

## ORDINANCE NO. 1268

### AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO, AMENDING CHAPTER 2, ARTICLE 1 OF THE FORT MORGAN MUNICIPAL CODE TO REVISE THE WRITTEN DESCRIPTION OF ELECTION WARDS IN CONFORMANCE WITH RECENT ELECTION WARD UPDATE

**WHEREAS**, the City of Fort Morgan, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

**WHEREAS**, Article VIII, Section 2(a) of the City Charter provides that, for the purposes of elections, "[t]he City shall be divided into three (3) wards, the boundaries of which shall be revised only by a resolution adopted by the affirmative vote of a majority of the council;"

**WHEREAS**, Article VIII, Sections 2(c) and 2(b) of the City Charter further provide, respectively, that "[f]ollowing each federal decennial census, the boundaries of the wards shall be revised as necessary to..." "...be made as compact and contiguous as practicable, and the population in any ward shall not vary by more than five (5) percent from the population in any other ward;"

**WHEREAS**, the most recent federal decennial census revealed that the percentage difference in population between wards exceeded the five (5) percent threshold;

**WHEREAS**, pursuant to Article VIII, Section 2(b) of the City Charter, the wards of the City must be revised to ensure that the population in any ward does not vary by more than five (5) percent from the population in any other ward;

**WHEREAS**, Article VIII, Section 2(e) of the City Charter provides that "[n]o revision in ward boundaries shall create a vacancy during the term of any councilmember in office at the time of the change";

**WHEREAS**, in accordance with Article VIII, Section 2(a) of the City Charter, the City Council recently revised the boundaries of the City's election wards by resolution;

**WHEREAS**, the Fort Morgan Municipal Code (the "Code") includes a written description of the wards, which now requires revision to conform with the recently updated election wards; and

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents, to amend Chapter 2, Article 1 of the Code, as it relates to the designation and description of wards, to revise

the written description of the City's election wards in conformance with the recent election ward update.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

**Section 2.** Section 2-1-10 of the Fort Morgan Municipal Code, concerning the designation and description of wards, is hereby amended to read as follows:

**Sec. 2-1-10. - Designation and description of wards.**

The City shall be and is divided into three (3) wards, numbered First, Second and Third, such wards being described and encompassing an area as follows:

(1) First Ward. The First Ward shall consist of that area being within the City, lying west of the center line of Main Street and north of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad ~~from Main Street to West Street~~, west of the center line of West Street south of the Burlington Northern and Santa Fe Railroad right-of-way, and north of the center line of East Riverview Avenue from Main Street (State Highway 52) to Barlow Road.

(2) Second Ward. The Second Ward shall consist of that area being within the City, lying east of the center line of West Street and south of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad.

(3) Third Ward. The Third Ward shall consist of that area being within the City, lying east of the center line of Main Street, and north of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad, and south of the center line of East Riverview Avenue. The Third Ward shall also consist of that area being within the City, lying east of Barlow Road and north of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad.

**Section 3.** **Severability.** The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED ON THE 7<sup>th</sup> DAY OF JUNE, 2022.



ATTEST:

John Brennan  
John Brennan, City Clerk

THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

Lyn Deal  
Lyn Deal, Mayor



ATTEST:

John Brennan  
John Brennan, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND  
ORDERED PUBLISHED THIS 21<sup>st</sup> DAY OF JUNE, 2022.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

Lyn Deal  
Lyn Deal, Mayor

ATTEST:

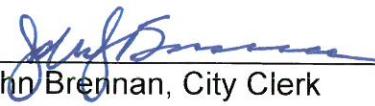
John Brennan  
John Brennan, City Clerk

STATE OF COLORADO  
COUNTY OF MORGAN  
CITY OF FORT MORGAN

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CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 1268 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 7th day of June, 2022. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 10<sup>th</sup> day of June, 2022, 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 21<sup>st</sup> day of June, 2022. Within five (5) days after its final passage, said Ordinance No. 1268 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.



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John Brennan, City Clerk