

**City of Missoula, Montana
New Business Item**

Item: City Council appointment to fill Mayor Vacancy

Council Meeting Date: August 29, 2022

Sponsor(s): Martha L. Rehbein, Legislative Services Director/City Clerk

Prepared by: Marty Rehbein, Legislative Services Director/City Clerk

Ward(s) Affected:

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| <input checked="" type="checkbox"/> Ward 1 | <input checked="" type="checkbox"/> Ward 4 |
| <input checked="" type="checkbox"/> Ward 2 | <input checked="" type="checkbox"/> Ward 5 |
| <input checked="" type="checkbox"/> Ward 3 | <input checked="" type="checkbox"/> Ward 6 |
| | <input type="checkbox"/> N/A |

Action Required:

Appoint a person to fill the Mayoral vacancy created by the death of Mayor Engen

Recommended Motion(s):

I move the City Council:

I nominate _____.

Background and Alternatives Explored:

About the Appointment

With the death of Mayor Engen, by state law 7-4-4111 and 7-4-4112 Montana Code Annotated and the City's Charter (Article VIII, Section 1 and 2), the office of Mayor is vacant. State law and the City Charter require City Council to appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified. The President of the City Council presides at meetings and serves as Acting Mayor until a successor is appointed by City Council.

City Council Rule 31 establishes City Council procedures for filling a vacancy in municipal office.

In order to be eligible for the office, applicants must:

- be registered to vote; and
- live within the City of Missoula city limits; and
- have been a resident of the state for at least 3 years; and
- have been a resident for at least 2 years preceding the appointment to office of the city or town or an area that has been annexed by the city or town; and
- be at least 21 years of age.

The position currently pays \$8,284.52 per month plus City benefits.

About the Position

The Mayor's role is outlined in the City Charter and state law. The Mayor is the head of the executive branch of government and administers the day-to-day affairs of the City. The Mayor has sole discretion to appoint a person to assist in the execution of the Mayor's duties. This is the Chief Administrative Officer. The Mayor's Office currently includes four staff members, in addition to the Mayor.

The Mayor's office ensures City services are delivered to the citizens of Missoula in an effective, efficient, and equitable manner and in compliance with City Council policy. In order to achieve this purpose, the Mayor's office oversees long-range planning and improvement of departmental management and service delivery. The Mayor is responsible for delivering an annual budget to City Council. Further, the Mayor's office is the primary outreach arm of the City government to other cities and other government entities.

Timeline

| | |
|--|---|
| August 16, 2022 | Applications Open |
| August 26, 2022 NOON | Applications Due by 12:00 PM (Noon) Applications will be posted on the website after the deadline has passed. |
| August 29, 2022, 6:00 PM 140 W. Pine St. | During the City Council meeting, under New Business, each Council member may select one candidate to interview. Then the interview order will be determined by random drawing of the candidate's names. |
| September 7, 2022, Time TBD 140 W. Pine St. | Interviews with Council's Committee of the Whole. Meeting time to be determined. |
| September 12, 2022, 6:00 PM 140 W. Pine St | During the City Council meeting, under New Business, Council members will nominate and vote to select the new Mayor. The meeting begins at 6 p.m., 140 W. Pine St. |

Appointment Process

The process for appointing a replacement to a vacancy of an elected official is outlined in City Council Rule 31. The entire procedure may be viewed there, a summary is presented here.

Vacancy & Application Procedure Announced

The City Council President and the City Clerk publicly announce the vacancy including qualifying questions for prospective applicants and the deadline for submitting an application.

Application Review

The City Clerk's office receives written applications from citizens applying to fill the vacancy of the office of mayor for ten (10) calendar days. The application includes the full name and address of the applicant, affiliations, work history and information demonstrating eligibility under the statutory requirements. The City Clerk reviews the written application forms to determine eligibility pursuant to state law. The list of applicants will be posted by the City Clerk on 8/26 on this website after the application deadline.

Selecting Applicants for Interview

The list of applicants, their statutory eligibility and a copy of each application is submitted to the City Council at the next regular City Council meeting on August 29th. At this meeting, each City Council member may select the name of one eligible applicant to be interviewed by the City Council Committee of the Whole. The interview order will be determined by a random drawing. The City Clerk will contact the selected applicants and schedule the interviews at the City Council's Committee of the Whole on September 7.

Voting for Applicants by City Council

After interviews have concluded, the Council will place on its 9/12 City Council meeting agenda an item to appoint a person to fill the vacancy of the office of Mayor. At the meeting, City Council member may nominate the name of an applicant who is both a qualified person

and who was interviewed for the position to fill the vacancy. Once all nominations have been received, nominations shall be closed. City Council members shall vote naming the candidate of their choice. A majority of the existing members of the council is necessary to make the appointment in accordance with state law 7-5-4121 MCA. New nominations may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time. New nominations may include the name of any qualified person whether or not that person has applied for and has been interviewed for the vacant office.

Swearing-In of Applicant

Upon the selection of an eligible applicant by majority vote of the members of council, the Council President will arrange for the applicant to be sworn in prior to the end of the 30-day deadline.

Financial Implications:

n/a

Links to external websites:

The City Clerk office has developed a website that includes this information and will be updated throughout the appointment process.

www.ci.missoula.mt.us/mayorvacancy

[7-4-4111 Montana Code Annotated](#) – Determination of vacancy in municipal office

[7-4-4112 Montana Code Annotated](#) – Filling of vacancy

[Missoula City Charter](#)

[City Council Rules](#)