

Article 2

City Council

Section 2.1. City Council

- A. The City Council shall be the governing body of the City, and shall have such powers as are possessed by the City and not conferred by this Charter on others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinances, codes and applicable laws.

- B. The City Council shall consist of seven (7) Councilmembers, two (2) of whom shall be nominated and elected from each of three wards and a Mayor, who shall be nominated and elected from the City at large.

Section 2.2. Mayor, Mayor Pro Tem

- A. The Mayor shall be a member of the City Council and shall have the same voting powers as any Councilmember.

- B. The Mayor shall preside over meetings of the City Council and shall be recognized as the head of the City government.

- C. By the affirmative vote of a majority of the entire Council, a Councilmember shall be appointed as Mayor Pro Tem for the term as prescribed by ordinance, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

Section 2.3. Mayor and Councilmembers – Qualifications

- A. Each Councilmember and the Mayor shall be a citizen of the United States.

- B. Each Councilmember shall be a registered elector of the City who has resided in his/her respective ward for a period of at least twelve (12) consecutive months immediately preceding the election; except that, in case the boundaries of the ward are changed pursuant to Section 5.4 or as a result of annexation, residence for the prescribed time period within territory added to the ward, shall be deemed to meet the residency requirements for the ward to which the territory was added.

- C. The Mayor shall be a registered elector of the City who has resided within the limits of the City for a period of at least twelve (12) consecutive months immediately preceding the election; except that, in the case of annexation, residence within the annexed territory for the prescribed time period shall be deemed to meet the residency requirements of this paragraph.

- D. No person who has been convicted of a felony or abuse of public office shall be nominated or elected as Mayor or Councilmember.

- E. City Council shall enact, by ordinance, requirements and procedures to govern the Council-related activities of Councilmembers and the Mayor while in office, which ordinance shall prescribe disciplinary procedures and consequences, which may include expulsion from the office, for violations thereof.
- F. No person who is an employee of the City may serve as Mayor or Councilmember. Any employee who runs for Mayor or Councilmember shall be deemed to have resigned from the position of City employee on the date of certification of his/her election to such office. The Mayor or a Councilmember, after taking office, may be appointed to a City board or commission if the person is eligible to be so appointed pursuant to the ordinance establishing the board or commission and such board or commission members do not receive compensation, except expenses.
- G. No person may be a candidate for both Mayor and Councilmember at the same election or hold both positions simultaneously.
- H. Nothing in this section shall prohibit City volunteers or members of City boards and commissions, who are not otherwise employees of the City, from serving as Mayor or Councilmembers.

Section 2.4 Code of Ethics

City Council shall enact by ordinance a code of ethics pertaining to Council.

Section 2.5. Term Limits

The Colorado constitutional provisions related to term limits for municipal elected officials shall apply to the Mayor and Councilmembers.

Section 2.6. Term of Office; Time of Taking Office; Oath

- A. Each Councilmember shall be elected for a four (4) year term. Councilmembers' terms shall be staggered within each ward as provided by ordinance. The Mayor shall be elected for a four (4) year term.
- B. The Mayor and each Councilmember shall take office at the first regular or special meeting of the Council following certification of their election and shall continue in office until their successors have been elected and take office or a vacancy occurs.
- C. Before taking office, the Mayor and each Councilmember shall take and file with the City Clerk an oath or affirmation to support the United States Constitution, the State Constitution, the Charter, ordinances and codes of the City and to faithfully perform the duties of the office.

Section 2.7. Compensation.

The Mayor and each Councilmember shall receive such salary and benefits as may be prescribed by ordinance. The salary of the Mayor or of any Councilmember shall

not be increased or diminished during the term for which the Mayor or Councilmember has been elected. Subject to the Council's approval, the Mayor and Councilmembers may be reimbursed for the actual and necessary expenses incurred in the performance of the duties of office.

Section 2.8. Vacancies

A Councilmember's office (including the Mayor) shall become vacant whenever he/she is recalled, dies, becomes incapacitated, resigns, is expelled from Council in accordance with Section 2.3 E of this Charter, moves from or becomes a non-resident of the City or, with the exception of the Mayor, moves from the ward from which he/she was elected. Vacancies shall be filled in the following manner:

- A. Appointment by Council if the vacancy occurs more than one hundred twenty (120) days before the next regular municipal election. The appointee shall be selected by a majority vote of Council and such appointment shall be made within forty five (45) days after such vacancy occurs. All such appointments shall be until a successor is elected and qualified at the next regular municipal election. In the event that a vacancy occurs in the office of Mayor, the Mayor Pro Tem shall assume the office of Mayor and the appointment shall be for the office of the Councilmember (who was the Mayor Pro Tem) only; or
- B. By election at the next regular municipal election if the vacancy occurs within one hundred twenty (120) days immediately preceding said election; or
- C. By election at a special municipal election if three or more vacancies exist at any one time and there will not be a regular municipal election within ninety (90) days immediately after the date that the third vacancy occurred. In the event of such multiple vacancies, Council shall call a special municipal election to be held within sixty (60) days from the occurrence of the third vacancy to elect a Councilmember to fill each vacated office.
- D. In the event of a vacancy in the office of Mayor Pro-Tem, the Council shall choose the successor.

All Councilmembers elected to fill vacancies as provided in paragraphs B. and C. hereof and those elected subsequent to the filling of a vacancy by appointment as provided in paragraph A. hereof shall be elected to fill only the unexpired terms of the offices so vacant.