

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 23 A-B

DATE: August 16, 2005

STAFF: Wanda Krajicek

SUBJECT

Items Relating to Placing Proposed Charter Amendments on the November 1, 2005 Ballot.

RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 093, 2005, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article II of the City Charter, Pertaining to Publication of Ordinances.
- B. First Reading of Ordinance No. 094, 2005, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article VIII of the City Charter, Pertaining to the Board of Elections.

These Ordinances place individual Charter amendments on the November 1, 2005 Special Election ballot.

BACKGROUND

The City Council has adopted ordinance No. 081, 2005, calling a special election to be held on November 1, 2005 in conjunction with the Larimer County Coordinated Election. If adopted, these two Ordinances will submit Charter amendments, described below, to the voters at the November 1 election.

Publication of Ordinances

Article II, Section 7 of the City Charter presently provides that every proposed ordinance, except an emergency ordinance, must be published once in full at least seven days before its final passage in a newspaper of general circulation published in the city. Article II, Section 7 also provides for publication of a notice of final passage of an ordinance.

Staff believes it would be more cost effective to publish ordinances, prior to final passage, in full on the City's web site, and by number and title only in the newspaper, which is estimated to result

in a 63% reduction in advertising costs (\$10,000 savings annually). Any publication by number and title only will include a statement that the full text of each ordinance is available for public inspection and acquisition in the office of the City Clerk and on the internet web site.

Board of Elections

The Election Board was created in 1954. The purpose of the Election Board is to assist with the conduct of elections and to certify the election results. The Election Board consists of two citizens appointed by the City Council, and the City Clerk.

Prior to the age of technology and mail ballot elections, the Election Board was very involved in the conduct of elections. Election Board members recruited individuals to serve as polling place judges, often relying on friends, relatives and church members. This was truly a function benefitted by community networking. However, as technology developed to manage lists of volunteers using databases, it became more efficient for staff to assume the role of recruiting and managing polling place judges. Certification of election results has also become effortless through the use of technology. In the past, verification of the results was an exercise in calculation and recalculation until the Board was satisfied that the numbers were accurate.

In 1995, when the City conducted its first mail ballot election, the need for polling place judges became obsolete. Since 1995, the role of the Election Board has continually declined. In 2005, with only one citizen member in place on the Board, the role was limited to certifying the results of the election. Sophisticated election equipment and tabulation software now handle the tabulation process with proven accuracy. Procedures for testing election machines and tabulation software prior to counting ballots ensure accurate results. There is no need to manually recalculate results.

It is still important to have a body of authority certify election results. This proposed Charter amendment recommends that the sole remaining function of the Election Board with regard to certification be transferred to a "canvass board" consisting of the City Clerk, the Chief Deputy City Clerk, and the Municipal Judge, all of whom are sworn to uphold the Constitution and the laws of the United States and the State of Colorado and the Charter and Ordinances of Fort Collins.

If this Charter amendment is approved by the voters on November 1, staff will bring an ordinance to Council before the end of the year to amend Chapter 7 of the City Code which contains references to the Board of Elections, and Section 2-493 of the City Code relating to the duties of the Municipal Judge.

ORDINANCE NO. 093, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
FORT COLLINS A PROPOSED AMENDMENT TO ARTICLE II OF THE
CITY CHARTER, PERTAINING TO PUBLICATION OF ORDINANCES

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article II, Section 7 of the Charter presently provides that every proposed ordinance, except an emergency ordinance, must be published once in full at least seven days before its final passage in a newspaper of general circulation published in the city, which publication shall contain a notice giving the date when said proposed ordinance will be presented for final passage; and

WHEREAS, Article II, Section 7 of the Charter also provides for publication of a notice of final passage of an ordinance, which notice must contain the number and title of such ordinance; and

WHEREAS, the City Clerk and City Manager believe it would be more cost effective to publish ordinances, prior to final passage, in full on the City's web site, and by number and title only in a newspaper of general circulation, which will result in a significant reduction in advertising costs; and

WHEREAS, in recognition of increased technology and in an effort to reduce expenditures, the City Council believes that the proposed amendment to the above-referenced publication requirement should be submitted to the registered electors of the City.

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

Section 1. That the following proposed change to Article II, Section 7 of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No 1" at a special municipal election to be held in conjunction with the Larimer County Coordinated Election on Tuesday, November 1, 2005:

Section 7. Ordinances, publication and effective date.

