

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
Delynn Coldiron, City Clerk

SUBJECT

Items Related to a Proposed Charter Amendment Amending Regarding Vacancies and Application of Term Limits to Partial Terms.

EXECUTIVE SUMMARY

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 108, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of this item is to set ballot language regarding a proposed amendment to the City Charter resulting from the Charter Update Project and submit the question to the voters at the November 4, 2025, election. The Council has considered and taken action on five amendments, and this item completes action on the Charter amendments that have been identified as part of the Charter Update Project.

The Ordinance does not include an amendment number for the proposed ballot question. The Council will establish the order of the amendments to be presented on the ballot by separate action.

Any protest of the proposed ballot language must be received no later than Monday, June 16, 2025, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not

been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14, 2024, Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office worked with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

The Council discussed concepts for and approaches to the Charter Updates at Work Sessions on December 10, 2024, and January 28, 2025, and in April adopted Ordinances Nos. 063, 2025, through 067, 2025. At that time, a sixth item, related to Charter amendments to update the Council vacancy provisions, was postponed to allow for additional Council discussion.

The Council discussed the vacancy process amendment and related concepts at its June 3, 2025, Work Session and provided feedback regarding the provisions. Taking the Councilmember feedback into account, Charter revisions have been prepared and incorporated into the Ordinance to propose amendments as follows:

- Amend Section 1 of Article II to clarify that any person, whether appointed or elected to fill a vacancy on the Council, is considered to have served a term in that office for purposes of applying the term limit in Section 1 if they serve in total more than one-half of the term of office.
- Amend Section 18 to update the process for filling vacancies in the office of the Mayor and district Councilmember in light of state and related local law changes to election processes and timing, and provide that:
 - a. If a district Councilmember office becomes vacant, the vacancy will be publicly and promptly announced on the City's website; and
 - b. If a district Councilmember office becomes vacant, Council then has 35 business days to choose a new member; and
 - c. The office that has been vacated will appear on the next regular municipal election ballot for which the process requirements can be met.
 - d. If that office is already set for an upcoming ballot, it will proceed regardless of the vacancy.
 - e. If the office of Mayor becomes vacant, the Mayor Pro Tem will become the acting Mayor upon the date of vacancy and the Council will elect a new Mayor Pro Tem at their next meeting; and
 - f. The Council will fill the district Council seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem; and
 - g. The term of the appointed replacement district Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office or the end of the original term of office.

If approved, related Ordinance No. 108, 2025, will submit to a vote of the Registered Electors in the City of Fort Collins a proposed Charter Amendment Amending the City Charter regarding the vacancy process as follows:

CITY-INITIATED

PROPOSED CHARTER AMENDMENT NO. ____

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For

_____ No/Against

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ordinance reflects the Council's June 3, 2025, Work Session discussion.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Presentation
2. Ordinance No. 108, 2025