

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 10

**DATE:** August 17, 1999

**STAFF:** Wanda Krajicek

### SUBJECT:

Items Relating to Calling a Special Election for November 2, 1999, and Placing Proposed Charter Amendments on Said Ballot.

### RECOMMENDATION:

Staff recommends adoption of the Ordinances on Second Reading.

### EXECUTIVE SUMMARY:

- A. Second Reading of Ordinance No. 125, 1999, Calling a Special Municipal Election to be Held in Conjunction with the November 2, 1999 Larimer County Coordinated Election.
- B. Second Reading of Ordinance No. 126, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles IX and X of the City Charter, Pertaining to Petition Circulators.
- C. Second Reading of Ordinance No. 127, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article X of the City Charter, Pertaining to Initiative and Referendum.
- D. Second Reading of Ordinance No. 128, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article IX, Section 1(b) of the City Charter, Pertaining to the Commencement of Recall Proceedings and the Scheduling of a Recall Election.
- E. Second Reading of Ordinance No. 129, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Pertaining to the Appearance of Names on Election Ballots.
- F. Second Reading of Ordinance No. 130, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV, Section 9 of the City Charter Exempting Special Purpose Committees from Conflict of Interest Rules.

Ordinance No. 125, 1999, which was unanimously adopted on August 3, 1999, calls a Special Municipal Election to be held in conjunction with the November 2, 1999 Larimer County Coordinated Election. The remaining Ordinances, which were all unanimously adopted on First Reading on August 3, 1999, place individual Charter amendments on the Special Election ballot.

The proposed Charter amendments were considered by the Council Governance Committee, which recommended they be forwarded to the Council for consideration for placement on the ballot.

Ordinance No. 128, 1999 has been amended on Second Reading to include reference to the amendment of Article IX, Section 1(c) in the title of the ordinance and in the ballot language.

Each of the ordinances has been amended on Second Reading in the following respects:

1. The ballot language, presented in all caps on First Reading, has been changed to upper and lower case in conformance with rules promulgated by the Secretary of State for elections conducted under the Uniform Election Code.
2. The number assigned to each ballot issue has been amended to leave the letter blank (i.e., Ballot Issue 2 \_\_). This amendment is necessary to accommodate flexible lettering of the issues due to the possibility of the City receiving a citizen petition for possible placement of an initiative on the ballot. Section 1-5-407(5) C.R.S. requires that citizen petitions appear on the ballot before referred measures.

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 18 A-F

**DATE:** August 3, 1999

**STAFF:** Wanda Krajcek

### **SUBJECT:**

Items Relating to Calling a Special Election for November 2, 1999, and Placing Proposed Charter Amendments on Said Ballot.

### **RECOMMENDATION:**

Staff recommends adoption of the Ordinances on First Reading.

### **EXECUTIVE SUMMARY:**

- A. First Reading of Ordinance No. 125, 1999, Calling a Special Municipal Election to be Held in Conjunction with the November 2, 1999 Larimer County Coordinated Election.
- B. First Reading of Ordinance No. 126, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles IX and X of the City Charter, Pertaining to Petition Circulators.
- C. First Reading of Ordinance No. 127, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article X of the City Charter, Pertaining to Initiative and Referendum.
- D. First Reading of Ordinance No. 128, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article IX, Section 1(b) of the City Charter, Pertaining to the Commencement of Recall Proceedings and the Scheduling of a Recall Election.
- E. First Reading of Ordinance No. 129, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Pertaining to the Appearance of Names on Election Ballots.
- F. First Reading of Ordinance No. 130, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV, Section 9 of the City Charter Exempting Special Purpose Committees from Conflict of Interest Rules.

Ordinance No. 125, 1999, calls a Special Municipal Election to be held in conjunction with the November 2, 1999 Larimer County Coordinated Election. The remaining Ordinances place individual Charter amendments on the Special Election ballot. The proposed Charter amendments were considered by the Council Governance Committee, which recommended they be forwarded to the Council for consideration for placement on the ballot.

**BACKGROUND:**

- A. Ordinance No. 125, 1999, Calling a Special Municipal Election to be Held in Conjunction with the November 2, 1999 Larimer County Coordinated Election.

This Ordinance calls the election, adopts the provisions of the Uniform Election Code of 1992 in lieu of the Municipal Election Code of 1965, directs the City Clerk to certify ballot content to Larimer County no later than September 7, and authorizes the Mayor to enter into an intergovernmental agreement with Larimer County for the conduct of the election.

