

RESOLUTION NO. 2019-56

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING
TO FILL A CITY COUNCIL VACANCY, TERM EXPIRING NOVEMBER 2022**

WHEREAS, on October 14, 2019, City Council was notified of the death of Council President Thomas (TJ) Johnston; and

WHEREAS, City Charter § 31 provides that a Council office becomes vacant upon the incumbent's death; and

WHEREAS, City Charter § 32 provides that in the event of a City Council vacancy, the remaining Council members shall, by a majority vote, fill the vacancy; and

WHEREAS, City Code § 30 states the qualifications and procedures for filling a Council vacancy, and the appointment process; and

WHEREAS, the City Council desires to fill this vacancy.

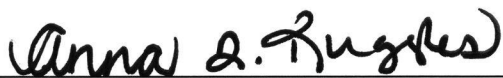
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE
AS FOLLOWS:**

Section 1. The City Council hereby directs the City Manager to publish notice requirements to fill the Council vacancy pursuant to City Charter § 32 and City Code § 30 (attached as Exhibit A).

Section 2. The City Council hereby approves the Projected Dates and Procedures for Appointment for filling the Council Vacancy (attached as Exhibit B).

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 28th day of October, 2019.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of October, 2019.



Peter B. Truax, Mayor



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CITY OF FOREST GROVE PUBLIC NOTICE CITY COUNCIL VACANCY

NOTICE IS HEREBY GIVEN that the Forest Grove City Council is accepting applications from eligible residents to fill an unexpired term of office of a City Council seat. This seat serves a four-year term with three years remaining in the current term, ending November, 2022. The City Charter, Section 32, requires the remaining Council members to fill by appointment a vacancy on the City Council.

Application packets must contain the following:

- (1) Letter of Intent and Interest (limited to one page), including full name and residence address
- (2) A current resume (limited to two pages)
- (3) A written statement explaining the candidate's reason for wishing to be appointed to office (limited to two pages); and
 - Do not include any letters of endorsements, letters of recommendations or references.

Eligibility and Residency Requirements:

1. Be a qualified elector under State Law.
2. Reside in the City for at least one year prior.
3. Not be employed by the City.

City Council Benefits:

City Council position is paid \$100 per month stipend and medical, vision and dental insurance benefits are provided, set by resolution. The City contributes 95% of the insurance premium and participant pays 5%. The City also provides an authorized electronic device and internet data stipend.

Deadline to Apply:

Application packets must be received by 5:00 p.m., Friday, November 22, 2019, and may be submitted as follows:

1. Walk-In: City Recorder's Office, 9am-5pm, 1924 Council Street, 2nd Floor
2. Mail to: City Recorder's Office, P. O. Box 326, Forest Grove, Oregon 97116-0326
3. E-mail to: aruggles@forestgrove-or.gov

Please be advised: Application packets not meeting eligibility and residency and the above application requirements will be rejected. A mailing postmark date will not be accepted, application packets received after the deadline date/time will be rejected, and applications received are public record and may be released to the public and media in accordance with Oregon Public Records Law.

Candidate Interviews:

Candidates selected for an oral interview with City Council will be notified by telephone or e-mail. Interviews, which are open to the public, are scheduled for Monday, December 9, 2019, between hours of 4:00 pm and 7:00 pm, in the Community Auditorium, 1915 Main Street. It is anticipated that an appointment will be made during the regular City Council meeting that same evening. The City Council is the final judge of the appointment and qualifications of its members. The appointee must accept the appointment no later than 20 business days following the appointment by the City Council. The candidate who is appointed will assume the office of City Councilor on Monday, January 13, 2020. For final meeting agenda announcement or additional information, please visit <http://www.forestgrove-or.gov/> and/or please contact Anna Ruggles, City Recorder/Elections Officer, 503.992.3235, aruggles@forestgrove-or.gov.

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**Anna D. Ruggles, CMC, City Recorder
City of Forest Grove**

NewsTimes published: Wednesday, November 6, 13 and 20, 2019

FILLING CITY COUNCIL VACANCY

*Projected Dates and Procedures for Appointment
(Pursuant to City Charter & City Code [§30.40-30.42](#))*

