

PROCEDURE TO FILL VACANCY ON CITY COUNCIL

Purpose:

The Spanish Fork municipal legislative body shall follow the procedures in this document to fill a midterm councilmember vacancy in an open City Council meeting. The procedures in this document follow Utah Code Ann. § 20A-1-510.

Under State Law, the mayor in a six-member council is considered a member of the municipal legislative body and shall have a vote to fill the vacant council seat as stated herein.

Procedure:

1. **Interviews:** Section 20A-1-510(1)(b)(iii) requires the municipal legislative body, in an open meeting, to “interview each individual whose name is submitted for consideration” to fill the midterm municipal office vacancy. The mayor shall conduct the interview as follows:

- a. The order of the interviews shall be based upon the random order that their name would appear on a ballot, as identified in the most recent Master Ballot Position List published by the Utah Lieutenant Governor.
- b. Each applicant will be allowed to provide answers to the following questions:
 - i. What do you want us to know about you?
 - ii. What is your vision for the future of Spanish Fork?
 - iii. Why you? Help us know what sets you apart from the others who have applied for this position.
- c. Answers to the above questions will be limited to two minutes each.
- d. ~~Immediately following an individual applicant's answers to the above questions, the municipal legislative body may~~

~~ask follow up questions limited to one question per councilmember and mayor for each applicant. Each question and answer will be limited to a combined time of one minute for each question asked. After interviewing each applicant, t~~The mayor and councilmembers at any time may interview any applicant or applicants further without time limitation.

e. City staff shall keep time for the answers.

2. ~~First-Initial~~ **Vote.** Section 20A-1-510(1)(c)(ii) requires the municipal legislative body to limit the number of applicants to “two individuals having the highest number of votes after the first vote.” The first vote of the municipal body shall happen as follows:

a. Ranking.

- i. Each member of the municipal legislative body, excluding the mayor, will individually rank the top three (3) applicants on the record by roll call vote. In ranking the applicants, the members will give their highest applicant 3 points, their second ranked applicant 2 points, and the member’s lowest of the top three applicants 1 point. The order of the roll call vote shall be from a randomly selected order.
- ii. *Two Top Applicants.* If there are clearly two applicants with the highest number of total points, the first vote will be considered complete and the top two ranked applicants will move on to the ~~second-final~~ vote.
- iii. *One Top Applicant.* In the event there is one applicant with the highest number of points and two or more applicants tied for the second highest number of ~~votes~~points, the top ranked applicant will move on to the ~~second-final~~ vote, and the other ~~top tied~~ applicants will be voted on through a roll call

vote. The order of the roll call vote shall be from a randomly selected order.

- iv. *No Top Two Applicants.* In the event there are three or more applicants tied for the highest ranked applicants, the top tied applicants will be voted on through a roll call vote. If this vote results in one applicant with the highest number of points and two or more applicants tied for the second highest number of points, the process set forth in 2(a))(iii) shall be followed. The order of the roll call vote shall be from a randomly selected order.

- b. Roll Call Vote. If there is a need for a roll call vote in the first round of voting, each member of the municipal legislative body shall have one vote, which will be conducted by stating the name of the person (or persons if more than one person needs to be voted into the second round of voting) for which the member wants to vote. The applicant(s) with the highest number of votes points (does not have to be a majority) will make it to the second-final vote.

3. Second-Final Vote. Section 20A-1-510(1)(c)(ii) states that the two highest vote getters from the “first vote taken shall appear before the municipal legislative body and the municipal legislative body shall vote again.” The second vote shall be a roll call vote, which shall happen from a randomly selected order.

Each member shall have one vote, which shall be conducted by stating the name of the person for which the member wants to vote. The winner of the second vote must receive a majority vote of the members of the municipal legislative body. The mayor shall be the last member to vote and may elect not to vote should an applicant receive three votes before he votes.

4. **Lots.** Section 20A-1-510(1)(c)(iii) states: "If neither applicant receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body." If the decision comes down to being filled by lot, the City Recorder shall provide an unused deck of cards consisting of only one suit (hearts, diamonds, spades, or clubs). The City Recorder shall present the cards to the two applicants, each of whom shall draw a card. The applicant with the highest card shall be the winner (Ace high, King, and so on).