- B. Ordinance No. 126, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles IX and X of the City Charter, Pertaining to Petition Circulators.

The United States Supreme Court recently held that it is impermissible to require that petition circulators be registered electors. This Amendment removes from the Charter the requirement that petition circulators be registered electors of the City, in conformance with the Supreme Court's decision.

- C. Ordinance No. 127, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article X of the City Charter, Pertaining to Initiative and Referendum.

Article X, Section 1(e) of the Charter, incorrectly uses the term "refer" with regarding to placing an initiative on the ballot. Conversely, Article X, Section 2(e) incorrectly uses the term "submit" with regard to placing a referendum on the ballot. This Amendment simply corrects the language so that an initiative is submitted to the voters, and a referendum is referred to the voters.

- D. Ordinance No. 128, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article IX, Section 1(b) of the City Charter, Pertaining to the Commencement of Recall Proceedings and the Scheduling of a Recall Election.

The Charter provisions relating to the recall of elective officers allow recall proceedings, once commenced, to continue indefinitely. The uncertainty created by pending recall proceedings can have a detrimental effect on the conduct of business by the Council. This Amendment states that a petition for recall must be submitted to the City Clerk for approval of the form of the petition within ten (10) days after the date that the affected officer's statement in defense of the charges is due. If a petition is not submitted to the Clerk for approval of its form within the specified time period, the recall proceedings are terminated.

In addition, this Amendment requires that a recall election be held not less than sixty (60) nor more than ninety (90) days after the Clerk presents a petition certified sufficient for recall to the Council. Current language provides for the election to be held in not less than forty-five (45) days nor more than ninety (90) days, which does not provide adequate time for the nomination of replacement candidates and preparation for the conduct of an election.

- E. Ordinance No. 129, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Pertaining to the Appearance of Names on Election Ballots.

An earlier Charter amendment inadvertently deleted language pertaining to the appearance of names on the ballot. This Amendment provides for candidate names to be arranged in alphabetical order by surname for each office, and prohibits the appearance of any title or degree designating the business or profession of the candidate. In addition, the Amendment allows the use of nicknames, but prohibits the use of punctuation marks setting out the nickname. These provisions are intended to ensure that the appearance of a candidate's name on the ballot will not provide any unfair advantage to the candidate.

- F. Ordinance No. 130, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV, Section 9 of the City Charter Exempting Special Purpose Committees from Conflict of Interest Rules.

The Charter's conflict of interest rules presently apply to all authorities, boards, commissions and committees of the City. This amendment would allow persons directly affected by specific proposals to serve on special purpose committees formed to study and make recommendations regarding those proposals. Members of the City's regular boards and commissions would continue to be subject to the conflict of interest rules.

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ORDINANCE NO. 126, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS  
OF THE CITY OF FORT COLLINS  
PROPOSED AMENDMENTS TO ARTICLES IX AND X  
OF THE CITY CHARTER, PERTAINING TO PETITION CIRCULATORS

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

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, the Charter presently provides that the circulators of petitions for recall and for initiative and referendum be registered electors of the City; and

WHEREAS, the United States Supreme Court has recently held that it is impermissible to require that petition circulators be registered electors, because such a requirement infringes upon the constitutional rights of other citizens to influence the electoral process; and

WHEREAS, the Council wishes to conform the provisions of the City Charter to this decision of the Court by eliminating the requirements that petition circulators be registered electors; and

WHEREAS, the City Council believes that the foregoing proposed amendments should be submitted to the registered electors of the City so that the voters may determine whether such amendments are in the best interests of the City.

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

Section 1. That the following proposed changes to Article IX, Sections 2(c) and (d), and Article X, Sections 5(c) and (d) of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 1" at a special municipal election to be held in conjunction with the Larimer County, Colorado Coordinated Election on Tuesday, November 2, 1999:

## ARTICLE IX. RECALL

### Section 2. Petitions.

(c) *Circulation of petition.* The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. ~~Only registered electors may circulate the petition for signatures.~~ The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing a recall petition.

