

TOWN OF APPLE VALLEY

RESOLUTION NO. 2026-31

A RESOLUTION ESTABLISHING PROCEDURES FOR RESOLVING TIES AND FILLING MIDTERM VACANCIES IN MUNICIPAL OFFICE PURSUANT TO UTAH CODE § 20A-1-510

WHEREAS, the Town of Apple Valley is a municipality organized and existing under the laws of the State of Utah; and

WHEREAS, Utah Code § 20A-1-510 establishes procedures governing the filling of midterm vacancies in municipal offices; and

WHEREAS, Utah Code § 20A-1-510 requires the municipal legislative body, before the meeting at which qualified applicants are interviewed, to pass a resolution or ordinance identifying a fair and transparent method for resolving certain ties among candidates by lot; and

WHEREAS, the method adopted by the Town must provide each tied candidate with an equal chance of elimination; and

WHEREAS, Utah Code § 20A-1-510 provides that the breaking of a tie by lot shall be conducted by the municipal recorder or clerk at a public meeting in the presence of the municipal legislative body; and

WHEREAS, the Town Council desires to establish a clear, fair, transparent, and consistent procedure for resolving such ties and administering the appointment process for midterm municipal vacancies;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Resolution is to establish procedures consistent with Utah Code § 20A-1-510 for resolving candidate ties arising during the process of filling a midterm vacancy in municipal office.

SECTION 2. INITIAL VOTE

After interviewing each qualified applicant in an open meeting as required by Utah Code § 20A-1-510, the Town Council shall conduct an initial vote from among the candidates interviewed.

Each Council Member's vote shall be immediately disclosed to the public as required by state law.

If a candidate receives the required majority vote of the municipal legislative body, that candidate shall be appointed to fill the vacancy, subject to all other applicable requirements of state law.

SECTION 3. TIE BETWEEN THREE OR MORE CANDIDATES

If, following the initial vote, three or more candidates are tied in a manner that prevents the Town Council from identifying only two candidates who received the most votes, the tied candidates shall be reduced by lot as follows:

1. The Town Recorder shall prepare one identical slip of paper for each tied candidate.
2. Each slip shall contain the name of one tied candidate.
3. The slips shall be identical in size, appearance, folding, and manner of preparation so that no candidate's slip may be distinguished from another.
4. The slips shall be placed into an opaque container.

5. The Town Recorder shall thoroughly mix the slips in a manner observable by the Town Council and members of the public attending the meeting.
6. The Town Recorder shall randomly draw one slip from the container.
7. The candidate whose name appears on the drawn slip shall be eliminated from further consideration in that round.
8. If more than two candidates remain tied after the first drawing, the Town Recorder shall repeat the procedure using the names of the remaining tied candidates until only two candidates remain.
9. Each tied candidate shall have an equal chance of elimination during each drawing.

The two remaining candidates shall proceed to the second vote required by Utah Code § 20A-1-510.

SECTION 4. TIE FOR SECOND-MOST VOTES

If one candidate receives the most votes in the initial vote but does not receive the required majority, and two or more candidates are tied for the second-most votes, the tied candidates shall be reduced by lot as follows:

1. The Town Recorder shall prepare one identical slip of paper for each candidate tied for the second-most votes.
2. Each slip shall contain the name of one tied candidate.
3. The slips shall be identical in size, appearance, folding, and manner of preparation.
4. The slips shall be placed into an opaque container and thoroughly mixed by the Town Recorder in a manner observable by the Town Council and the public.
5. The Town Recorder shall randomly draw one slip.
6. The candidate whose name appears on the drawn slip shall be eliminated.
7. If more than one candidate remains tied for the second-most votes after the first drawing, the procedure shall be repeated using the names of the remaining tied candidates until only one candidate remains.
8. Each tied candidate shall have an equal chance of elimination during each drawing.

The remaining candidate and the candidate who received the most votes in the initial vote shall proceed to the second vote required by Utah Code § 20A-1-510.

SECTION 5. SECOND VOTE

After the two candidates entitled to proceed have been determined, the Town Council shall conduct a second vote between those two candidates.

If one candidate receives the required majority vote of the municipal legislative body, that candidate shall be appointed to fill the vacancy.

Each Council Member's vote shall be immediately disclosed to the public.

SECTION 6. COIN TOSS

If neither candidate receives the required majority vote during the second vote, the vacancy shall be determined by coin toss in accordance with Utah Code § 20A-1-510.

The coin toss shall be conducted by the Town Recorder at a public meeting in the presence of the Town Council.

Immediately before the coin toss, the Town Recorder shall randomly determine or otherwise fairly assign which candidate is represented by each side of the coin.

The Town Recorder shall publicly announce the assignment before the coin is tossed.

The candidate represented by the side of the coin facing upward after the coin has been tossed and has come to rest shall be selected to fill the vacancy.

If the coin does not land in a manner that clearly produces a result, the Town Recorder shall repeat the coin toss.

SECTION 7. TOWN RECORDER RESPONSIBILITIES

The Town Recorder shall administer any drawing by lot or coin toss required under this Resolution.

All such procedures shall:

1. Occur during a public meeting;
2. Be conducted in the presence of the Town Council;
3. Be performed in a manner that is observable by those attending the meeting;
4. Provide each affected candidate an equal opportunity as required by law; and
5. Be documented in the official minutes of the meeting.

SECTION 8. MAYORAL TIE-BREAKING AUTHORITY

The procedures established by this Resolution shall be subject to Utah Code § 20A-1-510(6)(c).

A tie-breaking procedure conducted by lot or coin toss shall not be used when the tie may lawfully be broken by the mayor pursuant to applicable state law.

SECTION 9. RESIGNING COUNCIL MEMBER

Nothing in this Resolution shall prohibit a member of the municipal legislative body whose irrevocable resignation creates the vacancy from interviewing candidates or voting on the appointment before the effective date of the vacancy when permitted by Utah Code § 20A-1-510.

SECTION 10. COMPLIANCE WITH STATE LAW

This Resolution is intended to supplement and implement Utah Code § 20A-1-510.

If any provision of this Resolution conflicts with applicable state law, state law shall control.

The Town shall follow the version of Utah law in effect at the time a vacancy is filled.

SECTION 11. STANDING PROCEDURE

The procedures established by this Resolution shall constitute the standing procedures of the Town of Apple Valley for resolving ties in the appointment process for midterm municipal vacancies unless amended, repealed, or superseded by subsequent Town Council action or changes in state law.

SECTION 12. SEVERABILITY

If any provision of this Resolution is determined by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

SECTION 13. EFFECTIVE DATE

This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, this 19th day of August, 2026.

TOWN OF APPLE VALLEY

Mayor

ATTEST:

Jenna Vizcardo
Town Recorder

VOTE:

Council Member	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar				
Council Member Kevin Sair				
Council Member Annie Spendlove				
Council Member Scott Taylor				
Council Member Richard Palmer				