

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## STAFF

Delynn Coldiron, City Clerk  
Carrie Daggett, City Attorney

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## SUBJECT FOR DISCUSSION

### Council Vacancy Appointment Process for District 6

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## EXECUTIVE SUMMARY

The purpose of this item is to discuss the process Council would like to use to fill the District 6 vacancy created by Mayor Pro Tem Francis' election as Mayor and for selecting a new Mayor Pro Tem. The proposed timeline will also be discussed.

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## GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback do Councilmembers have regarding the process for filling the District 6 vacancy?
2. Do Councilmembers have any concerns with the proposed timeline?
3. What feedback do Councilmembers have about the process and timeline for selecting a new Mayor Pro Tem?

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## BACKGROUND / DISCUSSION

Council has filled six vacancies since 1992. The process used has differed over time as noted in the more detailed background information shown below. In contrast to most other Council appointment processes, there are some important Charter requirements that govern the process for filling this vacancy. Revised requirements were approved by the voters at the recent November 4 election and provide, in part, 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.

In this case, the date of the vacancy will be January 13, 2026, the day Mayor Pro Tem Francis will be sworn in as Mayor. This gives Council until March 5, 2026 to fill the vacancy since there are two City holidays within that timeframe.

## Timeline:

This timeline reflects the goal of having a Councilmember appointed and sworn in prior to the Council retreat proposed to start the weekend of January 23rd. This will ensure participation by all Councilmembers in setting Council priorities for the next two years.

- November 18 Work Session
  - After the November 18 Regular Meeting
  - Discuss process to be used for filling the District 6 vacancy
- December 2, 2025 – Motion directing the City Clerk to advertise for the vacancy
- December 3, 2025 – (or as soon thereafter as possible) begin advertising
- December 16, 2025 – Motion calling a Special Meeting for January 13
- December 31, 2025 –
  - Deadline for applications from interested candidates
  - Candidate information emailed to Council and posted on City webpage
- January 8, 2026 – Candidate information will be included in Thursday agenda packets
- January 13, 2026 Special Meeting –
  - Public comment for outgoing Councilmembers
  - Outgoing Councilmember comments
  - Swearing in and seating of new Councilmembers
  - Consideration of Resolutions for outgoing Councilmembers
  - Public comment on candidates interested in filling the District 6 vacancy
  - **Opportunity for newly seated Council to determine the pool of applicants to be interviewed**
    - **All applicants (Option 1); or**
    - **A reduced number of applicants agreed on by Council (Option 2)**
      - **This would be done through a series of motions and votes.**
  - Opportunity for Council to make any adjustments, if needed, to the process being used to fill the District 6 vacancy
  - Set date for Special Meeting to conduct interviews
    - Motion to call the Special Meeting
  - Reception
- January 14-17, 2026 (need to choose a date during the January 13 Special Meeting)
  - Conduct applicant interviews
- January 20, 2026 – Regular Meeting
  - Selection process and consideration of a Resolution making an appointment
  - Swear in new Councilmember
- January 24 and 31, 2026
  - Possible Council Retreat dates

There are multiple processes Council can follow to identify the desired applicant to fill a vacancy. The following options have been prepared for your consideration based on previous processes:

Options for Interviewing:

- Setting
  - Informal work session setting,
  - Formal Council Chambers setting, or
  - Remote Zoom meeting.
- Questions
  - One question from the Mayor and a question from two other Councilmembers (or the number agreed to by Council); plus follow up questions based on the information provided, or
  - One question from each Councilmember; plus follow up questions based on the information provided, or
  - Another option defined by Council.
- Sequestering
  - All applicants participate; no sequestering, or
  - Applicants are sequestered and Council interviews one at a time.
- Timing
  - On a different day than the resolution making the appointment is considered, or
  - On the same day that the resolution making the appointment is considered.

Options for Selection:

- Public Comment
  - At the beginning of the item, or
  - After each specific motion identifying a potential appointee, or
  - Both at the beginning of the item and after each specific motion identifying a potential appointee, or
  - Another option defined by Council.
- Finalists
  - All applicants, or
  - 5 or fewer candidates based on a Councilmember vote, or
  - Another option defined by Council.
- Voting to narrow the field of finalists
  - By raising hands, or
  - By written ballot (collected and read by the City Clerk).
  - Note: A roll call vote would be required in a remote meeting.

- Tiebreakers to narrow the field of finalists
  - Councilmember discussion followed by agreed-upon method of voting, or
  - Another option defined by Council.

Once the field of finalists has been narrowed (if desired by Council), the process will move to Councilmember discussion and motions. The oath of office for the chosen candidate could be administered the same evening as the selection or could be administered at the following Tuesday's meeting; either at a regular or adjourned meeting.

The following is more detail from the earlier processes used since 2002 to fill various vacancies:

1. The most recent process was used to fill the District 4 vacancy that opened in **2021** due to the election of Councilmember Kristin Stephens to the Larimer County Commissioner position. The process used at that time included:
  - a. Advertising (open for 17 days – December 2-December 18)
    - i. 8 applications received
  - b. Interviews – 8 applicants on January 6.
  - c. Council consideration of a Resolution (2021-007) at a special meeting held on January 12, 2021 to make the appointment.

