

The following Ordinance placing a proposed Charter amendment on the November 7, 2023 Regular City Election ballot was adopted by the Council on final reading on August 15, 2023. Proposed amendments to the current language in the Charter are shown on the next page. Text with a line through the middle indicates language that will be deleted if the amendment is approved by the voters. Text that is highlighted in yellow indicates new language that will be added to the Charter if the amendment is approved by the voters.

ORDINANCE NO. 103, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF FORT
COLLINS PROPOSED AMENDMENTS TO ARTICLES II AND IV OF THE CITY
CHARTER CONCERNING THE REQUIREMENT THAT CERTAIN EMPLOYEES
LIVE IN OR NEAR FORT COLLINS

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins (the “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 IV, Section 3 of the Charter concerns a residency requirement that applies to directors of City service areas or groups of City service areas, deputy city managers, and assistant city managers and compels such employees to reside within the Fort Collins Urban Growth Area; and

WHEREAS, Article IV, Section 3 of the Charter also concerns a residency requirement that applies to City department heads and compels department heads to live within five miles of the City limits as measured in a prescribed manner;

WHEREAS, the City Council is of the opinion that more flexibility is warranted for the City’s workforce than the current residency requirements allow and that some high level City positions should be required to live within or in close proximity to the City; and

WHEREAS, the proposed Charter amendments do not change and will maintain the City Manager’s obligation to reside in Fort Collins; and

WHEREAS, the City Council is of the opinion that residency requirements that apply to City employees should be established by written agreement with an employee or in the Fort Collins Municipal Code, which would allow for the City Council to set the requirements by ordinance; and

WHEREAS, accordingly, the City Council desires to submit to the Fort Collins electors the Charter amendment below.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following proposed changes to Article II, Section 12, and Article IV, Section 3, of the City Charter shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 3” at the November Election:

ARTICLE II. CITY COUNCIL

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Section 12. City Clerk.

With the approval of the Council, the City Manager shall appoint a City Clerk who shall act as Clerk of the Council ~~and who while so employed shall be a resident of the Fort Collins Urban Growth Area.~~ The City Clerk shall:

- (1) give notice of Council meetings;
- (2) keep a journal of Council proceedings;
- (3) authenticate by his or her signature and permanently record in full all ordinances and resolutions; and
- (4) perform other duties required by this Charter or by the City Manager.

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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.~~

The City Council may establish any residency requirement that applies to one or more specified City employment position types or by ordinance or by employment agreement for employees reporting directly to the City Council.

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Section 3. That the following ballot title, with its title and submission clause, is hereby adopted for submitting Proposed Charter Amendment No. 3 to the voters at the November Election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 3
(Residency Requirements)**

Shall the Charter of the City of Fort Collins, specifically Article II, Section 12, and Article IV, Section 3, regarding residency requirements, be amended to remove specific requirements that specified City employment position types live in or near Fort Collins, which requirements currently may only be amended by the electorate, and allow the City Council to establish such requirements by ordinance or by employment agreement for employees reporting directly to the City Council?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading and ordered published this 18th day of July, 2023, and to be presented for final passage on the 15th day of August, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 15th day of August, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk