

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: September 11, 2017

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Consideration of the Process for Filling the Council Seat Vacated by the Resignation of Councilmember Jeffrey Wieler

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RECOMMENDATION

Provide direction to staff as to the method of appointment desired to fill the vacancy on the City Council.

BACKGROUND

On September 5, 2017, Councilmember Jeffrey Wieler resigned from the City Council. When a seat on the City Council is vacated for any reason, the City Charter spells out the way in which the unexpired vacancy is filled. Within thirty (30) days from the date of a vacancy, the City Council must take action to appoint a successor who serves until the people vote for a new Councilmember at the next general municipal election. The appointment of a successor by the Council must take place at a noticed public meeting. If the Council fails to act within 30 days, the Mayor is empowered to name a successor.

In addition, under the Charter, the Council does not have the option of calling a special election to fill the seat, it must be filled by appointment and, as noted above, the appointee will serve until the people vote for a new Councilmember at the next general municipal election.

Given Councilmember Wieler's resignation date, appointment of a successor by the Council must take place no later than Thursday, October 5, 2017. The appointee will serve until the results of the General Municipal Election of November 2018 are certified, which likely will take place at the first Council meeting in December 2018. If the appointee desires, they will be eligible to run for two full terms on the Council, as they will have served fewer than eighteen months as an appointee. The Charter specifies that any person who serves as a Councilmember for more than 18 months is considered to have served a full term under the city's two term limit.

To be eligible to serve on the City Council, a person must meet three requirements. First, the person must be a qualified voter in the City. Second, the person must not hold any other office or employment with the City. Third, due to the Charter's term limits provision, the person must not

be a former Councilmember who served two full successive terms and left office in either 2014 or 2016.

The Council has two options with regard to an appointment: First the Council could simply select a resident who qualifies and appoint them to the vacant seat. Second, as has been past practice for vacancies, the Council could open applications to the public and interview applicants.

Should the Council choose to follow past practice, and considering the October 5<sup>th</sup> deadline for Council action on an appointment, I would recommend the following actions and timelines:

1. Direct the City Administrator and City Clerk to solicit applications for the Council vacancy that was created when Councilmember Jeffrey Wieler resigned from office on September 5, 2017.
2. Set the deadline for applications at 5:00 p.m. on Wednesday, September 27<sup>th</sup>.
3. Schedule a Special City Council meeting to interview applicants and consider the appointment for either Saturday, September 30<sup>th</sup> or Tuesday, October 3<sup>rd</sup>. Both of these dates allow the Council to hold additional meetings on October 4<sup>th</sup> and/or October 5<sup>th</sup> should additional time to consider the applications be necessary.