



City Council Regular Meeting Agenda

July 2, 2024 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Melanie Potyondy, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

AGENDA AMENDED ON JULY 1, 2024.

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

[PP 1.](#) Declaring the Month of July 2024 as Park and Recreation Month.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS - None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS (Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*

- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. Consideration and Approval of the Minutes of the June 18, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of the June 18, 2024 regular meeting.

2. Second Reading of Ordinance No. 080, 2024, Amending Ordinance No. 107, 2023, and Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Expansion Fund for Payment to the Poudre Fire Authority to be Used to Pay for a New Headquarters Building.

This Ordinance, unanimously adopted on First Reading on June 18, 2024, appropriates and reappropriates funds from the Fire Protection Capital Expansion Fund and transfer funds to Poudre Fire Authority (PFA) for purchase of a new Headquarters Building.

3. First Reading of Ordinance No. 083, 2024, Appropriating Prior Year Reserves in the Redlight Camera Fund Within the General Fund for Additional Staffing for Municipal Court and City Attorney's Office to Support the Increased Police Enforcement Cases.

The purpose of this item is to appropriate \$179,122 from the Redlight Camera Fund to add additional staffing for Municipal Court (1 full time equivalent [FTE]) and the City Attorney's Office Prosecution Team (2 FTE's) to support the Traffic Safety initiative and the increased number of enforcement cases that are already occurring. This new staffing will handle increases in police enforcement cases and is in addition to the request for the Automated Vehicle Identification Systems (AVIS) and speed corridors item also being presented to Council on July 2, 2024.

4. First Reading of Ordinance No. 084, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Lincoln Center, Cultural Services.

The purpose of this item is to request and appropriation of \$12,500 in philanthropic revenue designated for the Lincoln Center, Cultural Services designated as a Sponsorship.

5. First Reading of Ordinance No. 085, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Community Development and Neighborhood Services 2024 AARP Community Challenge.

The purpose of this item is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development & Transportation to support healthy outcomes for residents' homes through three, one-day, homeowner workshops at Skyline, North College, and Harmony Village mobile home communities.

6. First Reading of Ordinance No. 086, 2024, Appropriating Philanthropic Revenue Received Through City Give for NextGen, Volunteer Services.

The purpose of this item is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for the designated support of NextGen, Volunteer Services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

7. Items Relating to the Repeal and Reenactment of Certain Ordinances.

A. First Reading of Ordinance No. 087, 2024, Repealing Ordinance No. 074, 2024, and Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 088, 2024, Repealing Ordinance No. 075, 2024, and Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

C. First Reading of Ordinance No. 089, 2024, Repealing Ordinance No. 076, 2024, and Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.

D. First Reading of Ordinance No. 090, 2024, Repealing Ordinance No. 077, 2024, and Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.

E. First Reading of Ordinance No. 091, 2024, Repealing Ordinance No. 078, 2024, and Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.

F. First Reading of Ordinance No. 092, 2024, Repealing Ordinance No. 079, 2024, and Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.

Due to a publication error, staff requests Council repeal each Ordinance as they were adopted on June 18, 2024. These Ordinances were unanimously adopted on First Reading on June 4, 2024.

8. First Reading of Ordinance No. 093, 2024, Calling a Special Election to be Held in Conjunction with the November 5, 2024, Larimer County General Election.

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 5, 2024, Larimer County Coordinated Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot.

9. Resolution 2024-081 Approving the 2024 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2024 property taxes payable in 2025 to the City and to all other affected taxing entities.

10. Items Relating to the Appointment and Reappointment of Assistant Municipal Court Judges.

A. Resolution 2024-082 Reappointing Brandi Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

B. Resolution 2024-083 Reappointing Kristin Brown as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

C. Resolution 2024-084 Reappointing Sarah Simchowitz as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

D. Resolution 2024-085 Appointing John William Sierra as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

E. Resolution 2024-086 Appointing Laura Hinojos as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

F. Resolution 2024-087 Appointing Whitney Stark as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

G. Resolution 2024-088 Appointing Linda Cooke as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

H. Resolution 2024-089 Appointing Jana Kaspar as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint three Assistant Municipal Judges and to appoint five new Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two-year terms. Chief Judge Jill A. Hueser recommends that John William Sierra, Laura Hinojos, Whitney Stark, Linda Cooke, and Jana Kaspar be appointed as Assistant Municipal Judges, and that Brandi Nieto, Kristin Brown and Sarah Simchowitz be reappointed as Assistant Municipal Judges to serve in the absence of the Chief Judge.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS - None

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

11. Items Relating to Residential Occupancy Ordinance.

A. Second Reading of Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

B. Second Reading of Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

These Ordinances, adopted on First Reading by a vote of 5-1 (Nays: Councilmember Ohlson, Absent: Mayor Arndt), consider adoption of changes to the City's Land Use Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationship.

12. Items Relating to a City Initiated Charter Amendment Relating to Elections.

AMENDED TO INCLUDE MINOR CHANGES TO PRESENTATION.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 094, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Relating to Elections.

The purpose of this item is to set ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

13. Items Relating to a City Initiated Charter Amendment Relating to Recall.

AMENDED TO INCLUDE PROTEST FILED ON JUNE 30, 2024.

A. Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 095, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article IX of the City Charter Relating to Recall.

The purpose of this item is to set ballot language regarding proposed amendments to Article IX of the City Charter relating to recall provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

14. Items Relating to a City Initiated Charter Amendment Relating to Initiative and Referendum.

AMENDED TO INCLUDE PROTEST FILED ON JUNE 30, 2024.

A. Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 096, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article X of the City Charter Relating to Initiative and Referendum.

The purpose of this item is to set ballot language regarding proposed amendments to Article X of the City Charter relating to initiative and referendum provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

15. Items Relating to Traffic Safety Initiative – Automated Vehicle Identification System (AVIS) Corridors.

A. First Reading of Ordinance No. 097, 2024, Amending the Fort Collins Traffic Code to Implement a New Automated Vehicle Identification System (AVIS) to Replace the Previously-Approved AVIS to Support the Traffic Safety Initiative.

B. First Reading of Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.

C. First Reading of Ordinance No. 099, 2024, Making Supplemental Appropriations to Support Additional Staffing and Expenses for Implementation of the Automated Vehicle Identification System Traffic Safety Initiative.

The purpose of this item is to recommend a proposal from Police Services and Planning, Development and Transportation (PDT), supported by the City Attorney's Office (CAO), and Municipal Court. This proposal stems from recent changes to Colorado law related to the expanded use of unmanned speed enforcement with Automated Vehicle Identification Systems (AVIS), on sections of roadways designated by the Council as speed corridors. The initiative's primary goal is to promote traffic safety through speed enforcement and supports Vision Zero, the Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

16. Resolution 2024-090 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider updates to the Council Meeting Rules of Procedure that ensure the public has the opportunity to speak on all agenda items, provide general public comment, and allow the Council to effectively execute the business of the City. The update to the Meeting Rules also includes alignment to Ordinance No. 39, 2024 and clarification as to the purposes of staff, community and Council reports.

P) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

OB 2. Consideration of a motion to cancel the Tuesday, August 6, 2024, Regular Council meeting:

"I move, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting on Tuesday, August 6, 2024, due to Neighborhood Night Out."

OB 3. Possible Consideration of a Motion for Executive Session:

"I move that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2),

- City Code Section 2-31(a)(2) and

- Colorado Revised Statutes Section 24-6-402(4)(b),

for the purpose of discussing with the City's attorneys and appropriate management staff the following:

1. specific legal questions related to oil and gas regulatory compliance and enforcement actions pending for the Fort Collins field; and

2. the manner in which the particular policies, practices or regulations of the City and existing or proposed provisions of federal, state or local law may affect oil and gas regulatory compliance and enforcement for the Fort Collins field.

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



PROCLAMATION

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the City of Fort Collins; and

WHEREAS, parks and recreation promotes health and wellness, improving physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation programming and education activities, such as camps, swimming, youth sports, and school's day out programming are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change and is fundamental to the environmental well-being of our community; and

WHEREAS, the City of Fort Collins recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby recognize July 2024, as

PARK AND RECREATION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of July, 2024.

Mayor

ATTEST:

City Clerk

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the June 18, 2024 Regular Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the June 18, 2024 regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, June 18, 2024

June 18, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

**PROCLAMATIONS & PRESENTATIONS
5:00 PM**

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring June 17 through 23, 2024, as National Pollinator Week.**

Mayor Pro Tem Francis presented the above proclamation at 5:00 p.m.

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Pro Tem Francis called the meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Pro Tem Francis led the Pledge of Allegiance to the American flag.

D) ROLL CALL

PRESENT

Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Mayor Jeni Arndt (Excused)

STAFF PRESENT

Acting City Manager Tyler Marr
City Attorney Carrie Daggett
Interim City Clerk Heather Walls

E) ACTING CITY MANAGER'S AGENDA REVIEW

Acting City Manager Marr provided an overview of the agenda, including:

- All items on the consent agenda were recommended for approval with no changes.

- The item on the discussion agenda was reviewed.

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS *(Including requests for removal of items from Consent Calendar for individual discussion.)*

Kristin Candella, Director of Habitat for Humanity, thanked Council and the City for supporting funding home ownership in the community for homes in the Harmony Cottages neighborhood.

Cherie Trine spoke in support of Council adopting a Gaza ceasefire resolution and commented on the community support for the resolution. Additionally, Trine encouraged people to attend the court proceedings for the individuals who were charged after protesting at a Council meeting.

William Timpson discussed civic, non-violent protests around the world that have led to dramatic changes in conflicts and wars.

Gene Gobble encouraged Council to oppose any increase in housing density.

Patricia Babbitt expressed concern with the results of the Council discussion on the Hughes Stadium property at its last work session noting voters voted to conserve the area as a public open space without compromising the ecosystems upon which we all depend.

Adam Hirschhorn discussed the climate crisis and wildfire projections.

Ari Powers expressed support for indigenous engagement in the decision-making process for the future of the Hughes Stadium site.

Will Risheill expressed support for returning the Hughes Stadium site to indigenous peoples.

Christinia Eala discussed an indigenous land back initiative and requested the Hughes Stadium property be returned to the indigenous peoples.

Kurt Kniegge discussed the Old Town North neighborhood and stated houses have been built on Osiander Street that have been left unfinished for years. He requested Council take steps to have the issue resolved.

Public comment ended at 6:44 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson requested a staff response to the Old Town North issue. Acting City Manager Marr replied staff agrees the situation is unacceptable and stated the Building Department has been dealing with the issue since early 2023 when a notice of violation was issued and the builder has since been billed for work done to shore up the properties. Marr also stated new plans have been submitted to hopefully get the project back on track.

Councilmember Potyondy thanked the speakers.

Councilmember Pignataro stated there was some early engagement with the indigenous community when the ballot measure first passed and requested a follow-up memo on future outreach.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the May 21, 2024 and June 4, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the May 21, 2024 and June 4, 2024 regular meetings.

Adopted.

2. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.

A. Second Reading of Ordinance No. 074, 2024, Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 075, 2024, Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

These Ordinances, unanimously adopted on First Reading on June 4, 2024, appropriate the City's FY2024 Community Development Block Grant (CDBG) Entitlement Grant and FY2024 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2022 and FY2023 and HOME Program Income from FY2022 and FY2023.

Ordinances Adopted on Second Reading.

3. Second Reading of Ordinance No. 076, 2024, Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.

This Ordinance, unanimously adopted on First Reading on June 4, 2024, appropriates funds to allow work to begin on the City Charter review process included in the Council-adopted Council priorities. The amount appropriated, \$25,000, will be used to fund special legal counsel with municipal charter expertise to take the lead on the review and drafting of Charter provisions to update and modernize the City Charter.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 077, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.

This Ordinance, unanimously adopted on First Reading on June 4, 2024, requests an appropriation of \$30,000 in philanthropic revenue received through City Give for Cultural Community Program, a department within the City's Cultural Services area, for live music as designated by the grant award.

In 2019, the City of Fort Collins launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 078, 2024, Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.**

This Ordinance, unanimously adopted on First Reading on June 4, 2024, requests an appropriation of \$12,500 in philanthropic revenue received by City Give for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 079, 2024, Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.**

This Ordinance, unanimously adopted on First Reading on June 4, 2024, supports The Gardens on Spring Creek internship program by:

- *Appropriating \$4,200 of unanticipated grant revenue awarded by the Colorado Department of Agriculture (CDA)) and*
- *Utilizing matching funds in the amount of \$4,200 from existing 2024 appropriations into to this new grant project.*

In May 2024 the Colorado Department of Agriculture (CDA) awarded the City of Fort Collins (City) \$4,200 under the CDA's Agricultural Workforce Development Grant Program (Attachment 2). The City will be providing an additional \$4,200 in required matching funds. The award funds and City's matching funds will support hiring an intern for The Gardens' summer 2024 internship program.

The \$4,200 in funds through the CDA's Agricultural Workforce Development Grant Program are federal pass-through funds.

As presented per Attachment 2, the \$4,200 is provided pursuant to a State of Colorado Purchase Order, with corresponding terms and conditions. There is no requirement that the City sign an agreement. Rather upon the City submitting the first request for reimbursement to CDA, the City agrees to all terms and conditions of the award.

Adopted on Second Reading.

7. **First Reading of Ordinance No. 080, 2024, Amending Ordinance No. 107, 2023, and Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Expansion Fund for Payment to the Poudre Fire Authority to be Used to Pay for a New Headquarters Building.**

The purpose of this item is to appropriate and reappropriate funds from the Fire Protection Capital Expansion Fund and transfer funds to Poudre Fire Authority (PFA) for purchase of a new Headquarters Building.

Adopted on First Reading.

8. **Public Hearing and Resolution 2024-077 Approving the Programs and Projects that will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.**

The purpose of this item is to approve funding recommendations of the 2024 Spring Cycle of the Competitive Process. This Resolution will complete the 2024 Spring Cycle of the Competitive Process for allocating \$3,772,510 in City financial resources to affordable housing and public facility projects, human service programs, and administration of the programs.

Adopted.

9. **Resolution 2024-078 Approving the Appointment of Delynn Coldiron as City Clerk Effective June 24, 2024.**

The purpose of this item is to approve the appointment of Delynn Coldiron as City Clerk.

Adopted.

10. **Resolution 2024-079 Adopting Findings of Fact in Support of the City Council's Decision to Overturn on Appeal the Historic Preservation Commission Determination that 2601 South College Avenue is Eligible for Fort Collins Landmark Designation.**

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the June 4, 2024, appeal hearing about the historic landmark eligibility of 2601 South College Avenue (the "Property") that the Historic Preservation Commission (HPC "Commission") failed to properly interpret and apply City Code Section 14-22 and thereby overturned the HPC's April 17, 2024, determination that the Property was eligible for designation as a Fort Collins Landmark.

Adopted.

11. **Resolution 2024-080 Making Appointments to the Downtown Development Authority Board.**

The purpose of this item is to fill vacancies that will exist as of June 30, 2024.

Adopted.

END OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-11 on the consent calendar.

The motion carried 6-0.

Ayes: Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky.

Nays: None.

Absent: Mayor Arndt (Excused).

- K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Pignataro welcomed former City Clerk Delynn Coldiron back to the position.

Mayor Pro Tem Francis also welcomed Coldiron and thanked Interim City Clerk Heather Walls for her work.

Councilmember Gutowsky commented on Item No. 5, *Second Reading of Ordinance No. 078, 2024, Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park*, noting the memorial will soon be opened.

Councilmember Gutowsky commented on Item No. 7, *First Reading of Ordinance No. 080, 2024, Amending Ordinance No. 107, 2023, and Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Expansion Fund for Payment to the Poudre Fire Authority to be Used to Pay for a New Headquarters Building*.

Councilmember Gutowsky also welcomed Coldiron to the City Clerk position.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Gutowsky reported on attending the Police Services graduation, a lunch and learn session at the Chamber of Commerce, the first anniversary celebration at the Teen Activity Center, and the ribbon cutting ceremony for the Morningstar Senior Living facility.

Councilmember Pignataro reported on attending the international Town and Gown Association annual conference.

Councilmember Canonico reported on attending the Colorado Communities for Climate Action annual meeting and the National League of Cities Transportation and Infrastructure Committee meeting, and announced Bike to Work (or wherever) Day on June 26.

Councilmember Potyondy reported on community Juneteenth celebrations and announced a listening session at NoCo Pride on Saturday, June 29.

Councilmember Gutowsky commented on the Multicultural Business and Entrepreneur Center.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

12. Items Relating to Residential Occupancy Ordinance.

A. First Reading of Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

B. First Reading of Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

The purpose of this item is to consider adoption of changes to the City's Land Used Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationship.

Sylvia Tatman-Burruss, Senior Project Manager, stated this item contemplates changes to the Land Use Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationships, but does offer the ability to limit occupancy based on demonstrated health and safety standards. The effective date of the bill is July 1, 2024.

Tatman-Burruss noted the current occupancy ordinance does limit occupancy based on familial relationships, or no more than three unrelated occupants, and enforcement of that ordinance began in 2005. Tatman-Burruss outlined the proposed Code changes.

PUBLIC COMMENT

Rich Stave expressed disappointment with the state's suppression of home rule and the role that some of the Larimer County representatives played in the introduction and passage of the bill. Stave particularly opposed the elimination of group home regulation and expressed concern the bill increases taxes without fair and open representation.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Ohlson stated the occupancy ordinance came into effect when it became apparent that neighborhoods within one to four miles of the CSU campus were physically deteriorating rapidly. He stated the offense was changed from criminal to civil in 2005, which made it easier to enforce, and the neighborhoods have dramatically improved since that time. He stated the state's change will have a negative impact on affordability and he would have preferred if the state would have allowed home rule cities to maintain control over the issue.

Councilmember Ohlson stated the City's occupancy ordinance was not unconstitutional and did not violate the fair housing act. Additionally, he noted the City is not aware of a single challenge to the occupancy ordinance based on discriminatory practices. He stated he anticipates a future Council will be making changes based on changes the state will make after negative consequences of the legislation are made apparent.

Councilmember Ohlson stated the occupancy ordinance has served Fort Collins well over the past twenty years by improving neighborhoods and helping affordability.

Mayor Pro Tem Francis stated it is difficult to attribute one policy to that many positive changes over the past twenty years. She noted the public nuisance ordinance was passed to help address some of the key problems that did not have anything to do with the number of people living in a home.

Councilmember Pignataro noted the rental registration program is also in place which will provide much more information on poor landlords.

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt on First Reading, Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

The motion carried, 5-1

Ayes: Councilmembers Potyondy, Canonico, Pignataro, and Gutowsky, and Mayor Pro Tem Francis.

Nays: Councilmember Ohlson.

Absent: Mayor Arndt (Excused).

Councilmember Pignataro moved, seconded by Councilmember Potyondy, to adopt on First Reading, Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

The motion carried, 5-1

Ayes: Councilmembers Potyondy, Canonico, Pignataro, and Gutowsky and Mayor Pro Tem Francis

Nays: Councilmember Ohlson.

Absent: Mayor Arndt (Excused).

P) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

Councilmember Potyondy requested Council support to direct staff to draft a City ordinance prohibiting the retail sale of dogs and cats sourced from large-scale commercial breeders, specifically written to limit provisions to dogs and cats, to not impact the operations of small, reputable, in-home breeders, and to provide best practices for the existing pet store to rehome any animals it has and to reimagine its business model should it choose to do so.

Mayor Pro Tem Francis opposed moving forward with an ordinance questioning whether it would actually address a problem and whether it would move a regulated business to an unregulated business. She expressed support for getting a memo on those items before moving straight to an ordinance.

Councilmember Pignataro supported moving straight to an ordinance given information from other communities and knowledge that the local pet store has sold at least four puppies in the last few years from one of the Humane Society's hundred worst puppy mills.

Ginny Sawyer, Project and Policy Manager, noted that information has come from community advocates, not from staff research.

Councilmember Ohlson expressed support for Councilmember Potyondy's proposal.

Councilmember Gutowsky also expressed support for Councilmember Potyondy's proposal.

Councilmember Canonico commented on the City being a data-driven organization and would like to start with a memo rather than an ordinance.

Councilmember Potyondy stated there have already been two staff memos on the issue and asked what other information Councilmembers would like to see. Sawyer noted the City Attorney's Office put together a confidential memo early on that outlines what other communities have done, and that memo was recirculated after the election with a bit of additional information. Sawyer stated staff could look for information coming from a more neutral source.

Councilmember Potyondy stated this type of ordinance does reflect Fort Collins values in terms of pets and animal welfare.

Acting City Manager Marr stated staff has clear direction to bring forward an ordinance for Council consideration on August 20 as well as a memo with additional information prior to that meeting.

Councilmember Ohlson commented on the National Pollinator Week proclamation and suggested the City ultimately develop an internal and external pollinator policy. Acting City Manager Marr stated a memo will be coming forth in July on the collective pollinator work being done as a City organization.

Councilmember Pignataro noted a pollinator policy may be a missing part of the Pollinator City designation for Fort Collins and suggested that be part of the memo.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:15 p.m.

Mayor Pro Tem

ATTEST:

Interim City Clerk

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Tyler Marr, Deputy City Manager
Derek Bergsten, Poudre Fire Authority Fire Chief
Kirsten Howard, Poudre Fire Authority Budget and Administration Manager

SUBJECT

Second Reading of Ordinance No. 080, 2024, Amending Ordinance No. 107, 2023, and Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Expansion Fund for Payment to the Poudre Fire Authority to be Used to Pay for a New Headquarters Building.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 18, 2024, appropriates and reappropriates funds from the Fire Protection Capital Expansion Fund and transfer funds to Poudre Fire Authority (PFA) for purchase of a new Headquarters Building.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Replacement or expansion of the PFA Administrative Building (102 Remington Street) has been included in PFA's Long-Range Financial Plan since 2016 and has been on the unfunded priorities list within PFA budget documents since 2014. PFA staff have been in discussions with the PFA Board during the past year and a half regarding several options including a rental option at a separate location that required a lease of several years prior to purchase as well as tenant finish expenses, and the purchase a new facility to house all PFA administrative and support staff. PFA made an offer to purchase a new facility located at 301 Remington Street; however, that offer fell through. The current option to purchase a new Headquarters Facility has been identified and an offer has been accepted.

PFA staff have been working on options for additional administrative office space with City of Fort Collins Real Estate Services, and the property located in the Old Town area meets the criteria for PFA needs. The Property is 55,888 square feet on an entire block consisting of 1.28 acres and will provide sufficient space for PFA Administrative and Support staff for the long-term future. The property is in Old Town on the southwest corner of Oak and Howes Streets, near PFA's current location and convenient for collaboration with City and County partners. The facility features on-site parking, an outside courtyard, generator, computer server room, kitchen and eating area, one garage bay, several conference rooms, entry vestibule, and plenty of space for current and future PFA staff. An offer of \$9,750,000 has been made by PFA staff and accepted by the seller.

In anticipation of the purchase of 301 Remington Street, PFA requested that Council appropriate funds from the City's Fire Protection Capital Expansion Fee Account in Capital Expansion Fee Fund. Council appropriated \$3,511,575 by adopting Ordinance No. 107, 2023 (the "2023 Ordinance"). The 2023 Ordinance specifically stated that \$3,500,000 was appropriated for the purchase of a new facility located at 301 Remington Street. After adoption of the 2023 Ordinance and after the City transferred \$3,500,000 to PFA, the purchase of 301 Remington fell through. Rather than the City and PFA incur the administrative burden of returning the \$3,500,000, PFA staff and City staff propose that Council amend the 2023 Ordinance to remove reference to 301 Remington. Doing so would be consistent with Council's original intent of funding PFA's new facility while also removing any restriction on which building PFA may choose to purchase. While PFA has identified a new location and is under contract to purchase it, this amendment would allow PFA the flexibility to pursue another location if this most recent one were also to fall through. The City has majority representation on the PFA Board of Directors, which provides a level of oversight on the property that PFA decides to purchase.

CITY FINANCIAL IMPACTS

City Code Section 7.5-30(a) requires that capital expansion fees for fire services be used only for capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services.

The amount of \$986,763 will be appropriated from reserves in this Ordinance.

The amount of \$3,511,575 will be reappropriated from the Fire Protection Capital Expansion Fee Account in the Capital Expansion Fee Fund, and which funds have already been transferred to PFA.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 080, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ORDINANCE NO. 107, 2023, AND APPROPRIATING
PRIOR YEAR RESERVES DESIGNATED FOR FIRE SERVICES
IN THE FIRE PROTECTION CAPITAL EXPANSION FUND FOR
PAYMENT TO THE POUDDRE FIRE AUTHORITY TO BE USED
FOR A NEW HEADQUARTERS BUILDING

A. The City of Fort Collins has recognized and addressed the issue of requiring future growth and new development to contribute its proportionate share of the cost of providing new capital facilities and infrastructure required to maintain the City's level of services to its residents.

B. The City Council adopted Ordinance No. 051, 1996, on May 21, 1996, amending the City Code by adding a new article pertaining to the imposition of capital expansion fees to be used to fund capital improvements for the library, community parks, police services, fire services, and general government facilities.

C. The City Council adopted Ordinance No. 166, 2018, on December 18, 2018, amending Chapters 7.5, 8 and 24 of the Code of the City of Fort Collins to implement phase II increases of the capital expansion fees.

D. The capital expansion fees imposed under the provisions of the aforementioned article of the City Code, including a Fire Protection Capital Expansion Fee, went into effect on January 1, 2019, and the City has since been receiving such fees as a condition of the issuance of building permits in the City.

E. The administrative headquarters of the Poudre Fire Authority (the "Authority"), located at 102 Remington Street, house Fire Prevention and Community Risk Reduction as well as Operations and those administrative personnel of the Authority whose duties include the management and coordination of public education and emergency services.

F. Additional space or a new, larger building to house administrative headquarters (the "Project") has been a priority of the Authority since 2014 due to shortages of space in meeting both current and future needs at the facility.

G. City Code Section 7.5-30(a) requires that capital expansion fees for fire services be used only for capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services.

H. Such "capital improvements" are defined in Code Section 7.5-17 to include "the purchase or long-term lease or lease-purchase of real property."

I. The Project is included in the Poudre Fire Authority 2023 PFA Long-Range Financial Plan, adopted by the Board of Directors of the Authority on November 15, 2022.

J. On September 5, 2023, City Council adopted on second reading Ordinance No. 107, 2023 (the “2023 Ordinance”), appropriating \$3,511,575 from prior year reserves in the Fire Protection Capital Expansion Fee Account in the Capital Expansion Fee Fund for the Authority to use to purchase a new facility located at 301 Remington Street.

K. After Council adopted the 2023 Ordinance and the City transferred the funds to PFA, the purchase and sale of the facility at 301 Remington Street fell through and PFA found a different facility to purchase. Accordingly, this Ordinance amends the 2023 Ordinance to clarify Council’s intent that the \$3,511,575 is appropriated not just for PFA to purchase 301 Remington Street, but for PFA to use to purchase a facility it chooses.

L. The estimated cost to purchase the Project is \$9,750,000, with \$4,550,000 due at closing and seller financing interest free loan amount of \$5,000,000 with a term of two years from the closing date. Costs to remodel and furnish the new Headquarters will come from a combination of Poudre Fire Authority Reserve and the Capital Expansion Fees requested. The sale of the current Headquarters Facility and the sale of Poudre Fire Authority’s Station 7 in LaPorte will contribute to the outstanding loan payment. Funding sources for the purchase and associated costs are identified as follows:

City of Fort Collins Fire Protection Capital	
Expansion Fees (received in 2023 per the 2023 Ordinance)	\$3,511,575
City of Fort Collins Fire Protection Capital	
Expansion Fees (current request)	986,763
Poudre Fire Authority Existing Appropriations	<u>200,000</u>
Total	\$4,698,338

M. The aforementioned request for appropriation of said fees is consistent with the uses of the fees set forth in Chapter 7.5 of the City Code.

N. Funds are available in the Fire Protection Capital Improvement Expansion Fund from prior year reserves in the amount of \$986,763.

O. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

P. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Fire Protection Capital Expansion Account in the Capital Expansion Fund and will not

cause the total amount appropriated in the Capital Expansion Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The ninth Whereas clause of Ordinance No. 107, 2023, is hereby replaced in its entirety to read as follows:

WHEREAS, the Authority's staff has been working with the City's Real Estate Services on options to acquire additional office space and has identified a property and building (the "New Facility"). The Authority has made an offer to purchase the property and the owner has accepted the offer.

Section 2. Section 2 of Ordinance No. 107, 2023, is hereby replaced in its entirety to read as follows:

Section 2. That there is hereby appropriated from prior year reserves in the Fire Protection Capital Expansion Fee Account in the Capital Expansion Fee Fund, the sum of THREE MILLION FIVE HUNDRED ELEVEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$3,511,575), to be expended from the CEF Fund for payment to the Authority for it to use in its purchase of the New Facility, or such other real property that the Authority deems to be suitable for its needs, provided such acquisition is consistent with the purposes and intent of this Ordinance.

Section 3. There is hereby appropriated from prior year reserves in the Fire Protection Capital Expansion Fee Account in the Capital Expansion Fee Fund the sum of NINE HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED SIXTY-THREE DOLLARS (\$986,763) to be expended from the Capital Expansion Fund for payment to the Poudre Fire Authority to be used for the purchase of a new administrative headquarters.

Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024

Approving Attorney: Ryan Malarky

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
Jill Hueser, Chief Municipal Court Judge
Dawn Downs, Managing Attorney, Public Safety and Prosecution Section

SUBJECT

First Reading of Ordinance No. 083, 2024, Appropriating Prior Year Reserves in the Redlight Camera Fund Within the General Fund for Additional Staffing for Municipal Court and City Attorney's Office to Support the Increased Police Enforcement Cases.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$179,122 from the Redlight Camera Fund to add additional staffing for Municipal Court (1 full time equivalent [FTE]) and the City Attorney's Office Prosecution Team (2 FTE's) to support the Traffic Safety initiative and the increased number of enforcement cases that are already occurring. This new staffing will handle increases in police enforcement cases and is in addition to the request for the Automated Vehicle Identification Systems (AVIS) and speed corridors item also being presented to Council on July 2, 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on the First Reading.

BACKGROUND / DISCUSSION

The Municipal Court and City Attorney's Office Prosecution teams are committed to maintaining public safety, and fair and equitable treatment of all people who receive citations. The Court and Prosecution handle a weekly court docket that includes scheduling, court appearances, arraignments, pretrial conferences, trials, and hearings involving several different enforcement agencies.

In 2024, the Court's general enforcement caseload has increased by over 1200 cases, an average of 33% in the first 4 months of the year. This is driven primarily by emphasis placed on traffic enforcement and traffic safety initiatives towards meeting the vision zero goal, and Fort Collins Police Service's (FCPS's) new e-citation technology which allows an officer to issue violations quickly and return to patrolling faster than using handwritten violations thus increasing their efficiency. In addition, a new shift of patrol officers was added in May, increasing the number of officers and citations that can be issued on those days. Additionally, the misdemeanor caseload is trending higher as well.

The number of enforcement cases cited in Municipal Court have been steadily increasing over the last year and an even more drastic increase in the first four months of 2024. This increase has led to critical staffing shortage to handle the influx of cases. The notable rise in enforcement programs is expected to continue and has significantly impacted Court and Prosecution staffing. Accordingly, we are asking for FTE staffing increases so that we can continue to strive to provide excellent customer service to our community members in court.

The estimated costs associated with FTE staffing requests are:

- One new full-time Assistant City Attorney II and one new full-time Legal Assistant with related support including equipment and benefits, is \$142,774
- One new full-time Municipal Court Clerk, with related support including equipment and benefits is \$36,348.

The total cost for the remainder of 2024 for these positions (assuming positions are filled for the last 5 months of the year) is projected to total \$179,122. The ongoing annual cost of these positions is projected to total \$324,777.

The current fund balance in the reserves in the Redlight Camera Fund within the General Fund will be used to fund the additional FTE's requested for Municipal Court and the City Attorney's Office Prosecution Team to support the Traffic Safety initiative and the increased number of enforcement cases.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$179,122 in reserves from the Redlight Camera Fund within the General Fund to add additional FTE's for Municipal Court and the City Attorney's Office Prosecution Team to support the Traffic Safety initiative and the increased number of enforcement cases.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 083, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE REDLIGHT
CAMERA FUND WITHIN THE GENERAL FUND FOR ADDITIONAL
STAFFING FOR MUNICIPAL COURT AND CITY ATTORNEY'S OFFICE
TO SUPPORT THE INCREASED POLICE ENFORCEMENT CASES

A. The Municipal Court and City Attorney's Office Prosecution teams are committed to maintaining public safety, and fair and equitable treatment of all people who receive citations. The Court and Prosecution handle a weekly court docket that includes scheduling, court appearances, arraignments, pretrial conferences, trials, and hearings involving several different enforcement agencies.

B. In 2024, the Court's general enforcement caseload has increased by over 1,200 cases, an average of 33% in the first four months of the year. This is driven primarily by emphasis placed on traffic enforcement and traffic safety initiatives towards meeting the vision zero goal.

C. The number of enforcement cases cited in Municipal Court has been steadily increasing over the last year and an even more drastic increase in the first four months of 2024. This increase has led to a critical staffing shortage to handle the influx of cases.

D. The notable rise in enforcement cases is expected to continue and has significantly impacted staffing. Accordingly, immediate full time equivalent ("FTE") staffing increases of one new full-time prosecutor (Assistant City Attorney II); one new full-time Legal Assistant, and one new full-time Municipal Court Clerk are needed so the Court and Prosecution team can continue to strive to provide excellent customer service to our community members in court.

E. This appropriation benefits public health, safety and welfare of the community and serves a public purpose by promoting traffic safety through speed enforcement, and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Redlight Camera reserve within the General Fund and will not cause the total amount appropriated in the Redlight Camera fund with the General Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Redlight Camera fund within the General Fund the sum of ONE HUNDRED FORTY-TWO THOUSAND SEVEN HUNDRED SEVENTY-FOUR DOLLARS (\$142,774) to be expended in the General Fund for the increased staffing for the City Attorney's Office to support the increased number of Police enforcement cases.

Section 2. There is hereby appropriated from prior year reserves in the Redlight Camera fund within the General Fund the sum of THIRTY-SIX THOUSAND THREE HUNDRED FORTY-EIGHT DOLLARS (\$36,348) to be expended in the General Fund for the increased staffing for the Municipal Court to support to support the increased number of Police enforcement cases.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Dawn Downs

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 084, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Lincoln Center, Cultural Services.

EXECUTIVE SUMMARY

The purpose of this item is to request and appropriation of \$12,500 in philanthropic revenue designated for the Lincoln Center, Cultural Services designated as a Sponsorship.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The purpose of this item is to appropriate \$12,000 in philanthropic revenue received from Colorado-based Kentwood Real Estate designated by the donor as a sponsorship.

A sponsorship, also referred to as “underwriting,” is both a community partnership and charitable award. Local businesses sponsor events to invest in community engagement and expand the reach of both organization’s valuable audiences. Per IRS code, businesses can declare portions of a sponsorship as charitable giving. Therefore, the City’s fiduciary responsibility is to steward, track, and report sponsorships as philanthropic revenue.

Each year, the City enters into various sponsorships across departments for events ranging from Kids in the Park to Open Streets, from the 4th of July festivities to Gardens of Lights.

Community partnerships and event sponsorships such as support from Kentwood Real Estate significantly enhance the City of Fort Collins’ service to the community and our residents.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$12,000 in philanthropic revenue received through City Give for the Lincoln Center, Cultural Services.

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the Cultural Services and Facilities Fund during fiscal year 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 084, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH
CITY GIVE FOR THE LINCOLN CENTER, CULTURAL SERVICES

A. Kentwood Real Estate has generously donated \$12,000 to the City to support City events at the Lincoln Center.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting a City performing arts venue.

C. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

D. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

D. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

E. The City Council wishes to designate the appropriation herein for the Lincoln Center as an appropriation that shall not lapse until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new philanthropic revenue in the Cultural Services and Facilities Fund the sum of TWELVE THOUSAND DOLLARS (\$12,000) to be expended in the Cultural Services and Facilities Fund for the Lincoln Center.

Section 2. The appropriation herein for the Lincoln Center is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall

not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024
Approving Attorney: Ted Hewitt

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 085, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Community Development and Neighborhood Services 2024 AARP Community Challenge.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development & Transportation to support healthy outcomes for residents' homes through three, one-day, homeowner workshops at Skyline, North College, and Harmony Village mobile home communities.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people to choose how they live as they age. AARP works to strengthen communities and advocate for what matters most to families—with a focus on health security, financial stability, and personal fulfillment.

The grant from the 2024 AARP Community Challenge will fund three, one-day Plumbing 101 Resident Workshops, each at a different mobile home community where adults aged 50 and older live. The mobile home park locations include Skyline, 2211 W Mulberry Street; North College, 1601 North College Avenue; and Harmony Village, 2500 E Harmony Road.

Neighborhood Services will also conduct hands-on training and distribute take-home educational materials to at least 750 homes across the three mobile home parks. Households that are unable to attend the event will still receive informational materials and access to city/partner resources.

The workshops will engage a minimum of 25 volunteers through the City's Adopt-A-Neighbor program for projects the residents are unable to complete on their own, especially those who are aged 50-plus.

The City Manager recommends the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in the General Fund during this fiscal year. The City Manager is also recommending the transfer

described herein and has determined that the purpose for which the transferred funds are to be expended remains unchanged.

CITY FINANCIAL IMPACTS

Upon Adoption, this Ordinance will appropriate \$20,000 in philanthropic revenue for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development & Transportation. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated to exceed the current estimate of actual and anticipated revenues and all other funds to be received during fiscal year 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 085, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH
CITY GIVE FOR THE COMMUNITY DEVELOPMENT AND
NEIGHBORHOOD SERVICES 2024 AARP COMMUNITY CHALLENGE

- A. City Give has received a generous gift of \$20,000 from AARP.
- B. The designated purpose of the gift is to fund three, one day, homeowner workshops, each at a different mobile home community.
- C. The City's Adopt-A-Neighbor program provides volunteers for projects the residents are unable to complete on their own.
- D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting healthy outcome for resident's homes.
- E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.
- F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new philanthropic revenue in the General Fund the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be expended in the General Fund for the 2024 AARP Community Challenge.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Yvette Lewis-Molock

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 086, 2024, Appropriating Philanthropic Revenue Received Through City Give for NextGen, Volunteer Services.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for the designated support of NextGen, Volunteer Services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Impact Fund, OtterCares Foundation provides grants to nonprofits and schools in Northern Colorado to support programs that directly teach the principles of entrepreneurship and/or philanthropy to K-12 students. The award to the City is designated to support Next Gen, Volunteer Services.

NextGen Serve is a City volunteer service club for youth ages 13-18 that focuses on growing leadership skills and service in the Fort Collins community. It is a free summer program designed to help teens explore careers they may not have considered, those in public service and philanthropy. Volunteers learn about a variety of career paths and work alongside City staff in various settings, including parks, natural areas, and gardens. NextGen also partners with non-profit organizations to introduce teens to philanthropy.

NextGen takes a holistic approach that builds job skills while creating community through team-building exercises. CSU interns are engaged as Crew Leaders and mentor teens throughout the summer. NextGen teens volunteer at a different City Department or non-profit each day of the program. Staff are present to talk about the mission of their program and how they found their career path. Volunteer work teaches teens the value of giving back and the joy that comes from teamwork.

Through NextGen, teens learn valuable job skills such as time management, good communication, and leadership. Teens begin their journey by completing an application and participating in interviews. For most, this is their first experience in an application process. At the end of the summer, teens are expected to give a short, capstone presentation in front of parents and City leaders to share their experiences.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate \$20,000 in philanthropic revenue for Volunteers Services. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated to exceed the current estimate of actual and anticipated revenues and all other funds to be received during fiscal year 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 086, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR NEXTGEN, VOLUNTEER SERVICES

A. The OtterCares Foundation has generously donated \$20,000 to the City to teach the principles of entrepreneurship and philanthropy to K-12 community youth. The City will use this funding to support NextGen, a City volunteer service club for youth ages 13-18 that focuses on growing leadership skills and service.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting a City volunteer club for youth.

C. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

D. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new philanthropic revenue in the General Fund the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be expended in the General Fund for the NexGen, Volunteer Services.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024
Approving Attorney: Ted Hewitt

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk

SUBJECT

Items Relating to the Repeal and Reenactment of Certain Ordinances.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 087, 2024, Repealing Ordinance No. 074, 2024, and Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 088, 2024, Repealing Ordinance No. 075, 2024, and Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

C. First Reading of Ordinance No. 089, 2024, Repealing Ordinance No. 076, 2024, and Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.

D. First Reading of Ordinance No. 090, 2024, Repealing Ordinance No. 077, 2024, and Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.

E. First Reading of Ordinance No. 091, 2024, Repealing Ordinance No. 078, 2024, and Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.

F. First Reading of Ordinance No. 092, 2024, Repealing Ordinance No. 079, 2024, and Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.

Due to a publication error, staff requests Council repeal each Ordinance as they were adopted on June 18, 2024. These Ordinances were unanimously adopted on First Reading on June 4, 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

Following the adoption of an ordinance on second reading, the City Clerk's Office (CCO) is required by Article II, Section 7 of the City Charter to publish every ordinance in full on the City website and by number and title in a newspaper of general circulation both at least seven days prior to its final passage and within seven days after its final passage.

While all second reading ordinances adopted were published in full on the City website, the Coloradoan failed to publish the second reading ordinances by title as ordered by the Clerk's office on June 20, 2024.

The Charter provides no mechanism to correct this type of omission. Therefore, to ensure the ordinances adopted on second reading on June 18 are fully perfected, it is necessary to repeal the original ordinances in two readings of new ordinances. Following adoption of First Reading, Second Reading will be scheduled for July 16, 2024. This is a purely procedural action. Background materials and information about each of the ordinances being repealed and reenacted is provided as part of the June 4, 2024, agenda as items 10-14 and the June 18, 2024, agenda as items 2-6, and are incorporated in this item by this reference.

For information on these items, please refer to the City's [meeting portal](#).

CITY FINANCIAL IMPACTS

The delay of adoption of these ordinances may cause financial impacts that are not yet known.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration
6. Ordinance F for Consideration

ORDINANCE NO. 087, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 074, 2024,
AND MAKING SUPPLEMENTAL APPROPRIATIONS IN THE
COMMUNITY DEVELOPMENT BLOCK GRANT FUND

A. The City estimates it will receive in federal fiscal year 2024-2025 unanticipated revenue in the form of federal Community Development Block Grant (“CDBG”) funds from Housing and Urban Development (HUD) totaling \$1,107,934.

B. The City received unanticipated CDBG Program income in the amount of \$103,659.

C. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 18, 2024.

D. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing affordable housing and human services for city residents.

E. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Community Development Block Grant Fund and will not cause the total amount appropriated in the Community Development Block Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal grant or the City’s expenditure of all funds received from such grant.

H. The City Council wishes to designate the appropriation herein for the Community Development Block Grant Entitlement Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City’s expenditure of all funds received from such grant.

I. The City Council previously made these appropriations in Ordinance No. 074, 2024, ("Ordinance No. 074") adopted at final reading on June 18, 2024, but Ordinance No. 074 was not published after such adoption as required by Section 7 in City Charter Article II.

J. It is therefore necessary that the City Council adopt this Ordinance No. 087, 2024, to both repeal Ordinance No. 074 and to authorize and approve these appropriations again.

K. The City has not expended any of the appropriations approved in Ordinance No. 074.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds from HUD in the Community Development Block Grant Fund, the sum of ONE MILLION ONE HUNDRED SEVEN THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$1,107,934), to be expended in the Community Development Block Grant Fund upon receipt thereof for federal fiscal year 2024-2025 Community Development Block Grant projects.

Section 2. There is hereby appropriated from new revenue or other funds from program income in the Community Development Block Grant Fund, the sum of ONE HUNDRED THREE THOUSAND SIX HUNDRED FIFTY-NINE DOLLARS (\$103,659), to be expended in the Community Development Block Grant Fund for approved Community Development Block Grant projects.

Section 3. The appropriation herein for the Community Development Block Grant Entitlement Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 4. Ordinance No. 074, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Jenny Lopez Filkins

ORDINANCE NO. 088, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 075, 2024,
AND MAKING SUPPLEMENTAL APPROPRIATIONS IN THE
HOME INVESTMENTS PARTNERSHIPS GRANT FUND

A. The Home Investment Partnerships Program (the “HOME Program”) was authorized by the National Affordable Housing Act of 1990 to provide funds in the form of Participating Jurisdiction Grants for a variety of housing-related activities that would increase the supply of decent, safe, and affordable housing.

B. On March 1, 1994, the City Council adopted Resolution 1994-092 authorizing the Mayor to submit to the Department of Housing and Urban Development (“HUD”) a notification of intent to participate in the HOME Program.

C. On May 26, 1994, HUD designated the City as a Participating Jurisdiction in the HOME Program, allowing the City to receive an allocation of HOME Program funds as long as Congress re-authorizes and continues to fund the program.

D. The City estimates it will receive in federal fiscal year 2024-2025 unanticipated revenue in the form of Home Investment Partnership Program (“HOME”) funds from Housing and Urban Development (HUD) totaling \$602,015.

E. The City received unanticipated HOME Program income in the amount of \$83,688.

F. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 18, 2024.

G. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing affordable housing for city residents.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Home Investment Partnerships Grant Fund and will not cause the total amount appropriated in the Home Investment Partnerships Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

J. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the earlier of the expiration of the federal grant or the City's expenditure of all funds received from such grant.

K. The City Council wishes to designate the appropriation herein for the Home Investment Partnerships Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

L. The City Council previously made these appropriations in Ordinance No. 075, 2024 ("Ordinance No. 075") adopted at final reading on June 18, 2024, but Ordinance No. 075 was not published after such adoption as required by Section 7 in City Charter Article II.

M. It is therefore necessary that the City Council adopt this Ordinance No. 088, 2024, to both repeal Ordinance No. 075 and to authorize and approve these appropriations again.

N. The City has not expended any of the appropriations approved in Ordinance No. 075.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds from HUD in the HOME Investment Partnerships Grant Fund the sum of SIX HUNDRED TWO THOUSAND FIFTEEN DOLLARS (\$602,015), to be expended in the HOME Investment Partnerships Grant Fund upon receipt from federal fiscal year 2024-2025 HOME Participating Jurisdiction Grant Funds.

Section 2. There is hereby appropriated from new revenue or other funds from program income in the HOME Investment Partnerships Grant Fund the sum of EIGHTY-THREE THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS (\$83,688), to be expended in the HOME Investment Partnerships Grant Fund for approved HOME Program projects.

