

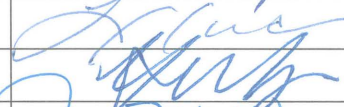
Action:  Approved |  Denied |  Other  
 Date Action Taken: January 11, 2021  
 Verified By: [Signature]  
 Clerk's Note: NA

**City of Wasilla  
 Action Memorandum No. 21-06**

Approving The City Council Vacancy Application And Appointment Process Policy.

Originator: Jamie Newman, City Clerk  
 Date: 12/29/2020

Agenda of: 1/11/2021

Route to:	Department Head	Signature	Date
X	Finance Director		12.30.20
X	Deputy Administrator		12/30/20
X	City Attorney		1/8/21
X	City Clerk		12/30/2020
X	Mayor		12/30/2020

**Fiscal Impact:**  yes or  no

**Attachments:** City Council Vacancy Application and Appointment Process Policy (3 pages)

**Summary Statement:** The attached policy is presented for approval after comments were received from three Council Members relative to the appointment process at the November 23, 2020, Council Meeting.

The Council Members all expressed that the legislative deliberation process was uncomfortable. It has been suggested that:

- We require applicants to leave Chambers during Council discussion. In other words, the applicants are not allowed in Chambers when the Council is discussing who to appoint, or
- Legislative deliberations be closed to the public.

Under the Alaska Open Meetings Act (OMA), all meetings of the Council are open to the public except for Executive Session.

The OMA (AS 44.62.310(c)(2)) states: the following subjects may be considered in executive session: (2) "subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion."

Under the OMA, no person who has requested a public discussion can be talked about in Executive Session. And any discussion held has to center on the reputation and character of the person.

The OMA also states that no action can be taken in executive session except to give direction to the attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

I have contacted several municipalities that have recently filled vacancies on the Assembly or Council. In all instances, the entire process was open to the public and the applicants. The applicants remained in Chambers during the entire interview process (no one left the room, and if you were the last person to interview, you heard the interview questions before it was your turn to interview).

Please keep in mind that selecting an applicant to fill a vacant seat is a legislative process, an action that is subject to the OMA; therefore, all discussion and voting must take place in an open meeting, unless the Council has grounds to enter Executive Session, relative to the reputation and character of an applicant and the applicant has not requested a public discussion.

The attached policy aims to make the process more appealing to the Council within the scope of the OMA.

**Staff Recommendation:** Approve the Action Memorandum.

CITY OF

**WASILLA**

OFFICE OF THE CITY CLERK

[www.cityofwasilla.com](http://www.cityofwasilla.com)

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# City Council Vacancy Application and Appointment Process

**Scope:**

City Council

**Authority:**

AM No. 21-06

**Policy Contact:**

City Clerk

373-9090

[clerk@ci.wasilla.ak.us](mailto:clerk@ci.wasilla.ak.us)

**Effective:**

(date adopted)

**Notes:**

None

## **POLICY STATEMENT**

A vacancy on the Council shall be declared and filled consistent with WMC 2.04.040.

All meetings of the Council, except Executive Sessions, are open to the public pursuant to WMC 2.04.070.

Selecting an applicant to fill a vacancy on the Council is a legislative process, an action that is subject to the Alaska Open Meetings Act (OMA).

In order to ensure fairness and equality, all deadlines and processes will be strictly enforced.

## **PROCESS**

The steps below shall be followed when filling the vacancy:

1. The Clerk shall post to the City's website and publish at least twice in a newspaper of general circulation in the City the Notice of Vacancy in Office and Application Period. The posting and first publication shall occur at least seven calendar days before the application period opens. As determined by the Clerk, the vacancy may be noticed on social or broadcast media.
2. The application period shall be determined by the Clerk, but must be open a minimum of seven calendar days.
3. Applicants shall meet the qualifications of office required in WMC 2.04.020, as of the date of the appointment. Applicants shall provide proof of qualifications for office as required by the Clerk.
4. Each interested person shall file an application for appointment under oath on a form provided by the Clerk, accompanied by a letter of interest. The application for appointment must be submitted in original form and shall not be submitted by electronic delivery.
5. The Clerk will notify the applicant that their application is complete and in proper form, or return it to the applicant with a statement explaining how the application is deficient. If the application period remains open, the applicant may correct the deficiency.
6. Persons who do not meet the qualifications of office or who file incomplete (e.g., incomplete application or missing a letter of interest) or late applications will be rejected by the Clerk and therefore ineligible for appointment. Ineligible applications will not be given to the Council.
7. The interview date shall be scheduled by the Clerk and may take place at any regular or special council meeting.
8. Each Council Member may submit a maximum of two interview questions to the Clerk by a deadline determined by the Clerk. If no interview questions are submitted, the Clerk shall develop the questions in consultation with the Deputy Mayor.
9. At the council meeting in which the interviews are scheduled, the applicant will have five minutes to introduce themselves to the council. Applicants will be interviewed in alphabetical order by last name.
10. Before interviews commence, applicants will be asked to report to a conference room until it is their turn to interview. Recognizing that council meetings are open to the public, any applicant who objects may remain in Council Chambers during the interview process.

11. After the applicant makes their introduction, Council Members who submitted a question(s), will ask the applicant the question. All applicants will be asked the same questions. If the questions were developed by the Clerk and Deputy Mayor, the Deputy Mayor shall ask the questions.
12. After their interview has ended, the applicant will be asked to return to the conference room until all interviews have concluded and the Council has finished their discussion of the applicants. Recognizing that council meetings are open to the public, any applicant who objects may remain in Council Chambers during the discussion of candidates.
13. At any point in the process, the Council may enter executive session in accordance with the OMA. Any applicant may request that discussion of them (subjects that tend to prejudice the reputation and character of any person) be held in open session pursuant to the OMA.
14. Following the interview process and discussion of the applicants, the applicants who are in the conference room will return to Council Chambers.
15. The Council may then fill the vacancy through a motion and affirmative vote (WMC 2.04.130).
16. Upon appointment, the successful applicant will immediately be sworn into office and assume their seat at the dais.
17. The successful applicant shall comply with all Public Official Financial Disclosure reporting requirements under AS 39.50 (WMC 2.12.020).