

ORDINANCE NO. 065, 2025
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 CHARTER
AMENDMENT AMENDING ARTICLES II AND IV OF THE CITY
CHARTER TO MODERNIZE CERTAIN PROVISIONS

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. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-024 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that updates the publication requirements in the Code and eliminates language in the Charter that gives a Councilmember the option to request that an ordinance be read in full during a Council meeting. Council also gave positive feedback to staff about updating formatting of the

Charter language about adopting ordinances, resolutions and motions to improve ease of reading.

I. The proposed amendments to Section 6 of Article II remove the option for a City Councilmember to request that an entire ordinance be read aloud at a City Council meeting and make requirements for adopting ordinances, resolutions and motions easier to read by adding subsections, subsection titles and better organizing them.

J. The proposed amendments to Section 7 of Article II add a way to correct the effect of late publication of an ordinance if publication is completed within a reasonable time. Late publication delays the effective date of the ordinance and tolls the deadline to file a notice of referendum protest. Currently, publication errors or delays result in a complete restart of the adopted ordinance, which is wasteful and unnecessary.

K. The proposed amendments to Section 7 of Article IV modernize the publication requirements to eliminate formal legal publication in a local newspaper and instead require publication of information on the City's website and posted at City Hall and other locations decided by City Council.

L. On November 4, 2024, City voters approved amendments to the City Charter that added a section about computation of time to Articles VIII, IX and X of the Charter, regarding Elections, Recall and Initiative and Referendum, respectively. This amendment adds provisions about computation of time to the General Provisions of the Charter and, if approved, would apply to computation of time throughout the Charter.

M. Proposed revisions add a new Section 17 to Article IV about computation of time to clarify how deadlines are interpreted throughout the Charter.

N. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

O. The Council finds that these proposed revisions to Articles II and IV of the City Charter, removing language that allows a Councilmember to request that an ordinance be read in full at a Council meeting and reformatting language about adopting ordinances for ease of reading, about modernizing the publication requirements to ensure more efficient notice to the public and clarifying the rules for computation of time in applying deadlines in the Charter, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II and IV, set forth below to the voters for approval at the November 4, 2025, 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 Articles II and IV of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. CITY COUNCIL

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Section 6. Ordinances, resolutions and motions.

(a) **Council action.** The Council shall act by ordinance, resolution, or motion. The ayes and nays shall be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present shall vote; if a member fails to vote when present, he or she shall be recorded as voting in the affirmative.

(b) **Ordinance required.** All legislative enactments and every act creating, altering, or abolishing any agency or office, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance, which shall not be so altered or amended on the final passage as to change the original purpose.

(c) **Single subject.** All ordinances, except the annual appropriation ordinance and any ordinance making a general codification of ordinances, shall be confined to one (1) subject which shall be clearly expressed in the title.

(d) **Introduction and passage of ordinances** All ordinances shall be formally introduced at a regular or special Council meeting in written or printed form by any member of the Council and considered on first reading and action taken thereon. No ordinance, except an emergency ordinance, shall be finally passed on the first reading or at the meeting at which it is first introduced. ~~An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting.~~ Reading of an ordinance shall consist only of reading the title thereof, provided that copies of the full ordinance proposed shall have been available for inspection and copying by the general public in the office of the City Clerk and posted on the city website at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of ~~considered by~~ the City Council, ~~and for inspection and copying by the general public.~~ Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting. ~~and provided further that any member of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading.~~

(e) **Emergency ordinances.** An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. ~~Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting.~~ Emergency ordinances shall require for passage the affirmative vote of at least five (5) members of the Council and shall contain a specific statement of the nature of the emergency. No ordinance granting any franchise or special privilege which involves a benefit to any private person or entity shall ever be passed as an emergency ordinance.

(f) **Ordinance enacting clause.** The enacting clause of all ordinances passed by the Council shall be as follows: "Be it ordained by the Council of the City of Fort Collins."

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Section 7. Ordinances, publication and effective date.

(a) **Publication.** Every proposed ordinance, except an emergency ordinance, shall will be published in full at least seven (7) days before its final passage on the city's official internet web site. In addition, each such ordinance shall will be published in a newspaper of general circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site.

(b) **Notices.** Both publications shall will contain a notice of the date when said proposed ordinance will be presented for final passage. The City Clerk shall will, within seven (7) days after final passage of any such ordinance, publish such ordinance in the same method as is required for the first publication.

(c) **Effective Date.** All ordinances, except emergency ordinances, shall will take effect on the tenth day following their passage. An emergency ordinance shall will take effect upon passage and shall will be published as provided above within seven (7) days thereof.

(d) **Effect of Late Publication.** Failure to timely publish an ordinance before final passage may be cured by publication after final passage, so long as other notice requirements for consideration of the ordinance have been met. A late publication after final passage may be cured if publication is completed within a reasonable time. An ordinance published after final passage will not go into effect until publication requirements are met. Late publication will toll the deadline to file a notice of referendum protest to the amount of time after publication consistent with a timely published ordinance.

(e) **Form.** Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part. Ordinances shall must be signed by the Mayor, attested by the City Clerk and published without further certification.

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

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ARTICLE IV. GENERAL PROVISIONS

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Section 7. Publication.

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice shall be published on the city's website and posted at City Hall, and at other locations as decided by City Council, ~~at least once in a local newspaper of general circulation in the city, which is devoted to dissemination of news of a general character,~~ unless a different form of notice is specified in this Charter or in the ordinance, rule, or regulation requiring the notice.

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Section 17. Computation of time.

(a) *Calendar days unless specified.* Except when business days are specified, all computations of time made under the provisions of this Charter will be based on calendar days.

(b) *Included days.* 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) *Business days.* If the time for an act to be done under this Charter 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) *Specific considerations.* In relation to election requirements only, 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 that 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) *Time of day.* Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. __**

Shall Articles II and IV of the Charter of the City of Fort Collins, be amended to modernize publication requirements and requirements for adopting ordinances, by:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and
 - Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
 - Delay the effective date of the ordinance until publication requirements are met; and
 - Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City’s website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor

ATTEST:

City Clerk
Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett