



RESOLUTION NO. 40228

1 A RESOLUTION amending the *Rules of Procedure of the Council of the City of*
2 *Tacoma* by adding thereto a new Rule 16, "Filling Council Vacancies and
3 Approved Extended Leave of Absence," for the purpose of establishing a
4 standard process for filling open City Council positions.

4 WHEREAS the City Council does not have a standard process for filling
5 open Council positions; consequently, over the past ten years, an ad hoc process
6 has been used each time the City Council has an open position, whether formally
7 vacated or when an extended leave of absence has been approved, which has
8 caused confusion among potential applicants, the public, the City Council, and the
9 media, and
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11 WHEREAS both Washington State law and the Tacoma City Charter
12 provide legal authority for the City Council to fill open Council positions; however,
13 these laws do not mandate a specific process to be used, and
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15 WHEREAS a number of cities have adopted formal process rules for filling
16 open positions which are efficient, transparent, and provide consistency, and
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18 WHEREAS the *Rules of Procedure of the Council of the City of Tacoma*
19 ("Rules of Procedure") should be amended to include a standard process for filling
20 open Council positions, including procedures for filling positions formally vacated,
21 and in those circumstances when the City Council desires to fill a position where
22 an extended leave of absence of 90 days or greater has been approved by the City
23 Council, and
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25 WHEREAS, on November 6, 2018, staff presented background information
26 on filling vacant Council positions to the Government Performance and Finance



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Committee (“GPFC”), and at the Committee’s direction, staff presented a proposed Council rule to the GPFC on December 11, 2018, and

WHEREAS the proposed process was shared with the City Council at the January 15, 2019, Study Session, and there was consensus to move a resolution forward for City Council Consideration to amend the Rules of Procedure by adding a rule for establishing a standard process for filling open City Council positions;

Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the *Rules of Procedure of the Council of the City of Tacoma* is hereby amended by adding thereto a new Rule 16, “Filling Council Vacancies and Approved Extended Leave of Absence,” for the purpose of establishing a standard process for filling open City Council positions, all as more specifically set forth in the attached Exhibit “A.”

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

RULES OF PROCEDURE OF THE COUNCIL OF THE CITY OF TACOMA

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RULE 16 – FILLING COUNCIL VACANCIES AND APPROVED EXTENDED LEAVE OF ABSENCE

A. **Purpose.** The purpose of this section is to provide guidance to the Council when a Council Member position becomes vacant before the expiration of the official’s elected term of office, or when the Council has approved a Council Member’s extended leave of absence and desires to appoint a replacement during the absence.

B. **Appointment Process.**

1. A Council Member position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of the Council Member.
2. For a Council Member position where the member is unavailable to serve due to illness, injury, incapacitation, or otherwise unable to serve in the position for ninety (90) days or greater and the Council approves the extended leave absence, then the Council Member position should (but is not required) be filled by the Council, and the Council will use the same appointment process as filling a vacant position.
3. Pursuant to RCW 42.12.070 and Tacoma City Charter Section 2.7, the Council Member who is vacating his or her position cannot participate in the appointment process; however, a Council Member who is on an approved extended leave absence, if able, can participate in the appointment process for his or her replacement.
4. The Council shall direct the City Manager to begin the Council Member appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.
5. The City Clerk’s Office shall prepare and submit a public notice to the City’s official newspaper, official website, and provide courtesy copies to all requesting local media outlets, which announces the open position consistent with the requirements necessary to hold public office, including that the applicant (a) be a qualified elector of the City of Tacoma, (b) be a resident of the City of Tacoma for two (2) years immediately preceding the time of applying to fill the open seat, and (c) if applying for a district position, shall be a resident of the district for one year immediately preceding the time of appointment to fill



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the open seat. The public notice shall be published once each week for two (2) consecutive weeks. The notice shall contain other information, including, but not limited to, time to be served in the vacant position, salary information, deadline date and time for submitting applications, interview and appointment schedules (if known), and such other information that the Council deems appropriate.

6. The City Clerk's Office shall use the standard application form used by the City for citizens to apply to a City Committee, Board, or Commission. Applications will be available at the City of Tacoma Clerk's Office, Customer Service Center, and on the City's official website.
7. Applications received by the deadline date and time will be copied and circulated by the City Clerk's Office to the Mayor and Council. Applications received after the deadline date and time shall be rejected by the City Clerk's Office and returned to the applicant. Application packets may also contain additional information received such as a cover letter, resume, endorsements, letters of reference, and other pertinent materials.
8. The City Clerk's Office shall publish on the City's website and in the City's official newspaper the required public notice(s) for the full City Council meeting scheduled for interviewing applicants for consideration to the open position. This meeting may be a regularly scheduled or special City Council meeting.
9. If more than ten (10) valid applications are received for the open position, then the Council will reduce the number of applicants to be scheduled for an interview by allowing each Council Member, in an open public meeting, to select or forward one applicant from the applicant pool to be interviewed, with a potential total of nine candidates. No second to select or forward an applicant to be interviewed is needed. Council Members may convene into an Executive Session to discuss the qualifications of the applicants. The Council will then close nominations by motion, second, and then vote in the public meeting to schedule the candidates to be interviewed.
10. The City Clerk's Office shall notify applicants of the location, date, and time of Council interviews.
11. Each interview of the applicant shall be no more than 8 minutes in length as follows:
 - a) The applicant shall present his or her credentials to the Council. (3 minutes)
 - b) The Council shall ask the applicant questions. (5 minutes)
 - c) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk. Only the applicant being interviewed will be allowed in the Council Chambers during the interview, the other applicants will be asked to remain outside the Council Chambers until their interview time.



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- 12. Upon completion of the interviews, Council Members will discuss the qualifications of the applicants and may convene into an Executive Session for this purpose. All interviews, deliberations, nominations, and vote taken by the Council shall be in an open public meeting.
- 13. The Mayor may ask for nominations from the Council Members for the purpose of narrowing down the applicant pool to the finalists that will be considered. No second is needed for nominations. Nominations to the finalist list is closed by a motion, second, and majority vote of the Council. Council Members may deliberate on such matters as criteria for selection, and of the qualifications of the finalists.
- 14. Following such deliberation, the Mayor shall ask the Council Members if they are prepared to vote.
- 15. The finalists shall be placed in order by a random lot drawing performed by the City Clerk. The City Clerk shall then proceed with a roll-call vote of the first finalist, and if that nominee does not receive a majority vote of the Council Members, the City Clerk will continue to the next nominee, and so on, until a nominee receives a majority vote of the Council Members.
- 16. The Mayor shall declare the nominee receiving the majority vote as the new Council Member, who shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled meeting.
- 17. At any time during the appointment process, the Council may by motion, second, and majority vote of the Council, postpone the appointment until a date certain or regular meeting if no nominee receives a majority of the vote.
- 18. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.
- 19. Nothing in this policy shall prevent the Council from reconvening into an Executive Session to further discuss applicant qualifications.
- 20. Pursuant to Tacoma City Charter Section 2.7, if the City Council does not appoint a qualified person to fill a vacancy within sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to confirmation of the remaining members of the Council. If the City does not confirm the appointment to fill a vacancy within ninety (90) days of the declared vacancy, then pursuant to RCW 42.12.170 the appointment power is delegated to the Pierce County Council. This Section 20 shall not apply to filling of an approved extended leave of absence, so in the case the open position is not appointed within sixty (60) days, the position may remain open until such time as the Council desires to fill it.