



Agenda Item: Resolution

Title: Resolution, 2021-53, Appointing One City Council Member to Fill the Vacancy in Ward 1.

Recommended Council MOTION:

1. I move to bring the matter of appointment of a Council Member on the floor for discussion.
2. I move to approve Resolution 2021-53, appointing _____ as the Council Member to fill the vacancy in Ward 1 for the remainder of the term ending the first meeting in January 2023.
3. I move to reconsider the vote taken on the motion to appoint _____ as the Council Member to fill the vacancy in Ward 1.

Administrative or Policy Goal:

To provide representation in all Wards.

Background:

Councilor Jessica Stalder resigned from Council effective July 6, 2021. The Council accepted the resignation and announced a vacancy effective on that date. The City Clerk published notice of the vacancy and accepted applications from July 7 through July 21 at 5:00 pm. Eight (8) applications were received by the City Clerk. Council scheduled interviews of the applicants on July 28, 2021.

The applicants were interviewed by Council on July 28, 2021. The Council is now able to select from the panel to fill the vacancy or continue the search.

The first motion is designed to bring the matter on the floor for discussion. At that time, the recommended procedure from staff is for each council member to privately rank the applicants in order of preference and turn in that ranking into the City Clerk. The applicant with the highest ranking from all members of council, shall be brought to the floor for consideration first. A second will be required for the motion to advance to a vote. If the motion receives a majority vote, the matter is concluded, and the named individual is appointed. The only other item required is the motion to approve the Resolution that will memorialize the appointment.

If the motion does not receive a majority vote, the motion fails. The applicant with the next highest ranking shall be brought to the floor for consideration. If no applicant is the subject of a successful motion, then a member who voted in opposition to one of the applicants has the opportunity to make a motion to reconsider the vote for that named applicant.

If no motion is successful, the position will not be filled at this time.

Legal/Statutory Authority:

W.S. 15-1-107; LMC 2.04.014; LMC 2.04.037

W.S. 15-1-107(c) If a vacancy is determined to exist, the governing body shall appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified.

If the entire council is vacant, the district judge for the district in which the city or town is located shall appoint a person to fill each vacancy and serve until the next general municipal election at which time a successor shall be elected to fill the unexpired portion of each term.

LMC 2.04.014.

H. A resignation shall be deemed effective and a vacancy to have occurred as follows:

1. A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the municipal clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.
2. The municipal clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.
3. The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.
4. The resignation, unless withdrawn as stated in subdivision 3. of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

LMC 2.04.037 - Vacancies in office.

- A. Any vacancy in the office of a councilmember shall be filled from the ward from which the councilmember was elected, with the same eligibility requirements as may be found for persons seeking office by election. The selection of the person shall be made by the council pursuant to ordinance requirements.
- B. Any person appointed to fill an unexpired term of office may serve that unexpired term until his successor is elected at the next general election and is qualified for the office. Persons appointed at a date too late to have his name placed on the ballot of the general election by the city clerk shall serve until his replacement is elected and seated in the following general election.

BUDGET/FISCAL INFORMATION: N/A

Responsible Staff: Nancy Bartholomew, City Clerk

Attachments:
Resolution 2021-53