Section 3. The appropriation herein for HOME Investment Partnerships Grant Entitlement Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 4. Ordinance No. 075, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Jenny Lopez Filkins

ORDINANCE NO. 089, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 076, 2024,
AND MAKING A SUPPLEMENTAL APPROPRIATION FOR THE CHARTER
REVIEW COUNCIL PRIORITY FROM GENERAL FUND RESERVES

A. On February 27, 2024, the City Council adopted Resolution 2024-024, adopting a 2024-2026 Council Priority to modernize and update the City Charter.

B. The Resolution sets out the goals of this work as follows:

Modernize and Update the City Charter: Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

C. The Council further discussed this Priority at the May 14 Council Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

D. While staff continues to monitor for legal developments that impact Charter language and identify changes that may be needed or beneficial, retaining a special legal counsel with expertise and experience working with municipal charters throughout Colorado will add a new perspective to the review and focus resources more intentionally and systematically.

E. With this appropriation it is expected that initial work on the review would begin in July 2024.

F. Election-related Charter amendments have been considered by the Council Election Code Committee and are expected to be presented to Council for consideration and referred to the voters at a special election to be called for November 2024. Updating and modernizing the language of the provisions coming forward as part of that effort will be part of those proposed amendments.

G. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of improving and updating the City's Charter.

H. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from

reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated the General Fund and will not cause the total amount appropriated in the General Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

J. The City Council previously made these appropriations in Ordinance No. 076, 2024 ("Ordinance No. 076") adopted at final reading on June 18, 2024, but Ordinance No. 075 was not published after such adoption as required by Section 7 in City Charter Article II.

K. It is therefore necessary that the City Council adopt this Ordinance No. 089, 2024, to both repeal Ordinance No. 076 and to authorize and approve these appropriations again.

L. The City has not expended any of the appropriations approved in Ordinance No. 076.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) to be expended in the General Fund for the Charter Review Council Priority.

Section 2. Ordinance No. 076, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Carrie Daggett

ORDINANCE NO. 090, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 077, 2024,
AND APPROPRIATING PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR THE CULTURAL COMMUNITY
PROGRAM THROUGH CULTURAL SERVICES

A. The City was awarded \$30,000 from the Bohemian Foundation to underwrite live music as an aspect of the Cultural Community Program (the “Program”) which works to equitably integrate arts and culture into the Fort Collins community, especially in locations not typically programmed and beyond conventional cultural facilities.

B. The Program is part of the City’s Cultural Services Department, and since 2022, both staff wages and programming have been supported by funding from American Rescue Plan Act (ARPA) dollars.

C. The Program is committed to equitable opportunities for artists to reach and engage with diverse and often underserved community segments. The Program integrates art and culture across the community via pop-up performances, community co-creation, and supporting community initiatives by hiring local creatives to augment planned events.

D. This appropriation benefits the public health and welfare of the citizens and serves the public purpose of contributing to the vibrancy of Fort Collins and making live music fun and accessible for all.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City’s expenditure of all funds received from such grant or donation.

H. The City Council wishes to designate the appropriation herein for Bohemian Foundation to underwrite live music donation as an appropriation that shall not lapse until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

I. The City Council previously made these appropriations in Ordinance No. 077, 2024 ("Ordinance No. 077") adopted at final reading on June 18, 2024, but Ordinance No. 075 was not published after such adoption as required by Section 7 in City Charter Article II.

J. It is therefore necessary that the City Council adopt this Ordinance No. 090, 2024, to both repeal Ordinance No. 077 and to authorize and approve these appropriations again.

K. The City has not expended any of the appropriations approved in Ordinance No. 077.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new philanthropic revenue in the Cultural Services and Facilities Fund the sum of THIRTY THOUSAND DOLLARS (\$30,000) to be expended in the Cultural Services and Facilities Fund for the Bohemian Foundation to underwrite live music.

Section 2. The appropriation herein for the Cultural Community Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

Section 3. Ordinance No. 077, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Jenny Lopez-Filkins

ORDINANCE NO. 091, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 078, 2024,
AND APPROPRIATING PRIOR YEAR PHILANTHROPIC
REVENUE RESERVES RECEIVED BY CITY GIVE FOR
THE 9/11 MEMORIAL AT SPRING PARK

A. The City of Fort Collins and Poudre Fire Authority have collaborated to construct a memorial to the events of September 11, 2001, at Spring Creek Park, adjacent to Poudre Fire Authority Station 3 (the “Memorial”).

B. The Memorial will serve as the permanent home for a Steel World Trade Center I-beam and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2011.

C. Funding for the memorial is made possible by donations from generous community donors and efforts by Poudre Fire Authority and the City of Fort Collins staff members. This item appropriates \$12,500 in philanthropic gifts from UC Health and charitable proceeds from Canvas Credit Union’s HeroFest. These gifts are appropriated for the sole purpose of the 9/11 Memorial at Spring Park.

D. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of facilitating the construction of a public memorial to the tragic events of September 11, 2001.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Capital Project Fund and will not cause the total amount appropriated in the Capital Project Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City’s expenditure of all funds received from such grant or donation.

H. The City Council wishes to designate the appropriation herein for 9/11 Memorial at Spring Park donation as an appropriation that shall not lapse until the earlier of the expiration of the grant or donation or the City’s expenditure of all funds received from such grant or donation.

I. The City Council previously made these appropriations in Ordinance No. 078, 2024 ("Ordinance No. 078") adopted at final reading on June 18, 2024, but Ordinance No. 075 was not published after such adoption as required by Section 7 in City Charter Article II.

J. It is therefore necessary that the City Council adopt this Ordinance No. 091, 2024, to both repeal Ordinance No. 078 and to authorize and approve these appropriations again.

K. The City has not expended any of the appropriations approved in Ordinance No. 078.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Capital Project Fund the sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) to be expended in the Capital Project Fund for the 9/11 Memorial at Spring Park.

Section 2. The appropriation herein for the 9/11 Memorial at Spring Creek is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

Section 3. Ordinance No. 078, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Jenny Lopez Filkins

ORDINANCE NO. 092, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ORDINANCE NO. 079, 2024,
AND MAKING A SUPPLEMENTAL APPROPRIATION AND
AUTHORIZING TRANSFER OF APPROPRIATIONS FOR THE
GARDENS ON SPRING CREEK INTERNSHIP PROGRAM

A. The Colorado Department of Agriculture's (CDA) Agricultural Workforce Development Program (AWDP) provides financial incentives to farms, ranches, and agricultural businesses to hire interns and provide them with hands-on training needed to begin a career in agriculture.

B. The Gardens on Spring Creek applied for funding to continue to provide paid internship opportunities for learners. By creating paid opportunities for students to support career readiness, the City expects to increase students' skillsets to better prepare them for quality jobs, while decreasing the financial burden an unpaid internship can cause.

C. The Gardens was awarded one horticulture internship of \$4,200 for the summer of 2024. This internship will work directly in the Garden of Eatin', an acre garden dedicated to food production where all produce is donated to the Food Bank of Larimer County, as well as with the Community Gardens Program, which allows residents to grow their own fruits, vegetables, herbs and annual flowers in one of the City's eight community gardens.

D. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and the intern's work serves the public purpose of improving a public cultural facility.

E. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds

are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

H. The City Manager has recommended the transfer of \$4,200 from the Cultural Services and Facilities Fund Operating Budget to Cultural Services and Facilities Fund Grant Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

J. The City Council wishes to designate the appropriation herein for the Gardens on Spring Creek Internship Program Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

K. The City Council previously made these appropriations in Ordinance No. 079, 2024 ("Ordinance No. 079") adopted at final reading on June 18, 2024, but Ordinance No. 075 was not published after such adoption as required by Section 7 in City Charter Article II.

L. It is therefore necessary that the City Council adopt this Ordinance No. 092, 2024, to both repeal Ordinance No. 079 and to authorize and approve these appropriations again.

M. The City has not expended any of the appropriations approved in Ordinance No. 079.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Cultural Services and Facilities Fund the sum of FOUR THOUSAND TWO HUNDRED DOLLARS (\$4,200) to be expended in the Cultural Services and Facilities Fund for Gardens on Spring Creek Internship Program.

Section 2. The unexpended and unencumbered appropriated amount of FOUR THOUSAND TWO HUNDRED DOLLARS (\$4,200) is authorized for transfer from the Cultural Services and Facilities Fund Operating Budget to Cultural Services and Facilities

Fund Grant Project Budget and appropriated therein to be expended for Gardens on Spring Creek Internship Program.

Section 3. The appropriation herein for the Gardens on Spring Creek Internship Program Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 4. Ordinance No. 079, 2024, is hereby repealed.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Jenny Lopez Filkins

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk

SUBJECT

First Reading of Ordinance No. 093, 2024, Calling a Special Election to be Held in Conjunction with the November 5, 2024, Larimer County General Election.

EXECUTIVE SUMMARY

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 5, 2024, Larimer County Coordinated Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

If Council decides to place any measures on the ballot relating to Charter amendments, it will need to do so no later than August 20 to meet statutory requirements for publication. If Council does not take action by ordinance or resolution before the statutory deadline (September 6) 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 5, 2024, ballot. Adoption of this Ordinance is a required step in preserving the option for Council to submit any ballot measures that Council may desire, at the November 5, 2024, Coordinated Election.

CITY FINANCIAL IMPACTS

The cost of the special election will not be known until the County has been notified of the number of municipalities that will be on the ballot.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration.

ORDINANCE NO. 093, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CALLING A SPECIAL MUNICIPAL ELECTION TO BE
HELD IN CONJUNCTION WITH THE NOVEMBER 5, 2024,
LARIMER COUNTY GENERAL ELECTION

A. Section 31-2-210, Colorado Revised Statutes, provides that Charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins.

B. The decision to call a special election must be made by ordinance sooner than the deadline to place measures on the ballot.

C. City staff is presenting to the City Council for consideration proposed Charter amendments related to City elections and possibly other measures for voter approval.

D. For the foregoing reasons, the City Council wishes to call a special municipal election on November 5, 2024, to be held in conjunction with the Larimer County General 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.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. A Special Municipal Election in the City is hereby called for Tuesday, November 5, 2024, to be held in conjunction with the Larimer County General Election and conducted in such manner as shall be determined by the Larimer County Clerk and Recorder.

Section 2. The provisions of the Uniform Election Code, as amended, are hereby adopted with respect to the conduct of said election in lieu of the provisions of the Municipal Election Code.

Section 3. 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. 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 6, 2024, for any ballot titles set by the City Council prior to said date.

Section 5. 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. In the event that the City Council does not take action by ordinance or resolution prior to September 6, 2024, to submit any ballot measures to the voters at the November 5, 2024, Larimer County General 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 on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Carrie Daggett

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Travis Storin, Chief Financial Officer
Matt Robenalt, DDA Executive Director
Kristy Klenk, DDA Financial Coordinator

SUBJECT

Resolution 2024-081 Approving the 2024 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

EXECUTIVE SUMMARY

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2024 property taxes payable in 2025 to the City and to all other affected taxing entities.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

In 2008, the Fort Collins, Colorado Downtown Development Authority ("DDA") was in the final ten years of its original 30-year period (the "Original TIF Term") during which property tax increment funds ("TIF") could be allocated to and, when collected, paid to the City for deposit into a special fund to be used for DDA projects as provided in Colorado Revised Statutes ("C.R.S.") Section 31-25-807(3)(a)(II) ("TIF Fund"). Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(A), in the final ten years of the Original TIF Term, Council had the authority to extend by ordinance such term by one additional 20-year period (the "TIF Extension Period"), provided that:

- On the first day of the TIF Extension Period, the established base year for the allocation of property taxes is advanced by ten years, and
- upon the completion of the first ten years of the TIF Extension period, the base is advanced by one year for every additional year through the final ten years.

Also, under C.R.S. Section 31-25-807(3)(a)(IV)(B), City Council had and continues to have the authority to allocate more than 50% of property taxes levied by the City to be allocated and paid into the TIF Fund.

On July 10, 2008, the DDA approved its Resolution 2008-06 (the “DDA Resolution”), recommending to Council:

- Approval of the TIF Extension Period, and
- the allocation of 100% of the City’s property tax increment into the TIF Fund (the 100% City TIF Allocation).

On September 2, 2008, Council adopted Ordinance No. 101, 2008, (the “2008 Ordinance”) approving the TIF Extension Period and, consistent with the August 19, 2008, Agenda Item Summary accompanying such ordinance and the DDA Resolution, approved the 100% City TIF Allocation.

Also, on February 15, 2011, Council, as the ex-officio Board of Directors of General Improvement District No. 1 (“GID Board”), adopted Ordinance No. 060 (the “2011 GID Ordinance”) allocating 100% of the tax increment revenue from the Fort Collins General Improvement District No. 1 to the DDA Tax Increment Fund for the TIF Extension Period, with the seventh recital of the 2011 GID Ordinance confirming that the 2008 Ordinance had approved the 100% City TIF Allocation.

Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B), an annual certification to the Larimer County Assessor is required by August 1 of each calendar year, which certification needs to include the allocations of tax increment for that year of all affected taxing entities, including the City. The proposed Resolution reaffirms Council’s previous actions in the 2008 Ordinance, acknowledges the actions taken as the GID Board in the 2011 GID Ordinance, and provides the Assessor with Council’s 2023 certification pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B). It also directs the City’s Financial Officer to provide this certification to the Assessor by August 1, 2024.

CITY FINANCIAL IMPACTS

There are no changes in the financial or economic impacts to the City as they currently exist.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2024-081
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE 2024 CERTIFICATION TO THE LARIMER
COUNTY ASSESSOR PURSUANT TO COLORADO REVISED
STATUTES SECTION 31-25-807(3)(a)(IV)(B) FOR THE DOWNTOWN
DEVELOPMENT AUTHORITY PROPERTY TAX INCREMENT

A. In 2008, the Fort Collins, Colorado Downtown Development Authority (“DDA”) was in the final ten years of its original 30-year period (“Original TIF Term”) during which property tax increment funds (“TIF”) could be allocated to and, when collected, paid to the City of Fort Collins (“City”) for deposit into a special fund to be used for DDA projects, as provided in Colorado Revised Statutes (“C.R.S.”) Section 31-25-807(3)(a)(II) (“TIF Fund”).

B. Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(A), in the final ten years of the Original TIF Term, the Fort Collins City Council had the authority to extend by ordinance such term by one additional 20-year period (the “TIF Extension Period”), provided that (i) on the first day of the TIF Extension Period the established base year for the allocation of property taxes is advanced by ten years, and (ii) upon the completion of the first ten years of the TIF Extension period, the base is advanced by one year for every additional year through the final ten years.

C. Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B), the City Council also had and continues to have the authority to commit more than 50% of the property taxes levied by the City to be allocated and paid into the TIF Fund.

D. On July 10, 2008, the DDA approved its Resolution 2008-06 (the “DDA Resolution”) recommending to the City Council (i) approval of the TIF Extension Period, and (ii) the allocation of 100% of the City’s property tax increment into the TIF Fund (the “100% City TIF Allocation”).

E. On September 2, 2008, the City Council adopted Ordinance No. 101, 2008 (the “2008 Ordinance”) approving the TIF Extension Period and, consistent with the August 19, 2008, Agenda Item Summary accompanying such ordinance and the DDA Resolution, approved the 100% City TIF Allocation.

F. On February 15, 2011, the City Council, as the ex-officio Board of Directors of General Improvement District No. 1 (“GID Board”), adopted Ordinance No. 060 (“2011 GID Ordinance”) allocating 100% of the tax increment revenue from the Fort Collins General Improvement District No. 1 to the DDA Tax Increment Fund for the TIF Extension Period, with the seventh recital of the 2011 GID Ordinance confirming that the 2008 Ordinance had approved the 100% City TIF Allocation.

G. Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B), an annual certification to the Larimer County Assessor (“Assessor”) is required by August 1 of each calendar

year, which certification needs to include the allocations of tax increment for that year of all affected taxing entities, including the City.

H. The purposes of this Resolution are to reaffirm the Council's previous actions in the 2008 Ordinance, to acknowledge the actions it took as the GID Board in the 2011 GID Ordinance, and to provide the Assessor with the City Council's 2024 certification pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B).

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby reaffirms its previous actions in the 2008 Ordinance, acknowledges the actions it took as the GID Board in the 2011 GID Ordinance, and certifies to the Assessor, pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B), that for 2024 property taxes payable in 2025, the 2011 GID Ordinance continues to be in effect to allocate 100% of the available property tax increment from the Fort Collins General Improvement District No. 1 mill levy to the DDA tax increment fund, and the City continues to allocate 100% of its available property tax increment from its mill levy to the DDA tax increment fund, but that all other affected taxing entities are allocating only 50% of their property tax increment, and directs the City's Financial Officer to provide this certification to the Assessor by August 1, 2024.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ryan Malarky

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jill A. Hueser, Chief Judge

SUBJECT

Items Relating to the Appointment and Reappointment of Assistant Municipal Court Judges.

EXECUTIVE SUMMARY

- A. Resolution 2024-082 Reappointing Brandi Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- B. Resolution 2024-083 Reappointing Kristin Brown as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- C. Resolution 2024-084 Reappointing Sarah Simchowitz as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- D. Resolution 2024-085 Appointing John William Sierra as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- E. Resolution 2024-086 Appointing Laura Hinojos as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- F. Resolution 2024-087 Appointing Whitney Stark as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- G. Resolution 2024-088 Appointing Linda Cooke as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.
- H. Resolution 2024-089 Appointing Jana Kaspar as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint three Assistant Municipal Judges and to appoint five new Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two-year terms. Chief Judge Jill A. Hueser recommends that John William Sierra, Laura Hinojos, Whitney Stark, Linda Cooke, and Jana Kaspar be appointed as Assistant Municipal Judges, and that Brandi Nieto, Kristin Brown and Sarah Simchowitz be reappointed as Assistant Municipal Judges to serve in the absence of the Chief Judge.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolutions.

BACKGROUND / DISCUSSION

These Resolutions appoint five new Assistant Municipal Judges and reappoint three existing Assistant Municipal Judges, all for two-year terms, and authorize the Mayor to execute employment agreements with each of them. Although the terms of the current Assistant Municipal Judges do not expire until December 31, Chief Judge Hueser requests that they be reappointed now so that all appointments can be on the same schedule. Chief Judge Hueser recommends these appointments to provide adequate relief judge resources to cover vacation and sick leave, to preside when two judges are necessary based on the size of the Municipal Court docket, and in cases where there may be a conflict for one or more judges. Assistant Judges may also serve as the Liquor Authority or Marijuana Authority when the Chief Judge is unavailable.

The new appointees and their backgrounds are:

- Mr. Sierra currently works as a hearing officer for the City of Greeley and has prior experience of over twenty years as a trial attorney. He is bilingual, speaking Spanish fluently and has a diverse background of legal experience.
- Ms. Hinojos recently left the District Attorney's Office for the 8th Judicial District, where she was a Chief Deputy District Attorney. Although this is her first judicial appointment, she brings over fifteen years of legal experience to the bench.
- Ms. Stark currently works in Denver as a part-time Magistrate Judge while also maintaining her own private practice. She previously worked as a Public Defender.
- Ms. Cooke recently retired from the City of Boulder, where she was the presiding judge for over twenty years.
- Ms. Kaspar is currently in private practice in Denver and also serves as a Pro Tem Municipal Judge for the City of Westminster.

Chief Judge Hueser believes each of these individuals will serve the City of Fort Collins faithfully and will add great value to the bench. Additionally, Chief Judge Hueser requests reappointment of the current judges as they have all provided valuable service to the bench and continue to be well-qualified judges.

The Assistant Municipal Judges may also be appointed by the Chief Judge to serve as referees to hear civil infractions, camera radar, red light, and parking infractions when requested.

CITY FINANCIAL IMPACTS

The proposed rate of pay of \$100 per hour is in line with the rate being paid by other Municipal Courts in the front range. Each Assistant Municipal Judge will serve on an as-needed basis and the expense will be covered by the current Municipal Court budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution A for Consideration
2. Exhibit A to Resolution A
3. Resolution B for Consideration

4. Exhibit A to Resolution B
5. Resolution C for Consideration
6. Exhibit A to Resolution C
7. Resolution D for Consideration
8. Exhibit A to Resolution D
9. Resolution E for Consideration
10. Exhibit A to Resolution E
11. Resolution F for Consideration
12. Exhibit A to Resolution F
13. Resolution G for Consideration
14. Exhibit A to Resolution G
15. Resolution H for Consideration
16. Exhibit A to Resolution H

RESOLUTION 2024-082
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPOINTING BRANDI NIETO AS AN ASSISTANT MUNICIPAL
JUDGE OF THE FORT COLLINS MUNICIPAL COURT AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. On January 17, 2023, the City Council appointed Brandi Nieto as an Assistant Municipal Judge to back up Chief Judge Jill Hueser for a term beginning January 1, 2023, *nunc pro tunc*, and ending December 31, 2024.

C. Judge Nieto has served admirably, and the Chief Judge has recommended that City Council reappoint Judge Nieto for another two-year term. Although Judge Nieto's current term does not expire until December, the Chief Judge is requesting appointment of four new Assistant Judges by separate Resolutions, and recommends that the City Council reappoint the current Assistant Judges now so that all the Assistant Judges will be on the same schedule for possible future reappointment.

D. The City Council recognizes that Brandi Nieto is a reputable and qualified attorney and wishes to reappoint her to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Brandi Nieto is hereby appointed Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as an Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Judge Nieto for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement in a form consistent with Exhibit "A" attached hereto and incorporated herein by this reference, for the period of July 1, 2024, through June 30, 2026, between the City and Brandi Nieto to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and Brandi Nieto, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-082, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

WHEREAS, this Agreement replaces and supersedes the previous Employment Agreement between the parties dated January 1, 2023, which is terminated and of no further effect as of the Effective Date.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Brandi Nieto

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

Brandi Nieto, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge shall handle arraignment sessions and trial sessions of the Fort Collins Municipal Court on the dates and times agreed upon with the Chief Judge. During arraignment sessions (including video advisements of prisoners held at the Larimer County Jail), the Assistant Municipal Judge shall give the advisements (or ensure that written advisements have been reviewed and signed by defendants), accept pleas of “guilty” and “no contest,” and process paperwork as requested by the Chief Judge or Court Administrator. During trial sessions, the Assistant Municipal Judge shall conduct the trials in accordance with the laws and procedures applicable to the Court.

RESOLUTION 2024-083
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPOINTING KRISTIN BROWN AS AN ASSISTANT MUNICIPAL
JUDGE OF THE FORT COLLINS MUNICIPAL COURT AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. On January 17, 2023, the City Council appointed Kristin Brown as an Assistant Municipal Judge to back up Chief Judge Jill Hueser for a term beginning January 1, 2023, *nunc pro tunc*, and ending December 31, 2024.

C. Judge Brown has served admirably, and the Chief Judge has recommended that City Council reappoint Judge Brown for another two-year term. Although Judge Brown's current term does not expire until December, the Chief Judge is requesting appointment of four new Assistant Judges by separate Resolutions, and recommends that the City Council reappoint the current Assistant Judges now so that all the Assistant Judges will be on the same schedule for possible future reappointment.

D. The City Council recognizes that Kristin Brown is a reputable and qualified attorney and wishes to reappoint her to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Kristin Brown is hereby appointed Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as an Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Judge Brown for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement in a form consistent with Exhibit "A" attached hereto and incorporated herein by this reference, for the period of July 1, 2024, through June 30, 2026, between the City and Kristin Brown to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024, by and between the City of Fort Collins, hereinafter referred to as the “City,” and Kristin Brown, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide her services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-083, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

WHEREAS, this Agreement replaces and supersedes the previous Employment Agreement between the parties dated January 1, 2023, which is terminated and of no further effect as of the Effective Date.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Kristin Brown

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO,
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

EMPLOYEE:

Sr. Assistant City Attorney

APPROVED:

Kristin Brown, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge shall handle arraignment sessions and trial sessions of the Fort Collins Municipal Court on the dates and times agreed upon with the Chief Judge. During arraignment sessions (including video advisements of prisoners held at the Larimer County Jail), the Assistant Municipal Judge shall give the advisements (or ensure that written advisements have been reviewed and signed by defendants), accept pleas of “guilty” and “no contest,” and process paperwork as requested by the Chief Judge or Court Administrator. During trial sessions, the Assistant Municipal Judge shall conduct the trials in accordance with the laws and procedures applicable to the Court.

RESOLUTION 2024-084
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPOINTING SARAH SIMCHOWITZ AS AN ASSISTANT MUNICIPAL
JUDGE OF THE FORT COLLINS MUNICIPAL COURT AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. On January 17, 2023, the City Council appointed Sarah Simchowitz as an Assistant Municipal Judge to back up Chief Judge Jill Hueser for a term beginning January 1, 2023, *nunc pro tunc*, and ending December 31, 2024.

C. Judge Simchowitz has served admirably, and the Chief Judge has recommended that City Council reappoint Judge Nieto for another two-year term. Although Judge Nieto's current term does not expire until December, the Chief Judge is requesting appointment of four new Assistant Judges by separate Resolutions, and recommends that the City Council reappoint the current Assistant Judges now so that all the Assistant Judges will be on the same schedule for possible future reappointment.

D. The City Council recognizes that Sarah Simchowitz is a reputable and qualified attorney and wishes to reappoint her to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Sarah Simchowitz is hereby appointed Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as an Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Judge Simchowitz for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement in a form consistent with Exhibit "A" attached hereto and incorporated herein by this reference, for the period of July 1, 2024, through June 30, 2026, between the City and Sarah Simchowitz to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024, by and between the City of Fort Collins, hereinafter referred to as the “City,” and Sarah Simchowitz, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-084, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

WHEREAS, this Agreement replaces and supersedes the previous Employment Agreement between the parties dated January 1, 2023, which is terminated and of no further effect as of the Effective Date.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1 2024 to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Sarah Simchowitz

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO,
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

EMPLOYEE:

Senior Assistant City Attorney

APPROVED:

Sarah Simchowicz, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge shall handle arraignment sessions and trial sessions of the Fort Collins Municipal Court on the dates and times agreed upon with the Chief Judge. During arraignment sessions (including video advisements of prisoners held at the Larimer County Jail), the Assistant Municipal Judge shall give the advisements (or ensure that written advisements have been reviewed and signed by defendants), accept pleas of “guilty” and “no contest,” and process paperwork as requested by the Chief Judge or Court Administrator. During trial sessions, the Assistant Municipal Judge shall conduct the trials in accordance with the laws and procedures applicable to the Court.

RESOLUTION 2024-085
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING JOHN WILLIAM SIERRA AS AN ASSISTANT
MUNICIPAL JUDGE OF THE FORT COLLINS MUNICIPAL
COURT AND AUTHORIZING THE EXECUTION OF AN
EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. The City Council has previously appointed Judge Brown, Judge Nieto and Judge Simchowitz as Assistant Municipal Judges.

C. Because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser.

D. Chief Judge Hueser is therefore recommending that the City Council appoint an additional Assistant Municipal Judge, John William Sierra, as back-up for herself.

E. The City Council recognizes that John William Sierra is a reputable and qualified attorney, who is licensed to practice law in the state of Colorado, and wishes to appoint Mr. Sierra to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. John William Sierra is hereby appointed as Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Mr. Sierra for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement between the City and John William Sierra in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, for the period of July 1, 2024, through June 30, 2024, to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and John William Sierra, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-085, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

John William Sierra

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's *Personnel Policies and Procedures* and the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* and agrees that he shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the *Personnel Policies and Procedures* and the *Anti-Discrimination and Anti-Harassment Policy* adopted by the City Council at any time.

(b) Although the City's *Personnel Policies and Procedures* and the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's *Personnel Policies and Procedures* or the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which he may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or he is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

John William Sierra, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge presides over the municipal court docket as needed when the Chief Judge is unavailable or when two judges are necessary based on the size of the docket. The Assistant Judge may preside over any type of docket or trial, including arraignments, pretrial conferences, in-custody hearings, pretrial readiness hearings, show cause hearings, court trials, jury trials, and any other hearing set on the docket; review and rule on motions and documents relating to cases to which they are assigned or in which the Chief Judge has a conflict; and may serve as the liquor authority or marijuana authority when the Chief Judge is unavailable.

The Assistant Municipal Judge conducts hearings/trials in an efficient and appropriate manner; advises defendants of their rights, administers oath and affirmations, rules on admissibility of evidence and methods of conducting testimony, examines evidence and interprets applicable law, enforces orders, rules, and judgments in compliance with all applicable law; imposes fines and sentences upon finding of guilty/liable or responsibility according to City Code, and state and federal law; designs and implements appropriate and creative penalties; enforces penalties consistently, according to City Code and Charter as well as state law; and protects and preserves the court record to ensure that the City and defendants have a record on which to appeal, if necessary.

RESOLUTION 2024-086
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING LAURA HINOJOS AS AN ASSISTANT MUNICIPAL
JUDGE OF THE FORT COLLINS MUNICIPAL COURT AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. The City Council has previously appointed Judge Brown, Judge Nieto and Judge Simchowitz as Assistant Municipal Judges.

C. Because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser.

D. Chief Judge Hueser is therefore recommending that the City Council appoint an additional Assistant Municipal Judge, Laura Hinojos, as back-up for herself.

E. The City Council recognizes that Laura Hinojos is a reputable and qualified attorney, who is licensed to practice law in the state of Colorado, and wishes to appoint Ms. Hinojos to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Laura Hinojos is hereby appointed as Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Ms. Hinojos for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement between the City and Laura Hinojos in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, for the period of July 1, 2024, through June 30, 2024, to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and Laura Hinojos, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide her services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-086, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at her regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Laura Hinojos

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

Laura Hinojos, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge presides over the municipal court docket as needed when the Chief Judge is unavailable or when two judges are necessary based on the size of the docket. The Assistant Judge may preside over any type of docket or trial, including arraignments, pretrial conferences, in-custody hearings, pretrial readiness hearings, show cause hearings, court trials, jury trials, and any other hearing set on the docket; review and rule on motions and documents relating to cases to which they are assigned or in which the Chief Judge has a conflict; and may serve as the liquor authority or marijuana authority when the Chief Judge is unavailable.

The Assistant Municipal Judge conducts hearings/trials in an efficient and appropriate manner; advises defendants of their rights, administers oath and affirmations, rules on admissibility of evidence and methods of conducting testimony, examines evidence and interprets applicable law, enforces orders, rules, and judgments in compliance with all applicable law; imposes fines and sentences upon finding of guilty/liable or responsibility according to City Code, and state and federal law; designs and implements appropriate and creative penalties; enforces penalties consistently, according to City Code and Charter as well as state law; and protects and preserves the court record to ensure that the City and defendants have a record on which to appeal, if necessary.

RESOLUTION 2024-087
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING WHITNEY STARK AS AN ASSISTANT MUNICIPAL
JUDGE OF THE FORT COLLINS MUNICIPAL COURT AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. The City Council has previously appointed Judge Brown, Judge Nieto and Judge Simchowitz as Assistant Municipal Judges.

C. Because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser.

D. Chief Judge Hueser is therefore recommending that the City Council appoint an additional Assistant Municipal Judge, Whitney Stark, as back-up for herself.

E. The City Council recognizes that Whitney Stark is a reputable and qualified attorney, who is licensed to practice law in the state of Colorado, and wishes to appoint Ms. Stark to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Whitney Stark is hereby appointed as Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Ms. Stark for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement between the City and Whitney Stark in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, for the period of July 1, 2024, through June 30, 2024, to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and Whitney Stark, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-087, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Whitney Stark

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's *Personnel Policies and Procedures* and the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the *Personnel Policies and Procedures* and the *Anti-Discrimination and Anti-Harassment Policy* adopted by the City Council at any time.

(b) Although the City's *Personnel Policies and Procedures* and the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's *Personnel Policies and Procedures* or the City Council-adopted *Anti-Discrimination and Anti-Harassment Policy* are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

Whitney Stark, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge presides over the municipal court docket as needed when the Chief Judge is unavailable or when two judges are necessary based on the size of the docket. The Assistant Judge may preside over any type of docket or trial, including arraignments, pretrial conferences, in-custody hearings, pretrial readiness hearings, show cause hearings, court trials, jury trials, and any other hearing set on the docket; review and rule on motions and documents relating to cases to which they are assigned or in which the Chief Judge has a conflict; and may serve as the liquor authority or marijuana authority when the Chief Judge is unavailable.

The Assistant Municipal Judge conducts hearings/trials in an efficient and appropriate manner; advises defendants of their rights, administers oath and affirmations, rules on admissibility of evidence and methods of conducting testimony, examines evidence and interprets applicable law, enforces orders, rules, and judgments in compliance with all applicable law; imposes fines and sentences upon finding of guilty/liable or responsibility according to City Code, and state and federal law; designs and implements appropriate and creative penalties; enforces penalties consistently, according to City Code and Charter as well as state law; and protects and preserves the court record to ensure that the City and defendants have a record on which to appeal, if necessary.

RESOLUTION 2024-088
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING LINDA COOKE AS AN ASSISTANT MUNICIPAL JUDGE
OF THE FORT COLLINS MUNICIPAL COURT AND AUTHORIZING THE
EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. The City Council has previously appointed Judge Brown, Judge Nieto and Judge Simchowitz as Assistant Municipal Judges.

C. Because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser.

D. Chief Judge Hueser is therefore recommending that the City Council appoint an additional Assistant Municipal Judge, Linda Cooke, as back-up for herself.

E. The City Council recognizes that Linda Cooke is a reputable and qualified attorney, who is licensed to practice law in the state of Colorado, and wishes to appoint Ms. Cooke to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Linda Cooke is hereby appointed as Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Ms. Cooke for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement between the City and Linda Cooke in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, for the period of July 1, 2024, through June 30, 2024, to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and Linda Cooke, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-088, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Linda Cooke

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

Linda Cooke, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge presides over the municipal court docket as needed when the Chief Judge is unavailable or when two judges are necessary based on the size of the docket. The Assistant Judge may preside over any type of docket or trial, including arraignments, pretrial conferences, in-custody hearings, pretrial readiness hearings, show cause hearings, court trials, jury trials, and any other hearing set on the docket; review and rule on motions and documents relating to cases to which they are assigned or in which the Chief Judge has a conflict; and may serve as the liquor authority or marijuana authority when the Chief Judge is unavailable.

The Assistant Municipal Judge conducts hearings/trials in an efficient and appropriate manner; advises defendants of their rights, administers oath and affirmations, rules on admissibility of evidence and methods of conducting testimony, examines evidence and interprets applicable law, enforces orders, rules, and judgments in compliance with all applicable law; imposes fines and sentences upon finding of guilty/liable or responsibility according to City Code, and state and federal law; designs and implements appropriate and creative penalties; enforces penalties consistently, according to City Code and Charter as well as state law; and protects and preserves the court record to ensure that the City and defendants have a record on which to appeal, if necessary.

RESOLUTION 2024-089
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING JANA KASPAR AS AN ASSISTANT MUNICIPAL JUDGE
OF THE FORT COLLINS MUNICIPAL COURT AND AUTHORIZING THE
EXECUTION OF AN EMPLOYMENT AGREEMENT

A. Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two-year terms.

B. The City Council has previously appointed Judge Brown, Judge Nieto and Judge Simchowitz as Assistant Municipal Judges.

C. Because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser.

D. Chief Judge Hueser is therefore recommending that the City Council appoint an additional Assistant Municipal Judge, Jana Kaspar, as back-up for herself.

E. The City Council recognizes that Jana Kaspar is a reputable and qualified attorney, who is licensed to practice law in the state of Colorado, and wishes to appoint Ms. Kaspar to serve in such capacity on the recommendation of the Chief Judge.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Jana Kaspar is hereby appointed as Assistant Municipal Judge, for a term beginning July 1, 2024, *nunc pro tunc*, and ending June 30, 2026, to serve as Assistant Municipal Judge for the City as deemed necessary by the Chief Judge

Section 2. The compensation to be paid by the City to Ms. Kaspar for serving in this capacity shall be at the rate of One Hundred Dollars (\$100) per hour.

Section 3. The Mayor is hereby authorized to enter into an employment agreement between the City and Jana Kaspar in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, for the period of July 1, 2024, through June 30, 2024, to effectuate the purposes of this Resolution.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Ingrid Decker

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 1st day of July, 2024 (Effective Date”), by and between the City of Fort Collins, hereinafter referred to as the “City,” and Jana Kaspar, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide their services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2024-089, the City Council has approved the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement with the Employee; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City; and

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned. The Municipal Judge may also appoint, or unappoint, the Employee to serve as a Municipal Court Referee. Such appointment is separate from Employee’s work under this Agreement and is not governed by or subject to this Agreement.

2. Compensation

The Employee shall be compensated at the regular rate of One Hundred Dollars (\$100.00) per hour, less deductions and withholdings required by law, or authorized by City of Fort Collins Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from July 1, 2024, to and including June 30, 2026. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at their regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:

Jana Kaspar

At last known address on file with the Human Resources Department

TO THE CITY:

City of Fort Collins, Colorado

Chief Judge Jill A. Hueser

P.O. Box 580

Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City's current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, paid short-term disability leave, or any other sort of paid leave as may be available to some other City employees except that the Employee is entitled to receive and use paid sick leave benefits provided to hourly City employees as described in the City's *Personnel Policies and Procedures*.

6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** and agrees that she shall comply with and be bound by all provisions that apply to contractual or City Council-appointed employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the ***Personnel Policies and Procedures*** and the ***Anti-Discrimination and Anti-Harassment Policy*** adopted by the City Council at any time.

(b) Although the City's ***Personnel Policies and Procedures*** and the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

(c) In the event that any applicable personnel policies set forth in the City's ***Personnel Policies and Procedures*** or the City Council-adopted ***Anti-Discrimination and Anti-Harassment Policy*** are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Conflict Avoidance

The Employee agrees to carry out their duties and responsibilities as an Assistant Municipal Judge in a way that does not interfere with their duty to serve as a fair and impartial municipal judge, or that creates a conflict of interest or the appearance of a conflict of interest that would interfere with the work of any lawyer or law firm that provides legal services to the city, and further agrees that they will not work on any of the City's litigation matters under the auspices of their employment with any law practice.

9. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's *Personnel Policies and Procedures* and the City Council-approved *Anti-Discrimination and Anti-Harassment Policy* may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

10. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

11. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

12. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

ATTEST:

By: _____
Jeni Arndt, Mayor

[Name/Title]

APPROVED AS TO FORM:

Senior Assistant City Attorney

EMPLOYEE:

APPROVED:

Jana Kaspar, Esq.

Human Resources Executive

APPROVED:

Chief Judge Jill A. Hueser

EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL
JUDGE

The Assistant Municipal Judge presides over the municipal court docket as needed when the Chief Judge is unavailable or when two judges are necessary based on the size of the docket. The Assistant Judge may preside over any type of docket or trial, including arraignments, pretrial conferences, in-custody hearings, pretrial readiness hearings, show cause hearings, court trials, jury trials, and any other hearing set on the docket; review and rule on motions and documents relating to cases to which they are assigned or in which the Chief Judge has a conflict; and may serve as the liquor authority or marijuana authority when the Chief Judge is unavailable.

The Assistant Municipal Judge conducts hearings/trials in an efficient and appropriate manner; advises defendants of their rights, administers oath and affirmations, rules on admissibility of evidence and methods of conducting testimony, examines evidence and interprets applicable law, enforces orders, rules, and judgments in compliance with all applicable law; imposes fines and sentences upon finding of guilty/liable or responsibility according to City Code, and state and federal law; designs and implements appropriate and creative penalties; enforces penalties consistently, according to City Code and Charter as well as state law; and protects and preserves the court record to ensure that the City and defendants have a record on which to appeal, if necessary.

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Sylvia Tatman-Burruss, Senior Policy and Project Manager
Ginny Sawyer, Lead Policy and Project Manager

SUBJECT

Items Relating to Residential Occupancy Ordinance.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

B. Second Reading of Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

These Ordinances, adopted on First Reading by a vote of 5-1 (Nays: Councilmember Ohlson, Absent: Mayor Arndt), consider adoption of changes to the City's Land Use Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationship.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION

The current version of the City's occupancy ordinance limits occupancy of residential dwellings to a family of any size plus one additional unrelated occupant, or to no more than three unrelated occupants. Active enforcement began in 2005 when violation of the ordinance was classified as a civil infraction.

The State legislature recently passed House Bill 24-1007, and it was signed into law by the Governor of Colorado in April, with an effective date of July 1, 2024.

HB24-1007 Prohibits Residential Occupancy Limits Based on Familial Relationship

HB24-1007 limits the regulation of occupancy based "only on demonstrated health and safety standards, such as International Building Code standards, fire code regulations, or Colorado Department of Public Health and Environment Wastewater and Water Quality standards."

In addition, the bill states that, "A local government shall not limit the number of people who may live together in a single dwelling based on familial relationship." The Bill states an effective date of July 1, 2024.

City Compliance

Occupancy and related regulations are currently in both the Land Use Code and in the Municipal Code. Staff is prepared to bring ordinances amending these in compliance with the July 1, 2024, compliance deadline.

Proposed amendments to the Land Use Code include:

- Replacing the word “family” with the word “unit” throughout the document.
- Removing Occupancy section 3.8.16 and any references to that section of the document.
- Removing references to Group Homes, associated requirements, and removing the definition from the document.
- Removing references to “Extra Occupancy.”

Proposed amendments to the Municipal Code include:

- Section 5-264 related to Extra Occupancy in single-family, two-family or multi-family dwellings.
- Section 5-265 related to disclosure and posting of maximum permissible occupancy.
- Section 20-111 definition of “Dwelling unit occupancy limits” and reference to 3.8.16 in the Land Use Code.
- Sections 14-3, 14-6, and 14-8 of the Historic Preservation provisions to replace “family” with “unit” and to update the dwelling unit definition to match the Land Use Code.
- Sections 15-641, 15-644, 15-646, and 15-648 of the Short Term Rental provisions to replace “family” with “unit” and to update the reference to the short term rental parking requirements in the Land Use Code.

CITY FINANCIAL IMPACTS

No financial impacts to the City are anticipated as a result of these changes.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff presented the proposed changes to the Planning and Zoning Commission at their May work session. Staff will again present the proposed changes, seeking a recommendation, at the June hearing on June 20, 2024.

PUBLIC OUTREACH

Staff have already begun auditing fcgov.com for references to occupancy which will need to be removed and will add updated language and FAQs. Additional awareness efforts include:

- Edits to City web pages to reflect changes related to HB24-1007.
- Press release, social media posts and other City communications regarding the change to the Occupancy regulations.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Ordinance B for Consideration

ORDINANCE NO. 081, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE OF THE CITY OF FORT COLLINS
TO REMOVE RESIDENTIAL OCCUPANCY LIMITATIONS

A. Pursuant to Ordinance 055, 2024, Council adopted the revised Land Use Code by reference which went into effect on May 27, 2024.

B. The Land Use Code contains certain residential occupancy limits based upon familial relationships.

C. Colorado House Bill 24-1007, effective July 1, 2024, prohibits the City from limiting who may live together in a single dwelling based on familial relationship.

D. In order for the City to comply with House Bill 24-1007, the existing Land Use Code residential occupancy limits based upon familial relationships must be amended as set forth in this Ordinance.

E. On June 20, 2024, the Planning and Zoning Commission on a unanimous vote (6-0, Shepard absent) recommended that Council adopt the proposed changes set forth in this Ordinance.

F. Concurrently by separate ordinance, City Code references to residential occupancy limits based upon familial relationships are also being amended.

G. This Ordinance amends the Land Use Code which was adopted by reference in Ordinance 055, 2024. However, the amendments contained in this Ordinance are set forth in their entirety herein, rather than adopted by reference.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.1 RESIDENTIAL DISTRICTS, Section 2.1.4, RL - Low Density Residential District, DEVELOPMENT STANDARDS, BUILDING ENVELOPE, Building Height Table is hereby amended to read as follows:

BUILDING HEIGHT		
Single-Unit Dwelling or Child-Care Center	28' max.	
All Other Uses	3 Stories max.	

Section 2. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.1, LMN – Low Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, BUILDING MASS table, Variation in Massing is hereby amended to read as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 3. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.2, MMN – Medium Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, BUILDING MASS table, Variation in Massing is hereby amended as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 4. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.3, HMN – High Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, Building Mass table, Variation in Massing is hereby amended to read as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 5. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.4, NC – Neighborhood Commercial District, DEVELOPMENT STANDARDS, BLOCK STRUCTURE is hereby amended to read as follows:

...

BLOCK STRUCTURE

Each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Unit Block Requirements). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.

...

Section 6. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.3 COMMERCIAL DISTRICTS, Section 2.3.1, CC - Community Commercial District, DEVELOPMENT STANDARDS, BLOCK STRUCTURE is hereby amended as follows:

...

BLOCK STRUCTURE

Each Community Commercial District and each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Unit Block Requirements). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.

...

Section 7. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.3 COMMERCIAL DISTRICTS, Section 2.3.6, CL - Limited Commercial District, DEVELOPMENT STANDARDS, BUILDING STANDARDS, Variation in Massing is hereby amended as follows:

...

Variation in Massing includes:










































































































































































...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-unit dwellings

Section 8. ARTICLE 3 BUILDING TYPES, DIVISION 3.1 RESIDENTIAL BUILDING TYPES, Section 3.1.2 Apartment Building, MASSING is hereby amended as follows:

- Dividing large façades and walls into human-scaled proportions similar to the adjacent single- or two-unit dwellings shall not have repetitive, monotonous undifferentiated wall planes.

Section 9. ARTICLE 4 USE STANDARDS, DIVISION 4.2 TABLE OF PRIMARY USES is hereby amended to delete the references to Extra-Occupancy Houses and Group Homes to read as follows:

 BDR - Basic Development Review		 Type 1 (Administrative Review)		 Type 2 (Planning and Zoning Commission)		 Additional Use Standards (see section 4.3)																											
 MA - Minor Amendment		 BP - Building Permit		 L - License																													
RESIDENTIAL DISTRICTS							MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS								DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER							
RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CA/C	CS	NC	CL (RA)	CL (CA)	HC	H. CORR	CA/C /NH	V/R	RC	CN	EC	E	I	POL	T			
RESIDENTIAL USES																																	
Single Unit Dwelling																																	
Single Unit Attached Dwelling																																	
Two Unit Dwelling																																	
Multi-Unit Dwelling																																	
Mixed-Use Dwelling Units																																	
Accessory Dwelling Unit																																	
Short Term Primary Rentals																																	
Short Term Non-Primary Rentals																																	
Fraternity & Sorority Houses																																	
Manufactured Housing Community																																	
Shelter for victims of domestic violence																																	

Regardless of the level of review indicated in the Residential Uses table above all affordable housing developments shall be reviewed through Basic Development Review (BDR).

