

ORDINANCE NO. 17-07

**INTRODUCED BY:
Council Member Dougherty
Council Member Murphy**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, SUBMITTING TO THE VOTERS AT THE COORDINATED REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2017, AN AMENDMENT TO THE HOME RULE CHARTER ALLOWING CITY COUNCIL FORTY-FIVE DAYS INSTEAD OF THE CURRENT THIRTY DAYS TO FILL, BY APPOINTMENT, COUNCIL VACANCIES THAT OCCUR MORE THAN NINETY DAYS BEFORE THE NEXT REGULAR MUNICIPAL ELECTION AND SETTING THE BALLOT TITLE THEREFOR

WHEREAS, Section 2.7 (A), "Vacancies," of the City of Federal Heights Home Rule Charter requires that City Council fill by appointment, council vacancies that occur more than ninety (90) days before the next regular municipal election within thirty (30) days of such vacancy; and

WHEREAS, to ensure that the City has ample time to notify the eligible electorate of a vacancy and that interested parties have adequate time to inquire and consider serving as a Councilor, City Council desires to increase the appointment time from thirty (30) to forty-five (45) days.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO:

Section 1. Pursuant to the provisions of Article 20, Section IX of the Constitution of the State of Colorado, Section 31-2-210 (1) (b) of the Colorado Revised Statutes, and Section 1.8 of the City of Federal Heights Home Rule Charter ("Charter"), at the coordinated regular municipal election, to be held on Tuesday, November 7, 2017, there shall be submitted to the vote of the registered electors of the City of Federal Heights, the following additions and changes to the Federal Heights Home Rule Charter, and ballot questions and titles to amend the Charter. STRIKE THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS.

Question No. ____ . Appointment of Council Vacancies

Section 2.7. - Vacancies.

A Councilmember's office (including the Mayor) shall become vacant whenever he/she is recalled, dies, becomes incapacitated, resigns, moves from or becomes a non-resident of the City or, with the exception of the Mayor, moves from the ward from which he/she was elected. A Councilmember's office (including the Mayor) may become vacant under Section 2.3 E. of this Charter. Vacancies shall be filled in the following manner:

- A. Appointment by Council if the vacancy occurs more than ninety (90) days before the next regular municipal election. The appointee shall be selected by a majority vote of Council and such appointment shall be made within forty-five (45) days after such vacancy

occurs. All such appointments shall be until a successor is elected and qualified at the next general municipal election. In the event that a vacancy occurs in the office of Mayor, the Mayor Pro Tem shall assume the office of Mayor and the appointment shall be for the office of the Councilmember (who was the Mayor Pro Tem) only; or

- B. By election at the next regular municipal election if the vacancy occurs within ninety (90) days immediately preceding said election; or
- C. By election at a special municipal election if three or more vacancies exist at any one time and there will not be a regular municipal election within the ninety (90) days immediately after the date that the third vacancy occurred. In the event of such multiple vacancies, Council shall call a special municipal election to be held within sixty (60) days from the occurrence of the third vacancy to elect a Councilmember to fill each vacated office.

All Councilmembers elected to fill vacancies as provided in paragraphs B. and C. hereof and those elected subsequent to the filling of a vacancy by appointment as provided in paragraph A. hereof shall be elected to fill only the unexpired terms of the offices so vacant.

BALLOT TITLE
QUESTION NO. . APPOINTMENT COUNCIL VACANCY

SHALL SECTION 2.7, "VACANCIES," OF THE CITY OF FEDERAL HEIGHTS HOME RULE CHARTER BE AMENDED TO ALLOW CITY COUNCIL FORTY-FIVE (45) DAYS INSTEAD OF THE CURRENT THIRTY (30) DAYS TO FILL, BY APPOINTMENT, COUNCIL VACANCIES THAT OCCUR MORE THAN NINETY (90) DAYS BEFORE THE NEXT REGULAR MUNICIPAL ELECTION.

YES _____

NO _____

Section 2. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the regular election of November 7, 2017, shall be conducted as a coordinated election and the City's designated election official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 3. The Council appoints Patti K. Lowell, City Clerk, as the City's designated election official ("Election Official") for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Adams County Clerk and the City with respect to the election as provided in the Intergovernmental Agreement.

Section 4. The City authorizes the City Clerk, to enter into and carry out the terms of an Intergovernmental Agreement ("Intergovernmental Agreement") with the Adams County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the City and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the City and the other participating political subdivisions.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance in accordance with Colorado law.

Section 6. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the Councilmembers, officers and employees of the City directed toward holding the election for the purpose stated herein are hereby ratified, approved and confirmed.

Section 7. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. If any article, section, paragraph, sentence, clause or phrase of this resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, the 27th day of June, 2017.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, the 11th day of July, 2017.

/s/ Daniel L. Dick, Mayor

ATTEST:

/s/ Patti K. Lowell, CMC, City Clerk

APPROVED AS TO FORM:

/s/ William P. Hayashi, City Attorney

PUBLISHED:

Westminster Window

July 6, 2017

July 20, 2017