

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

**Date: February 2, 2012**

**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

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

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**SUMMARY BACKGROUND:** On January 23, 2012 Council member Henry Schmitt resigned his position as a Town of Prescott Valley Council member leaving a Council member term not due to expire until June, 2015. However, with the passage of SB 1318 last year, the new law modified the method of filling vacant seats on general law city and town councils in non-charter municipalities, based on when the vacancy occurs. 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 2013, the Council will now appoint a replacement until that election. Whoever then runs for and wins that seat in 2013 (either at the primary election in March or the general election in May) would be sworn into the seat at the first meeting in June, 2013 to complete the unexpired term until 2015.

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 2013. 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 24<sup>th</sup>. 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 1<sup>st</sup> 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 6<sup>th</sup> 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 8<sup>th</sup>.

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 appoint to the Council member position on February 24, 2011.

With the resignation of Council member Henry Schmitt on January 23, 2012, 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? Regular scheduled Council dates are February 23, March 8 & 22, and April 12, 2012. If needed, the Council could also call a special meeting for this specific purpose.

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**OPTION ANALYSIS:** For discussion only

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**ACTION OPTION:** For discussion only

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**RECOMMENDATION:** For discussion only

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**FISCAL ANALYSIS:** For discussion only

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_