

ORDINANCE NO. 004, 2015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY
OF FORT COLLINS A PROPOSED AMENDMENT TO ARTICLE X OF THE CITY
CHARTER PERTAINING TO INITIATIVE AND REFERENDUM

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

WHEREAS, 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; and

WHEREAS, Article X of the Charter establishes an initiative and referendum process and the City Council has determined that amendment to those provisions is necessary in order to clarify and update such provisions; and

WHEREAS, Article X, Section 1 (d) of the Charter states that an initiative petition must be filed at least 60 days before a regular city election; and

WHEREAS, the City Council desires to amend the Charter to state that an initiative petition must be filed at least 90 days before a regular city election; and

WHEREAS, Article X, Section 5(b)(3) of the Charter states that in the event the signature of any person appears more than once on a petition, all such signatures shall be subject to invalidation; and

WHEREAS, the City Council desires to amend the Charter to state that the first signature of an registered elector who signs a petition more than once shall be considered valid and all other signatures of that person shall be rejected; and

WHEREAS, Article X, Section 5(f)(2) states that an insufficient petition may be amended if deemed insufficient; and

WHEREAS, the City Council desires to amend this provision to clarify that circulators may gather signatures until the end of the “cure” period; and

WHEREAS, Article X, Section 5(f)(3) states that registered electors may protest the sufficiency of a petition; and

WHEREAS, the City Council desires to amend the Charter in order to clarify that registered electors may protest a determination by the City Clerk either that a petition is sufficient or insufficient; and

WHEREAS, Article X, Section 5(f)(3) states that all protest hearings regarding a determination of the City Clerk that a petition is sufficient must be held before the City Clerk; and

WHEREAS, the City Council desires to amend the Charter to allow such hearings to take place before the City Clerk or designee appointed by the City Manager; and

WHEREAS, Article X, Section 6(b) states that 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” and “No” in response to a ballot question, or “For the Ordinance” and “Against the Ordinance” or “For the Resolution” and “Against the Resolution” in response to a ballot question; and

WHEREAS, the City Council desires to amend the Charter to state that 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 a ballot question.

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

Section 1. That the following proposed changes to Article X of the City Charter shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. ____” at the regular municipal election to be held on Tuesday, April 7, 2015:

Section 1. The initiative.

...

(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 ~~sixty (60)~~ **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.

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Section 5. Petitions.

...

(b) *Form and content.*

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(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 an initiative or referendum petition more than once. In the event that the signature of any person appears more than once on a petition authorized under this Article, ~~all such signatures shall be subject to invalidation by the City Clerk~~ the first signature verified shall be counted and all other signatures of that person shall be rejected.

...

(f) *Sufficiency of petition.*

...

(2) *Insufficient petition; amendment.*

(i) ~~In case~~ If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be ~~withdrawn and~~ 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. Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article. Within five (5) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result. 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) A If a referendum petition is deemed insufficient, it may be ~~withdrawn and~~ amended by the submission of additional signatures collected consistent with the requirements of this Article, but to be considered, must be ~~refiled~~ amended within the twenty-day circulation period after the City Clerk's approval of the petition form for circulation. Within five (5) days after such amendment, the City Clerk shall make like examination of the amended petition and certify the result. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, ~~the City Clerk shall return the petition to one (1) of the designated petition representatives. In the~~

~~case of an initiative petition, the return of the petition is without prejudice to the filing of a new petition for the same purpose. However, a returned~~ said referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.

(3) Protests. Registered electors desiring to protest ~~the sufficiency of a petition~~ 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. 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. 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. All hearings shall be before ~~the City Clerk~~ 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. 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~~ Said hearing officer shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded. 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. A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further.

...

Section 6. Elections.

...

(b) *Ballots...* 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” and “No” in response to a ballot question, or “For the Ordinance” and “Against the Ordinance” or “For the Resolution” and “Against the Resolution” “Yes/For” and “No/Against” in response to each measure.

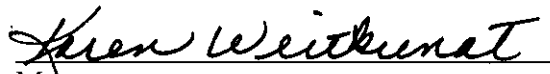
Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. ____ to the voters at said election:

CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. ____

Shall various sections of Article X of the Charter of the City of Fort Collins, pertaining to initiative and referendum, be amended to clarify certain procedural requirements as follows: increase from sixty to ninety days the amount of time an initiative petition must be filed with the City Clerk before a regular City election; provide that if a voter signs a petition more than once, the first signature shall be counted and all subsequent signatures rejected; to clarify that signatures may be added to a petition during the designated cure period; to clarify that a registered elector may protest the sufficiency or insufficiency of a petition; to provide for the City Manager to appoint a hearing officer other than the City Clerk to conduct the hearing in the event of a protest; and to change the wording of a submission clause to "Yes/For" and "No/Against" in response to each measure?

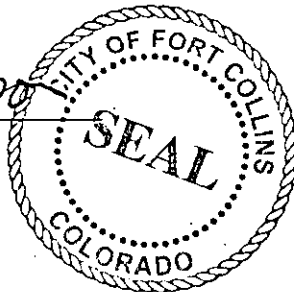
____ Yes
____ No

Introduced, considered favorably on first reading, and ordered published this 6th day of January, A.D. 2015, and to be presented for final passage on the 20th day of January, A.D. 2015.


Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on this 20th day of January, A.D. 2015.

Karen Weickert
Mayor

ATTEST:

Wanda Nelson
City Clerk

