

RESOLUTION NO. 53-22

A RESOLUTION ADOPTING A POLICY AND PROCEDURES FOR FILLING A CITY COUNCIL VACANCY

RECITALS:

The City Council has considered the attached *Procedures for Filling a Council Vacancy* ("Procedures") and has determined that the adoption thereof will provide a systematic, consistent, and standardized method for filling a vacancy in the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

- a) The Procedures shall constitute the policy of the City Council for and to achieve the purpose thereof, to wit, to fill a vacancy in the City Council when the same arises;
- b) The Procedures are effective immediately and shall continue in effect until revised by subsequent resolution of the Council.

PASSED and ADOPTED this 15th day of June 2022.



Anna M Stout
President of the City Council

ATTEST:



Amy Phillips
City Clerk



Procedures for Filling a Council Vacancy

Section 37, Article IV, City Charter:

A vacancy in the council, from whatever cause arising, shall be filled by the council from among the electors of the district in which the vacancy occurs if a district councilmember, or at large if a councilmember at large, until the next general municipal election, when a successor shall be chosen for the unexpired term. A vacancy shall be taken to exist when a member of the council fails to qualify for thirty days after the commencement of his term, dies, resigns, removes from the city or from the district which he was elected to represent, absents himself from five consecutive meetings of the council unless excused by resolution thereof, is convicted of violating any provision of this Charter, or of a felony, or is judicially declared a lunatic as defined by statute.

The following procedures will be used to fill a vacancy on Council, as authorized by the City Charter (Charter) and other applicable law.

Eligibility of candidates: In addition to the geographical residence requirement of Charter Section 37, a candidate must have resided in the City for a period of at least twelve months preceding the election and if the vacancy is for a district seat, in the district in which he/she intends to serve.¹

Applications: As soon as practicable after a vacancy in the Council occurs, the City Clerk (Clerk) will solicit candidates, through advertisements in media selected by the Clerk, for no less than two weeks. The solicitation will state the qualifications for appointment and directions for making application, the application deadline and provide such forms and information as determined necessary by the Clerk. The application period will be open for four weeks.

Interviews: When the application period has closed, the Clerk will provide copies of all applications to councilmembers. Council will then hold interviews with the candidates which will include one public, formal interview of all candidates. Other interviews may be held as Council determines, including smaller group interviews and/or one-on-one interviews.

Election: After the interviews, Council will hold an election to fill the vacancy. All qualified applicants will be considered as candidates for the election without requirement of nomination by motions and seconds.

If there is one candidate, councilmembers will vote by roll call vote with each councilmember voting "yes" or "no" for the candidate. Four "yes" votes are required for election. If the candidate does not receive four "yes" votes, then the vacancy shall be declared to continue, and the Clerk shall re-solicit candidates.

¹ C.R.S. § 31-10-301

If there are two candidates, councilmembers will vote by roll call vote, each stating his or her preferred candidate by full name. Four votes for the same candidate are required for election. If there is a tie vote, then the Council will discuss/debate the two candidates, and as the end of the debate then take another vote. If the second vote is tied, then the vacancy will be filled by random selection by use of a method determined by a majority of the Council.

If there are three or more candidates, then the vacancy will be filled by rank choice voting, as follows:

Councilmembers will vote by paper ballot. Each ballot will have the names of all the candidates and identify the councilmember who votes the ballot. Each councilmember will rank each of the candidates in order of choice (1st, 2nd, 3rd, etc.). Every candidate must receive a ranked choice on every councilmember's ballot. Ballots will be collected and tabulated by the Clerk and be included in the public records of the City.

The ballots will be tabulated in the following manner:

If a candidate has four first-choice votes, then that candidate is elected. If no candidate achieves four first-choice votes, then the candidate with the fewest first choice votes is eliminated. The ballots with first-choice votes for an eliminated candidate are then counted for the second choice indicated on those ballots. The process continues until a candidate has no less than four votes. If two or more candidates are tied for the fewest first place votes in any round of voting, one of the candidates will be eliminated by random selection by use of a method determined by a majority of the Council.

If there is a tie in the votes at any time during the tabulation (*i.e.*, 2-2-2 or 3-3), the Council will discuss/debate the candidates' qualifications and then cast another vote by paper ballot in the same manner as described above. If the second vote results in a tie, then the vacancy will be filled by random selection by use of a method determined by a majority of the Council.

The Clerk will provide the results of the tabulation to the Council President who will announce the winning candidate who will fill the vacancy. All paper ballots will be included in the public records of the City and be retained in accordance with applicable law.