

ORDINANCE NO. 063, 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, IX, AND X OF THE CITY
CHARTER TO CORRECT ERRORS AND CONFORM TO
AMENDMENTS ADOPTED IN NOVEMBER 2024

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 will pose a ballot question that will correct and align Charter with the November 2024 Charter revisions.

I. 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.

J. Proposed 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.

K. 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.

L. 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.

M. The Council finds that these proposed revisions to Articles II, IX, and X of the City Charter, regarding correcting errors created by, or correcting language to be in conformance with, the November 2024 Charter amendments are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II, IX, and X 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, IX, and X, 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 2. Qualifications of candidates and members; challenges.

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(d) Any registered elector ~~may~~ **must** file **notice** with the City Clerk ~~a written protest~~ challenging the qualifications of any member of the Council **prior to seeking a court determination.** ~~Any such protest shall be resolved by the City Clerk as expeditiously as possible but no more than forty-five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest shall be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor shall any~~

such protest, other than a protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.

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ARTICLE IX. RECALL

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Section 2. Petitions.

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(e) Number of signatures required.

- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) 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.
- (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.

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ARTICLE X. INITIATIVE AND REFERENDUM

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Section 2. Petitions.

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(e) Petition deadlines and submittal.

- (1) To be valid, the initiative petition must be filed no more than ~~sixty-three (63)~~ **seventy-seven (77)** days after the City Clerk's approval of the form for circulation.

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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, IX, and X of the Charter of the City of Fort Collins, be amended to correct errors and eliminate outdated or unnecessary language in light of the Charter amendments adopted in November 2024, by:

- 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?

_____ 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

ATTEST:

City Clerk

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