

CITY OF LINCOLN CITY

SPECIAL CITY COUNCIL MEETING AGENDA

MONDAY DECEMBER 21, 2020 10:00 AM

10:00 AM - The Lincoln City Special City Council meeting for December 21, 2020 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

The City Council will not be taking public comment during this meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, 541-996-1203.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Agenda, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. SPECIAL ORDER OF BUSINESS**
 - 1. Mayor Vacancy Discussion / Resolution
- D. ADJOURNMENT**

Council Communication

Mayor Vacancy Discussion

Meeting Date:	December 21, 2020	Primary Staff Contact:	Tony LaSoya
Department:	Administration	E-Mail:	tlasoya@lincolncity.org
Secondary Dept:	City Attorney	Secondary Contacts:	Richard Appicello
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Should the City Council appoint or hold a special election to fill the vacancy created by the resignation of Mayor Anderson?

Staff Recommendation:

Per the Charter, this matter is in the sole discretion of Council

Authority:

Lincoln City Charter:

3.8 Qualifications of Officers.

- (1) To be eligible for an elective city office, a person must **be a qualified elector within the meaning of the state Constitution and have resided in the city during the six months immediately preceding the last day available for filing for election.** For purposes of this subsection, city means all area included in the corporate limits as of the date of the election.
- (2) To serve as a councilor elected from a ward, the candidate must have resided within the ward he or she seeks to represent for six months immediately preceding the last day available for filing for election or appointment and must continue to reside in the ward throughout his or her term of office.
- (3) Removal of an officer's principal residency from the city or from the area he or she represents shall create a vacancy in the office for which elected, to be filled in the manner other vacancies in that office are filled.
- (4) No city employee or appointive officer may serve on the council.
- (5) Except as otherwise provided in this Charter, the council is the final judge of the qualifications and election of its own members (**emphasis added**)

8.2 Filling Vacancies

A vacancy in the council **shall be filled by appointment by majority of the council**, provided, **however**, that the **council may in its discretion call a special election for the purpose of filling such vacancy**. The appointee's term shall begin immediately upon his or her appointment and qualification and shall continue through the unexpired term of the appointee's predecessor. During the temporary disability of a council member, or during a member's absence from the city, the office may be filled pro-tem in the manner provided for filling vacancies in office. (**emphasis added**)

LCMC 1.12.040 Petition – Time for filing.

All nomination papers comprising a petition shall be assembled and filed with the city recorder as one instrument not later than five working days before the last day available for filing for the election with the county. The city recorder will post notice of the date for filing nomination petitions with the city at least 20 days prior to the filing date. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name, residence and mailing address of the person by whom it is filed.

(Note: March election deadline has passed. December 10 2020 was the deadline to post notice of date for filing petitions)

Chapter 2.06 (City Appointive Bodies) Section LCMC 2.06.005, in pertinent part, provides: "These rules do not apply to filling a vacancy under Chapter VIII, Section 8.2 of the Lincoln City Charter."

Chapter 2.04 (City Council), including the Section 2.04.180 (Appendix- council rules) does not contain any limitations or procedures for exercising the authority in the Charter to appoint a member of the City Council.

See Also Chris Thomas memorandum dated January 2003, pages 2-3 (included in your training materials) regarding the Council-Manager form of government in Lincoln City. In sum: the power of the City is vested in the City Council as a whole, not in the Mayor or any individual Council member. This is not a 'strong mayor' form of government; the mayor is just another member of council with some specific authority to preside over the meetings and some ceremonial functions:

Mayor-Council. The Mayor is elected City-wide and the other Council members are elected from wards. Charter Sections 3.3-3.5. All are members of the City Council, with the Mayor generally acting as the presiding officer. Charter Sections 4.5, 5.1.

Background:

Mayor Anderson has resigned. Under the City Charter a resignation creates a vacancy. Charter 8.1.(1)(f). A vacancy **shall** be filled by appointment by a majority of the Council – however the Council may, in its sole discretion, refer the vacancy to a special election.

A City Councilor and a Mayor are treated the same under the Charter – all are members of the city council. (There is no special provision requiring an election for the mayor).

Whether by appointment or election, the position, once filled will serve for the remainder of the term.

Council Options:

See alternative motions below.

In sum, the Council has two basic options (with variations) - appoint a new Mayor or hold a special election. If the Council chooses to appoint a new mayor, they may do so at any time either through direct appointment or through an application and interview process.

If the council decides to move forward with an election, the council would need to approve a resolution referring the position to the voters. The City then will advertise a filing period for interested candidates and then take filings from candidates. The City must then certify the candidates that qualify to be on the ballot to the County Clerk. For the May 18 election, March 18 would be the deadline to certify candidates to the County Clerk. However the local filing deadline is 5 working days earlier per LCMC 1.12.040 (quoted above). Voters' Pamphlet deadline March 22.

Financial Impact

For a May election, the election cost would be in the \$1,200 to \$1,600 range for the city.

Potential Motions:

1. Simple call for election

Motion to approve Resolution 2020-27 Declaring a Vacancy in the City Council position of Mayor and calling for a special election in May 2021 to fill the position of Mayor for the remainder of the vacated term; or

[A draft Resolution will be prepared for the meeting]

2. Simple appointment of a qualified elector

Motion to Declare a Vacancy in the City Council position of Mayor and announcing the vacated position will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, appointing _____ *name* _____, a qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term; or

[This appointment and other appointment options can also be done by Resolution, if desired]

3. Announcing that the position of Mayor shall be filled by appointment as provided by Chapter VIII, Section 8.2 of the Lincoln City Charter, following a process of solicitation of interested parties and interviews of qualified finalists, in sole discretion of the City Council.

Motion to Declare a Vacancy in the City Council position of Mayor and announcing the vacated City Council position of Mayor will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews.

4. Appointment of existing councilor to Mayor position (after resignation), and direct appoint councilor replacement

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward __ shall be filled by appointment, and appointing _____ *name* _____, a qualified Elector of the City of Lincoln City to fill the position of City Councilor, Ward __ for the remainder of the vacated term of former Councilor; or

[Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

5. Appointment of existing councilor to Mayor position (after resignation), and appoint councilor replacement, after solicitation of interested parties and interviews

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward __ will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews.

Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

6. Appointment of existing councilor to Mayor position (after resignation), and call for special election in May 2021 to fill vacated City Councilor term

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, and appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward __ shall be filled by election, and calling for a special election in May 2021 to fill the position of City Councilor Ward ____ for the remainder of the vacated term of former Councilor – directing staff to prepare a resolution to make the special election referral;

[Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

7. Motion to postpone discussion on filling the vacancy created by Mayor Anderson's resignation until January 11, 2021 after newly elected Councilors are seated.