



**Date** ..... January 25, 2024 .....

**RESOLUTION FINDING A VACANCY IN THE OFFICE OF AT LARGE COUNCIL MEMBER AND CALLING FOR A SPECIAL ELECTION AT THE EARLIEST PRACTICABLE DATE AND CLARIFYING THAT SUCH DATE IS MARCH 19, 2024 AND DIRECTING THE CITY CLERK TO NOTIFY THE COUNTY COMMISSIONER OF ELECTIONS OF THE COUNCIL DECISION TO CALL FOR A SPECIAL ELECTION PURSUANT TO IOWA CODE**

WHEREAS, on January 2, 2024, the At Large Council Member filed a resignation with the City Clerk and took the oath of office for the office of Mayor of the City of Des Moines, thereby creating a vacancy pursuant to Iowa Code section 69.2(1)(d); and,

WHEREAS, Iowa Code section 372.13(2) provides that in the event of a vacancy in elective office during the term of the office, the Council can call a special election to fill the office for the remaining balance of the unexpired term; and,

WHEREAS, the City Council voted at its meeting on January 22, 2024 in Roll Call 24-0146 to fill the office by special election pursuant to Iowa Code section 372.13(2)(b); and,

WHEREAS, after communication with the County Auditor's office, the City Council wishes to clarify that it is selecting the date of March 19, 2024 as the earliest practicable date for a special election; and,

WHEREAS, with this decision and this finding, the City Council should direct the City Clerk to convey this resolution to the County Commissioner of Elections with the City's request that this vacancy be placed on the ballot to fill in a March 19, 2024 special election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. A vacancy is declared for the office of Des Moines At Large City Council Member effective January 2, 2024.
2. The Council chooses to hold a special election to fill the office pursuant to Iowa Code section 372.13(2)(b)(1).
3. After consultation with the County Auditor's Office, the Council finds that March 19, 2024 is the earliest practicable date to hold the special election.

**Date** January 25, 2024

4. The Council further finds that the person elected under section 69.12(2) shall be deemed to fill the remainder of the unexpired term and shall assume office immediately following the certification of the election.
5. The City Clerk is hereby authorized and directed to immediately provide a copy of this Resolution to the County Commissioner of Elections pursuant to Iowa Code section 376.1(2) of the Council’s decision to call a special election and City Staff is further authorized to take any action reasonably necessary to place this vacant office for special election on March 19, 2024.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

\_\_\_\_\_  
 Jeffrey D. Lester  
 City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
GATTO				
MANDELBAUM				
COLEMAN				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk