

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE	AGENDA ITEM NUMBER
November 15, 2016	

TO: Mayor Benetti and City Councilors
FROM: Rodger Craddock, City Manager
ISSUE: Council Vacancy

BACKGROUND:

On September 20, 2016, former Councilor Tom Leahy submitted his resignation from his Council position. At their October 4, 2016 meeting, the City Council decided to leave the position vacate until after the November general election.

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.

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 1992 while still serving as City Councilor. The City Council appoint Gene Melton, the 4th highest number of votes during the preceding election, to was appointed 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. The Council appointed Gene McCabe, who did not run in the previous election nor applied for the position, to fill the office for the remainder of the unexpired term.
- 2002** Councilor Don Spangler resigned from the Council in May 2002. The Council chose to use an application / interview process to select a person to fill the vacant office. As a result of the process Roger Gould was appointed to fill the office for the remainder of the unexpired term.
- 2002** Councilor Judy Weeks resigned from the Council in June 2002. The Council then appointed Jon Eck, who had participated in the recent application / interview process to fill the remainder of the unexpired term.
- 2006** Councilor McKeown was elected as Mayor in November 2006 while still serving as a City Councilor. The Council chose to use an application / interview process to select a person to fill the vacant office. As a result, 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 appoint Gene Melton who had received the 4th highest number of votes during the previous election, to fill the office for the remainder of the unexpired term.
- 2011** Councilor Eck resigned from the City Council on May 17, 2011. On June 7, 2011, the City Council chose to appoint Mike Vaughn, who had received the 4th highest number of votes during the previous election, to fill the office for the 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. As a result of the process John Hansen was appointed to fill the office for the remainder of the unexpired term.
- 2014** Councilor Gene Melton resigned from the City Council on March 13, 2014. The Council chose to use an application / interview process to select a person to fill the vacant office. As a result of the process Tom Leahy was appointed to fill the office for the remainder of the unexpired term.
- 2014** Councilor John Muenchrath resigned from the City Council on May 20, 2014. The Council

chose to use an application / interview process to select a person to fill the vacant office. As a result of the process Brian Bowers 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 position:

1. 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.

If an application process is chosen, staff proposes the following process timeline:

November 17, 2016 Advertise position opening with a deadline of December 1, 2016 for the submission of letters of interest.

December 6, 2016 Interview applicants prior to the regular scheduled council meeting.

December 6, 2016 Through a majority vote appoint one of the applicants to the vacant position during the scheduled council meeting.

2. Appoint the candidate who received the 4th highest number of votes in the last election. As indicated above, this process has been used 30% of the time to fill vacancies over the last 24 years (1992, 2008, & 2011).

Based on the December 8, 2016 election results, Phil Marler received the 4th highest number of votes.

3. The Council can simply appoint a new councilor through a majority vote without holding an application process or using the results from the last election. As indicated above, this process has been used on once or 10% of the time to fill vacancies over the 24 years (1994).

Whatever process is used, the appointed Councilor shall serve until the next biennial general election, which is in November of 2018. The person appointed would then stand for election in 2018 if he or she so desires. After that the seat will be up for election every four years.

Upon checking the voter canvas from the previous election, I noted that all of the candidates who ran in the election were elected to office (there were three candidates for three open positions).

ACTION REQUESTED:

If it pleases the Council, fill the current vacant position by utilizing one of the process options listed above.