

**CITY OF MILTON, WASHINGTON
RESOLUTION NO. 20-1932**

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

WHEREAS, subject to statute under RCW 35A.12.050 and 42.12.070 the City Council is the governing body designated to appoint a qualified person the fill a vacant Mayor or council position; and

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

WHEREAS, the City Council has expressed a desire to establish set policies and procedures to standardize the process to eliminate confusion and misunderstanding.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Milton hereby adopts the Policy entitled "City Policy on Filling Declared Vacant Mayor or Council Positions" as attached hereto as Exhibit A.

Passed and approved this 20th day of July, 2020.


Shanna Styron Sherrell, Mayor

ATTEST:


Trisha Summers, City Clerk

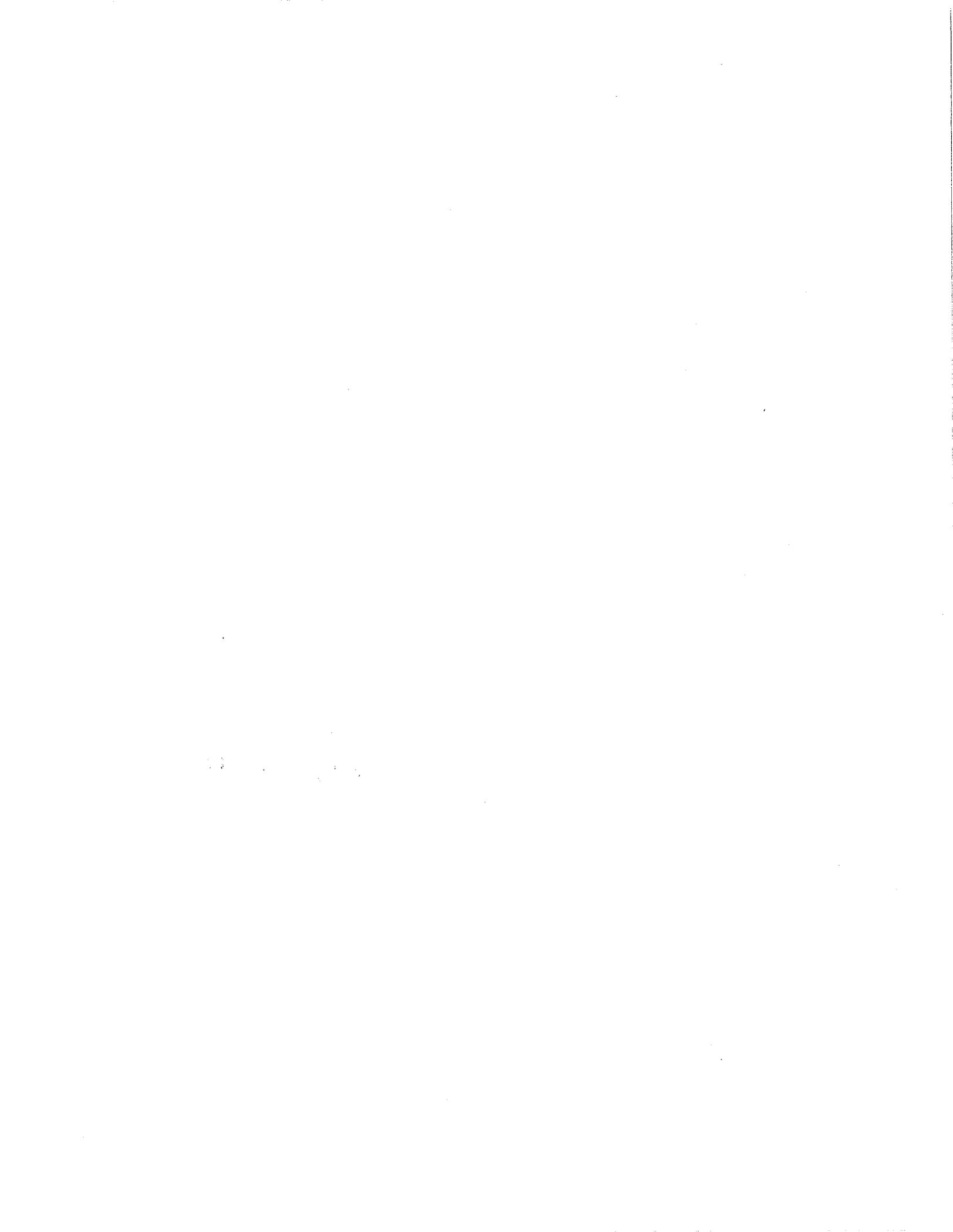


Exhibit A

City Policy on Filling Declared Vacant Mayor or Council Positions

1.0 Purpose

The purpose of this policy is to provide guidance to City Council when a Milton Mayor or 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 for Mayor:

