

Not Adopted

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ESTABLISHING
PROCEDURES FOR FILLING VACANCIES
IN ELECTIVE OFFICES

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ORDINANCE NO. 80-83

Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Authority and Purpose

a. The purpose of this ordinance is to establish a procedure by which vacancies in elective offices shall be filled.

b. This ordinance is adopted pursuant to 1977 Oregon Laws, chapter 665, sections 5 (1), 6 and 7 (1), ORS 198.320 and ORS 259.075.

Section 2. Definitions

For the purpose of this ordinance, unless the context requires otherwise:

a. Elective office means the office of Councilor or the office of Executive Officer of the District.

b. Vacancy means a vacancy in an elective office.

Section 3. Vacancy in Office

An elective office shall become vacant:

A. Upon the incumbent's:

1. Death;
2. Adjudicated incompetence;
3. Conviction of a felony, other offense pertinent to the office, or unlawful destruction of public records;
4. Resignation from the office;

5. Recall from the office;
6. Ceasing to possess the qualifications required for the office; or
7. Candidacy for another public office.

~~B.---Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence or~~

C. Upon absence:

1. From the District for 30 consecutive days without the consent of the Council; or
2. From Council meetings for 60 consecutive days without like consent.

Section 4. Filling of Vacancy By Appointment

a. The Council shall, upon becoming aware of a vacancy in a Council position, promptly determine the date of vacancy and appoint a qualified person who is and has been a resident of the sub-district, from which the previous incumbent was elected or appointed, for a continuous period of not less than one year from the date of the vacancy. In the case of a vacancy in the office of Executive Officer, the appointee shall reside and have resided in the District for a continuous period not less than one year from the date of the vacancy.

b. Appointments shall be made at a regular or special meeting of the Council.

c. In the case of a vacancy in the office of Executive Officer, the Chief Administrative Officer or, in the absence of a Chief Administrative Officer, the Director of Management Services

shall assume the duties and responsibilities of the Executive Officer until the vacancy is filled by election or Council appointment pursuant to this ordinance.

Section 5. Term of Appointment

A. ~~If an elective office becomes vacant less than 21 months after the beginning of the term of office of the last person elected to the office, the term of office of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and until a successor is elected and qualified.~~

B. ~~If the office becomes vacant 21 months or more after the beginning of the term of office of the last person elected to the office, the term of office of the appointee shall be for the remainder of the term of office of the last person elected to the office and until a successor is elected and qualified.~~ A person appointed to an elective office pursuant to this ordinance shall serve until a successor is elected and qualified pursuant to law.

Section 6. -- Election to Fill Vacancy

~~If an elective office becomes vacant less than 21 months after the beginning of the term of office of the last person elected to the office, a person shall be elected at the first general November election after the vacancy occurs to fill the vacancy for a two-year term and until a successor is elected and qualified.~~

Section 6. Appointment Procedure

a. In the event that an appointment to an elective office is necessary pursuant to this ordinance or State law, the Council shall proceed as follows:

1. The Council shall cause to be published a notice of

the vacancy. Publication shall be in at least one newspaper of general circulation in the region and, if the vacancy is in a Council position, in a newspaper of local publication and distribution in the subdistrict affected. Notice shall also contain the time and manner in which persons may apply for appointment and the name and phone number of the official from whom additional information may be obtained.

2. Applications shall be on a form provided by the District.
3. Applications shall be delivered on or before the 20th day following the first publication of the notice to the Executive Officer who shall promptly determine whether each applicant is legally qualified to fill the vacancy. Upon such determination, and not later than 10 days from the last final date of for application, all applications shall be forwarded to the Chairperson Presiding Officer of the Council.
Committee-on-Ways-and-Means.
4. The Committee-on-Ways-and-Means Presiding Officer shall, upon or before receipt of applications, meet as appoint a nominating committee of three Councilors, and which Committee shall promptly consider all applications from qualified applicants. The Committee may interview some or all applicants, and shall, within 30 days of receipt of applications,

provide to the Council a list of not less than two and not more than five nominations for the vacant position. The list shall be accompanied by a summary of relevant information concerning each nominee and shall be placed upon the soonest practicable be Council meeting agenda for hearing and consideration.

5. The Council shall, at the abovementioned meeting, conduct a hearing at which nominated applicants may address the Council. Failure of a nominee to attend such hearing or to address the Council shall not affect the nomination.
6. Upon conclusion of the hearing, the Council shall vote on nominees by written ballots which shall be signed by each Councilor and tabulated and announced by the Clerk of the Council. Until a nominee receives a majority vote of the entire Council (7), balloting shall continue as above by striking the nominee (or nominees in the event of a tie for the least votes) with the least votes on the previous balloting from each succeeding ballot. A nominee who receives a majority of votes of the entire Council shall be declared appointed to the vacant position and shall assume said position upon declaration.
7. All ballots shall be made public and shall be public records.
8. In the event of two consecutive tie ballots, the

appointment shall be settled by drawing lots, which drawing shall be conducted by the Clerk of the Council.

Section 7. Emergency Clause

The Council finds that a vacancy presently exists on the Council which must, pursuant to law, be filled by the remaining Councilors, and that a procedure to fill such vacancy is necessary immediately. Therefore, an emergency is declared to exist and this ordinance may be adopted after one reading pursuant to Section 7.07 of Ordinance No. 79-65.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1980.

Presiding Officer

Attest:

Clerk of the Council