

DATE: July 19, 2011
STAFF: Wanda Krajicek

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

10

SUBJECT

Second Reading of Ordinance No. 082, 2011, Calling a Special Municipal Election to Be Held in Conjunction with the November 1, 2011 Larimer County Coordinated Election.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 5, 2011, calls a Special Municipal Election to be held in conjunction with the November 1, 2011 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot it would need to do so no later than at its August 16 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 2) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 1, 2011 ballot. However, a group of citizens is currently circulating an initiative petition proposing a prohibition on the establishment, operation or licensing of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the city of Fort Collins. The deadline to submit the petition to the City Clerk's Office is July 19, 2011. Adoption of this Ordinance is a required step in preserving the option for City Council to submit the initiated ordinance, and/or any other ballot measures that Council may desire, at the November 1, 2011 Coordinated Election.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 5, 2011 (w/o attachments)

DATE: July 5, 2011
STAFF: Wanda Krajicek

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

16

SUBJECT

First Reading of Ordinance No. 082, 2011, Calling a Special Municipal Election to Be Held in Conjunction with the November 1, 2011 Larimer County Coordinated Election.

EXECUTIVE SUMMARY

This Ordinance calls a Special Municipal Election to be held in conjunction with the November 1, 2011 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot it would need to do so no later than at its August 16 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 2) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 1, 2011 ballot. However, a group of citizens is currently circulating an initiative petition proposing a prohibition on the establishment, operation or licensing of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the city of Fort Collins. The deadline to submit the petition to the City Clerk's Office is July 19, 2011. Adoption of this Ordinance is a required step in preserving the option for City Council to submit the initiated ordinance, and/or any other ballot measures that Council may desire, at the November 1, 2011 Coordinated Election.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 082, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CALLING A SPECIAL MUNICIPAL ELECTION TO BE
HELD IN CONJUNCTION WITH THE NOVEMBER 1, 2011
LARIMER COUNTY COORDINATED ELECTION

WHEREAS, under Article X, Section 1 of the City Charter, the registered electors of the city have the power to propose a measure to the City Council, and if the City Council fails to adopt such measure, to have the same considered by the electors of the City at the polls; and

WHEREAS, an initiative petition proposing a ballot measure that would prohibit the establishment, operation or licensing of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the City of Fort Collins has been approved for circulation and is due to be filed with the City Clerk's Office on July 19, 2011; and

WHEREAS, said petition requests a special election on November 1, 2011; and

WHEREAS, while the City Council may, by resolution, submit any question or proposed ordinance or resolution, or submit any initiative or referendum measure, to a vote of the people at a special election at any time prior to the statutory deadline to certify ballot content to the County Clerk, the decision to call a special election must be made by ordinance at an earlier date; and

WHEREAS, for the foregoing reasons, the City Council wishes to call a special municipal election on November 1, 2011, to be held in conjunction with the Larimer County Coordinated Election, for the purpose of submitting to the electorate of the City any ballot issues approved by the City Council prior to the deadline for certifying ballot content to the Larimer County Clerk and Recorder.

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

Section 1. That a Special Municipal Election in the City is hereby called for Tuesday, November 1, 2011, which shall be held in conjunction with the Larimer County Coordinated Election and conducted in such form as shall be determined by the Larimer County Clerk and Recorder.

Section 2. That the provisions of the Uniform Election Code of 1992 are hereby adopted with respect to the conduct of said election in lieu of the provisions of the Municipal Election Code of 1965.

Section 3. That, notwithstanding any provision in the State Statutes to the contrary, the City Council may, by resolution, submit to the voters at said election any citizen-initiated or City-initiated measure that complies with the requirements of the City Charter, irrespective of the nature of such measure.

Section 4. That the City Clerk is hereby directed to certify the ballot content for the Special Municipal Election to the Larimer County Clerk no later than September 2, 2011.

Section 5. That the City Manager is hereby authorized to enter into an intergovernmental agreement with Larimer County for conduct of the election, pursuant to Section 1-7-116(2) of the Colorado Revised Statutes.

Section 6. That, in the event that the City Council does not take action by ordinance or resolution prior to September 2, 2011 to submit any ballot measures to the voters at the November 1, 2011 Larimer County Coordinated Election, the election provided for herein shall be cancelled and the provisions of this Ordinance shall be of no further force and effect.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2011, and to be presented for final passage on the 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk