

ORDINANCE NO. 067, 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 THE CITY CHARTER TO
MODERNIZE AND UPDATE IT BY REFORMATTING AND
UPDATING LANGUAGE USAGE FOR EASE OF READING AND
CLARITY AND ELIMINATING INAPPLICABLE AND INVALID
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 2024-24 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. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on May 14 and December 10, 2024, and January 28, 2025.

G. 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.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that forwards a Charter

amendment to modernize and update the formatting and non-substantive wording in entire Charter.

I. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering a Charter amendment to eliminate Charter language that is made unnecessary due to changes in law or circumstances.

J. Numerous other Charter amendments will be presented to City voters in the municipal election to take place on November 4, 2025. These modernizing changes are not intended to undo any substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election.

K. The proposed amendments to Section 3 of Article IV of the City Charter delete the reference to a City department head appointed prior to March 6, 1985, because there is no City employee this residence requirement applies to.

L. The proposed amendments to Section 6 of Article V of the City Charter remove unnecessary language about the highest allowable tax rate because the highest rate is now set by state law.

M. The proposed deletion of Article XIV regarding transitional provisions eliminates Charter language that applied only on an interim basis after prior Charter revisions.

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 the City Charter, modernizing and updating the City Charter form and language, for ease of reading and clarity, and deleting outdated or invalid provisions in Articles VI, V and XIV, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to the City Charter, 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 proposed changes to modernize and update the formatting and language 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 5, 2025. The changes are included in the version of the Charter attached as Exhibit A to this ordinance and incorporated herein by reference, which include (but are not limited to) the following changes to Articles IV, V, and XIV:

ARTICLE IV. GENERAL PROVISIONS

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Section 3. Residency requirement.

Directors of a city service area or a group of city service areas, deputy city managers, and assistant city managers shall reside within the Fort Collins Urban Growth Area during their tenure in office, but need not reside within the Fort Collins Urban Growth Area prior to their appointment. City department heads may live outside the Urban Growth Area during their tenure in office, but only if their places of residence are within five miles of the city limits, as measured by a straight line connecting the parcel of property upon which the residence is situated to the nearest boundary line of the city. ~~City department heads appointed prior to March 6, 1985, shall not be subject to this residency requirement.~~

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ARTICLE V. FINANCE ADMINISTRATION

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Section 6. ~~Maximum mill levy.~~

~~The mill levy shall not exceed fifteen (15) mills on each dollar of assessed valuation of taxable property within the city for all purposes. Any mill levy in excess of the fifteen (15) mills aforesaid shall be absolutely void as to the excess and it shall be unlawful for the Assessor to extend and for the Treasurer to collect any such excess.~~

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ARTICLE XIV. TRANSITIONAL PROVISIONS

Section 1. ~~Purpose and status of this article.~~

~~The purpose of this Article is to provide an orderly transition from the Commission form of government of the city to the Council-Manager form of government under provisions of this Charter and to prevent the impairment of any contractual relationships between the city and the beneficiaries of any retirement plans of the city in effect on the effective date of this Charter or the owners of any municipal bonds of the city then outstanding. This Article shall constitute a part of the Charter only to the extent and for the time required to accomplish that purpose.~~

Section 2. ~~Transitional period.~~

~~The period from the effective date of this Charter to April 12, 1955, shall be known as the transitional period. During the transitional period the former Charter of the City shall remain in effect, except that for the purpose of nominating and electing members of the Council, or filling vacancies thereon, Article VIII of this Charter shall be immediately~~

~~operative. This Charter shall be fully operative at the close of the transitional period.
Section 3. Retirement plans.~~

~~This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the city and any officers or employees by reason of any retirement plans then in effect.~~

~~Section 4. Outstanding and authorized bonds.~~

~~The provisions of this Charter shall not affect municipal bonds outstanding on the effective date of this Charter. Failure to observe requirements of the former Charter, as amended, governing city elections shall not invalidate any bonds authorized at any election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the city in accordance with their import.~~

~~Section 5. Saving clause.~~

~~This Charter shall not affect any suit pending in any court on the effective date of its adoption. Nothing in this Charter shall invalidate any existing contracts between the city and individuals, corporations, or public agencies.~~

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 the Charter of the City of Fort Collins be amended to modernize and update it by reformatting and updating language usage for ease of reading and clarity, and eliminating inapplicable and invalid provisions, without undoing any substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election, by:

- Changing the words "shall" to "will," "must" or "may," or other words to improve clarity; and
- Making the language more inclusive by taking out words "he" and "she" and related word forms; and
- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and

- Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross-references throughout the Charter?

_____ 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