



CITY COUNCIL AGENDA MEMORANDUM - SPECIAL MEETING

To: Mayor and City Council
 From: William A. Tuthill III, City & County Attorney
 Prepared by: William A. Tuthill III, City & County Attorney

<i>Meeting Date</i>	<i>Agenda Category</i>	<i>Agenda Item #</i>
April 21, 2015	Council Business	2 (a)
Agenda Title:	Appointment of Councilmember to Fill Ward 5 Vacancy	
Summary		
<p>On March 23, 2015, Councilmember Wayne Anderson submitted his resignation. Councilmember Anderson was elected to Council in November 2011, serving Ward 5. His present term expires in November 2015.</p> <p>Chapter IV, Section 4.7(b) of the City Charter provides that within 30 days after a vacancy occurs, the remaining Councilmembers shall choose by majority vote a duly qualified person to fill such vacancy. Accordingly, an appointment to fill the vacancy should be made by April 22, 2015.</p> <p>Notice of the vacancy was published and a deadline of April 6, 2015 was established for receipt of applications from individuals residing in Ward 5. Council conducted interviews with seven applicants on April 7, 2015. The list of applicants is attached to this memorandum.</p> <p style="text-align: center;">COUNCIL PROCEDURES AND RULES OF ORDER</p> <p>Section VI. ELECTIONS / ALTERNATES of the Council's Procedures and Rules of Order establishes the procedure for filling a vacancy as follows:</p> <p>6.1 <u>Elections</u></p> <p>Elections to fill vacancies on Council, to fill the position of Mayor Pro-Tern and to fill positions on Boards and Commissions shall be by secret ballot. The City and County Clerk will count the votes, and the Presiding Officer will announce the results. If none of the candidates receives the required number of votes to be elected on the first ballot, the candidate receiving the fewest votes will be dropped as a candidate unless the elimination of such name (or names in the cases of a tie vote) would leave only one candidate for the office. This process will continue until one candidate receives the required number of votes to be elected. If nominations are closed with no more candidates being nominated than there are positions to be filled, the candidate(s) so nominated shall thereby be appointed and no balloting shall be required.</p> <p>Any councilmember may nominate one or more candidates. No second is required. If none of the candidates on the first ballot receives five votes, then any candidate who received no votes as well as any candidate who received the fewest votes would be eliminated from further consideration. The voting would then continue with the remaining candidates. Ultimately, there will need to be a motion to appoint someone to fill the vacancy. That motion needs at least five votes to pass.</p>		
Prior Council Action		
<ul style="list-style-type: none"> At the meeting on March 24, 2015, Council discussed the procedure to fill the Ward 5 Council vacancy. Interviews of the qualified applicants were held on April 7, 2015. 		
Financial Considerations		
There are no financial considerations.		
Alternatives		
None proposed.		
Proposed Actions/Recommendations		
THAT _____ be appointed to fill the Councilmember Ward 5 unexpired term ending in November 2015.		

WARD 5 COUNCILMEMBER
LIST OF CANDIDATES

NAME

Anthony Burg

David Pigott

Mary Murray

David Beacom

Thomas Courant

Matt Walker

David McMahon