(d) *Affidavit of circulator.* A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:

- (1) the circulator's address of residence;
- ~~(2) that the circulator is a registered elector;~~
- ~~(3)~~ that he or she personally circulated the section;
- ~~(4)~~ that each signature was affixed in the circulator's presence;
- ~~(5)~~ that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
- ~~(6)~~ that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- ~~(7)~~ that each signer had an opportunity before signing to read the full text of the petition; and
- ~~(8)~~ that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

## ARTICLE X. INITIATIVE AND REFERENDUM

### Section 5. Petitions.

(c) *Circulation of petition.* The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. ~~Only registered electors may circulate the petition for signatures.~~ The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing an initiative or referendum petition.

(d) *Affidavit of circulator.* A circulator shall attach to each section of the petition circulated an affidavit signed by the circulator under oath before a notary public stating the following:

- (1) the circulator's address of residence;
- ~~(2) that the circulator is a registered elector;~~
- (32) that he or she personally circulated the section;
- (43) that each signature was affixed in the circulator's presence;
- (54) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
- (65) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- (76) that each signer had an opportunity before signing to read the full text of the petition; and
- (87) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 1 to the voters at said election:



**CITY OF FORT COLLINS  
BALLOT ISSUE 2\_\_\_  
PROPOSED CHARTER AMENDMENT NO. 1**

Amendments to Article IX, Section 2 and Article X, Section 5 of the Charter of the City of Fort Collins pertaining to petition circulators, which amendments would eliminate the requirement that the circulators of initiative, referendum or recall petitions be registered electors of the city.

\_\_\_ YES  
\_\_\_ NO

Introduced, considered favorably on first reading, and ordered published this 3rd day of August, A.D. 1999, and to be presented for final passage on the 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 127, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS  
OF THE CITY OF FORT COLLINS  
PROPOSED AMENDMENTS TO ARTICLE X  
OF THE CITY CHARTER, PERTAINING TO INITIATIVE AND REFERENDUM

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

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article X, Section 1(e) of the Charter incorrectly uses the term "refer" with regard to placing an initiative on the ballot; and

WHEREAS, Article X, Section 2(e) of the Charter incorrectly uses the term "submit" with regard to placing a referendum on the ballot; and

WHEREAS, City staff has proposed certain amendments to Article X of the Charter so as to correct the above referenced usage of the terms "refer" and "submit"; and

WHEREAS, the City Council believes that the foregoing proposed amendments should be submitted to the registered electors of the City so that the voters may determine whether such amendments are in the best interests of the City.

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

Section 1. That the following proposed changes to Article X, Section 1(e) and Section 2(e) shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 2" at a special municipal election to be held in conjunction with the Larimer County, Colorado Coordinated Election on Tuesday, November 2, 1999:

**ARTICLE X. INITIATIVE AND REFERENDUM**

**Section 1. The initiative.**

(e) *Action by Council.* Upon presentation of an initiative petition certified as to sufficiency by the City Clerk as hereinafter provided, the Council shall either adopt the proposed ordinance or resolution without alteration within thirty (30) days or refer submit such proposed measure in the form petitioned for, to the registered electors of the city at the next regular city election. If the petition requests a special

election and is signed by the requisite number of registered electors, the Council shall call a special election to be held on a Tuesday within one hundred twenty (120) days of the presentation of the certified petition to Council, unless any other regular or special city election is to occur within said period, in which case the initiative measures shall be consolidated with such other election. All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors shall be subject to the referendum in the same manner as other ordinances.

**Section 2. The referendum.**

(e) *Action by Council.* The presentation to Council of a petition certified by the City Clerk as sufficient for referendum shall automatically suspend the operation of the ordinance in question pending repeal by Council or final determination by the electors. The Council shall reconsider the ordinance at the next regular or special meeting of the Council following the receipt of the petition by the City Clerk. If the ordinance, or that part sought to be repealed, is not repealed, the Council shall ~~submit~~ refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

<p style="text-align: center;"><b>CITY OF FORT COLLINS</b> <b>BALLOT ISSUE 2__</b> <b>PROPOSED CHARTER AMENDMENT NO. 2</b></p> <p>Amendments to Article X, Sections 1 and 2 of the Charter of the City of Fort Collins pertaining to initiative and referendum, which amendments would change the usage of the terms "refer" and "submit" so as to provide that initiated measures shall be "submitted" to the voters and referred measures shall be "referred" to the voters.</p> <p style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
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Introduced, considered favorably on first reading, and ordered published this 3rd day of August, A.D. 1999, and to be presented for final passage on the 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 128, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS  
OF THE CITY OF FORT COLLINS  
PROPOSED AMENDMENTS TO ARTICLE IX,  
SECTIONS 1(b) and 1(c), OF THE CITY CHARTER, PERTAINING TO THE  
COMMENCEMENT OF RECALL PROCEEDINGS  
AND THE SCHEDULING OF A RECALL ELECTION

