

**FROMBERG TOWN COUNCIL SPECIAL MEETING AGENDA SPECIAL
MEETING TIME IS WEDNESDAY 18 AT 7:00 PM FROMBERG TOWN
HALL 118 W RIVER STREET**

Wednesday 18, 2024

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

INTERM MAYOR:

- Discussion and Vote for formal appointment of Mayor pro tempore

ADJOURN:

Daniel Clark <daniel.clark@montana.edu>
RE: Request for Guidance: Mayor Resignation and Vacancy Process
To: Town Clerk, Ashley Kent

12/15/2024 6:46 PM



Michele,

Thank you for reaching out with your question about filling the vacancy of mayor. First, I would suggest you follow any policy the town has adopted that outlines a process for filling a vacancy. If the town does not have a policy, what you have outlined below would be appropriate.

Here is the statute explaining the process for filling a vacancy of the mayor or council member.

7-4-4112. Filling of vacancy. (1) When a vacancy occurs in any elective office, this position is considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office is limited to the unexpired term of the person who originally created the vacancy. Pending an election and qualification, the council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified.

(2) If all council positions become vacant at one time, the board of county commissioners shall appoint persons within 5 days to hold office as a city council member. The appointed city council member shall then appoint persons to any other vacant elective offices.

(3) A vacancy in the office of city council member must be filled from the ward in which the vacancy exists.

History: En. Sec. 1, Ch. 72, L. 1903; re-en. Sec. 3236, Rev. C. 1907; re-en. Sec. 5015, R.C.M. 1921; amd. Sec. 1, Ch. 26, L. 1974; R.C.M. 1947, 11-721(part); amd. Sec. 1, Ch. 457, L. 1981; amd. Sec. 1, Ch. 286, L. 1987; amd. Sec. 449, Ch. 61, L. 2007.

The council needs to fill the vacancy. There isn't a noticing requirement in the law, however, I is a good practice to cast a wide net and giving ample opportunity for citizens to step up and serve as mayor. The council president should serve as the mayor pro tempore until someone is appointed to the position. The council can appoint the council president to serve as the mayor. This will create a vacancy in the council and you will need to follow the same steps for filling council vacancy.

If you receive not applications, the town will need to continue to recruit eligible community members until someone agrees to fill the position.

I hope this is helpful. Feel free to give me a call if you have additional questions.

Dan

Feedback

Town Clerk <clerk@fromberg-mt.com>

Request for Guidance: Mayor Resignation and Vacancy Process

To ashleykent@montana.edu, Daniel Clark

12/11/2024 1:51 PM



1 attachment ▾

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Good Afternoon,

I am the new Town Clerk for the Town of Fromberg, and I am reaching out for guidance regarding a recent development. Yesterday morning, our Mayor tendered his resignation, effective immediately.

I understand that my next steps include posting a vacancy notice to request applications for the position. I am attaching a draft of the proposed posting for your review. My plan is to post in three locations around town and online. However, I have a few questions:

1. **Newspaper Requirement:** Is it necessary to publish the notice in the local newspaper, or are the postings in public locations and online sufficient?
2. **Council President Transition:** If our current Council President is willing to assume the Mayor's role, can they transition into the position directly, or must the vacancy still be publicly posted?
3. **Application Process:** If we receive applications by the proposed deadline of January 10, 2025, can the Town Council make an appointment during the January 13th Town Meeting?
4. **No Applications Received:** What is the correct course of action if no applications are received?

I want to ensure that we follow the proper procedures in this process and comply with any relevant laws or policies. Your guidance on these matters would be greatly appreciated.

Thank you for your time and assistance.

Sincerely,

Michele Auch
Town Clerk / Treasurer
www.fromberg-mt.com
406-668-7383