

March 26, 2001

REPORT TO THE COMMITTEE ON RULES,
FINANCE AND INTERGOVERNMENTAL

PROPOSED CHARTER AMENDMENT PERMITTING CITY COUNCIL APPOINTMENT
TO FILL COUNCIL VACANCY PENDING SPECIAL ELECTION

At its meeting of February 21, 2001, the Rules Committee requested the City Attorney to draft a proposed amendment to the City Charter permitting the City Council to fill a vacancy on the City Council by appointment pending a special election to fill that seat. The City Attorney was directed to follow guidelines outlined in Councilmember Wear's memorandum of January 30, 2001, addressed to the Mayor and members of the Rules Committee, enclosed as Attachment 1.

Enclosed as Attachment 2 is a draft amendment to Charter section 12, which accomplishes those goals. The amendment adds new subsection 12(h)(1)(B)(I). The new language is underlined. Briefly, this proposed amendment:

(1) permits, but does not require, the City Council to appoint someone to fill a vacancy in a Council office pending a special election to fill that office;

(2) states that, if the Council chooses to exercise its appointment power, the appointment is to take place within thirty days of the vacancy;

(3) specifies that the person appointed to fill the vacancy shall hold that office until a candidate is elected and sworn into office under the special election procedures; and,

(4) prohibits the appointed Councilmember from being eligible to run in the special election to fill the vacancy.

We will be available at the Rules Committee meeting on April 4, 2001, to answer your questions.

Respectfully submitted,

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CASEY GWINN
City Attorney

CCM:mr:Civ.

Attachments: Councilmember Wear's memorandum of January 30, 2001
Proposed Amendment to Charter section 12

RC-2001-11