

ORDINANCE NO. 068, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING SECTION 1 AND 18 OF ARTICLE II
OF THE CITY CHARTER RELATED TO VACANCIES AND
APPLICATION OF TERM LIMITS TO PARTIAL TERMS

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

F. At its December 10, 2024, and January 28, 2025, work sessions, the Council provided positive feedback to staff in support of addressing vacancies on Council.

G. In the past, questions have arisen about the process for filling a Council office vacancy and staff recommends revisions to clarify the process.

H. In the past, questions have arisen about whether a partial term of a person who is either appointed or elected to fill a vacant Council seat will be considered to have served a term in that office. Staff recommends revisions to clarify this point.

I. The proposed amendments to Section 1 of Article II 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 at least one-half of a term of office.

J. The proposed amendments to Section 18 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 Council member or the Mayor's office opens, it will be publicly and promptly announced on the City's website; and
- b. If a District Councilmember office is vacant, Council then has 40 business days to choose a new member; and
 - i. if a district Councilmember's seat will be on the ballot because it is regularly scheduled to be on the ballot or if the vacancy arises when there are still at least ten days to collect nominating signatures for the next City election begins, that office will be on the ballot; and
- c. If it is too late for a vacated district Councilmember office to be added to the ballot for the next election, the Council will choose a new Councilmember for that district after the new Council begins their term; and
- d. 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
- e. If at least 98 days remain in the term of the Councilmember serving in the office of Acting Mayor, 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
- f. 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; and
- g. If fewer than 98 days remain in the term of the district Councilmember whose seat is vacated, or who is serving as Acting Mayor, the Council will consist of six (6) members until the beginning of the term of the newly elected district Councilmember after the election.

K. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

L. The Council finds that these proposed revisions to Article II of the City Charter, regarding filling vacancies in a City Council or Mayor office and the application of a term limit to a partial term, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Article II set forth below to the voters for approval at the November 4, 2025, municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed changes to Article II, of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. City Council

...

Section 1. Membership, Terms.

...

(e) *Application of term limit to partial term.*

Any person appointed or elected to fill a vacancy on the City Council and who serves at least one-half of a term of office shall be considered to have served that term in that office for the purposes of applying the applicable term limit.

...

Section 18. Vacancies.

(a) *Vacancy.* A vacancy exists when a Councilmember:

...

(b) If there is no qualified candidate for an elected office on a municipal election ballot, the new Council organized after such election will appoint by majority vote a qualified person to serve in the office in the manner described in the subsections below.

(c) A vacancy of either a Councilmember District office or the office of the Mayor will be promptly announced to the public on the City's website.

(d) *Filling Councilmember district office vacancy.*

(1) The Council must fill by appointment any vacancy of a District Councilmember office within forty (40) business days of the vacancy announcement, unless either the remaining term of the vacated office is less than ninety-eight (98) days in length at the time of the announcement, or a newly constituted Council will fill the vacancy by appointment as described in Subsection (3).

(i) If fewer than ninety-eight (98) days remain in the District Councilmember term, pending the election and the commencement of the term of the newly elected District Councilmember for that District, the Council will consist of six (6) members.

~~Except for the office of Mayor, any vacancy on the Council must 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.~~

- (ii) To assist with the appointment process, the Council may direct the City Clerk to begin receiving applications for appointment at any time after announcement of the vacancy.
- (iii) Any person appointed to fill a Councilmember's vacated position must have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy in a District Councilmember office, any person appointed or elected to fill such vacancy must be from the same District, as such District is constituted at the time of the appointment or election.
- (iv) The person so appointed shall serve until a duly elected District Councilmember is sworn in to the office after the next regular election or as otherwise specified in this Section, ~~when the electors will select a person to fill the vacancy for the remainder of the term, if any.~~

(2) If the announcement of a vacancy occurs before the period for circulating and submitting nominating petitions for the next regular municipal election, or when at least ten (10) days remain in that the period, the vacant office will be added to the next regular election ballot.

- (i) The period for circulating nominating petitions for the vacated office will be as set forth in the Fort Collins Municipal Code, except that it must not begin earlier than the announcement of the vacancy.

(3) If the announcement of a vacancy occurs later than the time set forth in subsection (2), the vacated office will only appear on the next regular municipal election ballot if that office is scheduled to be on the ballot under the regular schedule provided in Section 1(b).

- (i) If the vacated office is not on the regular municipal election ballot, the newly constituted Council will fill the vacancy by appointment within forty (40) business days after the beginning of their term.

(e) *Filling an Office of the Mayor vacancy.* 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 will 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) The Council will elect an interim Mayor Pro Tem at the next regular or special Council meeting after the Mayor Pro Tem becomes Acting Mayor, as set forth in Subsection 4.
- (3) Except when fewer than ninety-eight (98) days remain in the District Councilmember term of the Acting Mayor, the Council will fill the District Councilmember seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem by appointment in accordance with Subsection 18(c) and (d), above.
 - (i) The term of such appointed replacement District Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office (if the term continues and someone other than the Acting Mayor has been duly elected and sworn in as Mayor) or the end of the Acting Mayor's original term of the office.
- (4) If the position of Mayor becomes vacant within the forty five (45) business 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 the 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. If fewer than ninety-eight (98) days remain in the District Councilmember term of the Acting Mayor, pending the election and the commencement of the term of the newly elected District Councilmember for that District, the Council will consist of six (6) members.
- (35) Nothing herein shall preclude the Mayor Pro Tem or any member of Councilmember from standing for election to the office of Mayor.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. ____**

Shall the Charter of the City of Fort Collins be amended to update the process for filling a vacant Council or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Requiring the Council to appoint a replacement to fill a District Councilmember vacancy within 40 business days, unless there are fewer than 98 days (14 weeks) left in the term that was vacated, or unless the vacancy comes up so close to an election that it's too late for the voters to elect a replacement (in which case the newly seated Council will fill the vacancy after it takes office); and
- Continuing the requirement that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor; and
- Requiring that if the Acting Mayor will be in that role for 98 days (14 weeks) or more, the Council will appoint a replacement District Councilmember to serve in the seat while the Acting Mayor is Acting Mayor; and
- Establishing that when a member of Council is elected or appointed to fill a vacancy and serves in that office for at least half of the term of office, that service will count as a full term when applying the applicable term limits (which are currently the term limits provided in the Colorado constitution)?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor

ATTEST:

City Clerk
Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett