

## **ARTICLE II. - CITY COUNCIL**

### **Section 1. Membership; terms.**

- (a) *Composition of Council.* The Council shall consist of seven (7) members, including a Mayor and Mayor Pro Tem, elected as provided in this Article.
- (b) *Method of election.* The Mayor shall be nominated and elected from the city at large. The remaining six (6) members shall be nominated and elected by Districts. The election of District Councilmembers shall alternate between the election of representatives for Council Districts 1, 3 and 5 and the election of representatives for Council Districts 2, 4 and 6.
- (c) *Council district boundaries.* The city shall be divided into six (6) contiguous, reasonably compact districts, each of which shall consist of contiguous, undivided general election precincts and, to the extent reasonably possible, an equal number of inhabitants. The districts shall be numbered consecutively in a clockwise fashion beginning with the northeast district, which shall be District 1. The Council shall establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes, and the manner of protesting such proposed changes.
- (d) *Terms.* Except as otherwise provided in Section 18 of this Article and Section 3(d) of Article IX, the term of office of the Mayor shall be two (2) years, and the term of office of all other members of the Council shall be four (4) years each; provided, however, that all such officers shall serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council shall begin when they take the oath of office, which shall occur as the first order of business at a special Council meeting on the second Tuesday of January next after the election, or, if appointed, the first regular or special Council meeting following their appointment.
- (e) *Application of term limit to partial term.*  
Any person appointed or elected to fill a vacancy on the City Council and who serves a total of more than one-half of the term of office shall be considered to have served a term in that office for the purposes of applying the applicable term limit.

### **Section 18. Vacancies.**

- (a) *Vacancy.* A vacancy exists when a member of Council:
- (1) dies, resigns, or moves from the city or the District from which elected or appointed;
  - (2) assumes another elective office;
  - (3) fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution;

- (4) is judicially declared mentally incompetent;
- (5) is convicted of a felony that disqualifies the Councilmember from serving in public office in Colorado under the Colorado Constitution, or is declared by the City Clerk, more than sixty (60) days after the date of issuance of the certificate of election of such Councilmember, to have previously been convicted of a disqualifying felony pursuant to a written protest filed under Section 2 of this article; or
- (6) in the case of an appointed member of the Council, is declared by the City Clerk to lack any qualification for the office of Councilmember.

(b) *Vacancy announcement.* The City Clerk will promptly announce a vacancy to the public on the City's website upon receipt of notice of the vacancy.

(c) *Qualifications.* Any person appointed to office must have all qualifications for that office described in Section 2 of this Article. In the case of a person appointed to fill a vacant district Councilmember seat, they must be from the same District, as such District is constituted at the time of the appointment. In order to be considered for appointment an applicant must submit such nominating petitions, disclosures and other materials as Council may require.

(d) *Appointment assistance.* At City Council's direction, the City Clerk will solicit and receive appointment applications any time after the vacancy announcement.

(e) *Filling a district Councilmember vacancy.*

(1) In the event of a vacancy, the seated City Council will make diligent efforts to appoint a qualified candidate to serve in the vacated office until a successor is elected. If an appointee's time in office would be fewer than **X** days before the end of the term of the vacated office, the seated City Council will not **[may choose not to]** make an appointment.

(2) If a vacancy is known and announced with sufficient time for the circulation of nominating petitions for **ten (10) days** or more for an upcoming regular municipal election, or if the vacancy arises in an office already scheduled to appear on the next regular municipal election ballot, the vacated office will appear on that regular municipal election ballot.

(3) If the vacated office does not appear on the regular municipal election ballot, the new City Council organized after the regular election will appoint a qualified candidate to fill the vacated office until the next following regular election.

(4) If, consistent with subsection (e)(1), Council does not make an appointment to fill a vacancy, the Council shall consist of six (6) members until such time as the vacated office is filled.

(f) *Lack of candidate.* If there is no qualified candidate for an elected office on a municipal election ballot, the new Council organized after such election will appoint a qualified person to serve until the next regular election.

(g) *Mayoral vacancy.* If a vacancy occurs in the office of the Mayor:

- (1) The Mayor Pro Tem will become Acting Mayor when the vacancy is effective.
- (2) Council will elect an Interim Mayor Pro Tem at the next regular or special Council meeting after the vacancy is effective.
- (3) The Council will fill the district Councilmember seat temporarily open due to the assumption of Acting Mayor by the Mayor Pro Tem by appointment using the process set forth in subsection 18(e). The term of such appointed district Councilmember replacement will continue through the earlier of the return of the Acting Mayor to their original office, or the end of their original term of office.
- (4) If, consistent with subsection 18(e)(1), Council does not make an appointment to fill a vacancy, the Council shall consist of six (6) members until such time as the vacated office is filled.
- (5) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

~~Except for the office of Mayor, any vacancy on the Council shall be filled within forty-five (45) days by appointment of the Council. The person so appointed shall serve until the next regular election, when the electors will select a person to fill the vacancy for the remainder of the term, if any. This selection process shall be subject to the following exception: If the time for filling the vacancy by appointment would fall within forty-five (45) days prior to any regular election, and the remaining unexpired term of the Councilmember to be replaced is more than two (2) years, then the vacancy shall be filled by the newly constituted Council following their election, within forty-five (45) days after their terms of office begin.~~

~~Under this exception, the term of office of the Councilmember appointed shall run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position shall have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy representing a member elected from a District, any person appointed or elected to fill such vacancy shall be from the same District, as such District is constituted at the time of the appointment or election.~~

~~(b) The following shall apply to filling vacancies in the office of Mayor:~~

- ~~(1) If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.~~

- ~~(2) If the position of Mayor becomes vacant within the forty-five (45) days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said regular election, at which time the office of Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members, and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.~~
- ~~(3) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.~~

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