■ Basic Development Review	■ Type 1 (Administrative Review)	■ Type 2 (Planning and Zoning Commission)	△ Additional Use Standards
■ Minor Amendment	■ Building Permit	■ License	

Section 10. ARTICLE 4 USE STANDARDS, DIVISION 4.3 ADDITIONAL USE STANDARDS, Section 4.3.1 RESIDENTIAL USES, is hereby amended by the deletion of Subparagraphs (C) and (F) and all remaining Subparagraphs renumbered as follows:

(C) Family Care Homes consist of one or more of the following:

(D) Fraternity/Sorority Houses shall mean residences housing students attending an accredited institution of higher learning within the City.

. . .

(E) Home Occupations

. . .

(F) Manufactured Housing

. . .

(G) Mixed Use Dwelling Unit

. . .

(H) Multi-Unit Dwelling Unit

. . .

(I) Single Unit Detached Dwelling

. . .

(J) Single Unit Attached Dwelling

. . .

(K) Shelter for victims of Domestic Violence

. . .

(L) Short Term Rentals

. . .

(M) Two Unit Dwelling

...

(N) Secondary Uses

...

Section 11. ARTICLE 4 USE STANDARDS, DIVISION 4.3 ADDITIONAL USE STANDARDS, Section 4.3.5 ACCESSORY/MISCELLANEOUS USES, subparagraph (H)(1)(b) Wireless Communication is hereby amended to read as follows:

(H) WIRELESS COMMUNICATION

- (1) **Applicability and Exemptions.** The provisions of this Section shall apply to any Wireless Communications Facility (WCF) within the City. The requirements set forth in this Section shall not apply to:

...

- (b) **Television or radio antennas.** Those antennas, including over the air reception devices, located on single unit dwellings or duplexes, not exceeding one (1) meter in diameter and less than five (5) feet above the highest point of the existing principal structure, or for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that zone district, whichever is less. The Director has the authority to approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.

...

Section 12. ARTICLE 5 General Development and Site Design, TABLE OF CONTENTS, DIVISION 5.14 OCCUPANCY LIMITS is hereby amended to read as follows:

DIVISION 5.14 RESERVED

Section 13. ARTICLE 5 General Development and Site Design, DIVISION 5.2 AFFORDABLE HOUSING, Section 5.2.1 AFFORDABLE HOUSING is hereby amended to read as follows:

5.2.1 AFFORDABLE HOUSING

...

(B) **Applicability.** This Section shall apply to the following development projects:

...

- (3) Section 5.2 does not apply to dormitories, medical facilities, hotels, motels, shelters, tents, short-term rentals or other structures designed or used primarily for temporary occupancy and/or group living.

...

Section 14. Use Categories “Group Homes” and “Extra Occupancy” contained in the table in ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(C)(4)(c) are hereby deleted.

Section 15. ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(D)(2) is hereby amended to read as follows:

5.9.1 ACCESS, CIRCULATION AND PARKING

...

- (D) **Access and Parking Lot Requirements.** All vehicular use areas in any proposed development shall be designed to be safe efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).

...

- (2) **Access.** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained and, in such manner, as to protect the traffic-carrying capacity of the public street from which such access is obtained. Notwithstanding the forgoing required off-street parking for an ADU use is allowed one (1) tandem space to count towards minimum parking requirement.

...

Section 16. ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(K)(1) is hereby amended by the deletion of subparagraph (h) **Group Homes** and subparagraph (l) **Extra Occupancy** and all subparagraphs being renumbered accordingly:

5.9.1 ACCESS, CIRCULATION AND PARKING

...

(K) Parking Lots – Required of Off-Street Spaces for Type of Use.

- (1) **Residential and Institutional Parking Requirements.** Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below:

...

(h) Recreational Uses.

...

(i) Schools, Places of Worship or Assembly and Child Care Centers.

...

(j) Small Scale Reception Centers in the UE, Urban Estate District.

...

(k) Short Term non-primary rentals and short term primary rentals.

...

Section 17. ARTICLE 5 General Development and Site Design, DIVISION 5.14 OCCUPANCY LIMITS is hereby deleted in its entirety and replaced with the following:

DIVISION 5.14 RESERVED

Section 18. ARTICLE 5 General Development and Site Design, DIVISION 5.16 SIGNS, Section 15.16.2 PERMANENT SIGNS, Section 5.16.2(D) Projecting Signs is hereby amended to read as follows:

DIVISION 5.16 SIGNS

...

15.16.2 PERMANENT SIGNS

...

- (D) **Projecting Signs.** Projecting signs include awning signs, marquee signs, under-canopy signs, and fin signs. Projecting signs are allowed according to the standards in Table (D), Projecting Signs. Projecting signs shall not extend into the public right-of-way, except that the City may grant a revocable license to allow projecting signs to encroach into the right-of-way.

Table (D) Projecting Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commerical/ Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
...						
Fin Signs (Primary)						
Max. #	1 per street frontage per nonresidential mixed-use, or multi-unit building.	1 per street frontage per nonresidential mixed-use, or multi-unit building.	1 per street frontage per nonresidential mixed-use, or multi-unit building.	1 per street frontage per nonresidential mixed-use, or multi-unit building.	1 per street frontage per nonresidential mixed-use, or multi-unit building.	1 per street frontage per nonresidential mixed-use, or multi-unit building.
Subject to Sign Area Allowance	Yes.	Yes.	Yes, but only for nonresidential, mixed-use, or multi-unit buildings.	Yes, but only for nonresidential, mixed-use, or multi-unit buildings.	Yes, but only for nonresidential, mixed-use, or multi-unit buildings.	Yes.
...						

...

Section 19. Article 5 General Development and Site Design, DIVISION 5.16 SIGNS, Section 15.16.2 PERMANENT SIGNS, Section 5.16.2(G) Freestanding Permanent Signs is hereby amended to read as follows:

DIVISION 5.16 SIGNS

...

15.16.2 PERMANENT SIGNS

...

- (G) **Freestanding Permanent Signs.** Detached permanent signs are allowed according to the standards in Table (G)(1), Freestanding Permanent Signs.

Table (G)(1) Freestanding Permanent Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Primary Detached Signs						
Max. #	1 per frontage ¹	1 per frontage ¹	1 per frontage for nonresidential, mixed-use, or multi-unit property. ¹	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry).
...						
Secondary Detached Signs						
Max. #	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.	1 per vehicular access point to nonresidential, mixed-use, or multi-unit property.
...						

...

Section 20. Article 6, ADMINISTRATION and PROCEDURE, DIVISION 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS, Section 6.3.6 STEP 6: NOTICE, subparagraph (D) Supplemental Notice Requirements is hereby amended to read as follows:

DIVISION 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

...

6.3.6 STEP 6: NOTICE

...

(D) **Supplemental Notice Requirements.** The following table indicates the required notice radius for a mailed notice and posted sign size for development applications.

<i>Development Project</i>	<i>Minimum Notice Radius</i>	<i>Sign Size</i>
...		
Developments proposing more than fifty (50) and less than one hundred (100) single unit or two-unit lots or dwelling units.	800 feet	12 square feet
Developments proposing more than twenty-five (25) and less than one hundred (100) multi-unit dwelling units.	800 feet	12 square feet
...		
Developments proposing one hundred (100) or more single-unit or two-unit lots or dwelling units.	1,000 feet	12 square feet
Developments proposing one hundred (100) or more multi-unit dwelling units.	1,000 feet	12 square feet
...		

...

Section 21. Article 6, ADMINISTRATION and PROCEDURE, DIVISION 6.22 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS, Section 6.22.1(C) Expansions and Enlargements of Single-Family Dwellings, Two-Family Dwellings and Accessory Buildings is hereby amended to read as follows:

DIVISION 6.22 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

6.22.1 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

...

(C) Expansions and Enlargements of Single-Unit Dwellings, Two-Unit Dwellings and Accessory Buildings. Any proposal for the enlargement or expansion of a single-unit dwelling, two-unit dwelling or accessory building shall be subject to Building Permit review in accordance with standards of this code.

Section 22. ARTICLE 7 RULES OF MEASUREMENT and DEFINITIONS, DIVISION 7.2 DEFINITION, SECTION 7.2.2 DEFINITIONS is hereby amended by the deletion of the definitions of “*Extra occupancy*”, “*Family*”, and “*Group home*”.

Section 23. ARTICLE 7 RULES OF MEASUREMENT and DEFINITIONS, DIVISION 7.2 DEFINITION, SECTION 7.2.2 DEFINITIONS is hereby amended to read as follows:

...

DIVISION 7.2 DEFINITION

...

SECTION 7.2.2. DEFINITIONS.

...

Occupant shall mean a person who occupies habitable space in a dwelling unit or any portion thereof.

...

Site specific development plan shall mean and be limited to a final plan as approved pursuant to this Land Use Code, including a plan approved pursuant to basic development review; or, under prior law in effect on the day before the effective date of this Land Use Code, any of the following: the final plan; the final subdivision plat; a minor subdivision plat; cluster development plans; a PUD Comprehensive Plan for the purpose of acquiring a vested property right with respect to uses, densities, development standards and engineering standards for which variances have been granted pursuant to Section 2.6.3(K); and a development agreement in connection with a PUD Comprehensive Plan that grants a vested property right for a period exceeding three (3) years, in addition, a site specific development plan shall mean a final plan or plat that was approved by Larimer County for property that, at the time of approval, was located in the county but has been subsequently annexed into the city. All references to districts or sections herein pertain to the law in effect on the day before the effective date of this Land Use Code and which is repealed by the adoption of this Land Use Code.

...

Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024
Approving Attorney: Brad Yatabe

ORDINANCE NO. 082, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
CONFORM WITH THE REMOVAL OF RESIDENTIAL
OCCUPANCY LIMITATIONS FROM THE LAND USE CODE

A. Pursuant to Ordinance No. 055, 2024, Council adopted the revised Land Use Code by reference which went into effect on May 27, 2024.

B. The Land Use Code contains certain residential occupancy limits based upon familial relationships.

C. Colorado House Bill 24-1007, effective July 1, 2024, prohibits the City from limiting who may live together in a single dwelling based on familial relationship.

D. In order for the City to comply with House Bill 24-1007, City Code references to residential occupancy limits based on familial relationships must be amended as set forth in this Ordinance.

E. Concurrently by separate ordinance, Land Use Code references to residential occupancy limits based upon familial relationships are also being amended.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 5-264 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-264. - Reserved.

Section 2. Section 5-265 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-265. - Reserved.

Section 3. Section 14-3 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-3. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

. . .

Dwelling, single-unit shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-unit detached shall mean a single-unit dwelling that is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Use Code Section 5.3.6.

. . .

Section 4. Section 14-6 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-6. - Offenses against historic resources and potentially eligible resources.

(a) Except as may be authorized pursuant to this Chapter or the provisions of the Land Use Code, no person shall damage, deface, destroy, or otherwise cause any alteration to be made to any site, structure or object that is: (1) Fifty (50) years of age or older that is not a single-unit detached dwelling; (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-unit detached dwelling; (3) A historic resource; or (4) Undergoing any of the processes provided for in this Chapter.

(b) Except in response to a bona fide determination of imminent danger under § 14-8 of this Article, no person shall deviate from or fail to comply with any approved plan of protection for any historic resource that is required under this Chapter or the Land Use Code.

Section 5. Section 14-8 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 14-8. - Remedying of dangerous conditions.

In any case where a properly authorized public official or employee orders the demolition of any historic resource for the purpose of remedying conditions determined by that official or employee to constitute an imminent danger, as such term is defined in the version of the *International Property Maintenance Code* adopted and amended by the City, to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Such official or employee shall take immediate steps to notify the Commission of the proposed issuance of such order and may include in the order any timely received requirements or recommendations of the Commission or staff. In the event that such official or employee has determined that the historic resource, with the exception of single-unit detached dwellings, and accessory buildings or structures associated with single-unit detached dwellings, that are non-designated, is

capable of being made safe by repairs and need not be demolished, the historic resource shall be repaired, or demolished, in accordance with the provisions of this Article.

Section 6. Section 15-641 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

. . .

Multi-unit dwelling unit shall mean a dwelling unit that is located in a structure that is zoned for multi-unit dwelling use.

. . .

Section 7. Section 15-644 of the Code of the City of Fort Collins is hereby amended to read as follows:

- (a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

. . .

- (3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code Section 5.9.1(K)(1)(k) which sets forth applicable parking requirements.

. . .

- (b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.

. . .

- (3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code Section 5.9.1(K)(1)(k) which sets forth applicable parking requirements.

. . .

Section 8. Section 15-646 of the Code of the City of Fort Collins is hereby amended to read as follows:

. . .

- (b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted

pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Use Code Section 5.9.1(K)(1)(k).

...

- (e) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty (30) calendar days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in Land Use Code Section 5.9.1(K)(1)(k); and (3) any license issued pursuant to § 15-646 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

...

Section 9. Section 15-647 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-647. - Term of license and renewal.

...

(d) A short term primary or non-primary rental shall only operate in a multi-unit dwelling unit if the entire multi-unit structure meets all sanitation, mechanical, electrical, structural, and fire safety requirements applicable to an R-1 Occupancy Building.

(e) A short term primary or non-primary rental licensed prior to September 13, 2019, that operates in a multi-unit dwelling unit may continue to operate under and for the current terms of such license if it meets the requirements in § 15-648(4) and continues to comply with all other applicable requirements, and if the license has not lapsed for more than thirty (30) days.

If the owner of a short term primary or non-primary rental operating in a multi-unit dwelling unit that is licensed prior to September 13, 2019, sells or otherwise transfers the multi-unit dwelling unit, then the short term rental license shall expire at the time of sale or transfer unless the entire multi-unit structure where the multi-unit dwelling unit is located meets the R-1 Occupancy Building requirements in this § 15-647.

Section 10. Section 15-648 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-648. License regulations.

...

(3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use Code Section 5.9.1(K)(1)(k).

(4) The licensee shall maintain compliance with all sanitation, mechanical, electrical, structural, and fire safety requirements described in § 15-644. As a condition of renewal for the year 2020 and subsequent years, a short term primary or non-primary rental licensed in a multi-unit dwelling unit prior to September 13, 2019, may only continue to operate as a short term rental if the Building Official determines that the dwelling unit meets the following alternate minimum fire resistance and safety requirements applicable to an R-1 Occupancy, as those terms are defined by the *International Building Code*:

...

Section 11. Section 20-111 of the Code of the City of Fort Collins is hereby amended by deleting Paragraph (8) in the definition of *Nuisance activity* and holding that Paragraph number in reserve.

Sec. 20-111. – Definitions.

...

Nuisance activity means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

...

(8) Reserved.

...

Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024
Approving Attorney: Brad Yatabe

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Heather Walls, Deputy City Clerk
Rupa Venkatesh, Assistant City Manager

SUBJECT

Items Relating to a City Initiated Charter Amendment Relating to Elections.

EXECUTIVE SUMMARY

AMENDED TO INCLUDE MINOR CHANGES TO PRESENTATION.

- A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.
- B. First Reading of Ordinance No. 094, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Relating to Elections.

The purpose of this item is to set ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter can only be amended by a vote of the people and was first created by a vote in 1954. Over time, Charter provisions may become obsolete, contradictory, or desired to be changed to address current needs or trends. From time to time, the City submits Charter revisions, both large and small, to the voters for approval. If Council votes to adopt the proposed charter amendments, they will be placed on the November 5, 2024, ballot.

Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. The revisions outlined below relating to the election provisions in Article VIII are requested by the City Clerk's Office to address ambiguities, inconsistencies, and process complexity. The Committee

expressed support for these changes, which also include language modernization such as gender inclusive language and substituting active and direct terminology.

- In addition to modernizing language, staff proposes to revise the timeframe for a candidate to qualify from 60 days (2 months) to 30 business days (6 weeks) after certification of election has been issued. Shortening the time frame will ensure the candidate has qualified prior to them being sworn in on the second Wednesday in January.
- A computation of time section has been added to this Article. This clarifies how deadlines are affected by holidays, weekends, and emergency closures, which currently is an issue that can cause confusion and disagreement. When the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall and the time computation provision in this Article will be removed.
 - Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
 - Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
 - Deadlines will be at the end of the regular business day.
 - Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
 - Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
 - Many of the timing provisions are slightly modified to reflect this shift to make more consistent how timeframes will run in these processes.

CITY FINANCIAL IMPACTS

There is no direct financial impact by these Charter amendments however with the provisions relating to scheduling of elections, the City may see a decrease in costs when the election is coordinated with the County.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Election Code Committee unanimously supported the proposed Charter amendments.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Memo to Council, June 20, 2024
3. Presentation

ORDINANCE NO. 094, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS PROPOSED CHARTER
AMENDMENT NO. 1, AMENDING ARTICLE VIII OF THE CITY
CHARTER RELATING TO ELECTIONS

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. The Council's Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. Article VIII of the Charter governs the City's processes for elections generally.

E. The proposed amendments to Article VIII include the following:

1. Clarify the usage of the term "shall" by replacing with "will," "must" or other appropriate language;
2. modernize the language to be more inclusive by removing he/she language;
3. remove requirement that Chief Deputy City Clerk serve on the Board of Election and allow the City Clerk to designate the lead election expert;
4. eliminate vague language for challenging nominations and qualifications of candidates (substituting the Municipal Election Code process); and
5. add rules for computation of time and add consistent deadline timeframes.

F. The Election Code Committee considered and supported similar revisions to Article IX, regarding recall, and Article X, regarding initiative and referendum, which are also under consideration by the Council.

G. The Council finds that these proposed revisions to Article VIII of the City Charter, regarding City elections generally, update, simplify and improve these provisions and are for the benefit of the people of Fort Collins, and the Council desires to present

the amendments to Article VIII set forth below to the voters for approval at the November 5, 2024, special municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed changes to Article VIII of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 1" at the special municipal election to be held on Tuesday, November 5, 2024:

ARTICLE VIII. ELECTIONS

Section 1. Applicability of state constitution.

The Council ~~shall~~**will** provide by ordinance for the manner of holding city elections. All ordinances regarding elections ~~shall~~**must** be consistent with the provisions of this Charter and the state Constitution. ~~For Any~~ matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council ~~shall~~**will** be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

Section 2. City elections.

A regular city election ~~shall~~**will** be held on the first Tuesday in November of every odd-numbered year. All other municipal elections ~~shall~~**will** be known as special city elections and ~~shall~~**will** be called by ordinance and ~~shall~~**must** be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections ~~shall~~**must** be nonpartisan.

In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember ~~shall~~**will** be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length ~~shall~~**will** have no effect on the number of terms any such officer may be elected under the applicable term limits.

Section 3. Nomination; withdrawal from nomination.

Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor ~~shall~~**must** be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office ~~shall~~**must** be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition

for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature ~~shall~~ **will** be void as to all petitions which the elector signed.

Nominating petitions must be filed with the City Clerk. The Council ~~shall~~ **will** enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame ~~shall~~ **must** not be changed within one hundred eighty (180) days immediately prior to the election. No nominating petition ~~shall~~ **may** be accepted unless the candidate completes a verified acceptance of the nomination certifying that ~~he or she~~ **they** are not a candidate, directly or indirectly, of any political party, and that ~~he or she~~ **they** meets the qualifications for office and will serve if elected.

A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn ~~shall~~ **may** be placed upon the ballot.

Section 4. Petitions.

(a) Form; circulation. The Council ~~shall~~ **will** prescribe by ordinance, upon recommendation of the City Clerk, the form for a nominating petition which ~~shall~~ **must** include such warnings and notices to signers as may be deemed appropriate by the Council, as well as the candidate's verified acceptance of nomination. The signatures on a nominating petition need not all be subscribed on one (1) page, but to each separate section of the petition there ~~shall~~ **will** be attached a signed statement of the circulator thereof, stating the number of signers on that section of the petition, and that each signature thereon was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. When executed, such statement ~~shall~~ **must** be accepted as true until it ~~shall~~ **may** be proved false. If any portion is proved false, that portion of any petition ~~shall~~ **must** be disregarded. Following each signature on the petition of nomination ~~shall~~ **must** be written the printed name and the residence address of the signer, and the date of signing. All nominating papers comprising a petition ~~shall~~ **must** be filed as one (1) instrument.

(b) Sufficiency of petition. Upon receipt of a nominating petition, the City Clerk ~~shall~~ **will** forthwith examine the petition, and within five (5) **business** days after the filing of the petition, notify the candidate in writing of the results of the examination, specifying the particulars of insufficiency, if any. Within the regular time for filing petitions, an insufficient petition may be amended and filed again as a new petition, in which case the time of the first filing ~~shall~~ **will** be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition for each candidate elected to office ~~shall~~ **must** be preserved by the City Clerk until the expiration of the terms of office for such person.

(c) No person ~~shall~~ **may** receive any compensation whatever for signing a nominating petition.

(d) The City adopts the applicable requirements and procedures outlined in the Colorado Municipal Election Code of 1965, as amended, for objections to officer nominations.

Section 5. Board of Elections for City-administered elections.

There is hereby created a Board of Elections consisting of the City Clerk, ~~Chief Deputy~~ the lead election expert in the City Clerk's Office, as determined by the City Clerk, and Chief Judge. The Board ~~shall~~ will be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

Section 6. Appearance of names on ballot.

Every ballot ~~shall~~ must contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names ~~shall~~ will be arranged in alphabetical order of surname for each office, and ~~shall~~ may not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but ~~shall~~ may not include any punctuation marks setting out the nickname.

Section 7. Certification of election results.

(a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections ~~shall~~ must complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, ~~shall~~ will be declared elected to that office. In event of a tie, the selection ~~shall~~ will be made by the Board of Elections by lot after notice to the candidates affected. The City adopts the applicable requirements and procedures outlined in the Colorado Municipal Election Code of 1965, as amended, for contests to officers declared duly elected. ~~In case the candidate elected fails to qualify within sixty (60) days is disqualified by court order~~ after the date of issuance of the certificate of election, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting 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 or if the vote tabulation can no longer be rerun, the office ~~shall~~ will be deemed vacant, and ~~shall~~ will be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request in a City-administered election, the Board of Elections ~~shall~~ must complete an amended certificate declaring the results of the election by no later than the fifth day five (5) business days after the completion of the recount.

(b) For coordinated city elections (which are not administered by the City), the election ~~shall~~ will be determined and certified, and any tie vote or recount ~~shall~~ will be administered,

as provided in the applicable state law. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), ~~shall~~**will** be declared elected to that office.

(c) Ranked voting methods. Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.

(1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.

(2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

Section 8. Campaign contributions.

The Council ~~shall~~**will** act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city ~~shall~~**may** contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

Section 9. Corrupt practices.

Any person who violates at a city election any state law, provision of this Charter or ordinance of the city ~~shall~~**will**, upon conviction thereof, be disqualified from holding any city position or employment for two (2) years, or any elective city office for four (4) years.

Section 10. Validity of City-administered elections.

No City-administered election may be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

Section 11. Computation of time.

(a) Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.

(b) Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency

circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.

(c) In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.

(d) If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.

(e) If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.

(f) Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 142. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 1 to the voters at said election:

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 1

Shall Article VII of the Charter of the City of Fort Collins, regarding City elections, be amended to:

- Clarify the usage of the term "shall" by replacing with "will," "must" or other appropriate language;
- modernize the language to be more inclusive by removing he/she language;
- remove requirement that Chief Deputy City Clerk serve on the Board of Election and allow the City Clerk to designate the lead election expert;

- eliminate vague language for challenging nominations and qualifications of candidates (substituting the Municipal Election Code process); and
- add rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024
Approving Attorney: Carrie Daggett



City Clerk
 300 Laporte Avenue
 P.O. Box 580
 Fort Collins, CO 80522
970.221.6515
 970.221-6295 - fax
fcgov.com/cityclerk

City Attorney's Office
 300 Laporte Avenue
 PO Box 580
 Fort Collins, CO 80522
970.221.6520
 970.221.6327
fcgov.com

MEMORANDUM

TO: Mayor and City Councilmembers

FROM: Carrie Daggett, City Attorney *CAD*
 Heather Walls, Interim City Clerk *HW*

DATE: June 20, 2024

RE: Overview of Election-Related Charter Amendments Planned for July 2

The Council's Election Code Committee has met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter.

These changes are requested by the staff who manage and conduct these processes to address ambiguities, inconsistencies, and process complexity. The Committee expressed support for these changes, which also include language modernization such as making the language gender inclusive and substituting active and direct terminology. Many of the changes bring the Charter in line with Colorado municipal election law. **The changes do not alter the signature requirements for any of the petition types, nor do they reduce the time for circulation of petitions.**

Ordinances proposing ballot questions to be put to the voters that would enact these amendments are being prepared for Council consideration on July 2. The three ballot questions would:

1. Amend Charter Article VIII, regarding elections generally;
2. Repeal and Reenact Article IX, regarding recall; and
3. Repeal and Reenact Article X, regarding initiative and referendum.

Description of Amendments and Rationale:

1. Reorganization for Clarity:

Article IX and Article X have been reorganized to make the description of the process and requirements flow better so they are easier to follow. The full process for initiatives and the full process for referenda are set out, rather than having a third section that combined some of the process requirements. This will make each of the two different petition processes simpler and easier to follow. The significant shifting of information within these Articles has made repealing and reenacting the appropriate method for revising them, rather than showing the extensive individual wording amendments.

2. Computation of Time:

The process deadlines in all three of these Articles are clarified in the proposed amendments.

- A computation of time section has been added to each Article (when the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall). This clarifies how deadlines are affected by holiday, weekend, and emergency closures, which currently is an issue that creates confusion and potential for disagreement.
- Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
- Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
- Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
- **Many of the timing provisions are slightly modified to reflect this shift and in an effort to make more consistent how timeframes will run in these processes. It does not reduce the time given to petitioners.**

3. Updates to Petition Form Approval by the City Clerk:

- The proposed revisions change the method for setting the form of initiative and referendum petitions so that the Clerk is responsible for preparing a general statement of purpose, in consultation with the City Attorney, to fairly and accurately summarize the initiated measure or ordinance to be referred.
- Where the referred ordinance exceeds two pages in length, the Clerk will similarly prepare a summary of it, rather than the current requirement that the entire ordinance be presented with each section of the petition.
- **This will reduce the iterative process that often takes place at the beginning of the petition approval process and reduce the amount of paper material required for petition circulation.**

4. Updates to Review Periods for the City Clerk:

- In all Articles, review periods allowed for the City Clerk have been updated because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted and are more in line with the statutory review periods.
- **There have been no changes to the signature requirements for any of the petition types in these Articles.**

5. Simplification of the Petition Review Process (“Cure” Provisions):

- The current process for *recall petitions* allows for “cure” meaning the petition may be withdrawn if determined insufficient and an additional 15 days is allowed for amending the petition. Under Colorado municipal election law this is used not to add signatures but to add or clarify information and correct affidavits. This cure mechanism has not been used and adds confusion to the process.
- The current process for *initiative petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- The current process for *referendum petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- **Because these “cure” periods create confusion, are not well utilized or understood and generally are inconsistent with Colorado municipal election law, staff has proposed that they be removed.**

6. Updates to Petition Review Protest Process:

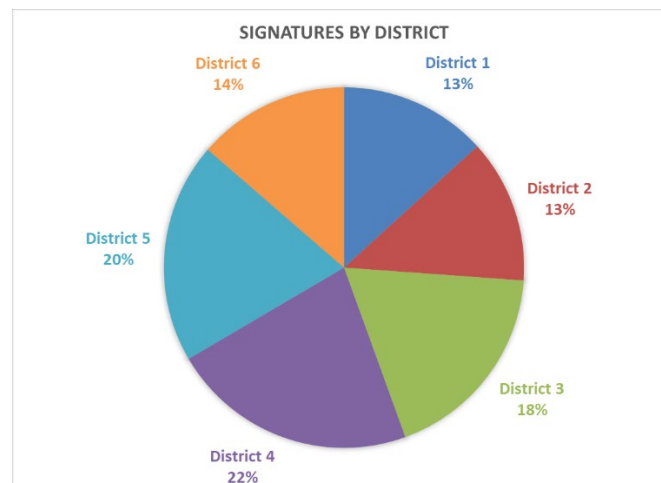
- The process for protesting a Clerk determination of sufficiency for petitions has been updated and made consistent for each of the three (recall, initiative and referendum) major petition processes.
- Time frames have been tightened except a slightly longer time frame for arranging, setting and providing notice of the protest hearing is included. This will allow more time for preparation in advance of the hearing by all involved.

7. Updates to the time for an election under each Article:

- **A significant challenge that has developed over time is the increased lead time required to place an item on a ballot and the increased overall time for the conduct of an election. Many current Charter timeframes are unworkable in some scenarios under current election requirements and limitations.**
- For a successful recall petition, the proposed language states that upon the City Clerk’s presentation of a petition certified as sufficient for recall:
 - Council must set the date for the election to be held on a Tuesday at the earliest possible election date and that the City Clerk will advise Council on the date that will allow sufficient time to meet all applicable requirements to hold such an election.
 - If the earliest possible election date determined by the City Clerk is less than 77 days prior to an upcoming November election (regular municipal or general election), the recall election must be consolidated with such election.
 - If the election will be consolidated with the November election and the office subject to recall is already on the upcoming November ballot, the recall process terminates.

- If the officer subject to the recall petition resigns before ballots are mailed to the voters, the recall process would end, and the vacancy must be filled by appointment.
- For a successful initiative petition, the proposed language changes FROM the current requirement that if a special election is requested it must be called by Council within 120 days TO a requirement that Council submit the measure at the next November election the City is able to coordinate with the County on, whether that is a special election or a regular City election.
- For a successful referendum petition, the proposed language clarifies that the Council must refer the item to the earliest regular or already-called special election date for which all election process requirements can be met. Council may opt to call an earlier special election for the matter so long as all election process requirements can be met.

The Election Code Committee also explored the idea of requiring petition signatures to be distributed to some extent throughout the City so as to show more than only localized interest in a matter before it is placed on a City-wide ballot. Anecdotally, Elections staff indicated that support for measures tends to be fairly well distributed without a requirement. The Committee chose not to pursue that additional requirement. After that discussion, staff has reviewed data from the most recent petition process (the 2023 Land Use Code referendum petition) and confirmed that the signatures were well-distributed:



We are happy to sit down and walk through these changes in more detail with individual Councilmembers who would find that helpful. In addition, if any Councilmember would find a work session discussion of these changes helpful in advance of consideration of the related ballot questions, currently planned for July 2, please contact Council leadership to request a work session on these in advance of publication of the agenda for July 2 on June 27.

cc: Kelly DiMartino, City Manager
 Rupa Venkatesh, Assistant City Manager
 Sara Arfmann, Assistant City Attorney

July 2, 2024

Proposed Election Charter Amendments

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney



Council Members:

- Councilmember Canonico (Chair)
- Mayor Arndt
- Councilmember Pignataro

Team:

- City Manager's Office
- City Attorney's Office
- City Clerk's Office

• Term:

- Met from March 27, 2024 to May 29, 2024

Proposed Ballot Questions

1. Amend Charter Article VIII, regarding Elections in general
2. Repeal and Reenact Article IX, regarding Recall
3. Repeal and Reenact Article X, regarding Initiative and Referendum

Article VIII – Elections

- General provisions related to Elections

Article IX - Recall

- Guides process to recall a Councilmember

Article X – Initiatives and Referendums

- Guides process for citizen initiatives or referendums

Modernizing Language:

- All “shall” references will be replaced with “will”, “must” or “may” depending on context.
- All “he or she” references will be replaced with “they/their.”
- Change references to “mail” correspondence to “send” correspondence to allow for electronic mail where applicable.

Time Computations:

- Change needed due to how deadlines are affected by holiday, weekend, and emergency closures
- City actions - “business days” in increments of five, except where particulars dictate otherwise.
- Petitioner actions - “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- **Will not reduce the time given to petitioners.**
- Expect this to eventually apply to all applicable Charter sections.

- **Purpose:** To address obsolete language and avoid confusion with deadlines
- Modernization of language
- Changes to computation of time
- Updates to processes
 - Allows the City Clerk to appoint an elections expert to serve on Board of Election
 - Eliminates vague language related to qualification of elected officers (utilizing statutory process)

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 1**

Shall Article VIII of the Charter of the City of Fort Collins, regarding city elections, be amended to:

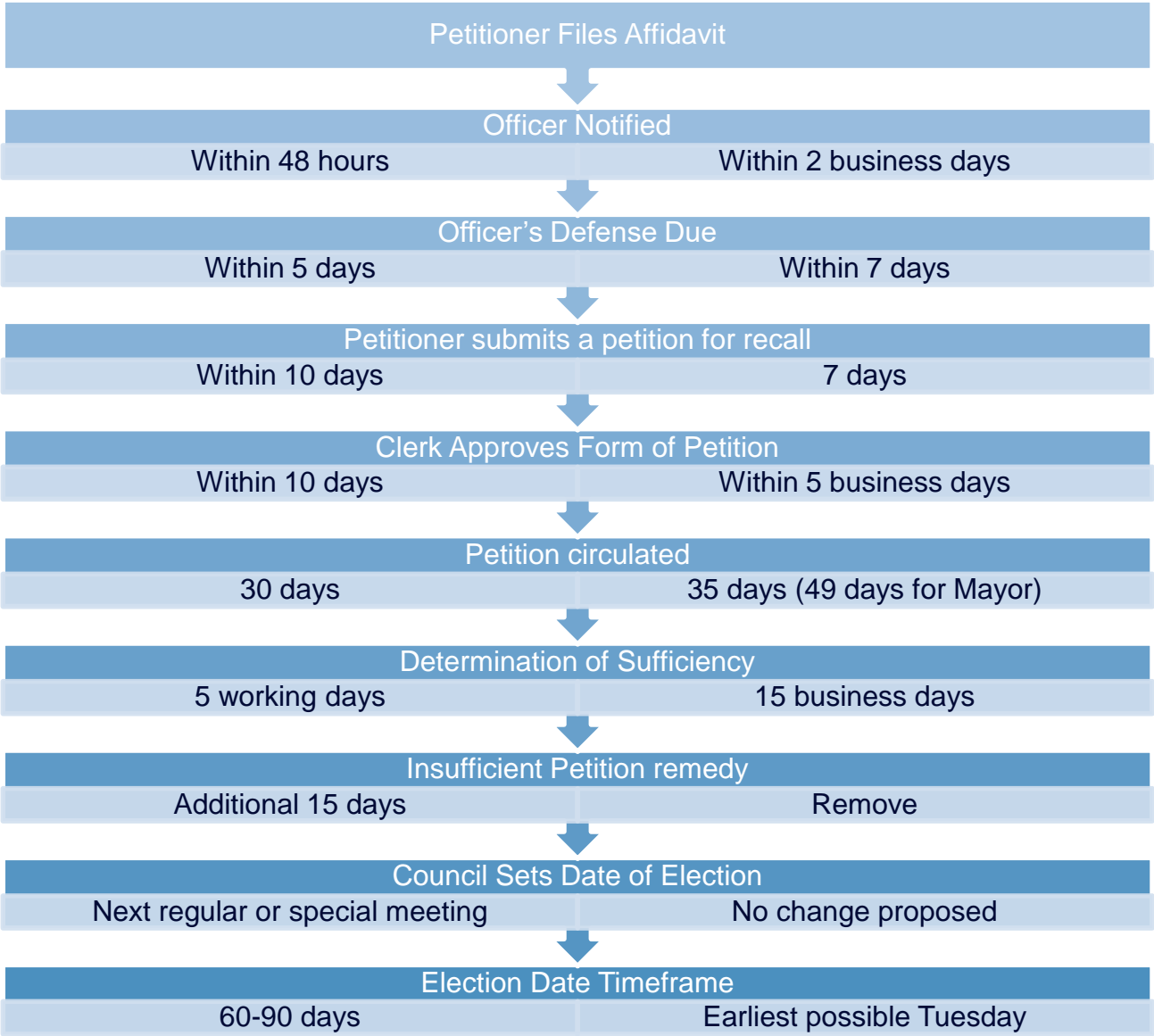
- clarify the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernize the language to be more inclusive by removing he/she language;
- remove requirement that Chief Deputy City Clerk serve on the Board of Election and allow the City Clerk to designate the lead election expert;
- conform the process for challenging nominations and qualifications of candidates to the Municipal Election Code; and
- add rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

- Modernization of language
- Changes to computation of time
- Reorganization of material for clarity (requires repeal and reenact due to significant number of revisions)
- Updates to processes
 - Based on first-choice votes with ranked choice voting
 - City Clerk Review Periods
 - Simplification of Petition Review Process (elimination of Cure provisions)
 - Petition Review Protest
- Changes to election timeframes
- Eliminates vague language related to qualification of elected officers (utilizing statutory process)

Current Provision

Proposed Provision



Additional Recall Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	35 days for Council Member, 49 days for Mayor	60	60
Cure	Remove for simplification	15 days after determination of insufficiency and only by the addition of required info relating to the signers of the petition or the circulator affidavits	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by DEO of errors
Timing of Election	Earliest possible Tuesday that allows the City Clerk sufficient time to meet all legal, logistical, and technical requirements applicable to the conduct of an election. No less than 77 days prior to regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 180 days after submission to Council, it must be held as part of the regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 120 days after submission to Council, it must be held as part of the regular election.

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 2**

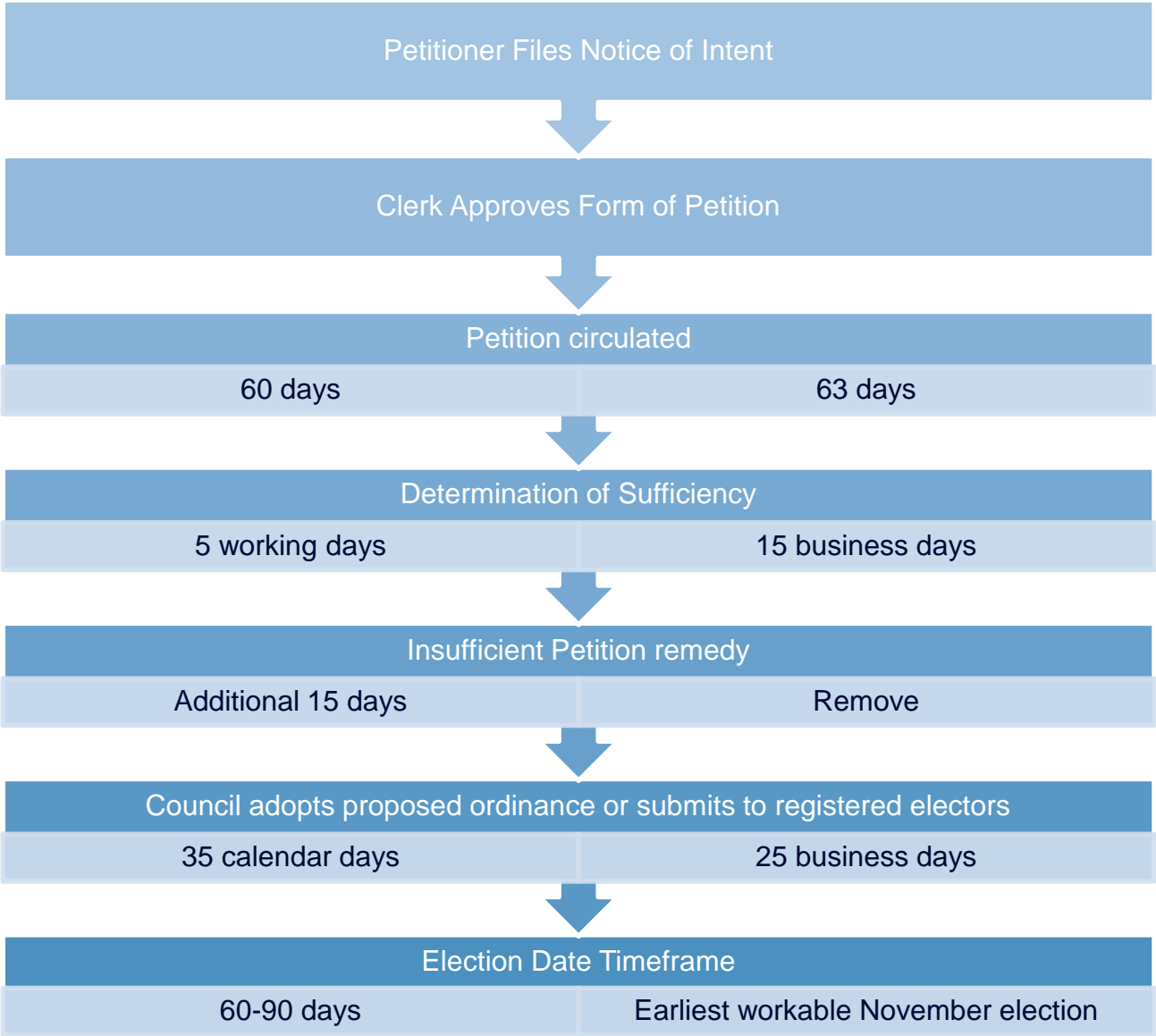
Shall Article IX of the Charter of the City of Fort Collins, regarding the recall process, be repealed and reenacted in the form set forth in Ordinance No. 095, 2024, which makes edits for clarity and consistency and:

- clarifies the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Art. IX to be simpler, easier to follow and clearer;
- retains the same percentage requirements for signatures (updated to address ranked choice voting) and same timeframes for circulation of a petition, except it increases the time for circulating a petition to recall the mayor to 42 days;
- simplifies review process and removes the allowance for time for “cure” of technical errors and omissions;
- tightens timeframe for protest hearing and decision;
- requires Council to set recall measure for vote for the next Tuesday for which all election deadlines can be met and if that earliest meetable date is within 77 days of a November election, it must go on that ballot;
- clarifies that if the office held by the subject of the recall is on the next November election ballot and the election on the recall would be at that election or later, the recall process terminates; and
- adds rules for computation of time and consistent deadline timeframes?

- Modernization of language
- Changes to computation of time
- Reorganization of material for clarity (requires repeal and reenact due to significant number of revisions)
- Updates to Processes
 - Petition Form Approval
 - City Clerk Review Periods
 - Simplification of Petition Review Process (elimination of Cure provisions)
 - Petition Review Protest
- Changes to election timeframes

Current Provision

Proposed Provision

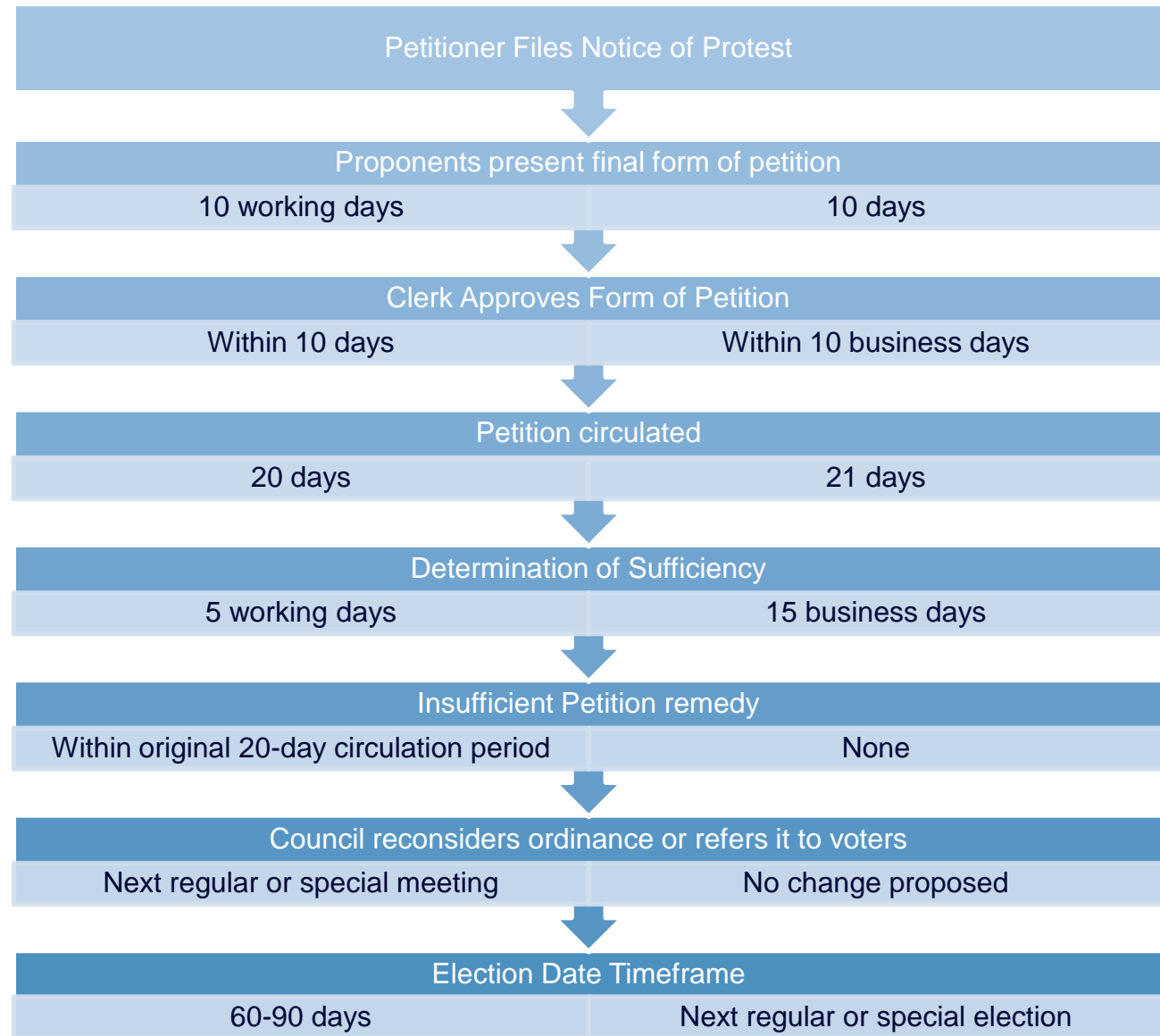


Additional Initiative Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	Change from 60 days to 63 days	180 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	Remove for simplification	No cure period	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Change from 120 days to earliest workable November election	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to check signatures	Change from 5 working days to 15 business days	30 calendar days	30 calendar days

Current Provision

Proposed Provision

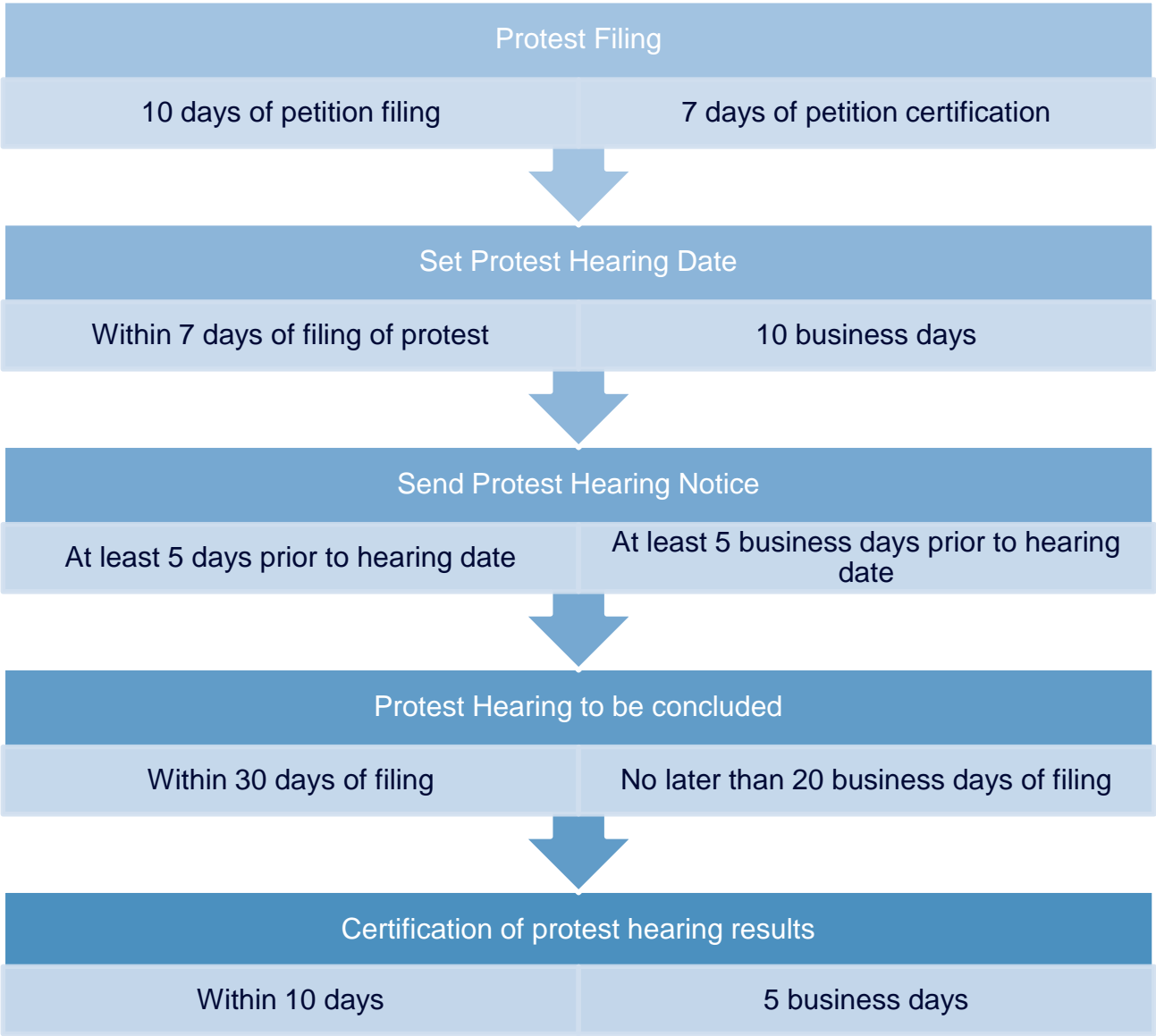


Additional Referendum Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	Currently 20 days. Propose to change to 21 days	30 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	Remove for simplification	No cure available	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Next regular or special city election scheduled for any other purpose for which election process requirements can be met	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to verify signatures	Currently 5 working days. Propose to change to 15 business days	30 calendar days	30 calendar days

Current Provision

Proposed Provision



**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 3**

Shall Article X of the Charter of the City of Fort Collins, regarding the initiative process and referendum process, be repealed and reenacted in the form set forth in Ordinance No. 096, 2024, which makes edits for clarity and consistency and:

- clarifies the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Art. X to be simpler and easier to follow;
- makes the City Clerk responsible for preparing a general statement for inclusion in a petition and limits requirement to include entire ordinance in each petition section;
- increases time for City Clerk petition review and scheduling protests;
- simplifies review process and removes technical “cure” provision to conform to Municipal Election Code;
- tightens timeframe for protest hearing and decision;
- requires Council to set initiative measures for vote at next timely November election;
- requires Council to set referendum measure for vote no later than next regular or special municipal election; and
- adds rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

QUESTIONS?

