

RESOLUTION NO. 9-2026

A RESOLUTION OF THE RIVER HEIGHTS CITY COUNCIL ESTABLISHING A TIE-BREAKING METHOD FOR FILLING VACANCIES IN THE CITY COUNCIL PURSUANT TO UTAH CODE § 20A-1-510

WHEREAS, Utah Code § 20A-1-510 governs the procedure for filling midterm vacancies in municipal offices; and

WHEREAS, Subsection (3)(e) of said statute requires the municipal legislative body, subject to Subsection (6)(c), to pass a resolution or ordinance before interviewing candidates that identifies a fair and transparent method for breaking ties by lot in the circumstances described; and

WHEREAS, the River Heights City Council desires to establish a clear, fair, and fully transparent method to ensure all candidates have an equal chance and that the process is conducted openly and impartially;

NOW, THEREFORE, BE IT RESOLVED by the City Council of River Heights City, Utah, as follows:

SECTION 1. TIE-BREAKING METHOD

The River Heights City Council hereby adopts the following method for resolving ties by lot, to be used as required by Utah Code § 20A-1-510(3)(e):

(a) In the event of a tie between three or more candidates, the City Recorder shall conduct a drawing by lot to eliminate candidates, where each tied candidate has an equal chance of elimination, continuing until only two candidates remain; or

(b) In the event that one candidate receives the most votes but not a majority of the votes, and two or more candidates tie for receiving the second most votes, the City Recorder shall conduct a drawing by lot to eliminate the tied candidates, where each tied candidate has an equal chance of elimination, until only one of the tied candidates remains.

SECTION 2. DETAILED PROCEDURE FOR DRAWING BY LOT (UTAH CODE 20A-1-510(3)(e))

Any drawing by lot shall be conducted as follows:

(a) The drawing shall take place in a public meeting of the City Council, with reasonable notice provided to all tied candidates and the public.

(b) All tied candidates (or their designated representatives) shall be invited and given the opportunity to attend and observe the entire process.

(c) The City Recorder shall prepare identical slips of paper, or cards. The name of each tied candidate shall be clearly written or printed on one slip/object. All slips shall be folded or placed in such a way that the names are not visible.

(d) The prepared slips shall be placed into a single container (such as a box, a hat, or a bowl). The candidates or their representatives may inspect said container to ensure it is empty.

(e) The container shall be thoroughly mixed or shaken in view of the Council and any observing candidates.

(f) The City Recorder shall then draw slips one at a time from the container without looking inside, and shall announce each name as drawn. Each drawn candidate shall be eliminated in the order drawn until the required number of candidates remain (two candidates in the case of a multi-candidate tie, or one candidate in the case of a second-place tie).

(g) All drawings, announcements, and results shall be recorded in the official meeting minutes, including the names of all candidates involved, and the order of elimination.

(h) The City Recorder may use an alternative random selection method (such as a computer-based random number generator visible to all, or another neutral process) provided it is publicly announced in advance, gives each candidate an equal probability, and maintains transparency.

SECTION 3. PROCEDURE FOR COIN TOSS (UTAH CODE § 20A-1-510(4)(c)):

(a) If, after the second vote between the two remaining candidates, neither receives a majority of the votes cast by the municipal legislative body, the vacancy shall be filled by a coin toss between those two candidates.

(b) The coin toss shall be conducted by the City Recorder in a public meeting of the City Council, with reasonable notice given to the two candidates and the public.

(c) Both candidates (or their designated representatives) shall be invited to attend and observe the toss.

(d) Determining Who Calls Heads or Tails

i. The candidate whose last name comes first in alphabetical order (i.e., the first letter of the last name that is closer to the letter “A” in the alphabet) shall have the right to call “heads” or “tails.”

ii. If the first letters of the last names are the same, the comparison shall proceed to the second letter, and so on, until the alphabetical order is determined.

iii. The City Recorder shall announce which candidate has the right to call before the toss.

(e) The City Recorder shall use a standard coin (e.g., a U.S. quarter). The designated candidate shall publicly call “heads” or “tails.”

(f) The City Recorder shall flip the coin in full view of the Council and candidates (or their representatives) and announce the result. The candidate who correctly calls the outcome shall be appointed to fill the vacancy.

(h) The coin toss process, shall be recorded in the official meeting minutes.

EFFECTIVE DATE.

This Resolution shall take effect immediately upon its passage and shall remain in effect for all future vacancy proceedings unless amended or repealed by the City Council.

PASSED AND ADOPTED by the City Council of River Heights City, Utah, this 7th day of July, 2026.

River Heights City Council

Mayor, Blake Wright

ATTEST:

City Recorder, Sheila Lind