

RESOLUTION No. 37472

Call Special Elections to fill the unexpired term of Commissioner, Position No. 2, on May 19, 2020 and, if necessary, August 11, 2020 (Resolution)

WHEREAS, City Commissioner Nick Fish died on January 2, 2020, leaving a vacancy in position No. 2; and

WHEREAS, under Section 2-206 of the City Charter, in order to fill Position No. 2 for the remainder of the 2018-2022 term the City Council shall call for two special elections, not more than 45 days apart, for the purpose of nomination or election of a candidate or candidates for the vacant office;

WHEREAS, Section 2-206 of the City Charter provides that the nominating election shall be held within 90 days after the vacancy occurs, unless Council finds reasonable cause for delay beyond 90 days; and

WHEREAS, the date of the 2020 Primary Election is set for May 19, 2020; and

WHEREAS, the Council finds that the following factors constitute reasonable cause for delaying the nominating election to May 19, 2020: (1) confusion among voters that would be generated by using a non-standard election date especially so close to the May primary date; (2) practical difficulties and significant increased costs to the City from using non-standard election dates; (3) very tight filing deadlines for interested candidates should the election be set sooner than May 19, 2020; and (4) minimal impairment in the conduct of the City's business by delaying the nominating election an additional 48 days; and

WHEREAS, Section 2-206 of the City Charter Provides the runoff election shall be held within 45 days after the nominating election, unless Council finds reasonable cause for delay beyond the 90 days; and

WHEREAS, Oregon Revised Statute 253.065 requires that mail ballots must be sent to military personnel at least 45 days before the election; and

WHEREAS, the Council finds the following factors constitute a reasonable cause for delaying the runoff election to August 11, 2020: (1) practical difficulties of mailing ballots in conformance with State election laws; (2) the occurrence of two national holidays during the 45 day period; and (3) allowing sufficient time should a recount of results from the nominating election be required; and (4) City business can be conducted effectively notwithstanding the additional 35 day delay.

NOW, THEREFORE, BE IT RESOLVED, that a special municipal election is hereby called to be held in the City of Portland on Tuesday, May 19, 2020 for the purpose of nominating two candidates or, if one candidate receives a majority of the votes cast electing a new Commissioner Position No. 2 for the remainder of the unexpired term;

BE IT FURTHER RESOLVED, that if no one candidate receives a majority of the votes cast at the May 19, 2020, special election, a special runoff election of the two candidates receiving the highest number of votes cast at the May 19, 2020, special election is hereby called to be held in the City of Portland on Tuesday, August 11, 2020, for the purpose of electing a new Commissioner Position No. 2 for the remainder of the unexpired term.

Adopted by the Council: JAN 08 2020

Commissioner: Mayor Wheeler
Prepared by: Tracy Reeve
Date Prepared: January 6, 2020

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

19-1
 Agenda No.
RESOLUTION NO. 37472
 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>JAN 07 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler <i>1910</i> Position 1/Utilities - Fritz Position 2/Works - Vacant Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: City Attorney's Office Bureau Head: Tracy Reeve	
Prepared by: Tracy Reeve Date Prepared: 1/3/20	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 1/8/20	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>30 min</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz <i>Amend Fritz</i>	1. Fritz	✓	
2. Vacant	2. Vacant	—	
3. Hardesty <i>[Signature]</i>	3. Hardesty	✓	
4. Eudaly <i>[Signature]</i>	4. Eudaly	✓	
Wheeler <i>[Signature]</i>	Wheeler	✓	