

RESOLUTION 26-28

A RESOLUTION DECLARING A VACANCY OF A MEMBER OF THE SOUTH OGDEN CITY COUNCIL AND IDENTIFYING THE FAIR AND TRANSPARENT METHOD THAT THE CITY COUNCIL WILL USE TO FILL THAT VACANCY

SECTION I – RECITALS:

WHEREAS, the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with Utah Code ("UC") §10-3-717, and UC §10-3- 701, the governing body of the city may exercise administrative powers by resolution; and,

WHEREAS, on September 14, 2026, South Ogden City Councilmember Michael Howard submitted to the City Council and City Administration a letter of resignation effective September 30, 2026, and being irrevocable, stating that he will no longer be able to serve in the position of city councilmember; and

WHEREAS, the City Council discussed this city councilmember vacancy at the City Council Meeting held on September 15, 2026, under Discussion Items titled, “City Council Mid-Term Vacancy Procedures”, which the City Recorder was present at that meeting; and

WHEREAS, the City Council needs to fill this city councilmember vacancy; and

WHEREAS, the City Council will follow the requirements of UC §20A-1-510 in order to fill this midterm city councilmember vacancy; and

NOW, THEREFORE, be it resolved by the South Ogden City Council of South Ogden City, Utah, as follows:

SECTION II.:

1. The South Ogden City Council hereby declares that the city councilmember position of Michael Howard is vacant, effective September 30, 2026. This is a midterm vacancy and the term of this city councilmember seat shall end January 2028.
2. The City has given public notice of this vacancy on September 22, 2026, when it was posted to the South Ogden City website and also on the Utah Public Notice Website.
3. The City Council hereby gives public notice again of this city councilmember vacancy and that the City Council shall hold interviews and shall fill this vacancy at their City Council meeting to be held on **October 20, 2026, with the meeting starting at 6:00 P.M., to be held at City Hall located at 3950 Adams Ave., South Ogden, Utah.**
4. Any person interested in this vacancy shall submit, in person, their contact information (including name, address, phone, and email); a letter of interest; conflict of interest disclosure form; and a campaign finance disclosure report to the following address:

**South Ogden City Council Vacancy
c/o South Ogden City Recorder's Office
3950 Adams Ave, Suite 1
South Ogden City, UT 84403**

5. Any person interested in this vacancy shall submit their information by the **deadline of 4:00 P.M. on Friday, October 14, 2026.**
6. The City Council shall hold interviews with interested persons, whose names have been submitted for consideration and who meet the qualifications for office in South Ogden City, in person or by Zoom with advanced notice and approval by Mayor on October 20, 2026, during the city council meeting.
7. According to Utah Code §20A-1-510, the City Council identifies the following fair and transparent method that the City Council shall use to select an individual to fill the vacancy:
 - a. The City Council and Mayor (hereinafter "City Council") shall take an initial vote to fill the vacancy from among the candidates interviewed. If a candidate receives a majority of the votes of the City Council, then that candidate shall be appointed to fill the city councilmember vacancy until January 2028.
 - b. If no candidate receives a majority vote of the City Council in the initial vote, then the City Council shall take another vote between the two candidates who received the most votes in the initial vote.
 - c. If due to a tie in the initial vote and the City Council cannot identify only two candidates receiving the most votes in an initial vote, then the City Council shall follow the process outlined in §20A-1-510(e)(ii) when in the event that one candidate receives the most votes, but not the majority of the votes, and two or more candidates tie for receiving the most votes, then to eliminate candidates tied for receiving the second most votes, the City Council shall vote by lot regarding the two tied candidates, where each tied candidate has an equal chance of elimination, until only one of the tied candidates remains. The City Council shall then take another vote between the candidates who received the most votes but not a majority in the initial vote and the winner of the tied candidates.
 - d. If neither candidate receives a majority vote of the City Council, the vacancy shall then be determined by a coin toss between the two candidates. The coin toss shall be conducted by the City Recorder during the October 20, 2026 city council meeting in the presence of the City Council.
 - e. All votes taken by the City Council during this process shall be immediately disclosed to the public during the City Council meeting and shall disclose how each member voted.
 - f. An individual appointed shall take office the day after the individual is appointed.
8. This resolution shall become effective immediately upon its adoption.
9. That the Mayor is authorized to sign this Resolution.
10. The foregoing Recitals are fully incorporated herein.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

All orders, and Resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative, or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative, or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of South Ogden City.

SECTION VI. DATE OF EFFECT:

This Resolution shall be effective immediately upon its passage on the 6th day of October 2026.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 6th day of October 2026.

SOUTH OGDEN CITY

Mayor Russell Porter

ATTEST:

Danielle Bendinelli
City Recorder