



## Legislation Details (With Text)

**File #:** Res 2019-39    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Passed  
**File created:** 3/27/2019    **In control:** City Council  
**On agenda:** 4/1/2019    **Final action:** 4/1/2019  
**Title:** RESOLUTION AMENDING COUNCIL POLICY #CP-21 REGARDING FILLING OF COUNCIL VACANCIES

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Exhibit A: Council Policy #CP-21 - redline

Date	Ver.	Action By	Action	Result
4/1/2019	1	City Council	adopted	

### RESOLUTION AMENDING COUNCIL POLICY #CP-21 REGARDING FILLING OF COUNCIL VACANCIES

**Summary and Background Information:** Council Policy #CP-21 establishes the Council's process for appointing persons to fill vacancies on the Council, within the limits of Section 4.5 of the City Charter and state law.

Effects of policy revision:

- 1) Requires written submissions in lieu of interviews.
- 2) Establishes that a vacancy will remain unless filled or Council calls for a special election, consistent with the Council's authority under the Charter.
- 3) Confirms Council's options to modify the process and to select alternate selection methods.

Charter Section 4.5 provides:

- (a) An elected officer shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever an elective officer fails or refuses to qualify, dies, resigns, is removed from office, moves from the city, is incapacitated to an extent which prohibits him from properly performing his duties as an elective officer, absents himself continuously from the city for more than three (3) months without a leave of absence given by a majority vote of the entire council in office at the time the vote is taken, is sentenced by a court of law for any act constituting misconduct in office or constituting a felony, is judicially declared mentally ill, or in the case of an officer elected as a ward councilman, moves from the ward from which he was elected. The existence of a vacancy shall be established by competent evidence thereof and placed on record in the council minutes. The council shall determine the validity of the evidence and decide when a vacancy exists.
- (b) In not less than ten (10) days or more than thirty (30) days after a vacancy in an elected office occurs, the remaining council members shall appoint an eligible person, as defined in Section 4.4, to fill such vacancy to serve to the next organization meeting of the city council held after

the regular municipal election. Such appointment shall be decided by secret written ballot and by a majority vote of the members of the city council in office at the time the vote is taken. If there will be remaining unexpired time in the term of office for which the appointment was made, after the organization meeting held after the next regular municipal election, then such vacancy for the remaining unexpired time shall be filled at the regular municipal election preceding the said organization meeting of the city council.

**Staff Responsible (Department Head):** Robert Sheesley, City Attorney

**Staff Member Presenting:** Robert Sheesley, City Attorney

**Financial Impact:** n/a

**Funding Source:** n/a

**Staff Recommendation:** Approve.