

**RESOLUTION NO. 4045**

**A RESOLUTION ADOPTING AN INTERIM COUNCIL VACANCY POLICY FOR THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA.**


*WHEREAS*, the City Council has the authority pursuant to Section 2-50 of The Code of Ordinances of Miles City, Montana, to determine rules for the proceedings of the council; and the authority to fill vacancies for elective officers, to include those on the city council, pursuant to MCA Section 7-4-4112;

*AND WHEREAS* the City Council has determined that in order to be fair and consistent in their appointments to vacant city council seats, that a policy for appointment of interim council vacancies should be established;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The Interim Council Vacancy Policy, attached hereto as Exhibit "A" is hereby approved and adopted by the Council, effective immediately.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11<sup>TH</sup> DAY OF APRIL, 2017.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
\_\_\_\_\_

Lorrie Pearce, City Clerk



## CITY OF MILES CITY POLICY & PROCEDURE

### Interim Council Vacancy Policy

#### RESOLUTION # 4045

**Policy:** The City of Miles City shall fill interim City Council vacancies in compliance with the requirements of the MT Code Annotated (MCA) 7-4-4112.

**Reference:** MCA 7-4-4112:

“When a vacancy occurs in the office of a council member, the position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office is limited to the unexpired term of the person who originally created the vacancy.

Pending an election and qualification, the council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.”

**Purpose:** To detail the procedure by which appointments to interim City Council (“Council”) vacancies should be made.

**Procedure:**

1. The City Clerk shall draft and post a notice about the interim Council vacancy in the Miles City Star, City Hall and Library, to seek applicants from all segments of the community, representing various interests and groups. This notice shall specify the details about the vacancy, and will set forth the details regarding the application procedure and the deadline for receipt of applications.
2. Applicants for the interim council vacancy shall complete and submit a letter of interest to the City Clerk. The letter of interest, which should be limited to two pages in length, should explain the

applicant's interest in serving on the council.

3. When a letter of interest is received, the City Clerk shall confirm that the person is a U.S. citizen, 18 years old and a resident of the ward for at least 60 days prior to appointment.
4. The City Clerk shall copy all letters of interest received to all current Council members no fewer than 3 working days prior to the next regularly scheduled Council meeting.
  - a. All current Council members are expected to actively participate in the selection process and review the letter(s) of interest received.
  - b. In reviewing letters of interest and appointments, Council members should strive to achieve a balance of qualifications and perspectives on the Council.
  - c. Council members may submit review comments to the City Clerk prior to the next Council meeting.
5. The City Clerk shall place a *Vacancy Interviews* item on the agenda for the next regularly scheduled Council meeting. The Clerk shall compile a list of all interested persons from whom letters have been received, and forward the list and any Council member comments to the full Council for that Council meeting.
  - a. When more than three individuals have submitted letters of interest for the position, a special City Council meeting should be called by the Mayor for meeting with and interviewing all interested persons at the same meeting.
6. At the appointed time on the agenda, Council members shall interview each person who has submitted a letter of interest using the following process:
  - a. The Vacancy Interviews agenda item shall be opened with the usual motion and second by a Council member;
  - b. The interview may consist of both an opening statement by the candidate and a question and answer period;
  - c. After the completion of all candidate interviews, the mayor shall entertain a motion to nominate one of the candidates to fill the vacant seat;
  - d. A Council member may make a motion to nominate a candidate;
  - e. Following a second, the nominee shall be voted on by roll call vote;
  - f. If the nominee receives a majority of Council member votes, that individual shall be appointed to fill the seat;
  - g. If the nominee does not receive a majority of Council member votes, the Mayor will re-open nominations and the Council shall repeat steps d,e and f.
  - h. In the instance in which no nominee receives a majority of Council member votes, the City Clerk shall re-open the search to fill the vacant seat.
7. An individual appointed to fill the vacancy may serve until the expiration of the term of office of the council member who created the vacancy, except that the position shall be open for nomination and election at the next available municipal election.
  - a. When the vacancy occurs during the first half of a four year term, the successful candidate serves two or more years of an unexpired term of the office. The position is open for election during the fourth year of all terms.

- b. When the vacancy occurs during the second half of a four year term of office, two years of the term have passed. The successful candidate serves fewer than 2 two years, completing the original term of office. The position is open for election during the fourth year of all terms.
8. There is no process for delaying the effective date of the appointment of a citizen to fill the Council vacancy pending election. The Council must make a good faith effort to fill the vacancy within 30 days of notification by the individual vacating the position, unless no qualified candidate submits a letter of interest for it. See MCA 7-4-4112 above.
9. Should all Council positions become vacant at one time, the Board of the Custer County Commissioners shall appoint an individual to hold office as a City Council member within 5 days of notification of the vacancies. The appointed City Council member should work with the Mayor to appoint other persons to the other vacant elected offices on an interim basis.