

RESOLUTION #R-117-2024

A RESOLUTION OF THE LOVELAND CITY COUNCIL ORDERING AND FIXING THE DATE OF A RECALL ELECTION, AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the City of Loveland (the “City”), is a duly organized and existing home rule municipality of the State of Colorado (the “State”), created and operating pursuant to Article XX of the Constitution of the State of Colorado, and the home rule charter of the City (the “Charter”); and

WHEREAS, the members of the City Council of the City (the “Council”) have been duly elected and qualified; and

WHEREAS, Troy D. Krenning (“Krenning”) is a Ward 1 member of the Council; and

WHEREAS, on Wednesday, August 7, 2024, petition representatives Dave Clark, Earle Sethre, and Marvin Childers (the “Petition Committee”) submitted a petition to initiate a recall of Krenning as Ward 1 City Council Member (the “Recall Petition”); and

WHEREAS, on August 15, 2024, the City Clerk of the City (the “City Clerk”) verified that the Recall Petition received more than the requisite number of signatures of registered electors in Ward 1 of the City to trigger the process for a recall election of Krenning; and

WHEREAS, on August 22, 2024, Krenning timely filed a protest demanding a hearing on the sufficiency of the Recall Petition; and

WHEREAS, on September 9, 2024, a hearing officer appointed by the Council determined and declared that the Recall Petition was sufficient and ordered the City Clerk to schedule an election to determine if Krenning is to be recalled from office (a “Recall Election”); and

WHEREAS, Krenning exercised his right to an appeal in the Larimer County District Court, for the review of the hearing officer’s determination of sufficiency of the Recall Petition; and

WHEREAS, on December 4, 2024, the District Court, Larimer County, Colorado dismissed the case with prejudice; and

WHEREAS, in accordance with Section 31-4-503(4) C.R.S., the City Clerk has submitted the Recall Petition, together with a certificate of its sufficiency, to the Council; and

WHEREAS, in accordance with Section 31-4-503(4) C.R.S, the Council shall order and fix a date for the Recall Election, which shall be held not less than thirty days nor more than ninety days from the date of submission of the Recall Petition to the Council and Council will determine whether voting in the Recall Election is to take place at the polling place or by mail ballot; and

WHEREAS, pursuant to Section 6.1 of the Charter, elections of the City are governed by the Colorado Municipal Election Code, constituting Title 31, Article 10, C.R.S., as amended (the “Municipal Election Code”), except as otherwise provided by the Charter or by ordinance; and

WHEREAS, Section 31-10-102.7, C.R.S., contained within the Municipal Election Code, permits any municipality to elect by ordinance or resolution to utilize the requirements and procedures of the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”); and

WHEREAS, the Council finds and determines that it is necessary and desirable to submit to the electors of Ward 1 of the City voting at a special election that will be held on March 4, 2025, the question of whether to recall Council Member Krenning; and

WEHREAS, the Council finds and determines that it is necessary and desirable to have voting in the Recall Election take place by mail ballot; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Recall Election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council. That all action heretofore taken (not inconsistent with the provisions of this Resolution) by the City and the officers and agents thereof, directed towards the Recall Election and the objects and purposes herein stated, is hereby ratified, approved, and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein have the meanings defined in the Uniform Election Code.

Section 3. Pursuant to the Charter, the Municipal Election Code, and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the City hereby determines that the Recall Election shall be held as a special election within Ward 1 of the City on March 4, 2025, and that there shall be submitted to the eligible electors of Ward 1 of the City the question of whether to recall Council Member Krenning.

Section 4. Pursuant to the Charter, the Municipal Election Code, and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the City hereby determines that voting in the Recall Election shall take place by mail ballot.

Section 5. The Council hereby authorizes and directs the designated election official of the City to certify the ballot title and questions to be submitted to the eligible electors of Ward 1 of the City at the Recall Election.

Section 6. The City Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the Recall Election.

Section 7. The officers of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

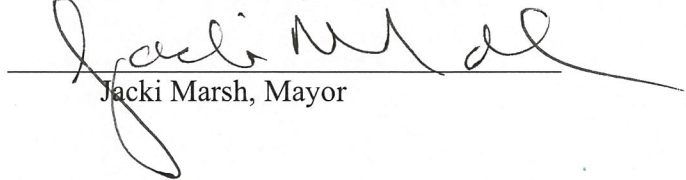
Section 8. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution.

Section 9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. This Resolution shall take effect on the date of its adoption.


ADOPTED this 17th day of December, 2024.

CITY OF LOVELAND, COLORADO




Jacki Marsh, Mayor

ATTEST:



Angie Sprang, Interim City Clerk

APPROVED AS TO FORM:



Vince Junglas, City Attorney

A RESOLUTION OF THE LOVELAND CITY COUNCIL ORDERING AND FIXING THE DATE OF A RECALL ELECTION; AND PROVIDING OTHER DETAILS RELATING THERETO

