

**SUBJECT: COUNCIL VACANCY**

Council has a vacant position resulting from Councilor Vaaler's resignation. When accepted by Council on 12/16/2021, a vacancy was created beginning at the effective time of the resignation (12 AM, 1/1/2021). Section 32 of the City Charter addresses Council vacancies and includes "A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office."

Yachats Municipal Code gives instruction regarding the filling of a Council vacancy.

**Section 1.08.110 Appointment by Council.**

A. In filling a vacancy, the council may make such inquiries and interviews as it considers necessary to make the appointment. The appointment must be made at a regular or special council meeting.

B. The council shall use the following procedures in the appointment process:

1. Prior to the appointment, notice shall be posted in three (3) public places, published at least one in a newspaper of general circulation and use of any other available methods prescribed by the Council.

2. Deadline for submitting applications shall be at least two (2) weeks after such notice.

3. Appointment from those applicants by members of the council. The recorder shall announce the results of each ballot and shall record each councilor's vote. An applicant who receives a majority of the votes cast by the remaining council members shall be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority of the votes from the councilors voting. (Ord. 253, Add, 06/10/2005)

**QUESTION:** Does Council wish to immediately determine a process and timetable for advertising and filling the vacancy?

**PERHAPS RELEVANT:** Council rules includes the statement "In January of each calendar year, the City Council shall hold a public Goal Setting Work Session in conjunction with the appropriate City Department Heads."

## **PERHAPS HELPFUL:**

The previous Council vacancy was created on January 15, 2020 with the acceptance of the resignation of Councilor James Kerti. At that meeting, Council agreed on the questions to appear on the application, and a copy of that application follows this memo. Council considered a February 6 application deadline before agreeing to a February 14, 2020 deadline, noting that the printed announcement of the vacancy was to be in the City's February newsletter.

Council chose interview questions at the February 6 Council meeting, and the minutes of that meeting include the selected seven questions, as well as several that were not used. (After the interviews took place, it was agreed by the Council that the question "Are you employed by, have any business, contractual arrangements, or family connections with programs having agreements with the City? Do you serve on any boards or organizations that interact with the City?" would have been better suited for the application form.)

Three applications were received and were included in the packet for the February 19 Council meeting. At that meeting, it was decided to schedule interviews for the following week.

Two interviews took place on February 24, and one candidate answered the same questions by email.

At the start of the March 5 Council meeting, the Council determined that all members were ready to vote, Mary Ellen O'Shaugnessey received three votes, and she was sworn in.