

ORDINANCE NO. 001, 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 7 OF ARTICLE VIII OF THE CITY
CHARTER PERTAINING TO THE DATE OF CERTIFICATION OF ELECTION RESULTS
(THE "CANVASS"), AND PROPOSED AMENDMENTS TO SECTION 1 AND SECTION 4
OF ARTICLE II OF THE CITY CHARTER, PERTAINING RESPECTIVELY TO THE
TIMING OF THE COUNCIL ORGANIZATIONAL MEETING FOLLOWING AN
ELECTION, AND WHEN COUNCILMEMBER TERMS OF OFFICE BEGIN

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

WHEREAS, as election laws, practices and procedures evolve, there are increasing and improved options for verification of mail ballot signatures, notification and correction of signature defects, and measures to improve the ability of overseas and uniformed voters to submit ballots in time to be counted in an election; and

WHEREAS, the Council desires to enable the potential development of improved practices given the increasing options described above by allowing additional time for the certification of final elections results; and

WHEREAS, the Charter currently provides that a municipal election must be certified on the third day after the election, and a period of up to ten (10) days would allow for future adoption of election process improvements along the lines of those described above, as well as others; and

WHEREAS, the timing of both the organizational meeting of the City Council after an election and the election by Council of the mayor pro tem for the Council term is currently set by reference to the election rather than by reference to the certification of the election; and

WHEREAS, the certification of the election marks the completion of the election process and is the appropriate triggering date for organizational activities of the new Council.

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 Sections 1 and 4 of Article II and Section 7 of Article VIII of the Charter shall be submitted to the registered electors of the City as

“Proposed Charter Amendment No. 1” at the regular municipal election to be held on Tuesday, April 4, 2017:

**ARTICLE II.
CITY COUNCIL**

Section 1. Membership; terms.

(a) *Composition of Council.* The Council shall consist of seven (7) members, including a Mayor and Mayor Pro Tem, elected as provided in this Article.

(b) *Method of election.* The Mayor shall be nominated and elected from the city at large. The remaining six (6) members shall be nominated and elected by Districts. The election of District Councilmembers shall alternate between the election of representatives for Council Districts 1, 3 and 5 and the election of representatives for Council Districts 2, 4 and 6.

(c) *Council district boundaries.* The city shall be divided into six (6) contiguous, reasonably compact districts, each of which shall consist of contiguous, undivided general election precincts and, to the extent reasonably possible, an equal number of inhabitants. The districts shall be numbered consecutively in a clockwise fashion beginning with the northeast district, which shall be District 1. The Council shall establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes, and the manner of protesting such proposed changes.

(d) *Terms.* Except as otherwise provided in Section 18 of this Article and Section 3(d) of Article IX, the term of office of the Mayor shall be two (2) years, and the term of office of all other members of the Council shall be four (4) years each; provided, however, that all such officers shall serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council shall begin when they take the oath of office, which shall occur as the first order of business at the first regular or special Council meeting following the final certification of election results and after expiration of the recount period, or their appointment.

...

Section 4. Organization

The Mayor shall preside at meetings of the Council and shall be recognized as head of the city government for all ceremonial purposes and by the Governor of the state for purposes of military law. The Mayor shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall also perform such other duties as may be provided by ordinance which are not inconsistent with the provisions of this Charter.

At the first regular or special meeting after final certification of a City election, the Council shall elect a Mayor Pro Tem for a two (2) year term from among the members

of the Council to act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro Tem shall become Mayor as provided in Section 18(b) below.

...

**ARTICLE VIII.
ELECTIONS**

Section 7. Certification of election results.

No later than the tenth day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office shall be declared elected to that office. In event of a tie, the selection shall be made by the Board of Elections by lot after notice to the candidates affected. In case the candidate elected fails to qualify within sixty (60) days after the date of issuance of the certificate of election, the candidate with the next highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request, the Board of Elections shall complete an amended certificate declaring the results of the election no later than the fifth day after the completion of the recount.

Section 3. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 1 to the voters at said election:

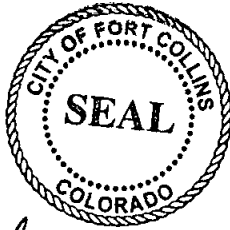
CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 1

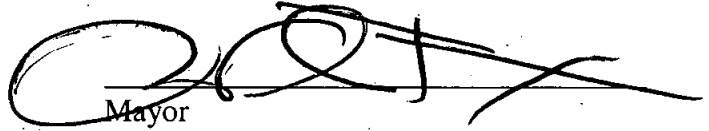
Shall Section 7 of Article VIII of the Charter of the City of Fort Collins, pertaining to certification of City elections, be amended to change the time for certification of an election from the third day to no later than the tenth day after the election, and shall Section 1(d) and Section 4 of Article II of the Charter, pertaining to City Council, be amended to require that the organizational meeting and election of the mayor pro tem, respectively, take place at the next meeting after certification of the election, rather than the next meeting after the election?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading, and ordered published this 3rd day of January, A.D. 2017, and to be presented for final passage on the 17th day of January, A.D. 2017.

ATTEST:

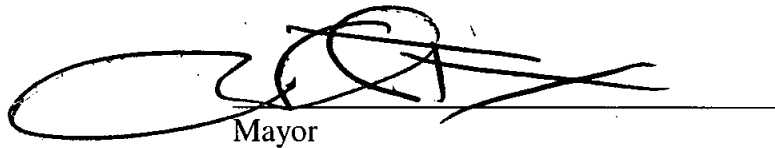



Mayor

W Winkelman
City Clerk

Passed and adopted on final reading on the 17th day of January, A.D. 2017.

ATTEST:


Mayor

Rita R. Knoll
City Clerk / Chief Deputy

