

AGENDA ITEM SUMMARY

February 16, 2021

City Council

STAFF

Molly Saylor, Senior Sustainability Specialist
Judy Schmidt, Legal

SUBJECT

Resolution 2021-023 Referring Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 6, 2021.

EXECUTIVE SUMMARY

The purpose of this item is to refer Ordinance No. 026, 2021 to the voters at the April 2021 regular municipal election.

Any protest of the proposed ballot language must be submitted on the Notice of Protest form located at <https://www.fcgov.com/elections/ballot-title-protest> and received no later than Tuesday, February 16, 2021, at 9:00 a.m. (due to the President's Day holiday). The protest(s) shall be heard, considered, and resolved by Council prior to adoption of any Resolution that is the subject of a protest. If protests are received, copies will be included in Council's "Read-before" packet provided the day of the meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Pursuant to Article X, Section 3 of the City Charter, Council may refer adopted Ordinance No. 026, 2021 to a vote of the registered electors at the next regular City election, which is scheduled for April 6, 2021.

Although an initiated measure submitted to the voters may not be later repealed or amended by Council except by a subsequent electoral vote, an ordinance adopted by Council and referred to the voters is not subject to this limitation. See City Charter Article X, Section 4.

Accordingly, if Ordinance No. 026, 2021, is adopted by the voters, Council may still repeal or amend the Ordinance at any time after the election.

Under Section 7-156 of the City Code, any registered elector desiring to protest a proposed ballot title or submission clause for any referred measure must file such a protest with the City Clerk using a Notice of Protest form located at <https://www.fcgov.com/elections/ballot-title-protest> no later than Tuesday, February 16, 2021, at 9:00 a.m. (due to the President's Day holiday). If a protest is filed, a hearing on the protest is added to the agenda item and must take place before the Council adopts the Resolution setting the ballot title and submission clause.

RESOLUTION 2021-023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REFERRING ORDINANCE NO. 026, 2021, AMENDING CHAPTER 12 OF
THE CODE OF THE CITY OF FORT COLLINS
TO ESTABLISH REGULATIONS REGARDING DISPOSABLE BAGS AND
MITIGATION OF OTHER SOURCES OF SINGLE USE PLASTIC POLLUTION,
TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY
AT THE NEXT REGULAR MUNICIPAL ELECTION ON APRIL 6, 2021

WHEREAS, by adoption of Resolution 2020-118 on December 15, 2020, City Council directed development of an ordinance regulating the use of disposable bags and recognizing that further regulation of single-use plastics may be adopted by future Council action; and

WHEREAS, on February 2 and February 16, 2021, City Council, adopted Ordinance No. 026, 2021, on first and second reading, respectively; and

WHEREAS, Council desires to refer the adopted Ordinance No. 026, 2021, to the vote of the registered electors at the next regular City election on April 6, 2021, pursuant to Article X, Section 3 of the City Charter.

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

Section 1. That Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, is hereby referred to the registered electors of the City of Fort Collins at the next regular city election to be held on Tuesday, April 6, 2021, in the following form:

COUNCIL-REFERRED ORDINANCE

On February 16, 2021, the City Council adopted on second reading, and referred to the registered electors of the City, Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution (the "Ordinance"), regulating the use of disposable bags by (a) prohibiting large grocers from providing disposable plastic bags; (b) requiring payment of a disposable bag fee of \$0.12 for disposable paper bags; and (c) recognizing that further regulation of single-use plastics may be adopted by future Council action. Shall the Ordinance be approved?

YES/FOR _____
NO/AGAINST _____

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of February, A.D. 2021.

Mayor

ATTEST:

City Clerk