

**Council Policy #CP-21**  
**Adopted 10/10/11 by Resolution 2011-45**

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 reference to councilmember shall include reference to mayor.

- A. Time Limits. In accord with Section 4.5 of the Charter of the City of Commerce City, 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 Filling of Vacancy. When a vacancy occurs on the City Council, the vacancy shall be announced in a manner that is reasonably calculated to inform the interested citizenry. The announcement shall be made within 72 hours after the date the vacancy is declared. The announcement shall state that the office is vacant and that interested parties must submit a letter requesting appointment to the vacant office to the City Clerk at least 15 days prior to the date the City Council is required by the Charter to fill the vacancy. Such letter shall include the applicant's qualifications for appointment and the reasons why the applicant feels he/she would be a good councilmember for the City of Commerce City if appointed.
- C. Setting of Interviews and Posting of Notice. If there is more than one qualified candidate, the City Council shall conduct personal interviews of qualified applicants. Notice of such interviews shall be posted as meetings open to the public.
- D. Framing of Questions. Prior to the conduct of applicant interviews, each councilmember may submit a series of questions for use during the interviews. Prior to the interviews, City Council shall create a uniform set of questions to be asked each applicant.
- E. Conduct of Interviews. If interviews are conducted, each applicant shall be interviewed separately from all other applicants in a meeting open to the public. Each applicant shall be interviewed in a uniform manner by the City Council using, for each applicant, the agreed upon questions. During the course of each interview, each city councilmember shall assign points zero to ten to each question answered by each applicant, the scale being ten points awarded for a superior answer, zero points awarded for a failed answer and any number of points awarded on the scale zero to ten for answers given between a superior rating and a failed rating.

F. Choice of Applicant. After all interviews have been completed, each councilmember shall then secretly compute the total number of points he/she has awarded to each applicant. The totals computed by each city councilmember shall be given to two members of the city staff appointed by the City Council who shall calculate the total number of points awarded to each applicant by all members of the City Council. The total number of points for all applicants shall then be made known to the city councilmembers. If no clear candidate is chosen on the first ballot, a subsequent vote shall be taken on the applicants who tied in the total number of points on the first ballot. The applicant with the most number of points who is eligible for appointment shall be appointed by the City Council to fill the council vacancy at the next regular meeting of the City Council. The total number of points awarded for all candidates as calculated by the two appointed members of the city staff shall then be made known to the public.