

## **SUBJECT**

Resolution 2011-031 Expressing the City Council's Support for Proposed Charter Amendment No. 1 on the April 5, 2011, Ballot.

## **EXECUTIVE SUMMARY**

Charter Amendment No. 1 on the April 5, 2011, ballot for the regular City election would change the way in which the boundaries of City's electoral districts are established by using the total population in each district rather than the number of registered electors. This Resolution expresses the City Council's support for that proposed amendment.

## **BACKGROUND / DISCUSSION**

Historically, the City has based the determination of Council districts on the number of registered voters. This has been, in part, due to the ease in obtaining voter registration numbers vs. the difficulty in determining total population between census years.

The Courts have held that a constitutionally sound redistricting, regardless of the method used, should result in only minimal deviation in total population from one district to another.

During the redistricting process in the fall of 2010, discussions ensued about whether it would be administratively feasible to change Council districts on the basis of total population rather than the number of registered electors. The City Clerk's office has determined that it is administratively feasible to do so due to advances in technology that allow for total population to be calculated more efficiently and accurately.

If this Charter amendment is approved by the voters on April 5, staff will bring an ordinance to Council to amend Chapter 7 of the City Code, Section 7-87 to provide that:

1. Not less than one year after the official decennial publication of the U.S. Census concerning the population of the City of Fort Collins, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure, to the extent reasonably possible, that there is no more than a ten percent deviation between the most populous and the least populous District.
2. Not more than once every five years after making the determination required under subsection (1) above, the City Clerk shall again review the district boundaries to determine if the maximum deviation between the most populous and the least populous district exceeds ten (10) percent, and if so, shall recommend to the City Council any district boundary changes necessary to ensure that each district contains, as nearly as reasonably possible, an equal number of inhabitants.
3. Any changes to district boundaries shall be established by ordinance no less than one hundred and twenty (120) days before a regular municipal election. (This time period may need to be adjusted if, at the April 5, 2011 election, voters approve the implementation of ranked choice voting.)

Questions have been raised by some members of the community as to the reason why the proposed Charter amendment is being presented to the electors of the City for their consideration. Because of the importance of the proposed measure, City staff is recommending that the Council adopt this Resolution explaining the reasons behind the amendment and expressing the Council's support for the measure.

## **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

RESOLUTION NO. 2011-031  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
EXPRESSING THE CITY COUNCIL'S SUPPORT FOR PROPOSED  
CHARTER AMENDMENT NO. 1 ON THE APRIL 5, 2011, BALLOT

WHEREAS, under Article II, Sections 1(a) and (b) of the City Charter, the City Council consists of seven members, including a Mayor and Mayor Pro Tem, with the Mayor being nominated and elected from the City at large and each of the other Councilmembers being nominated and elected by district; and

WHEREAS, under Article II, Sections (1)(c) and (d) of the City Charter, the City is divided into six contiguous districts and those districts are periodically adjusted so that the number of registered electors in each district remains approximately the same; and

WHEREAS, on February 15, 2011, the City Council adopted on second reading Ordinance No. 011, 2011, which placed before the electors of the City at the April 5, 2011, regular election a ballot measure that would amend Article II, Section 1 of the City Charter (the "Ballot Measure"); and

WHEREAS, the Ballot Measure, if approved by the voters, would provide that, to the extent reasonably possible, all districts of the City shall contain an equal number of inhabitants, rather than an equal number of registered electors; and

WHEREAS, some members of the community have inquired as to why this proposed Charter amendment is being presented for their consideration; and

WHEREAS, the City Attorney has recommended the Ballot Measure because, under federal and state case law, the redistricting method used by local government must result in districts that contain substantially the same number of residents in each district; and

WHEREAS, the reason for requiring only minimal deviation in total population from one district to another is to conform with the constitutional principle of equal protection and to help ensure that each person's voice in government affairs carries roughly the same weight as every other person's; and

WHEREAS, the most direct way to achieve approximate equality in total population among the City's electoral districts is to require that redistricting be done on the basis of the number of inhabitants in each district rather than the number of registered electors; and

WHEREAS, because of the importance of the Ballot Measure and the uncertainty about the rationale behind it, the City Council believes it to be in the best interests of the City to explain the reason that it was placed on the ballot by the City Council, and to express the City Council's support for the measure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby expresses its support for Proposed Charter Amendment No. 1 contained on the ballot for the April 5, 2011, regular City election and urges the electors of the City to vote in favor of such measure.

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 22th day of March A.D. 2011.

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Mayor

ATTEST:

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City Clerk