



Council Business Meeting

Date

Agenda Item	City Council Election to fill Councilor Positions #2 and #3 Vacancies		
From	Joseph Lessard	City Manager	
Contact	joe.lessard@ashland.or.us ; 541-522-2103		
Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input type="checkbox"/>		

SUMMARY

This agenda item is the City Council election to fill two vacant Councilor positions; Positions No. 2 and 3. The Council must appoint/elect replacements within 60 days of the effective dates of the individual resignations (see Article III, Section 4 of the City Charter below under Policies, Plans & Goals Supported). The sixty-day deadlines for the vacant Councilor positions are as follows:

- March 24, 2023, for Councilor Position No. 3
- April 8, 2023, for Councilor Position No. 2

City Council appointments/elections to fill a vacant elected office position is for a term that expires upon election of a successor by public vote at the next biennial election. The elected Councilors will serve terms as follows:

- Position No. 3 (first vacated position) – This election by the City Council is for an approximate two-year term to complete the current vacancy’s regular four-year term of office. The next public vote to fill this position will be during the Nov. 2024 General Election for a full four-year term of office.
- Position No. 2 (second vacated position) – This election by the City Council is for an approximate two-year term when it will be up for a public vote during the Nov. 2024 General Election at which time it will be up for an additional two-year term to complete the balance of the current vacancy’s regular four-year term of office. The next election to fill this position for a full four-year term of office will be during the Nov. 2026 General Election.

The City Council adopted the below outlined process for soliciting applicants and conducting the election to fill the two vacant Councilor positions. The process has previously been used by the City to fill other elected officer vacancies.

1. Ashland citizen applications for the vacant positions were due by 5:00 p.m. on February 14, 2023; historically, City Council applications require submittal of a letter of interest, resume and responses to the following questions:
 - What are the biggest issues facing the City?
 - What is your primary motivation for seeking a vacant Elected Official position/seat?
 - What Community and City activities have you been involved in recently?
 - What is the role of the City Councilor?
2. Interviews of received applicants by Councilors;
3. City Council election at Business Meeting(s) to fill vacant Councilor positions within the sixty-days deadlines.





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The City received nineteen (19) applications to fill one or either of the vacant City Council positions by the Feb. 14th application deadline. To select finalists for the two vacant positions, the Council will use a small group **ranked-choice voting** process. This process includes two rounds of voting. In the first round of voting each Councilor will use a ballot to identify their top two candidate preferences from among the nineteen applicants. An applicant that receives a majority of Councilor preference votes in the first round will be declared selected to fill a vacant Councilor position.

If the first ballot does not result in a winning candidate for one or both vacant positions, the Council will use a ranked choice ballot to fill vacancies in a second round of voting. In this second round, each Councilor will list on a ballot their order of preferences from among candidates who received votes under the first ballot's voting but were not selected by a majority of the Council. Councilors will indicate their order of preference as "1" for a first preference, "2" for a second preference, and so on through all the remaining candidates. Candidates who receive a majority of first preference votes in the second round (or first or second choice votes if filling two vacancies in the second round) will be declared a selected candidate (or candidates) in the second round.

If no candidates receive a majority, then the selection will be made by ordering the second-round candidates by the sum of each candidate's ranking by the four electing Councilors. The selected candidate(s) would have the lowest sum of rankings.

In limited circumstances, due to the current sitting Councilor having an even number of Councilors, a tie vote can occur, in which case the tie will be settled by a Mayoral coin toss.

Once the two finalists have been selected, they will be formally elect by a City Council motion referencing the individuals and the position for which they are selected (see Suggested Next Steps below). Selected candidates who applied for only one of the two vacant positions will be placed in that position. If the winning candidates applied for both vacant positions, the first selected or highest vote count applicant will be elected to Position No. 3 on the Council (the first Council position vacated); the second selected will be elected to Position No. 2.

POLICIES, PLANS & GOALS SUPPORTED

City Charter Article III – Elective Officers, Section 4 – Vacancies specifies the City Council has sixty (60) days from an effective resignation date to fill a vacated Elected Officer position:

Section 4. Vacancies An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council.



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A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

BACKGROUND AND ADDITIONAL INFORMATION

This item is in response to the following sequence of City Council events:

- On January 23rd, Mayor Akins resigned from Ashland City Council effective January 27th.
- On January 24th, Councilor Moran, Council Position #3, resigned from Ashland City Council effective immediately.
- On January 31st, the City Council adopted a process and schedule for electing an individual to fill Council Position No. 3
- On February 7th, The City Council elected Tonya Graham, Councilor for Position No. 2, to the position of Mayor of the City of Ashland. Council also directed that the resulting Council election to fill Councilor Position No. 2 would follow the same process as that set on January 31st for Councilor Position No. 3.
- On February 22nd, The City Council reconsidered the election of Tonya Graham to the position of Mayor to eliminate the conflict of interest in her voting for election on February 22nd. Following the affirmative vote to reconsider, the City Council voted, with Councilor Graham absent, to reelect Tonya Graham to the position of Mayor of the City of Ashland.

FISCAL IMPACTS

N/A

DISCUSSION QUESTIONS

N/A

SUGGESTED NEXT STEPS

Once the Council has selected the two finalists from the rank voting process, the following motions will be in order:

- I move that the City Council elect (insert name of first selected applicant) to fill **City Council Position No. 3.**; and/or
- I move that the City Council elect (insert name of second selected applicant) to fill **City Council Position No. 2.**

REFERENCES & ATTACHMENTS

None