

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE March 18, 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager

ISSUE: Council Vacancy

BACKGROUND:

Due to current health issues, Councilor Melton has been unable to attend Council meetings and work sessions since December of 2013. On March 4, 2014, the Council appointed Tom Leahy as a Temporary Councilor as provided by the City Charter to serve in Councilor Melton absence. On March 13, 2014, Council Melton tendered a written letter of resignation (see attached). With the recent resignation, there is a need to fill the vacant position on permanent bases.

As is listed below, there are many options in filling this vacancy available to the Council. As the Council just appointed Tom Leahy to fill a temporary position on the Council, the Council could simply make his appointment permanent should you wish.

Below you will find the relevant sections of the City Charter which addresses filling a vacant position:

Section 3.6 Qualifications:

A person who at the time of election or appointment is a qualified voter within the meaning of the state constitution and has resided within the City one year immediately preceding the election or appointment to fill a vacancy shall be eligible to fill an elective office of the City. No elective office holder of the City may be employed by the City in a position that is not substantially volunteer in nature. Before the names of candidates for elective office are placed on the ballot and before the appointment of an elective officer to fill a vacancy, the candidate for elective office shall present proof of qualifications to the municipal judge whose decision shall be a final determination of both fact and law, but if there is no municipal judge then such determination shall be made by the city attorney.

Section 6.8 What Creates a Vacancy.

An elective office shall be deemed vacant by declaration of the Council upon the incumbent's death, adjudicated incompetence, convictions of felony, resignation, recall from office, ceasing to possess the qualifications necessary for the office, the failure of the person elected or appointed to take the oath of office within three weeks after the time for the term of office to commence, which shall be the first regular council meeting following election or appointment, or absence from meetings of the council for 30 days without the

consent of the Council.

Section 6.9 Filling Vacancies.

Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire membership of the Council holding office at the time of the appointment. The appointee's term of office shall begin upon taking the oath of office following appointment and shall continue until a successor has been elected and qualified following the next regular city election. The successor to a council member appointed during the first two years of the term shall serve for the unexpired term of two years.

Over the twenty plus years, a number of Council positions have been vacated and later filled. While all of the positions have been vacated through resignations, the processes used to fill those positions can be used to make the temporary appointment, should you so wish. Below you will find a history of those who have resigned from the Council or whose position has been vacated though their election to another position and how those positions were filled:

1992 Councilor Joanne Verger was elected as Mayor in November 1992 while she still has two years left on her term as a City Councilor. The City Council chose to utilize the recent election results and appointed Gene Melton to fill the office for the remainder of the unexpired term.

1994 Councilor Bill Grile resigned from the City Council July 19, 1994 to apply for city manager's position. On August 2, 1994, Mayor Verger recommended the Council appoint Gene McCabe to the vacant seat. The vote passed and Gene McCabe was appointed to fill the office for the remainder of the unexpired term.

2002 Councilor Don Spangler resigned in May 2002. The Council chose to use an application / interview process to select a person to fill the vacant position. Applications were accepted and the Council interviewed several citizens for the position on June 12, 2002. Among those interviewed for the position were John Eck, Roger Gould, John Muenchrath, Howard Forte, and Steve Schneiderman. Through this process Roger Gould was appointed to fill the office for the remainder of the unexpired term.

At that same meeting, June 18, 2002, Judy Weeks resigned from the Council. The Council then appointed Jon Eck to fill the office for the remainder of the unexpired term.

2006 Councilor Jeff McKeown was elected as Mayor in November 2006 while he still had two years left on his term as Councilor. The Council chose to use an application / interview process to select a Councilor to fill the vacant position, rather than use the recent election results. Michele Burnette, Howard Forte, Scott Frasier, Mike Gaudette, Ainsley Krans Gene Melton, John Pundt, Mike Paturzo, and Mike Vaughan applied for the vacant office. Through this process Michele Burnette was appointed to fill the office for the remainder of the unexpired term.

- 2008** Councilor Roger Gould resigned from the City Council on January 17, 2008. The City Council chose to utilize the previous election (2006) results and appointed Gene Melton to fill the office for the remainder of the unexpired term.
- 2011** Councilor Jon Eck resigned from the City Council on May 17, 2011. The City Council chose to utilize the previous election (2010) results and appointed Mike Vaughn to serve remainder of the unexpired term.
- 2012** Councilor Joanie Johnson resigned from the City Council on December 27, 2011. The Council chose to use an application / interview process to select a person to fill the vacant office. Howard Forte, Bill Davis and Jon Hanson applied for the vacant office. As a result of the process Jon Hansen was appointed to fill the office for the remainder of the unexpired term.

Based on City Charter and as the relevant history has shown, the Council can use any of the following options to fill the vacancy:

1. Use a process such as accepting letters of interest, interviewing applicants, and appointing one of the applicants to the temporary position. (Used by the Council in 2002, 2006, & 2012)
2. Appoint the candidate who received the highest votes in the previous election. (Used by the Council in 1992, 2008, & 2011)
3. The Council can simply appoint a councilor through a majority vote without holding an application process or using the results from the last election. (Used by the Council in 1994)

ADVANTAGES:

Filling the vacancy is in keeping with the City Charter.

DISADVANTAGES:

None Identified

BUDGET IMPLICATIONS:

Impacts will be limited to the cost of a name plate, business cards, and normal training opportunities afforded to the Council.

RELATED CITY GOAL:

Filling the vacancy is in keeping with not only the City Charter but the 2014 Council Goals related to "Citizen Education & Involvement."

ACTION REQUESTED:

If it pleases the Council, fill the current vacancy by utilizing one of the following process options:

1. Conduct an application process whereby those who are interested are directed to submit a letter of interest and where the applicants are interviewed by the Council prior selection and appointment of an applicant to the vacant position.
2. Appoint the candidate who received the 5th highest votes in the last election. According to attached November 2012 elections results, the candidate receiving the next highest (4th highest) votes was Howard Forte. Mr. Forte is no longer eligible for consideration as he has moved to California. The candidate receiving the next highest number of votes (5th highest) is Kyle Zender, but Mr. Zender is no longer eligible as he now resides in North Bend. The candidate receiving the next highest number of votes (6th highest) was Dax Davidson. While Mr. Davidson is still qualified to hold the office, Mr. Davidson does not believe he currently has the amount of available time that this position requires (the Davison's are expecting twins soon). Dennis Dater was the next candidate with the highest votes (7th highest).
3. Appoint a qualified citizen to fill the "temporary position" through a majority vote without holding an application process or using the results from the last election. The Council could appoint the Tom Leahy to fill the vacancy as he was recently deemed qualified and appointed to a temporary Council position. If appointed Councilor Leahy term would end in November 2014, unless reelected.

RECEIVED
MAR 13 2014
City of Coos Bay

Gene has asked me to ~~type~~^{write} a letter stating that he will not be coming home. You may know he was diagnosed with ALS, the same stuff Joanie had.

He said the Council needs to have all chairs filled, so with a heavy & reluctant heart he resigns from Council.

Gene Melton
written by Carol