CITY OF BUCKLEY, WASHINGTON

RESOLUTION NO. 16-09

A RESOLUTION OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON ESTABLISHING COUNCIL POLICIES AND PROCEDURES FOR FILLING A COUNCIL POSITION THAT HAS BEEN DECLARED VACANT.

WHEREAS, on March 24, 2009 the City Council adopted Resolution 09-06 that established policies and procedures for filling a City Council position that had been declared vacant; and

WHEREAS, on June 10, 2014 the City Council adopted Resolution 14-07 amending the established policies and procedures for filling a City Council position that had been declared vacant; and

WHEREAS, the City Council establish these policies and procedures subject to statute under RCW 35A.12.050 and 42.12.070; and

WHEREAS, these statutes provide only general rules for the appointment of someone to fill a vacant position; and

WHEREAS, the City Council has filled a number of vacant seats utilizing the process outlined in Resolution 09-06 and Resolution 14-07 since adoption and have identified needed changes to clarify the procedures to make the process more efficient; and

WHEREAS, the City Council has expressed a desire to modify the policies and procedures to reflect these changes,

NOW THEREFORE BE IT RESOLVED the City Council of the City of Buckley hereby adopts the Policy entitled "City Policy on Filling Declared Vacant Council Positions" as amended and attached hereto as Exhibit A.

Introduced, passed and approved this 28th day of June, 2016.

Pat Johnson, Mayor

ATTEST:

Joanne Starr, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Posted: June 30, 2016

Exhibit A

City Policy on Filling Declared Vacant Council Positions

1.0 Purpose

The purpose of this policy is to provide guidance to the City Council when a Buckley Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only to serve the remainder of the unexpired term until the next regular municipal election.

2.0 References

RCW 42.30.110(h) - Executive Session Allowed to consider qualifications of a Candidate for Appointment to Elective Office.

RCW 42.30.060 - Prohibition on Secret Ballots.

RCW 42.12 - Vacant Position

RCW 35A. 12.030 - Eligibility to Hold Elective Office

RCW 35A. 12.050 - Vacancies

3.0 Appointment Process

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 35A.12.050, 35A.12.060 or 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process. If a Councilmember does not submit a written resignation due to the vacancy, the Council shall consult with legal counsel to determine whether to declare the seat vacant or to first acquire a court order validating the vacancy.

City Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.

City staff shall prepare and submit a display advertisement to the *Enumclaw Courier Herald* and City posting sites, which announces the vacancy consistent with the

requirements necessary to hold public office as set forth in RCW 35A.12.030. This display advertisement shall be published once each week for two consecutive weeks. This display advertisement shall contain other information, including but not limited to time to be served in the vacant position, election information, salary information, brief summary of Councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules (if known), and such other information that the City Council deems appropriate.

City staff shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at City of Buckley offices and such other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of City of Buckley commissions, committees, task forces and other City-sponsored citizen groups.

Applications received by the deadline date and time will be copied and circulated by the City staff to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

The City staff shall notify applicants of the location, date and time of City Council interviews.

Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember. The Council may also specify, by majority vote or consensus in a regular or special meeting, which applicants qualify for an interview. The decision as to which applicants to interview will be based on the information contained in the application forms.

The Mayor shall invite all applicants to interview if the Council fails to provide contrary direction six or more calendar days prior to the interview meeting date.

4.0 Interview Meeting

The interview meeting for consideration of applicants/candidates shall take place either at a regular meeting or at a special meeting of the City Council scheduled within 30 days from the closing date of application submittal, or within 90 days of the seat being vacant.

Each interview of an applicant/candidate shall be no more than 30 minutes in length as follows:

- The applicant shall present his or her credentials to the City Council (10 minutes).
- The City Council shall ask the predetermined set of questions, which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions and will have two (2) minutes to answer each question (14 minutes)
- An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions (10 minutes).

The applicant's order of appearance will be determined by a random lot drawing performed by the City Clerk.

The Council may reduce the 30-minute interview time if the number of applicants exceeds six candidates. Vacancies in the City Council shall be filled by a majority vote of the remaining members of the City Council, but such appointee shall hold office only until the next regular general election, at which time a person shall be elected to serve for the remainder of the unexpired term.

5.0 Voting

Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. Qualifications of the applicants shall only be discussed in Executive Session; however, all interviews, nominations and votes taken by the Council shall be in open public session.

Final action appointing a candidate to elective office shall be taken in the open public session.

Voting Process:

- Voting shall proceed for all candidates in the same order as their Council interview.

- If there is only one candidate then each Council member shall have one vote which they can cast. If there are more than two candidates then each Council member shall have a total of one less vote than the total number of candidates being considered for each round of voting.

- During the voting round Council members may cast one of his/her votes per candidate of their choice until they have expired all of their votes. Voting shall be via affirmative vote only. (WHO votes for "X", who prefers "Y" - not yeas and nays for one and then the other).

- If there are more than two candidates then the candidate that receives the lowest number of votes in the 1st round shall be eliminated and not be allowed to continue to the next round of voting. Candidates receiving the highest number of votes will advance to the next round of voting where the process is repeated until only two "finalists" remain.

- Once the voting has narrowed the candidate pool to two finalists, Council members shall have one vote each to cast for the finalist of their choice. If the vote results in a tie the Mayor shall be allowed to vote to break the tie as authorized by RCW 35A.12.100.

- The candidate receiving a majority of votes (from a quorum of the Council), including that of the Mayor in case of a tie, shall be declared the "winner" and the Mayor shall declare the nominee appointed.

Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.

The new Councilmember shall be sworn into office by the Mayor or City Clerk at the earliest opportunity, or no later than the next regularly scheduled City Council Meeting.