

## ORDINANCE NO. 5 - 2022

### AN ORDINANCE AMENDING SECTION 5-42 OF THE LOCAL FAIR CAMPAIGN PRACTICES ACT TO PERMIT EXPENDITURE ON NON-MUNICIPAL RECALL ELECTIONS UNDER THE SAME CIRCUMSTANCES AS NON-MUNICIPAL BALLOT ISSUES

**WHEREAS**, The City of Alamosa adopted its local fair campaign practices ordinance through Ordinance Number 12-2019, codified in Parts 2 and 3 of Chapter 5 of the *Code of Ordinances of the City of Alamosa*; and

**WHEREAS**, Sections 5-41 and 5-42 of the *Code* address the use of city resources for campaigning, and prohibit the use of such resources except in limited circumstances, none of which include supporting or opposing a person running for office or a person subject to a recall campaign; and

**WHEREAS**, current circumstances involving the incompetence and misguided policy of the District Attorney for the 12<sup>th</sup> Judicial District make clear that the City has an interest in participating in recall elections for persons other than city council members who have demonstrated an unfitness for office, when such persons have an impact on the financial or operational condition of the city in the same way it has an interest in participating in election issues that have an impact on the financial or operational condition of the city;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Alamosa, Colorado:

**Section 1.** Amendment of Section 5-42(a) of the *Code of Ordinances of the City of Alamosa*. Section 5-42(a) is amended to read in its entirety as follows:

(a) City resources may be used by city council to adopt resolutions and to issue proclamations supporting or opposing any election issues and any recall petition that is not the subject of a municipal election.

**Section 2.** Amendment of Section 5-42(c) of the *Code of Ordinances of the City of Alamosa*. Section 5-42(c) is amended to read in its entirety as follows:

(c) City resources may be used to initiate and support recall petitions, and to prepare and distribute materials and to otherwise disseminate information relating to council's position supporting or opposing recall petitions or election issues submitted to the voters at elections other than municipal elections only if city council expressly finds and directs, in a resolution containing specific supporting facts and circumstances, that the recall petition or election issue on which it authorizes expenditure of city resources is one that will have a financial or operational impact on the city. The total value of city resources that may be used for any such non-municipal recall petition or election issue may not

exceed ten thousand dollars (\$10,000.00) per recall petition or election issue. The city shall file all disclosure materials required by Part 2 of this Chapter concerning expenditure of City resources on a non-municipal recall petition or election issue.

**Section 3. General Repealer.** All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this ordinance, are hereby repealed to the extent of such conflict.

**Section 4. Recording and Authentication.** This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

**Section 5. Publication and Effective Date.** This ordinance shall take effect ten days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

**Section 6. Declaration of Public Interest.** This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

**Section 7. Codification.** The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

**INTRODUCED, READ AND APPROVED** on first reading the 2<sup>nd</sup> day of March, 2022, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 16<sup>th</sup> day of March, 2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

**APPROVED, AND ADOPTED** after public hearing the 16<sup>th</sup> day of March, 2022.

CITY OF ALAMOSA

By \_\_\_\_\_  
Ty Coleman, Mayor

ATTEST:

\_\_\_\_\_  
Holly C. Martinez, City Clerk