Monday, October 28 City Council Meeting	RESOLUTION PRESENTATION: Brief Council on Candidate replacement process and potential interview questions. Council will consider: • Resolution/Motion directing staff to publish notice requirements to fill Council vacancy as soon as possible. • Publish Notice October 30 & Legal Notices November 6, 13 and 20 with application deadline of Friday, November 22, 2019, 5pm
Friday, November 22 Application Deadline	§30.42(B). APPLICATION DEADLINE. The application shall include: (1) Letter of Intent and Interest (limited to one page), including full name and residence address (2) A current resume (limited to two pages) (3) A written statement explaining the candidate's reason for wishing to be appointed to office (limited to two pages); and • Do not include any letters of endorsements, letters of recommendations or references. Applications not meeting eligibility and residency requirements, pursuant to City Code §30.41 will be rejected by City Recorder.
Monday, November 25 Application Distribution	Distribute copies of qualified applications to Council for review prior to Work Session scheduled December 9. Candidates' Interview Schedule will be distributed with Council Packet on December 4.
Monday, December 9 City Council Work Session to Interview Candidates and Select and Appoint a Candidate.	§30.42(A) WORK SESSION TO INTERVIEW CANDIDATES: • Each candidate shall make an oral presentation (3 minutes for candidate's introduction and opening statement and 10 minutes for responding to interview questions). • Once interview is conducted, the candidate may remain in the Auditorium for the duration of the Work Session. §30.42(A)(7) SELECTION & APPOINTMENT BY COUNCIL. After the candidate interviews are conducted, Council will reconvene (deliberation and selection process) in Regular Council Meeting on December 9, 2019, and shall: 1. Conduct deliberations on the entire slate of candidates. 2. Submit individual ballots, ranking their top three candidates individually on a scale of 1 (lowest) to 3 (highest), to the City Recorder who shall tally the scores. Upon tallying the ballots, the City Recorder shall announce names of the top three candidates. (ORS 192.650(1)(c), prohibits secret ballots and ballots must identify the vote of each Councilmember). 3. Make a formal motion and vote to nominate one of the top three candidates who they believe to be the most qualified.
Monday, January 13 City Council Meeting	Council Regular Meeting on January 13, 2020, Council will consider the following: 1. Resolution making formal Council Appointment. 2. City Recorder shall administer Oath of Office to the appointee and newly-appointed Councilmember will be seated at the dais. Pursuant to City Code §30.42(8), the appointee must assume office no later than 20 business days following the appointment by the Council.

**CITY COUNCIL CANDIDATE
INTERVIEW QUESTIONS/RATING FORM**

1. What do you perceive to be the **most positive issue and the most negative issue** for Forest Grove?

2. How do you describe your **leadership** style and how would it benefit the Council and aid in resolving a **contentious** issue?

3. If you are appointed to Council, list three **goals** you would like to see the City achieve during your term.

1.

2.

3.

4. Please elaborate on **one** of the **goals** you just mentioned and what you would do to help **achieve it**.

5. How would you encourage more **community involvement**?

6. Do you have any **questions** of us?



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CITY RECORDER USE ONLY:

AGENDA ITEM #: 8.
MEETING DATE: 10/28/2019
FINAL ACTION: RESO 2019-56

Council voted to prohibit letters of endorsement, recommendations, references and modified interview question (4)

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

PROJECT TEAM: Anna Ruggles, City Recorder

MEETING DATE: October 28, 2019

SUBJECT TITLE: City Council Candidate Vacancy Replacement Process

ACTION REQUESTED:

Ordinance

Order

Resolution

Motion

X

Informational

X all that apply

BACKGROUND:

The City Council was notified of the death of Council President Thomas (TJ) on October 14, 2019, who passed away from acute myeloid leukemia (AML). Johnston worked for nearly 30 years as a Forest Grove Police Officer, retiring as a Police Sergeant on July 12, 2001. Johnston was elected as a Forest Grove City Councilor in 2002 and was re-elected in 2006, 2010, 2014 and 2018. Johnston was appointed as Council President and served in that capacity since 2009. Johnston was also very active in the League of Oregon Cities, Washington County Consolidated Communications Agency, and the State Interoperability Executive Council.

ISSUE STATEMENT:

City Charter Section 32 and City Code Section 30 provides guidance for replacing vacancies on the Council. City Charter Section 32 provides that Council must fill a vacancy by appointment by a majority of the remaining Councilmembers and that the appointee will hold office until the term of the position ends, in this case, November, 2022.

City Code Section 30.40-42 states the Council shall use the following procedures in the appointment process:

Applicant Letter of Intent and Interest:

1. Full name and residence address;
2. A current resume (limited to two pages); and
3. A written statement explaining the applicant's reason for wishing to be appointed to the office (limited to two pages).

Eligibility and Residency Requirements:

1. Be a qualified elector under State Law.
2. Reside in the City for at least one year prior.
3. Not be employed by the City.

Projected Dates: Attached is the Projected Dates and Procedures for Filling Council Vacancy Appointment

Interview Questions: Attached is list of proposed interview questions.

FISCAL IMPACT: The cost to publish three legal notices or approximately \$500.

STAFF RECOMMENDATION: Staff recommends the City Council review the interview questions and projected dates and procedures for filling the Council Vacancy and approve the attached resolution.

