

# AGENDA ITEM SUMMARY

July 21, 2015

City Council

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## STAFF

Wanda Nelson, City Clerk

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## SUBJECT

First Reading of Ordinance No. 089, 2015, Calling a Special Municipal Election to Be Held in Conjunction with the November 3, 2015 Larimer County Coordinated Election.

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## EXECUTIVE SUMMARY

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 3, 2015 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 18 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 4) 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 3, 2015 ballot. However, Council is considering whether to seek voter authorization to set aside statutory limitations on direct or indirect local government competition in utility, entertainment, and telecom services within the City's growth management area, pursuant to §§ 29-27-101 to 304, C.R.S. 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 3, 2015 Coordinated Election.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 089, 2015  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
CALLING A SPECIAL MUNICIPAL ELECTION TO BE  
HELD IN CONJUNCTION WITH THE NOVEMBER 3, 2015  
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, under Article X, Section 3 of the City Charter the City Council may, by resolution, submit any question or proposed ordinance or resolution, or refer any adopted ordinance or resolution, or submit any initiative or referendum measure, to a vote of the people at a special election, in the same manner as a citizen initiated or referred measure, at any time prior to the statutory deadline to certify ballot content to the County Clerk, however, the decision to call a special election must be made by ordinance; and

WHEREAS, City staff will present to the City Council for consideration in August, the question of whether to seek voter authorization to set aside statutory limitations on direct or indirect local government competition in utility, entertainment and telecommunication services within the City's growth management area, pursuant to Sections 29-27-101 to 304 of the Colorado Revised Statutes; and

WHEREAS, for the foregoing reasons, the City Council wishes to call a special municipal election on November 3, 2015, 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 3, 2015, which shall be held in conjunction with the Larimer County Coordinated Election and conducted in such manner 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, subject to any applicable provision in Colorado statute to the contrary, the City Council may, by resolution or ordinance, 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 4, 2015, for any ballot titles set by the City Council prior to said date.

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 4, 2015, to submit any ballot measures to the voters at the November 3, 2015 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 21st day of July, A.D. 2015, and to be presented for final passage on the 18th day of August, A.D. 2015.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 18th day of August, A.D. 2015.

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Mayor

ATTEST:

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City Clerk