

Council Policy #CP-21
Adopted 10/10/11 by Resolution 2011-45
Amended 8/6/18 by Resolution 2018-61
Amended 4/1/19 by Resolution 2019-38

SUBJECT: Filling of City Council vacancy

POLICY STATEMENT: The filling of any vacancy on the City Council shall be accomplished in a manner that is fair to all applicants and legally correct in accordance with Section 4.5 of the City Charter. In this regard, the City Council intends that the process shall be conducted in an open and impartial manner that provides a fair result and best serves the citizens of Commerce City. Within the meaning of this Council Policy, all references to “councilmember” shall include the mayor.

- A. Time Limits. In accord with Section 4.5 of the Charter, in not less than ten days nor more than 30 days after a vacancy occurs on the City Council, the remaining City Council members shall appoint an eligible person, as defined in Section 4.4 of the Charter, to fill such vacancy to serve to the next organization meeting of the City.
- B. Advertising and Application. When a vacancy occurs on the City Council, the vacancy shall be advertised in a manner that is reasonably calculated to inform the interested citizenry, within the available time. The advertisement shall be made within 48 hours after the date the vacancy is declared by the City Council. The advertisement shall state that the office is vacant and that interested parties must submit an application requesting appointment to the vacant office to the City Clerk within 7 days of the vacancy unless Council establishes a different deadline at the time of the vacancy or extends the deadline.

The application must include: (1) a statement confirming the applicant’s eligibility for appointment (Charter, Section 4.4); (2) a resume; and (3) a brief letter (1-2 pages) explaining why the applicant feels he/she would be a good councilmember for the City of Commerce City if appointed and answering such questions as the City Council determines to include in the application. .

- C. Interviews. Appointment shall generally be made on the basis of written submissions. If the City Council determines to conduct personal interviews of qualified applicants, the City Council shall conduct such interviews in public meetings using a uniform set of questions approved by the City Council. No additional questions will be asked without the consent of the City Council. A time limit may be established by the City Council.
- D. Appointment. By motion, the City Council shall, during a regular or special meeting, conduct a vote to select an appointee in a manner that identifies the person voting and that person’s vote. The appointment of the Mayor shall be conducted by secret ballot; the Clerk shall collect and tally ballots for Mayor and read aloud the number of votes

received for each applicant receiving a vote.

In either case, successive rounds of voting shall continue until an eligible person receives a majority of votes (of the city councilmembers in office at the time of the vote) for appointment unless the City Council approves an alternative method of selection. If an alternate method of selection is used, the City Council shall consider the appointment by motion after selection.

- E. Failure to Appoint. If the City Council fails to appoint an eligible person within the time provided by the City Charter, the City Council shall consider whether to call for a special election under the laws of the State of Colorado. If the City Council declines to call for a special election, or if a special election cannot be conducted, then the vacancy shall remain until the next regular municipal election unless otherwise filled.
- F. Modification. At any time during the vacancy, by vote of a majority of the City Council present, the City Council may modify this procedure to determine the appointment of an eligible person, consistent with the City Charter. The City Council may, without limitation:
 - a. Conduct run-off votes among applicants who receive a minimum number of votes in any round of voting;
 - b. Appoint any eligible person who is willing to serve even if that person did not submit an application;
 - c. Allow for presentations to the City Council by applicants;
 - d. Schedule informal receptions open to the public;
 - e. Establish a nominating committee consisting of city councilmembers or members of the public to provide a non-binding recommendation for appointment;
 - f. Select an alternate method of selection to resolve ties, such as a coin flip or drawing of lots; or
 - g. Conduct ranked voting in which each city councilmember rates their top 3 applicants in order (with 3 being the highest score) and the applicant receiving the highest score is selected.