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MEMO

TO: Honorable Mayor, Members of Council and Manager
FROM: David S. Bruner, City Attorney
DATED: December 1, 2016

RE: Vacancy on Council – At Large

Iowa Code Section 372.13 provides that a vacancy in an elective city office during the term of office shall be filled, at the Council's option, by one of two following procedures:

1. Council may fill the vacancy by appointment.

   The appointment shall be for the period until the next regular City election, or any public question to be decided by the voters of the City

   This appointment shall be made within 60 days after the vacancy occurs. The Council must publish notice stating the Council intends to fill the vacancy by appointment. The Council may then make the appointment to fill the vacancy after the notice is published.

   However, if within 14 days of the appointment being made there is filed with the City Clerk a petition which requests a special election to fill the vacancy, the appointment to fill the vacancy is temporary and the Council shall call a special election to fill the vacancy permanently.

   The number of signatures of eligible electors for a valid petition is at least 1000 signatures or at least the number of signatures equal to 15% of the voters who voted for candidates for that office at the proceeding regular election, whichever number is fewer.

2. Council may fill the vacancy by special election. If the Council elects to conduct a Special Election or a valid petition is filed as stated above, a Special Election must occur at the earliest practicable date. The Council must give the County Commissioner (Auditor) at least 32 days written notice of the date chosen for the Special Election.

Council should make its determination of method to fill the vacancy by one of the two below methods.

1) By motion, the Council may elect to use the method of appointment to fill the Council vacancy.

   By motion, the Council must then authorize the publishing of notice stating the Council's intent to fill the vacancy by appointment at its next meeting (see proposed notice)

   The appointee shall hold office until the November 2017, election, unless there is an intervening special election, in which event the election for this office shall be placed on the ballot at such special election.

OR

2) By motion, the Council may elect to use the method of special election to fill the Council vacancy.

   By motion, the Council must then give written notice of its selection of a special election to the Auditor at least 32 days before the selected election date.

   The elected person shall hold office for the remaining unexpired term, December 31, 2019.

   Nomination papers of candidates must be filed 25 days prior to the election.

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PUBLIC NOTICE OF CITY COUNCIL'S INTENT TO FILL VACANCY BY APPOINTMENT

In accordance with Sections 372.13 and 362.3, Iowa Code, 2015, Notice is hereby given that the City Council of Carroll, Iowa, intends to fill the At Large City Council vacancy due to the resignation of Brandon Vonnahme, by appointment at its meeting on the _____ day of _____, 2017, at 5:15 P.m., at the Farner Government Building, 112 E 5th Street, Carroll, Iowa.

The appointment shall fill the vacancy until the next regular City election, or any public question to be decided by the voters of the City of Carroll.

The electors of the City of Carroll, have the right to file a petition requiring that the vacancy be filled by a special election. However, said petition must be filed within fourteen (14) days after publication of this notice or within fourteen (14) days after the appointment is made.

This notice is given at the direction of the Carroll City Council.

Laura A. Schaefer, City Clerk
City of Carroll, Iowa

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