

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
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SUBJECT

Items Relating to City Charter Amendments.

EXECUTIVE SUMMARY

A. Second Reading of 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.

B. Second Reading of 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.

C. Second Reading of 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.

D. Second Reading of 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.

E. Second Reading of 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.

F. **(No action needed - postponed indefinitely on First Reading)** First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a 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.

The purpose of these items is to set ballot language regarding proposed amendments resulting from the Charter Update Project and submit them to the voters at the November 4, 2025, election.

The ordinances do not include amendment numbers. The Council will establish the order of the amendments to be presented on the ballot by motion at a later Council meeting and the ordinances will be presented to the Larimer County Clerk and Recorder in the desired order.

In follow up to comments received on First Reading, the Charter was reviewed to look for any additional gender-related wording and none was found.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

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 can only be amended by a vote of the people and was first created by a vote in 1954. Over time, Charter provisions may become obsolete, contradictory, or no longer practicable or appropriate in light of current needs or trends. From time to time, the City submits Charter revisions, both large and small, for voter approval. If Council votes to adopt the proposed Ordinances, the related charter amendments will be placed on the November 4, 2025, ballot.

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 Work Sessions on May 14 and December 10, 2024, 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.

City legal staff continues to monitor for legal developments that impact Charter language and identify changes that may be needed or beneficial. Staff from the City Attorney's Office and the City Clerk's Office have been working 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 the Council's January 28, 2025, Work Session, staff requested Council feedback about specific concepts and groupings of various Charter amendments as summarized below. Staff also sought feedback about the number of ballot items to take to the voters and how Council desired to prioritize the Charter amendments. During the Work Session, Council inquired about past proposed Charter amendments that did not receive voter approval. In follow-up to that question staff noted that of 45 Charter amendment ballot questions posed since 1997, only 7 have failed.

The following were among the points noted after the Council's January 28, 2025, Work Session:

- There is interest in considering a single ballot question ordinance that makes amendments throughout the Charter to reformat for ease of reading, replace outdated language, and eliminate unclear uses of the term "shall."
- There is interest in considering ballot question ordinances that include corrections; alignment with amended or further developed laws and removing inconsistencies; modernizing publication requirements; and modernizing aspects of the conflicts of interest provision.

- There is interest in considering revisions to remove language made unnecessary due to changes in law or circumstances to one of the other ballot question ordinances.
- After discussion about the various options related to Council meeting absences, a common theme emerged that this process should be managed by Council action rather than proposing a Charter amendment at this time. It may be a topic for future discussion.
- In general, there was support for considering a Charter amendment about campaign contributions that would narrow limits on employee campaign contributions to those who are confidential or policy-level employees, consistent with State law, and would acknowledge that some contributions are likely protected as political speech under the federal and State constitutions.
- In general, there was support for considering a Charter amendment that shifts publication of ordinances and legal notices to the City website and at City Hall, in place of formal legal notice publication in the local newspaper.

Summary of Presented Amendments

The following are summaries of the amendments presented to Council with this agenda item:

Ordinance No. 063 (Correction of Errors):

- Proposed revisions to Section 2(d) of Article II include requiring a registered elector who would like to challenge the qualifications of a City Councilmember to notify the City Clerk prior to seeking a court determination. This change removes inconsistency with a voter-approved change made in 2024.
- Revisions to Section 2(e)(1) of Article IX update language about counting votes in elections to match the new ranked voting rules that were approved in November 2024.
- Proposed revisions to Section 2(e)(1) of Article X increase the number of days for a signature gatherer to circulate a petition with a citizen proposal from **63 days to 77 days. This would correct the circulation period to the amount intended when the Initiative petition process was updated in November 2024 and adds back time inadvertently eliminated.**

Ordinance No. 064 (Alignment with Laws and Removing Inconsistencies):

- 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 free speech is protected by the U.S. or Colorado constitution.
- 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.
- Proposed revisions to Section 11 of Article II incorporate State law provisions regarding City Council executive sessions.
- 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.

