

AGENDA ITEM SUMMARY

December 1, 2020

City Council

STAFF

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney

SUBJECT

Resolution 2020-113 Establishing a Process for City Council Selection and Appointment of a District 4 Councilmember to Fill a Vacancy Due to the Resignation of Mayor Pro Tem Kristin Stephens.

EXECUTIVE SUMMARY

The purpose of this item is to establish the process to be used in filling a vacancy in the District 4 Council seat. Mayor Pro Tem Kristin Stephens has tendered her resignation from Council effective December 31, 2020, as a result of her recent election to the Larimer County Board of Commissioners.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Council has filled five vacancies since 1992. The process used has differed over time; however, in contrast to most other Council appointment processes, there are some important Charter requirements that govern the process for filling this vacancy, particularly since it falls so close to an upcoming election. This has the potential to impact both timelines and process.

The Charter requires that a Councilmember vacancy be filled within 45 days of the occurrence of a vacancy. In this case, the date will be calculated based on either (1) the effective date of a resignation the City Clerk's office receives from Mayor Pro Tem Stephens or (2) the date she assumes her new office (January 12, 2021), whichever occurs first. Mayor Pro Tem Stephens has indicated that she will be resigning effective December 31, 2020.

Pursuant to the Charter, the person appointed to fill the vacancy shall serve until they, or a new Councilmember, are/is seated after the next election (April 6, 2021) when the electors will select a person to fill the vacancy for the remainder of the term.

The person selected to fill the vacancy can run for election to the office for the remainder of the term. In order to do so, the individual must circulate and file a nomination petition between January 26 and February 16, 2021.

The process established by this Resolution will facilitate the filling of the vacancy in a timely manner and will also allow the selected person to run for election in April, if he or she so chooses.

The Council discussed the process for filling this vacancy at its November 24, 2020 work session. The following describes the suggested process and timeline:

December 2, 2020 - Begin advertising for the vacancy. This will include:

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- Launch of a new webpage specific to the vacancy with a spotlight on the City's home page to highlight that applications are being accepted.
- Press releases to both the Coloradoan and the Collegian.
- Advertisements in the Coloradoan over the next two weeks.
- Social media outreach.
- Nextdoor post to District 4 residents.

Applications will be available on the website (fillable pdf) and at the City Clerk's office at 300 LaPorte Avenue.

The application packet will include:

- General information about the vacancy and related requirements, process and qualifications.
- Application form.
- Financial Disclosure Statement.
- Candidate Affidavit (must be notarized).
- District 4 map.
- Council Vacancy Timeline.

December 15, 2020 - Adjourn meeting to December 22, 2020.

December 18, 2020 - Deadline to submit application forms to the City Clerk's office (5:00 p.m.).

- Applications can be submitted by email at cityclerk@fcgov.com, hand-delivered to the City Clerk's office at 300 LaPorte Avenue, or mailed to the City Clerk's Office at PO Box 580, Fort Collins, Colorado 80522, and must be received by the City Clerk by 5:00 p.m. on Friday, December 18, 2020, in order to be considered.
- Application submittals will be provided to Council as soon as possible after the December 18 deadline, but no later than Monday, December 21.
- All application materials will be posted for public review in advance of the expected adjourned Council meeting on December 22, 2020, and then will be available to the public and City Council for subsequent steps in the selection process.

December 22, 2020 - Expected adjourned Council meeting.

- Provide opportunity for public comment related to the applications that have been received.
- Provide Council with an opportunity to vote to determine the pool of applicants to be interviewed, if desired, based on the number of applications received.
- Provide Council with an opportunity to make any adjustments, if needed, to the process being used to fill the District 4 vacancy.

December 31, 2020 - Effective date of Mayor Pro Tem Stephens' resignation.

January 5, 2021 - Adjourn meeting to January 12, 2020.

January 6, 2021 - Special Meeting for applicant interviews, scheduled for 6:00 p.m. Interview specifics:

- The Special Meeting will be conducted using remote (Zoom) technology.
- Each applicant will have a time-limited opportunity to provide an opening statement in random order

determined by the City Clerk. Applicants will not be sequestered or required to leave the room during questioning of other applicants.

- Questioning of all applicants will proceed, beginning with the Mayor asking a question for each applicant to answer in turn, and then continuing with each successive Councilmember asking a question for each of the applicants to answer. There will be opportunity for follow up or clarifying questions from Councilmembers after all applicants have responded to each question. The order of responding to each question will rotate among the applicants.
- After the completion of Councilmember questions, each applicant will have a time-limited opportunity to provide a closing statement.
- If a large number of applicants is interviewed, Council may choose to vote to narrow the field to a number of finalists. Otherwise, Council will make no decisions at its Special Meeting regarding the applicants moving forward to the next step of the process.

January 12, 2021 - Adjourned meeting.

- Section process and Resolution making appointment:
 - Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com <<mailto:CityLeaders@fcgov.com>> or in care of the City Clerk at the address above, regarding the applicants and the Council's selection of an appointee.
 - Council will take action to select an appointee. The public will have an opportunity to comment at the beginning of the discussion, as on all discussion items, with the time limit for comment set by the Mayor based on the number of speakers.
 - After completion of public comment, Council will discuss the applicants.
 - The City Clerk will provide a resolution with a blank for the name of the appointee as part of the Council's agenda materials. After discussing the applicants, Council will then, by motion, propose appointees until the resolution with a named appointee receives a majority vote.

