

ORDINANCE NO. 1218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING A BALLOT QUESTION TO THE ELECTORS OF THE CITY RELATING TO CHANGING THE CITY'S CHARTER TO HAVE THE POLICE CHIEF BECOME AN APPOINTED OFFICIAL

WHEREAS, the City of Fort Morgan (the "City"), is a home rule municipality duly organized and existing under the Constitution and laws of the State of Colorado and its City Charter; and,

WHEREAS, the members of the City Council of the City of Fort Morgan (the "Council") have been duly elected and qualified; and,

WHEREAS, the City of Fort Morgan Charter Article XII, Section 1 provides that the Charter of the City of Fort Morgan may be amended in the manner provided in Article XX of the Colorado Constitution; and,

WHEREAS, Colorado Constitution Article XX, Section 5 and Colorado Revised Statute §31-2-210 provide that the City Council may submit the charter amendment to a vote by ordinance; and,

WHEREAS, City Council wishes to seek voter decision on whether or not the Fort Morgan Police Chief or similarly titled position should become an appointed official pursuant to the Charter; and,

WHEREAS, November 6, 2018, is the election date for the regularly scheduled election; and,

WHEREAS, the County Clerk and Recorder in Morgan County (the "County Clerk") will conduct the election on November 6, 2018, as a coordinated election (the "election"); and,

WHEREAS, pursuant to C.R.S. § 31-10-103, of the Municipal Election Code, the City has determined to coordinate such general election with Morgan County; and,

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the general election to be held on November 6, 2018, the question of placing the Fort Morgan Police Chief, or similarly titled position, as an Appointed Official that reports directly to the City Council; and,

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the general election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1: Pursuant to the Charter of the City of Fort Morgan, and the Constitution of the State of Colorado, all action heretofore taken (not inconsistent with the provisions of this ordinance) by the City and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed. This proposal shall hereby be submitted to the electors of the City, and shall become effective if, and only if, it is approved by the majority of the voters at the general election to be held November 6, 2018.

Section 2: That the following ballot language is hereby referred to the voters at said election:

PROPOSED BALLOT QUESTION REGARDING THE CHIEF OF POLICE OR
SIMILARLY TITLED POSITION BECOMING AN APPOINTED OFFICIAL

SHALL THE CITY OF FORT MORGAN CHARTER BE AMENDED TO REDESIGNATE THE CHIEF OF POLICE, OR EQUIVALENT TITLED POSITION, FROM A DIRECTOR REPORTING TO THE CITY MANAGER TO AN APPOINTED OFFICIAL REPORTING DIRECTLY TO THE CITY COUNCIL?

YES _____

NO _____

Section 3: The provisions of the Uniform Election Code of 1992 as amended are hereby adopted with respect to the conduct of said election in lieu of the provisions of the Municipal Election Code 1965.

Section 4: The City Clerk is hereby directed to certify the ballot content for the municipal election to the Morgan County Clerk not later than required.

Section 5: The Mayor is hereby authorized to enter into an intergovernmental agreement with Morgan County for conduct of the election, pursuant to Section 1-7-116(2) of the Colorado Revised Statutes.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3rd day of July 2018, the vote upon roll call being as follows:


Ayes: Mayor Shaver, Councilmembers Howe, Lindell, Marler and Schossow

Nays: None

Absent /Abstain: Councilmembers Anderson and Northrup, Absent (Excused)

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

[SEAL]


By: Ronald Shaver
Mayor

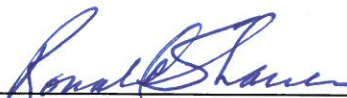
Attest:


John Brennan
City Clerk

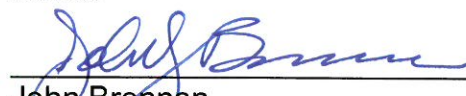
PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 17th day of July, 2018.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:

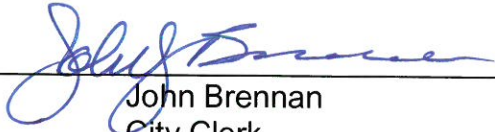

John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1218** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 3rd day of July, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 6th day of July, 2018, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed,

approved and adopted at a regular meeting of the City Council held on the 17th day of July, 2018. Within five (5) days after its final passage, said **Ordinance No. 1218** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan
City Clerk