

RESOLUTION 16-

A RESOLUTION ESTABLISHING A PROCEDURE FOR APPOINTING A NEW COUNCILMEMBER FOLLOWING A VACANCY IN THE CITY COUNCIL AS PROVIDED BY SECTION 3.7 OF THE CHARTER OF THE CITY OF LEE'S SUMMIT, MISSOURI. (Rules Committee 2-7-19)

WHEREAS, Section 3.7 of the City Charter of the City of Lee's Summit, Missouri provides that the Council shall appoint a qualified person to the City Council in the event of a vacancy created by death, resignation, recall, forfeiture or removal from office; and,

WHEREAS, the Charter does not provide guidance related to the procedure to follow in the event of such vacancy; and,

WHEREAS, the City Council wishes to provide a procedure for use during such times and provide guidance related to the process for appointing a Councilmember following a vacancy.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT as follows:

SECTION 1. That the procedure appointing a new Councilmember in the event of a vacancy on the City Council as stated in Section 2 herein be and hereby is approved, shall be as follows unless amended by the Council prior to the initiation of the process:

SECTION 2. Vacancies on the Council: How filled

Upon the vacancy of the office of a Councilmember due to death, resignation, recall, removal or forfeiture as provided in Section 3.7 of the Charter, the following procedure shall apply.

1. At the next regular meeting of the City Council following the creation of a vacancy, the Mayor and Council shall call for applications from qualified citizens to fill the vacant office. Such applications shall be in a form and require such information as may be determined by the Council.
2. The Council shall allow not less than fourteen (14) days nor more than thirty (30) days for the filing of such applications. Applications shall be filed with the City Clerk and shall be date and time stamped.
3. Upon conclusion of the application period, the City Clerk shall provide copies of all applications to the Mayor and Councilmembers.
4. The Mayor and City Council shall hold a special meeting at a time and place determined by the Council not less than seven (7) days or more than thirty (30) days from the last date to file an application.
5. Any qualified citizen who has made an application for a vacancy may speak for five (5) minutes on his or her own behalf.
6. The Mayor will accept nominations from the sitting Council from among the eligible applicants for the vacant seat. A second to a nomination is not required. At the close of nominations and prior to voting, any Councilmember who has nominated a candidate may provide comments about that candidate.

7. Following any comments, the Mayor shall request that a roll call vote be taken. Each Councilmember shall state which candidate he or she wishes to vote for. If any single candidate receives, a majority of the votes cast by the remaining Councilmembers, including the Mayor, then he or shall be declared appointed.
8. In the event that no candidate receives a majority of the votes of the remaining members of the Council, including the Mayor, then only the candidates with the two highest vote totals will remain in nomination and all others will be removed. In the event there is a tie resulting in more than two (2) candidates remaining in nomination then those candidates and any other candidate receiving the next higher number of votes shall remain on the ballot and up to two additional roll calls may be taken as described in Section 7 above. ~~If no candidate receives a majority of the votes of the remaining Councilmembers, including the Mayor, after the third (3rd) ballot then the Mayor shall declare the nominations null and reopen the floor to nominations and the process shall repeat~~
9. Any person appointed as provided by Section 3.7 of the Charter shall serve until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term, if any.
10. In the event that more than one vacancy exists at any time, the vacancies shall be filled in the same order they were created. Any person appointed to fill such a vacancy shall immediately assume the powers and duties of the office of Councilmember and shall immediately have the right to vote on all matters before the Council including filling other vacancies existing at the time of appointment.

PASSED and ADOPTED by the City Council for the City of Lee's Summit, Missouri, this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*