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MEMORANDUM

DT: December 15, 2020

TO: Mayor Troxell and City Councilmembers

TH: Darin Atteberry, City Manager 
Kelly DiMartino, Deputy City Manager 
Carrie Daggett, City Attorney 

FM: Delynn Coldiron, City Clerk 

RE: December 08, 2020 Work Session Summary: Possible Charter Changes

Councilmembers Present: Mayor Troxell, Mayor Pro Tem Stephens, Councilmembers Cunniff, Gorgol, Gutowsky, Pignataro and Summers.

Council discussed proposed changes to the Fort Collins City Charter. The items reviewed and related summary follows:

1. Amending Article II, Section 4 related to selection of a Mayor Pro Tem.
 - a. This item is a correction to align Section 4 to Article II, Section 1(d) of the Charter to ensure that selection does not occur until after the recount period has expired.
 - b. There was support for moving this forward.
2. Amending Article VIII, Section 4(a) related to the Affidavit of Circulator.
 - a. This item would eliminate the requirement that the affidavit of circulator contain a statement of the number of signers on that section of the petition.
 - b. There was a question raised as to whether this change is a high priority and whether it is needed at this time in light of the other Charter amendments under consideration.
3. Amending Article VIII, Section 5 related to the Board of Elections.
 - a. This item corrects the reference to Chief Judge (from Municipal Judge).
 - b. There was a question raised as to whether this correction is significant and urgently needed in light of the other Charter amendments under consideration.
4. Amending Article VIII, Section 8 regarding participation in elections by City employees, public service corporations or any other persons having an interest in or intending to apply for a franchise or contract with the City.
 - a. The Council discussed the option of taking the specific restrictions from the Charter and allowing Council to adopt restrictions in the City Code, and the option of amending the restrictions stated in the Charter.
 - i. Councilmembers generally expressed support for the approach of moving the specific restrictions from the Charter to restrictions the Council could consider adding to the City Code.

- b. Councilmembers expressed interest in looking at ways to clarify the intent of the restrictions on indirect contributions in particular.
 - c. There was interest in having ongoing dialogue depending on what the voters decide.
5. Amending Article VIII, Section 9 regarding Corrupt Practices.
 - a. This item addressed possible modifications to the consequences for a criminal conviction for an offense at an election.
 - b. It was noted that Code changes adopted earlier this year essentially addressed the concerns that had been raised about this issue.
 - c. Councilmembers generally expressed the view that there was no need to move forward with this now.
6. Amending Article II, Section 18 related to the Council Vacancy Process.
 - a. This item provided Council with an opportunity to change items related to the Council vacancy process.
 - b. After some discussion about Council's experiences with the process, it was noted that the process seems to be working fine.
 - c. Councilmembers agreed that there was no need to move forward with this now.
7. Amending Article II, Section 17 regarding Audit Publication.
 - a. This is a clean up item that would provide additional time to publish the audit.
 - b. It was noted that we have been unable to accommodate this provision for the last seven years without a work around.
 - c. There was support for moving this forward.
8. Amending Article V, Section 9 regarding Supplemental Appropriations.
 - a. This item clarifies revenues that may be appropriated.
 - b. There was support for moving this forward.
9. Amending Article V, Section 11 regarding Lapsing Appropriations.
 - a. This item allowed for a Council decision regarding the lapsing of certain funds and to allow appropriations of private grants and donations to be non-lapsing.
 - b. There was support for moving this forward.
10. Amending Article II, Section 5 regarding Powers and Article IV, Section regarding Administrative Branch.
 - a. This item would allow Council to delegate organizational structure decisions to the City Manager.
 - b. It was noted that the ordinance process seems to work.
 - c. There was no support for moving this forward at this time.
11. Amending Article II, Section 5(b) regarding Essential Administrative Functions.
 - a. This item added telecommunication facilities and services and transit services as essential functions.
 - b. There was a question about whether it was good to silo services in this way.
 - c. There was general support for adding telecommunication and transit services.
 - d. There was a question about whether street maintenance could be combined with transit services.
 - e. There was a question about whether social sustainability should be added as an essential service.

- f. There was general support for moving this forward; however, this was not viewed as a critical change that needs to move forward quickly and Councilmembers expressed a desire for additional time for discussion of this.

12. Amending Article IV, Section 3 related to Residency Requirements.

- a. This item would determine and delegate to the City Manager the authority to determine when residency should be required.
- b. Concern was noted about whether this would be something voters would want to pass.
- c. It was noted that more research is needed on this item.
 - i. It was mentioned that there are many reasons why people need to live outside of City limits and that it would be good for the City to be more accommodating.
- d. There was a question about whether this should be tied to essential services.
- e. There was some support for making some type of changes here but having a requirement that employees live within the local area;
- f. There was a question about whether there are options for employees who want to work out of town for a period of time.
- g. There was interest in further dialogue on this issue, with mixed opinions on whether it would be appropriate to move forward at some point in the future.

13. Amending Article XIII related to Definitions

- a. It was noted that definition changes would accompany any amendments requiring updates to Charter definitions.

Some additional general comments included:

- Having too many Charter amendments on a ballot is not good.
- Would be good to know what items could be combined.
- Suggestion to split these between April and November elections.
- Suggestion to consider forming an ad-hoc citizen committee to review the Charter.
 - Would provide additional perspective.
 - Might look at moving from April to November elections, as well as the issue of Council pay.
 - Comment that this takes a lot of time and effort and would want to know if this is a high priority for Council right now.
 - Comment that the staff will provide more information about the charter commission process laid out in state law and how that process has been used here.