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Heather Walls, Deputy City Clerk
Rupa Venkatesh, Assistant City Manager

SUBJECT

Items Relating to a City Initiated Charter Amendment Relating to Recall.

EXECUTIVE SUMMARY

AMENDED TO INCLUDE PROTEST FILED ON JUNE 30, 2024.

A. Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 095, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article IX of the City Charter Relating to Recall.

The purpose of this item is to set ballot language regarding proposed amendments to Article IX of the City Charter relating to recall provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter can only be amended by a vote of the people and was first created by a vote in 1954. Over time, Charter provisions may become obsolete, contradictory, or desired to be changed to address current needs or trends. From time to time, the City submits Charter revisions, both large and small, for voter approval. If Council votes to adopt the proposed charter amendments, they will be placed on the November 5, 2024, ballot.

Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. The revisions outlined below relating to the recall provisions in Article IX are requested by the City Clerk's Office to address ambiguities, inconsistencies, and process complexity. The Committee

expressed support for these changes, which also include language modernization such as gender inclusive language and substituting active and direct terminology.

- **Reorganization for Clarity:** Article IX has been reorganized to make the description of the process and requirements flow better so they are easier to follow. The full recall process is outlined in chronological order. This will make the process simpler and easier to follow. The significant shifting of information within these Articles has made repealing and reenacting the appropriate method for revising them, rather than showing the extensive individual wording amendments.
- **Updates to Review Periods for the City Clerk:** The timeframe allowed for the City Clerk to examine petitions has been updated because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted and are more in line with the examination periods in state statutes.

Note: There has been no change to the signature requirements for a recall petition.

- **Simplification of the Petition Review Process (“Cure” Provisions):** The current process for *recall petitions* allows for “cure” meaning the petition may be withdrawn if determined insufficient and an additional 15 days is allowed for amending the petition. Under municipal election law this is used not to add signatures but to add or clarify information and correct affidavits. This cure mechanism has not been used and adds confusion to the process. Because these “cure” periods create confusion, are not well utilized or understood and generally are inconsistent with municipal election code, staff has proposed that they be removed.
- **Updates to Petition Review Protest Process:** The process for protesting a Clerk determination of sufficiency for petitions has been updated and made consistent for each of the three (recall, initiative and referendum) major petition processes. Time frames have been tightened except a slightly longer time frame for arranging, setting and providing notice of the protest hearing is included. This will allow more time for preparation in advance of the hearing by all involved.
- **Updates to the time for to conduct an election:** A significant challenge that has developed over time is the lead time required to place an item on a ballot and the overall time for the conduct of an election. Current timeframes are unworkable under current election requirements and limitations. For a successful recall petition, the proposed language states that upon the City Clerk’s presentation of a petition certified as sufficient for recall:
 - Council must set the date for the election to be held on a Tuesday at the earliest possible election date and that the City Clerk will advise Council on the date that will allow sufficient time to meet all applicable requirements to hold such an election.
 - If the earliest possible election date determined by the City Clerk is less than 77 days prior to an upcoming November election (regular municipal or general election), the recall election must be consolidated with such election.
 - If the election will be consolidated with the November election and the office subject to recall is already on the upcoming November ballot, the recall process terminates.
 - If the officer subject to the recall petition resigns before ballots are mailed to the voters, the recall process would end, and the vacancy must be filled by appointment.
 - This version also to removes language about qualification of candidates and instead refers to statutory procedures for challenging candidate qualifications.
- **A computation of time** section has been added to this Article. This clarifies how deadlines are affected by holidays, weekends, and emergency closures, which currently is an issue that can cause confusion and disagreement. When the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall and the time computation provision in this Article will be removed.

- Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
- Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
- Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
- Many of the timing provisions are slightly modified to reflect this shift to make more consistent how timeframes will run in these processes.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Election Code Committee unanimously supported the proposed Charter amendments.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Article IX (current version)
3. Memo to Council, June 20, 2024
4. Article IX Protest of Proposed Ballot Language

ORDINANCE NO. 095, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS PROPOSED CHARTER
AMENDMENT NO. 2, REPEALING AND REENACTING ARTICLE IX
OF THE CITY CHARTER RELATING TO RECALL

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the city council submitting a proposed amendment to a vote of the registered electors of the city.

D. The Council's Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. Article IX of the Charter governs the City's processes for recall of elected officials.

E. A thorough review of Article IX has highlighted confusing and unnecessarily complicated language, and the improvement of these provisions would assist members of the public in exercising their rights regarding recall of elected officials and would reduce confusion and ambiguity for those involved in this process.

F. Incorporated in the revised Article IX are the following:

1. Clarified the usage of the term "shall" by replacing with "will," "must" or other appropriate language.
2. Modernized the language to be more inclusive by removing he/she language.
3. Revised and reorganized to make the description of the process and requirements flow better so they are easier to follow. The process for a recall petition is set out chronologically and is consistent with the other Charter petition processes.
4. Retained the same percentage requirements for signatures (based on first-choice votes with ranked choice voting) and increased timeframes for circulation of a recall petition, including an additional increase in the time to circulate a petition to recall the mayor.

5. Updated the timeframe allowed for the City Clerk to examine petitions because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted. The new timeframes are more in line with the examination periods in state statutes.
6. Simplified the Petition Review Process (“Cure” Provisions) to eliminate the time for correction of technical deficiencies after submission of a petition.
7. Updated the Protest process for consistency with the process for filing and deciding protests of other types of petitions, allowing more time for setting of the protest hearing and tightening timeframes for completion of the hearing and decision.
8. Updated time for conduct of an election on a successful petition so they work with new election process timing and requirements. For a successful recall petition, the measure would be set for the next Tuesday for which all election deadlines can be met. If the earliest meetable date is less than 77 days before an upcoming November election, the recall issue must go to that election. However, if the recall election will be on the upcoming November ballot or later, and the office held by the subject of the recall is on that November election, the recall process terminates.
9. Added computation of time provisions to clarify how deadlines are interpreted and setting updated deadlines based on business days (in increments of five) for actions the City must complete and calendar days (in increments of seven) for actions to be completed by others.

G. The Election Code Committee considered and supported similar revisions to Article VIII, regarding elections generally, and Article X, regarding initiative and referendum, which are also under consideration by the Council.

H. The Council finds that these proposed revisions to Article IX of the City Charter, regarding the Recall process, update, simplify and improve that process and are for the benefit of the people of Fort Collins, and the Council desires to present the repealed and reenacted Article IX set forth below to the voters for approval at the November 5, 2024, special municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the repeal of Article IX of the City Charter and the reenactment of Article IX of the City Charter as set forth below, shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 2” at the special municipal election to be held on Tuesday, November 5, 2024:

ARTICLE IX. RECALL

Section 1. The recall.

(a) Power. Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. The procedure to affect a recall will be as provided in this Article.

- (1) For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" will be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall.
- (2) For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" will be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative.
- (3) No recall petition may be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term.

(b) Commencement of proceedings; affidavit. One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit must be filed for each officer sought to be recalled.

- (1) Within two (2) business days after the filing of the affidavit, the City Clerk will mail a copy by certified mail to the affected officer. The City Clerk will also promptly provide the affidavit to the City Council by electronic mail.
- (2) No later than seven (7) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges.
- (3) The affidavit and the response are intended for the information of the registered electors, who will be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds will not be open to judicial review.
- (4) Within seven (7) days after the date by which any statement in defense must be filed, the petitioner must submit to the City Clerk a petition for recall of the officer for City Clerk review in accordance with Section 2(b) of this

Article. The petition must be circulated, signed, verified and filed in the manner provided in Section 2 of this Article.

- (5) If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings will be terminated.

Section 2. Petitions.

(a) Separate petitions required. A separate petition must be circulated and filed for each officer sought to be recalled.

(b) Form and content.

(1) Adoption of form. The Council must prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which will contain warnings and notices to signers as necessary and meet the requirements of this Article.

(2) Approval of form. No petition may be circulated until the City Clerk has approved the form for circulation. The City Clerk must determine whether to approve the form of petition no later than five (5) business days after submittal. The City Clerk must first determine that the petition form contains all matters required under this Article and only the matters required by this Article.

(3) Scope of approval. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, starts the running of the time periods provided for circulation and filing of petitions for recall.

(4) Statement of purpose. The petition must contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.

(5) Petition representatives. Each petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.

(6) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign their own signature and each signature must be followed by the printed name of the signer, the street and number address of their residence, and the date of signing.

(7) Petition sections. Each section of the petition must be individually numbered and must contain no less than thirty (30), and no more than one hundred (100) signature lines.

(c) Circulation of petition.

(1) To be valid, the petition must be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and each section must contain a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.

(2) All sections must be filed with the City Clerk as one (1) instrument.

(3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.

(4) The circulation of any petition by any medium other than personally by a circulator is prohibited.

(5) No person may receive any compensation whatever for signing a recall petition.

(6) No person may knowingly sign an initiative petition more than once.

(7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.

(d) Affidavit of circulator. For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:

(1) the circulator's address of residence;

(2) that the circulator is eighteen (18) years of age or older;

(3) that they personally circulated the section;

(4) that each signature was affixed in the circulator's presence on the date stated with such signature;

(5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;

(6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;

(7) that each signer had an opportunity before signing to read the full text of the petition; and

(8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix their signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections will be prima facie evidence that the signatures thereon are genuine and true.

(e) Number of signatures required.

(1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the total of votes cast at the last preceding regular city election for the office to which the incumbent sought to be recalled was elected.

(2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the total of first choice votes cast at the last preceding regular city election for the office to which the incumbent sought to be recalled was elected.

(f) Petition deadlines; submittal.

(1) For the recall process to proceed, petitions for recall must be filed with the City Clerk as follows:

a. For a District Council representative, no later than thirty-five (35) days after the City Clerk's approval of the form for circulation;

b. For a Mayor, no later than forty-nine (49) days after the City Clerk's approval of the form for circulation.

(2) All petition sections must be filed with the City Clerk together at the same time and will collectively constitute the petition.

(3) A recall petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.

(g) Examination of petition.

(1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the

petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.

(2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.

(3) Upon submittal of a petition, the Clerk shall not remove the signature of an elector from the petition.

(4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

(h) Protests.

(1) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to sufficiency of the petition. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.

(2) Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.

(3) At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.

(4) All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.

(5) All records and hearings will be public, and all testimony must be under oath.

(6) The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.

(7) The hearing officer must decide and certify the results of the hearing no later than five (5) business days after the hearing is concluded, and no further protest regarding the petition may be filed.

(8) The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.

(9) A petition for recall that has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.

(i) Certification and presentation to Council. When and if a petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk will so certify and present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate constitutes the final determination as to the sufficiency of the petition.

Section 3. Action by Council.

(a) A recall election will be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor.

(b) Upon the City Clerk's presentation of a petition certified as sufficient for recall, the Council must set a date for the election to be held on a Tuesday at the earliest possible election date that allows the City Clerk sufficient time to meet all legal, logistical and technical requirements applicable to the conduct of an election. The City Clerk will advise the Council of said election date in connection with Council's call of the recall election.

(c) If the earliest possible election date determined by the City Clerk is less than seventy-seven (77) days prior to an upcoming November regular municipal election or November General Election conducted by the Larimer County Clerk and Recorder, the recall election must be consolidated with such other election date.

(d) If a recall election must be consolidated with a November regular municipal election pursuant to subsection (c) or cannot be set until a date after a November regular election, and if the Council office held by the officer for whom a recall is sought will be on such November ballot, the recall process must be deemed terminated and the regular election for that Council office will proceed as part of the November regular municipal election.

(e) If the officer subject to a recall petition resigns before ballots for the recall election are mailed to the voters, the recall process must be deemed terminated and the vacancy must be filled by appointment. If a vacancy occurs after the ballots for the recall election have been mailed to the voters, the election to fill the vacancy under Section 4, below, must nevertheless proceed.

Section 4. Recall elections.

(a) Generally. Recall elections must be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates apply to recall elections.

(b) Nominations on recall. Anyone desiring to become a candidate at the recall election must do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election will be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed is barred from appearing on the ballot as a candidate for the office.

(c) Ballots. The official ballot must include, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question must appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there must also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled. (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent will thereupon be deemed removed from their office upon the taking of the oath of office by their successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, will be declared elected for the remainder of the incumbent's term.

(e) Elected replacement. The candidate elected will take office upon taking the oath of office, which must occur as the first order of business at the next regular or special Council meeting after certification of the election results.

(f) Disqualification from office. No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person may serve the city in any elected or Council-appointed capacity within two (2) years after such removal or resignation.

Section 5. Computation of time.

(a) Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.

(b) Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the

last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.

(c) In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.

(d) If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.

(e) If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.

(f) Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 6. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2

Shall Article IX of the Charter of the City of Fort Collins, regarding the recall process, be repealed and reenacted in the form set forth in Ordinance No. 095, 2024, which makes edits for clarity and consistency and:

- Clarifies the usage of the term "shall" by replacing with "will," "must" or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Article IX to be simpler, easier to follow and clearer;

- retains the same percentage requirements for signatures (based on first-choice votes with ranked choice voting) and increases timeframes for circulation of a recall petition, with an additional increase in the time to circulate a petition to recall the mayor;
- simplifies review process and removes the allowance for time for “cure” of technical errors and omissions;
- tightens timeframe for protest hearing and decision;
- requires Council to set recall measure for vote for the next Tuesday for which all election deadlines can be met and if that earliest meetable date is within 77 days of a November election, it must go on that ballot.
- clarifies that if the office held by the subject of the recall is on the next November election ballot and the election on the recall would be at that election or later, the recall process terminates; and
- adds rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Carrie Daggett

ARTICLE IX. RECALL

Section 1. The recall.

- (a) **Power.** Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" shall be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall. For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" shall be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative. No recall petition shall be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term. The procedure to effect a recall shall be as provided in this Article.
- (b) **Commencement of proceedings; affidavit.** One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled. Within forty-eight (48) hours after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. Within five (5) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges. The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review. Within ten (10) days after the date by which any statement in defense must be filed, a petition for recall of the officer shall be submitted to the City Clerk for approval of the form of the petition in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article. If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.
- (c) **Call of election.** A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.
- (d) **Disqualification for office.** No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person shall serve the city in any elected or appointed capacity within two (2) years after such removal or resignation.

(Ord. No. 199, 1986, § 1, Part A, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-10-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. 128, 1999, § 1, 8-17-99, approved, election 11-2-99)

Section 2. Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each officer sought to be recalled.
- (b) Form and content.
 - (1) Approval of form. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions for recall.
 - (2) Statement of purpose. The petition shall be addressed to Council and shall contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.
 - (3) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing. No person shall knowingly sign his or her name more than once for the recall of the same incumbent.
- (c) Circulation of petition. The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. Only persons eighteen (18) years of age or older may circulate the petition for signatures. The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing a recall petition.
- (d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:
 - (1) the circulator's address of residence;
 - (2) that the circulator is eighteen (18) years of age or older;
 - (3) that he or she personally circulated the section;
 - (4) that each signature was affixed in the circulator's presence;
 - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (7) that each signer had an opportunity before signing to read the full text of the petition; and
 - (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

- (e) Number of signatures required.

- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the entire vote cast at the last preceding regular city election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
 - (2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the entire vote cast at the last preceding regular city election for all candidates for the office to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
- (f) Place of filing, time limits. Petitions for recall shall be filed with the City Clerk within thirty (30) days of the City Clerk's approval of the form for circulation. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent the signers of the petition in all matters affecting the petition, and shall be endorsed by such persons.
- (g) Sufficiency of petition; amendment. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

Registered electors desiring to protest the sufficiency of a petition may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. The reasons assigned for recall may not be protested. Upon the filing of a written protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days before the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing. All records and hearings shall be before the City Clerk who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. The City Clerk shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded.

In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.

When and if a petition or amended petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council at the next regularly scheduled meeting. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 199, 1986, § 1, Part A, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00)

Section 3. Elections.

- (a) Generally. Elections on recall shall be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates shall apply to recall elections.
- (b) Nominations on recall. Anyone desiring to become a candidate at the recall election shall do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election shall be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed shall not appear on the ballot as a candidate for the office.
- (c) Ballots. There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled.
- (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent shall thereupon be deemed removed from his or her office upon the taking of the oath of office by his or her successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, Section 7, shall be declared elected for the remainder of the incumbent's term. The candidate elected shall take office upon taking the oath of office, which shall occur as the first order of business at the next regular or special Council meeting. In case the candidate elected fails to qualify within sixty (60) days after the issuance of a certificate of election, the candidate with the next highest vote shall be elected, and 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.

(Ord. No. 199, 1986, § 1, Part A, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, X, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 006, 2015, § 1, 1-20-15, approved, election of 4-7-15 ; Ord. No. 080, 2022 , § 2, 7-5-22, approved, election 11-8-22)

Section 4. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 199, 1986, § 1, Part A, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)



City Clerk
 300 Laporte Avenue
 P.O. Box 580
 Fort Collins, CO 80522

970.221.6515
 970.221-6295 - fax
fcgov.com/cityclerk

City Attorney's Office
 300 Laporte Avenue
 PO Box 580
 Fort Collins, CO 80522

970.221.6520
 970.221.6327
fcgov.com

MEMORANDUM

TO: Mayor and City Councilmembers

FROM: Carrie Daggett, City Attorney *Cd*
 Heather Walls, Interim City Clerk *HW*

DATE: June 20, 2024

RE: Overview of Election-Related Charter Amendments Planned for July 2

The Council's Election Code Committee has met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter.

These changes are requested by the staff who manage and conduct these processes to address ambiguities, inconsistencies, and process complexity. The Committee expressed support for these changes, which also include language modernization such as making the language gender inclusive and substituting active and direct terminology. Many of the changes bring the Charter in line with Colorado municipal election law. **The changes do not alter the signature requirements for any of the petition types, nor do they reduce the time for circulation of petitions.**

Ordinances proposing ballot questions to be put to the voters that would enact these amendments are being prepared for Council consideration on July 2. The three ballot questions would:

1. Amend Charter Article VIII, regarding elections generally;
2. Repeal and Reenact Article IX, regarding recall; and
3. Repeal and Reenact Article X, regarding initiative and referendum.

Description of Amendments and Rationale:

1. Reorganization for Clarity:

Article IX and Article X have been reorganized to make the description of the process and requirements flow better so they are easier to follow. The full process for initiatives and the full process for referenda are set out, rather than having a third section that combined some of the process requirements. This will make each of the two different petition processes simpler and easier to follow. The significant shifting of information within these Articles has made repealing and reenacting the appropriate method for revising them, rather than showing the extensive individual wording amendments.

2. Computation of Time:

The process deadlines in all three of these Articles are clarified in the proposed amendments.

- A computation of time section has been added to each Article (when the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall). This clarifies how deadlines are affected by holiday, weekend, and emergency closures, which currently is an issue that creates confusion and potential for disagreement.
- Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
- Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
- Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
- **Many of the timing provisions are slightly modified to reflect this shift and in an effort to make more consistent how timeframes will run in these processes. It does not reduce the time given to petitioners.**

3. Updates to Petition Form Approval by the City Clerk:

- The proposed revisions change the method for setting the form of initiative and referendum petitions so that the Clerk is responsible for preparing a general statement of purpose, in consultation with the City Attorney, to fairly and accurately summarize the initiated measure or ordinance to be referred.
- Where the referred ordinance exceeds two pages in length, the Clerk will similarly prepare a summary of it, rather than the current requirement that the entire ordinance be presented with each section of the petition.
- **This will reduce the iterative process that often takes place at the beginning of the petition approval process and reduce the amount of paper material required for petition circulation.**

4. Updates to Review Periods for the City Clerk:

- In all Articles, review periods allowed for the City Clerk have been updated because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted and are more in line with the statutory review periods.
- **There have been no changes to the signature requirements for any of the petition types in these Articles.**

5. Simplification of the Petition Review Process (“Cure” Provisions):

- The current process for *recall petitions* allows for “cure” meaning the petition may be withdrawn if determined insufficient and an additional 15 days is allowed for amending the petition. Under Colorado municipal election law this is used not to add signatures but to add or clarify information and correct affidavits. This cure mechanism has not been used and adds confusion to the process.
- The current process for *initiative petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- The current process for *referendum petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- **Because these “cure” periods create confusion, are not well utilized or understood and generally are inconsistent with Colorado municipal election law, staff has proposed that they be removed.**

6. Updates to Petition Review Protest Process:

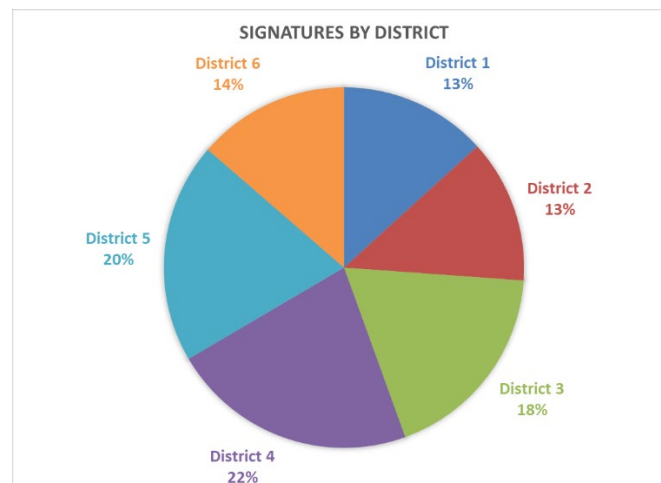
- The process for protesting a Clerk determination of sufficiency for petitions has been updated and made consistent for each of the three (recall, initiative and referendum) major petition processes.
- Time frames have been tightened except a slightly longer time frame for arranging, setting and providing notice of the protest hearing is included. This will allow more time for preparation in advance of the hearing by all involved.

7. Updates to the time for an election under each Article:

- **A significant challenge that has developed over time is the increased lead time required to place an item on a ballot and the increased overall time for the conduct of an election. Many current Charter timeframes are unworkable in some scenarios under current election requirements and limitations.**
- For a successful recall petition, the proposed language states that upon the City Clerk’s presentation of a petition certified as sufficient for recall:
 - Council must set the date for the election to be held on a Tuesday at the earliest possible election date and that the City Clerk will advise Council on the date that will allow sufficient time to meet all applicable requirements to hold such an election.
 - If the earliest possible election date determined by the City Clerk is less than 77 days prior to an upcoming November election (regular municipal or general election), the recall election must be consolidated with such election.
 - If the election will be consolidated with the November election and the office subject to recall is already on the upcoming November ballot, the recall process terminates.

- If the officer subject to the recall petition resigns before ballots are mailed to the voters, the recall process would end, and the vacancy must be filled by appointment.
- For a successful initiative petition, the proposed language changes FROM the current requirement that if a special election is requested it must be called by Council within 120 days TO a requirement that Council submit the measure at the next November election the City is able to coordinate with the County on, whether that is a special election or a regular City election.
- For a successful referendum petition, the proposed language clarifies that the Council must refer the item to the earliest regular or already-called special election date for which all election process requirements can be met. Council may opt to call an earlier special election for the matter so long as all election process requirements can be met.

The Election Code Committee also explored the idea of requiring petition signatures to be distributed to some extent throughout the City so as to show more than only localized interest in a matter before it is placed on a City-wide ballot. Anecdotally, Elections staff indicated that support for measures tends to be fairly well distributed without a requirement. The Committee chose not to pursue that additional requirement. After that discussion, staff has reviewed data from the most recent petition process (the 2023 Land Use Code referendum petition) and confirmed that the signatures were well-distributed:



We are happy to sit down and walk through these changes in more detail with individual Councilmembers who would find that helpful. In addition, if any Councilmember would find a work session discussion of these changes helpful in advance of consideration of the related ballot questions, currently planned for July 2, please contact Council leadership to request a work session on these in advance of publication of the agenda for July 2 on June 27.

cc: Kelly DiMartino, City Manager
Rupa Venkatesh, Assistant City Manager
Sara Arfmann, Assistant City Attorney

From: [Hohol Michael](#)
To: [City Leaders](#)
Subject: [EXTERNAL] Protest of Proposed Ballot Language - City Council meeting July 2, 2024
Date: Sunday, June 30, 2024 3:53:24 PM

I would like to protest the ballot language as follows:

=====

Item #13 Items Relating to a City Initiated Charter Amendment Relating to Recall
ARTICLE IX. RECALL

I oppose the removal of the maximum duration of time in the revised Article IX Section 1 The Recall, Section 3 Action by Council item (b). I suggest a reasonable 90 or 120 days should be the maximum.

The revised Article IX, Section 2 Petitions, item (h) Protests, item (1) has incorrectly decreased the original time from 10 days to 7 days.

The revised Article IX, Section 2 Petitions, item (h) Protests, item (7) has removed the entirety of the original text that stated “In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.”

With today’s technology for signing lawful documents including the Federal IRS and Colorado income tax, the requirement under the revised Article IX, Section 2 Petitions, item (c) Circulation of Petition, item 4, is not relevant and prohibits the efficient means that are available to gather required signatures. Changes should also be incorporated into section (d).

The voting information should include the above details so that the voter can readily understand the differences between the original and proposed revision.

I suggest the Ballot Language to include:

- Totally removes the maximum duration of time in the revised Article IX Section 1 The Recall, Section 3 Action by Council item (b).
- Article IX, Section 2 Petitions, item (h) Protests, item (1) has decreased the original time from 10 days to 7 days.
- Removes the entirety of the original text Section 2 Petitions, last paragraph starting with “In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings

=====

Item #14 Items Relating to a City Initiated Charter Amendment Relating to Initiative and Referendum
ARTICLE X. INITIATIVE AND REFERENDUM

The revised Article X Initiative and Referendum, Section 3 Action by Council, does not include the original text that states "if the initiative petition proposing such measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors at a special election to be called by the Council within one hundred twenty (120) days of the presentation of the certified petition to the Council, unless any other regular or special city election is to occur within said period, in which case the proposed measure shall be submitted at such other regular or special city election."

With today's technology for signing lawful documents including the Federal IRS and Colorado income tax and contracts, the requirement under the revised Article X, Section 2 Petitions, item (c) Circulation of Petition, is not relevant and prohibits the efficient means that are available to gather required signatures.

The revised Article X Initiative and Referendum, has totally eliminated the original text of Section 5 Petitions, (f), (2) **Insufficient petition; amendment**, This is a gross change that should not have been done, and the original text should be included.

I suggest the Ballot Language to include:

- Removes original text Section 1. Initiative, (e), starting with the sentence section "if the initiative petition proposing such measures
- Removed entirely the original text Section 5 Petitions, (f), (2) **Insufficient petition; amendment**.

=====

Sincerely,
Michael Hohol
6139 Eagle Roost Dr., Fort Collins

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Heather Walls, Deputy City Clerk
Rupa Venkatesh, Assistant City Manager

SUBJECT

Items Relating to a City Initiated Charter Amendment Relating to Initiative and Referendum.

EXECUTIVE SUMMARY

AMENDED TO INCLUDE PROTEST FILED ON JUNE 30, 2024.

A. Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 096, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article X of the City Charter Relating to Initiative and Referendum.

The purpose of this item is to set ballot language regarding proposed amendments to Article X of the City Charter relating to initiative and referendum provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter can only be amended by a vote of the people and was first created by a vote in 1954. Over time, Charter provisions may become obsolete, contradictory, or desired to be changed to address current needs or trends. From time to time, the City submits Charter revisions, both large and small, to the voters for approval. If Council votes to submit the proposed Charter amendments to the voters, they will be placed on the November 5, 2024, ballot.

Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. The revisions outlined below relating to the initiative and referendum provisions in Article X are requested by the City Clerk's Office to address ambiguities, inconsistencies, and process complexity. The

Committee expressed support for these changes, which also include language modernization such as gender inclusive language and substituting active and direct terminology.

- **Reorganization for Clarity:** Article X has been reorganized to make the description of the process and requirements flow better so they are easier to follow. The full process for initiatives and the full process for referenda are set out chronologically, rather than having a third section that combined some of the process requirements. This will make the process simpler and easier to follow. The significant shifting of information within the Article has made repealing and reenacting the appropriate method for rescission, rather than showing the extensive individual wording amendments.
- **Updates to Petition Form Approval by the City Clerk:** The proposed revisions change the method for setting the form of initiative and referendum petitions so that the Clerk is responsible for preparing a general statement of purpose, in consultation with the City Attorney, to fairly and accurately summarize the initiated measure or ordinance to be referred.
 - Where the referred ordinance exceeds two pages in length, the Clerk will similarly prepare a summary of it, rather than the current requirement that the entire ordinance be presented with each section of the petition.
 - This will reduce the iterative process that often takes place at the beginning of the petition approval process and reduce the amount of paper material required for petition circulation.
- **Updates to Review Periods for the City Clerk:** The timeframe allowed for the City Clerk to examine petitions has been updated because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted and are more in line with the examination periods in state statutes.

Note: There has been no change to the signature requirements for a recall petition, except that the requirements are stated in terms of first choice votes cast in a ranked choice voting election, rather than total of votes cast.

- **Simplification of the Petition Review Process (“Cure” Provisions):**
 - The current process for *initiative petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
 - The current process for *referendum petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
 - Because these “cure” periods create confusion, are not well utilized or understood, and generally are inconsistent with municipal election law, staff has proposed that they be removed.
- **Updates to Petition Review Protest Process:** The process for protesting a Clerk determination of sufficiency for petitions has been updated and made consistent for each of the three (recall, initiative and referendum) major petition processes. Time frames have been tightened except a slightly longer time frame for arranging, setting and providing notice of the protest hearing is included. This will allow more time for preparation in advance of the hearing by all involved.

- **Updates to the time for to conduct an election:** A significant challenge that has developed over time is the lead time required to place an item on a ballot and the overall time to schedule an election. Current timeframes are unworkable under current election requirements and limitations. For a successful petition, the proposed language states that upon the City Clerk's presentation of a petition certified as sufficient:
 - For a successful initiative petition, the proposed language changes **FROM** the current requirement that if a special election is requested it must be called by Council within 120 days **TO** a requirement that Council submit the measure at the next November election the City is able to coordinate with the County, whether that is a special election or a regular City election.
 - For a successful referendum petition, the proposed language clarifies that the Council must refer the item to the earliest regular or already called election date for which all election process requirements can be met. Council may opt to call an earlier special election for the matter so long as all election process requirements can be met.
- A **computation of time** section has been added to this Article. This clarifies how deadlines are affected by holidays, weekends, and emergency closures, which currently is an issue that can cause confusion and disagreement. When the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall and the time computation provision in this Article will be removed.
 - Deadlines for actions to be taken by the City are stated in "business days" in increments of five, except where particulars dictate otherwise.
 - Deadlines for actions to be taken by the public are stated in "days" (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
 - Deadlines will be at the end of the regular business day.
 - Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
 - Where a requirement is stated as "no later than" or "at least X days before", the deadline will shift to the closest earlier business day.
 - Many of the timing provisions are slightly modified to reflect this shift to make more consistent how timeframes will run in these processes.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Election Code Committee unanimously supported the proposed Charter amendments.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Article X (current version)
3. Memo to Council, June 20, 2024
4. Article X Protest of Proposed Ballot Language

ORDINANCE NO. 096, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE
CITY OF FORT COLLINS PROPOSED CHARTER AMENDMENT NO. 3,
REPEALING AND REENACTING ARTICLE X OF THE CITY CHARTER
RELATING TO INITIATIVE AND REFERENDUM

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the city council submitting a proposed amendment to a vote of the registered electors of the city.

D. The Council's Election Code Committee met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter. Article X of the Charter governs the City's initiative and referendum processes.

E. Recent experience with initiative and referendum processes have highlighted confusing and unnecessarily complicated language in Article X, and the improvement of these provisions would assist members of the public in exercising their rights of initiative and referendum and would reduce confusion and ambiguity for those involved in these processes.

F. Incorporated in the revised Article X, which does not reduce the time for circulation of petitions nor change the signature percentages required, are the following:

1. Clarified the usage of the term "shall" by replacing with "will," "must" or other appropriate language.
2. Modernized the language to be more inclusive by removing he/she language.
3. Revised and reorganized to make the description of the process and requirements flow better so they are easier to follow. The full process for initiatives and the full process for referenda are set out chronologically, rather than having a third section that combined some of the process requirements.

4. Updated method for setting the form of initiative and referendum petitions so that the Clerk is responsible for preparing a general statement of purpose, in consultation with the City Attorney, to fairly and accurately summarize the initiated measure or ordinance to be referred.
5. Removed the requirement that the entire ordinance be presented with each section of the petition when the referred ordinance exceeds two pages in length, instead the Clerk will prepare a summary of it.
6. Updated the timeframe allowed for the City Clerk to examine petitions because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted. The new timeframes are more in line with the examination periods in state statutes.
7. Simplified the Petition Review Process (“Cure” Provisions) to conform to the Municipal Election Code, which does not allow for correction of technical deficiencies after submission of a petition.
8. Updated the Protest process for consistency between the two types of petitions, allowing more time for setting of the protest hearing and tightening timeframes for completion of the hearing and decision.
9. Updated the time for conduct of an election on a successful petition so they work with new election process timing and requirements. For a successful initiative petition, the measure would be set for the next November election the City is able to coordinate with the County. For a successful referendum petition, the measure would be set for the earliest regular or already called special election for which election deadlines can be met, unless Council opts to call an earlier special election.
10. Added computation of time provisions to clarify how deadlines are interpreted and setting updated deadlines based on business days (in increments of five) for actions the City must complete and calendar days (in increments of seven) for actions to be completed by others.

G. The Election Code Committee considered and supported similar revisions to Article VIII, regarding elections generally, and Article IX, regarding recall, which are also under consideration by the Council.

H. The Council finds that these proposed revisions to Article X of the City Charter, regarding the Initiative and Referendum processes, update, simplify and improve these processes and are for the benefit of the people of Fort Collins, and the Council desires to present the repealed and reenacted Article X set forth below to the voters for approval at the November 5, 2024, special municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the repeal of Article X of the City Charter and the reenactment of Article X of the City Charter as set forth below, shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 3" at the special municipal election to be held on Tuesday, November 5, 2024:

ARTICLE X. INITIATIVE AND REFERENDUM

Part I Initiative

Section 1. The initiative.

(a) Power. The registered electors of the city have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative must be as provided in this Article.

(b) Commencement of proceedings; notice. One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings must contain the full text of the proposed ordinance or resolution and state whether a special election is requested.

Section 2. Petitions.

(a) Separate petitions required. A separate petition must be circulated and filed for each measure sought to be initiated.

(b) Form and content.

(1) Adoption of form. The Council will prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which will contain warnings and notices to signers as necessary.

(2) Petition content.

a. The petition must be addressed to Council.

b. An initiative petition must contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the proposed ordinance or resolution, without argument or prejudice, and indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.

- c. The petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.
 - d. The petition must contain a full and accurate copy of the text of the initiative.
 - e. Each section of the petition must be individually numbered and contain no less than thirty (30), and no more than one hundred (100) signature lines.
 - f. For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that they personally circulated the section;
 - (iv) that each signature was affixed in the circulator's presence on the date stated with such signature;
 - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (vii) that each signer had an opportunity before signing to read the full text of the petition; and
 - (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.
- (3) Approval of form for circulation.
- a. No petition may be circulated until the City Clerk has approved the form for circulation.
 - b. In considering whether to approve the form of a petition, the City Clerk will evaluate whether the petition form contains all matters required under this Article and only the matters required by this Article.

c. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, starts the running of the time periods provided for circulation and filing of petitions.

(c) Circulation of petition.

(1) To be valid, the petition must be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and containing all required elements as described in Section 2(b)(2) of this Article.

(2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.

(3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person may receive any compensation whatever for signing an initiative petition.

(4) Only registered electors may sign the petitions authorized under this Article.

(5) Each signer must sign his or her own signature and each signature must be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.

(6) No person may knowingly sign an initiative petition more than once.

(7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.

(d) Number of signatures required.

(1) The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.

(2) If a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.

(e) Petition deadlines and submittal.

(1) To be valid, the initiative petition must be filed no more than sixty-three (63) days after the City Clerk's approval of the form for circulation.

(2) To be valid, all petition sections must be filed with the City Clerk together at the same time and those sections submitted together will collectively constitute the petition.

(3) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.

(4) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.

(5) An initiative petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.

(f) Examination of petition; protest; presentation.

(1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.

(2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.

(3) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.

(4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

(5) Protests.

a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to petition sufficiency. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.

b. Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.

c. At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest

to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.

d. All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.

e. All records and hearings will be public, and all testimony must be under oath.

f. The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.

g. The hearing officer must decide and certify the results of the hearing no later than ten (10) business days after the hearing is concluded, and no further protest regarding the petition may be filed.

h. The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.

(6) Certification and presentation to Council. When and if a petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk must so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate will be the final determination as to the sufficiency of the petition.

Section 3. Action by Council.

(a) Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must within twenty-five (25) business days either (1) adopt the proposed ordinance or resolution without alteration, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city as provided in this subsection.

(1) For a proposed measure that requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, the Council must submit the measure to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure must be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure must be submitted to a vote of the registered electors at the next regular city election or at the Council's option, may be submitted to a vote at an earlier special election that meets the constitutional requirements.

(2) For a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, if not adopted by the Council under alternative (1) above, the Council must submit the measure to a vote of the registered electors at no later than the next regular or special city election scheduled for any other purpose for which election process requirements can be met. Alternatively, the Council may opt to call an earlier special election for the specific purpose of submitting the initiated measure to the voters.

(3) If the initiative petition proposing such measure requests a special election, the Council must submit the proposed measure to a vote of the registered electors at the next November election for which the City is able to coordinate an election with the Larimer County Clerk and Recorder, whether a special election or regular City election.

(b) All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors are subject to the referendum in the same manner as other ordinances.

Section 4. Council use of initiative.

The Council may submit any question or proposed ordinance or resolution to the vote of the people at a regular or special election to be conducted in accordance with the provisions of Article VIII, Section 2 of the Charter.

Section 5. Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefore, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision does not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

Part II Referendum

Section 6. The referendum.

(a) Power. The registered electors of the city have the power at their option to approve or reject at the polls, any ordinance, or portion of ordinance, adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.

(b) Commencement of proceedings.

(1) One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk no later than ten (10) days after final passage of the

ordinance in question, a notice of protest against the going into effect of the ordinance. The notice must be brief and need not state any reasons, but must identify the ordinance or part thereof, or code section it proposes to have repealed.

(2) Within ten (10) days after the filing of the notice, the proponents must present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article.

Section 7. Petitions.

(a) Separate petitions required. A separate petition will be circulated and filed for each measure sought to be initiated.

(b) Form and content.

(1) Adoption of form. The Council will prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which must contain warnings and notices to signers as necessary.

(2) Petition content.

a. The petition must be addressed to Council.

b. A referendum petition must contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the ordinance or part thereof sought to be referred, without argument or prejudice, and indicating that the petition is to be circulated in support of the referendum.

c. The petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.

d. The petition must contain a full and accurate copy of the of the ordinance sought to be referred, without any exhibits that may be a part of said ordinance, clearly identifying the protested portions if only a partial repeal is sought. In the case of an ordinance exceeding two (2) pages in length, a fair and accurate summary of the ordinance, prepared by the City Clerk in consultation with the City Attorney will replace said ordinance.

e. Each section of the petition must be individually numbered and must contain no less than thirty (30), and no more than one hundred (100), signature lines.

f. For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:

- (i) the circulator's address of residence;
- (ii) that the circulator is eighteen (18) years of age or older;
- (iii) that they personally circulated the section;
- (iv) that each signature was affixed in the circulator's presence on the date stated with such signature;
- (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
- (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- (vii) that each signer had an opportunity before signing to read the full text of the petition; and
- (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

(3) Approval of form for circulation.

- a. A petition must not be circulated until the City Clerk has approved the form for circulation.
- b. The City Clerk will first determine that the petition form contains all matters required by this Article and only the matters required by this Article.
- c. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, will start the running of the time periods provided for circulation and filing of a referendum petition.

(c) Circulation of petition.

- (1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and containing all required elements as described in Section 2(b)(2) of this Article.

- (2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
 - (3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person may receive any compensation whatever for signing a referendum petition.
 - (4) Only registered electors may sign the petitions authorized under this Article.
 - (5) Each signer must sign his or her own signature and each signature must be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.
 - (6) No person may knowingly sign a referendum petition more than once.
 - (7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.
- (d) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
- (e) Petition deadlines and submittal.
- (1) The petition must be filed no more than twenty-one (21) days after the City Clerk's approval of the form for circulation.
 - (2) All petition sections must be filed with the City Clerk together at the same time and will collectively constitute the petition.
 - (3) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (4) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.
 - (5) A referendum petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.
- (f) Examination of petition; protest; presentation.
- (1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.

(2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.

(3) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.

(4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

(5) Protests.

a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to sufficiency of the petition. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.

b. Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.

c. At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.

d. All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.

e. All records and hearings will be public, and all testimony must be under oath.

f. The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.

g. The hearing officer must decide and certify the results of the hearing no later than ten (10) business days after the hearing is concluded, and no further protest regarding the petition may be filed.

h. The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.

(6) Certification and presentation to Council. When and if a petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk must so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate will be the final determination as to the sufficiency of the petition.

Section 8. Action by Council.

(a) The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question, or portion sought to be repealed, pending repeal by Council or final determination by the electors.

(b) Following receipt of the City Clerk's certification of a petition as sufficient for referendum, the Council must either refer the ordinance or portion thereof that is the subject of the petition to the voters, as set forth below, or reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, and adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading at the next regular meeting.

(c) If the ordinance, or that part sought to be repealed, is not repealed, the Council must refer the same to a vote of the registered electors at no later than the next regular or special city election scheduled for any other purpose for which election process requirements can be met. Alternatively, the Council may opt to call an earlier special election for the specific purpose of submitting the referred measure to the voters.

Section 9. Council use of referendum.

The Council may refer any adopted ordinance or resolution, to the vote of the people at a regular or special election to be conducted in accordance with the provisions of Article VIII of the Charter.

Part III In General

Section 10. Elections.

(a) Generally. Elections on initiative and referendum measures must be conducted in the same manner as provided generally for regular or special city elections in this Charter.

