

Resolution No. 90-10

City Council Policy: City Council Vacancy

Adopted: September 23, 2003

Amended: October 12, 2010

Whereas, it shall be the policy of the City of Brookings that a procedure be developed to follow in the event a vacancy occurs on the City Council; and

Whereas, the Objective of this policy is to have an established procedure in the event of a City Council vacancy; and

Now, Therefore, the City of Brookings hereby resolves that the following procedure be followed in the event a vacancy occurs on the City Council:

- 1) Positions. The elected City officers of the City of Brookings are the Mayor and six (6) City Council members.
- 2) City Charter Reference - Filling of Vacancy. Any vacancy occurring in the office of Mayor or City Council must be filled pursuant to City Charter, Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies:
 - (d) Filling of Vacancies. *Filling of Vacancies. Except as provided below, a vacancy in the office of Mayor or of a City Council Member shall be filled for the remainder of the unexpired term at the next regular City election. The Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. However, if the vacancy occurs less than sixty days prior to the next regular City election, then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election. Notwithstanding the requirement in Section 2.11, if at any time the membership of the Council is reduced to less than 6, the remaining members shall, within sixty (60) days, fill the vacancies by appointment or call for a special election to fill the vacancies.*
- 3) City Council Decision. The City Council has the option to fill a vacancy or leave it open if the membership is maintained at not less than six (6) members. The Council must determine whether or not to fill the vacancy.
- 4) Schedule. The City Council must establish a schedule for the following steps in the appointment process:
 - Date to issue press release
 - Deadline to submit applications
 - Date for applicants to meet with the City Council
 - Date to appoint the new Council member
 - Date for the swearing in ceremony

- 5) Public Announcement. Immediately after the Council decision to fill the vacancy, the City Manager shall issue an announcement that a vacancy has occurred and invite legally qualified persons to apply for the vacancy. See example press release:

Applications for City Council Member

The Brookings City Council is now accepting applications from Brookings residents interested in the vacant City Council member position effective until _____. Applicants are to submit an application and any other pertinent information to the City Manager not later than _____ at 5:00 p.m. The City Council will take action to approve this appointment to the Council on or before _____.

Applications for Appointment are available at City Hall, 311 Third Avenue, or by calling (605)692-6281. Applications must be submitted to the City Manager not later than _____ by 5:00 p.m.

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- 6) Application Packet. Applicants will be provided with an application form, Code of Ethics, Governance and Ends Policy, current budget, Conflict of Interest Ordinance, and proposed appointment schedule. Applicants will be asked to submit a completed application, signed Code of Ethics, resume, and any other information to the City Manager.
- 7) Council Notification:
- A. The City Manager will provide qualified applicants list and copies of applications to the Mayor and City Council.
 - B. The names of applicants will not be released to the public prior to the application deadline.
 - C. After the application deadline, the public will be provided with the list of applicant names upon request; however, the applications will not be released.
- 8) City Council Applicant Review & Nominations:
- A. Presentations. Applicants will be invited to appear before the City Council at a planning or action meeting to provide comments and respond to questions.
 - 1. Each applicant will be limited to 5 minutes.
 - 2. All Council members will have an opportunity to ask questions.
 - B. Council Review. The City Council may discuss, at an open meeting, the qualifications of the candidate or candidates.
 - C. Executive Session. The City Council may enter into Executive Session for the sole purpose of discussing the qualifications of the applicants. The purpose of the executive session would be for each Council member to share their views about the qualifications and that the issue be thoroughly discussed. If it appears

that a majority of Council members do not believe a certain candidate is most qualified, further discussion about the qualifications can occur. The executive session minimizes misunderstandings about the opinions of each Council member concerning the qualifications of the candidates, and avoids the use of a secret ballot, which is not specifically authorized in the law. In addition to the City Council members, the City Manager, City Attorney, and City Clerk would also be present during the executive session.

- D. Council Comments. City Council members will be given an opportunity to make public comments.
 - E. Public Comment. Public comment from interested parties will be heard before a motion to nominate a legally qualified person to fill the vacancy, but after the comments of the City Council.
 - F. Nomination(s). At the conclusion of public comment, a motion by any member of the City Council to nominate a candidate may be made to fill the vacancy. The nomination requires a second in order to be voted upon. The motion must specify the name of the applicant and the effective date of the appointment. The first nominated and seconded legally qualified person receiving a majority of votes from those voting will be elected to fill the vacancy. If the motion fails, the floor would be open for another motion. The use of a secret ballot will not be allowed.
 - G. Term. Appointed Council Members are appointed to fill a vacated position for a period not more than one (1) year. Per City Charter Section 2.06 (d), "...then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election..."
- 9) Swearing In Ceremony. The newly appointed City Council member will sign an Oath of Office and be presented with an Appointment Certificate by the Mayor at the next regularly scheduled City Council meeting.

Passed and approved this 12th day of October, 2010.

CITY OF BROOKINGS


Tim Reed, Mayor



Shari Thornes, City Clerk