

**DATE:** March 20, 2012  
**STAFF:** Steve Roy  
Rita Harris

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**11**

**SUBJECT**

First Reading of Ordinance No. 023, 2012, Amending Chapter 7 of the City Code Relating to Redistricting.

**EXECUTIVE SUMMARY**

The City Charter requires the method used to adjust City Council district boundaries be based upon the number of people residing in each district. The City Code requires the City Clerk to recommend any district boundary changes necessary to ensure there is no more than a ten percent deviation between the most populous and least populous District no less than one year after the official decennial publication of the United States Census concerning the population of Fort Collins. The timing of the City Clerk's recommendation has proved problematic as City staff has recently received information evidencing significant revisions to county voting precincts so that some City Council districts no longer consist of contiguous, undivided general election precincts as required by the City Charter. The City Clerk's office and other City staff have found it difficult to meet the one year time frame, due to these revisions to county precincts. This Ordinance will amend the redistricting provisions to require the City Clerk to *begin* the process to determine if District boundary adjustments may be needed, rather than to make a recommendation to Council, within eighteen months following publication of the census data.

**BACKGROUND / DISCUSSION**

At the April 5, 2011 regular City election, voters approved an amendment to the City Charter changing the method for adjusting City Council district boundaries so that the size and configuration of Council districts is based upon the number of people residing in each district rather than the number of registered electors. The Charter amendment required the Council to establish by ordinance the process for adjusting district boundaries.

On June 7, 2011, the Council adopted on second reading Ordinance No. 063, 2011, which provides, in part, as follows:

“Not less than one (1) year after the official decennial publication of the United States 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 that, to the extent reasonably possible, there is no more than a ten (10) percent deviation between the most populous and the least populous District.”

According to the U.S. Census Bureau website, small area census population data was released to individual states February 3, 2011 through March 24, 2011. As such, the City Clerk, under the language above, would be required to make a recommendation to Council for any necessary boundary changes no later than March 24, 2012.

Staff began calculating updating current population estimates early in 2012, and had formed a draft recommendation for one minor adjustment to achieve a deviation of less than 10 percent. However, staff just recently received from Larimer County information regarding changes made to County precincts – a result of reapportionment of House and Senate districts and changes to County Commissioner districts required prior to reapportionment. County precincts are established taking into consideration (1) natural and artificial boundaries that meet the requirements of the U.S. Census Bureau; (2) district boundaries of each representative and senatorial district (precinct boundaries cannot cross over representative and senatorial district boundaries); and (3) the number of active eligible electors within each proposed precinct. In addition, potential growth is taken into consideration.

The reconfiguration of County precincts has resulted in some precincts being divided by Council district boundaries, in direct conflict with the Charter requirement that districts consist of contiguous, undivided general election precincts. As such, City precinct boundaries need to be redrawn to match County precinct boundaries, and District boundary lines must be adjusted to maintain whole County precincts. Once staff has completed those adjustments, population estimates need to be recalculated to determine the deviation between the most populous district and the least populous district from the “ideal” district size.

The language in Ordinance No. 063, 2012, which seemed reasonable at the time staff proposed it, has proven problematic when the reapportionment process and the redrawing of County precinct boundaries are factored in. This will likely be the case following every census. Therefore, staff is proposing an amendment to the redistricting provisions to require the City Clerk make a recommendation to Council within 18 months, rather than one year, following publication of the census data. As already provided in the redistricting provisions, any changes to district boundaries must occur no less than 120 days prior to a regular municipal election. This amendment should provide staff with adequate time to obtain precinct boundary changes from the County and investigate possible scenarios for District boundary changes (if necessary) before a recommendation must be made to Council.

### **STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 023, 2012  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 7 OF THE CODE OF THE CITY  
OF FORT COLLINS RELATING TO REDISTRICTING

WHEREAS, by the approval of the voters at the regular City election held April 5, 2011, Article II, Section 1 of the City Charter was amended to change the method for adjusting City Council district boundaries so that the size and configuration of Council districts is now based upon the number of people residing in each district rather than the number of registered electors; and

WHEREAS, on June 7, 2011, the City Council adopted on second reading Ordinance No. 63, 2011, which, in relevant part, requires the City Clerk to make a recommendation to the City Council, within one year after the official decennial publication of the United States Census concerning the population of the City, as to whether any district boundary changes are necessary to ensure that, to the extent reasonably possible, there is no more than ten (10) percent deviation between the most populous and the least populous district; and

WHEREAS, the U.S. Census Bureau small area population data was released to individual states between February 3, 2011 and March 24, 2011; and

WHEREAS, in response to that census data, City staff had begun to formulate a recommendation to Council to make a minor adjustment to the City Council districts; and

WHEREAS, City staff then received information from Larimer County indicating that significant revisions had been made to County voting precincts and that, as a result, some City Council districts no longer consist of contiguous, undivided general election precincts as required by Section 1, Subsection (c), Article II of the City Charter; and

WHEREAS, because of this new information, the City Clerk's office and other City staff have found it difficult to meet the one-year time frame currently required by Section 7-87 (b) of the City Code; and

WHEREAS, City staff has therefore recommended that the period of time specified in City Code Section 7-87(b) be changed from one year to 18 months to allow more time for the City Clerk to formulate a recommendation to the City Council with regard to any district boundary changes.

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

Section 1. That Section 7-87 of Article III of Chapter 7 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7-87. Redistricting; notice.**

(a) The City Council shall, by ordinance, amend the boundaries of the foregoing districts as necessary to comply with the provisions of Article II, Section 1(c) of the Charter. The City Clerk shall cause to be published twice, in a local newspaper of

general circulation in the City, notice of the date, time and place of the City Council's consideration of any such redistricting ordinance. The first such notice shall be published no less than fourteen (14) days prior to the date of first hearing of the redistricting ordinance, and the second notice shall be published no less than ten (10) days prior to the date of the first reading of the same.

(b) Not less than ~~one (1) year~~ **eighteen (18) months** after the official decennial publication of the United States 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 that, to the extent reasonably possible, there is no more than a ten percent (10%) deviation between the most populous and the least populous district.

(c) Not less than once every five (5) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.

(d) Any changes to district boundaries shall be established by ordinance no less than one hundred twenty (120) days before a regular municipal election.

Introduced, considered favorably on first reading, and ordered published this 20th day of March, A.D. 2012, and to be presented for final passage on the 3rd day of April, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk

Passed and adopted on final reading on the 3rd day of April, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk