



Roll Call Number

13-1849

Agenda Item Number

56

Date November 18, 2013

**RESOLUTION OF INTENT TO FILL THE VACANT OFFICE OF WARD IV  
COUNCIL MEMBER OF THE CITY OF DES MOINES BY APPOINTMENT**

WHEREAS, Brian Meyer submitted his resignation from the Office of Ward IV Council Member of Des Moines effective October 31, 2013; and

WHEREAS, under §372.13, Code of Iowa, the remaining members of the Des Moines City Council have the option to either call for a special election to fill the remainder of the term, until December 31, 2015, or to appoint a qualified person to fill the vacancy until the next pending election, including an intervening election on a public question or absent such intervening election on November 3, 2015, subject to the right of the public to file a petition with the City Clerk requesting a special election to fill the vacancy; and

WHEREAS, it is the intention of the remaining members of the City Council to make an appointment to fill the vacant position of the Office of Ward IV Council Member of Des Moines until the next pending election to be held; and

WHEREAS, §372.13(a), Code of Iowa, requires that before any such appointment be made, the City must publish notice stating that the City Council intends to fill the vacancy by appointment, but that the electors of Ward IV have the right to file a petition requiring that the vacancy be filled by a special election.

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

1. That the City Council of the City of Des Moines intends to fill the vacant position of the Office of Ward IV Council Member of Des Moines by appointment to be made during a special City Council meeting on December 9, 2013, subject to the right of electors of Ward IV to file a petition meeting the requirements of §372.13, Code of Iowa, requiring that the vacancy be filled by a special election.

★ Roll Call Number  
13-1849

Agenda Item Number  
56

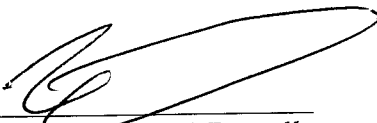
Date November 18, 2013

-2-

2. That the City Clerk is directed to publish the attached notice in accordance with §§362.3 and 372.13(2)(a), Code of Iowa.

Moved by Moore to adopt.

APPROVED AS TO FORM:

  
Lawrence R. McDowell  
Deputy City Attorney

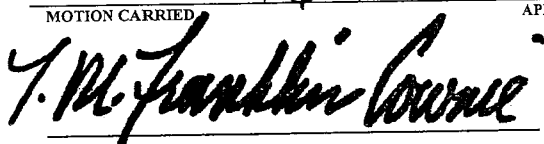
\\CDMFS\ID-VOLUME\APPDATA\LEGAL\MM-RDL\Renae\LARRYRC\City Council Vacancy.docx

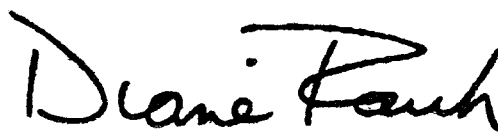
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			

**CERTIFICATE**

I, DIANE RAUH, 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.

  
T. M. Franklin  
Mayor

  
Diane Rauh  
City Clerk