

ORDINANCE O-2022-28

A BILL FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE
CITY OF LONGMONT, COLORADO, AT A SPECIAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 8, 2022, AN AMENDMENT TO THE CITY OF LONGMONT
HOME RULE CHARTER TO ALLOW FOR PROSPECTIVE VACANCIES IN CITY
ELECTIONS

WHEREAS section 13.12 of the City of Longmont Home Rule Charter (“Charter”) provides that the Charter may be amended at any time in the manner provided by the Constitution; and

WHEREAS section 9 of Article XX of the Colorado Constitution provides that the Colorado General Assembly shall provide, by statute, procedures under which the registered electors of any city may adopt, amend and repeal a municipal home rule charter; and

WHEREAS the Colorado General Assembly has adopted Part 2 of Article 2 of Title 31 of the Colorado Revised Statutes (“C.R.S.”) to implement section 9 of Article XX of the Colorado Constitution, by providing statutory procedures to facilitate adoption and amendment of municipal home rule charters; and

WHEREAS C.R.S. section 31-2-210(1)(b), provides that proceedings to amend a home rule charter may be initiated by an ordinance adopted by the governing body, including a ballot title for the proposed amendment, submitting the proposed amendment to a vote of the registered electors of the municipality; and

1 WHEREAS, if sitting member of City Council is elected to another elected office within
2 the City with time remaining in their current term, a vacancy would be created that may require a
3 special election to fill; and

4 WHEREAS, amending the City's Charter would create an option for sitting members of
5 City Council to prospectively vacate their office, which would allow that vacancy to be filled in
6 the same election in which the sitting member of City Council is running for another elected office
7 and avoid the need for a subsequent election; and

8 WHEREAS, the Longmont City Council has determined that it is in the best interests of
9 the City to submit to the registered electors of Longmont this proposed Charter amendment.

10 NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO,
11 ORDAINS:

12 Section 1

13 Under section 13.12 of the Charter, Article XX, Section 9 of the Colorado Constitution and
14 C.R.S. section 31-2-210, at a special municipal election to be held on November 8, 2022, there
15 shall appear on the ballot the question of approving the following proposed Charter amendment to
16 amend section 2.8 of the Charter, vacancies, to provide an option for sitting members of council
17 to prospectively vacate their council seat when running for a different elected office to permit the
18 vacancy to be filled in the same election in which the councilmember is running for a different
19 elected office, as follows:

20 2.8 – Vacancies

21 ...

22 *5. An elected city officer who desires to run for any elective City office, other than*
23 *the office currently held by the elected officer, shall have the option to prospectively*

vacate their current office by providing notice in writing to the city clerk of their intention to vacate such office. Such notice shall be provided at least ninety (90) days prior to the date of the next municipal election, and may not be withdrawn after the ninety first (91st) day preceding the next municipal election. When such notice is given and not withdrawn, the office of that elected officer shall be automatically vacated upon certification of the results of the elections to fill such vacancy. The vacancy which is created shall be filled by election at the municipal election next following such notice. The term of office shall be for the unexpired term of the elected officer giving notice.

Section 2

The ballot title for the proposed Charter amendment shall read as follows:

SHALL THE CITY OF LONGMONT HOME RULE CHARTER BE AMENDED BY
REVISING SECTION 2.8 OF THE CHARTER TO GIVE ELECTED CITY OFFICIALS
RUNNING FOR ANOTHER ELECTED OFFICE THE OPTION OF PROSPECTIVELY
VACATING THEIR CURRENT OFFICE TO AVOID THE BURDEN AND EXPENSE OF A
SUBSEQUENT ELECTION?

YES

NO

Section 3

Pursuant to C.R.S. section 31-2-210(4), the governing body shall, within 30 days of the adoption of this ordinance, publish notice of an election on the proposed Charter amendment. The notice shall contain the full text of the proposed Charter amendment set forth in Section 1 of this Ordinance. The election shall be held not less than 60 nor more than 120 days after publication of

1 the notice. If a majority of the registered electors voting thereon approves the amendment, the
2 amendment shall be deemed approved.

3 Section 4

4 Pursuant to C.R.S. section 31-2-208, a certified copy of the amendment shall be filed with
5 the City Clerk and Colorado Secretary of State within 20 days after approval of the Charter
6 amendment. The amendment shall take effect on the date of such filing.

7 Section 5

8 Pursuant to C.R.S. Section 31-2-211, the election shall be held as nearly as practicable in
9 compliance with the Colorado Municipal Election Code of 1965.

10 Section 6

11 The provisions of this ordinance are severable, and invalidity of any part shall not affect
12 the validity or effectiveness of the rest of this ordinance.

13 Introduced this 26th day of July, 2022.

14 Passed and adopted this _____ day of _____, 2022.

15
16
17 _____
18 MAYOR
19
20

21 ATTEST:

22
23
24 _____
25 CITY CLERK
26
27

28 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
29 7:00 P.M. ON THE 8TH DAY OF AUGUST, 2022, AT THE LONGMONT CITY COUNCIL
30 MEETING.

1 APPROVED AS TO FORM:

2
3
4 /s/ Timothy Hole 07/21/2022
5 ASSISTANT CITY ATTORNEY DATE
6

7
8 /s/ Cristi Campbell 07/21/2022
9 PROOFREAD DATE
10

11
12 APPROVED AS TO FORM AND SUBSTANCE:
13

14
15 /s/ Sandra Seader 07/28/2022
16 ORIGINATING DEPARTMENT DATE
17

18 CA File: 22-001766