ATTACHMENT(s):

PPT

Projected Dates and Procedures for Filling Council Vacancy (Exhibit A)

Proposed Interview Questions

Resolution

Print

Forest Grove, OR Code of Ordinances

SECTION 31. VACANCIES.

The Mayor or a Councilor office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the Council after the incumbent's:

- (1) Failure to qualify for the office within 10 days prior to the time the term of office is to begin,
- (2) Absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent,
- (3) Ceasing to reside in the City,
- (4) Ceasing to be a qualified elector under State law,
- (5) Conviction of a public offense punishable by loss of liberty,
- (6) Resignation from the office, or
- (7) Violation of Section 33(i).

SECTION 32. FILLING VACANCIES.

A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a Councilor pro tem.

[Print](#)

Forest Grove, OR Code of Ordinances

VACANCIES IN OFFICE**§ 30.40 VACANCY IN OFFICE.**

A city elective office becomes vacant as provided by City Charter § 31.

(Prior Code, § 2.070) (Ord. 2009-10, passed 7-13-2009)

§ 30.41 FILLING VACANCIES.

(A) City Charter § 32 requires the remaining Council members to fill by appointment any vacancy in an elective office.

(B) The appointee holds office until the term of office of the vacancy has expired.

(C) The applicant must be a qualified elector under state law and reside in the city for at least one year before appointment to office.

(Prior Code, § 2.075) (Ord. 2009-10, passed 7-13-2009)

§ 30.42 APPOINTMENT BY COUNCIL.

(A) The City Council shall use the following procedures in the appointment process.

(1) At the request of the City Council, the City Recorder shall provide public notice to appropriate neighborhood organizations, civic groups, a newspaper of general circulation, and other recognized groups.

(2) The Council shall set the deadline date for submitting applications after the notice is published.

(3) Applicants must file the required application with the City Recorder by the filing deadline date set by the Council.

(4) The City Recorder shall make copies of all applications received and distribute to the Council as one packet.

(5) The Council shall conduct the interviews at a meeting open to the public.

(6) Each applicant shall make an oral presentation to the Council at a meeting open to the public.

(7) An applicant who receives a majority of the votes by the current Council members will be appointed to fill the vacant seat.

(8) The applicant appointed shall formally assume the office no later than 20 business days following the appointment by the Council.

(B) The application shall include the following:

- (1) Full name and residence address;
- (2) A current resume; and
- (3) A written statement explaining the applicant's reason for wishing to be appointed to the office.

(Prior Code, § 2.080) (Ord. 2009-10, passed 7-13-2009)



City Council Candidate Process

Anna Ruggles, City Recorder
Jesse VanderZanden, City
Manager

DATE 10/28/2019

Application Requirements:

1. Letter of Intent and Interest
2. Current Resume (limited to two pages), and
3. Written Statement explaining applicant's reason for wishing to be appointed (limited to two pages.)

(Applications that exceed these requirements will not be considered.)

Eligibility and Residency Requirements:

- Elector
- Reside in City for at least one year prior
- Not be employed by City

Prior Process:

- The last time a vacancy occurred, there were 7 candidates.
- Each candidate was given a total of 13-15 minutes: 3-5 minutes for an oral presentation and 10 minutes for questions.
- Currently there are 6 questions of each candidate.
- Questions were sent to the Candidates in advance of the interview.

Proposed Questions:

1. What do you perceive to be the most positive issue and the most negative issue for Forest Grove?
2. How do you describe your leadership style and how would it benefit the Council and aid in resolving a contentious issue?
3. If you are appointed to Council, list three goals you would like to see the City achieve during your term.
4. How would you encourage more community involvement?
5. Describe what you perceive is Council's role in the budget process, and name one new source of operating funding you may have in mind for the City to pursue.
6. Do you have any questions of us?

Proposed Timeline:

- October 28: consensus to public notice the vacancy
- November 22: candidate applications due to City Hall by 5:00 p.m.
- November 25: applications distributed to Council
- December 9: City Council Work Session to interview candidates. Interviews are 13-15 minutes. Discussion of candidates should not occur until all interviews are complete. More interview time may be allowed depending on the number of applicants. Interview questions should be the same for all candidates.
- December 9: City Council Meeting to score and select a candidate. Councilors score a written ballot in open session to individually select the top three candidates and assign them 3 points for 1st, 2 points for 2nd, and 1 point for 3rd. The results are tabulated by the City Recorder. Pending the results, the Council deliberates and makes a motion to select an applicant as Councilor. If the results are not clear, the Council may elect to conduct follow up interviews of the top 2-3 candidates.
- January 13: City Council Meeting to appoint a candidate by resolution.