



# Town of Johnstown

## TOWN COUNCIL WORKSESSION COMMUNICATION

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**AGENDA DATE:** August 14, 2023

**SUBJECT:** Council Attendance/Disciplinary Policy

**ATTACHMENTS:** N/A

**PRESENTED BY:** Avi Rocklin, Town Attorney

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**WORK SESSION DESCRIPTION:** Section 2.3 of the Home Rule Charter sets forth the qualifications of Mayor and Councilmembers and provides, in part:

- A. Each Councilmember and the Mayor shall be a citizen of the United States.
- B. Each Councilmember shall be a registered elector of the Town . . . .
- C. The Mayor shall be a registered elector of the Town . . . .
- D. No person who has been convicted of a felony or a willful violation of this Charter shall be qualified to serve as Mayor or Councilmember.
- E. *Town Council may, by ordinance, enact requirements and procedures to govern the Council-related activities of Councilmembers and the Mayor while in office, which ordinance may prescribe disciplinary procedures and consequences for violations of such requirements and procedures.*

The primary purpose of this discussion relates to Part E. above to commence a discussion regarding whether Council would like to adopt an ordinance setting forth requirements governing Council-related activities and prescribe disciplinary procedures and consequences for violations of such requirements.

At a minimum, many municipalities have attendance requirements. A sample of such requirements is set forth below.

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## Fort Collins

### Section 18. Vacancies. [Charter]

(a) A vacancy exists when a Councilmember: . . . fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution.

## Windsor

### 3.7 Vacancies [Charter]

A. A vacancy in the office of Mayor or Board Member shall exist if during the term of office the Mayor or a Board Member . . . has had more than three (3) unexcused absences from regular Town Board meetings during any period of twelve (12) consecutive calendar months. The date of the fourth unexcused absence shall be determined to be the date on which the office was vacated. Any absence from a regular meeting shall be considered unexcused only if the Town Board so determines by a motion, setting forth the reasons for the determination.

## Arvada

4.6. Vacancies. A Councilmember shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the City Council without being excused by the City Council.

## Louisville

### Sec. 2.02.050. - Vacancies.

A. A vacancy shall exist if, during the term of office, the mayor or a councilmember . . . has had more than six absences from regular council meetings during any period of 12 consecutive calendar months. The date of the seventh absence shall be deemed to be the date on which the office was vacated.

## Boulder

### Sec. 8. Vacancies.

A vacancy shall exist whenever a duly elected mayor or council member . . . is absent from five consecutive regular meetings of the council unless formally excused therefrom . . .

## Gypsum

### Section 4.2 – Removal.

If the Mayor or a member of the Council misses more than three consecutive meetings, he may be removed from his position by a vote of at least two-thirds of the Council, after notice and hearing.

## Town of Oak Creek

Set forth in a policy.

10.1 Attendance. All members of the Town Board shall attend all meetings of the Town Board and shall not be excused from attending, except by majority consent of the Town Board.

10.1.1 A member of the Town Board shall not leave the meeting facility while the board meeting is in progress, unless excused by the presiding officer.

10.1.2 Two consecutive, unexcused absences, of a board member, from meetings, may be cause for dismissal from the Board.

Milliken

Set forth by Resolution 20-05. A Board member's attendance at all regular meetings and work sessions should meet or exceed 80% on a revolving basis or the Board may commence proceedings pursuant to C.R.S. § 31-4-307 to remove such Board member.

PROPOSAL: As you may note, the attendance standards vary significantly among municipalities. A proposal for the Town for discussion during the work session is to require that Councilmembers attend 70% of all regular meetings during a rolling 12-month period. If a Councilmember attends less than 70% of the regular meetings, then the Councilmember's seat would be deemed vacant. A new councilmember would start with a 100% attendance threshold to protect such Councilmember early in their tenure. The only exceptions would be: (i) hospitalization of the Councilmember; (ii) death of a family member; or (iii) involuntary military service. This proposal creates an *objective* standard, omitting discretion and the ability of Council to be challenged for vacating a seat. Staff understands and believes that all the current Councilmembers meet the 70% threshold.

***Reviewed and Approved for Presentation,***



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Town Manager

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