

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Heather Walls, Deputy City Clerk
Rupa Venkatesh, Assistant City Manager

SUBJECT

Items Relating to a City Initiated Charter Amendment Relating to Elections.

EXECUTIVE SUMMARY

- A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.
- B. First Reading of Ordinance No. 094, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Relating to Elections.

The purpose of this item is to set ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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 desired to be changed to address current needs or trends. From time to time, the City submits Charter revisions, both large and small, to the voters for approval. If Council votes to adopt the proposed charter amendments, they will be placed on the November 5, 2024, ballot.

Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. The revisions outlined below relating to the election provisions in Article VIII are requested by the City Clerk's Office to address ambiguities, inconsistencies, and process complexity. The Committee expressed support for these changes, which also include language modernization such as gender inclusive language and substituting active and direct terminology.

- In addition to modernizing language, staff proposes to revise the timeframe for a candidate to qualify from 60 days (2 months) to 30 business days (6 weeks) after certification of election has been issued. Shortening the time frame will ensure the candidate has qualified prior to them being sworn in on the second Wednesday in January.
- A computation of time section has been added to this Article. This clarifies how deadlines are affected by holidays, weekends, and emergency closures, which currently is an issue that can cause confusion and disagreement. When the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall and the time computation provision in this Article will be removed.
 - Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
 - Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
 - Deadlines will be at the end of the regular business day.
 - Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
 - Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
 - Many of the timing provisions are slightly modified to reflect this shift to make more consistent how timeframes will run in these processes.

CITY FINANCIAL IMPACTS

There is no direct financial impact by these Charter amendments however with the provisions relating to scheduling of elections, the City may see a decrease in costs when the election is coordinated with the County.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Election Code Committee unanimously supported the proposed Charter amendments.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Memo to Council, June 20, 2024
3. Presentation