

ORDINANCE NO. 102, 2017
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 AMENDMENT TO
SECTION 1 OF ARTICLE VII OF THE CITY CHARTER PERTAINING
TO THE JURISDICTION OF MUNICIPAL COURT TO HEAR CIVIL CASES

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins (“Charter”) provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, as provided in Article XX, Section 9 of the Colorado Constitution and Section 31-2-210(1)(b), Colorado Revised Statutes, Charter amendments may be initiated by the City Council’s adoption of an ordinance submitting a proposed amendment to a vote of the City’s registered electors and Council must adopt in that ordinance a ballot title for the amendment; and

WHEREAS, the Council has determined that the Municipal Court is not well situated to hear civil cases in addition to the City Charter and City ordinance violations that have traditionally been heard there; and

WHEREAS, historically such civil cases have been filed not in Municipal Court but in Larimer County District Court, with one recent exception, and the District Court is an appropriate and practical forum for review of these cases; and

WHEREAS, the right of persons to seek redress and review in Larimer County District Court will continue unimpeded with the amendment of the Charter as proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following proposed changes to Section 1 of Article VII of the City Charter shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 2” at the special municipal election to be held on November 7, 2017:

**ARTICLE VII.
MUNICIPAL COURT**

Section 1. Municipal court.

There shall be a Municipal Court with the jurisdiction to hear and try all proceedings initiated by the City alleging violations of the Charter and ordinances of the City. The Council shall appoint the judge or judges of Municipal Court for two (2) year terms.

**Postponed Indefinitely on First Reading
8/8/17**

Council shall designate a Chief Judge to carry out related duties as adopted by the Council by ordinance, and shall fix the compensation of the Municipal Judges. Such compensation shall in no manner be contingent upon the amount of fees, fines or costs imposed or collected. Each Municipal Judge shall be licensed to practice law in the State of Colorado during his or her tenure in office, but need not be so licensed prior to appointment. As Council determines necessary, the Council may designate one (1) or more reputable and qualified attorneys to serve as temporary judge. The Council may remove a Municipal Judge for cause.

Rules of procedure, costs and fees shall be enacted by the Council upon recommendation of the Chief Municipal Judge.

Section 3. That the following ballot title, with its title and submission clause, is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 2
AMENDING SECTION 1 OF CHARTER ARTICLE VII TO
MODIFY THE MUNICIPAL COURT'S JURISDICTION**

Shall Section 1 of Article VII of the Charter of the City of Fort Collins, pertaining to Municipal Court, be amended to eliminate the Municipal Court's jurisdiction over civil cases while retaining the Court's jurisdiction to hear and try all proceedings initiated by the City alleging violations of the Charter and ordinances of the City?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading, and ordered published this 8th day of August, A.D. 2017, and to be presented for final passage on the 15th day of August, A.D. 2017.

Mayor

ATTEST:

City Clerk

**Postponed Indefinitely on First Reading
8/8/17**

Passed and adopted on final reading on the 15th day of August, A.D. 2017.

Mayor

ATTEST:

Interim City Clerk

**Postponed Indefinitely on First Reading
8/8/17**