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

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, the Charter provisions relating to the recall of elective officers allow recall proceedings, once commenced, to continue indefinitely; and

WHEREAS, the uncertainty created by pending recall proceedings can have a detrimental effect on the conduct of business by the City Council; and

WHEREAS, City staff has proposed certain amendments to Article IX, Section 1(b) of the Charter so as to establish a time period for submitting a petition for recall to the City Clerk for approval, thereby requiring recall proceedings to either progress in a timely fashion or be terminated; and

WHEREAS, Article IX, Section 1(c) of the Charter provides for a recall election to be held not less than forty-five (45) nor more than ninety (90) days from the date the City Clerk presents to the Council a petition certified sufficient for recall; and

WHEREAS, the requirement to hold a recall election within forty-five (45) to ninety (90) days after presentation of a certified petition to the Council does not provide adequate time for the nomination of replacement candidates and preparation for the conduct of an election; and

WHEREAS, City staff has proposed certain amendments to Article IX, Section 1(c) of the Charter so as to provide adequate time for replacement candidates to circulate nomination petitions and for preparation of the ballot; and

WHEREAS, the City Council believes that the foregoing proposed amendments should be submitted to the registered electors of the City so that the voters may determine whether such amendments are in the best interests of the City.

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

Section 1. That the following proposed changes to Article IX, Section 1(b) and (c), of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 3" at a special municipal election to be held in conjunction with the Larimer County, Colorado Coordinated Election on Tuesday, November 2, 1999:

## ARTICLE IX. RECALL

### Section 1. The recall.

(b) *Commencement of proceedings; affidavit.* One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled. Within forty-eight (48) hours after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. Within five (5) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges. The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review. ~~Within ten (10) days after the date by which any filing of the statement in defense must be filed, or after the expiration of the time allowed for such filing when no statement is filed, the City Clerk shall approve the form of the~~ a petition for recall of the officer shall be submitted to the City Clerk for approval of the form of the petition in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article. ~~If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.~~

(c) *Call of election.* A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than ~~forty-five (45)~~ sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs

in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 3 to the voters at said election:

<p style="text-align: center;"><b>CITY OF FORT COLLINS</b> <b>BALLOT ISSUE 2</b>____ <b>PROPOSED CHARTER AMENDMENT NO. 3</b></p> <p>Amendments to Article IX, Section 1(b) and 1(c) of the Charter of the City of Fort Collins pertaining to recall proceedings, which amendments would establish a ten (10) day time period for submitting a petition for recall to the City Clerk for approval as to its form and would require that recall elections be held not less than sixty (60) nor more than ninety (90) days from the date of presentation of a certified recall petition to the City Council.</p> <p style="text-align: right;">____ YES ____ NO</p>
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Introduced, considered favorably on first reading, and ordered published this 3rd day of August, A.D. 1999, and to be presented for final passage on the 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 129, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS  
OF THE CITY OF FORT COLLINS  
PROPOSED AMENDMENTS TO ARTICLE VIII,  
OF THE CITY CHARTER, PERTAINING TO  
THE APPEARANCE OF NAMES ON ELECTION BALLOTS

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

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, the Charter is silent with respect to the manner in which names should appear on an election ballot; and

WHEREAS, the City Council wishes to ensure that the appearance of a candidate's name on the ballot will not provide any unfair advantage to the candidate; and

WHEREAS, the Council believes that this objective can best be achieved by requiring that candidate names be placed on the ballot in alphabetical order by surname for each office, and by prohibiting the printing of titles or degrees designating the business or profession of the candidate, as well as the use of punctuation marks to distinguish the use of a nickname; and

WHEREAS, City staff has proposed an amendment to Article VIII of the Charter so as to add a section relating to the manner in which names shall appear on the ballot; and

WHEREAS, the City Council believes that the foregoing proposed amendment should be submitted to the registered electors of the City so that the voters may determine whether said amendment is in the best interests of the City.