Ordinance No. 065 (Modernize Certain Provisions):

- Proposed revisions to Article IV, Section 7 update the City's publication requirements to more efficiently provide notice to the public on the City's website, at City Hall and at other locations as decided by City Council. This replaces the current requirement of publication in a local newspaper.
- Proposed revisions to Article II, Section 6 remove language entitling any Councilmember to request that an entire ordinance be read in full at a Council meeting and make Section 6 easier to read and understand by adding subsections, subsection titles and better organizing them.

- Another proposed amendment adds a new section to Article VI that establishes a computation of time provision that would apply to the entirety of the Charter. In 2024, the voters approved essentially identical computation of time provisions in Articles VIII, IX, and X. There is an advantage to having the language readily available in those articles because questions regarding computation of time are likely to arise related to topics covered in those articles.

Ordinance No. 066 (Conflicts of Interest):

- Article IV, Section 9 is proposed to be amended to modernize both the language regarding the sale of real property by a Councilmember or Mayor and prohibitions on staff renting or leasing City property.
- The amendments clarify that a Councilmember or the Mayor may sell their real property to the City at fair market value if the City needs a particular property to carry out City purposes or projects. The requirements that a conflict be declared, and that the City official abstain from the decision about buying the property remain in place. Because real property is unique, the absolute prohibition currently in the Charter can interfere with City projects that need to move forward.
- The amendment also allows a City employee to lease a property from the City with City Manager approval for the City's benefit and for purposes related to the employee's job duties.

Ordinance No. 067 (Modernize and Update Charter by Reformatting and Updating Language for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions):

- Staff received Council feedback suggesting that making revisions and updates to Charter language that promote ease of reading and clarity is needed.
- The full Charter has been reformatted for readability, replacing outdated language for gender neutrality and eliminating unclear uses of the term "shall," and making the language more inclusive by taking out words "he" and "she" and related word forms.
- Proposed revisions also divide lengthy sections into subsections and add titles to subsections making them easier to read and understand.
- Other proposed changes include eliminating transitional provisions that address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); 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).

Ordinance No. 068 (Procedures and Timelines for Filling a District Councilmember or Mayor Vacancy and Related Term Limits):

- Council provided feedback in support of Charter amendments to clarify procedure and timeline related to filling a vacant City Council or Mayoral office. The Charter currently states that a vacant seat must be on the ballot to elect a replacement if it's not filled within 45 days before the election. However, the current timeframe for getting candidates on the ballot is 91 to 70 days before the election and the County must have all ballot material shortly after that period. Staff had also identified process issues created by the provisions related to the ripple effect of a vacancy in the office of Mayor, and the setting of a definite swearing in date in January, nine weeks after the election.
- These changes update the process for filling a vacant Council or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy.
- The new provision requires the Council to appoint a replacement to fill a District Councilmember vacancy within 40 business days (currently 45 calendar days), unless there are fewer than 98 days (14 weeks) left in the term that was vacated, or unless the

vacancy comes up so close to an election that it's too late for the voters to elect a replacement (in which case the newly seated Council will fill the vacancy after it takes office); and

- It continues the requirement that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor; and
- It requires that if the Acting Mayor will be in that role for 98 days (14 weeks) or more, the Council will appoint a replacement District Councilmember to serve in the Acting Mayor's District seat while the Acting Mayor is Acting Mayor; and
- It establishes that when a member of Council is elected or appointed to fill a vacancy and serves in that office for at least half of the term of office, that service will count as a full term when applying the applicable term limits (which are currently the term limits provided in the Colorado constitution).

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

This item has not been presented to any boards, commissions or Council committees.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance No. 63 for Consideration
2. Ordinance No. 64 for Consideration
3. Ordinance No. 65 for Consideration
4. Ordinance No. 66 for Consideration
5. Ordinance No. 67 for Consideration
6. Exhibit A to Ordinance No. 67