(b) Ballot text. Upon ordering an election on any initiative or referendum measure, the Council must, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title must contain information identifying the measure as a city initiated or referred measure or a citizen initiated or referred measure. The submission clause must be brief, must not conflict with those selected for any petition previously filed for the same election, and must unambiguously state the principle of the provision sought to be considered. The official ballot used when voting upon each proposed or referred measure must have printed on it the ballot title and submission clause and contain the words, "Yes/For" and "No/Against" in response to each measure.

(c) Publication; notice of election.

(1) Initiative. An initiated measure being considered for adoption by Council must be published as part of the appropriate Council meeting agenda in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.

(2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance, specifying the portion to be referred if only a portion of the ordinance has been referred. If the ordinance in question exceeds two (2) pages in length, the summary from the petition may be published in place of the full text. The City Clerk will make the full text of a referred ordinance, together with all exhibits, generally available to the public. The full text of an ordinance passed on referendum need not be published after the election.

(d) Election results. If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the referred ordinance, or referred portion of the ordinance, such referred ordinance or portion thereof will go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance itself. If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote will become effective.

(e) Frequency of elections. Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election.

Section 11. Computation of time.

- (a) Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.
- (b) Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.
- (c) In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.
- (d) If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.
- (e) If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.
- (f) Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 12. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 3 to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 3**

Shall Article X of the Charter of the City of Fort Collins, regarding the initiative process and referendum process, be repealed and reenacted in the form set forth in Ordinance No. 096, 2024, which makes edits for clarity and consistency and:

- Clarifies the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Article X to be simpler and easier to follow;
- makes the City Clerk responsible for preparing a general statement for inclusion in a petition and limits requirement to include entire ordinance in each petition section;
- increases time for City Clerk petition review and scheduling protests;
- simplifies review process and removes technical “cure” provision to conform to Municipal Election Code;
- tightens timeframe for protest hearing and decision;
- requires Council to set initiative measures for vote at next timely November election;
- requires Council to set referendum measure for vote no later than next regular or special municipal election; and
- adds rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Carrie Daggett

ARTICLE X. INITIATIVE AND REFERENDUM

Section 1. The initiative.

- (a) Power. The registered electors of the city shall have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative shall be as provided in this Article.
- (b) Commencement of proceedings; notice. One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings shall contain the full text of the proposed ordinance or resolution and shall state whether a special election is requested. After such notice has been filed, the City Clerk shall approve the petition for circulation in accordance with Section 5(b) of this Article. The petition shall be circulated, signed, verified, and filed in the manner prescribed in Section 5 of this Article.
- (c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election, except when a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.
- (d) Petition deadlines. The initiative petition shall be filed no more than sixty (60) days after the City Clerk's approval of the form for circulation. Unless a special election is requested, the petition must also be filed at least ninety (90) days prior to the next regular city election. If the petition requests a special election in conjunction with a Larimer County Coordinated or General Election, the City Clerk shall establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution, and shall advise the petition representatives in writing as to the submittal deadline.
- (e) Action by Council. Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council shall either (1) adopt the proposed ordinance or resolution without alteration within thirty (30) days, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city; provided, however, that if the proposed measure requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, alternative (1) above shall not be available to the Council and the proposed measure shall instead be submitted to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure shall be submitted to a vote of the registered electors at the next regular city election. In the case of a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, the proposed measure, if not adopted by the Council under alternative (1) above, shall be submitted to a vote of the registered electors at the next regular city election or, if the initiative petition proposing such measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors at a special election to be called by the Council within one hundred twenty (120) days of the presentation of the certified petition to the Council, unless any other regular or special city election is to occur within said period, in which case the proposed measure shall be submitted at such other regular or special city election. All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors shall be subject to the referendum in the same manner as other ordinances.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99; Ord. No. 101, 2002, § 1, 8-20-02, approved, election 11-5-02; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

Section 2. The referendum.

- (a) Power. The registered electors of the city shall have the power at their option to approve or reject at the polls, any ordinance, or portion of ordinance, adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.
- (b) Commencement of proceedings.
 - (1) One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk within ten (10) days after final passage of the ordinance in question, a notice of protest against the going into effect of the ordinance. The notice shall be brief and need not state any reasons, but shall identify the ordinance or part thereof, or code section it proposes to have repealed.
 - (2) Not later than ten (10) days after the filing of the notice, the proponents shall present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article.
 - (3) If the notice and petition form are timely presented, the City Clerk shall approve the petition form for circulation, in accordance with Section 5(b) of this Article.
 - (4) The petition shall be circulated, signed, verified, and filed in the manner prescribed by Section 5 of this Article.
- (c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
- (d) Petition deadlines. The referendum petition shall be filed within twenty (20) days after the City Clerk's approval of the petition for circulation. If a completed petition is not subsequently filed within the requisite time after the City Clerk's approval of the petition for circulation, the referendum effort is null and void and the petition shall not be circulated further.
- (e) Action by Council.
 - (1) The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question pending repeal by Council or final determination by the electors.
 - (2) The Council shall reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, following the receipt of the certification of the petition by the City Clerk, and shall adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading no later than the next regular meeting.
 - (3) If the ordinance, or that part sought to be repealed, is not repealed by final action on such repealing ordinance, the Council must refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 199, 1986, § 1, Part B, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-

97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99; Ord. No. 102, 2023, § 2, 8-15-23, approved, election 11-7-23)

Section 3. Council use of initiative and referendum.

The Council may submit any question or proposed ordinance or resolution, or refer any adopted ordinance or resolution, to the vote of the people at a regular or special election in the same manner and with the same force and effect as is provided for citizen initiated and referred measures.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 4. Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefor, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision shall not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

(Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 5. Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated or referred to the vote of the electors.
- (b) Form and content.
 - (1) Approval of form for circulation.
 - a. No petition shall be circulated until the City Clerk has approved the form for circulation.
 - b. The City Clerk shall first determine that the petition form contains only the matters required by this Article.
 - c. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary.
 - d. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions.
 - (2) Petition content.
 - a. The petition shall be addressed to Council.
 - b. An initiative petition shall contain or have attached to each section throughout its circulation the full text of the proposed ordinance or resolution and shall contain a general statement of purpose fairly and accurately summarizing the proposed ordinance or resolution, indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.
 - c. A referendum petition shall contain or have attached to each section throughout its circulation the full text of the ordinance sought to be referred, clearly identifying the protested portions if only a partial repeal is sought. In the case of bond ordinances, the full text of the ordinance need

not be set forth but the petition shall contain or have attached to each section throughout its circulation the title and summary of the ordinance in question as prepared by the City Clerk.

(3) Signatures.

- a. Only registered electors may sign the petitions authorized under this Article.
- b. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.
- c. No person shall knowingly sign an initiative or referendum petition more than once.
- d. In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified shall be counted and all other signatures of that person shall be rejected.

(c) Circulation of petition.

- (1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.
- (2) All sections shall be filed as one (1) instrument.
- (3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
- (4) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing an initiative or referendum petition.

(d) Affidavit of circulator.

- (1) A circulator shall attach to each section of the petition circulated an affidavit signed by the circulator under oath before a notary public stating the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that he or she personally circulated the section;
 - (iv) that each signature was affixed in the circulator's presence;
 - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (vii) that each signer had an opportunity before signing to read the full text of the petition; and
 - (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.
- (2) A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

(e) Time limits; petition representatives. Petitions for initiative and referendum shall be filed with the City Clerk within the requisite time limits or they will be deemed null and void. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent the signers of the petition in all matters affecting the petition.

(f) Sufficiency of petition.

- (1) Examination. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
- (2) Insufficient petition; amendment.
 - (i) If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fifteen (15) days from the filing of the Clerk's certificate of insufficiency.
 - (A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.
 - (B) Within five (5) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.
 - (C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.
 - (ii) If a referendum petition is deemed insufficient, it may be amended by the submission of additional signatures collected consistent with the requirements of this Article, but to be considered, any additional signatures must be submitted within the twenty-day circulation period after the City Clerk's approval of the petition form for circulation.
 - (A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.
 - (B) Within five (5) days after such amendment, the City Clerk shall make like examination of the amended petition and certify the result.
 - (C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, said referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.
- (3) Protests.
 - (i) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested.
 - (ii) Upon the filing of a protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter.
 - (iii) At least five (5) days prior to the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing.
 - (iv) All hearings shall be before a hearing officer appointed by the City Manager who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - (v) All records and hearings shall be public, and all testimony shall be under oath.

- (vi) The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed.
 - (vii) The hearing officer shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - (viii) The City Clerk shall make any final determination regarding the sufficiency or insufficiency of a petition and shall base such determination on the protest hearing results certified by the hearing officer.
 - (ix) A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.
- (4) Certification and presentation to Council. When and if a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15 ; Ord. No. 102, 2023 , § 2, 8-15-23, approved, election 11-7-23)

Section 6. Elections.

- (a) Generally. Elections on initiative and referendum measures shall be conducted in the same manner as provided generally for regular or special city elections in this Charter.
- (b) Ballots. Upon ordering an election on any initiative or referendum measure, the Council shall, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title shall contain information identifying the measure as a city initiated or citizen initiated measure. The submission clause shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall unambiguously state the principle of the provision sought to be added. The official ballot used when voting upon each proposed or referred measure shall have printed on it the ballot title and submission clause and shall contain the words, "Yes/For" and "No/Against" in response to each measure.
- (c) Publication; notice of election.
 - (1) Initiative. An initiated measure being considered for adoption by Council shall be published in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.
 - (2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance. If the ordinance in question is a bond ordinance, the summary from the petition may be published in place of the full text. The full text of an ordinance passed on referendum need not be published after the election.

- (d) Election results. If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the ordinance, the ordinance shall go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance itself. If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote shall become effective.
- (e) Frequency of elections. Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election. Not more than one (1) special election on citizen-initiated measures shall be held in any twelve (12) months. This limitation does not apply to the Council which on its own motion may at any time call a special election for the purpose of considering any measure initiated, or adopted and referred, by the Council.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 5, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

Section 7. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 6, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)



City Clerk
 300 Laporte Avenue
 P.O. Box 580
 Fort Collins, CO 80522
970.221.6515
 970.221-6295 - fax
fcgov.com/cityclerk

City Attorney's Office
 300 Laporte Avenue
 PO Box 580
 Fort Collins, CO 80522
970.221.6520
 970.221.6327
fcgov.com

MEMORANDUM

TO: Mayor and City Councilmembers

FROM: Carrie Daggett, City Attorney *CAD*
 Heather Walls, Interim City Clerk *HW*

DATE: June 20, 2024

RE: Overview of Election-Related Charter Amendments Planned for July 2

The Council's Election Code Committee has met several times during 2024 to receive information and consider potential City Charter amendment proposals related to the election and petition processes that are governed by the Charter.

These changes are requested by the staff who manage and conduct these processes to address ambiguities, inconsistencies, and process complexity. The Committee expressed support for these changes, which also include language modernization such as making the language gender inclusive and substituting active and direct terminology. Many of the changes bring the Charter in line with Colorado municipal election law. **The changes do not alter the signature requirements for any of the petition types, nor do they reduce the time for circulation of petitions.**

Ordinances proposing ballot questions to be put to the voters that would enact these amendments are being prepared for Council consideration on July 2. The three ballot questions would:

1. Amend Charter Article VIII, regarding elections generally;
2. Repeal and Reenact Article IX, regarding recall; and
3. Repeal and Reenact Article X, regarding initiative and referendum.

Description of Amendments and Rationale:

1. Reorganization for Clarity:

Article IX and Article X have been reorganized to make the description of the process and requirements flow better so they are easier to follow. The full process for initiatives and the full process for referenda are set out, rather than having a third section that combined some of the process requirements. This will make each of the two different petition processes simpler and easier to follow. The significant shifting of information within these Articles has made repealing and reenacting the appropriate method for revising them, rather than showing the extensive individual wording amendments.

2. Computation of Time:

The process deadlines in all three of these Articles are clarified in the proposed amendments.

- A computation of time section has been added to each Article (when the overall Charter update process is completed, we anticipate that a general time computation provision will be added for the Charter overall). This clarifies how deadlines are affected by holiday, weekend, and emergency closures, which currently is an issue that creates confusion and potential for disagreement.
- Deadlines for actions to be taken by the City are stated in “business days” in increments of five, except where particulars dictate otherwise.
- Deadlines for actions to be taken by the public are stated in “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- Generally, the deadline will shift forward to the first business day where a deadline falls on a weekend, holiday, or emergency closure day.
- Where a requirement is stated as “no later than” or “at least X days before”, the deadline will shift to the closest earlier business day.
- **Many of the timing provisions are slightly modified to reflect this shift and in an effort to make more consistent how timeframes will run in these processes. It does not reduce the time given to petitioners.**

3. Updates to Petition Form Approval by the City Clerk:

- The proposed revisions change the method for setting the form of initiative and referendum petitions so that the Clerk is responsible for preparing a general statement of purpose, in consultation with the City Attorney, to fairly and accurately summarize the initiated measure or ordinance to be referred.
- Where the referred ordinance exceeds two pages in length, the Clerk will similarly prepare a summary of it, rather than the current requirement that the entire ordinance be presented with each section of the petition.
- **This will reduce the iterative process that often takes place at the beginning of the petition approval process and reduce the amount of paper material required for petition circulation.**

4. Updates to Review Periods for the City Clerk:

- In all Articles, review periods allowed for the City Clerk have been updated because volumes (such as numbers of petition signatures to review) have increased since these current provisions were adopted and are more in line with the statutory review periods.
- **There have been no changes to the signature requirements for any of the petition types in these Articles.**

5. Simplification of the Petition Review Process (“Cure” Provisions):

- The current process for *recall petitions* allows for “cure” meaning the petition may be withdrawn if determined insufficient and an additional 15 days is allowed for amending the petition. Under Colorado municipal election law this is used not to add signatures but to add or clarify information and correct affidavits. This cure mechanism has not been used and adds confusion to the process.
- The current process for *initiative petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- The current process for *referendum petitions* allows for “cure” by the submission of additional signatures after a determination of insufficiency, but only within the time originally allowed for submission of signatures. Colorado municipal election law does not allow a “cure.” This cure mechanism has not been used as a general rule and adds confusion to the process.
- **Because these “cure” periods create confusion, are not well utilized or understood and generally are inconsistent with Colorado municipal election law, staff has proposed that they be removed.**

6. Updates to Petition Review Protest Process:

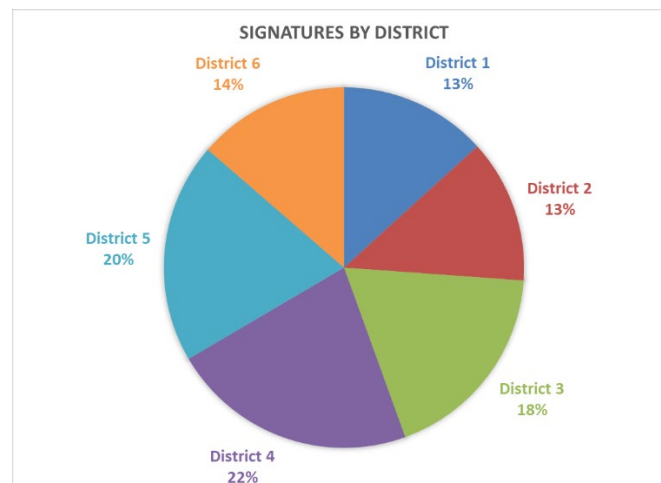
- The process for protesting a Clerk determination of sufficiency for petitions has been updated and made consistent for each of the three (recall, initiative and referendum) major petition processes.
- Time frames have been tightened except a slightly longer time frame for arranging, setting and providing notice of the protest hearing is included. This will allow more time for preparation in advance of the hearing by all involved.

7. Updates to the time for an election under each Article:

- **A significant challenge that has developed over time is the increased lead time required to place an item on a ballot and the increased overall time for the conduct of an election. Many current Charter timeframes are unworkable in some scenarios under current election requirements and limitations.**
- For a successful recall petition, the proposed language states that upon the City Clerk’s presentation of a petition certified as sufficient for recall:
 - Council must set the date for the election to be held on a Tuesday at the earliest possible election date and that the City Clerk will advise Council on the date that will allow sufficient time to meet all applicable requirements to hold such an election.
 - If the earliest possible election date determined by the City Clerk is less than 77 days prior to an upcoming November election (regular municipal or general election), the recall election must be consolidated with such election.
 - If the election will be consolidated with the November election and the office subject to recall is already on the upcoming November ballot, the recall process terminates.

- If the officer subject to the recall petition resigns before ballots are mailed to the voters, the recall process would end, and the vacancy must be filled by appointment.
- For a successful initiative petition, the proposed language changes FROM the current requirement that if a special election is requested it must be called by Council within 120 days TO a requirement that Council submit the measure at the next November election the City is able to coordinate with the County on, whether that is a special election or a regular City election.
- For a successful referendum petition, the proposed language clarifies that the Council must refer the item to the earliest regular or already-called special election date for which all election process requirements can be met. Council may opt to call an earlier special election for the matter so long as all election process requirements can be met.

The Election Code Committee also explored the idea of requiring petition signatures to be distributed to some extent throughout the City so as to show more than only localized interest in a matter before it is placed on a City-wide ballot. Anecdotally, Elections staff indicated that support for measures tends to be fairly well distributed without a requirement. The Committee chose not to pursue that additional requirement. After that discussion, staff has reviewed data from the most recent petition process (the 2023 Land Use Code referendum petition) and confirmed that the signatures were well-distributed:



We are happy to sit down and walk through these changes in more detail with individual Councilmembers who would find that helpful. In addition, if any Councilmember would find a work session discussion of these changes helpful in advance of consideration of the related ballot questions, currently planned for July 2, please contact Council leadership to request a work session on these in advance of publication of the agenda for July 2 on June 27.

cc: Kelly DiMartino, City Manager
Rupa Venkatesh, Assistant City Manager
Sara Arfmann, Assistant City Attorney

From: [Hohol Michael](#)
To: [City Leaders](#)
Subject: [EXTERNAL] Protest of Proposed Ballot Language - City Council meeting July 2, 2024
Date: Sunday, June 30, 2024 3:53:24 PM

I would like to protest the ballot language as follows:

=====

Item #13 Items Relating to a City Initiated Charter Amendment Relating to Recall
ARTICLE IX. RECALL

I oppose the removal of the maximum duration of time in the revised Article IX Section 1 The Recall, Section 3 Action by Council item (b). I suggest a reasonable 90 or 120 days should be the maximum.

The revised Article IX, Section 2 Petitions, item (h) Protests, item (1) has incorrectly decreased the original time from 10 days to 7 days.

The revised Article IX, Section 2 Petitions, item (h) Protests, item (7) has removed the entirety of the original text that stated “In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.”

With today’s technology for signing lawful documents including the Federal IRS and Colorado income tax, the requirement under the revised Article IX, Section 2 Petitions, item (c) Circulation of Petition, item 4, is not relevant and prohibits the efficient means that are available to gather required signatures. Changes should also be incorporated into section (d).

The voting information should include the above details so that the voter can readily understand the differences between the original and proposed revision.

I suggest the Ballot Language to include:

- Totally removes the maximum duration of time in the revised Article IX Section 1 The Recall, Section 3 Action by Council item (b).
- Article IX, Section 2 Petitions, item (h) Protests, item (1) has decreased the original time from 10 days to 7 days.
- Removes the entirety of the original text Section 2 Petitions, last paragraph starting with “In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings

=====

Item #14 Items Relating to a City Initiated Charter Amendment Relating to Initiative and Referendum
ARTICLE X. INITIATIVE AND REFERENDUM

The revised Article X Initiative and Referendum, Section 3 Action by Council, does not include the original text that states "if the initiative petition proposing such measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors at a special election to be called by the Council within one hundred twenty (120) days of the presentation of the certified petition to the Council, unless any other regular or special city election is to occur within said period, in which case the proposed measure shall be submitted at such other regular or special city election."

With today's technology for signing lawful documents including the Federal IRS and Colorado income tax and contracts, the requirement under the revised Article X, Section 2 Petitions, item (c) Circulation of Petition, is not relevant and prohibits the efficient means that are available to gather required signatures.

The revised Article X Initiative and Referendum, has totally eliminated the original text of Section 5 Petitions, (f), (2) **Insufficient petition; amendment**, This is a gross change that should not have been done, and the original text should be included.

I suggest the Ballot Language to include:

- Removes original text Section 1. Initiative, (e), starting with the sentence section "if the initiative petition proposing such measures
- Removed entirely the original text Section 5 Petitions, (f), (2) **Insufficient petition; amendment**.

=====

Sincerely,
Michael Hohol
6139 Eagle Roost Dr., Fort Collins

AGENDA ITEM SUMMARY

City Council



STAFF

Jerrod Kinsman, Lieutenant, Police Services Special Operations Division
Mike Avrech, Sergeant, Police Services Traffic Unit
Tyler Stamey, City Traffic Engineer
Dylan Lewan, Analyst I, GIS, Information Services
Dawn Downs, Managing Attorney
Patty Netherton, Municipal Court Administrator

SUBJECT

Items Relating to Traffic Safety Initiative – Automated Vehicle Identification System (AVIS) Corridors.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 097, 2024, Amending the Fort Collins Traffic Code to Implement a New Automated Vehicle Identification System (AVIS) to Replace the Previously-Approved AVIS to Support the Traffic Safety Initiative.

B. First Reading of Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.

C. First Reading of Ordinance No. 099, 2024, Making Supplemental Appropriations to Support Additional Staffing and Expenses for Implementation of the Automated Vehicle Identification System Traffic Safety Initiative.

The purpose of this item is to recommend a proposal from Police Services and Planning, Development and Transportation (PDT), supported by the City Attorney's Office (CAO), and Municipal Court. This proposal stems from recent changes to Colorado law related to the expanded use of unmanned speed enforcement with Automated Vehicle Identification Systems (AVIS), on sections of roadways designated by the Council as speed corridors. The initiative's primary goal is to promote traffic safety through speed enforcement and supports Vision Zero, the Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

STAFF RECOMMENDATION

Staff recommends adoption of all Ordinances on the First Reading.

BACKGROUND / DISCUSSION

This initiative is a joint effort by Police Services and PDT, and is supported by the City Attorney's Office, and Municipal Court. It results from recent changes to Colorado law related to the expanded use of photo speed enforcement tools on sections of roadways designated by the City Council. The initiative's primary

goal is to promote traffic safety through speed enforcement and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

A fundamental portion of the initiative is to adopt changes to Municipal Traffic Code 615 and 1106. Designated "speed corridors" will be identified based on vehicle speed and crash data provided by City staff. Once the Council identifies speed corridors, Police Services can utilize photo speed enforcement in these areas. Without a speed corridor designation, state law limits the use of photo radar to school zones, neighborhoods, construction zones, and streets that are adjacent to parks.

Based on preliminary data collected for the proposed corridors and expansion to allow current red-light cameras to begin capturing speed data, the system will increase the number of citations issued. This increase will significantly increase the workload for the City Attorney's office and the Municipal Court. To offset this impact, Council will need to appropriate funds to increase personnel at the CAO and Municipal Court starting in 2024 and continuing through 2025 and for PDT starting in 2025.

Background

Traffic speed is a concerning problem facing the City. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

In 2023, the State passed legislation to allow local governments to conduct unmanned speed enforcement with AVIS (Automated Vehicle Identification System). With this change in state law, the City of Fort Collins has the opportunity to impact traffic speed compliance through the expanded use of automated speed enforcement—to reduce the number of injury accidents and traffic-related fatalities on our roadways.

As part of the City's current traffic enforcement program, six intersections are outfitted with red-light cameras (two cameras per intersection) that detect red stop-light violations. Those twelve red-light-camera approaches have the capability to also detect, validate, and generate speeding violations where vehicle speed exceeds the posted limit of more than eleven miles per hour, if those intersections are designated within a speed corridor. Additionally, this initiative adds the contracted use of two transportable units that can be placed temporarily in problematic locations to address speed compliance between intersections.

The appropriation will fund essential FTE's in Municipal Court and the City Attorney's Office along with temporary positions to help manage the initial extreme influx of cases. in 2024. This appropriation will be fully funded through traffic safety revenue in the Redlight Camera Fund within the General Fund collected from existing AVIS. The projected future equipment, operating costs, and personnel will be supported by the additional AVIS and Speed Corridor Ordinance items that are being considered by Council to support the Traffic Safety Initiative.

<https://www.cpr.org/2023/06/06/polis-signs-bill-allowing-more-speed-cameras-across-colorado/>

<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD004607.pub4/abstract>



It is estimated that by 2020, road traffic crashes will have moved from ninth to third in the world ranking of burden of disease, as measured in disability adjusted life years. The prevention of road traffic injuries is of global public health importance. Measures aimed at reducing traffic speed are considered essential to preventing road injuries; the use of speed cameras is one such measure.

thirty five studies met the inclusion criteria. Compared with controls, the relative reduction in average speed ranged from 1% to 15% and the reduction in proportion of vehicles speeding ranged from 14% to 65%. In the vicinity of camera sites, the pre/post reductions ranged from 8% to 49% for all crashes and 11% to 44% for fatal and serious injury crashes. Compared with controls, the relative improvement in pre/post injury crash proportions ranged from 8% to 50%.

Ordinance update

To establish the use of unmanned speed enforcement or AVIS, an update to existing ordinance is required. Changes to City Ordinance 615 and 1106 will align with state law updates signed into law from Senate Bill 23-200 which updated CRS 42-4-110.5 permitting local and state governments to implement AVIS within their jurisdictions along designated speed corridors. Additionally, Council is being asked to adopt designated speed corridors through an ordinance based on data collected within the past five years but not to exceed five years. Staff has provided the past three years of data to support corridor designation. Data beyond three was not utilized as it was not geocoded for locations.

Corridor Designation

Police Services and PDT are asking Council to designate by ordinance speed corridors to address dangerous driving on the community roadways. Data supports identifying corridors in accordance with state law CRS 42-4-110.5, utilizing crashes, citations, and complaints. Two tiers of corridors have been identified by city staff responsible for responding to and addressing roadway safety. The two tiers being recommended represent the most common locations for injury/fatal crashes, citations involving speeding, careless driving, reckless driving, and racing. In addition, complaint data was used to support the empirical data but not used to weigh the decision as complaints are relative to the opinion of the complainant and vary widely. The Traffic Safety Initiative group is asking Council to adopt both tier 1 and tier 2 corridors as they support the need for additional speed enforcement due to higher volumes of driving behaviors which contribute to injury and fatal crashes.

Road	From	To
Suniga Road	College Ave	Lemay Ave
Riverside Drive	College Ave	Pitkin St
Prospect Road	Taft Hill Road	I25
Drake Road	Overland Tr	Lemay Ave
Horsetooth Road	College Ave	Ziegler Rd
Harmony Road	Chokecherry Tr	I25
Trilby Road	Wainwright Dr	College Ave/287
Taft Hill Road	Mulberry St	Trilby St
Shields Street	Elizabeth St	Carpenter Rd
College Ave/HWY 287	Laurel St	Carpenter Rd
Lemay Avenue	Prospect Rd	Trilby Rd
Timberline Road	Prospect Rd	Drake Rd
Timberline Road	Harmony Rd	Trilby Rd
Ziegler Road	William Neal Pkwy	Kechter Rd
Conifer Street	College Ave	Lemay Ave
Mulberry Street	Taft Hill Rd	12 th St
Stuart Street	College Avenue	Lemay Avenue
Elizabeth Street	Overland Tr	Shields St
Drake Road	Lemay Ave	Miles House Ave
Overland Trail	Mulberry St	Drake Rd
Timberline Road	Drake Rd	Harmony Rd

Intersection (+300 feet)	Directions
Mulberry and Shields	West and East
Prospect and Shields	North and South
Harmony and Shields	North and South
Drake and College	North and South
Drake and Lemay	North and East
Harmony and Timberline	East and West

Automated Vehicle Identification System (AVIS) Upgrade

Upgrading existing red-light camera locations to issue speed violations would cost \$2500 per month, per approach (12) totaling \$30,000 per month to activate all approaches.

Adding transportable solutions which could be moved periodically, likely every thirty days in areas where speed is most concerning would cost \$8,500 per month per unit (2). It is recommended two transportable systems are added to traffic safety operations totaling \$17,000 a month with total systems additions being \$564,000 annually. The systems specifications include:

- Dual radar - Lane-specific tracking radar (primary radar) measures the speed and position of vehicles in beam, while the speed radar (secondary radar) provides high precision speed measurement of vehicle in beam. This enables the system to precisely track each vehicle and accurately trigger speed events, even in high-traffic locations. This also enables hardware-based edge SSV (secondary speed verification), which Verra Mobility uniquely provides.
- High-Definition Video - Capture high-definition digital video including a configurable video clip (up to 12-seconds) of the event and video of each speed-enforced location. This footage has been used to successfully assist law enforcement in solving both traffic and non-traffic related crimes.
- High-Efficiency LED Strobe - The purpose-built LED strobe allows for the ideal level of illumination to capture evidence of speed violations, while reducing the amount of light pollution typically associated with regular strobes.

Ultra-High-Resolution Images - The camera captures ultra-high-resolution color images of 12 megapixels. While other systems rely on multiple pieces of equipment to process and store images, the Verra Mobility system integrates the camera and the main processing unit together. This eliminates the risk for missed or misinterpreted event data as it transfers from one processor to another.

2024 total equipment costs are estimated to be \$235,000.

2025 and future projected ongoing equipment costs are estimated to be \$564,000.

Additional Recommended Personnel:

With the addition of automated speed enforcement utilizing AVIS an increase in the number of citations is anticipated. With an increase in citations staffing is required to support this Traffic Safety Initiative to quell dangerous driving behaviors. Municipal Court and the City Attorney's Office will be directly impacted with the increase in citations, and it is recommended that funds generated from AVIS enforcement be utilized to provide necessary staffing. The AVIS funds from the updated corridor related Traffic Safety Initiative ordinances will support the additional personnel requested by Municipal Court and the City Attorney's Office and PDT. Below is a table highlighting the current increase in traffic citations for current camera radar vans and red-light camera citations processed by the Municipal Court and the City Attorney's Office from January 1st to March 31st for each year shown.

	2023 YTD	2024 YTD	% Change
Citations Issued	4522	7872	+42%
Citations Disposed	4223	7162	+42%
Dismissals	350	677	+48%
Trials Scheduled	44	88	+50%
Motions Filed	144	320	+55%
Cases Served by VM	270	292	+8%

Proposed Personnel Costs:

2024 Personnel costs to support speed corridor and automated enforcement for the city consist of the following proposed positions.

- (2) Full-time municipal court clerks \$67,696 (Municipal Court)
- (1) City Attorney and (1) Legal Assistant \$142,774 (City Attorney's Office)
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) Municipal Court \$24,904
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) City Attorney's Office \$179,112
 - Total personnel cost expansion funded by automated enforcement \$414,486

2025 and ongoing personnel costs

- (2) Full-time municipal court clerks \$154,285 (Municipal Court)
- (1) City Attorney and (1) Legal Assistant \$253,142 (City Attorney's Office)
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) Municipal Court \$58,864
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) City Attorney's Office \$258,902

- (1) Vision Zero Coordinator (PDT) \$130,713
- (1) Network Engineer (PDT) \$117,072
 - Total personnel cost expansion funded by automated enforcement \$972,978

Staff has also requested under a separate item on this agenda that Council appropriate funds to support Municipal Court and City Attorney's Office staffing to absorb traffic enforcement and AVIS expansions implemented in late 2023-early 2024.

Anticipated Traffic Safety Revenue and Appropriation of Funds

Staff is requesting for Council to appropriate \$649,486 from the Redlight Camera Fund within the General Fund, generated by these new Ordinances, to fund necessary FTE positions, equipment, and program costs for Municipal Court, City Attorney's Office and Police Services for 2024 to support adopting ordinances for automated enforcement of speeding violations in areas where the City designates as speed corridors.

The future revenue generated by AVIS will be dedicated to support traffic safety related programs, equipment, and personnel.

The current Redlight Camera Fund within the General Fund balance is \$1,082,000 and is currently used to support municipal court and PDT. Activating red-light locations into speed camera locations would generate and estimated additional \$2,166,000 and develop an estimated Redlight Camera Fund within the General Fund balance for 2024 of \$2,124,392 if activated by August of 2024, fund balance for 2025 of \$3,3478,637 and for 2026 a balance of \$4,882,461.

	2021	2022	2023	2024	2025	2026
Current AVIS Rev	\$ 1,211,000.00	\$ 1,164,000.00	\$ 1,150,000.00	\$ 1,604,000.00	\$ 1,888,000.00	\$ 1,944,000.00
Current AVIS Exp	\$ 882,000.00	\$ 960,000.00	\$ 1,435,000.00	\$ 1,899,000.00	\$ 1,965,000.00	\$ 2,034,000.00
Income/(Loss)	\$ 329,000.00	\$ 204,000.00	\$ (285,000.00)	\$ (295,000.00)	\$ (77,000.00)	\$ (90,000.00)
Additional Corridor Revenue				\$ 2,166,000.00	\$ 3,293,000.00	\$ 3,408,000.00
Appropriation for Immediate Need				\$ 179,122.00	\$ 324,777.00	\$ 336,144.20
Additional FTE Need to Support Speed Corridor				\$ 414,486.00	\$ 972,978.00	\$ 1,007,032.23
Additional Corridor Expenses				\$ 235,000.00	\$ 564,000.00	\$ 571,000.00
				\$ 649,486.00	\$ 1,536,978.00	\$ 1,578,032.23
Total Additional Expenses				\$ 828,608.00	\$ 1,861,755.00	\$ 1,914,176.43
Fund Balance	\$ 1,163,000.00	\$ 1,367,000.00	\$ 1,082,000.00	\$ 2,124,392.00	\$ 3,478,637.00	\$ 4,882,460.58

Recommendation:

Staff recommends the following regarding the Traffic Safety Initiative for AVIS.

- Adopt on first reading the Ordinance Repealing and Reenacting Municipal Traffic Code Sections 615 and 1106
- Adopt on first reading the Ordinance Designating Speed Corridor Locations
- Adopt on first reading the Ordinance Appropriating Funds in the Redlight Camera Fund within the General Fund to Support Additional Staffing and Expenses for Implementation of the AVIS in 2024

Previous Council Direction

At Council work session on May 28, 2024, Council provided direction to move forward with this initiative as soon as practical and adopt all ordinances, both corridor tiers and appropriation of funds to support the program costs and recommended staffing increases for Municipal Court and the City Attorney's Office (starting in 2024 and continuing through 2025) and PDT (starting in 2025).



CITY FINANCIAL IMPACTS

The financial impact will be to increase the current contract with the AVIS vendor the City is under contract with currently to include speed enforcement at all red-light camera locations and add two transportable automated speed enforcement units. In addition, funding the requested staffing to support the City Attorney's Office, Municipal Court and PDT. No additional funding is requested from Council as all aspects of this initiative are to be funded directly from the Redlight Camera Fund within the General Fund if the proposed ordinances and corridor designation are adopted.

In 2024 the financial impact is approximately \$649,486 needed to support the equipment, operating costs, and personnel of AVIS Speed Corridors. Municipal Court will receive \$92,600 for personnel, the City Attorney's office will receive \$321,886 for personnel and Police Services will receive \$235,000 for equipment.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

There are no board, commission or committee recommendations. Council requested this be presented for first reading without directing initiative through additional review.

PUBLIC OUTREACH

A thorough public outreach will occur once ordinances are adopted, and appropriations are made for expansion of the AVIS program. This involves 30 days public notice of corridor locations once posted, then 30 days of warnings for detected violations. Adoption of this initiative will also require public feedback of

data focused on providing the number of citations issued in each area, ongoing feedback on the number of injury and fatal crashes after systems are fully operationalized and on a every other year basis to council to provide regular reports in-line with the BFO process. This data will be publicized on Police Services website and updated monthly.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Traffic Safety Initiative Summary
5. Presentation

ORDINANCE NO. 097, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE TO
IMPLEMENT A NEW AUTOMATED VEHICLE IDENTIFICATION
SYSTEM (AVIS) TO REPLACE THE PREVIOUSLY-APPROVED
AVIS TO SUPPORT THE TRAFFIC SAFETY INITIATIVE

A. The City currently utilizes an approved Automated Vehicle Identification Systems (AVIS) to detect speeding violations and violations of red-light signals. This is currently authorized under Fort Collins Traffic Code Section 615 and Section 1106.

B. Traffic speed and red-light violations are a concerning problem facing the City of Fort Collins. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

C. In 2023 and 2024, changes to Colorado law related to the expanded use of unmanned speed enforcement with AVIS, to allow detection of speed violations on sections of roadways designated by the Council as speed corridors and additional locations.

D. To allow for expanded use, the current Traffic Code needs to be updated. Changes to City Traffic Code Section 615 and Section 1106 will align with state law updates signed into law from Senate Bill 23-200 which updated Colorado Revised Statutes (CRS) Section 42-4-110.5, permitting local and state governments to implement AVIS within their jurisdictions along designated speed corridors and expanded locations.

E. The expansion of AVIS will allow the automated system to detect violations of Traffic Code Section 615 for drivers who disobey traffic control signals or traffic signs, and also used to detect speed violations identified in Part 11 of the Fort Collins Traffic Code that occur within a school zone, as defined in CRS Section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to CRS Section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that the City has designated a *speed corridor* by ordinance adopted by City Council.

F. The expansion of AVIS and designation of speed corridors throughout the city will help promote traffic safety through speed enforcement and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 615 of the Fort Collins Traffic Code is hereby repealed in its entirety and re-enacted to read as follows:

615. - Use of Automated Vehicle Identification System.

- (1) Fort Collins Police Services is authorized to use an Automated Vehicle Identification System ("AVIS") within the city to detect violations of Section 604(1)(c) of the Fort Collins Traffic Code at signalized intersections.
- (2)
 - (a) As used in this Section, the term "AVIS" or "automated vehicle identification system" means a system whereby:
 - (I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph or video of the vehicle and the license plate of the vehicle; and
 - (II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
 - (b) AVIS includes a system used to detect a violation of Part 11 of the Fort Collins Traffic Code, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
 - (c) "State highway" means any highway that is owned by or maintained by the state. "State highway" does not include a public highway operated by a public highway authority in accordance with the "Public Highway Authority Law", Part 5 of Article 4 of Colorado Revised Statutes Title 43.
- (3) An AVIS designed to detect disobedience of Section 604(1)(c) of the Fort Collins Traffic Code shall not be used unless the City conspicuously posts a sign notifying the public that an AVIS is in use immediately ahead. The sign shall:
 - (a) Be placed in a conspicuous location not fewer than two hundred (200) feet nor more than five hundred (500) feet before the AVIS; and
 - (b) Use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths (2 9/10) inches high for lower case letters.
- (4)
 - (a) When a peace officer or employee of the City, based on evidence obtained in whole or part by means of an AVIS, has probable cause to believe that a vehicle has been driven in a manner in violation of Section 604(1)(c) of the Fort Collins Traffic Code, the peace officer or employee of the City shall issue, or cause its vendor to issue, to

the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

- (I) Not less than seven (7) days prior to the time the charged person is required in the notice of violation to appear in Municipal Court.
- (II) Within thirty (30) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
- (III) Within sixty (60) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(b) The notice of violation must contain:

- (I) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
- (II) The license plate number of the motor vehicle involved in the alleged violation;
- (III) The date, time, and location of the alleged violation;
- (IV) The amount of the civil penalty prescribed for the alleged violation;
- (V) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
- (VI) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

- (c) (I) If the City does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five (45) days after the issuance date on the notice of violation, the City shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed,

reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty (30) days after the deadline on the notice of violation.

(II) The civil penalty assessment notice must contain:

(A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) The license plate of the motor vehicle involved in the alleged violation;

(C) The date, time, and location of the alleged violation;

(D) The amount of the civil penalty prescribed for the alleged violation;

(E) The deadline for payment of the prescribed civil penalty;

(F) Information on how to pay the prescribed civil penalty.

(d) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(e) If the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

(f) If the registered owner of a motor vehicle involved in a traffic violation under traffic regulations adopted by the City is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the City.

(g) Final orders may be appealed as to matters of law and fact to the Municipal Court. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

- (h) The City shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this Section unless the registered owner is personally served the notice of violation or the final order of liability.
 - (i) If the vehicle is registered in more than one (1) person's name, the notice of violation shall be issued to that registrant or driver who the issuing peace officer or employee of the City determines, under all the facts and circumstances, was the person most likely depicted in the photographs produced by the AVIS. The notice of violation shall contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the city issuing the notice of violation.
 - (j) If a notice for a violation detected using an AVIS is personally served, the City may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (5) When a person is served with a notice of violation under this Section, the person shall:
 - (a) If admitting the charge, complete the notice of violation form by providing their driver's license number and other pertinent information requested in the form, and return the completed notice of violation form, together with the payment of the fine assessed, to the Municipal Court on or before the time specified in the notice of violation for the charged person to appear in court; or
 - (b) If contesting the charge, appear in Municipal Court at the time specified in the notice of violation for arraignment.
- (6)
 - (a) Proof that a particular vehicle entered an intersection in violation of Section 604(1)(c) of the Fort Collins Traffic Code as detected by an AVIS and as shown by the photographs produced by the AVIS, together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of Section 604(1)(c) of the Fort Collins Traffic Code of the fact that the charged person was the person driving the vehicle depicted in the photographs. However, such evidence and presumption may be rebutted by the presentation of any probative and competent evidence that the charged person was not the driver shown in the photographs.

- (b) The City shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an AVIS. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.
- (7) In any proceeding in Municipal Court to prosecute a violation of Section 604(1)(c) of the Fort Collins Traffic Code, the photographs produced by AVIS concerning the violation shall be admissible in court as prima facie evidence of a violation of Section 604(1)(c) of the Fort Collins Traffic Code, provided that the peace officer or employee of the City who activated and tested the AVIS prior to the photographs being taken testifies as to the placement of the AVIS and the accuracy of the scene depicted in the photographs, and further testifies that they tested the AVIS for proper operation within a reasonable period of time both before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photographs must be of sufficient quality to permit identification of the driver of the vehicle.
- (8) Nothing in this Section applies to a violation detected by an AVIS for driving twenty-five (25) miles per hour or more in excess of the reasonable and prudent speed or twenty-five (25) miles per hour or more in excess of the maximum speed limit of seventy-five (75) miles per hour detected by the use of an AVIS.
- (9) If the City detects a violation of a municipal traffic regulation for disobedience to a traffic control signal through the use of an AVIS the maximum civil penalty that the City may impose for such violation, including any surcharge, is seventy-five dollars (\$75).
- (10) If a registered owner fails to pay a penalty imposed for a violation of a municipal traffic regulation detected using an AVIS, the City shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (11) The Colorado Department of Motor Vehicles has no authority to assess any points against a license under Colorado Revised Statutes Section 42-2-127 upon entry of a conviction or judgment for a violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS. Said Department shall not keep any record of such violation in the official records maintained by the Department under Colorado Revised Statutes Section 42-2-121.
- (12) Notwithstanding any other provision of the statutes to the contrary, the City shall not report to the Colorado Department of Motor Vehicles any

conviction or entry of judgment against a defendant for violation of a Fort Collins Traffic Code if the violation was detected through the use of an AVIS.

- (13) (a) If the City implements a new AVIS that is not a replacement of an AVIS:
- (I) The agency responsible for the AVIS shall publicly announce the implementation of the system through its website for at least thirty (30) days prior to the use of the system; and
 - (II) For the first thirty (30) days after the system is installed or deployed, only warnings may be issued for violations of a municipal traffic regulation detected by the system.
- (b) The City may conduct an extended public information campaign or warning period for systems installed or deployed.
- (14) No portion of any fine collected through the use of AVIS may be paid to the manufacturer or vendor of the AVIS equipment. The compensation paid by the City for such equipment shall be based upon the value of such equipment and the value of any services provided to the City and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (15) The City and any vendor operating an AVIS shall, unless otherwise provided in this Section:
- (a) Program the AVIS to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;
 - (b) Treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", Part 2 of Article 72 of Colorado Revised Statutes Title 24;
 - (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the AVIS except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and
 - (d) Destroy any photographs and video of a violation collected by the AVIS within three (3) years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

Section 2. Section 1106 of the Fort Collins Traffic Code is hereby repealed in its entirety and re-enacted to read as follows:

1106. - Automated Vehicle Identification System speed enforcement.

- (1) (a) Fort Collins Police Services is authorized to use an Automated Vehicle Identification System ("AVIS") to detect violations of Part 11 of the Fort Collins Traffic Code within the City that occur within a school zone, as defined in Colorado Revised Statutes Section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to Colorado Revised Statutes Section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that the City has designated a speed corridor by ordinance adopted by City Council.
 - (b) As used in this Section, the term "AVIS" or "automated vehicle identification system" means a system whereby:
 - (I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph or video of the vehicle and the license plate of the vehicle; and
 - (II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
 - (c) AVIS includes a system used to detect a violation of Part 11 of the Fort Collins Traffic Code, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
 - (d) As used in this Subsection (1), unless the context otherwise requires, "residential neighborhood" means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five (35) miles per hour or less.
 - (e) "State highway" means any highway that is owned by or maintained by the State of Colorado. "State highway" does not include a public highway operated by a public highway authority in accordance with the "Public Highway Authority Law", Part 5 of Article 4 of Colorado Revised Statutes Title 43.
- (2) Before the City designates an automated vehicle identification corridor on a state highway, the City shall notify the Colorado Department of

Transportation, unless the automated vehicle identification corridor on a state highway is designated by ordinance before January 1, 2025.

- (3) After the City designates an automated vehicle identification corridor on a state highway, the City shall coordinate with the Colorado Department of Transportation. Coordination must include demonstrating that the requirements set forth in Subsection (5)(a) of this Section have been met and, if needed, applying for a special use permit to install any devices or signage on department of transportation right-of-way if the segment of the highway in questions is maintained by the State. The City shall alert the Department of Transportation when the automated vehicle identification corridor begins operations or permanently ceases operations on a state highway.
- (4) Before the City begins the operation of an AVIS in an automated vehicle identification corridor on a county road, the City shall notify the Colorado State Patrol.
- (5) (a) Before the City begins operation of an AVIS in an automated vehicle identification corridor, the City must:
 - (I) Post a permanent sign in a conspicuous place not fewer than three hundred (300) feet before the beginning of the corridor; and
 - (II) Post a permanent sign not fewer than three hundred (300) feet before each static camera within the corridor thereafter or a temporary sign not fewer than three hundred (300) feet before any mobile camera; and
 - (III) Illustrate, through data collected within the past five (5) years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor;
- (b) The City shall publish a report quarterly on its website disclosing the number of citations and revenue collected by Municipal Court by the automated vehicle identification corridor.
- (c) City staff shall provide updates to Council every two years on the performance of the adopted speed corridors and adjust based on data and direction from Council.
- (d) The City shall not locate an AVIS or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

- (4) (a) When a peace officer or employee of the City, based on evidence obtained in whole or part by means of an AVIS, has probable cause to believe a vehicle has been driven in excess of the legal speed limit, the peace officer or employee of the City shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:
- (I) not less than seven (7) days prior to the time the charged person is required in the notice of violation to appear in Municipal Court.
 - (II) Within thirty (30) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
 - (III) Within sixty (60) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (b) The notice of violation must contain:
- (I) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (II) The license plate number of the motor vehicle involved in the alleged violation;
 - (III) The date, time, and location of the alleged violation;
 - (IV) The amount of the civil penalty prescribed for the alleged violation;
 - (V) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
 - (VI) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.
- (c) (I) If the City does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation,

which deadline must not be less than forty-five (45) days after the issuance date on the notice of violation, the City shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty (30) days after the deadline on the notice of violation.