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

Section 1. That the following proposed change to Article VIII of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 4" at a special municipal election to be held in conjunction with the Larimer County, Colorado Coordinated Election on Tuesday, November 2, 1999:



**ARTICLE VIII. ELECTIONS**

**Section 6. Appearance of names on ballot.**

Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names shall be arranged in alphabetical order of surname for each office, and shall not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but shall not include any punctuation marks setting out the nickname.

Section 2. That, if the amendment provided for in Section 1 above is approved by the registered electors of the City of Fort Collins, the subsequent sections of Article VIII of the Charter shall be renumbered accordingly.

Section 3. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 4 to the voters at said election:

<p style="text-align: center;"><b>CITY OF FORT COLLINS BALLOT ISSUE 2 ___ PROPOSED CHARTER AMENDMENT NO. 4</b></p> <p>Amendments to Article VIII, Section IV of the Charter of the City of Fort Collins pertaining to elections, which amendments would require that candidates' names be placed on the ballot in alphabetical order by surname for each office, would prohibit the printing of titles or degrees designating the business or profession of the candidate, and would prohibit the use of punctuation marks to distinguish the use of any nickname.</p> <p style="text-align: right;">___ YES ___ NO</p>
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Introduced, considered favorably on first reading, and ordered published this 3rd day of August, A.D. 1999, and to be presented for final passage on the 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 130, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO THE VOTE OF THE REGISTERED ELECTORS  
OF THE CITY OF FORT COLLINS A PROPOSED  
AMENDMENT TO ARTICLE IV, SECTION 9 OF THE CITY CHARTER  
EXEMPTING AD HOC COMMITTEES FROM CONFLICT OF INTEREST RULES

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

WHEREAS, Section 31-2-210, C.R.S. provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article IV, Section 9 of the Charter contains certain conflict of interest rules that apply to the members of any authority, board, committee, commission, department, division or office of the City; and

WHEREAS, the City sometimes appoints committees to formulate recommendations with regard to specific proposals to be considered by the City Council; and

WHEREAS, such committees may frequently include members who have a personal or financial interest in the proposal being considered by the City; and

WHEREAS, it is important that individuals having such an interest in the subject matter of these proposals be allowed to serve on such committees, so that their rights and interests may be considered by City staff in formulating its recommendations to the Council, and by the Council in deciding how to proceed with regard to such proposals; and

WHEREAS, members of these committees have no decision-making responsibility on behalf of the City; and

WHEREAS, for the foregoing reasons, the City Council believes it to be necessary and desirable in the interests of the City to exempt the members of such committees from the conflict of interest rules contained in the City Charter; and

WHEREAS, the City Council believes that an amendment proposing such an exemption should be submitted to the registered electors of the City so that the voters may determine whether such amendment is in the best interests of the City.

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

Section 1. That the following proposed changes to the definition of "*officer or employee*" as contained in Article IV, Section 9 of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 5" at a special municipal election to be held in conjunction with the Larimer County, Colorado, Coordinated Election on Tuesday, November 2, 1999:

#### ARTICLE IV. GENERAL PROVISIONS

##### Section 9. Conflicts of interest.

(a) *Definitions.* For purposes of construction of this Section 9, the following words and phrases shall have the following meanings:

*Officer or employee* means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full time, including a member of any authority, board, committee or commission of the city, other than an authority that is:

(1) ~~an authority that is:~~

(1)a. established under the provisions of the Colorado Revised Statutes;

(2)b. governed by state statutory rules of ethical conduct; and

(3)c. expressly exempted from the provisions of this Article by ordinance of the Council.

(2) ~~a special purpose committee established to serve for a limited period of time for the purpose of studying and/or formulating recommendations pertaining to specific proposals that may be considered by the City Council.~~

Section 2. That following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 5 to the voters at said election:

**CITY OF FORT COLLINS  
BALLOT ISSUE 2  
PROPOSED CHARTER AMENDMENT NO. 5**

An amendment to Article IV, Section 9 of the Charter of the City of Fort Collins pertaining to conflicts of interest, which amendment would exempt from the City's conflict of interest rules any special purpose committee established to serve for a limited period of time for the purpose of studying specific proposals that may be considered by the City Council.

YES  
 NO

Introduced and considered favorably on first reading and ordered published this 3rd day of August, A.D. 1999, and to be presented for final passage on the 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 17th day of August, A.D. 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk