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WHEREAS Section 13.12 of the City of Longmont Home Rule Charter (“Charter”) provides that the Charter may be amended at any time in the manner provided by the Constitution; and

WHEREAS Section 9 of Article XX of the Colorado Constitution provides that the Colorado General Assembly shall provide, by statute, procedures under which the registered electors of any city may adopt, amend and repeal a municipal home rule charter; and

WHEREAS the Colorado General Assembly has adopted Part 2 of Article 2 of Title 31 of the Colorado Revised Statutes (“C.R.S.”) to implement Section 9 of Article XX of the Colorado Constitution, by providing statutory procedures to facilitate adoption and amendment of municipal home rule charters; and

WHEREAS C.R.S. Section 31-2-210(1)(b), provides that proceedings to amend a home rule charter may be initiated by an ordinance adopted by the governing body, including a ballot title for the proposed amendment, submitting the proposed amendment to a vote of the registered electors of the municipality; and

WHEREAS, Section 12.4 of the Charter currently states that leases of City property may not be granted for longer than 20 years; and

1 WHEREAS the Longmont City Council has determined that it is in the best interests of the
2 City to submit to the registered electors of Longmont a proposed amendment to the Charter to
3 allow for the lease of City property for up to 30 years.

4 NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO,
5 ORDAINS:

6 Section 1

7 Under Section 13.12 of the Charter, Article XX, Section 9 of the Colorado Constitution
8 and C.R.S. Section 31-2-210, at a special municipal election to be held on November 3, 2020, there
9 shall appear on the ballot the question of approving the following proposed Charter amendment to
10 amend Section 12.4 of the Charter, Term, compensation, restriction, to allow for leases of City
11 property for up to 30 years, as follows:

12 12.4. - Term, compensation, restriction.

13 No franchise, or right to use the streets, or the public places or property of the city, shall be
14 granted for longer than 20 years, except that leases of city property may be up to 30 years. Every
15 grant of a franchise shall fix the amount and manner of payment of the compensation to be paid
16 by the grantee for the use of the same, and no other compensation of any kind shall be exacted for
17 such use during the life of the franchise. This provision shall not exempt the grantee from any
18 lawful taxation upon his or its property, nor from any license, charges, or other impositions levied
19 by the council, not levied on account of the use granted by the franchise.

20 Section 2

21 The ballot title for the proposed Charter amendment shall read as follows:

1 SHALL THE CITY OF LONGMONT HOME RULE CHARTER BE AMENDED BY
2 REVISING SECTION 12.4 OF THE CHARTER TO ALLOW FOR LEASES OF CITY
3 PROPERTY FOR UP TO 30 YEARS?

4 YES _____

5 NO _____

6 Section 3

7 Pursuant to C.R.S. Section 31-2-210(4), the governing body shall, within 30 days of the
8 adoption of this ordinance, publish notice of an election on the proposed Charter amendment. The
9 notice shall contain the full text of the proposed Charter amendment set forth in Section 1 of this
10 Ordinance. The election shall be held not less than 60 nor more than 120 days after publication of
11 the notice. If a majority of the registered electors voting thereon approves the amendment, the
12 amendment shall be deemed approved.

13 Section 4

14 Pursuant to C.R.S. Section 31-2-208, a certified copy of the amendment shall be filed with
15 the City Clerk and Colorado Secretary of State within 20 days after approval of the Charter
16 amendment. The amendment shall take effect on the date of such filing.

17 Section 5

18 Pursuant to C.R.S. Section 31-2-211, the election shall be held as nearly as practicable in
19 compliance with the Colorado Municipal Election Code of 1965.

20 Section 6

21 The provisions of this ordinance are severable, and invalidity of any part shall not affect
22 the validity or effectiveness of the rest of this ordinance.

1 Introduced this _____ day of _____, 2020.

2 Passed and adopted this _____ day of _____, 2020.

3
4
5
6 _____
7 MAYOR

8
9 ATTEST:

10
11
12 _____
13 CITY CLERK

14
15
16 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
17 7:00 P.M. ON THE _____ DAY OF _____, 2020, AT THE
18 LONGMONT CITY COUNCIL MEETING.

19
20
21 APPROVED AS TO FORM:

22
23
24 _____
25 DEPUTY CITY ATTORNEY

_____ DATE

26
27
28 _____
29 PROOFREAD

_____ DATE

30
31
32 APPROVED AS TO FORM AND SUBSTANCE:

33
34
35 _____
36 ORIGINATING DEPARTMENT

_____ DATE

37
38 CA File: 19-000414