

FIRST READING: August 6, 2024

SECOND READING: August 20, 2024

ORDINANCE NO. 6724

AN ORDINANCE CONCERNING AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY OF LOVELAND, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LOVELAND AT THE CITY'S SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, BALLOT QUESTIONS REDUCING THE NUMBER OF VOTES REQUIRED BY COUNCIL TO APPOINT OR REMOVE THE CITY MANAGER AND THE CITY ATTORNEY.

WHEREAS, the City of Loveland (the "City"), is a duly organized and existing home rule municipality of the State of Colorado (the "State"), created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

WHEREAS, Section 2-5 of the Charter provides that the Charter may be amended in the manner provided in the State Constitution and the State statutes pertaining to home rule charter amendments; and

WHEREAS, Section 2-5 of the Charter provides that proceedings to amend the Charter may be initiated by the filing of a petition meeting the requirements of the State statutes, or by the adoption of an ordinance by the City Council of the City (the "Council") submitting the proposed amendments to a vote of the registered electors of the City; and

WHEREAS, Section 9(3) of Article XX of the State Constitution ("Article XX") provides that the provisions of Article XX, as they relate to procedures for the amendment of existing home rule charters, may be superseded by statute; and

WHEREAS, the Municipal Home Rule Act of 1971 (the "Home Rule Act"), codified at Title 31, Article 2, Part 2 of the Colorado Revised Statutes ("C.R.S.") expressly supersedes the requirements of Article XX as they relate to procedures for the amendment of existing home rule charters; and

WHEREAS, Council wishes to submit to the registered electors of the City charter amendments reducing the number of votes required by Council to appoint or remove the City Manager and the City Attorney; and

WHEREAS, pursuant to Section 6.1 of the Charter, elections of the City are governed by the Colorado Municipal Election Code, constituting Title 31, Article 10, C.R.S., as amended (the "Municipal Election Code"), except as otherwise provided by the Charter or by ordinance; and

WHEREAS, Section 31-2-211(1) of the Home Rule Act provides that all elections held pursuant to the Home Rule Act shall be conducted as nearly as practicable in conformity with the Municipal Election Code; and

WHEREAS, Section 31-10-102.7, C.R.S., contained within the Municipal Election Code, permits any municipality to elect by ordinance or resolution to utilize the requirements and procedures of the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”), which will thereby permit the City to participate in the coordinated election being conducted by Larimer County on November 5, 2024; and

WHEREAS, the City has called a special election pursuant to the Charter to be held on November 5, 2024; and

WHEREAS, on July 16, 2024, the Council adopted Resolution #R-75-2024 authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City’s intention to participate in the Election (defined below) and on August 6, 2024, adopted Ordinance No. 6721 providing that the City’s special election be conducted as a coordinated election with the Larimer County Clerk and Recorder and governed by the Uniform Election Code to the extent necessary to conduct the Election as a coordinated election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That all action heretofore taken (not inconsistent with the provisions of this ordinance) by the City and the officers and agents thereof, directed towards the Election and the objects and purposes herein stated, is hereby ratified, approved, and confirmed.

Section 2. That pursuant to the provisions of Section 31-2-210(1)(b) of the Home Rule Act, there shall be submitted to the registered electors of the City at the Election proposed amendments to Articles 8 and 9 of the Charter that would reduce the number of votes required by Council to appoint or remove the City Manager and City Attorney. If a majority of the votes cast at the Election on the ballot questions set forth in Section 3 below are in favor of such limitations, then Sections 8-1(a), 8-1(e), 9-1(a), and 9-1(d) of the Charter shall be repealed and replaced as set forth in bold letters below:

Section 8-1. – Appointment, qualifications, evaluation and removal.

(a) The City Council, by the affirmative vote of a majority of the entire Council, shall appoint a City Manager to serve at the pleasure of the Council.

(e) The removal of the City Manager shall require the affirmative vote of a majority of the entire Council.

Section 9-1. – City Attorney.

(a) The City Council, by the affirmative vote of a majority of the entire Council, shall appoint a City Attorney to serve at the pleasure of the Council.

(d) The removal of the City Attorney shall require the affirmative vote of a majority of the entire Council.

Section 3. That, in addition to any other City ballot issue which may be approved and submitted by the Council, the ballot for the City’s special municipal election on November 5, 2024, to be conducted as part of a coordinated mail ballot election with Larimer County, shall include the following titles and submission clauses for amending Sections 8-1(a), 8-1(e), 9-1(a), and 9-1(d) of the Charter to reduce the number of votes required by Council to appoint or remove the City Manager and City Attorney:

Amendments to Sections 8-1(a) and 8-1(e) to reduce the number of votes required by the Loveland City Council to appoint or remove the City Manager.

Shall Sections 8-1(a), 8-1(e) of the Loveland City Charter be repealed and replaced to provide “(a) The City Council, by the affirmative vote of a majority of the entire Council, shall appoint a City Manager to serve at the pleasure of the Council. (e) The removal of the City Manager shall require the affirmative vote of a majority of the entire Council.” and shall such amendments become effective on January 1, 2025?

_____ Yes

_____ No

Amendments to Sections 9-1(a), and 9-1(d) to reduce the number of votes required by the Loveland City Council to appoint or remove the City Attorney.

Shall Sections 9-1(a), and 9-1(d) of the Loveland City Charter be repealed and replaced to provide “(a) The City Council, by the affirmative vote of a majority of the entire Council, shall appoint a City Attorney to serve at the pleasure of the Council. (d) The removal of the City Attorney shall require the affirmative vote of a majority of the entire Council.” and shall such amendments become effective on January 1, 2025?

_____ Yes

_____ No

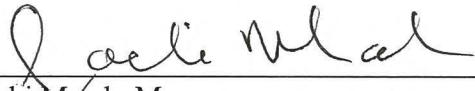
Section 4. That the City Clerk is hereby directed to certify no later than September 6, 2024, to the Larimer County Clerk and Recorder the above ballot questions for the Larimer County Coordinated Mail Ballot Election to be held on November 5, 2024.

Section 5. That pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 6. That in accordance with Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full, or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in Charter Section 4-8(b).

ADOPTED this 20th day of August, 2024.

CITY OF LOVELAND, COLORADO



Jacki Marsh, Mayor

ATTEST:



Angie Sprang, Interim City Clerk




APPROVED AS TO FORM:



Acting City Attorney

Ordinance 6724

I, Angie Sprang, Interim City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on August 6, 2024 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on August 10, 2024 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on August 24, 2024.



Angie Sprang, Interim City Clerk

Effective Date: September 3, 2024

