

ORDINANCE NO. 1297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING A BALLOT QUESTION TO THE ELECTORS OF THE CITY TO AMEND THE CITY CHARTER TO PERMIT PUBLICATION OF ORDINANCES ON THE CITY WEBSITE

WHEREAS, timely publication of City ordinances in the local newspaper, as dictated by the city Charter, has become impossible due to recent changes in the frequency of publication of the City's only newspaper and its deadlines for submission of legal notices; and

WHEREAS, timely publication of City ordinances is required by State law, and the Charter's requirement that legal notices appear in the newspaper according to specific timelines is no longer possible with the changes in newspaper policies; and

WHEREAS, Fort Morgan citizens now look primarily to the City website for information about meetings of the City Council and City Council work product; and

WHEREAS, timely publication on the City website would now better serve the public interest and allow the City to continue to adhere to the longstanding publication guidelines enshrined in the Charter.

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

Section 1. Pursuant to the Charter, the Colorado Constitution, and C.R.S. § 31-2-210(1)(b), the following proposal shall be submitted to the electors of the City and shall become effective if approved by the majority of the voters at the municipal election to be held on November 5, 2024.

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

PROPOSED BALLOT QUESTION TO AMEND THE CITY CHARTER TO PERMIT
PUBLICATION OF ORDINANCES ON THE CITY WEBSITE

<p>SHALL THE CHARTER FOR THE CITY OF FORT MORGAN BE AMENDED TO PERMIT PUBLICATION OF ORDINANCES ON THE CITY WEBSITE?</p>	<p>YES _____</p> <p>NO _____</p>
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Section 3. If the above question is ratified by a majority of the voters of the City at the municipal election to be held on November 5, 2024, Article III, Sections 4(a) and 5 of the Charter shall be amended as follows:

Sec. 4. - Ordinances, resolutions, motions.

(a) In all matters coming before it, the council shall act only by ordinance, resolution or motion. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the council proceedings. Every member, when present, must vote, and every resolution and motion shall require for passage a majority vote of the council, and every ordinance shall require on final passage the affirmative vote of four members of the council. The enacting clause of all ordinances shall be in the words: "Be it Ordained by the Council of Fort Morgan." Every proposed ordinance before its final passage shall be read in at least two regular meetings of the council, may be amended on its first and second readings, and shall be published in full once ON THE CITY'S WEBSITE ~~in a newspaper of the City~~ at least ten days before its final passage.

Sec. 5. - Publication and record, etc.

Every ordinance passed shall be published once ON THE CITY'S WEBSITE ~~in a newspaper of the City~~, within five days after its final passage, by publication in full or by title only as may be determined by the council at the time of second reading, and shall not take effect until five days after publication, except the tax levy ordinance, the annual appropriations ordinance and ordinances ordering improvements initiated by petition and to be paid for by special assessments, which ordinances shall take effect immediately upon publication. ~~If publication of an ordinance after introduction was in a newspaper of the City, publication after adoption may be in the same newspaper by title only and shall contain the date of the initial publication and~~ PUBLICATION shall INCLUDE A reprint in full OF any section, subsection, or paragraph of the ordinance which was amended following the initial publication. Publication of an ordinance following its adoption may be in full at the discretion of the council. No ordinances or section thereof shall be amended or repealed except by ordinance.

Section 4. All acts, orders, resolutions, ordinances, or parts thereof in conflict with the foregoing Charter amendment shall be repealed at the time the amendment takes effect.

Section 5. *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.

Section 6. *Effective Date; Emergency ordinance.* This ordinance is necessary for the immediate preservation of the public health and safety and shall therefore take effect immediately upon passage by a three-fourths majority vote of the City


Council, as provided in C.R.S. 31-16-105. The ordinance must be passed as an emergency because an inability to promptly publish it after passage in the normal manner would prevent the measure from being timely referred by the City to the County Clerk for the November 2024 ballot.

The charter amendments proposed herein will take effect when approved by a majority of those voting at the November 5, 2024 municipal general election, as provided in Section 3.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED on the 20th day of August, 2024



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

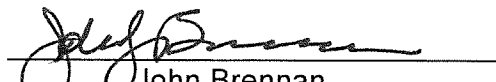

By: Kevin Lindell
Mayor

Attest:


John Brennan
City Clerk

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

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1297** was, as a proposed emergency Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of August, 2024. Said ordinance, as proposed, was duly read at length at said meeting and a public hearing was held, after which it was approved as an emergency ordinance by a vote of at least three-quarters of the councilmembers present. Thereafter the same was published in full in the next available edition of *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