

ORDINANCE NO. 108, 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 SECTIONS 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, and June 3, 2025, work sessions, the Council provided positive feedback to staff in support of addressing the Charter provisions about filling vacancies on Council.

G. In the past, questions have arisen about the process for filling a Council office vacancy and Council wishes to revise the Charter to clarify and update that process.

H. Questions also 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. The proposed amendment to Section 1 of Article II clarifies 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 if they serve in

total more than one-half of the term of office, unless the partial term was served before 2026.

I. 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 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.
- d. If that office is already set for an upcoming ballot it will proceed regardless of the vacancy.
- e. 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
- f. 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
- g. 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.

J. 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. 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 a total of at least one-half of the term of office shall be considered to have served that term in that office for the purposes of applying the applicable term limit. This provision shall not apply to partial terms served before 2026.

...

Section 18. Vacancies.

(a) *Vacancy.* A vacancy exists when a 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 all application materials as may be required.

(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 within thirty-five (35) business days of announcement a qualified candidate to serve in the vacated office until a successor is elected.

(2) The Council's appointment will continue until the swearing in of a qualified elected candidate for the vacated office.

(3) The vacated office will appear on the first regular municipal election for which the requirements for candidacy can be met, either to elect an officeholder to complete the original term of office or to elect a new officeholder to begin a new term of office pursuant to the regular alternating schedule pursuant to Section 1(b).

(f) *Lack of candidate.* If there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after such election will then 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 this Section. 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) 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 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.~~

~~(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.~~

Section 2. 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 revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits, unless the partial term was served before 2026; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and

- State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Carrie Daggett

Exhibit: None