

## SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

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ITEM NO: Action A 5  
DATE: June 10, 2010  
SUBJECT: City Council Vacancy  
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**ISSUE:**

The issue before the Council is to discuss the process to fill council vacancies and provide direct to staff for recruitment of candidates.

**STAFF RECOMMENDATION:**

Staff recommends the council provide notice to the public of the vacancy in the legal newspaper (Everett Herald), on the City Web page, and notices at City Hall with an application deadline of July 2, 2010. Interviews before the Council could be set for the July 22<sup>nd</sup> meeting.

**SUMMARY:**

Councilmember Jim Flower announced his resignation from the Council at the May 27, 2010 meeting. It was requested that staff provide information on the process for filling the vacancy.

Staff contacted the Snohomish County Elections Department and they have advised that the Council needs to appoint a replacement for the balance of Mr. Flower's term which ends December 2011. Next year, the position will be placed on the ballot for a short and full term election. What that means is the person elected to the position takes office upon certification of the election instead of waiting until January 1, 2012.

The Council has established a procedure for filling vacancy under the Council Meeting Procedures. The procedure follows:

### **8. FILLING COUNCIL VACANCIES AND SELECTING MAYOR PRO TEM**

**8.1 Notice of Vacancy:** If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.070. (ATTACHMENT A). In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

**8.2 Application procedure:** The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

**8.3 Interview Process:** All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names; in

order to make the interviews fair, applicants will be asked to remain outside the Community Center Meeting Room while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Councilmembers will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

**8.4 Selection of Councilmember:** The Council may recess into executive session to discuss the qualifications of all candidates. Nomination, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

The first step in the process will be to provide public notice of the vacancy along with the process the Council will use to fill the position. The City has an application form (Attachment B) that was used to fill the vacancy filled by Councilmember Beeler. The Council will need to review the application and determine if additional information or questions need to be added.

All candidates who submit an application by the deadline will be interviewed. The Council must decide if this will be done during a regular council meeting or if they would like to set a special meeting for interviews. The council may discuss the qualifications of candidates in executive session. Nominations and voting must be done in an open public meeting.

**RECOMMENDED ACTION:**

Direct Staff to provide notice to the public of the council vacancy in the legal newspaper (Everett Herald), on the City Web page, and notices at City Hall with an application deadline of July 2, 2010.

- Attachments: A. RWC 42.12.070  
B. Sample Application Form and Interview Questions

**RCW 42.12.070**

**Filling nonpartisan vacancies.**

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in \*RCW [29.15.190](#) and [29.21.410](#), each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in \*RCW [29.15.170](#) and [29.15.180](#) for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in \*RCW [29.01.135](#) and shall service both the remainder of the unexpired term and the succeeding term.

**Appointment Application  
Council Vacancy Position No.**

**Applicant Information**

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

**Eligibility Requirements, Notification and Signature**

Councilmembers for the City of Sultan must reside within City limits and be registered voters in Sultan, Washington. In order to be eligible for appointment to a Council vacancy, applicants must have lived in the City of Sultan for 12 consecutive months prior to being appointed to office.

As an applicant for appointment to public office, the information provided on this application will be available to the public.

Signature		Date	
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**Additional Information**

Are you a registered voter in Sultan, WA?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are you a resident of the City of Sultan?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
How long have you been a resident of the City of Sultan?		
How long have you lived at your current address?		
<i>If you have lived at your current address for less than 12 months, please list your previous address.</i>		
Previous address and length of time at address.		
Do you or any family member residing in your household, have a financial interest in, or are you an employee or officer of any business or agency which conducts business with the City of Sultan?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, please explain.		

**Time Commitment**

Appointment to the City Council will require your attendance at a number of regularly scheduled and special meetings, which occur in the evenings, on weekends, and/or during the weekday.

Councilmembers also serve on Council committees, regional boards and commissions, and represent the City Council at various community functions.

Councilmembers feel they are most effective in their duties when they commit 10 to 15 hours per week to Council-related activities. Are you able to commit this amount of time and are you willing to arrange your life schedule to participate fully as a member of the Sultan City Council?

YES  NO

Have you ever attended a Sultan City Council meeting?

YES  NO

If yes, please estimate how many Council meetings you have attended in the past year.

### Supplemental Questions

*Please respond to the following questions regarding your interest in the position of appointed Councilmember for the City of Sultan.*

Why are you interested in serving as a Sultan City Councilmember?

The term for this appointed position will be effective until the next general election in November 2009. What do you hope to accomplish during this time?

Councilmember position no. 7 will be up for election in November 2009. Do you intend, and are you willing to run for the elected position?

Identify the three highest priorities you believe the City of Sultan needs to address. How do you propose to address each priority?

Discuss your qualifications relevant to the position of Sultan City Councilmember.

Where do you see yourself in four years?

Please return your signed application and letter of interest to Laura Koenig, City Clerk by **4:00PM on.**

Candidates will be asked to interview for the position at an open public meeting prior to appointment. The top candidate will be appointed as quickly as possible.

To request additional information contact

Laura Koenig, City Clerk, at 360-793-2231 or by e-mail at [laura.koenig@ci.sultan.wa.us](mailto:laura.koenig@ci.sultan.wa.us).

*Thank you for your interest in serving the Sultan community as a member of the Sultan City Council.*

Council Appointment to Position 7  
Interview Questions April 23, 2009

1. **Q:** What does Sultan mean to you?
2. **Q:** Why have you chosen to apply for appointment to the Sultan Council?
3. **Q:** What do you see as the role and responsibility of individual council members and the city council as a whole?
4. **Q:** What qualities or experiences do you possess, that make you more desirable than the other candidate?
5. **Q:** Of the decisions made by council in the last 12 months, which one would you have changed, and why?
6. **Q:** If you are appointed, what do you hope to accomplish between now and the November election?
7. **Q:** One of the strengths of the current council is the ability of members to “agree to disagree” and not make political issues personal. How do you accomplish your goals when you work with people who don’t share your viewpoint?
8. **Q:** Serving as a council member requires a significant time commitment in addition to bi-weekly council meetings. What other time commitments do you have and how do you see serving as a council member fitting into your current schedule?