



City Charter Update and Modernization Project

City Attorney's Office

**Carrie Daggett & Jenny Lopez
Filkins**

Geoff Wilson

Special Legal Counsel

City Council Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

Modernize and Update the City Charter

- Modernization and updating the City Charter is necessary.
- A comprehensive review and update has not been completed in over 25 years.

- A. Summary of Amendments
- B. Universal Computation of Time Provision + Maintaining Provision in Election Related Articles **OR** One Universal Computation of Time Provision
- C. Numbering and Order of Amendments for the Ballot

Council work session feedback requested consideration of Charter amendments to:

- 1) reformat the Charter for ease of reading, replacing unclear and outdated language
- 2) update to align with state law and legal developments
- 3) correct errors
- 4) remove inconsistencies
- 5) modernize requirements
- 6) address process and timeline improvements.

Correction of Errors: corrections that reflect Council's intent and ensure uniformity throughout Charter in light of November 2024 amendments.

- Article II, Sec. 2(d) – notice to Clerk for qualifications challenge to align with revised Article VIII
- X, Sec. 2 (e)(1) Initiative – increase total from 63 days to 77 days to circulate petition
- Article IX, Sec. 2 (e)(2) Recall – corrected to % of **first choice** votes cast

Align With Law and Remove Inconsistencies:

- Art. II, Sec. 8 – about contributions to Council campaigns; continues to limit contributions while recognizing that some speech is protected by law

- Art. XIII, Sec. 8 -- adds definitions to clarify which City employees are restricted from contributing to Council elections – aligns with state law

(continued)

Align With Law and Remove Inconsistencies:

- Art. II, Sec. 11 – allows Council to hold executive sessions for list of purposes identified in state law

- Art IV, Sec. 5 – clarifies that City records are available for public inspection and disclosure consistent with state open records laws

Modernization:

- Art. IV, Sec. 7 – updates publication requirements – City website, City Hall and other locations as decided by City Council rather than the local newspaper
- Art II, Sec. 7 – addresses effect of missed or late publication of ordinance and tolls deadline to file notice of referendum protest

Modernization:

- Art. II, Sec. 6 – removes language entitling a Councilmember to request full reading of an ordinance aloud during meeting + adds subsections and subsection titles, reorganizes
- Art. IV, new section 17 – adds computation of time for general application to entire Charter

Conflicts of Interest:

- Art. IV, Sec. 9 – allows sale of real property by a Councilmember to the City in limited circumstances while retaining existing requirements to declare conflict and abstain from participating. Limits include:
 - Fair market value
 - If City needs property to carry out City purposes or projects

- Art IV, Sec. 9 – allows City to lease City property to City employees in narrow circumstances:
 - City manager approval required
 - Opportunity to lease must be related to job duties

Reformatting and Updating Entire Charter:

- Exhibit A to Ordinance –
 - reformatted for readability
 - replace outdated language for gender neutrality
 - eliminate unclear use of the word “shall”
 - divide lengthy sections into subsections and subsection titles

Eliminates Obsolete Provisions :

- Residency requirement for department heads for City department heads appointed prior to March 6, 1983 – no employee fits this category
- Mill levy cap on Council's adoption of taxes that Council must now adopt with voter approval
- Provide for transition from the prior Charter when the Charter was adopted

District Councilmember and Mayor Vacancies–

- **Process:**
 - **Vacancy promptly and publicly announced**
 - **On City website**

District Councilmember Vacancy—

- **Council has 40 business days to choose and appoint new member**

- **If seat scheduled on ballot **OR** if vacancy arises when at least 10 days to collect nominating signatures, then:**
 - **The district seat will be on the ballot**

District Councilmember Vacancy—

- **If too late to be on ballot for next election, Council will choose and appoint after the new Council begins term**
- **If less than 98 days in term of **vacating Councilmember**, the Council will consist of six members until the beginning of the term of the newly elected district Councilmember after the election.**