The process followed for interviews included:

- a. All applicants interviewed one at a time
- b. 12 minutes per interview + time for Council follow-up:
  - i. Description of the process given by the Mayor (3 minutes)
  - ii. Opening statement based on direction from the Mayor (1.5 minutes for each candidate)
  - iii. Pre-defined question from the Mayor (2 minutes for each candidate)
  - iv. Pre-defined question from a Councilmember (2 minutes for each candidate)
  - v. Pre-defined question from a Councilmember (2 minutes for each candidate)
  - vi. Closing statement (1.5 minutes for each candidate)
  - vii. Follow-up questions from Councilmembers and brief discussion (30 minutes total across all interviews)

Candidates were not sequestered and were interviewed based on a random selection done by staff in the City Clerk's Office prior to the meeting.

The process followed for selection included:

- a. Public comment
- b. Motions nominating various candidates
- c. Votes (roll calls)
- d. Motion to adopt Resolution adding nominated individual's name
- e. Vote (roll call)

The appointment was valid from January 12, 2021 through the time a successor took office at the April 2021 election. Minutes from the January 12, 2021 meeting are attached (Attachment 1). Resolution 2020-113 establishing the selection and appointment process is also attached (Attachment 2).

2. A District 1 vacancy opened in **2019** due to the election of Councilmember Bob Overbeck to the Larimer County Assessor position. The process used at that time included:
  - a. Advertising – open for 15 days (December 12 – December 26)
    - i. 9 applications were received.
  - b. Interviews – 9 applicants on January 2 at a work session following the regular meeting.
    - i. 8 applicants attended; 1 applicant withdrew.
  - c. Council consideration of Resolution (2019-014) at a regular meeting held on January 15, 2019.
  - d. Oath of office administered at an adjourned meeting held on January 22, 2019.

The process followed for interviews included:

- a. All applicants interviewed one at a time.
- b. 20 minutes per interview.
  - i. Opening question (Mayor) – 1-2 minutes.
  - ii. Council questions – 16-18 minutes.
    1. One question per Councilmember (more if time allows).
    2. Should be a follow-up or a clarification of information provided in the application.
- c. Closing statement (Applicant) – 1-2 minutes.

Candidates were not sequestered and were interviewed based on a random selection done by staff in the City Clerk's Office prior to the meeting.

The process followed for selection included:

- a. Public comment.
- b. Motions nominating various candidates.
- c. Votes (roll calls).
- d. Motion to adopt Resolution adding nominated individual's name.
- e. Vote (roll call).

The appointment was valid from January 15, 2019 through the time successors took office after the April 2, 2019 election. Councilmember Gutowsky was elected to fill the remainder of the unexpired term. Minutes from the January 15 meeting are attached (Attachment 3). Resolution 2018-129 establishing the section and appointment process is also attached (Attachment 4).

3. A District 6 vacancy opened in **2002** due to the resignation of Councilmember Chuck Wanner. The process used at that time included:
  - a. Advertising – open for 23 days (May 9 – May 31)
    - i. 10 applications were received.
  - b. Interviews - 10 applicants at an adjourned meeting held on June 11, 2002.
  - c. Council consideration of a Resolution (2002-063) at the June 11 meeting to make the appointment.

The process followed at the meeting included:

- a. Two-minute introductory statements by applicants.
- b. Public comment.

- c. Written ballot to select five candidates; results announced.
- d. Second written ballot done as a tie breaker for applicants who had received 3 votes; results announced.
- e. Third written ballot done as a tie breaker for applicants who had received 3 votes; results announced.
- f. Six applicants identified to move on to interviews.
- g. Interviews conducted.
  - i. Applicants were sequestered when not being interviewed.
  - ii. Applicants were asked to provide responses to six questions (1 question submitted by each Councilmember); responses limited to 1 minute per question.
- h. Motions to appoint various candidates; all failed.
- i. Written ballot done to reduce the field to 2 candidates; results announced.
- j. Councilmember discussion on the strengths of the remaining applicants.
- k. 2-minute statements made by remaining applicants.
- l. Motion to reduce the candidates to two; David Edwards and David Roy.
- m. Motion to appoint David Roy; Resolution adopted.

The appointment was valid from June 11, 2002 through the time successors took office after the April 3, 2003 election. Councilmember Roy was elected to fill a new four-year term. Minutes from the June 11, 2002 meeting are attached (Attachment 5).

**Application Materials:**

Attached are application materials (Attachments 6 and 7) staff proposes using for this process. Council comments/suggestions are welcome.

**Mayor Pro Tem Selection:**

The City Charter requires the Council to elect a Mayor Pro Tem from among the members of the Council to act as Mayor during the absence or disability of the Mayor. Since Mayor Pro Tem Francis will be assuming her new role as Mayor, the Council will need to elect a new Mayor Pro Tem.

It is advisable that at the first regular or special meeting after the District 6 vacancy exists, Council elect its new Mayor Pro Tem.

In the past, this has been done by Councilmembers indicating their interest in the position, followed by nominating motion(s) and vote(s). The individual selected as the next Mayor Pro Tem will act in this capacity until the new Mayor Pro Tem is voted in after the November 2027 election.

**NEXT STEPS**

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Adoption of a Resolution outlining Council’s desired process to fill the District 6 vacancy and approval of a motion directing the City Clerk to start collecting applications at the December 2, 2025 Regular Meeting.

## ATTACHMENTS

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1. Council Meeting Minutes, January 12, 2021
2. Resolution 2020-113
3. Council Meeting Minutes, January 15, 2019
4. Resolution 2018-129
5. Council Meeting Minutes, June 11, 2002
6. Application
7. District 6 Map
8. Presentation