January 19, 2020 - Regular Council Meeting.

- Oath of office will be administered to the new appointee.

CITY FINANCIAL IMPACTS

Costs associated with establishing a process for filling the vacancy, and the execution of the process, are minimal.

RESOLUTION 2020-113
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING A PROCESS FOR CITY COUNCIL
SELECTION AND APPOINTMENT OF A DISTRICT 4 COUNCILMEMBER
TO FILL A VACANCY DUE TO THE RESIGNATION OF
MAYOR PRO TEM KRISTIN STEPHENS

WHEREAS, at the November 3, 2020, general election, Mayor Pro Tem Kristin Stephens, the Councilmember representing Council District 4, was elected to the Board of County Commissioners of Larimer County; and

WHEREAS, on November 24, 2020, Mayor Pro Tem Stephens noted she would be submitting her resignation from the City Council, effective December 31, 2020, in order to assume her new elective office; and

WHEREAS, Section 18 of Article II of the Charter of the City of Fort Collins provides for the appointment by the City Council to fill a vacancy on Council, to serve until the next regular election; and

WHEREAS, in the interest of timely carrying out its duty to so appoint a District 4 Councilmember in an efficient, fair and effective manner, the City Council at its Work Session on November 24, 2020, and in connection with this Resolution has considered various options and schedules for proceeding; and

WHEREAS, in light of those discussions, the City Council desires to proceed with the selection and appointment process as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the selection and appointment process to fill the impending District 4 Council vacancy shall be as follows:

Section 1. Public information and application process:

- A. The City Clerk will post and distribute to various media information regarding the vacancy and the application process, beginning on Wednesday, December 2, 2020.
- B. The form of application includes a notarized affidavit and financial disclosure statement. Per City Charter, applicants must meet the following qualifications:
 - 1. United States citizen;
 - 2. Registered voter in the city for one year immediately prior to the appointment;
 - 3. At least 21 years of age;
 - 4. Resident of Council District 4; and
 - 5. Never convicted of a felony.

- C. Applications may be emailed to the City Clerk’s Office at cityclerk@fcgov.com, hand-delivered to the City Clerk’s Office, 300 LaPorte Avenue, or mailed to the City Clerk’s Office at PO Box 580, Fort Collins, CO 80522, and must be received by the City Clerk by 5:00 p.m. on Friday, December 18, 2020, in order to be considered.
- D. All application materials will be posted for public review in advance of an expected adjourned meeting on December 22, 2020, and then will be available to the public and City Council for subsequent steps in the selection process.
- E. Upon the closure of the application period, staff will confer with the Mayor to determine, based on the number of applicants, whether:
 - 1. to include on the agenda for the expected December 22, 2020, adjourned meeting a Council vote to determine the pool of applicants to be interviewed, or, alternatively,
 - 2. to include on the agenda of the special meeting planned for January 6, 2021, a Council vote on the finalists to be considered at the January 12, 2021, adjourned meeting.

Section 2. Initial interview process:

- A. The Council will conduct initial interviews with all applicants at a special meeting to be conducted using remote (Zoom) technology to be scheduled for January 6, 2021, at 6:00 pm. As noted above, in the event that the number of applications received makes interviewing all applicants impracticable, Council may consider determining which applicants Council will interview prior to the conduct of the interviews at the January 6, 2021, special meeting.
- B. Each applicant will have a time-limited opportunity to provide an opening statement in random order determined by the City Clerk. Applicants will not be sequestered or required to leave the room during questioning of other applicants.
- C. Questioning of all applicants will proceed, beginning with the Mayor asking a question for each applicant to answer in turn, and then continuing with each successive Councilmember asking a question for each of the applicants to answer. There will be an opportunity for follow up or clarifying questions from Councilmembers after all applicants have responded to each question. The order of responding to each question will rotate among the applicants.
- D. After the completion of Councilmember questions, each applicant will have a time-limited opportunity to provide a closing statement.
- E. If a large number of applicants is interviewed, Council may choose to vote to narrow the field to a number of finalists. Otherwise, Council will make no decisions at its special meeting regarding the applicants moving forward to the

next step of the process.

Section 3. Input and Selection Process:

- A. Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com <<mailto:CityLeaders@fcgov.com>> or in care of the City Clerk at the address above, regarding the applicants and the Council's selection of an appointee.
- B. Council will take action to select an appointee at a planned adjourned meeting on Tuesday, January 12, 2021. The public will have an opportunity to comment at the beginning of the discussion, as on all discussion items, with the time limit for comment set by the Mayor based on the number of speakers.
- C. After completion of public comment, Council will discuss the applicants.
- D. The City Clerk will provide a resolution with a blank for the name of the appointee as part of the Council's agenda materials. After discussing the applicants, Council will then by motion propose appointees until the resolution with a named appointee receives a majority vote.

Section 4. Swearing In of Appointee:

- A. Legal swearing in of the appointed Councilmember may take place in the office of the City Clerk at a mutually convenient time after the January 12, 2021, appointment.
- B. Ceremonial swearing in of the appointed Councilmember will take place at the Regular Council meeting on Tuesday, January 19, 2021.

Section 5. Council may make modifications to the procedures or schedule set forth above as it determines appropriate in light of the circumstances of the process as it proceeds.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

Mayor

ATTEST:

City Clerk