

RESOLUTION NO. 2016.16

COUNCIL VACANCY CHARTER AMENDMENT ELECTION

WHEREAS, Section 28 of the City's Charter provides that mayoral and councilor vacancies must be filled by appointment by a majority of the remaining council members; and

WHEREAS, there is currently a council established policy that describes the procedure for filling council vacancies that occur shortly after a council or mayoral election; and

WHEREAS, the council desires to codify this policy within the City Charter.

NOW THEREFORE, the Sutherlin City Council hereby resolves:

SECTION 1: Pursuant to section 1.08.080 of the Sutherlin Municipal Code, an election is hereby called for the City of Sutherlin, Douglas County, Oregon for the purpose of submitting to City voters an amendment to the City Charter by amending Section 28 as set forth in Exhibit A attached to this Resolution.

SECTION 2. November 8, 2016 is designated as the date for holding the election for voting on the measure.

SECTION 3: The election will be conducted by the Douglas County Elections Office.

SECTION 4: The precincts for this election will include all of the territory within the corporate limits of the City of Sutherlin.

SECTION 5: Pursuant to section 1.08.100 of the Sutherlin Municipal Code, the Council adopts the following ballot title:

CAPTION: CHARTER AMENDMENT FILLING COUNCIL AND MAYORAL VACANCIES

QUESTION: Shall Sutherlin amend the City Charter to set forth a process to fill certain council and mayoral vacancies?

SUMMARY: Currently, when a council or mayoral vacancy occurs, the Charter requires the remaining members of the council to fill the vacancy using whatever process it deems best.

In 2014, the council adopted a policy for filling vacancies that occur within three months of a council or mayoral election. Under the policy, the Council offers the vacant position to the candidate from the most recent election who received the highest number votes without being elected. If that person does not wish to serve or is no longer eligible to serve the position is offered to the candidate who received the next highest number of votes. This process continues until the candidate pool is exhausted.

This measure would place this policy in the Charter and apply it to vacancies that occur within six months of an election. The Council will use whatever process it deems best to fill other vacancies.

SECTION 6: Consistent with section 1.08.102 of the Sutherlin Municipal Code, the City Manager or the City Manager's designee shall file an explanatory statement for this proposed charter amendment with the Douglas County Department of Elections.

SECTION 7: The City Manager and City Recorder shall take all steps on behalf of the City as necessary to carry out the intent and purposes of this resolution in compliance with state and local law including but not limited to filing this measure with the Douglas County Department of Elections.

SECTION 7: This resolution is effective upon adoption by the City Council.

PASSED BY THE CITY COUNCIL, ON THIS 11TH DAY OF JULY, 2016

APPROVED BY THE MAYOR ON THIS 11TH DAY OF JULY, 2016



Todd McKnight, Mayor

Attest:



Debra L. Hamilton, CMC, City Recorder

Exhibit A

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE CITY COUNCIL:

Upon approval of the voters of the City of Sutherlin at the November 8, 2016 election, Section 28 of the City's home rule charter is hereby amended to read as follows

Section 28. Filling of Vacancies.

(a) Vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining council members as set forth below.

(1) Upon the declared vacancy of any council position that occurs within six months of a council or mayoral election, the City Council shall offer the appointment to the council or mayoral candidate from the most recent election who received the highest number votes without being elected.

(2) Should that individual no longer desire to serve, or has since been declared ineligible to serve; then the candidate with the next highest number of votes shall be offered the appointment, and such process shall continue until the candidate pool has been exhausted.

(3) When the previous candidate pool has been exhausted because of a decision by the candidate(s) to no longer serve or by way of ineligibility; if no other candidates exist, or if the vacancy occurs more than six months after a council or mayoral election, the Council shall make the appointment using a process that the Council determines to be most beneficial to the City.

(b) The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the appointee's predecessor.

(c) During the temporary disability of any officer or during the officer's absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.