. Neither shall the Council authorize the board of the enterprise to acquire, construct or install or hold title to or dispose of any city-owned property used in the operation of the enterprise, to impose or adjust rates, fees, tolls or charges for the use of any such property or

for any service or commodity furnished by the enterprise, to levy special assessments or to exercise any power reserved to the Council or other city officials by this Charter or otherwise (other than the power to issue revenue bonds and other obligations).

Art. XIV Transitional provisions.

Section 1. - Purpose and status of this article.

The purpose of this Article is to provide an orderly transition from the Commission form of government of the city to the Council-Manager form of government under provisions of this Charter and to prevent the impairment of any contractual relationships between the city and the beneficiaries of any retirement plans of the city in effect on the effective date of this Charter or the owners of any municipal bonds of the city then outstanding. This Article shall constitute a part of the Charter only to the extent and for the time required to accomplish that purpose.

Section 2. - Transitional period.

The period from the effective date of this Charter to April 12, 1955, shall be known as the transitional period. During the transitional period the former Charter of the City shall remain in effect, except that for the purpose of nominating and electing members of the Council, or filling vacancies thereon, Article VIII of this Charter shall be immediately operative. This Charter shall be fully operative at the close of the transitional period.

Section 3. - Retirement plans.

This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the city and any officers or employees by reason of any retirement plans then in effect.

Section 4. - Outstanding and authorized bonds.

The provisions of this Charter shall not affect municipal bonds outstanding on the effective date of this Charter. Failure to observe requirements of the former Charter, as amended, governing city elections shall not invalidate any bonds authorized at any election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the city in accordance with their import.

Section 5. - Saving clause.

This Charter shall not affect any suit pending in any court on the effective date of its adoption. Nothing in this Charter shall invalidate any existing contracts between the city and individuals, corporations, or public agencies.

Art. IV, Sec. 9 (b)(1)(a): Conflicts of interest, sales to the City.

(b) *Rules of conduct concerning conflicts of interest.*

(1) *Sales to the city.* No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:

a. such officer or employee is a member of the Council;

Art IV, Sec. 9 (b)(2): Conflicts of interest, sales to the City.

(b) *Rules of conduct concerning conflicts of interest.*

(2) *Purchases from the city.* No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered

for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.