



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager

Date: March 21, 2013

Re: Discussion – Adoption of Policy Change in regard to Holdover Positions

BACKGROUND:

During the City Council meeting held on February 25, 2013, Councilman Brooks introduced discussion regarding the City's procedures with regard to holdover positions on Council made necessary by election issues. During that meeting, staff and the City Attorney were instructed to investigate the issue and bring it back to Council for discussion.

The City Attorney reported back to the Council during the March 11, 2013 meeting and provided a memo detailing the results of his research on the issue. After Council's discussion of this information, a motion was passed directing the City Manager and the City Attorney to draft a proposal for the Council to consider as a possible amendment to Council's Rules of Procedure that would address the holdover issue.

ANALYSIS:

Attached is a suggested revision to City Council's Rules of Procedure, which has been prepared by the City Attorney for Council's discussion and consideration.

STAFF RECOMMENDATION:

As Council directs.

SUGGESTED REVISION TO CITY COUNCIL RULES OF PROCEDURE

In any situation in which two incumbent Councilors from a Ward seek to serve as a hold over Councilor, and only one of those Councilors has sought re-election, the Councilor who has sought re-election shall serve as hold over.

Any Councilor desiring to serve as hold over who is subject to an election challenge of any kind (i.e. voter eligibility challenge, residency challenge or otherwise) will not be eligible to serve as a hold over.

If, applying regular and established principles of election law, a determination can not be made as to which of two otherwise qualified incumbent Councilors should serve as hold over, the matter shall be decided by coin flip.