



Roll Call Number

23-1281

Agenda Item Number

Ex. 1

Date September 11, 2023

RESOLUTION FINDING A VACANCY IN THE OFFICE OF WARD 1 COUNCIL MEMBER AND CALLING FOR A SPECIAL ELECTION AT THE EARLIEST PRACTICABLE DATE OF NOVEMBER 7, 2023, 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 September 6, 2023, the Ward I Representative filed a resignation with the City Clerk, 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 has the option of appointing a replacement within 60 days or special election to fill the office for the remaining balance of the unexpired term; and,

WHEREAS, the City Council has decided to fill the office by special election pursuant to Iowa Code section 372.13(2)(b); and,

WHEREAS, since a pending election will be held on November 7, 2023, for City Council positions, that date is also the most 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 Polk County Auditor with the City's request that this vacancy be placed on the ballot to fill in the November 7, 2023, election.

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

1. A vacancy is declared for Des Moines City Council Ward I effective September 6, 2023.
2. The Council chooses to hold a special election to fill the office pursuant to Iowa Code section 372.13(2)(b)(1).
3. The Council finds that the pending election on November 7, 2023, is the most practicable date to hold the special election, considering its proximity to the date of the vacancy and the efficiency of holding one election.
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 election.

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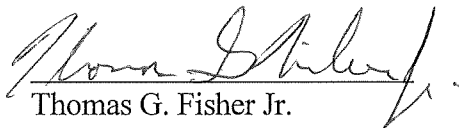
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5. The City Clerk is hereby authorized and directed to immediately provide a copy of this Resolution to the County Commissioner of Elections pursuant to Iowa Code section 376.1(2) of the Council's decision to call a special election and to City Staff is further authorized to take any action reasonably necessary to place this vacant office for special election on November 7, 2023.

Moved by Boesen to adopt. Second by Mandelbaum.

APPROVED AS TO FORM:

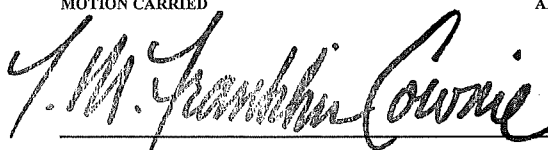

Thomas G. Fisher Jr.
Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 6 | | | |

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.


Mayor


City Clerk