(II) The civil penalty assessment notice must contain:

- (A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (B) The license plate of the motor vehicle involved in the alleged violation;
 - (C) The date, time, and location of the alleged violation;
 - (D) The amount of the civil penalty prescribed for the alleged violation;
 - (E) The deadline for payment of the prescribed civil penalty;
 - (F) Information on how to pay the prescribed civil penalty.
- (d) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.
 - (e) If the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.
 - (f) If the registered owner of a motor vehicle involved in a traffic violation under traffic regulations adopted by the City is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the City.

- (g) Final orders may be appealed as to matters of law and fact to the Municipal Court. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.
 - (h) The City shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this Section unless the registered owner is personally served the notice of violation or the final order of liability.
 - (i) If the vehicle is registered in more than one (1) person's name, the notice of violation shall be issued to that registrant who the issuing peace officer or employee of the City determines, under all the facts and circumstances, is the person most likely depicted in the photograph produced by the AVIS. The notice of violation shall contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the City issuing the notice of violation.
 - (j) If a notice of violation detected using an AVIS is personally served, the City may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (5) When a person is served with a notice of violation under this Section, the person shall:
- (a) If admitting the charge, complete the notice of violation form, providing their driver's license number and other pertinent information requested in the form, and return the completed notice of violation form, together with the payment of the fine assessed, to the Municipal Court on or before the time specified in the notice of violation for the charged person to appear in court; or
 - (b) If contesting the charge, appear in Municipal Court at the time specified in the notice of violation for arraignment.
- (6) (a) Proof that a particular vehicle was exceeding the legal speed limit as detected by an AVIS and as shown by the photograph produced by the AVIS, together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation under Part 11 of the Fort Collins Traffic Code of the fact that the charged person was the person driving the vehicle depicted in the photograph. However, such evidence and presumption may

be rebutted by the presentation of any probative and competent evidence that the charged person was not the driver shown in the photograph.

(b) The City shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an AVIS. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(7) In any proceeding in Municipal Court to prosecute a violation of this Section, any photograph produced by an AVIS concerning the violation, upon which is printed the vehicle's speed, shall be admissible in court as prima facie evidence of the speed of the vehicle depicted in the photograph, provided that the peace officer or employee of the City who activated the AVIS prior to the photograph being taken testifies as to the placement of the AVIS and the accuracy of the scene depicted in the photograph, and further testifies that they tested the radar unit of the camera radar for proper calibration before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photograph must be of sufficient quality to permit identification of the driver of the vehicle.

(8) (a) If the City detects a speeding violation of less than ten (10) miles per hour over the reasonable and prudent speed under Part 11 of the Fort Collins Traffic Code through the use of an AVIS, the City may mail the registered owner a warning regarding the violation. No notice of violation will be issued for speeding less than ten (10) miles per hour under the posted speed limit.

(b) The maximum penalty that the City may impose for a violation of Part 11 of the Fort Collins Traffic Code detected by an AVIS, including any surcharge, is forty dollars (\$40).

(c) If any violation under Part 11 of the Fort Collins Traffic Code through the use of an AVIS occurs within a school zone, as defined in Colorado Revised Statutes Section 42-4-615, or a repair zone designated pursuant to Colorado Revised Statutes Section 42-4-614, the maximum penalty that may be imposed shall be doubled.

(9) For detection of a violation by an AVIS for driving twenty-five (25) miles per hour or more in excess of the reasonable and prudent speed or twenty-five (25) miles per hour or more in excess of the maximum speed limit of seventy-five (75) miles per hour detected by the use of an AVIS, a citation will be personally served upon the driver and the maximum penalty in Section (8) do not apply.

- (10) If a registered owner fails to pay a penalty imposed for a violation of the Fort Collins Traffic Code detected using an AVIS, the City shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (11) The Colorado Department of Motor Vehicles has no authority to assess any points against a license under Colorado Revised Statutes Section 42-2-127 upon entry of a conviction or judgment for a violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS. The Colorado Department of Motor Vehicles shall not keep any record of such violation in the official records maintained by the department under Colorado Revised Statutes Section 42-2-121.
- (12) Notwithstanding any other provision of the statutes to the contrary, the City shall not report to the Colorado Department of Motor Vehicles any conviction or entry of judgment against a defendant for violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS.
- (13) (a) If the City implements new AVIS measures beyond those already in operation as of July 26, 2024:
- (I) The agency responsible for the AVIS shall publicly announce the implementation of the new system measures through its website for at least thirty (30) days prior to the use of the new system measures; and
 - (II) For at least the first thirty (30) days after the new measures are installed or deployed, only warnings may be issued for violations of the Fort Collins Traffic Code detected by the new measures.
- (b) The City may conduct an extended public information campaign or warning period for new AVIS measures installed or deployed or corridors as designated by ordinance.
- (14) No portion of any fine collected through the use of AVIS may be paid to the manufacturer or vendor of the AVIS equipment. The compensation paid by the City for such equipment shall be based upon the value of such equipment and the value of any services provided to the City and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (15) The City and any vendor operating an AVIS shall, unless otherwise provided in this Section:
- (a) Program the AVIS to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

- (b) Treat all photographs and video collected by the AVIS as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", Part 2 of Article 72 of Colorado Revised Statutes Title 24;
- (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the AVIS except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and
- (d) Destroy any photographs and video of a violation collected by the AVIS within three (3) years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on the July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Dawn Downs

ORDINANCE NO. 098, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DESIGNATING SPEED CORRIDORS PURSUANT TO
FORT COLLINS TRAFFIC CODE SECTION 1106

A. The City currently utilizes Automated Vehicle Identification Systems (AVIS) to detect speeding violations as authorized under Fort Collins Traffic Code Section 1106.

B. Traffic speed is a concerning problem facing the City of Fort Collins. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

C. In 2023 and 2024, changes to Colorado law related to the expanded use of unmanned speed enforcement with AVIS, to allow detection of speed violations on sections of roadways designated by the Council as corridors.

D. Pursuant to Fort Collins Traffic Code Section 1106, City Council is authorized to designate by Ordinance specific corridors for speed enforcement on city streets, on state highways in coordination with the Colorado Department of Transportation, and on county roads with notification to the Colorado State Patrol.

E. The designation of corridors throughout the city will help promote traffic safety through speed enforcement and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

F. City staff will provide updates to Council every two years on the performance of the adopted speed corridors to allow adjustments to speed corridor designations as needed based on data and direction from Council.

G. City Council's designation of corridors is based on data collected within up to the last five years of the roadways and intersections with the highest level of crashes involving injuries, serious bodily injury, and fatalities; speed violations of 20 miles per hour or more; intersections with more than 700 redlight speed violations of 11 miles per hour or more; citations for careless driving, reckless driving, speed contest, and speed exhibition, and areas with more than seven traffic related community complaints

H. These corridor designations shall remain in effect until modified by future adopted ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as applicable to Fort Collins Traffic Code Section 1106 that the following corridors shall be established as AVIS speed corridors, to include all intersections abutting, and all directions of traffic on, the roadways listed below:

I. Suniga Road—Between College Avenue and Lemay Avenue;

- II. Riverside Drive— Between College Avenue and Pitkin Street;
- III. Prospect Road— Between Taft Hill Road and I-25;
- IV. Drake Road— Between Overland Trail and Lemay Avenue;
- V. Horsetooth Road— Between College Avenue and Ziegler Road;
- VI. Harmony Road—Between Chokecherry Trail and I-25;
- VII. Trilby Road— Between Wainright Drive and College Avenue/Highway 287;
- VIII. Taft Hill Road— Between Mulberry Street and Trilby Street;
- IX. Shields Street— Between Elizabeth Street and Carpenter Road;
- X. College Avenue/Hwy 287— Between Laurel Street and Carpenter Road;
- XI. Lemay Avenue— Between Prospect Road and Trilby Road;
- XII. Timberline Road— Between Prospect Road and Drake Road;
- XIII. Timberline Road— Between Harmony Road and Trilby Road;
- XIV. Ziegler Road— Between William Neal Parkway and Kechter Road;
- XV. Conifer Street—Between College Avenue and Lemay Avenue;
- XVI. Mulberry Street—Between Taft Hill Road and 12th Street;
- XVII. Stuart Street—Between College Avenue and Lemay Avenue;
- XVIII. Elizabeth Street—Between Overland Trail and Shields Street;
- XIX. Drake Road—Between Lemay Avenue and Miles House Avenue;
- XX. Overland Trail—Between Mulberry Street and Drake Road;
- XXI. Timberline Road—Between Drake Road and Harmony Road;
- XXII. Intersection at Mulberry Street and Shields Street—East and West Approaches;
- XXIII. Intersection at Prospect Road and Shields Street—North and South Approaches;
- XXIV. Intersection at Harmony Road and Shields Street—North and South Approaches ;
- XXV. Intersection at Drake Road and College Avenue—North and South Approaches;
- XXVI. Intersection at Drake Road and Lemay Avenue—North and East Approaches; and
- XXVII. Intersection at Harmony Road and Timberline Road—East and West Approaches.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on the July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Dawn Downs

ORDINANCE NO. 099, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS TO SUPPORT
ADDITIONAL STAFFING AND EXPENSES FOR
IMPLEMENTATION OF THE AUTOMATED VEHICLE
IDENTIFICATION SYSTEM TRAFFIC SAFETY INITIATIVE

A. The City currently utilizes Automated Vehicle Identification Systems (AVIS) to detect speeding violations and violations of red-light signals. This is currently authorized under Fort Collins Traffic Code Section 615 and Section 1106.

B. Traffic speed and red-light violations are a concerning problem facing the City of Fort Collins. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

C. In 2023 and 2024, changes to Colorado law related to the expanded use of unattended speed enforcement with AVIS, to allow detection of speed violations on sections of roadways designated by the Council as speed corridors and additional locations.

D. To allow for expanded use, the current Traffic Code needs to be updated. Changes to City Traffic Code Section 615 and Section 1106 will align with state law updates signed into law from Senate Bill 23-200 which updated Colorado Revised Statutes (C.R.S.) Section 42-4-110.5, permitting local and state governments to implement AVIS within their jurisdictions along designated speed corridors and expanded locations.

E. The expansion of AVIS will allow the automated system to detect violations of Traffic Code Section 615 for drivers who disobey traffic control signals or traffic signs, and also used to detect speed violations identified in Part 11 of the Fort Collins Traffic Code that occur within a school zone, as defined in C.R.S. Section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to C.R.S. Section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that the City has designated a *speed corridor* by ordinance adopted by City Council.

F. To accommodate the expansion of the AVIS program updated equipment and associated costs for Police Services in 2024 are anticipated to be \$235,000.

G. With the addition of automated speed enforcement utilizing AVIS a significant increase in the number of citations is anticipated. With an increase in citations staffing is required to support this Traffic Safety Initiative to quell dangerous driving behaviors.

H. Municipal Court, the City Attorney's Office, and Planning, Development and Transportation Services will be directly impacted with the increase in citations, and it is

recommended that funds generated from AVIS enforcement be utilized to provide necessary staffing.

I. Accordingly, additional full time equivalent (“FTE”) positions and funding to support the expanded AVIS program for 2024, are proposed as follows:

- a. Two full-time municipal court clerks \$67,696 (Municipal Court);
- b. One City Attorney and one Legal Assistant \$142,774 (City Attorney’s Office);
- c. Estimated 1-2 FTE’s for temporary staffing (either hourly or contractual) Municipal Court \$24,904; and
- d. Estimated 1-2 FTE’s for temporary staffing (either hourly or contractual) City Attorney’s Office \$179,112.

J. In addition to the continuation of the above staffing in 2025 and future years, starting in 2025 additional staffing for Planning, Development and Transportation Services has also been requested to support one Vision Zero Coordinator and one Network Engineer.

K. The AVIS funds from the updated Traffic Safety Initiative ordinances will support the additional equipment and personnel.

L. Future revenue generated by AVIS will be dedicated to support traffic safety related programs, and support the costs associated with the program.

M. This appropriation benefits public health, safety and welfare of the community and serves a public purpose by promoting traffic safety through speed enforcement, and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

N. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

O. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Redlight Camera Fund in the General Fund and will not cause the total amount appropriated in the Redlight Camera Fund within the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Redlight Camera Fund within the General Fund the sum of NINETY-TWO THOUSAND SIX HUNDRED DOLLARS (\$92,600) to be expended in the General Fund for the increased staffing for the Municipal Court to support the AVIS Traffic Safety Initiative.

Section 2. There is hereby appropriated from new revenue or other funds in the Redlight Camera Fund within the General Fund the sum of THREE HUNDRED TWENTY-ONE THOUSAND EIGHT HUNDRED EIGHTY-SIX DOLLARS (\$321,886) to be expended in the General Fund for the increased staffing for the City Attorney's Office to support the AVIS Traffic Safety Initiative.

Section 3. There is hereby appropriated from new revenue or other funds in the Redlight Camera Fund within the General Fund the sum of TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$235,000) to be expended in the General Fund for Police Services expenses to support the AVIS Traffic Safety Initiative.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024
Approving Attorney: Dawn Downs

Traffic Safety Initiative

Summary

This initiative proposal is a joint effort by Police Services and PDT, and is supported by the City Attorney's Office, and Municipal Court. It results from recent changes to Colorado law related to the expanded use of photo speed enforcement tools on sections of roadways designated by the City Council. The initiative's primary goal is to promote traffic safety through speed enforcement and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

A fundamental portion of the initiative proposal is a recommended ordinance to change municipal code 1106 and 615. If approved, this will result in the Council identifying "speed corridors" based on vehicle speed and crash data provided by City staff. Once the Council identifies speed corridors, Police Services can utilize photo speed enforcement in these areas. Without a speed corridor designation, state law limits the use of photo radar to school zones, neighborhoods, construction zones, and streets that are adjacent to parks.

Based on preliminary data collected for the proposed corridors and expansion to allow current red-light cameras to begin capturing speed data, the system will increase the number of citations issued. This increase will significantly increase the workload for the City Attorney's office and the Municipal Court. To offset this impact, a BFO offer, funded entirely by this program, will be submitted to increase personnel at the CAO and Municipal Court.

Background

Traffic speed is a concerning problem facing the City. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

In 2023, the State passed legislation to allow local governments to conduct unmanned speed enforcement with AVIS (Automated Vehicle Identification System). With this change in state law, the City of Fort Collins has the opportunity to impact traffic speed compliance through the expanded use of automated speed enforcement—to reduce the number of injury accidents and traffic-related fatalities on our roadways.

As part of the City's current traffic enforcement program, six intersections are outfitted with red-light cameras (two cameras per intersection) that detect red stop-light violations. Those twelve red-light-camera approaches have the capability to also detect, validate, and generate speeding violations where vehicle speed exceeds the posted limit of more than eleven miles per hour, if those intersections are designated within a speed corridor. Additionally, this initiative adds the contracted use of two transportable units that can be placed temporarily in problematic locations to address speed compliance between intersections.

The offer could fund essential FTEs in Municipal Court, the City Attorney's Office and PDT. This offer is fully funded through traffic safety funds collected from current red-light camera and speed camera enforcement and further funded if this proposal is adopted by the City Council.

<https://www.cpr.org/2023/06/06/police-signs-bill-allowing-more-speed-cameras-across-colorado/>

<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD004607.pub4/abstract>



**Cochrane
Library**

Trusted evidence.
Informed decisions.
Better health.

It is estimated that by 2020, road traffic crashes will have moved from ninth to third in the world ranking of burden of disease, as measured in disability adjusted life years. The prevention of road traffic injuries is of global public health importance. Measures aimed at reducing traffic speed are considered essential to preventing road injuries; the use of speed cameras is one such measure.

Thirty five studies met the inclusion criteria. Compared with controls, the relative reduction in average speed ranged from 1% to 15% and the reduction in proportion of vehicles speeding ranged from 14% to 65%. In the vicinity of camera sites, the pre/post reductions ranged from 8% to 49% for all crashes and 11% to 44% for fatal and serious injury crashes. Compared with controls, the relative improvement in pre/post injury crash proportions ranged from 8% to 50%.

Ordinance update

To establish the use of unmanned speed enforcement or AVIS, an update to the existing ordinance is required. Recommended changes to City Ordinance 1106 and 615 will align with state law updates signed into law from Senate Bill 23-200 which updated CRS 42-4-110.5 permitting local and state governments to implement AVIS within their jurisdictions along designated speed corridors. Additionally, the city council is being asked to adopt designated speed corridors through a resolution based on data collected within the past five years but not to exceed five years. This working group has provided the past three years of data to support corridor designation. Data beyond three was not utilized as it was not geocoded for locations.

Corridor Designation

Police Services and PDT are asking the Council to designate through resolution speed corridors to address dangerous driving on the community roadways. Data supports identifying corridors in accordance with state law CRS 42-4-110.5, utilizing crashes, citations, and complaints. Two tiers of corridors have been identified by a working group of city stakeholders responsible for responding to and addressing roadway safety. The two tiers being presented represent the most common locations for injury/fatal crashes, citations involving speeding, careless driving, reckless driving, and racing. In addition, complaint data was used to support the empirical data but not used to weigh the decision as complaints are relative to the opinion of the complainant and vary widely. The Traffic Safety Initiative group is proposing adoption of at least tier one, however would submit tier two locations support a need for additional speed enforcement as those areas of the city are experiencing high volumes of driving behaviors which contribute to injury and fatal crashes.

Automated Vehicle Identification System (AVIS) Upgrade

Upgrading existing red-light camera locations to issue speed violations would cost \$2500 per month, per approach (12) totaling \$30,000 per month to activate all approaches.

Adding transportable solutions which could be moved periodically, likely every thirty days in areas where speed is most concerning would cost \$8,500 per month per unit (2). It is recommended two

transportable systems are added to traffic safety operations totaling \$17,000 a month with total systems additions being \$564K annually. The systems specifications include:

- Dual radar - Lane-specific tracking radar (primary radar) measures the speed and position of vehicles in beam, while the speed radar (secondary radar) provides high precision speed measurement of vehicle in beam. This enables the system to precisely track each vehicle and accurately trigger speed events, even in high-traffic locations. This also enables hardware-based edge SSV (secondary speed verification), which Verra Mobility uniquely provides.
- High-Definition Video - Capture high-definition digital video including a configurable video clip (up to 12-seconds) of the event and video of each speed-enforced location. This footage has been used to successfully assist law enforcement in solving both traffic and non-traffic related crimes.
- High-Efficiency LED Strobe - The purpose-built LED strobe allows for the ideal level of illumination to capture evidence of speed violations, while reducing the amount of light pollution typically associated with regular strobes.
- Ultra-High-Resolution Images - The camera captures ultra-high-resolution color images of 12 megapixels. While other systems rely on multiple pieces of equipment to process and store images, the Verra Mobility system integrates the camera and the main processing unit together. This eliminates the risk for missed or misinterpreted event data as it transfers from one processor to another.

Additional Recommended Personnel:

With the addition of automated speed enforcement utilizing AVIS an increase in the number of citations is anticipated. With an increase in citations staffing is required to support this traffic safety initiative to quell dangerous driving behaviors. Municipal Court and the City Attorney's Office will be directly impacted with the increase in citations, and it is recommended that funds generated from AVIS enforcement be utilized to provide necessary staffing. The AVIS funds currently can support the additional personnel requested by municipal court and the City Attorney's Office for 2024 and 2025, however, the addition of the recommended corridors and AVIS capabilities will ensure future funding while addressing traffic safety. Below is a table highlighting the current increase in traffic citations for current camera radar vans and red-light camera citations processed by the Municipal Court and the City Attorney's Office from January 1st to March 31st for each year shown.

	2023 YTD	2024 YTD	% Change
Citations Issued	4522	7872	+42%
Citations Disposed	4223	7162	+42%
Dismissals	350	677	+48%
Trials Scheduled	44	88	+50%
Motions Filed	144	320	+55%
Cases Served by VM	270	292	+8%

Projected 2024 Total	Projected Increase with Corridors
30K	40K
	133% Increase

Additional Personnel Costs:

Personnel costs to support speed corridor and automated enforcement for the city consist of the following proposed positions.

2024 Personnel costs to support speed corridor and automated enforcement for the city consist of the following proposed positions.

- (2) Full-time municipal court clerks \$67,696 (Municipal Court)
- (1) City Attorney and (1) Legal Assistant \$142,774 (City Attorney's Office)
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) Municipal Court \$24,904
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) City Attorney's Office \$179,112
 - Total personnel cost expansion funded by automated enforcement \$414,486

2025 and ongoing personnel costs

- (2) Full-time municipal court clerks \$154,285 (Municipal Court)
- (1) City Attorney and (1) Legal Assistant \$253,142 (City Attorney's Office)
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) Municipal Court \$58,864
- Estimated 1-2 FTE's for temporary staffing (either hourly or contractual) City Attorney's Office \$258,902
- (1) Vision Zero Coordinator (PDT) \$130,713
- (1) Network Engineer (PDT) \$117,072
 - Total personnel cost expansion funded by automated enforcement \$972,978

Anticipated RLCR Revenue

Automated enforcement of speeding violations in areas where the City designates as speed corridors will generate revenue earmarked for traffic safety. Those funds as they are dedicated for traffic safety, would support funding positions in the courts, city attorney's office, and City PDT.

2024 – \$1M Current red-light fund balance

The current red-light fund balance is \$1.6M and is used to support municipal court and PDT. Activating red-light locations into speed camera locations would generate an estimated annual increase of \$2.6M additional funds from fines creating a traffic safety fund balance for 2024 of \$2.1M if activated by mid-year 2024, fund balance for 2025 of \$3.4M and for 2026 a balance of \$4.8M.

The AVIS program will be revaluated mid-year and on an ongoing basis to determine if scalability is needed. Scalable options include possible reduction of AVIS devices being used to include vans, red-light locations for speed detection and part-time staffing if needed.

	2021	2022	2023	2024	2025	2026
Current AVIS Rev	\$ 1,211,000.00	\$ 1,164,000.00	\$ 1,150,000.00	\$ 1,604,000.00	\$ 1,888,000.00	\$ 1,944,000.00
Current AVIS Exp	\$ 882,000.00	\$ 960,000.00	\$ 1,435,000.00	\$ 1,899,000.00	\$ 1,965,000.00	\$ 2,034,000.00
Income/(Loss)	\$ 329,000.00	\$ 204,000.00	\$ (285,000.00)	\$ (295,000.00)	\$ (77,000.00)	\$ (90,000.00)
Additional Corridor Revenue				\$ 2,166,000.00	\$ 3,293,000.00	\$ 3,408,000.00
Appropriation for Immediate Need				\$ 179,122.00	\$ 324,777.00	\$ 336,144.20
Additional FTE Need to Support Speed Corridor				\$ 414,486.00	\$ 972,978.00	\$ 1,007,032.23
Additional Corridor Expenses				\$ 235,000.00	\$ 564,000.00	\$ 571,000.00
				\$ 649,486.00	\$ 1,536,978.00	\$ 1,578,032.23
Total Additional Expenses				\$ 828,608.00	\$ 1,861,755.00	\$ 1,914,176.43
Fund Balance	\$ 1,163,000.00	\$ 1,367,000.00	\$ 1,082,000.00	\$ 2,124,392.00	\$ 3,478,637.00	\$ 4,882,460.58

Recommendation:

This working group recommends the following regarding the traffic safety initiative.

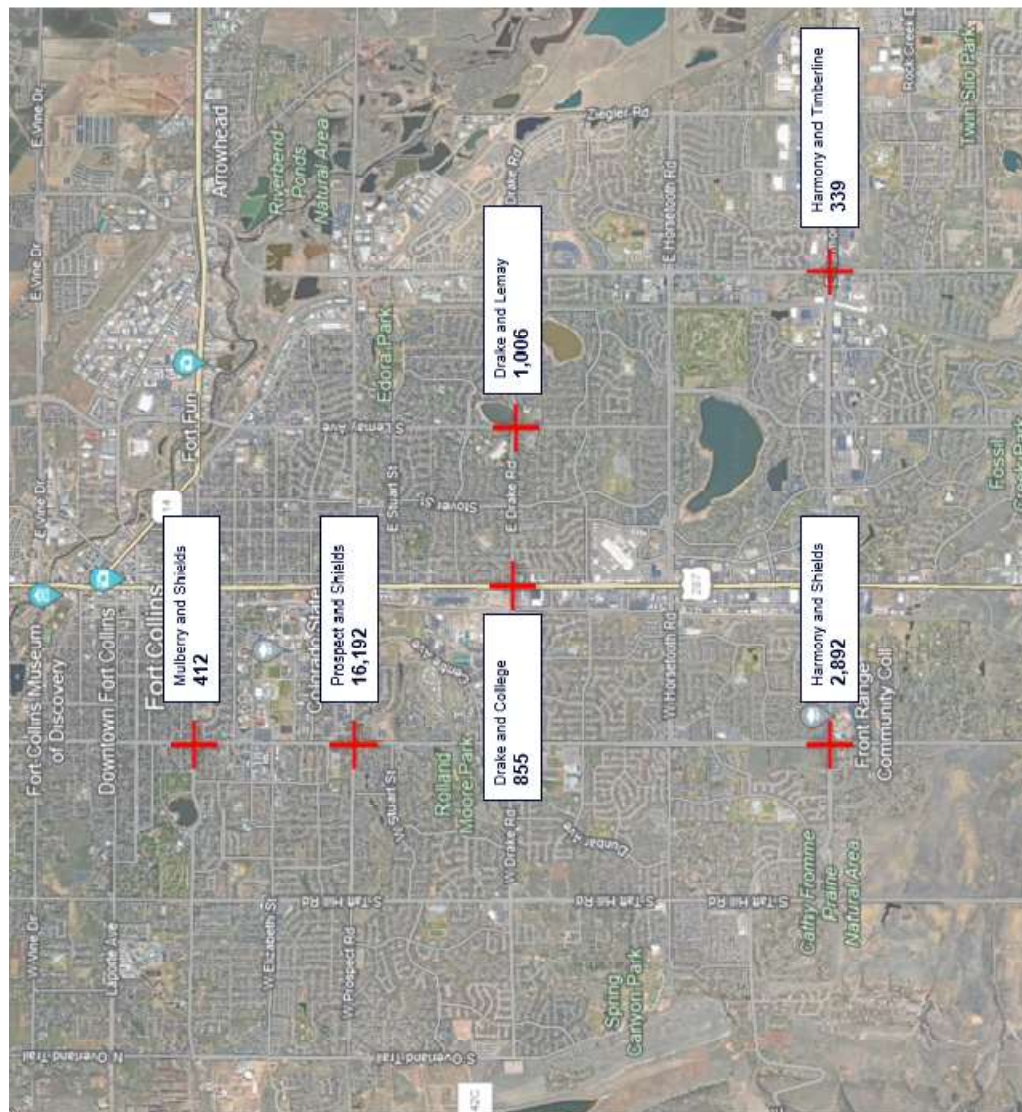
- Adopt all current red-light camera intersection locations as corridors (Appendix A), and either Tier 1 (Appendix B) or Tier 2 (Appendix C) corridors based on data which identifies areas of concern regarding dangerous moving violations, serious crashes and complaints.
- Extend the contract with Verra Mobility to include speed detection AVIS at all six intersections where red-light cameras are currently deployed.
- Add two transportable AVIS for speed enforcement to address the areas adopted as speed corridors as well as school zones, adjacent to parks and construction zones.
- Use funds to fund additional personnel for traffic safety support in municipal court and the city attorney's office.
- Use funds to support additional traffic safety initiatives, projects, equipment and services throughout all city departments to support Vision Zero. (Ordinance No. 043, 202th3)

- Provide bi-annual updates to council in-line with the budgeting process on the performance of the adopted speed corridors and adjust based on data and direction from council. Data will be provided in accordance with the requirements from state statute.
- Create a citywide multidisciplinary steering committee to process funding requests for traffic safety projects, equipment or personnel.

Data reflects monthly average of red-light camera speed detections from 2019 to 2023

Drake/Lemay and Harmony/Shields are newer and only reflect monthly average from 2024.

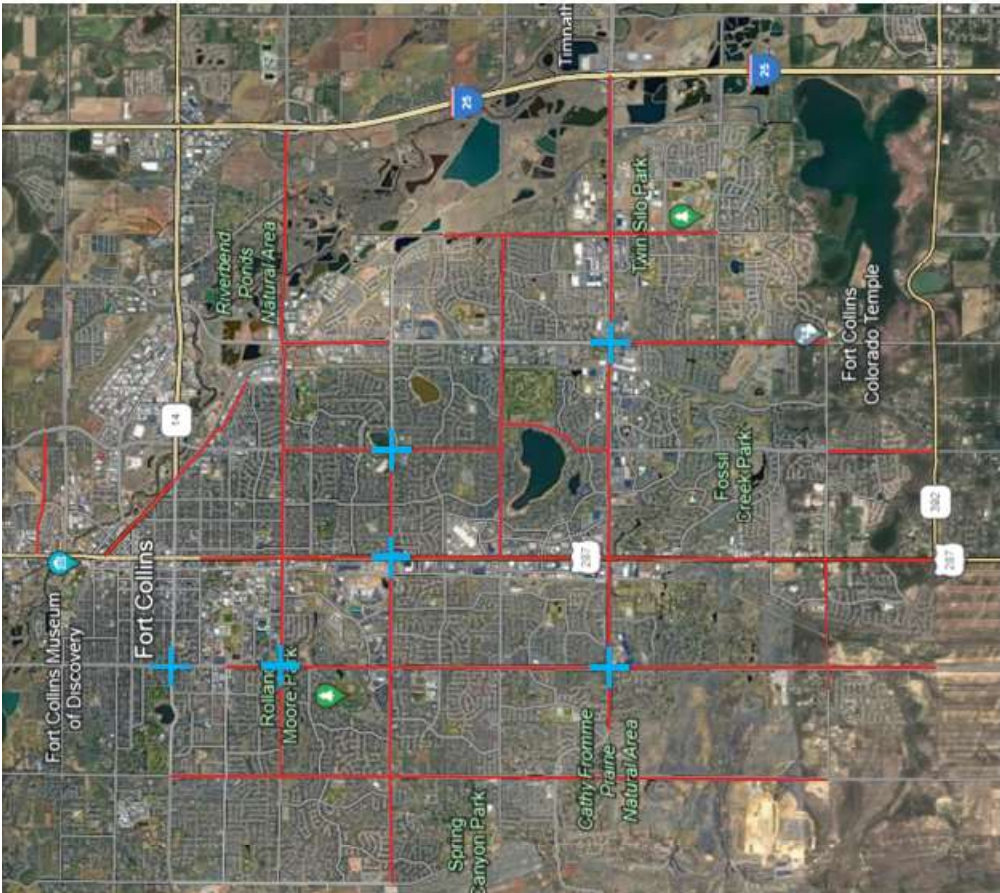
Speeding 11+ MPH



Appendix B

Road	From	To
Suniga Road	College Ave	Lemay Ave
Riverside Drive	College Ave	Pitkin St
Prospect Road	Taft Hill Road	125
Drake Road	Overland Tr	Lemay Ave
Horsetooth Road	College Ave	Ziegler Rd
Harmony Road	Chokecherry Tr	125
Trilby Road	Wainwright Dr	College Ave/287
Taft Hill Road	Mulberry St	Trilby St
Shields	Elizabeth St	Carpenter Rd
College Ave/HWY 287	Laurel St	Carpenter Rd
Lemay Avenue	Prospect Rd	Trilby Rd
Timberline Road	Prospect Rd	Drake Rd
Timberline Road	Harmony Rd	Trilby Rd
Ziegler Road	William Neal Pkwy	Kechter Rd

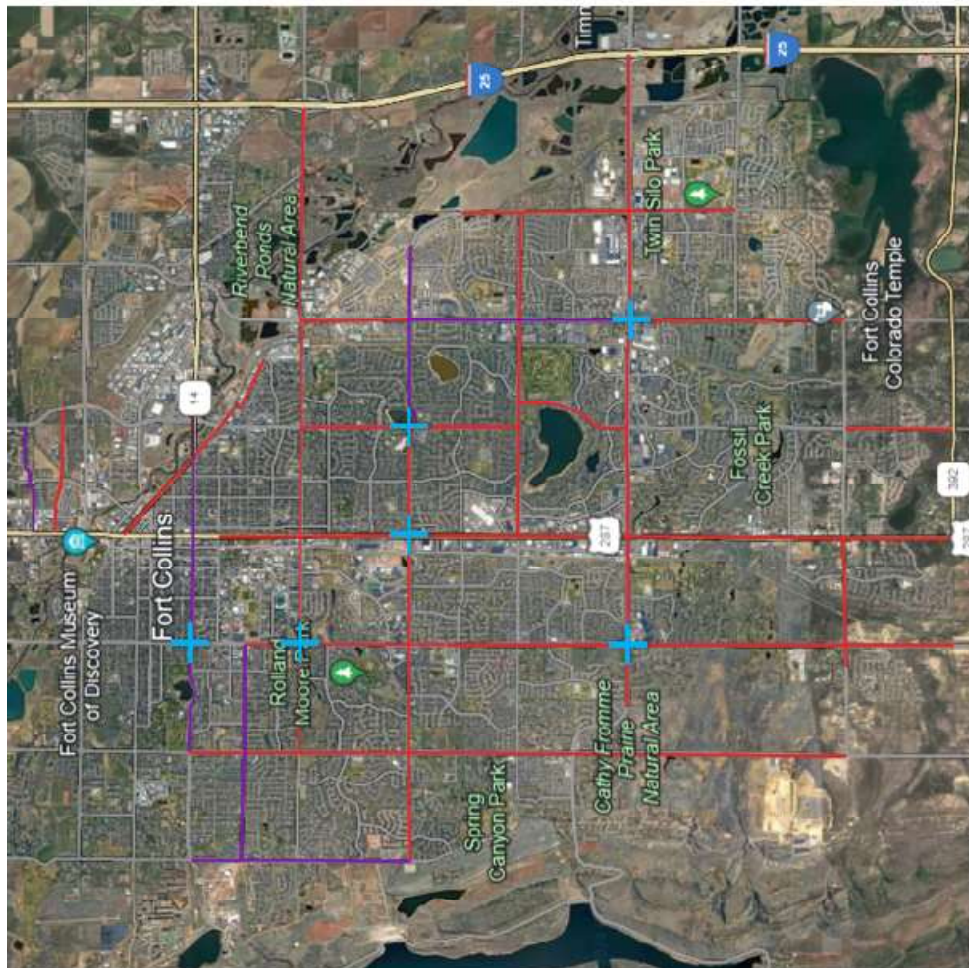
Intersection	Directions
Mulberry and Shields	North and South
Prospect and Shields	North and South
Harmony and Shields	North and South
Drake and College	North and South
Drake and Lemay	North and East
Harmony and Timberline	East and West



Appendix C

Road	From	To
Suniga Road	College Ave	Lemay Ave
Riverside Drive	College Ave	Pitkin St
Prospect Road	Taft Hill Road	I25
Drake Road	Overland Tr	Lemay Ave
Horsetooth Road	College Ave	Ziegler Rd
Harmony Road	Chokecherry Tr	I25
Trilby Road	Wainwright Dr	College Ave/287
Taft Hill Road	Mulberry St	Trilby St
Shields	Elizabeth St	Carpenter Rd
College Ave/HWY 287	Laurel St	Carpenter Rd
Lemay Avenue	Prospect Rd	Trilby Rd
Timberline Road	Prospect Rd	Drake Rd
Timberline Road	Harmony Rd	Trilby Rd
Ziegler Road	William Neal Pkwy	Kechter Rd
Conifer Street	College Ave	Lemay Ave
Mulberry Street	Taft Hill Rd	12th St
Stuart Street	College Avenue	Lemay Avenue
Elizabeth Street	Overland Tr	Shields Rd
Drake Road	Lemay Ave	Miles House Ave
Overland Trail	Mulberry St	Drake Rd
Timberline Road	Drake Rd	Harmony Rd

Intersection	Directions
Mulberry and Shields	North and South
Prospect and Shields	North and South
Harmony and Shields	North and South
Drake and College	North and South
Drake and Lemay	North and East
Harmony and Timberline	East and West



May 28, 2024

Traffic Safety Initiative

Jerrod Kinsman

Lieutenant, Police Services Special Operations Division

Dawn Downs

Managing City Attorney

Tyler Stamey

City Traffic Engineer

Dylan Lewan

Analyst I, GIS, Information Technology

Patty Netherton

Legal Court Administrator



"Vision Zero" represents a commitment by the City of Fort Collins to work toward a total of zero fatal or serious-injury crashes on the City's transportation network. Design, safety, and consideration of all modes of travel all play a part in this effort, and the City has included Vision Zero principles in long-range transportation plans.

- Given the costs and program approach, what is Council's feedback on what level of enforcement it would like to see staff pursue?
- What next steps would Council like to see?
- What feedback does Council have on timing of implementation and whether to move this initiative forward quickly or consider resources as part of 2025-2026 budget process?
- After covering the costs of the program, would Council like to see additional funds designated for enforcement, education, and engineering?



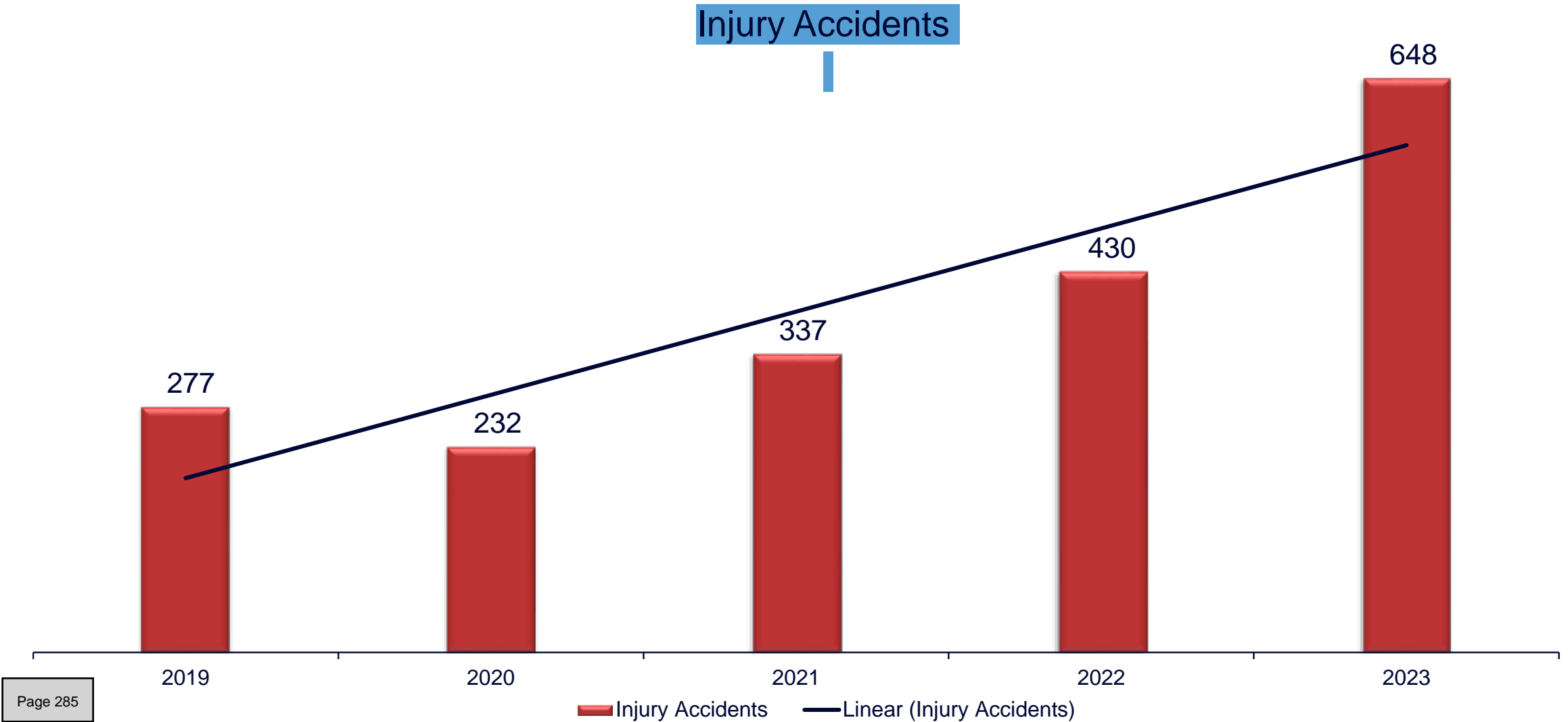
Address speed in Fort Collins, which is a key factor contributing to increases in injury/fatal crashes.



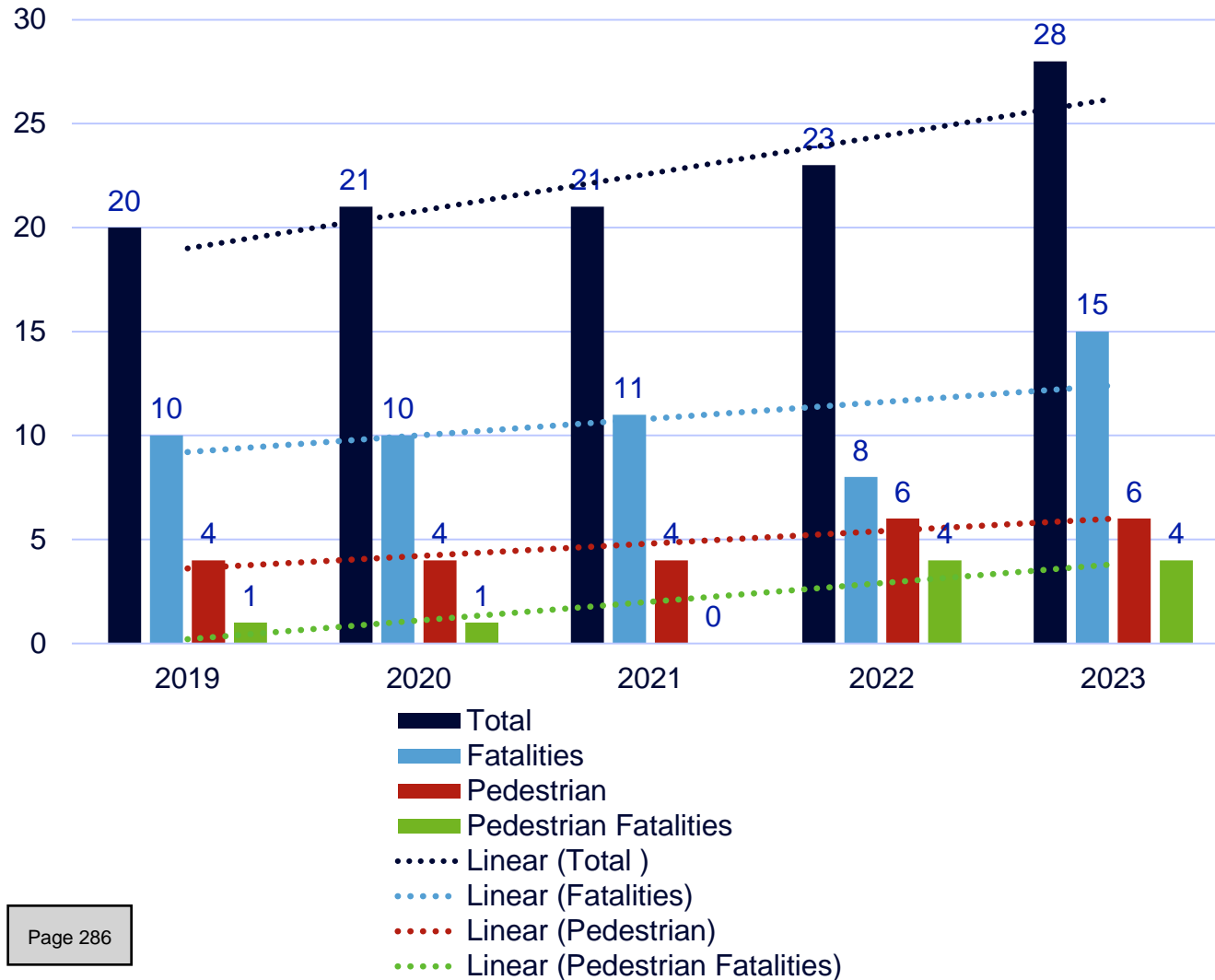
Update ordinance 1106 and 615 to reflect changes in state law.



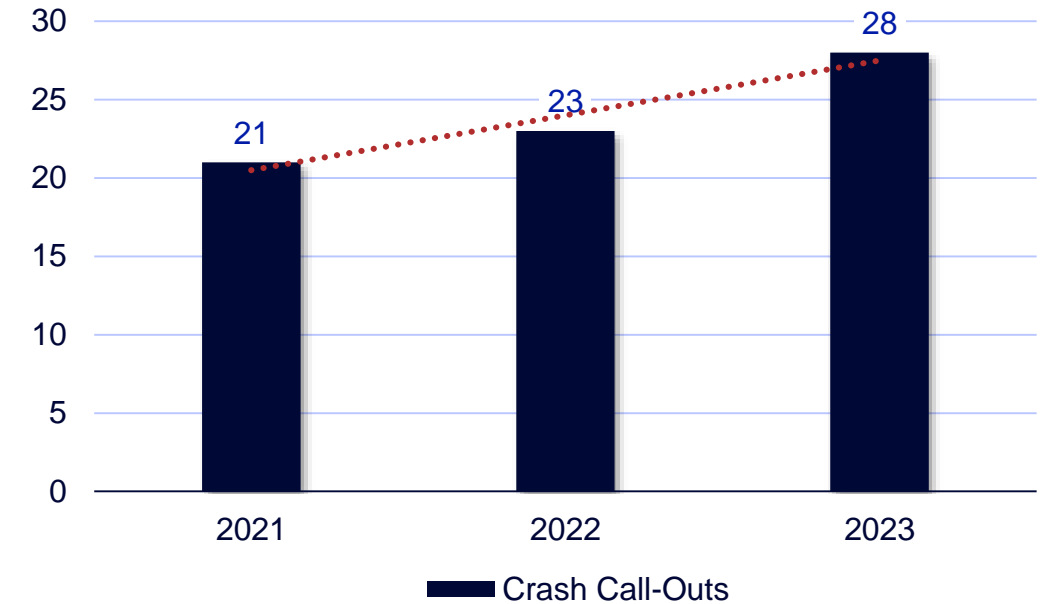
Provide options how to use funds to support additional traffic safety initiatives beyond enforcement alone.



