



Charter Review Committee

City of Arts & Innovation

TO: CHARTER REVIEW COMMITTEE MEMBERS DATE: NOVEMBER 18, 2019
FROM: CITY CLERK WARDS: ALL
SUBJECT: FILLING OF VACANCIES IN THE OFFICE OF MAYOR OR MEMBER OF THE CITY COUNCIL

ISSUE:

Approve the proposed language amending Section 404. Vacancies as directed at the Charter Review Committee meeting of October 21, 2019, concerning filling of vacancies in the Office of Mayor or Member of the City Council.

RECOMMENDATION:

That the Charter Review Committee approve the proposed Charter Amendment language providing for filling of vacancies in the Office of Mayor or Member of the City Council.

BACKGROUND:

On October 21, 2019, the Charter Review Committee discussed language drafted by staff substantially implementing the proposal by the League of Women Voters to provide appointment by the City Council to fill vacancies in elected office with up to one year remaining on the term, calling of a special election to fill vacancies in excess of one year, providing for election by majority of all votes cast without a run-off election when filling vacancies, and prohibition of appointed officials from referencing “incumbent”, “member of the city council”, or other designation indicating incumbency in a future election for the same seat.

The current Charter section is as follows:

Section 404. Vacancies

A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council or the Mayor is absent from three consecutive regular meetings of the City Council, unless by permission of the City Council expressed in its official

minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

The revised language to amend Charter Section 404, in its entirety, reflecting the direction of the Charter Review Committee on October 21, 2019, is shown below:

Section 404. Vacancies

If a member of the City Council or the Mayor is absent from three consecutive regular meetings of the City Council, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

Within fourteen days from notice of the vacancy, the City Council shall declare the existence of any vacancy in elected office, from whatever cause arising, except in the event of a successful recall.

For vacancies in elected office with no more than one year remaining on the term from declaration of the vacancy, the City Council shall appoint to fill the vacancy for the remaining term within sixty days after such office shall have been declared vacant. In the event the City Council fails to fill such vacancy by appointment within sixty days after such office shall have been declared vacant, the City Council shall cause an election to be held within one hundred twenty days to fill such vacancy.

For vacancies in elected office with more than one year remaining on the term, the City Council shall call a special election for the purpose of filling the vacancy for the remainder of the term. Such special election shall be held within one hundred twenty days after such office shall have been declared vacant.

If in a special election to fill a vacancy for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special runoff election to be held within ninety days. The two candidates receiving the highest number of votes in the special election to fill the vacancy shall be declared the candidates for the special runoff election.

If for any election called pursuant to this section, there is a local or statewide election scheduled within one hundred eighty days after such office shall have been declared vacant, the City Council shall consolidate the special election with such local or statewide election.

Appointed officials shall not be permitted to reference "incumbent", "member of the City Council", or other designation indicating incumbency in a Statement of Qualifications published in the sample ballot materials at the subsequent election for the same seat.

FISCAL IMPACT:

Costs to conduct a special election are estimated to vary from \$60,000 to \$150,000 per special election, depending upon the number of voters and whether the special election is consolidated with other elections.

Prepared by: Colleen J. Nicol, City Clerk
Approved as to form: Gary G. Geuss, City Attorney