

REQUEST FOR COUNCIL ACTION

SUBJECT: Resolution accepting the irrevocable resignation of City Councilmember Sophie Rice, who is moving to a new residence outside of the City boundaries.

SUMMARY: Approval of the Resolution will allow for the vacancy of the District 4 City Council seat to be filled, by accepting applications and by making an appointment at a subsequent meeting.

FISCAL AND/OR

ASSET IMPACT: Minimal fiscal impact. There is a small expense, as required by State law, to advertise the request for applications.

STAFF RECOMMENDATION:

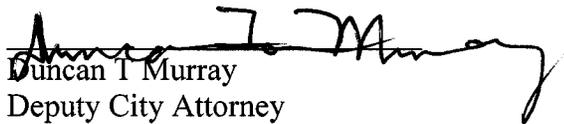
Staff recommends approval of the Resolution, in order to fill the vacancy.

MOTION RECOMMENDED:

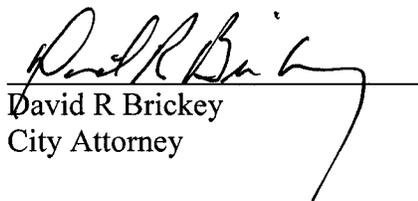
"I move to approve Resolution 16-171, accepting the irrevocable resignation of City Councilmember Sophie Rice, and noticing the appointment of a District 4 Councilmember to replace Councilmember Sophie Rice."

[Roll Call vote required]

Prepared and Initial Legal Review by:


Duncan T Murray
Deputy City Attorney

Recommended and Final Legal Review by:


David R Brickey
City Attorney

Approved by:


Mark R Paesh
City Manager

BACKGROUND DISCUSSION:

Sophie Rice is a duly elected member, in good standing, of the City Council of the City of West Jordan. She is in the process of establishing a new principal place of residence outside of the City boundaries of the City of West Jordan. Section 10-3-301(4)(b), Utah Code Ann., indicates that Councilmember Rice's term of office shall automatically be deemed to be vacant after she has finished the process of establishing this new residence outside of the City boundaries of the City of West Jordan. Councilmember Rice has chosen to resign as a member of the City Council of the City of West Jordan in order to allow for the orderly process of filling the vacancy of this City Council position (for Council District 4).

Councilmember Rice verbally indicated, in the October 26, 2016 City Council meeting, that she would resign. She then signed an "Irrevocable Resignation" (effective date November 15, 2016) in the same City Council meeting, which was attested by the City Clerk (or Deputy Clerk). Based on this Irrevocable Resignation, the City Clerk complied with state law (Section 20A-1-510(1)(b)(i), Utah Code Ann.) by immediately advertising, in the next available edition of the appropriate newspaper (approximately October 30, 2016), and in other media, a Notice requesting applications for the vacant City Council District 4 seat.

The purpose of this Resolution is to formally accept the resignation and advertising processes, to review applications, and to fill the vacancy. This Resolution would thus:

1. Formally accept the resignation; and
2. Confirm and ratify the process on advertising in the newspaper (approximately October 30, 2016), and in other media, a Notice requesting applications for the vacant City Council District 4 seat; and
3. Authorize the City Clerk's Office to place an item on the agenda for the November 16, 2016 City Council meeting (which is the next meeting at least two weeks after October 30, 2016) to review the applications and to fill the vacancy.

Section 20A-1-510(1)(b)(i), Utah Code Ann., requires two weeks between the time the vacancy is noticed to the public and the time the City Council meets to fill the vacancy.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 16-171

**A RESOLUTION ACCEPTING THE IRREVOCABLE RESIGNATION OF
CITY COUNCILMEMBER SOPHIE RICE; AND NOTICING THE APPOINTMENT OF A
DISTRICT 4 COUNCILMEMBER TO REPLACE COUNCILMEMBER SOPHIE RICE**

Whereas, Sophie Rice has irrevocably resigned, in the presence of the City Clerk (or Deputy Clerk), as a member of the City Council of the City of West Jordan, effective November 15, 2016; and

Whereas, the City Council is prepared to accept this resignation; and

Whereas, the City Council desires to immediately fill the resulting vacancy; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. Sophie Rice's irrevocably resignation, in the presence of the City Clerk (or Deputy Clerk), as a member of the City Council of the City of West Jordan, effective November 15, 2016, is hereby formally accepted.

Section 2. The City Clerk's actions to immediately advertise, in the first available edition of the appropriate newspaper, and in other media, a Notice requesting applications for the vacant City Council District 4 seat, are hereby formally confirmed and ratified.

Section 3. The City Clerk shall place an item on the agenda for the November 16, 2016 City Council meeting. This agenda item will allow the City Council to: (a) review the applications; and (b) appoint, by majority vote, an applicant to fill the vacant City Council District 4 seat.

Section 4. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 2nd day of November, 2016.

ATTEST:

KIM V ROLFE
Mayor

MELANIE S BRIGGS, MMC
City Clerk

Voting by the City Council:

Council Member Dirk Burton
Council Member Jeff Haaga
Council Member Zach Jacob
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Sophie Rice
Mayor Kim V. Rolfe

"AYE"

"NAY"

CITY OF WEST JORDAN
IRREVOCABLE RESIGNATION OF CITY COUNCILMEMBER SOPHIE RICE

This document constitutes a formal resignation of a member of the City Council of the City of West Jordan (in particular, the member for Council District 4), as follows:

RECITALS

WHEREAS, I, SOPHIE RICE, am a duly elected member of the City Council of the City of West Jordan; and I am in the process of establishing a new principal place of residence outside of the City boundaries of the City of West Jordan; and

WHEREAS, Section 10-3-301(4)(b), Utah Code Ann. indicates that my term of office shall automatically be deemed to be vacant after I have finished the process of establishing said residence outside of the City boundaries of the City of West Jordan; and

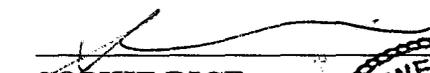
WHEREAS, acting in good faith and in the best interests of the public, I have chosen to resign as a member of the City Council of the City of West Jordan in order to allow for the process of filling the vacancy (of said City Council position) to occur; and

NOW THEREFORE, I, SOPHIE RICE, of my own free will and choice, without any coercion or promises therefor, take the following action:

IRREVOCABLE RESIGNATION

I, SOPHIE RICE, hereby irrevocably resign, in the presence of the City Clerk (or Deputy Clerk), as a member of the City Council of the City of West Jordan, effective November 15, 2016; and by so doing, I recognize that after having signed, I will not be able to rescind or withdraw this resignation, or the effective date of the resignation (this resignation, and the effective date thereof, will become permanent and unchangeable).

Resigning City Councilmember:


SOPHIE RICE

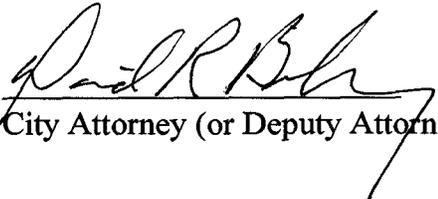
10/26/2016
Date Signed

Attest:



Approved as to Legal Form:


City Clerk (or Deputy Clerk)


City Attorney (or Deputy Attorney)

CITY OF WEST JORDAN
PUBLIC NOTICE
CITY COUNCIL VACANCY
COUNCIL DISTRICT 4

The City Council of the City of West Jordan hereby gives notice that a City Council vacancy has occurred in Council District 4, effective November 15, 2016. The City Council will meet on Wednesday, November 16, 2016, at 6:00 p.m. in the City Council Chambers at the City Hall, 8000 South Redwood Road, 3rd Floor, West Jordan, to appoint a new Council Member, who will serve until approximately Monday, January 1, 2018 (when a subsequently elected Council Member takes the oath of office).

Thursday, November 10, 2016, at 4:00 p.m. – Deadline to submit (in person) a Vacancy Application to the City Clerk (or a Deputy Clerk). Applications will not be accepted by mail, email, or other methods. The official Application form (available at the City Clerk's Office) should be signed by the applicant, at the City Clerk's Office, in the presence of the City Clerk (or a Deputy Clerk).

Wednesday, November 16, 2016, at 6:00 p.m. – The City Council will, in an open meeting, interview each applicant who meets the qualifications for office. It is anticipated the Council will thereupon vote to appoint a new Council Member.

The vacancy will be filled by an applicant. Individuals interested in submitting their names for consideration must be registered voters, must have resided in the City of West Jordan for the past twelve consecutive months, must currently live within the boundaries of Council District 4, and must meet all other legal requirements. The Vacancy Application shall be submitted, in person, as set forth above, to Melanie S Briggs, City Clerk, or a Deputy Clerk, at the City Clerk's Office, located at the City of West Jordan City Hall, 8000 South Redwood Road, 3rd Floor, West Jordan, Utah 84088. A Vacancy Application includes:

- Applicant's name,
- Applicant's street address,
- Applicant's email address,
- Applicant's telephone number, and
- Applicant's list of experience and reasons to be considered.

The deadline for receiving Vacancy Applications is Thursday, November 10, 2016, by 4:00 p.m.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

If you need a special accommodation to participate in the City Council Meetings, please call the City Clerk's Office at 801.569.5115.



CITY OF WEST JORDAN
CITY COUNCIL VACANCY APPLICATION
(FOR COUNCIL DISTRICT 4)

8000 South Redwood Road, 3rd Floor, West Jordan, UT 84088
City Clerk's Office (801) 569-5117

Applicant (Print Full Name):

Residential Street Address:

City:

State:

Zip:

Telephone: Home:

Cell:

Email Address:

Past Experience and Reasons to be considered for Appointment:

Five horizontal lines for past experience and reasons for appointment.

Feel free to attach a letter of interest, a resume, or any other information (optional).

Certification of Information and Qualifications: In the presence of the City Clerk (or Deputy Clerk), I hereby certify that the information above is true and correct to the best of my knowledge, that all the following statements regarding legal qualifications* are also true and correct, and that I give my consent to allow for the City to verify that the following statements are true and correct:

- 1. I have resided within the City boundaries of West Jordan for the past 12 consecutive months;
2. I currently reside within the boundaries of West Jordan City Council District 4;
3. I am a citizen of the United States;
4. I am currently a registered voter;
5. I am eighteen (18) years of age or older;
6. I am not mentally incompetent;
7. I have not been convicted of a felony; and
8. I have not been convicted of treason or a crime against the elective franchise.

*These legal qualifications are identified in Article IV, Sections 2, 5, and 6 of the Utah Constitution; certain Utah state statutes; and Section 1-7A-2 of the City Code of West Jordan.

SIGNATURE: _____

DATE: _____

This Application must be signed in person, at the Clerk's Office, in the presence of the City Clerk (or a Deputy Clerk).

Office Use ONLY box containing fields for Received by: Clerk/Dep. Clerk Initials, Date, Verified City and Council District 4 Residency: Initials, Date, and Verified Current Registered Voter Status: Initials, Date.