



**WESTBROOK COMMITTEE OF THE WHOLE
COMMITTEE OF THE WHOLE AGENDA
MONDAY, SEPTEMBER 13, 2021 AT 7:30 PM
WESTBROOK PERFORMING ARTS CENTER
471 STROUDWATER ST.**



MEETING INFORMATION

This Committee of the Whole meeting will take place at approximately 7:30pm, immediately following the Regular City Council meeting scheduled for 7:00pm.

In accordance with Westbrook School Department policy, appropriate facial coverings must be worn on school property at all times.

- I. ROLL CALL**

- II. FILLING CITY COUNCIL VACANCIES**
Submitted by Councilor David Morse

- III. ADJOURNMENT**



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

COMMITTEE REFERRAL FORM

REFERRAL TITLE: City Council Vacancies
REQUESTED BY: Councilor David C. Morse
DATE CREATED: 7/24/21
COMMITTEE: Committee of the Whole

Description of referral:

See attached.

From: [David Morse](#)
To: [Angela Holmes](#)
Subject: Committee Referral on Vacancies
Date: Saturday, July 24, 2021 9:13:06 PM

Hi Angela,

I would like to request that the council make a referral to committee to discuss adopting a policy for filling vacancies on the council.

Our charter empowers the council to fill council vacancies by a majority vote. For many years it has been the tradition of the council to accept the nominee of the political party of the council seat's previous occupant. In 2020 the city voters decided to abolish the party caucus system for municipal candidates to appear on the ballot. With this change it may be time to address how the council will approach vacancies in the future. The party committees still exist, so we could choose to continue the longstanding tradition. However, in that case, we would need to have a procedure in place for how to address a vacancy by a council member who is unenrolled in a party.

If we wish to no longer follow the previous tradition altogether, we should decide if we want to adopt a policy that does not involve any city political committee. For example, we could solicit application from interest community members in the event of a vacancy.

However the council wishes to proceed, it would be wise to establish a policy before a vacancy occurs. If we wait to have this discussion until a vacancy occurs it could cause an unnecessary delay in the filling the vacancy. It could also make it appear unfair that a previous tradition was being abandoned for reasons having to do with the particular vacancy before us.

Sincerely,
David

Get [Outlook for iOS](#)

TO: Honorable City Council
FROM: Angela Holmes, Asst. City Administrator/City Clerk
DATE: August 17, 2021
RE: Filling Vacancies in Office for City Council Members

Councilor David Morse has requested a referral to establish a formal policy outlining the process of filling a vacant City Council seat. This memo outlines the Administration's recommendations, should Council wish to adopt such a policy.

For reference, Section 6.5 of the Westbrook City Charter states, in part:

A vacancy occurring in the City Council by death, resignation or removal from the City of any member thereof, shall be filled for the unexpired term by a majority vote of the remaining members present and voting, voting by roll call; and if such vacancy be occasioned by the death, resignation or removal from the City of a member elected by a ward, the same shall be filled from the ward where it occurs.

As Councilor Morse has noted in his email accompanying the referral request, the Charter states that a Council vacancy shall be filled by appointment made by the remaining Councilors. Historically, the political party of the Councilor who vacated the position would caucus to select a new candidate, and Council would vote upon that selection. However, Westbrook has taken steps over the years to remove political party influence from local elections, including the recent adoption of a Charter amendment which requires all candidates to take out nomination petition papers, instead of allowing the alternative option of obtaining the nomination of their local political party committee.

The Administration agrees with Councilor Morse's suggestion that recent changes to create a nonpartisan approach to filling Council vacancies. We would suggest creating a new section within the City Council Rules of Order to outline the process by which a replacement candidate is presented to Council for consideration. We suggest that in the event of a vacancy in City Council, the Council President should establish an Appointment Committee charged with soliciting applications for the vacant position, reviewing applications and interviewing candidates, and developing a recommendation to present to the Council as a whole. The City currently uses an application form module through our website which standardizes the application process for boards, commissions, and committees, and a new application could easily be created for those interest in applying for the vacant position.