Police CRASH Team Responses by Category

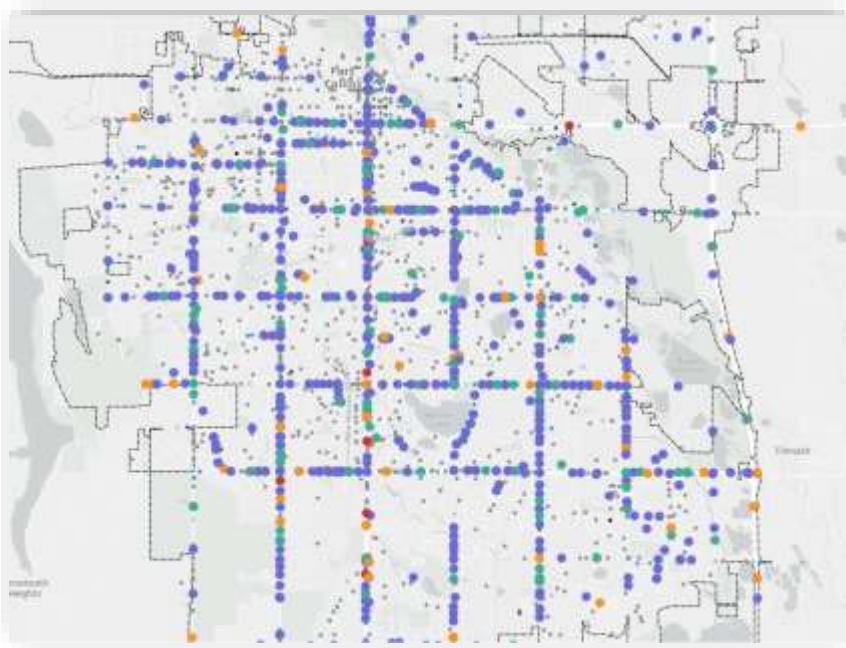


CRASH Call-Outs



\$64K

Police Overtime
Cost for CRASH
response in 2023

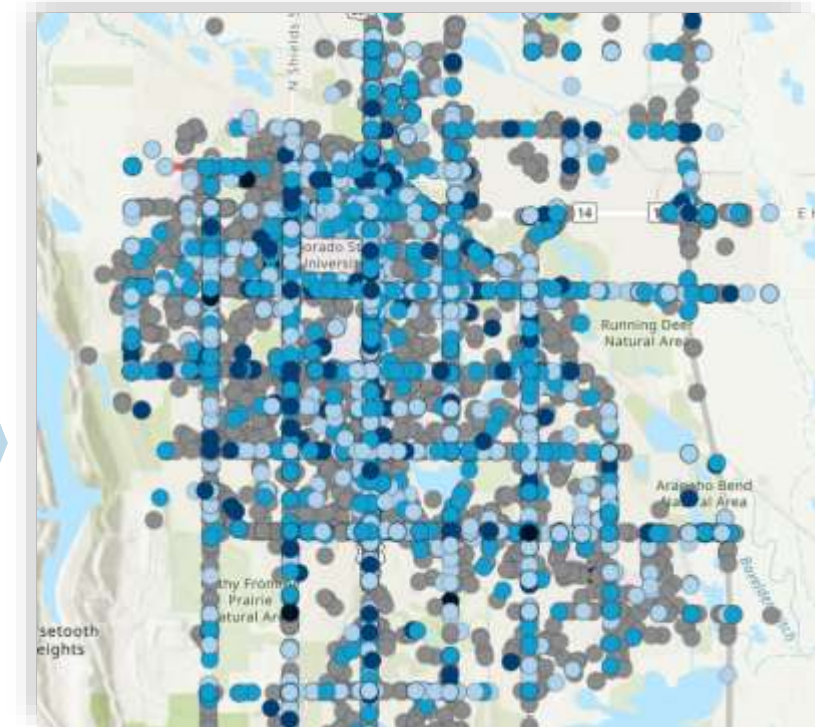


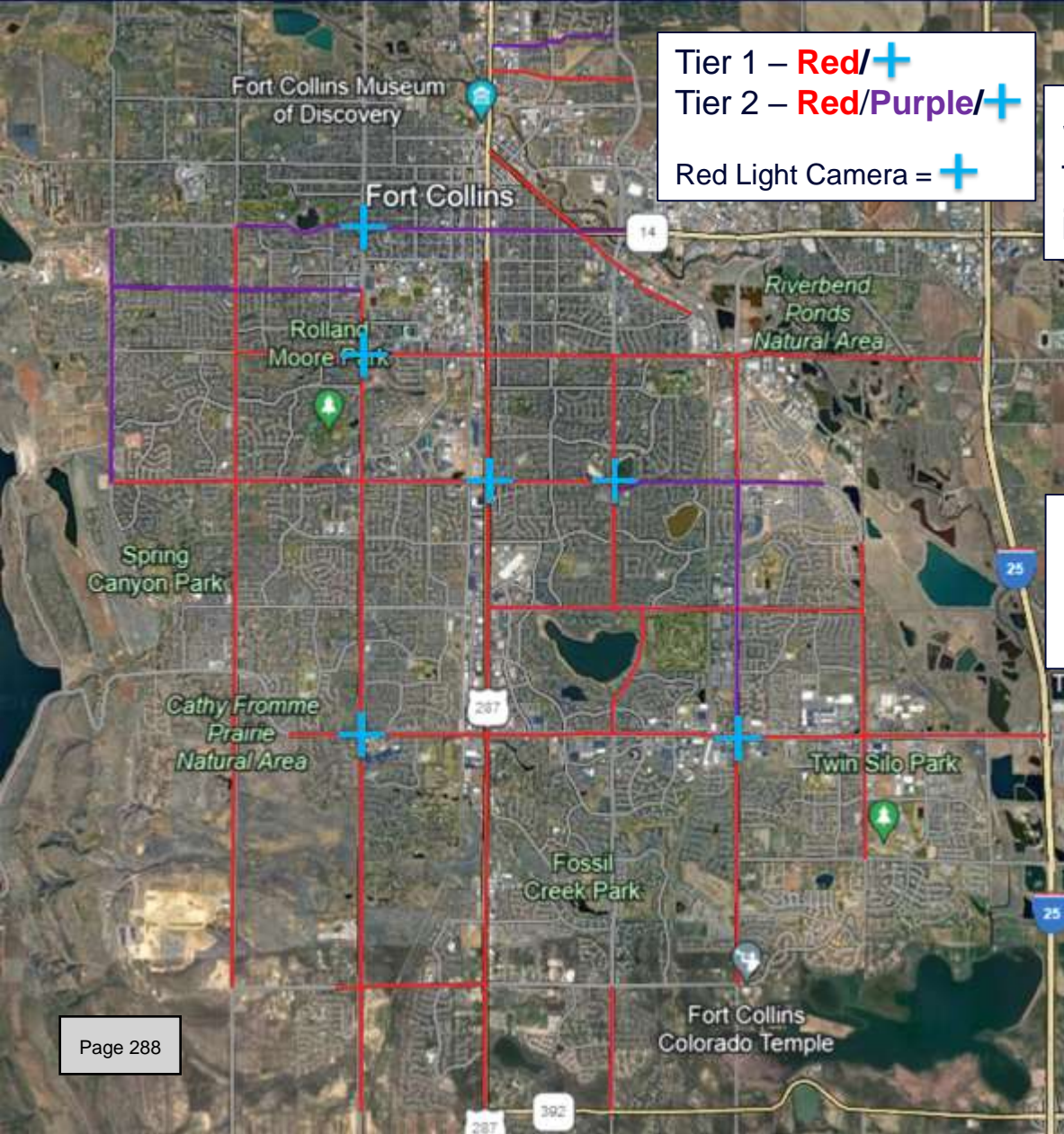
Enforcement Dashboard

<https://www.arcgis.com/apps/dashboards/167ab8042352432083e188e1c7c320d3>

Vision Zero Crash Dashboard

[Vision Zero Crash Dashboard
\(arcgis.com\)](https://www.arcgis.com/apps/dashboards/167ab8042352432083e188e1c7c320d3)



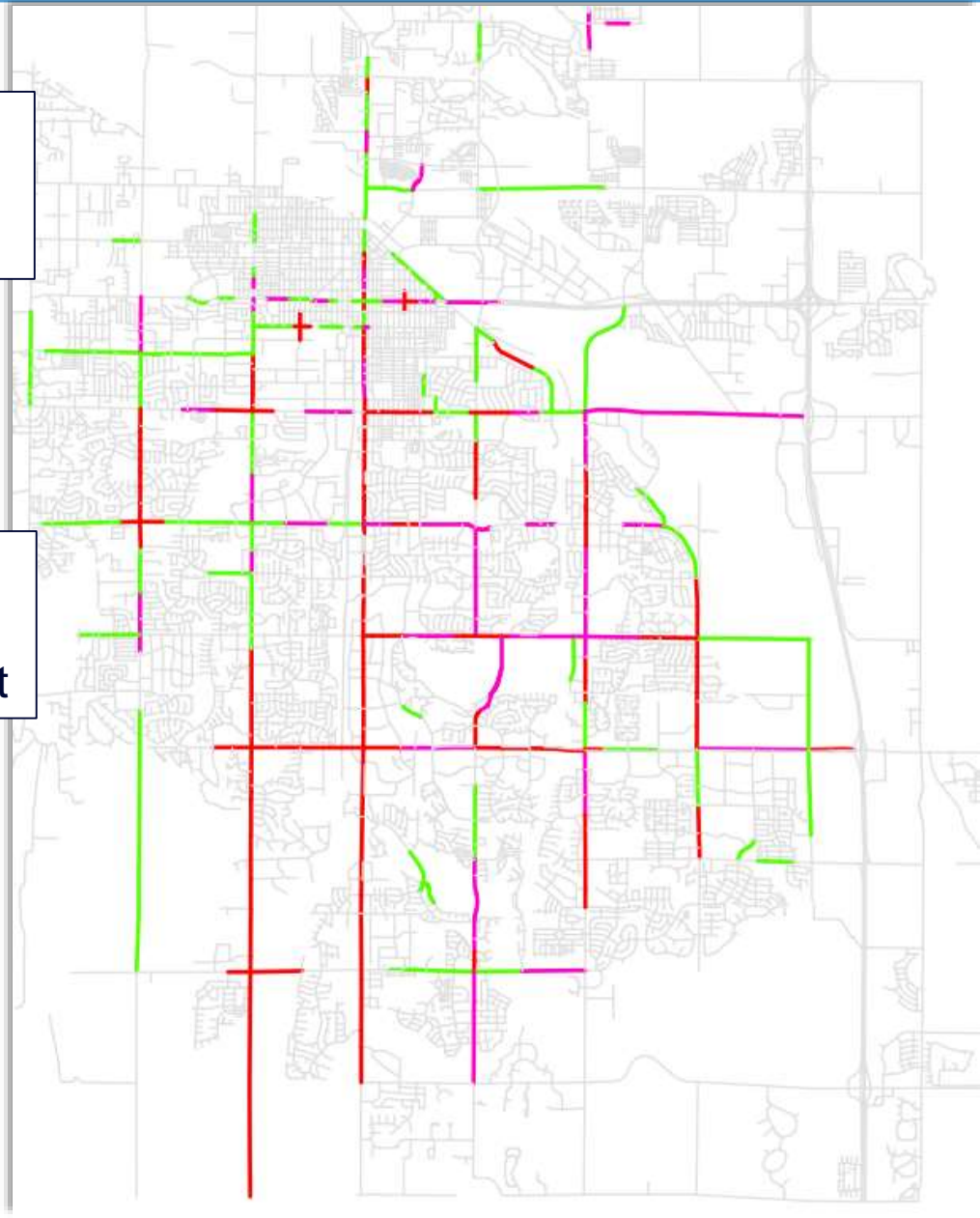


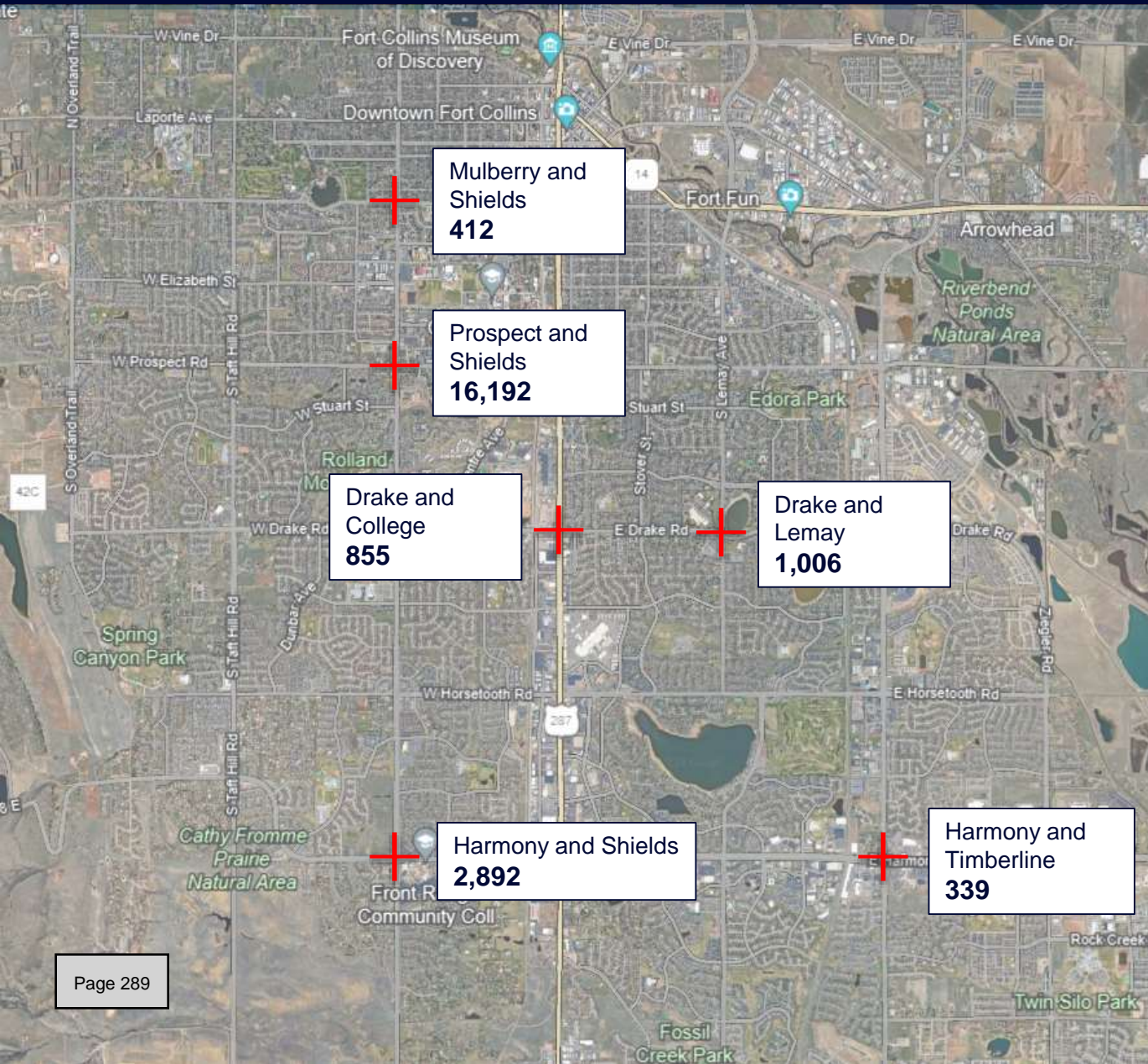
Tier 1 – Red/+
Tier 2 – Red/Purple/+
Red Light Camera = +

Suggested Map
from Dashboard
integration



Input from Traffic
Safety Team and
Police Traffic Unit





- Data reflects monthly average of red-light camera speed detections from 2019 to 2023.
- Drake/Lemay and Harmony/Shields are newer (fall of 2023) and only reflect monthly average from 2024.

Speeding 11+ MPH

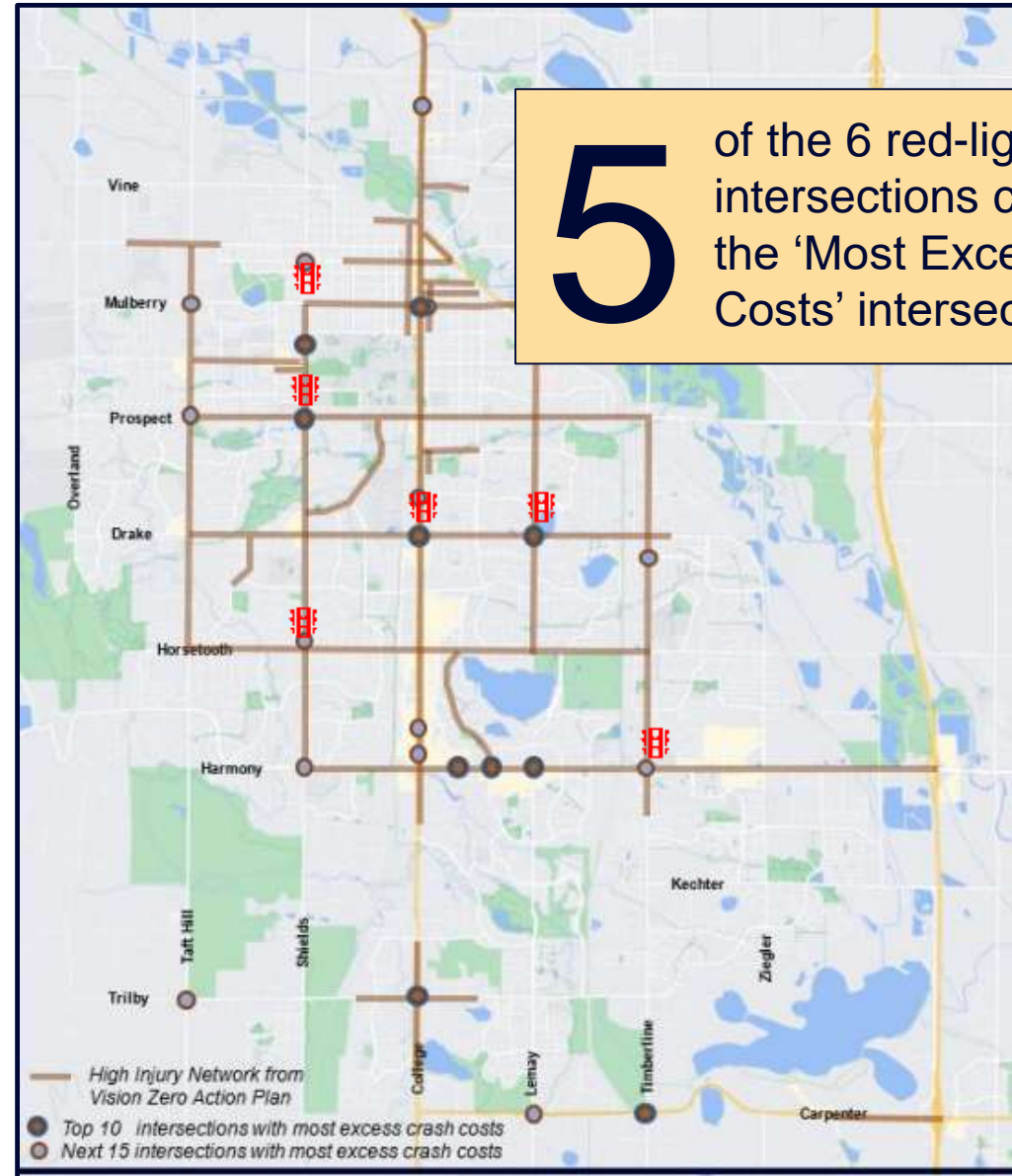
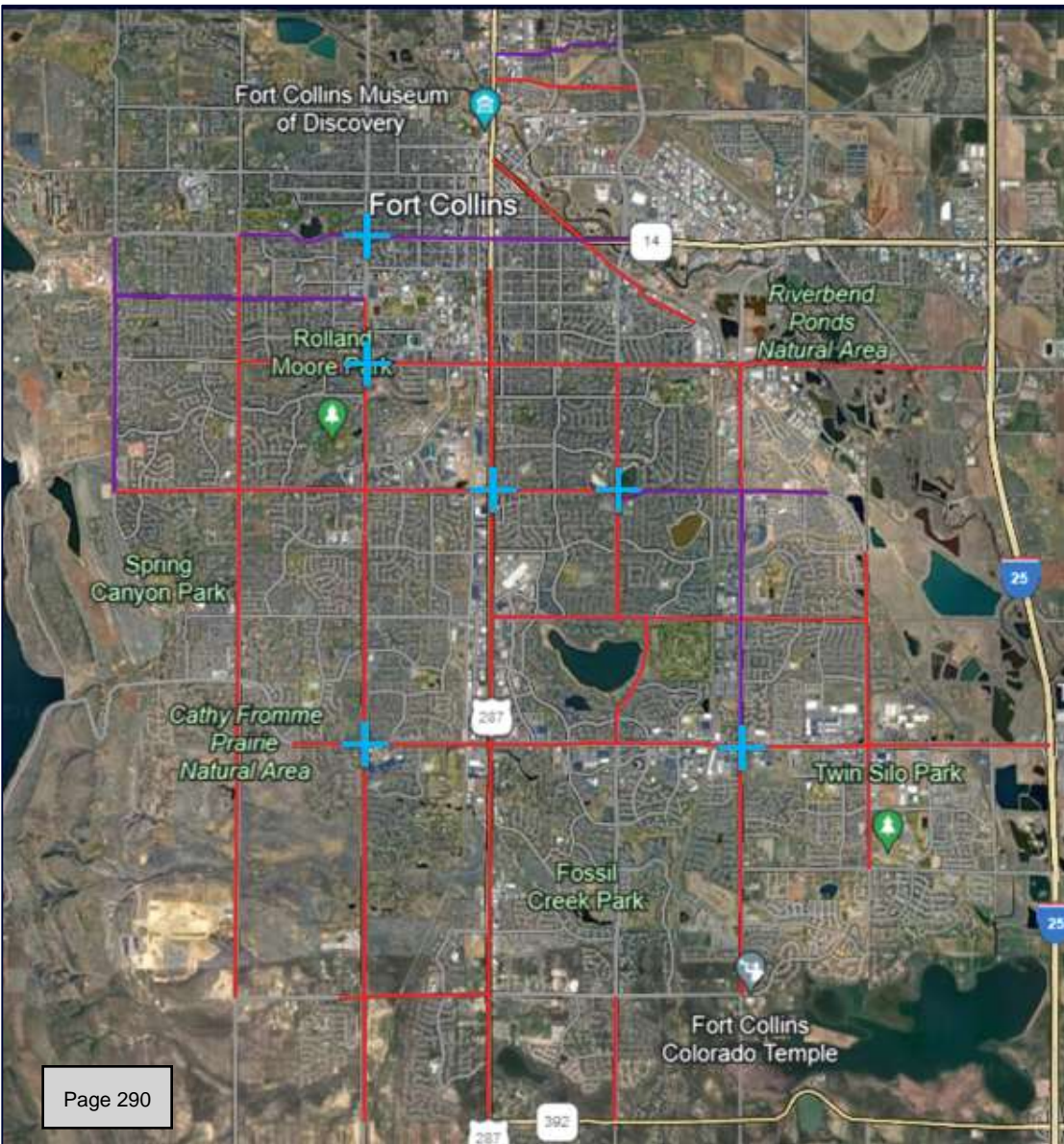
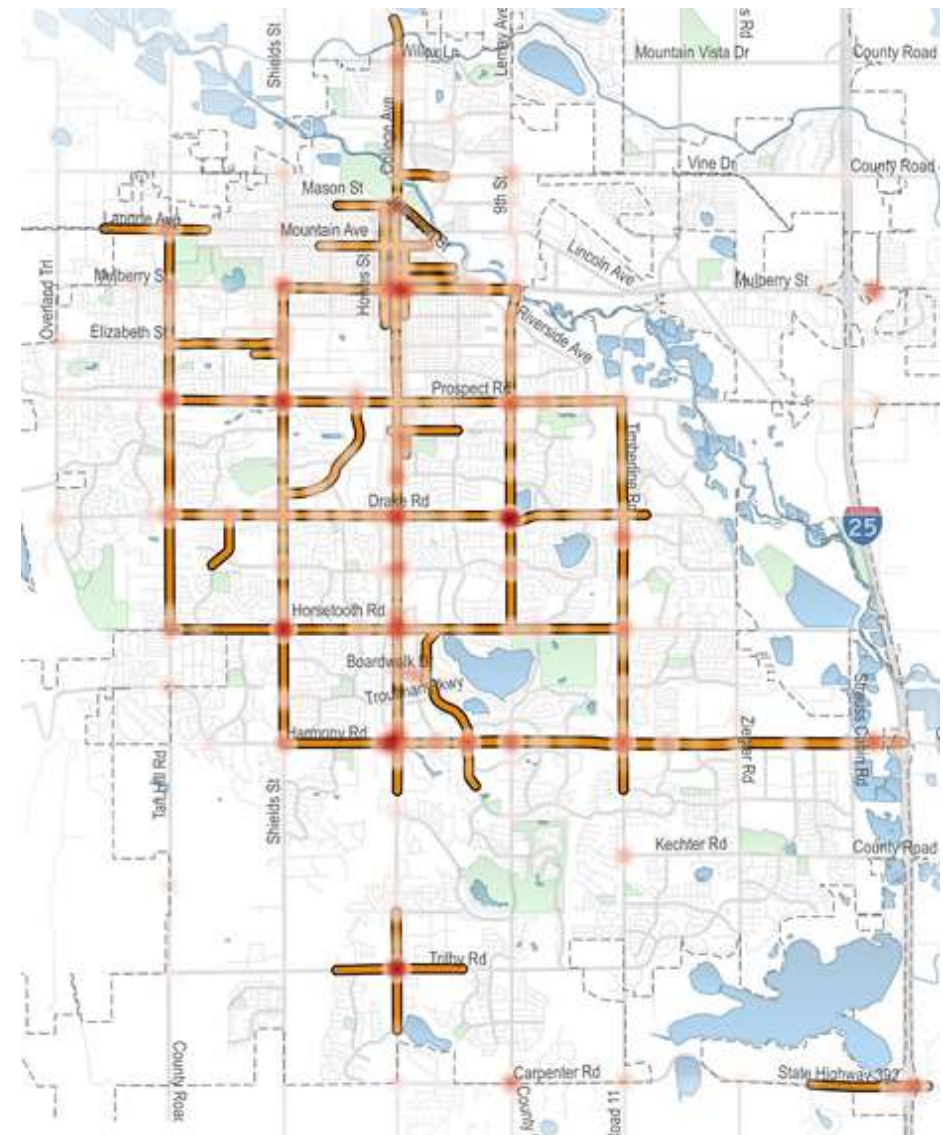
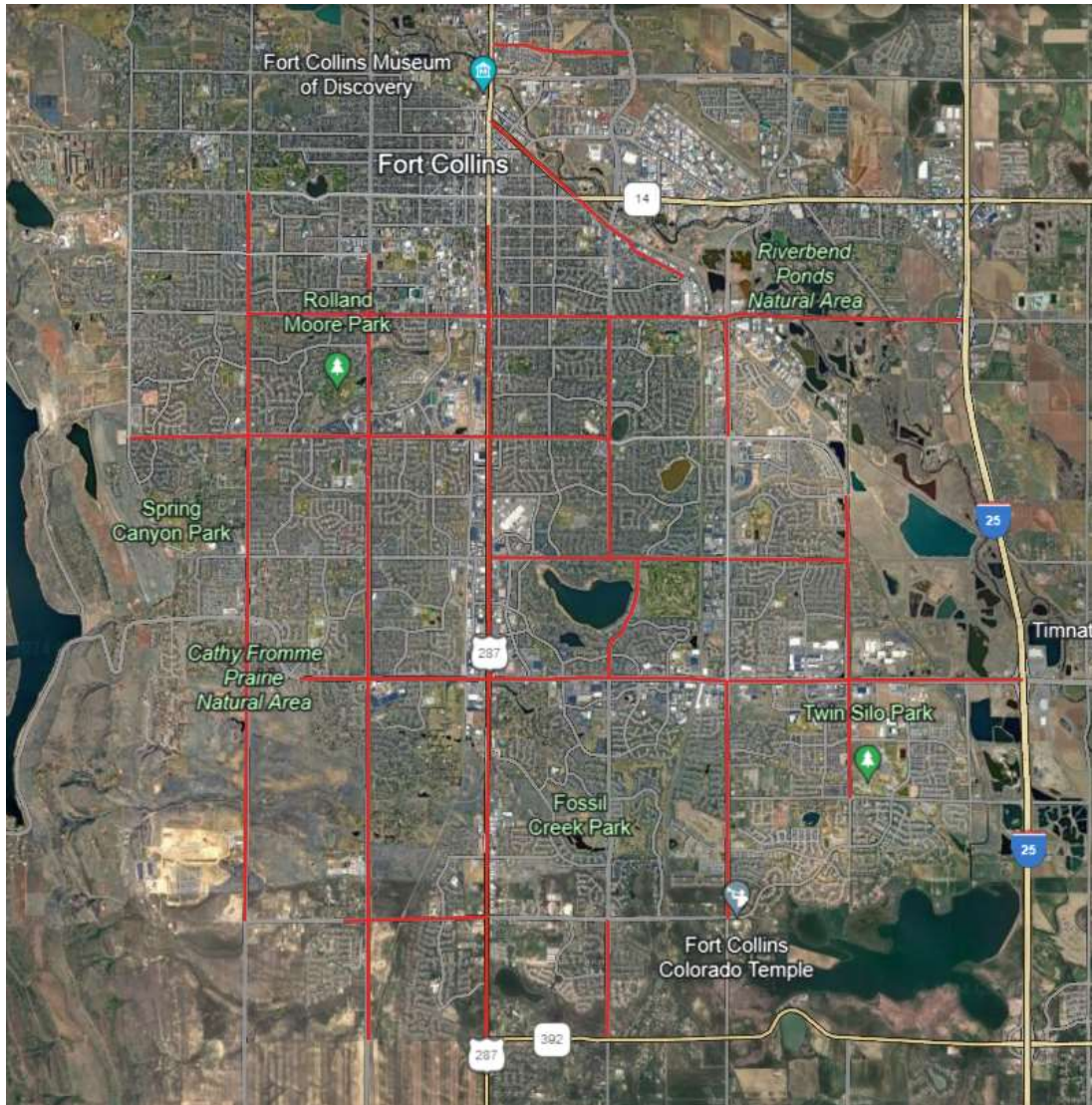
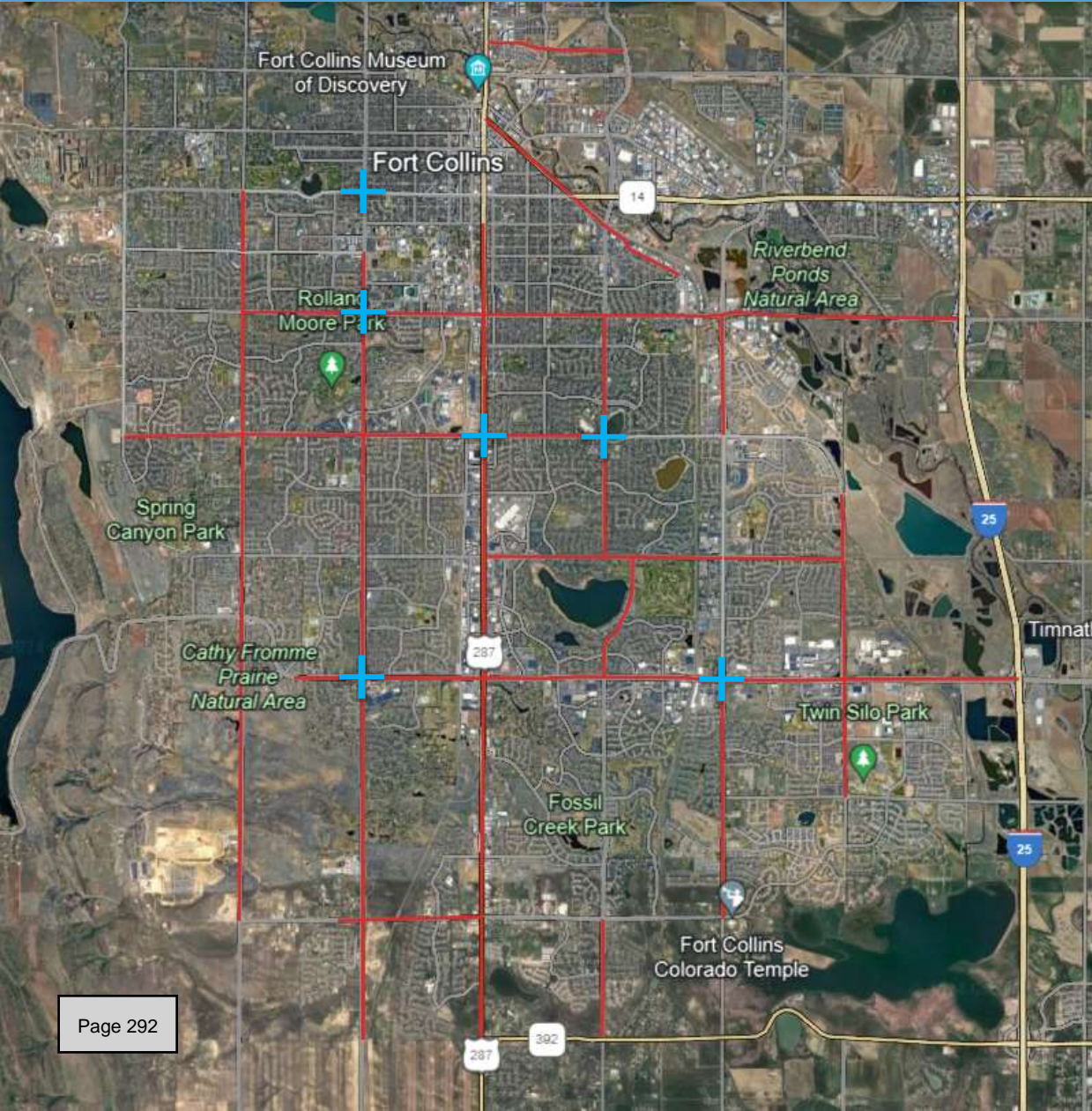


Figure 50. Top 25 Intersections With Most Excess Crash Costs (2020-2022)



Vision Zero HIN correlates to recommended speed corridors

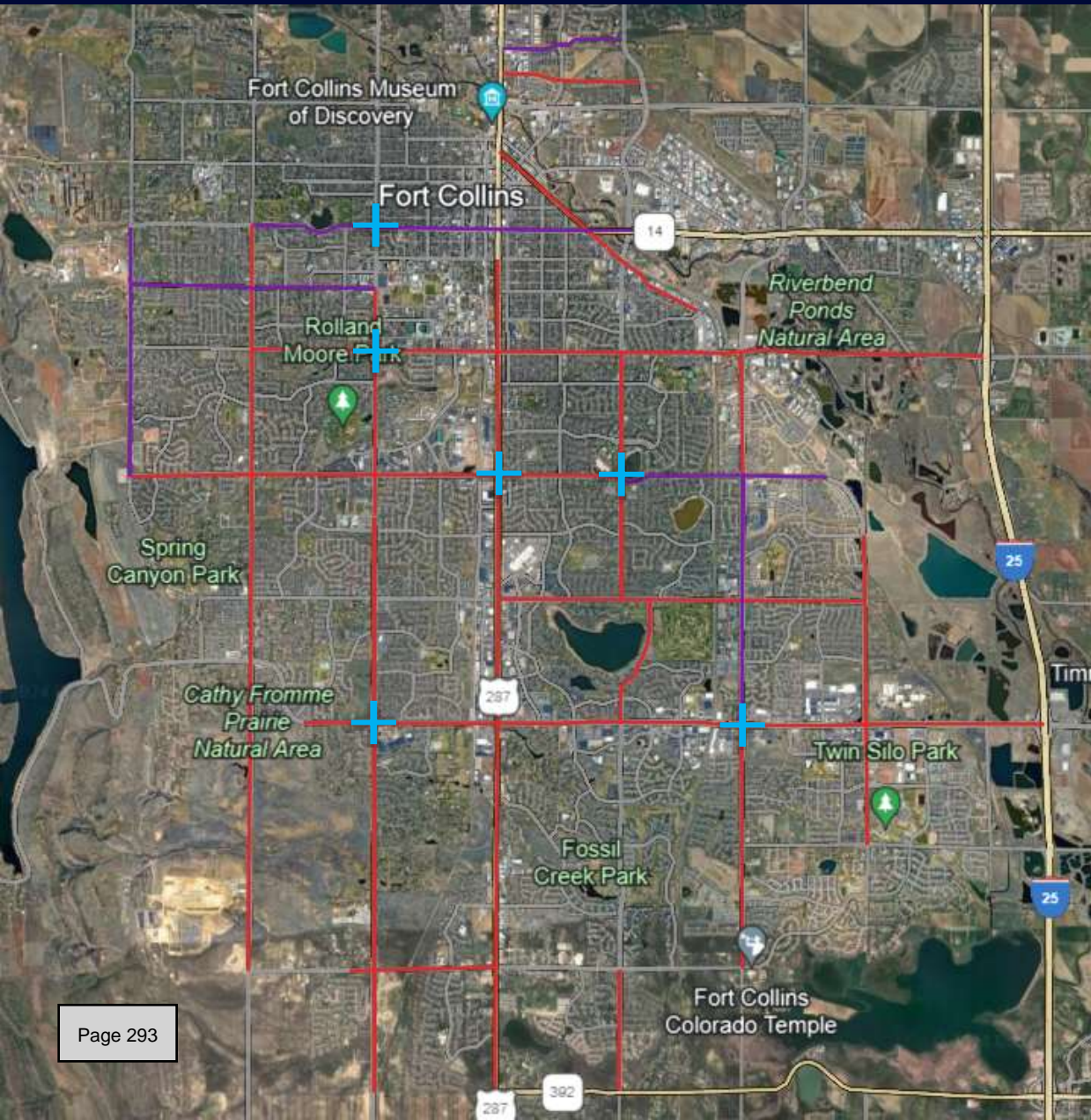


Road	From	To
Suniga Road	College Ave	Lemay Ave
Riverside Drive	College Ave	Pitkin St
Prospect Road	Taft Hill Road	I25
Drake Road	Overland Tr	Lemay Ave
Horsetooth Road	College Ave	Ziegler Rd
Harmony Road	Chokecherry Tr	I25
Trilby Road	Wainwright Dr	College Ave/287
Taft Hill Road	Mulberry St	Trilby St
Shields Street	Elizabeth St	Carpenter Rd
College Ave/HWY 287	Laurel St	Carpenter Rd
Lemay Avenue	Prospect Rd	Trilby Rd
Timberline Road	Prospect Rd	Drake Rd
Timberline Road	Harmony Rd	Trilby Rd
Ziegler Road	William Neal Pkwy	Kechter Rd

Intersection (+300 feet)	Directions
Mulberry and Shields	West and East
Prospect and Shields	North and South
Harmony and Shields	North and South
Drake and College	North and South
Drake and Lemay	North and East
Harmony and Timberline	East and West

Proposed Tier 2 Corridors (Additional Roadways Labeled in Purple)

13



Road	From	To
Suniga Road	College Ave	Lemay Ave
Riverside Drive	College Ave	Pitkin St
Prospect Road	Taft Hill Road	I25
Drake Road	Overland Tr	Lemay Ave
Horsetooth Road	College Ave	Ziegler Rd
Harmony Road	Chokecherry Tr	I25
Trilby Road	Wainwright Dr	College Ave/287
Taft Hill Road	Mulberry St	Trilby St
Shields Street	Elizabeth St	Carpenter Rd
College Ave/HWY 287	Laurel St	Carpenter Rd
Lemay Avenue	Prospect Rd	Trilby Rd
Timberline Road	Prospect Rd	Drake Rd
Timberline Road	Harmony Rd	Trilby Rd
Ziegler Road	William Neal Pkwy	Kechter Rd
Conifer Street	College Ave	Lemay Ave
Mulberry Street	Taft Hill Rd	12 th St
Stuart Street	College Avenue	Lemay Avenue
Elizabeth Street	Overland Tr	Shields St
Drake Road	Lemay Ave	Miles House Ave
Overland Trail	Mulberry St	Drake Rd
Timberline Road	Drake Rd	Harmony Rd

Intersection (+300 feet)	Directions
Mulberry and Shields	West and East
Prospect and Shields	North and South
Harmony and Shields	North and South
Drake and College	North and South
Drake and Lemay	North and East
Harmony and Timberline	East and West



Transportable solution system called NK7. This is the same system used for camera radar vans. The system would capture:

- driver image
- plate image
- 2 scene images
- 12 second video



Speed Safety Cameras

Speed safety cameras are an effective and reliable technology to supplement more traditional methods of enforcement, engineering measures, and education to reduce motorist speeding. Speed safety cameras use measurement devices to detect speeding and capture photographic or video evidence of vehicles that are violating a set speed threshold. State law restricts the use of speed cameras in Colorado.



Current red-light cameras would have speed function activated to detect and issue citations for drivers traveling 11+ MPH through intersection.





Photo is taken of violation,
vehicle and driver.



Vendor verifies violation and
mails notice of civil penalty
to registered owner.



Municipal Court receives a list of civil penalty
notices mailed and violator either pays City
online or proceeds through Court process.



Court process includes Prosecutors
response to motions, review of
discovery and evidence, and conducting
hearings and trials in Court.



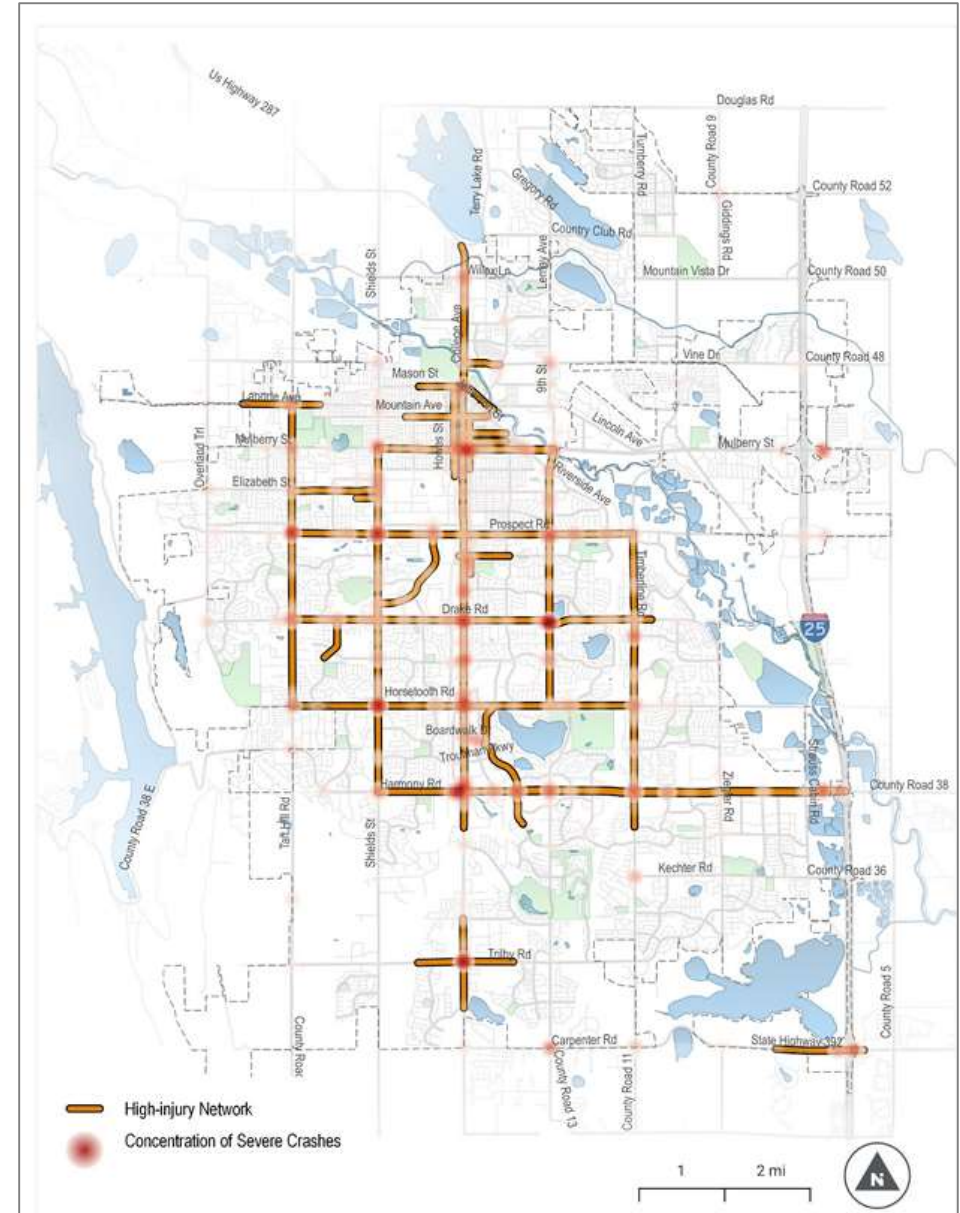
Center Equity

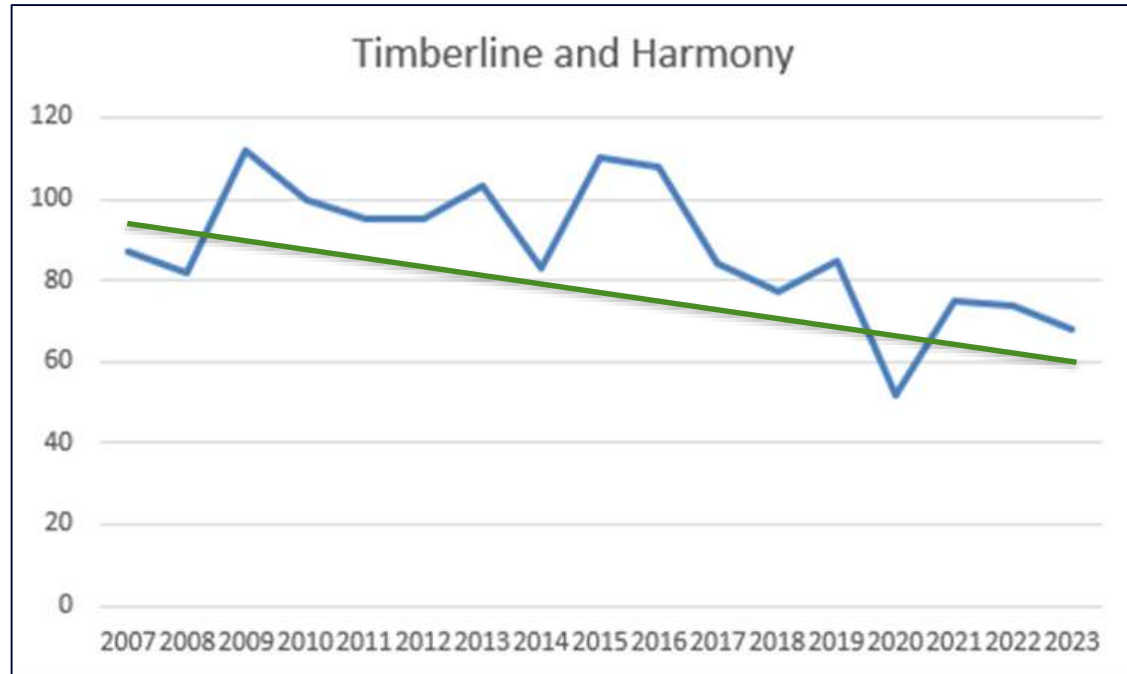
A Vision Zero initiative is successful when everyone is safe using Fort Collins' streets. An equitable Vision Zero process helps ensure improvement projects and programs reduce harm without increasing the burden on historically underserved communities.

