

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT FOR DISCUSSION

Council Priority to Update and Modernize the City Charter – Council Vacancy Amendment.

EXECUTIVE SUMMARY

The purpose of this item is to discuss and provide feedback about a possible Charter Amendment to update the Council Vacancy process set out in Article II of the City Charter.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What questions and feedback do Councilmembers have about this proposed Amendment?
2. Are Councilmembers interested in seeing this proposed Amendment presented for consideration as a ballot item for November 2025?

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 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.

On April 1 and April 15, the City Council adopted five ordinances setting ballot titles for Charter amendments resulting from the Charter Update work. A sixth ordinance, related to the Council vacancy process, was postponed indefinitely to allow for work session discussion of the amendment.

Procedures and Timelines for Filling a Council or Mayor Seat Vacancy

Article II, Section 18 of the City Charter addresses vacancies and the process for filling them. In earlier discussions, Council provided feedback in support of Charter amendments to clarify procedure and timeline related to filling a vacant City Council or Mayoral office. There are two main aspects to the vacancy procedures: When and how an appointment is made to fill the vacancy; and when the vacated office next appears on the regular election ballot.

The current Charter requires that Council fill a vacancy within 45 days. It also requires that a vacated office instead be filled by the *next Council if the 45-day time period for filling the vacancy falls within 45 days before the election.*

Under this language, a vacancy would have to arise 90 days before the election in order for the sitting Council to appoint a replacement. A vacated office could remain vacant for up to a potential total of 204 days (since the new Council has 45 days to make an appointment after being sworn in). To illustrate, working backwards from the deadline for the new Council:

1. Vacancy arises 44 days prior to 45-day cutoff date = August 7, 2025
2. Cutoff date is 45 days prior to November 2025 election = September 20, 2025
3. November 2025 election date = November 4, 2025 (this is 10 weeks before swearing in)
4. 2026 swearing in date = January 13, 2026
5. 45 days after 2026 swearing in date (appointment deadline) = February 27, 2026

The current Charter provides that one appointed to serve in a vacated seat serve in that position until the next regular election. Under current election schedules, the deadline for submitting candidate names to the County for inclusion on the ballot is 60 days prior to the election. In order for the vacated office to be added to the ballot, there must be time for candidates to have time to circulate nominating petitions in advance of the submittal deadline.

Proposed language to address these timing issues would require a vacant office be placed on the ballot if the vacancy is known in time to allow circulation of nominating petitions before the deadline for submitting candidate names to the County.

- To allow this to shift with changes in County deadlines, the language would only state the period of time that must be available for nominating petitions.
 - The current period (set out in City Code) for nominating petitions allows three weeks for that process (the 91st day before the election to the 70th day before the election).
 - A shortened petition timeframe, such as ten days instead of three weeks, would allow a higher likelihood that vacated offices would be presented to the voters instead of being filled for the remainder of the term by appointment.

Additional proposed changes would eliminate the time requirement for the appointment but set a minimum remaining term the Council either would be required to or could opt to leave the position vacant. (Councilmembers may have a preference as to which approach to take on that.)

The Charter language currently is not clear on the process for filling various positions created by a vacant Mayor seat. Proposed changes related to a Mayor vacancy would:

- State the process for next steps in order;
- Clarify that Mayor Pro Tem would become Acting Mayor immediately upon Mayoral vacancy;
- Clarify that Acting Mayor would only remain until a new Mayor is elected or their original District Councilmember office's original term expires;
- Clarify that Council will appoint to fill the resulting vacant District Councilmember's office using the regular appointment process; and
- Clarify the appointed District Councilmember will serve until the earlier of the Acting Mayor returning to their District position or the expiration of the Acting Mayor's District term.

In addition, the proposed changes:

- Organize the provisions related to filling of vacancies for ease of reading;
- Clarify that the newly-constituted Council will appoint to fill an office if no qualified candidate appears on the ballot;
- Clarify that any vacancy will be promptly announced to the public on the City's website;
- Clarify that Council can direct the City Clerk to receive applications for appointment as of the vacancy announcement;
- Clarify that any person appointed must have all the qualifications to fill the seat, including being from the same District they are appointed to, as such District is constituted at the time of the appointment or election;
- Allow Council to require persons applying for a Council position to submit a nominating petition and disclosures and other information as Council may require; and
- Provide that any person appointed or elected to fill a vacancy who serves a total of more than half of the term will be considered to have served a full term for the purpose of applying term limits.

NEXT STEPS

If there is interest in placing a Charter amendment updating the vacancy appointment process on the November 2025 ballot, staff will present an ordinance for Council consideration at the June 17 Council meeting.

ATTACHMENTS

1. Draft Charter Amendment for Discussion
2. Chart of Reference Dates
3. Presentation