

Council Business Meeting

February 7, 2023

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| Agenda Item | City Council Election or Process to fill Mayor Vacancy | |
| From | Melissa Huhtala | City Recorder |
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SUMMARY

On January 23rd, Mayor Akins resigned from the Ashland City Council effective January 27th, 2023.

This item it for the City Council to consider how it wishes to proceed to appoint (elect) a replacement to fill the Mayor’s positions. The Council must appoint a replacement by end of day March 27th (within 60 days of the effective dates of the resignation; see Article III, Section 4 of the City Charter below under Policies, Plans & Goals Supported). City Council appointments/elections to fill a vacant Elected Officer are for a term that expires upon election of a successor by public vote at the next biennial election; in this case the appointed term would expire December 31, 2024.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

The selection and appointment (election) of replacement Elective Officials is at the City Council’s discretion. It may either directly nominate candidates and select the replacement or establish a process by which it will solicit and consider potential candidates for the vacant position.

The following information is provided/referenced by the League of Oregon Cities on how other cities fill vacant City Council positions:

- City of Corvallis: Must full a vacancy within sixty (60) days; City Manager conducts outreach to invited/solicit nominations from the vacant position’s ward; City Manager schedules public interviews and public hearing regarding the nominees; appointment is made by majority vote of the City Council. A Mayor’s vacancy must be filled by a special election if there is 120 days or more remaining in the vacated position’s term of office, and the special election must be within sixty (60) days of the vacancy; if less than 120 days remain in the vacated Mayor’s term of office the position is filled by the candidate receiving the most votes in the next regular election.
- City of Hood River: City Manager advertises for applicants and City Recorder verifies qualifications; Council directs City Manager to set date and time for interviews with all candidates; Mayor and Council vote for one candidate each with the two highest vote count candidates being nominees for a final written ballot; Majority vote on the final/tie breaking ballots fills the vacancy.
- City of Medford: Applications must be in writing with a nominating petition of twenty-five (25) electors/voters from the vacant position’s ward; City Council may repeat nomination process if dissatisfied with the field of applicants; selection requires an interview panel of five citizens from the vacant position’s ward to make recommendations to the City Council; the citizen panel may be suspended if the vacancy occurs within 120 days prior to an election; the selection process must begin within forty-five (45) days and not be unreasonably delayed.

- City of North Bend: Vacancies are filled by a majority vote of the City Council; City Council, at its sole discretion, determines the manner by which it will fill a vacancy.
- City of Sherwood: City Council must fill a vacancy within forty-five (45) days; an election is required to fill a vacancy if there is more than thirteen (13) months remaining in the term of office for the vacated position.

The City Council also has a vacant City Councilor position (Position #3) and determined at its January 31, 2023 Business Meeting to use the following process and schedule to solicit applicants for the position and make an appointment. This process has previously been used by the City to fill vacant Elected Official vacancies:

1. City Recorder advertises for applications
2. Applications are due by 5:00 p.m. on **Feb. 14th**
3. City Recorder forwards all applications to Council upon deadline closing
4. Interviews of applicants by Councilors will be completed by **Feb. 20th**
 - Staff will coordinate interview scheduling between each applicant and Councilors
5. Appointment by the City Council will be at one of the following meetings (within the sixty (60) appoint/elect deadline):
 - **Feb. 21st** at the regular City Council Business meeting, or
 - **Feb. 22nd** at a Special Called Business Meeting on

STAFF RECOMMENDATION

N/A

FISCAL IMPACTS

N/A

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.

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

The appointment (election) of replacement Elective Officials is at the City Council's discretion. It may either directly nominate candidates and select the replacement by majority vote of the Council or establish a process by which it will solicit and consider potential candidates for the vacant position.

Should the City Council wish to use a selection process similar to that outlined above for the Councilor #3 vacancy, the following process and schedule may be appropriate:

1. City Recorder advertises for applications for 17-24 days
2. Applications would be due by 5:00 p.m. on **Feb. 24th** or **Mar. 3rd** respectively; City Recorder forwards all applications to Council upon deadline closing
3. Interviews of applicants by Councilors would be completed within ten (10) days, by **Mar. 6th** or **Mar. 13th** depending on the respective application deadline
4. Appointment by the City Council will be at one of the following meetings respectively (within the sixty day appointment deadline):
 - **Mar. 7th** at the regular City Council Business meeting, or
 - **Mar. 14th** at the regular City Council Business meeting

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?

REFERENCES & ATTACHMENTS

None