Increase Data Transparency and Partnerships

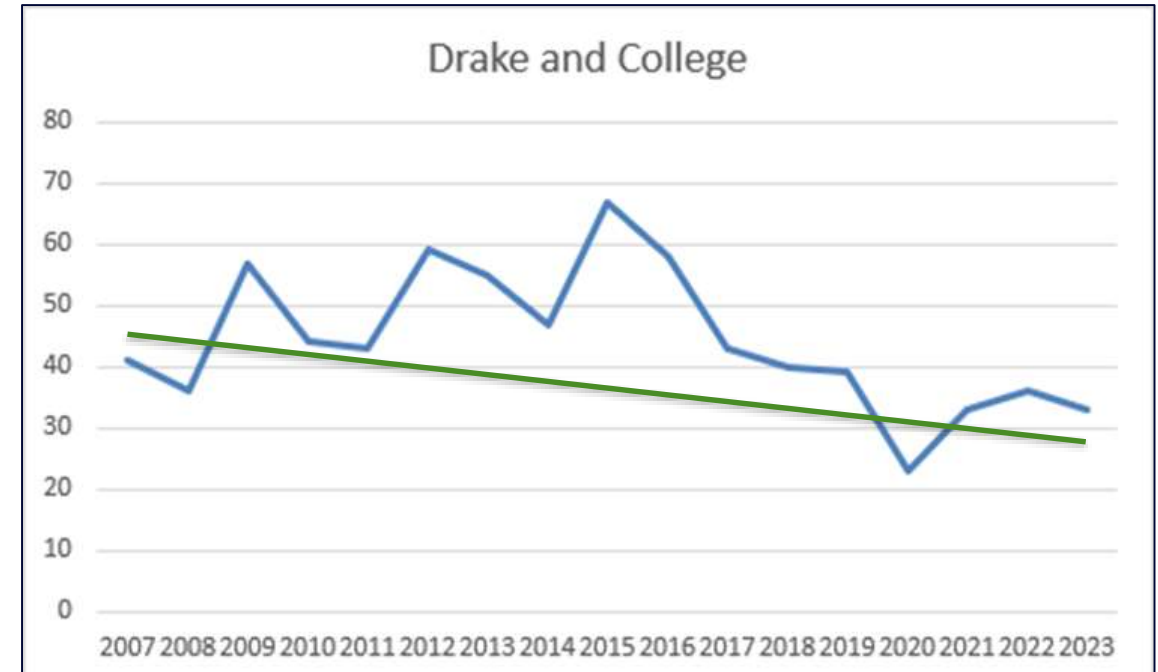
Improving the accuracy, timeliness, and quality of crash data helps planners, engineers, and policymakers make better decisions about resource allocation and facility design. Data on the locations of severe crashes will help in prioritizing, implementing, and evaluating projects that support Vision Zero.

AVIS is indiscriminate, it does not differentiate between one person to the next. Data supports the need for additional layers of speed safety cameras along designated corridors.



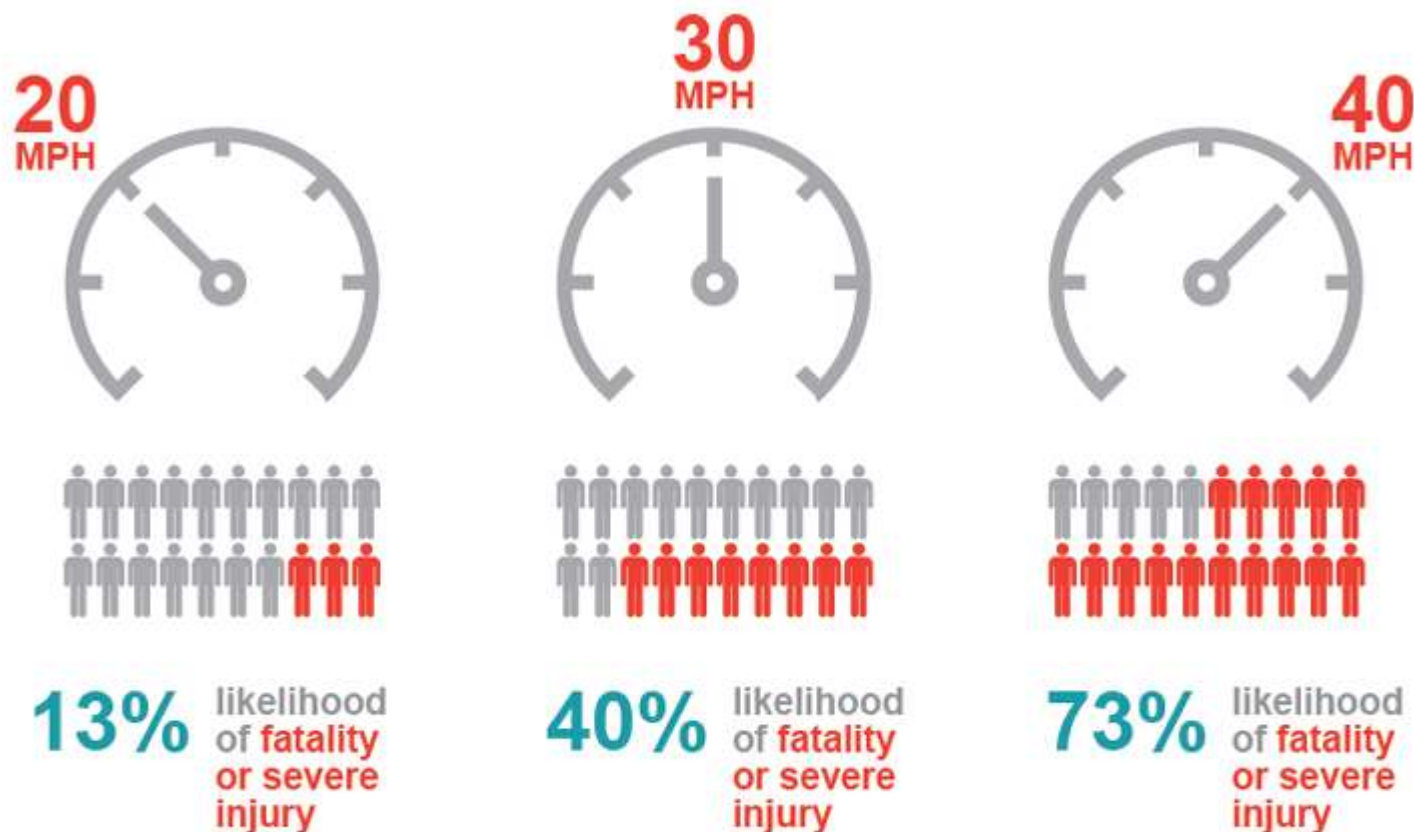


— Trend Line



Crashes at Red-light Camera Intersections

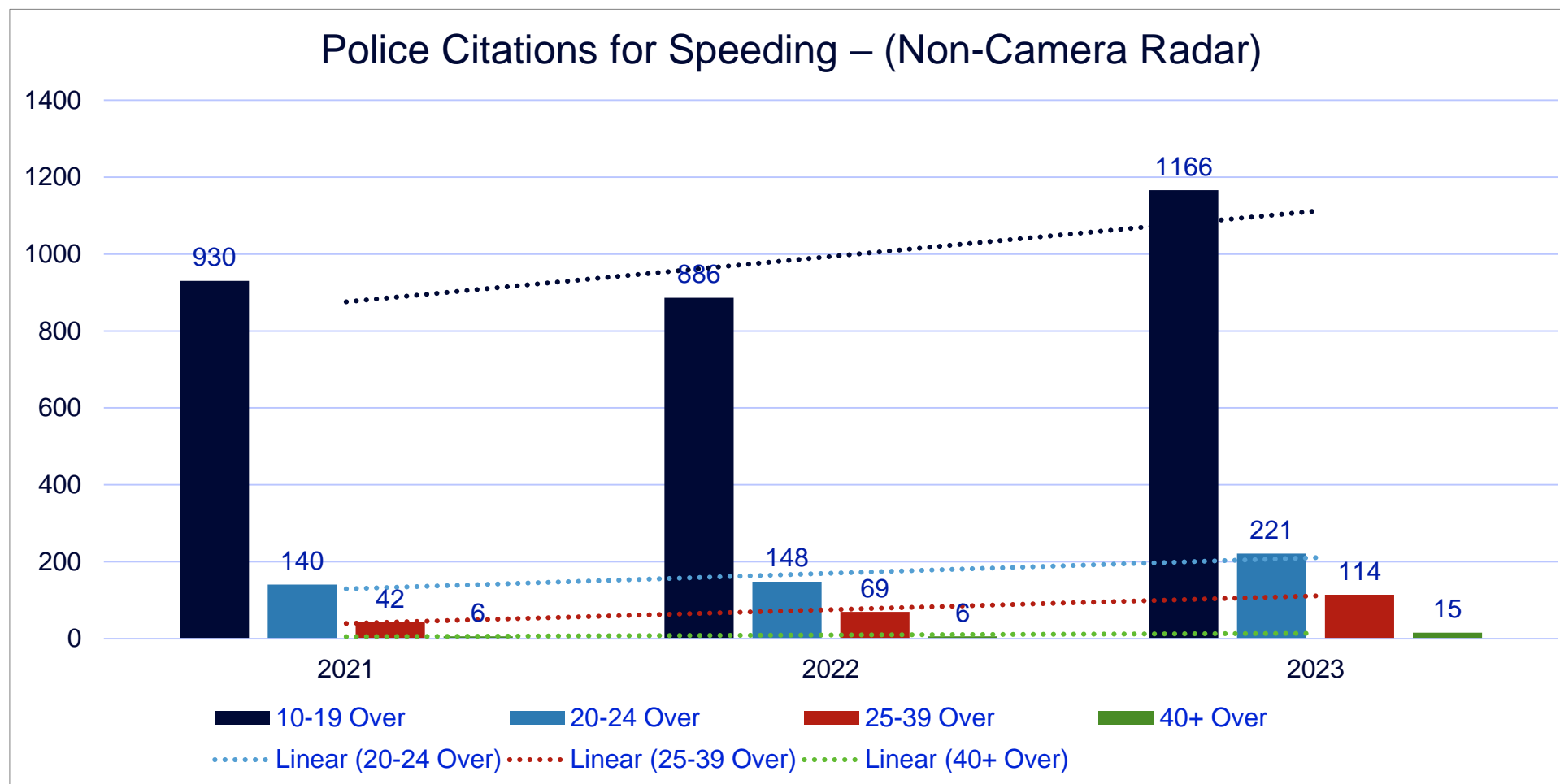
- Red-light intersections have proven downward trend in crashes at intersections.
- Speeding mid-block to between lights contributes to serious crashes at intersections.



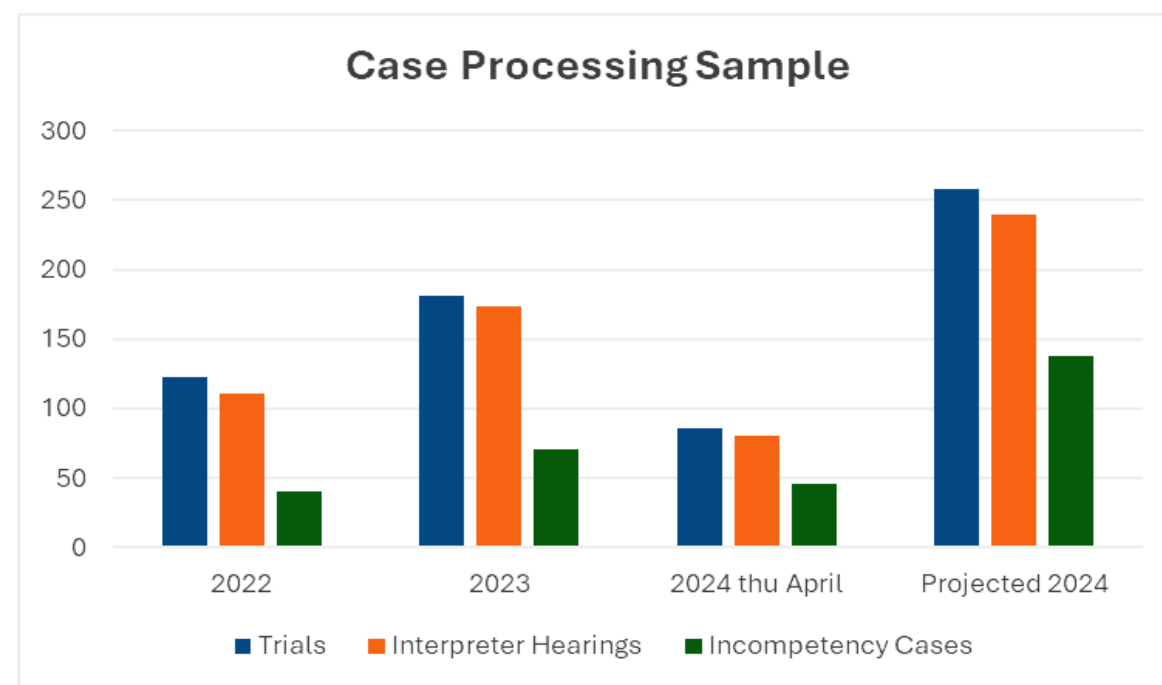
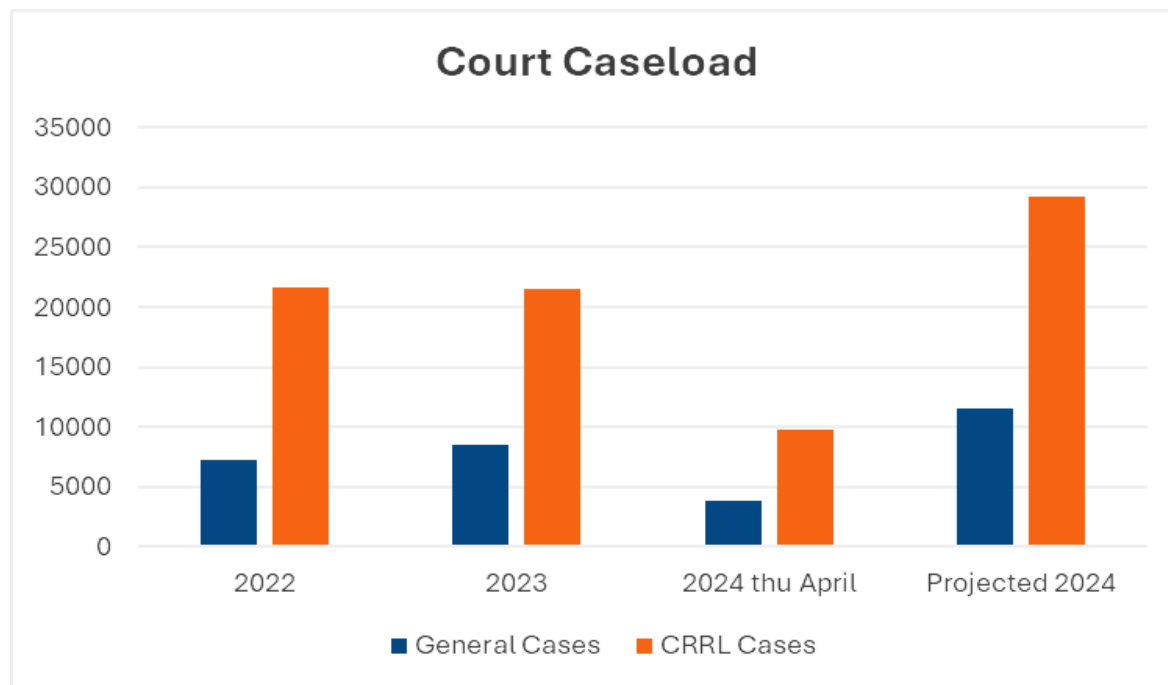
Actionable strategies should:

- Prioritize roadway design
- Focus on speed management
- Utilize impactful education strategies
- Ensure enforcement is equitable.

Source: Tefft, B.C. (2011). *Impact Speed and a Pedestrian's Risk of Severe Injury or Death (Technical Report)*. Washington, D.C.: American Highway Builders' Association for Traffic Safety.



Citations from traffic stops officers have made. Involves larger fines, points assessed and/or required court appearances.



- In 2024, the Court's general caseload has increased by almost 1,300 cases, an average of 33% in the first 4 months of the year.
- Prosecution hourly increase per week to keep up with enforcement increase 42-60 hours a week.
- RLCR increase has also impacted CAO and Court staffing that were not previously resourced from RLCR funding.

Pending Off-cycle 2024 Enforcement Staffing Requests

(2) full-time municipal court clerks - \$67,696

(1) One City Attorney and (1) Legal Assistant
\$142,774

Temporary Staffing Municipal Court and City Attorney's Office – \$204,016

Total personnel cost \$414,486

Personnel Requests for Speed Corridors

- (2) Full-time Municipal Court Clerks - \$154,000
- (1) Prosecutor and (1) Legal Assistant \$232,000
- (1) Data Analyst \$112,000
- (1) Vision Zero Coordinator \$126,000

Total Personnel Cost: **\$624,000**

- Municipal Court Clerks are based on a case load of 15,000 per year for each clerk.
- Prosecution staffing is based on the % of cases that go through the court process (motions, court appearances, and trial).

Municipal Court AVIS Citations

(YTD = Jan-Apr)	2023 YTD	2024 YTD	YTD % Change
Citations Issued	4522	7872	+42%
Citations Disposed	4223	7162	+42%
Dismissals	350	677	+48%
Trials Scheduled	44	88	+50%
Motions Filed	144	320	+55%
Cases Served by VM	270	292	+8%

Projected 2024 Total	Projected Increase with Corridors
30,000	40,000
	133% Increase

Red-light and Camera Radar cases year to date and projected with Corridor.

Proposed Automated Vehicle Identification System (AVIS) Financials – w/ FTEs and Corridors

	2021	2022	2023	2024	2025	2026
Current AVIS Rev	\$ 1,211,000.00	\$ 1,164,000.00	\$ 1,150,000.00	\$ 1,604,000.00	\$ 1,888,000.00	\$ 1,944,000.00
Current AVIS Exp	\$ 882,000.00	\$ 960,000.00	\$ 1,435,000.00	\$ 1,899,000.00	\$ 1,965,000.00	\$ 2,034,000.00
Income/(Loss)	\$ 329,000.00	\$ 204,000.00	\$ (285,000.00)	\$ (295,000.00)	\$ (77,000.00)	\$ (90,000.00)
Additional Corridor Revenue				\$ 2,166,000.00	\$ 3,293,000.00	\$ 3,408,000.00
Appropriation for Immediate Need				\$ 179,122.00	\$ 324,777.00	\$ 336,144.20
Additional FTE Need to Support Speed Corridor				\$ 414,486.00	\$ 972,978.00	\$ 1,007,032.23
Additional Cooridor Expeness				\$ 235,000.00	\$ 564,000.00	\$ 571,000.00
				\$ 649,486.00	\$ 1,536,978.00	\$ 1,578,032.23
Total Additional Expenses				\$ 828,608.00	\$ 1,861,755.00	\$ 1,914,176.43
Final Balance	\$ 1,163,000.00	\$ 1,367,000.00	\$ 1,082,000.00	\$ 2,124,392.00	\$ 3,478,637.00	\$ 4,882,460.58

- Adopt all red-light camera intersection locations as corridors.
- Adopt speed corridors on suggested roadways (Tier 1 or 2) based on data.
- Update ordinance 1106 and 615 to reflect changes in law.
- Add two transportable Automated Vehicle Identification System (AVIS) units for speed enforcement in corridors, school zones, construction zones, residential areas, and roads adjacent to parks in accordance with state statute.
- Recommend RLC funds to support additional personnel for traffic safety in Municipal Court, the City Attorney's Office and PDT.
- Recommend RLC funds to support additional traffic safety initiatives, projects, equipment and services throughout all City departments in support of Vision Zero.
- Provide bi-annual updates to Council on the performance of the adopted speed corridors and adjust based on data and direction from Council.
- Police Services to establish a citywide multidisciplinary steering committee to meet and discuss priorities for RLC funds, management and process for requesting funds.

- Given the costs and program approach, what is Council's feedback on what level of enforcement it would like to see staff pursue?
- What next steps would Council like to see?
- What feedback does Council have on timing of implementation and whether to move this initiative forward quickly or consider resources as part of 2025-2026 budget process?
- After covering the costs of the program, would Council like to see additional funds designated for traffic enforcement, education, and engineering?

Questions

Additional Information Slides

(g) (I) The state, a county, a city and county, or a municipality shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment notice or ~~summons~~ for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; ~~or~~ along a street that borders a municipal park; OR ALONG A STREET OR PORTION OF A STREET THAT A COUNTY OR MUNICIPALITY, BY ORDINANCE OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH DESIGNATED CORRIDOR THE COUNTY OR MUNICIPALITY MAY LOCATE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER STATE LAW. BEFORE A COUNTY OR MUNICIPALITY BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE COUNTY OR MUNICIPALITY MUST:

(A) POST A PERMANENT SIGN IN A CONSPICUOUS PLACE NOT FEWER THAN THREE HUNDRED FEET BEFORE THE BEGINNING OF THE CORRIDOR AND A PERMANENT SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE EACH CAMERA WITHIN THE CORRIDOR THEREAFTER OR A TEMPORARY SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE ANY MOBILE CAMERA;

(B) ILLUSTRATE, THROUGH DATA COLLECTED WITHIN THE PAST FIVE YEARS, INCIDENTS OF CRASHES, SPEEDING, RECKLESS DRIVING, OR COMMUNITY COMPLAINTS ON A STREET DESIGNATED AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR; AND

(C) COORDINATE BETWEEN THE LOCAL JURISDICTION, THE DEPARTMENT OF TRANSPORTATION, AND THE COLORADO STATE PATROL.

(II) ~~For purposes of this paragraph (g)~~ AS USED IN THIS SUBSECTION (2)(g), unless the context otherwise requires, "residential neighborhood" means any block on which a majority of the improvements along both sides

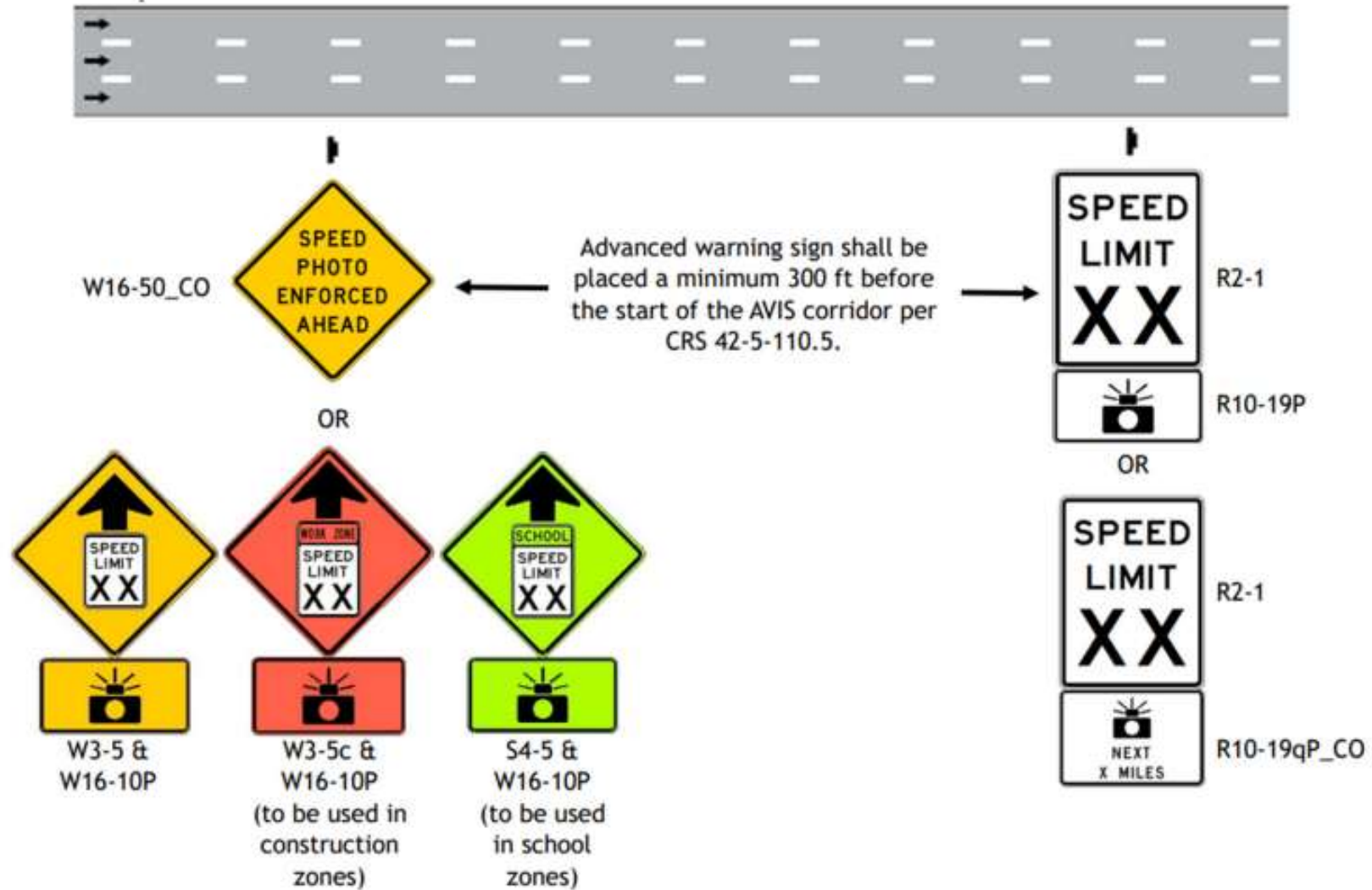
Designation

Signage

Data

CDOT

Automatic Vehicle Identification Systems (AVIS) Signage



Polis signs bill allowing more speed cameras across Colorado

By Nathaniel Minor · Jun. 6, 2023, 9:13 am

The legislation was supported by transportation safety advocates and Democratic lawmakers who argued more speed and red light enforcement cameras would lead to lower speeds and safer roads. Traffic deaths across the state hit a 40-year high in 2022 of 745 fatalities.



“Speeding vehicles are one of the most common concerns we hear in the cycling community, and it is a major factor contributing to crashes and fatalities on Colorado's roads,” Bicycle Colorado Executive Director Peter Piccolo wrote in an email. “We are pleased that the Governor prioritized road safety and signed this bill.”



Trusted evidence.
Informed decisions.
Better health.

It is estimated that by 2020, road traffic crashes will have moved from ninth to third in the world ranking of burden of disease, as measured in disability adjusted life years. The prevention of road traffic injuries is of global public health importance. Measures aimed at reducing traffic speed are considered essential to preventing road injuries; the use of speed cameras is one such measure.

Thirty five studies met the inclusion criteria. Compared with controls, the relative reduction in average speed ranged from 1% to 15% and the reduction in proportion of vehicles speeding ranged from 14% to 65%. In the vicinity of camera sites, the pre/post reductions ranged from 8% to 49% for all crashes and 11% to 44% for fatal and serious injury crashes. Compared with controls, the relative improvement in pre/post injury crash proportions ranged from 8% to 50%.

Red indicates implementation of two additional camera radar vans for a total of 4 vehicles in the fall of 2023. More speed detection devices increase the number of citations sent to Municipal Court.

Number of Speed Violations Detected													
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
2019	1173	1031	1136	1204	1285	1317	1547	1299	1146	1255	961	948	14302
2020	969	1065	941	207	1459	1306	1572	1371	1433	1476	1440	1203	14442
2021	1159	745	1059	1285	1105	1633	1452	1437	1431	1589	1388	1048	15331
2022	658	870	1081	1278	1255	1210	1111	1109	1227	1180	878	1022	12879
2023	473	691	971	817	1109	1392	1113	1268	1073	1593	1251	1564	13315
2024	1422	1110	1578										4110
Number of Speed Citations Issued													
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
2019	1057	960	1030	1068	1147	1145	1386	1165	1054	1186	915	877	12990
2020	896	981	864	192	1321	1179	1309	1186	1250	1299	1259	1066	12802
2021	1019	667	938	1104	904	1431	1291	1236	1219	1420	1250	919	13398
2022	552	753	927	1061	1089	1020	973	958	1023	1057	804	1091	11308
2023	423	664	924	757	980	1305	1051	1183	981	1422	1149	1450	12289
2024	1328	1033	1420										3781

Accidents at Red-light Camera Intersections

BEFORE

AFTER

Shields and Mulberry											
Activation Date - 7/24/2020											
Time Period - 7/24/2017 - 7/23/2020						Time Period - 7/24/2020 - 7/23/2023					
Facilityid	117					Facilityid	117				
Before or After	Before					Before or After	After				
Count of Casetrackingid						Count of Casetrackingid					
Row Labels	Column Labels					Row Labels	Column Labels				
	2017	2018	2019	2020	Grand Total		2020	2021	2022	2023	Grand Total
SHIELDS AND MULBERRY	11	18	8	5	42	SHIELDS AND MULBERRY	4	6	12	5	27
Approach Turn	4	4	2	2	12	Approach Turn		2		2	4
Bicycle	1				1	Bicycle			1		1
Rear End	3	10	2	2	17	Fixed Object			1		1
Right Angle	3	3	2	1	9	Rear End	2		3	2	7
Side to Side-Same Direction		1	2		3	Right Angle		2	5		7
Grand Total	11	18	8	5	42	Side to Side-Same Direction	2	2	2	1	7
						Grand Total	4	6	12	5	27
									</		

July 2, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Rupa Venkatesh, Assistant City Manager
Ginny Sawyer, Lead Policy and Project Manager
Carrie Daggett, City Attorney

SUBJECT

Resolution 2024-090 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

EXECUTIVE SUMMARY

The purpose of this item is to consider updates to the Council Meeting Rules of Procedure that ensure the public has the opportunity to speak on all agenda items, provide general public comment, and allow the Council to effectively execute the business of the City. The update to the Meeting Rules also includes alignment to Ordinance No. 39, 2024 and clarification as to the purposes of staff, community and Council reports.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Over the past several years, Council has adopted changes to the meeting Rules and Procedures to adapt to both the needs of the community and circumstances. In March 2020, in light of the COVID-19 pandemic and local emergency declaration, the Rules were adopted to shift Council and the public's participation to being remote. In October 2021, when Council resumed in-person meetings, the option to continue allowing remote public participation was added. In July 2022, updates included the extension of the meeting from 10:30pm to midnight to allow for more business to be conducted.

On April 2, 2024, Council adopted Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings. This allows Councilmembers to attend and vote remotely if a meeting is relocated to a remote mode due to circumstance preventing a meeting from proceeding in person.

It is important that Council has the ability to effectively execute the business of the City and to ensure the public has opportunity to comment on those agendas' items. It is also valuable to allow time and opportunity for the public to speak on general topics that are not on the agenda. To ensure all these items can be accomplished, staff is proposing the following changes to the current Meeting Rules of Procedure:

- Update to reflect changes that were made in Ordinance No. 39, 2024.

- Allocate no fewer than 40 people and additional speakers as may be allowed within a total time of 90 minutes of public comment at the beginning of the meeting.
- Add an addition at the end of agenda (Agenda Item P) to resume general public comment if needed.
- Change the cut-off time for public participation sign-ups to 5:30pm to ensure that staff has the ability to prepare the final sign-up sheets for the Mayor.
- Add definitions for Community, Staff, and Councilmember Reports to clarify the purposes of each.

Since online sign-ups to comment have been required, the majority of meetings have seen between 1-40 residents sign-up and approximately 2-5 on average have signed up after 5:30. Having additional time prior to the start of the meeting will help staff coordinate comments and ensure that those speaking to agenda items are identified.

The proposed update to the meeting rules leaves speaking time at the Mayor's discretion allowing the possibility to hear more than 40 people within 90 minutes if speaking time is short and allowing more time if sign-up numbers are lower. People that sign-up are notified via email what number they are in the queue which helps provide predictability.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Redlined Changes to Council Meeting Rules of Procedure
3. Clean Version of Council Meeting Rules of Procedure
4. Presentation

RESOLUTION 2024-090
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AMENDED RULES OF PROCEDURE GOVERNING THE CONDUCT
OF CITY COUNCIL MEETINGS AND COUNCIL WORK SESSIONS

A. The City Council has previously adopted certain Rules of Procedure Governing the Conduct of City Council Meetings (the “Rules of Procedure”), which Rules of Procedure have been amended from time to time by the Council, most recently in July 2022 with the adoption of Resolution 2022-068.

B. The Rules of Procedure are intended to promote the orderly and efficient conduct of the meetings and ensure fair treatment of members of the public wishing to comment for Council’s consideration.

C. The City Council wishes to further amend the Rules of Procedure to more specifically provide a means for managing meetings when there is an unruly and disruptive crowd at the meeting or when the volume of general public comment expected will preclude the Council from reasonably carrying out its meeting.

D. The City Council expects to also consider amendments to the City Code that more fully enable remote meetings by the Council and by the public, and the proposed Rules provide a means for implementing amendments of that sort.

E. The City Council wishes to clarify that any scheduled agenda items that are not considered due to the adjournment of a meeting prior to completion of the meeting agenda.

F. The revision of the Rules of Procedure to address the issues noted herein, as set forth in Exhibit “A,” will improve the conduct of Council meetings and provide clarity for the public.

G. The City Council believes that such rules and regulations are in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The revised Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions (“Rules of Procedure”), attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby adopted by the City Council.

Section 2. The aspects of the Rules of Procedure that allow for remote participation by Councilmembers shall not go into effect unless and until Council amends the City Code to allow for remote attendance and voting at Council meetings.

Section 3. The Rules of Procedure shall supersede all previous rules of procedure that have heretofore been adopted by the City Council including, but not limited to, Resolution 2022-068.

Passed and adopted on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 2, 2024

Approving Attorney: Carrie Daggett

Governing the Conduct of City Council Meetings and Work Sessions

**Adopted July 2, 2024
Resolution 2024-090**

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):

- (A) Proclamations and Presentations. (Prior to the meeting)
 - (B) Call Meeting to Order
 - (C) Pledge of Allegiance
 - (D) Roll Call
 - (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
 - (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
 - (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
 - (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
 - (I) Councilmember Removal of Items from Consent Calendar for Discussion
 - (J) Adoption of Consent Calendar
 - (K) Consent Calendar Follow-up
 - (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
 - (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
 - (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
 - (O) Consideration of Items Planned for Discussion
 - (P) Resumed Public Comment (if applicable)
 - (Q) Other Business
 - (R) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):

- (A) Call Meeting to Order
 - (B) Pledge of Allegiance
 - (C) Roll Call
 - (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. **Length of Regular Meetings**

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. **Public Comment During Regular and Special Council Meetings.**

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
 - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30pm of the day of the meeting.
 - (2) Each speaker will only be allowed to speak one time during Public Comment.

- (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

- b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including any item that is addressed by formal Council action under the “Other Business” segment of the meeting that may directly affect the rights or obligations of any member of the general public.

- (1) Each speaker will only be allowed to speak one time to comment on any particular agenda item.
- (2) Comments given during the comment period for an agenda item must pertain to the item under consideration.
- (3) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.
- (4) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

- c. Decorum; Scope and Type of Comments Allowed.

- (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember’s official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
- (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption and then steps will be taken to prevent further disruption to the meeting. If the disruption continues, the speaker's microphone will be muted, and further action taken to allow the Council to continue the business of the meeting agenda.
 - (4) Speakers shall avoid lengthy repetition of comments already provided.
 - (5) Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.
- d. Process and Time Limits for Speaking.
 - (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
 - (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
 - (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
 - (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
 - (5) Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- e. Yielding the Lectern. Each speaker shall promptly cease their comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. Public Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited

circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:

- (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
- (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
 - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
 - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
 - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.

- (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. **Cellphone and Pagers.** The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- g. **Impacts to Public Property.** Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- h. **Leaving the Meeting.** Meeting attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. **Basic Rules of Order for Regular and Special Council Meetings.**

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by “friendly” amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. "Calling the Question". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A "point of order" takes precedence over any pending question out of which it may arise *and does not require a second.*
- A "point of order" is not amendable.
- Technically, a "point of order" is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the

point of order to the judgment of the Council, in which case the point becomes debatable.

- In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
- No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert's Rules of Order provides for a "point of information" or a "request for information" that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal "point of information" procedure provided in Robert's Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.

- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.

- A conditional motion to adjourn at or to a future time is always out of order while business is pending.
 - An unconditional, privileged motion to adjourn takes precedence over most other motions.
 - The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.
2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.
- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
 - After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions

Adopted July 2, 2024
Resolution 2024-090

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

~~Council may authorize additional use of remote technology through the adoption of an ordinance (such as Ordinance No. 079, 2020, regarding the COVID-19 emergency) or through modification of the City Code.~~

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.

- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.

- a.d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described in ~~Subsection 2.e, 2.d, 2.e or 2.f,~~ below):

- (A) Proclamations and Presentations. (Prior to the meeting)
- (B) Call Meeting to Order
- (C) Pledge of Allegiance
- (D) Roll Call
- (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
- (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
- (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
- (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
- (I) Councilmember Removal of Items from Consent Calendar for Discussion
- (J) Adoption of Consent Calendar
- (K) Consent Calendar Follow-up
- (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
- (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
- (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
- (O) Consideration of Items Planned for Discussion
- (P) Resumed Public Comment (if applicable)
- (Q) Other Business
- (RQ) Adjournment

City Council Rules of Procedure**(July 2__, 2024)**

- b. Special Council meetings shall be conducted in the following order (except for special items described in ~~Subsection 2.e, 2.d, 2.e or 2.f~~, below):
- (A) Call Meeting to Order
 - (B) Pledge of Allegiance
 - (C) Roll Call
 - (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. **Length of Regular Meetings**

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. **Public Comment During Regular and Special Council Meetings.**

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
 - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30pm of the day of the meeting.
 - ~~(1)(2)~~ Each speaker will only be allowed to speak one time during Public Comment.

- (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including any item that is addressed by formal Council action under the “Other Business” segment of the meeting that may directly affect the rights or obligations of any member of the general public.

- (1) Each speaker will only be allowed to speak one time to comment on any particular agenda item.
- (2) Comments given during the comment period for an agenda item must pertain to the item under consideration.
- (3) The Council may, but is not required to, receive public comment in connection with procedural matters and motions. (4) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

c. Decorum; Scope and Type of Comments Allowed.

- (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember’s official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
- (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption and then steps will be taken to prevent further disruption to the meeting. If the disruption continues, the speaker's microphone will be muted and further action taken to allow the Council to continue the business of the meeting agenda.
- (4) Speakers shall avoid lengthy repetition of comments already provided.
- (5) Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.

d. Process and Time Limits for Speaking.

- (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
- (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
- (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
- (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
- ~~(5) After speakers physically present at the meeting have spoken, the presiding officer will call on speakers in the order they appear on the sign-up list for speaking.~~

- e. **Yielding the Lectern.** Each speaker shall promptly cease their comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. **Yielding of Time.** No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. **Public Presentation Materials and Evidence.** The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
 - (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
 - (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. **General Comment, or Expressions of Support or Opposition.** Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. **Signs and Props.**
 - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting

room (collectively referred to as the “Meeting Room”), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.

- (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
 - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
 - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. Cellphone and Pagers. The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- ~~f.g.~~ Impacts to Public Property. Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- ~~g.h.~~ Leaving the Meeting. Meeting attendees leaving the meeting before it has been

adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those

Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.

- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by "friendly" amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion

unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. "Calling the Question". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second.*
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by

the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.

- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

Update to Council Meetings Rules of Procedure

Rupa Venkatesh

Assistant City Manager

Ginny Sawyer

Senior Policy Manager

01

Organize the business meeting to ensure that people have the opportunity to speak on all agenda items, maintain General Public Comment, and allow Council to effectively execute the business of the City.

02

Align recent Code changes to allow for Council to attend and vote remotely should the meeting get relocated

03

Clarify the purpose of community, staff, and Council reports

March 2020:

- Shift to remote participation by Council and public

October 2021:

- Keep remote option for public participation
- Allow comment on consent and discussion items during General Public Comment
- Consent items pulled only by Councilmembers
- Councilmembers can attend remotely but not vote

July 2022 Update:

- Require on-line sign up for public participation
- Adopt additional guidance around conduct at meetings
- Extend regular meetings from 10:30 to midnight

April 2024:

- Code changed to allow Councilmembers to attend and vote remotely if a meeting is relocated to a remote mode.

Since on-line sign-ups for comment have been required, numbers have ranged from 1-187 in the following ways:

- 1-40 comments: 29 times (64%)
- 41-70 comments: 7 times (16%)
- 71-100+ comments: 9 times (20%)



Proposed Public Comment Changes

- Change sign-up cut-off time to 5:30
- Allocate 40 speakers to speak and/or a total of 90 minutes of general public comment at beginning of meeting
- If speakers want to comment on Consent calendar and not able to speak during the first portion of public comment, they will be called to speak prior to Council's consideration to adopt Consent calendar
- Resume General Public Comment at the end of the meeting if necessary

Items NOT Changing:

- Online sign-up required
- Comments on discussion items allowed under general public comment or during item consideration
- Can only speak to an item once

Proposed Meeting Agenda

- A. Proclamations and Presentations
- B. Call Meeting to Order
- C. Pledge of Allegiance
- D. Roll Call
- E. City Manager's Agenda Review
- F. Community Reports
- G. Public Comment on Any Topic (40 people and/or a total of 90 mins)
- H. Public Comment Follow Up (this would include any public comment on consent items prior to Council vote if there was not enough time during Agenda item G)
- I. Councilmember Removal of Items From Consent Calendar For Discussion
- J. Adoption of Consent Calendar
- K. Consent Calendar Follow-Up
- L. Staff Reports
- M. Councilmember Reports
- N. Consideration of Items Removed from the Consent Calendar for Individual Discussion
- O. Consideration of Items Planned for Discussion (includes public comment on discussion items, as it currently does)
- P. Resumed Public Comment (if applicable)
- Q. Other Business
- R. Adjournment

Stating up to 40 comments and/or 90 minutes allows predictability for the first 40.

Hello (Name),

Thank you for signing up to participate in the Fort Collins Council meeting on Tuesday, (Month, day), starting at 6 PM. Your communication to Council allows us to make better decisions and is truly the bedrock of our democracy. Due to our rules of procedure, Council is not able to interact with each individual after comments are made; however, please know we value your input and it is taken into account as we consider policy decisions.

You are number (anything between 1-40) signed up to speak during public comment and will be called during the first portion of General Public Comment.

I hope you continue to stay engaged -- our future depends on it.

Kindly,

Jeni

Jeni Arndt, Mayor of Fort Collins

970-413-3146

Stating up to 40 comments and/or 90 minutes allows predictability for the first 40 and allows Mayor flexibility of speaking time which could accommodate more than 40 in 90 minutes.

Hello (Name),

Thank you for signing up to participate in the Fort Collins Council meeting on Tuesday, (Month, day), starting at 6 PM. Your communication to Council allows us to make better decisions and is truly the bedrock of our democracy. Due to our rules of procedure, Council is not able to interact with each individual after comments are made; however, please know we value your input and it is taken into account as we consider policy decisions.

You are number (anything 41 and higher) signed up to speak during public comment. We end the first portion of General Public Comment after 90 minutes and based on your number you will likely be called during the second portion of General Public Comment which occurs at the end of the meeting.

I hope you continue to stay engaged -- our future depends on it.

Kindly,

Jeni

Jeni Arndt, Mayor of Fort Collins

970-413-3146

Community Reports:

The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health department, Library District, Platte River Power Authority.) Reports are provided at the request of Council or City Leadership.

Staff Reports:

The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.

Councilmember Reports:

The purpose of Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.



Questions?

search from other cities

City	Allow for general comment?	Is there an allotment of time for general comment?	Other
Aurora	Yes	60 minutes total, 3 minutes each	May be modified without notice
Boulder	Yes	40 minutes - 20 people for 2 minutes each	Random selection if more than 20 people sign up
Broomfield	Yes	90 minutes; first 15 have 3 minutes, next 10 have 2 minutes; remainder 1 minute	Residents may be given priority. May alternate between opposing groups. Additional modifications as needed
Denver	Yes	30 minutes total, 3 minutes each	Youth pilot program; new people prioritized first
Laramie, WY	Yes	30 minutes	
Longmont	Yes	No - 3 minutes each. First call (beginning of meeting) and last call (end of meeting)	First call restricted to Longmont residents and employees.
Loveland	Yes	60 minutes total; 3 minutes each	Up to 10 minutes to speak if speaking for at least 5 others
Northglenn	Yes	No	Comments about agenda items are heard at the beginning; general at the end
Pueblo	Yes	30 minutes; 5 minutes each, maximum of 6 speakers	Must draw for spots if more than 6 sign up
Thornton	Yes	60 minutes; 3 minutes each	
Weld County	No – email only		