

PROCEDURE TO FILL VACANT COUNCIL SEAT

Purpose:

The Springville municipal legislative body will follow the procedures in this document to fill a midterm councilmember vacancy in an open City Council meeting. The procedures in this document follow 20A-1-510 of the Utah Code Annotated, a copy of which is attached hereto.

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(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. Each candidate will be allowed to provide an answer to the following question:
 - i. Why would you make the best city council member?
- b. Answer to the above question will be limited to three minutes.
- c. City staff will keep time for the answers and provide the candidate with a 15 second warning before the end of the time period.

2. **First 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. **Ballot.**
 - i. Each member of the municipal legislative body, excluding the mayor, will individually rank the top three (3) candidates on a ballot. In ranking the candidates, the members will give their highest candidate 3 points, their second ranked candidate 2 points, and the member’s lowest of the top three candidates 1 point.
 - ii. *Two Top Candidates.* If there are clearly two candidates with the highest number of total points, the first vote will be considered complete and the top two ranked candidates will move on to the second vote.
 - iii. *One Top Candidate.* In the event there is one candidate with the highest number of points and two or more candidates tied for the second highest number of votes, the top ranked candidate will move on to the second vote,

and the other candidates will be voted on through a roll call vote.

iv. *No Top Two Candidates.* In the event there are three or more candidates tied for the highest ranked candidates, the tied candidates will be voted on through a roll call vote.

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 candidate(s) with the highest number of votes (does not have to be a majority) will make it to the second vote. Roll call voting will take place in the order set by the mayor.

3. Second 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 that the Mayor will have on the night of the vote.

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.

4. Lots. Section 20A-1-510(1)(c)(iii) states: “If neither candidate 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 a bag with one yellow marble and one blue marble both of which shall be the same size and weight. The candidate whose last name comes first based on alphabetical order shall pick one marble from the bag. If the candidate picks the blue marble, that candidate shall be the winner. If the candidate picks the yellow marble, the other candidate shall win.