The appointment shall be done by approval of a motion of the City Council as follows:

- a. The Mayor Pro-Tem shall open the nominations by Councilmembers.
- b. Any Councilmember may nominate an incumbent councilmember for appointment as Mayor. It is the stated policy of the City Council that the nominated councilmember has been elected through the election process and has served one year on Council.
- c. Nominations do not require a second.
- d. After all nominations have been received, the Mayor Pro-Tem shall close the nominations.
- e. Candidates shall be voted in the order that the nominations were received.
- f. A Councilmember who is nominated shall not vote for him/herself for this position.
- g. As soon as one candidate receives a majority vote the Mayor Pro-Tem shall declare the nominee appointed Mayor, and there is no vote on the

remaining candidates.

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

4.0 Appointment Process for Councilmember

4.1 The City Council may appoint a qualified member of the community by using the same procedure as described in Section 3.0 above, except that Councilmembers shall nominate any qualified member of the community as defined by RCW 42.12.070; or,

4.2 The 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 as follows:

4.2.1 The vacancy shall be advertised as follows:

The City Council of the City of Milton is seeking a qualified person to serve as a member of the City Council in the position vacated by Councilmember _____. The person must be a permanent resident of the city for at least one year at the time of appointment, be at least eighteen years of age, a United State citizen, and a registered voter of the city.

The appointee would serve until the next municipal general election. At that election the city would elect a person to serve out the remainder of the unexpired term of the vacating Councilmember.

Regular meetings and Study Sessions are held as established in MMC 2.04. Occasionally special meetings are scheduled at different dates or times. Councilmembers who have three unexcused absences from regular meetings are subject to removal from office. The salary for this position is (insert current salary as listed on adopted wage scale) per month.

Applications must be received by the City Clerk no later than 5:00 p.m. on (date).

4.2.2 The vacancy shall be advertised one time as outlined in MMC 1.10.

4.2.3 Applications received by the deadline will be circulated to the Mayor and City Council.

4.2.4 Council may review the qualifications of the applicants in Executive

Session and decide in open session, by majority vote the applicants that it wishes to interview. If the Council fails to decide on which candidates to interview within two weeks from the application deadline, the Mayor shall invite all applicants to the interview.

- 4.2.5 Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.
- 4.2.6 The interviews will be conducted at open meeting(s) of the Council. Each interview of an applicant shall be no more than 30 minutes in length as follows:
 - a. The applicant shall present his or her credentials to the City Council (10 minutes).
 - b. 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).
 - c. An informal question and answer period in which Councilmember's may ask and receive answers to miscellaneous questions (10 minutes).
 - d. The applicant's order of appearance will be determined by a random lot drawing performed by the City Clerk.
 - e. The Council may reduce the 30-minute interview time if the number of applicants exceeds six candidates.
- 4.2.7 After completing interviews of the candidates, the Council may discuss the qualifications further, based on the interview, in Executive Session.
- 4.2.8 The Council shall then convene in open session and select a candidate using the process described in Section 4.1.
- 4.3** Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.
- 4.4** The new Councilmember shall be sworn into office by the Mayor at the earliest opportunity, or no later than the next regularly scheduled City

Council Meeting.

4.5 The City Council may not appoint a person to fill a City Council or Mayor position until it becomes vacant. The vacant position, either of a Mayor or Councilmember, shall become vacant on the specified date in the resignation. Once a councilmember has resigned, the resignation may not be withdrawn. If no date is specified in the resignation, it shall be deemed to be immediate.

4.6 The Mayor shall have the authority to break a tie vote on the vote to appoint a person to a vacant City Council seat. The Mayor Pro Tem shall have the authority to break a tie vote on the vote to appoint a person to a vacant Mayor position.