Every proposed ordinance, except an emergency ordinance, shall be published ~~once~~ in full at least seven (7) days before its final passage ~~in a newspaper of general circulation published in the city~~ **on the city's official internet web site. In addition, each such ordinance shall be published in a newspaper of general**

circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site. , whichBoth publications shall contain a notice giving of the date when said proposed ordinance will be presented for final passage. If on final passage such ordinance is passed in the same form as published, no further publication of such ordinance shall be required; except that tThe City Clerk shall, within seven (7) days after final passage of any such ordinance, publish a notice of such final passage which shall contain the number and title of such ordinance in the same method as is required for the first publication. All ordinances, except emergency ordinances, shall take effect on the tenth day following their passage. An emergency ordinance shall take effect upon passage and shall be published as provided above within seven (7) days thereof.

~~When the Council deems it appropriate, publication of the title of an ordinance, or the title of an amendment thereto, together with a comprehensive summary of the substance of the ordinance or amendment thereto and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk, shall be sufficient publication. However, when the Council deems it appropriate, ordinances authorizing the issuance of municipal bonds, other securities or evidences of municipal borrowing as authorized in Article V, Section 18 of this Charter may be published by title only with a statement that the text is available for public inspection and acquisition in the office of the City Clerk. Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part.~~

Ordinances shall be signed by the Mayor, attested by the City Clerk and published without further certification.

The Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing. Such notice shall state the time and place of the hearing and shall also state that copies of the code to be adopted are on file with the City Clerk and open to public inspection. The notice shall also contain a description which the Council deems sufficient to give notice to persons interested as to the subject matter of such code and the name and address of the agency by which it has been promulgated. The ordinance adopting any such code shall set forth in full any penalty clause in connection with such code.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 1 to the voters at said election:

CITY OF FORT COLLINS 2__
CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 1

Shall Article II Section 7 of the City Charter be amended to change the publication requirement for ordinances of the City Council so as to permit publication in a local newspaper by number and title only, and to require publication of the full text of any ordinance on the City's official internet web site?

____ YES
____ NO

Introduced and considered favorably on first reading, and ordered published this 16th day of August, A.D. 2005, and to be presented for final passage on the 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 094, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
FORT COLLINS A PROPOSED AMENDMENT TO ARTICLE VIII OF THE
CITY CHARTER, PERTAINING TO THE BOARD OF ELECTIONS

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article VIII, Section 5 of the Charter provides for a Board of Elections consisting of the City Clerk and two registered electors appointed by the City Council; and

WHEREAS, the Board of Elections is responsible for any election duties specified in the City Charter and for such additional duties related to the conduct of elections as may be established by the Council by ordinance; and

WHEREAS, due to the increased use of technology and the conduct of elections by mail ballot, the role of the Board of Elections has declined, and in 2005 was limited to certifying the results of the election; and

WHEREAS, upon recommendation of the City Clerk, the City Council believes that certification of the results of an election can be done by a three-person panel consisting of the City Clerk, the Chief Deputy City Clerk, and the Municipal Judge, all of whom are sworn to uphold the Constitution and the laws of the United States and the State of Colorado and the Charter and Ordinances of Fort Collins.

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

Section 1. That the following proposed change to Article VIII, Sections 5 and 7 of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 2" at a special municipal election to be held in conjunction with the Larimer County Coordinated Election on Tuesday, November 1, 2005:

Section 5. ~~Canvass Board of Elections.~~

There is hereby created a ~~Canvass Board of Elections~~ consisting of the City Clerk, ~~Chief Deputy City Clerk, and Municipal Judge.~~ ~~and two (2) registered electors appointed by the Council.~~ The Board shall be responsible for ~~certifying the results of any election not held in conjunction with a Larimer County Coordinated or General Election.~~ ~~any election duties specified in this Charter and for such~~

~~additional duties related to the conduct of elections as may be established by Council by ordinance. Board members may receive compensation as may be determined by the Council.~~

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Section 7. Certification of election results.

~~The Board of Elections shall meet o~~ On the third day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, **the Canvass Board** shall **file complete** a certificate ~~with the City Clerk~~ declaring the results of the election. The candidate receiving the highest number of votes for a particular office shall be declared elected to that office. In event of a tie, the selection shall be made by the ~~Board of Elections~~ **Canvass Board** by lot after notice to the candidates affected. In case the candidate elected fails to qualify within sixty (60) days after the date of issuance of the certificate of election, the candidate with the next highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

<p style="text-align: center;">CITY OF FORT COLLINS 2__ CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2</p> <p>Shall Article VIII, Sections 5 and 7 of the City Charter be amended to eliminate the Board of Elections and replace it with a Canvass Board which shall be responsible for certifying the results of certain elections?</p> <p style="text-align: right;">____ YES ____ NO</p>
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Introduced and considered favorably on first reading, and ordered published this 16th day of August, A.D. 2005, and to be presented for final passage on the 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk