RESOLUTION NO. 2025-24R

A RESOLUTION OF IVINS CITY, UTAH, ESTABLISHING PROCEDURES TO FILL THE 2026 CITY COUNCIL SEAT MIDTERM VACANCY CREATED BY THE RESIGNATION OF KEVIN SMITH TO ASSUME THE DUTIES OF IVINS CITY MAYOR

WHEREAS pursuant to the results of the 2025 Ivins City Municipal election it is anticipated that Councilmember Kevin Smith will be resigning his council member position to assume the duties of Ivins City Mayor effective as of January 5, 2026, leaving a vacancy on the Ivins City Council;

WHEREAS after Kevin Smith resigns his council member seat just under 2 years will be left on the term of office for that city council seat;

WHEREAS Utah Code Section 20A-1-510 governs how the Ivins City Council can fill a midterm vacancy and allows the Ivins City Council to, "consistent with the provisions of state law, adopt procedures governing the appointment, interview and voting process for filling the vacancy." UCA 20A-1-510(7);

WHEREAS the Ivins City Council values transparency, openness and fairness in how the vacancy will be filled

NOW, THEREFORE, BE IT RESOLVED by the City Council of Ivins City as follows:

Vacancy Procedures. The Ivins City Council will follow the following procedures to fill the vacancy in a city council seat created by the resignation of Kevin Smith to assume the duties of Mayor effective as of as of January 5, 2026:

1. Notice of Vacancy. The City shall publish the notice of vacancy required by UCA 20A-1-510(1)(c) on or before _____, specifying as follows:

    a. The vacancy will be filled by the City Council at the regular Ivins City Council meeting scheduled for January 15, 2026, commencing at 5:30 p.m. (the "Vacancy Meeting").

    b. Interested individuals who are qualified by law to serve as city council members ("Candidates") shall submit their name, campaign finance statement and conflict of interest disclosure statement to Kari D. Jimenez, City Recorder, on or before _____ at 5:00 p.m. (the "Submission Deadline").

    c. On or before the Submission Deadline, Candidates may complete and submit additional materials consisting of no more than the application attached hereto as Exhibit A, written answers to the questions attached hereto as Exhibit B, a statement of interest, a resume, and up to 3 letters of recommendation. No Candidate is required to submit any items of additional information but submission is highly encouraged so that the City Council will have additional information to consider for each Candidate before the interviews. No other materials will be considered. In lieu of submitting written answers to the questions attached as Exhibit B, Candidates may submit a video of them answering the questions. All materials submitted by Candidates will be public records available with the agenda for the Vacancy Meeting, except that home addresses, telephone numbers, and email addresses will be redacted.

2. Pre-Vacancy Meeting Actions. After the Submission Deadline, but before the Vacancy Meeting, all those individuals who will be entitled to vote to fill the vacancy (i.e., any City Council members serving as of the Vacancy Meeting and Kevin Smith (pursuant to UCA 20A-1-510(4)(a) (allowing the resigning council member to participate in the interview and vote on the replacement), the "Voting Quorum") may do any of the following:

   a. Review the submitted materials from all Candidates.

   b. Converse with any Candidates about their submitted materials in an informal setting, provided that no Candidate can be compelled to participate in any such informal conversations. If any member of the Voting Quorum opts to engage in informal conversations with any Candidate about their qualifications and/or desire to serve, the member should take reasonable steps to meet with each Candidate, recognizing that no Candidate can be compelled to participate.

   c. Submit to the City Recorder any questions to be asked of the Candidates at the Vacancy Meeting and indicate to which Candidate such question is intended. The City Recorder will compile a master list of all questions, with one section for questions intended to be answered by all Candidates (the "General Questions") and one section for questions intended to be answered by less than all Candidates. The General Questions will/will not be available to Candidates 1 day prior to the Vacancy Meeting upon request. To the extent reasonably possible, questions should be handled as General Questions to allow each Candidate to respond equally.

3. Vacancy Meeting Interviews. All Candidates must attend the Vacancy Meeting and answer questions from the Voting Quorum. All Candidates present will be randomly assigned a Candidate Number by drawing a number from a hat, numbered from 1 to the total number of Candidates. Questions will be asked as follows:

   a. The Candidates shall answer General Questions in a round-robin format, with Candidate Number 1 answering question number 1 first, followed by the remaining Candidates in numerical order. Each subsequent General Question will be answered first by the Candidate who answered the preceding question second, followed by the remaining Candidates in numerical order, with the Candidate who answered the preceding question first being added to the end of the answering queue immediately following the person who answered the preceding question last.

   b. After the General Questions, each Candidate will take turns answering specific questions until all members of the Voting Quorum indicate they are done asking Specific Questions. The Mayor will call each Candidate to the podium in reverse numerical order and will allow members of the Voting Quorum to ask specific questions until no more specific questions remain for that Candidate. This will be repeated until all specific questions have been asked.

   c. After the Specific Questions, each Candidate will, in reverse numerical order, be allowed __ minutes to present a concluding statement in favor of their Candidacy.

4. Vacancy Meeting Discussion. After the Interviews and concluding statements have ended, the members of the Voting Quorum may discuss the merits of the Candidates. In so

discussing, the members of the Voting Quorum should take care to not specifically identify the Candidate for whom they intend to vote but shall instead focus on the strengths or weaknesses of each Candidate. This is intended to allow each member of the Voting Quorum to vote based primarily on the merits of the Candidates and not solely based on how another member of the Voting Quorum votes. Of course, it may become apparent during the discussion how a member of the Voting Quorum will likely vote. Such disclosure in any form will not invalidate any subsequent vote.

5. Initial Vote. At any time during the discussion of the Candidates under Section 4 above, any member of the Voting Quorum may move to proceed to an initial vote. If the motion is not seconded or fails to secure a majority of the members of the Voting Quorum, the discussion will continue. If the motion is seconded and a majority of the members of the Voting Quorum vote in favor of the motion, the discussion will end and each member of the Voting Quorum shall each select one Candidate in writing on a written ballot provided by the City Recorder. Once all members of the Voting Quorum have voted, the City Recorder will tabulate the results and announce which Candidates have received votes and how many votes they received. If a Candidate receives a majority votes (3 or more), that Candidate will declared the winner and will be sworn in as a member of the City Council.

6. Narrowing of Candidates. If no Candidate receives a majority vote, the two Candidates who have received the most votes will proceed to a final vote. If two Candidates are tied for second place, the tie shall be broken by a single coin flip conducted by the City Recorder. If three or more Candidates are tied for second place, the ties shall be broken by a series of coin flips between each of the Candidates where each Candidate will participate in one flip involving each other tied Candidate. At the conclusion of the series, the candidate with the most "wins" shall be declared the second place Candidate. If Candidates remain tied for second place after the series of flips, any Candidates no longer tied will be dismissed and the remaining Candidates will undergo another coin flip (for a tie among just two Candidates) or series of coin flips (for ties among three or more Candidates) until just one candidate remains who will then be declared the second place Candidate.

   For each coin flip, the Candidate with the higher Candidate number shall be deemed "heads" and the other Candidate shall be deemed "tails." To be a valid flip, the coin must land on the floor and come to rest without any human intervention. The coin hitting any inanimate object will not invalidate the flip. The City Recorder will inspect the coin once it comes to rest and declare which side landed up and then shall allow any other person to view the coin to confirm which side landed up. The coin shall not be touched by any person, including the City Recorder, until all individuals desiring to view it have done so.

7. Second Discussion Period. Once only two candidates remain, the members of the Voting Quorum may discuss the merits of the remaining Candidates in the same manner as described in Section 4 above.

8. Final Vote. At any time during the discussion of the Candidates under Section 7 above, any member of the Voting Quorum may move to proceed to a final vote. If the motion is not seconded or fails to secure a majority of the members of the Voting Quorum, the discussion will continue. If the motion is seconded and a majority of the members of the Voting Quorum vote in favor of the motion, the discussion will end and each member of the Voting Quorum shall each select one Candidate in writing on a written ballot provided by the City

Recorder. Once all members of the Voting Quorum have voted, the City Recorder will tabulate the results and announce who received the majority of the votes and the number of votes they received. If a Candidate receives a majority votes (3 or more), that Candidate will declared the winner and will be sworn in as a member of the City Council. If no candidate receives a majority of votes _____?

Open Meeting. Steps 3 through 8 above shall be taken in an open meeting. No closed meeting will be allowed.

Amendment. The City Council reserves the right to adjust these procedures based on a large number of candidates, which number would, in the City Council's sole discretion, require more compact procedures to be feasibly completed in one meeting.

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date. This Resolution shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2025 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder