

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION**

Date: November 10, 2016

SUBJECT: Council Vacancy Discussion

SUBMITTING DEPARTMENT: Town Clerk

PREPARED BY: Diane Russell, Town Clerk/Risk Manager for Larry Tarkowski, Town Manager

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: (a) Application (b) Council member Candidate Qualifications (c) Proposed Schedule

SUMMARY BACKGROUND: On November 3, 2016 Council member Stephen Marshall resigned his position as a Town of Prescott Valley Council member leaving a Council member term not due to expire until December 2018. ARS §9-235 states that if the vacancy occurs more than thirty days before the nomination deadline, the appointment is until the next regularly scheduled council election. If the vacancy occurs less than thirty days before the nomination deadline, the appointment is for the whole length of the unexpired term. Since the next Council election is scheduled for 2018, the Council will now appoint a replacement until that election. Whoever then runs for and wins that seat in 2018 (either at the primary election in August or the general election in November) would be sworn into the seat in December 2016 or January 2017 to complete the unexpired term until 2018.

Town Code Section 2-01-040 states that "The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason," now limited to the next regularly scheduled election in 2018. Over the years, the Council has taken different approaches to nominating candidates for appointment to unexpired Council terms. In 1991 (when Council member John Pratt resigned shortly after having been re-elected), the Council embarked on a fairly extensive appointment process. On July 11, 1991, the Council announced that it would accept written applications for the vacant position until July 24th. An announcement was placed in the newspaper, and application forms were made available at the Town Clerk's Office and mailed to citizens who requested them. Sixteen applications were received and a special meeting was scheduled for August 1st to consider them. At the meeting, each applicant at random was given 5 to 7 minutes to address the Council about his or her qualifications. At the conclusion of the presentations, the Council took a 5 minute recess then held a paper ballot to nominate 4 candidates. Because of a tie, 5 nominees were actually chosen. Then another special meeting was held on August 6th to formally interview the nominees. At that meeting the Council presented a list of formal questions to all of the candidates together and allowed each to respond in turn if he or she wished. After a 5 minute recess, the Council again held a paper ballot.

Because of a tie between Harry Phillips and Dick Padgett, another ballot was held and Harry Phillips was declared the nominee. Harry was formally appointed by a unanimous roll call vote at the next regular meeting held August 8th.

In 1993, when another vacancy occurred (Harvey Skoog resigned his Council seat to run for Mayor) the Council did not conduct such an extensive nomination process. In that case, the Council simply nominated and voted to appoint Dick Padgett.

In the 2002 vacancy, the Council advertised and received 12 applicants. These applicants were narrowed down to 3 individuals, who then gave presentations and were interviewed by the Council in a public meeting. From this group of 3, Ed Seder was nominated by ballot and voted on by the entire Council.

In the 2006 vacancy of Council member Angie Parker, the Council advertised for applicants then narrowed the list of 13 applicants down to 3 selected for the interview process. Mary Baker was nominated by ballot and voted on by the Council for appointment to the Council member position on September 14, 2006.

With the passing of Council member Robert (Bob) Edwards on December 20, 2008, the Council advertised for applicants then narrowed the list of 9 down to a few applicants for the interview process. Richard Anderson was nominated by ballot and voted on by the Council for appointment to the Council member position on February 12, 2009.

With the resignation of Council member Harold Wise on January 13, 2011, the Council advertised for applicants then interviewed all 5 candidates. Don Tjiema was nominated by ballot and voted on by the Council for appointment to the Council member position on February 24, 2011.

With the resignation of Council member Henry Schmitt on January 23, 2012, the Council advertised for applicants then interviewed 5 applicants. Michael Whiting was nominated by ballot and voted on by the Council for appointment to the Council member position on February 23, 2012.

With the resignation of Council member Stephen Marshall on November 3, 2016, Staff seeks direction from Council in the following areas:

1. Does the Council wish to follow prior examples and accept applications from all interested parties?
2. If so, how long does the Council desire to advertise for the position?
3. If a large number of applications are received, how would the Council like to narrow the field and how many applicants would the Council like to advance to a second round for presentations and interviews?
4. For scheduling purposes, when does the Council desire to appoint this person December 1 and 15, 2016 or after the first of the new year. If needed, the Council could also call a special meeting for this specific purpose.

OPTION ANALYSIS: For discussion only

ACTION OPTION: No action requested other than providing the Town Clerk with direction as to how council wishes to proceed in filling the council vacancy.

RECOMMENDATION: For direction only

FISCAL ANALYSIS: Financial impacts would be for newspaper advertising for applicants.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____