

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a Special City Council Meeting on Thursday, June 9, 2005, in the Council Chambers, 45 West 100 South, at 7:30 P.M.

### AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. NEW BUSINESS
  - a. Discussion and possible action as to the process to fill the vacancy of the Mayor position
4. EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
5. EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
6. ADJOURNMENT

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

### CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY:

*S. B. Farnsworth*

Susan B. Farnsworth City Recorder

### POSTED:

CITY CENTER  
POST OFFICE  
ZIONS BANK

**CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
JUNE 9, 2005**

Mayor Pro-tem Martin Green called the meeting to order at 7:30 P.M. Council Members attending: Dennis Brandon, and Wesley Morgan. Council Members Todd Starley and Tracy Roberts were excused.

Others attending: City Manager Stefan Chatwin and Legal Counsel Brett Rich

**PLEDGE OF ALLEGIANCE**

Council Member Brandon led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Morgan offered an invocation.

**NEW BUSINESS**

***Discussion and possible action as to the process to fill the vacancy of the Mayor position***

Mayor Pro-tem Green led the discussion as to the process of advertising the vacancy of the Mayor's position. He indicated the State Code stated that before acting to fill the vacancy, the municipal legislative body shall:

- 1) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy; and
- 2) identify, in the notice:
  - a) the date, time, and place of the meeting where the vacancy will be filled; and
  - b) the person to whom a person interested in being appointed to fill the vacancy, may submit his name for consideration and any deadline for submitting it.
- 3) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall vote upon the names that have been submitted.
  - a) The two people having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body and the municipal legislative body shall vote again.
  - b) If neither candidate receives a majority vote of the municipal legislative body at the time, the vacancy shall be filled by lot in the presence of the municipal legislative body.
- 4) Within 30 days after the vacancy occurs the legislative body may appoint a Mayor one of those submitting their name for consideration, or any other person receiving at least three yea votes.
- 5) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term if:
  - a) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd numbered year; and
  - b) two years of the vacated term will remain after the first Monday of January following the next municipal election.
- 6) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section (20A-1-510).
- 7) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

Legal Counsel Rich stressed the point that if a member of the Council chose to seek appointment to the Mayor position, they would not be allowed to participate in the process of interviewing and voting.

The decision was made to advertise with the Payson Chronicle beginning June 10, 2005 with the advertisement running a minimum of 14 days.

Council Member Morgan questioned if the Council body would be allowed to add additional restrictions to the process to the State Code. Legal Counsel Rich indicated he would discourage adding additional restrictions due to the fact that a 3 Council Member vote minimum is required in order to appoint someone to the vacancy.

Council Member Brandon was in favor of setting a Special Meeting on June 29<sup>th</sup> to review and discussion of the Letters of Interest. Mayor Pro-tem Green and Council Member Morgan were in agreement.

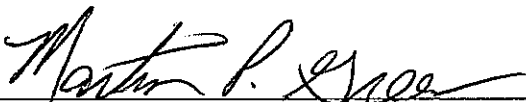
**EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)  
Nothing

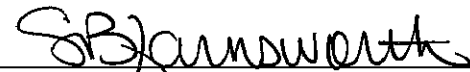
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)  
Nothing

**ADJOURNMENT**

At 8:40 P.M. Council Member Brandon moved to adjourn. Council Member Morgan seconded the motion. The vote was unanimous.

Approved on July 6, 2005.

  
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Martin Green, Mayor Pro-tem

  
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Susan B. Farnsworth, City Recorder