



## Filling Council Vacancies

City of Tacoma | City Attorney's Office

City Council Meeting/GPFC  
December 11, 2018



### OVERVIEW



- Review November 6, 2018, GPFC background information on filling vacant council positions.
- Review Proposed Council Rule To Fill Vacant Council Positions will be presented.
- Next Steps.

## BACKGROUND



- RCW 42.12.070 and City Charter Section 2.7 provides the legal authority to fill a vacant council position.
- Neither the state or local law mandates the specific process to be used.
- Council has used an ad-hoc approach over the past decade.
- Many cities have adopted a formal process, which are efficient, transparent and provide consistency.

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## Proposed Council Rule



### Open Positions

- Proposed Council Rule differentiates between formally vacated positions and approved extended leaves of absence.
- Vacant position must be filled.
- Opening created by an extended leave should be filled if the absence is 90 days or longer but filling the position is at the discretion of the Council. *(90 days is a policy decision)*

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## **Proposed Council Rule**



### Process

- Per state and local law a Councilmember vacating a position cannot participate in the appointment process.
- Councilmember approved for an extended leave may, if able, participate in the appointment process.
- When notice of a vacancy or extended leave occurs, City manager is required to start appointment process immediately.

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## **Proposed Council Rule**



### Process

- Clerk posts the open position notice for two weeks in the newspaper and on the web. (*2 weeks policy decision*)
- Notice includes the requirements to apply, along with time to be served, and the interview and appointment schedule.
- Clerk will copy and circulate all applications received after the deadline to the Council.
- Clerk will reject and return applications submitted late.

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## **Proposed Council Rule**



### Process

- Clerk will publish the meeting date in which the Council will interview the applicants.
- If more than 10 applicants, Council will reduce the number in an open public meeting by having each Councilmember select one applicant from the pool to be interviewed – with a maximum 9 applicants to be interviewed.

*(10 applicants limit is a policy decision)*

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## **Proposed Council Rule**



### Interviews

- Interviews conducted in an open public meeting.
- Interviews times are scheduled for 8 minutes.
- 3 minutes for applicant presentation.
- 5 minutes for council questions.
- Applicant order determined by random drawing.
- *(8 minute interview time is a policy decision)*

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### Narrow Down The Interview Pool to the Finalists

- Mayor will ask Councilmembers to nominate finalist(s) from the interview pool, no second is required.
- No pre-set number of finalist(s) is required under the Proposed Rule (could be as many as 9 and as few as 1)
- Once the finalist(s) are nominated, the Mayor will close nominations.
- Council will second the finalist list and vote on the list.

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### Voting on the Appointment

- Finalists will be placed in alphabetical order based on last name.
- Clerk will call roll-call vote on the first applicant on the list, if that nominee receives a majority vote then the nominee is new the Council Member.
- If not, then Clerk will call roll-call vote on the next applicant, and so on, until a nominee receives a majority vote.

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## Proposed Council Rule



### Voting on the Appointment

- At any time during the appointment process the Council by motion, second and majority vote can postpone the appointment process until another date.
- At any time during the appointment process the Council may go into executive session to discuss applicant qualifications.

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## Proposed Council Rule



### Voting on the Appointment

- Pursuant to City Charter if Council does not appoint a person to fill a VACANT position within 60 days, the Mayor can appoint subject to Council confirmation.
- Pursuant to state law if Council does not confirm the appointment within 90 days of the declared vacancy then the power to appoint is delegated to the Pierce County Council.

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## Proposed Council Rule



### Voting on the Appointment

- For extended leaves of absence there is no requirement that the open position be filled.
- If the Council does not appoint an individual within 60 days of the beginning of the leave of absence, the Council may keep the position open until such time as it wants to fill it.

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## Next Steps



- If acceptable, GPFC recommends the Proposed Council Rule be considered by the full Council.
- Amendments to Council Rules must be made by resolution and requires two readings of the Council.
- Questions?

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