



## City of Tigard Memorandum

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**To:** Honorable Mayor and City Council  
**From:** Cathy Wheatley, City Recorder  
**Re:** Mayor/Council Vacancies - History  
**Date:** March 19, 2012

At the March 20, 2012, meeting you will have an agenda item before you for a “Preliminary Discussion – Options for Filling a Vacancy on the City Council.”

In anticipation of this discussion, City Manager Wine asked me to prepare and share with the City Council some historical information on how council vacancies have been handled in the past. Attached is the following information:

- Sections 7 and 8 of the Charter – vacancy process is highlighted in yellow.
- Review of the situations causing a vacancy on the City Council in 2000, 2002, 2003, and 2007. The current Charter provisions were in effect when these situations occurred.

#### Attachments

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Mayor/Council Vacancies (unexpired terms)  
Procedures Followed 2000-2007

Mayor/Council vacancy procedures specified in The City of Tigard Charter, Sections 7 and 8:

**Section 7. Mayor and Council.**

The elective officers of the City shall be a Mayor and four councilors who together shall constitute the City Council. At the general election held in 1990, and every fourth year thereafter, a Mayor shall be elected for a term of four years. No councilor shall serve the City as councilor for more than eight consecutive years, nor shall the Mayor serve as Mayor for more than eight consecutive years. In no case shall any person serve on the City Council for more than twelve consecutive years. These limitations do not apply to the filling of an unexpired term.

No person who is serving as Mayor or councilor shall become a candidate for any City office for a term which would be concurrent with the term in office then held unless that person first submits a written resignation from the then current office at the time of filing for the other office. A resignation submitted to satisfy this section shall not be withdrawn. A resignation shall be adequate for purposes of this section if it provides for the termination of the signer's service in the office not later than the last day before service would begin in the office for which that person seeks to become a candidate.

In the event the office of Mayor or councilor becomes vacant before the normal expiration of its term a special election may be held at the next available date to fill the office for the unexpired term. Such an election shall only take place if the Council can schedule and hold a special election at least twelve months before the term would otherwise expire. If an election is held, it shall be held in accordance with the election laws of the state of Oregon and City ordinances not inconsistent with such election laws. The Council may appoint a person to fill a vacancy until an election can be held. (Res. 93-63, May 17, 1994 election: Measure 34-7, May 15, 1990 election: Measure 51, November 4, 1986 election: Measure 51, November 5, 1985 election: Measure 53, November 2, 1982 election: Measure 53, May 18, 1982 election).

**Section 8. Councilors.**

The councilors holding office at the time of adoption of this amendment shall hold their offices for the balance of the terms for which they were elected or appointed and until their successors are elected and qualified. At each general election after this amendment takes effect, two councilors shall be elected for four-year terms, with the two candidates receiving the highest number of votes being elected to office. In the event a vacancy exists on the City Council and a special election is called to fill the vacancy as described in Section 7 above, the candidate receiving the highest number of votes in the special election shall be deemed elected for the remainder of the vacant positions term. (Measure 34-57, November 5, 1996 election, Res. 96-54; Measure 53, November 2, 1982 election).

*The current Charter provisions were in effect when the following situations occurred.*

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2000

Situation – Mayor Jim Nicoli passed away June 30, 2000, creating a vacancy in the position of Mayor. His term expired December 31, 2002.

Option the council chose:

- Recruit for applicants to serve as Mayor to serve from September 12, 2000, to the March 2001, election.
- Established an interview process and interviewed applicants for the mayoral position. Selected Jim Griffith who served as the appointed Mayor until March 2001. In March 2001, Jim Griffith successfully ran to finish the remainder of Jim Nicoli's term (December 31, 2002).

Procedures guided by Charter:

- Allowed to appoint until next available election date.
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2002

Situation – Councilor Joyce Patton moved to City of Beaverton in August 2002. Her term was due to expire December 31, 2002.

Option the council chose:

- Council operated as a four-member council until the end of the year.
- Councilor Sherwood was elected in November to begin the full term for this position in January 2003.

Procedures guided by Charter:

1. No election can be held if there is less than one year of the unexpired term remaining.
  2. Council *may (not shall)* appoint an individual to fill a vacancy.
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2003

Situation: Mayor Jim Griffith passed away in November 2003.

Option the council chose:

- Council President Craig Dirksen was appointed as Mayor to serve from January 13, 2004 until December 31, 2004. (Resolution No. 04-01)
- Election was held on November 2, 2004, for the election of a Mayor to complete Mayor Griffith's term of office from January 2005 through December 2006. (Mayor Dirksen was elected for the remainder of the term.)
- With the appointment of Councilor Dirksen to the office of Mayor for one year (2004), this left a City Council vacancy. The Council was also without a Council President.
- Council members selected Councilor Nick Wilson to serve as Council President until December 31, 2004.
- Council held an application and interview process and on February 24, 2004, selected Tom Woodruff to serve as City Councilor until December 31, 2004. (Councilor Woodruff subsequently successfully ran for office in November 2004 for the full four-year term, January 2005 through December 2008.)

Procedures guided by Charter:

1. Appointment made for mayor's position for one year since the Charter gives Council discretion to appoint or call for an election. Council decided to do both by appointing Craig Dirksen to serve for one year and calling for an election for the last two years remaining on the late Mayor Griffith's term of office.
2. With less than one-year remaining on the term Councilor Dirksen vacated to become the appointed mayor, the City Council had the option of operating as a four-member council or appointing a City Councilor to complete the unexpired council position. The City Council chose to appoint Tom Woodruff. Because there was less than one year remaining on the term vacated by Dirksen, the City Council did not have the option of calling for an election.

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2007

Situation – Councilor Sally Harding resigned April 24, 2007, to move to the east coast. Her term expired December 31, 2008.

Option the Council chose:

- Appointed Nick Wilson to serve until an election could be held in November 2007.
- In November, 2007, Nick Wilson successfully ran to serve until December 31, 2008 (date of expiration for Harding's term).

Procedures guided by Charter:

1. City Council may appoint a councilor.
2. City Council may call for a councilor candidate election if more than one year remains on the unexpired term.

Note the council could have chosen from these options:

- The City Council could have appointed a councilor to serve until December 31, 2008, rather than calling for the election.
- The City Council could have operated as a four-member council from April 2007 to December 31, 2008.
- The City Council could have operated as a four-member council until the next available election dates of September 18, 2007 or November 6, 2007.