



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Margaret Sell, Finance Director/City Clerk

DATE: May 23, 2023 City Council Workshop

AGENDA TEXT: Discussion of process for the 6-year review of the Fruita City Charter

BACKGROUND

The purpose of this agenda item is to discuss the process for the required 6-year review of the City Charter. Potential options are outlined on the following page.

The City of Fruita became a home-rule city with the adoption of a City Charter in 1981. Home-rule status allows a municipality every power essential or proper to the exercise of the right of self-government in local and municipal matters. The Fruita City Charter (Article XI Section 5) requires that the Charter be reviewed by the City Council at least once every six years. Charter provisions have been reviewed and modifications offered for public consideration at the municipal elections in 1984, 1986, 1988, 1998, and 2004. The last review took place in 2018 with no revisions proposed to the voters at the April 2018 election.

If revisions are proposed, the City Council must adopt an ordinance submitting the proposed amendments to the voters. The ordinance shall also adopt a ballot title for the proposed amendment(s). It is anticipated that any proposed changes would be placed on the ballot for the April 2, 2024 regular municipal election for voter consideration.

Staff has noted over the years the following sections to be reviewed, or sections which City Council has identified to be considered during the next review. the following potential areas for review and possible amendment. A more detailed review between staff and the City Attorney will occur following this discussion.

- General grammar changes throughout the entire document
- Article II – definition of a quorum of City Council
- Article III – 3.06 Powers & duties of the Mayor – consideration of if/how the Mayor fills a quorum
- Article IV – 4.05 regarding appointment/removal of department heads
- Article VI – relevant updates to boards & commissions, including changes related to the Election Commission based on current elections
- Article VIII – clarifying home rule nature of selling property
- Article X - Initiative, Referendum and Recall – Timing of petitions related to Coordinated Elections

FISCAL IMPACT

Fiscal impacts are minimal with the initial review process. Additional costs may be involved as the process moves forward and include 1) legal expenses associated with drafting and reviewing proposed amendments to the City Charter and 2) added election/ballot costs related to potential amendments to the City Charter.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Fruita City Charter serves as the “Constitution of the City of Fruita”. The goal of the original Charter Review Commission established in 1981 was to create a charter which would guide the City of Fruita to be progressive as a community and responsive to its inhabitants. This goal remains the same 42 years later.

OPTIONS AVAILABLE TO THE COUNCIL

Potential options for conducting the review of the Charter include the following or combination of the following:

- 1) Establishment of committee(s)/study group(s) to provide background work on review of the Charter (or specific Articles of the Charter) and formulate recommendations to the City Council for consideration. Members may include staff, members of the Council, engaged citizens, such as previous or existing board and commission members, past City Council members, or any combination thereof.
- 2) Instruct staff to review the Charter and make recommendations to the City Council,
- 3) Schedule workshop sessions with City Council to identify potential changes and provide direction to staff and/or study groups to provide additional review, information, and language for Council consideration.
- 4) Other?

ATTACHMENTS:

- Fruita City Charter
- Excerpts from the 2022 Home Rule Handbook published by the Colorado Municipal League:
 - Advantages and Disadvantages of Home Rule. This provides a partial list of actions that home rule municipalities can take which statutory authority is doubtful.
 - Appendix J – Examples of Additional Authority and Flexibility Afforded to Home Rule Municipalities