



Staff Report

File #: 19-516

Version: 1

Date: 10/28/2019

Item #: a.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Appointment to City Council Ward 7 Vacancy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): All

ISSUE:

Shall City Council reopen voting to make an appointment for the City Council Ward 7 vacancy?

RECOMMENDATION:

Reopen voting to make an appointment for the City Council Ward 7 vacancy.

SUMMARY:

Due to an error in reporting the results of City Council's October 21, 2019 vote to fill the Ward 7 vacancy, no valid appointment occurred. There should have been a second round of voting to fill the appointment, and an appointment made only after an applicant obtained a majority vote. There was no valid appointment, because Ms. Nordyke did not receive a majority of the votes.

FACTS AND FINDINGS:

City Council voted on the appointment of the Ward 7 vacancy on October 21, 2019. In error, the City Attorney announced that Vanessa Nordyke received a majority of the votes, and voting was concluded. Instead, a second round of voting should have occurred, with only Ms. Nordyke and Mr. Sund as eligible to receive votes.

Section 20 of the City Charter requires that most of the Council (five of eight in this instance) vote to

make the appointment. To obtain a majority, one of the applicants needed to receive a minimum of five votes.

The results of City Council's vote on October 21, 2019:

Vanessa Nordyke - 4 votes,

Reid Sund - 3 votes,

Bonnie Heitsch - 1 vote.

Regarding voting to fill a vacancy, Council Rule 18(f) states:

"If more than three or more [sic] applicants are recommended, those persons receiving the two largest number of votes shall be designated as finalists on the final ballot; provided, any applicant that receives a majority of all votes cast in the original vote shall be deemed appointed to fill the vacancy. The person receiving the largest number of votes in the final ballot shall be appointed to fill the position. In the event no applicant receives a majority of all votes cast, additional ballots shall be taken until one of the applicants receives the required majority."

A second ballot with only the two individuals with the two highest number of votes (Nordyke and Sund) would be provided if voting is reopened.

BACKGROUND:

The Ward 7 City Council position was declared vacant on October 1, 2019. After the close of the application period, the Council Boards and Commissions Appointments Committee reviewed applications, and recommended three candidates for Council's consideration; Bonnie Heitsch, Vanessa Nordyke, and Reid Sund. Subsequent to the Committee's recommendation, Ms. Heitsch withdrew her application for the appointment.

Dan Atchison
City Attorney

Attachments:

1. Applications of Vanessa Nordyke and Reid Sund