Mayor Vacancy—

- Mayor Pro Tem becomes **Acting Mayor** on date of vacancy
- Council elects an **Interim Mayor Pro Tem @ next meeting**

Mayor Vacancy—

If at least 98 days left in term of **Acting Mayor**:

- 1) Council will fill District Council seat temporarily open due to switch to **Acting Mayor**
- 2) Term of appointed replacement district Councilmember will continue until either **Acting Mayor** returns to original seat **OR** their original term ends

Mayor Vacancy—

If less than 98 days in term of [Acting Mayor](#), the Council will consist of six members until the beginning of the term of the newly elected district Councilmember after the election.

- In 2024, voters approved adding time computation provisions in three Articles (VIII - Elections, IX - Recall, and X- Initiative and Referendum)
 - The topic of time computation most often arises in interpreting these articles.
 - Two Options:
 - 1) Add time computation to the General Provisions Article IV (as drafted)
 - 2) Pass a motion approving Ord No. 065 with the amendment to delete time computation from the ordinance and ballot language, and keep time computation in the three listed articles

On April 15, Council will establish the order of the amendments to be presented on the ballot by motion prepared by staff.

City of Fort Collins	City of Fort Collins	City of Fort Collins
Ballot Issue 2A	Ballot Question 2C	Ballot Question 2D
CITY-INITIATED BALLOT ISSUE NO. 1	CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2	CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 3
<p>WITHOUT RAISING ADDITIONAL TAXES, SHALL THE CITY'S EXISTING 0.25% SALES AND USE TAX (25 CENTS ON A \$100 PURCHASE) FIRST APPROVED BY THE VOTERS IN 2005 FOR THE STREET MAINTENANCE PROGRAM BE EXTENDED FROM ITS CURRENT EXPIRATION AT THE END OF DECEMBER 31, 2025, THROUGH THE END OF DECEMBER 31, 2045; PROVIDED THAT THE REVENUES DERIVED FROM SUCH TAX EXTENSION SHALL BE USED TO PAY THE COSTS OF PLANNING, DESIGN, RIGHT-OF-WAY ACQUISITION, INCIDENTAL UPGRADES AND OTHER COSTS ASSOCIATED WITH:</p> <ul style="list-style-type: none"> THE REPAIR AND RENOVATION OF CITY STREETS, INCLUDING, BUT NOT LIMITED TO, CURBS, GUTTERS, BRIDGES, SIDEWALKS, PARKWAYS, SHOULDERS AND MEDIANS AND TRAFFIC CONTROL 	<p>Shall Article IX of the Charter of the City of Fort Collins, regarding the recall process, be repealed and reenacted in the form set forth in Ordinance No. 095, 2024, which makes edits for clarity and consistency and:</p> <ul style="list-style-type: none"> Clarifies the usage of the term "shall" by replacing with "will," "must" or other appropriate language; modernizes the language to be more inclusive by removing he/she language; revises and reorganizes Article IX to be simpler, easier to follow and clearer; retains the same percentage requirements for signatures (based on first-choice votes with ranked choice voting) and increases timeframes for circulation of a recall petition, with an additional increase in the time to circulate a petition to recall the mayor; simplifies review process and removes the 	<p>Shall Article X of the Charter of the City of Fort Collins, regarding the initiative process and referendum process, be repealed and reenacted in the form set forth in Ordinance No. 096, 2024, which makes edits for clarity and consistency and:</p> <ul style="list-style-type: none"> Clarifies the usage of the term "shall" by replacing with "will," "must" or other appropriate language; modernizes the language to be more inclusive by removing he/she language; revises and reorganizes Article X to be simpler and easier to follow; makes the City Clerk responsible for preparing a general statement for inclusion in a petition and limits requirement to include entire ordinance in each petition section; increases time for City Clerk petition review and scheduling protests; simplifies review process and removes

