



Roll Call Number

24-0146

Agenda Item Number

50-I

Date January 22, 2024

RESOLUTION TO RECEIVE AND FILE COUNCIL DISCUSSION AND PUBLIC DISCUSSION REGARDING A VACANCY IN THE OFFICE OF AT LARGE COUNCIL MEMBER AND DIRECTING STAFF TO DRAFT A RESOLUTION REFLECTING COUNCIL'S INTENT ON FILLING THE VACANCY AT ITS FEBRUARY 5, 2024 COUNCIL MEETING

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 has the option of appointing a replacement within 60 days or calling a special election to fill the office for the remaining balance of the unexpired term; and,

WHEREAS, the City Council has decided to discuss the matter publicly amongst the City Council and to receive limited public input on whether to fill the office by special election pursuant to Iowa Code section 372.13(2)(b) or to take other Council action; and,

WHEREAS, with this decision and this finding, the City Council should direct the City Attorney to draft a resolution for Council Consideration at the February 5, 2024 Council meeting to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa: (Choose one option)

- A. The Council chooses to direct the City Attorney to draft a resolution for Council to declare a vacancy and hold a special election to fill the office pursuant to Iowa Code section 372.13(2)(b)(1) at its February 5, 2024 meeting; or
B. The Council chooses to direct the City Attorney to draft a resolution for Council to take different Council action.

Moved by Datto to adopt, Second by Coleman. calling for a special election at the earliest practicable date and directing the City Clerk to notify the County Auditor at the Council's direction.



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APPROVED AS TO FORM:

/s/ Jeffrey D. Lester

Jeffrey D. Lester
City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
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.

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

Laura Baumgartner

City Clerk