



[CITY OF]
OTTUMWA

TENTATIVE AGENDA
OTTUMWA CITY COUNCIL

SPECIAL MEETING NO. 35
Room 8B – Depot Conference Room

December 21, 2023
4:00 O'Clock P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Member Roe, Galloway, Hoffman, McAntire and Mayor Johnson.
Currently one Vacant Council Seat.

APPROVAL OF AGENDA

All items on this agenda are subject to discussion and/or action.

1. Consideration and discussion of how to fill City Council Vacancy left by Sandra Pope.

Replacement by Appointment or
Replacement by Special Election

PUBLIC FORUM:

The Mayor will request comments from the public on topics of city business or operations other than those listed on this agenda. Comments shall not be personalized and limited to three minutes or less. Comments not directly applicable to operations, inappropriate, or an improper utilization of meeting time, as determined by the Mayor, will be ruled out of order. When called upon by the Mayor, step to the microphone; give your name, address and topic on which to address the Council. The Council is not likely to take any action on your comments due to requirements of the Open Meetings Law. Pertinent questions, comments or suggestions may be referred to the appropriate department, city administrator or legal counsel for response, if relevant.

ADJOURN

***** It is the goal of the City of Ottumwa that all City Council public meetings are accessible to people with disabilities. If you need assistance in participating in City Council meetings due to a disability as defined under the ADA, please call the City Clerk's Office at (641) 683-0621 at least one (1) business day prior to the scheduled meeting to request an accommodation. *****



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O T T U M W A

FAX COVER SHEET

City of Ottumwa

DATE: 12/20/2023 TIME: 10:10 AM NO. OF PAGES 2
(Including Cover Sheet)

TO: News Media CO: _____

FAX NO: _____

FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: Tentative Agenda for the Special City Council Meeting #35 to be held on
12/21/2023 at 4:00 P.M. at the Train Depot, Conference Room 8B – 2nd Floor, 210 W. Main St.

 FAX MULTI TX REPORT

JOB NO. 4155
 DEPT. ID 4717
 PGS. 2

TX INCOMPLETE -----

TRANSACTION OK 916416847834
 916606271885
 916416823269
 ERROR 916416828482

Ottumwa Courier
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 Tom FM



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JOB NO. 4155
DEPT. ID 4717
ST. TIME 12/20 10:12
SHEETS 2
FILE NAME

TX INCOMPLETE -----
TRANSACTION OK 916416847834
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Kristine Stone
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kstone@ahlerslaw.com

TO: Phil Rath
FROM: Kristine Stone
DATE: December 19, 2023
RE: Filling a vacancy on the council

A vacancy on the council, during a term of office, may be filled in one of two ways. Pursuant Iowa Code section 372.13, the position may be filled by appointment by the remaining members of the council or the council can call a special election. A vacancy occurs when a council member resigns.¹

Replacement by Appointment

If the council chooses to appoint a replacement, the appointment must occur within sixty days after the vacancy occurs. The person appointed shall hold the position until the next regular city election unless there is an intervening special election for the city, in which case the position shall be placed on that election. Regular city elections occur in odd years.² The next regular city election will be held in November of 2025. If the council fails to fill the position by appointment within the sixty day time period, the city clerk shall give notice to the county auditor who will then call a special election to fill the position. The election shall occur no fewer than thirty-two days after the notice is received by the county.

If the council wishes to appoint a replacement, it is required to publish a notice stating that it intends to fill the vacancy by appointment but that the voters have the right to file a petition requiring that the vacancy be filled by a special election. A sample notice is attached to this memo.

If a petition is filed within 14 days of the date of the publication of the notice, or within 14 days of the date of the appointment, the appointment shall be temporary and the city will be required to call a special election to fill the position. The petition must include a minimum of 1,000 signatures or 15% of the voters who voted at the last regular election at which the office was on the ballot, whichever is less.

It is up to the council to decide the procedure by which to fill the position by appointment. In my experience, cities typically solicit resumes or applications from interested candidates and then determine who they believe is the most well-qualified candidate. A written questionnaire or oral interview could also be required as part of the selection process. The

¹ Iowa Code § 69.2(1)(d).

² Iowa Code § 376.1.

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interviews, deliberations and votes regarding the appointment of a council member will need to occur in open session at a public council meeting.

Alternatively, the city could seek to fill the vacancy on a short-term basis. It can be beneficial to appoint a former council member who is willing to fill in and who does not desire to hold the office long term. This provides the council with a full complement of members after an opening occurs, and still gives the voters a fair opportunity to elect a new council member from a slate of interested candidates with no particular advantage over the others.

Replacement by Special Election

A vacancy can be filled by calling a special election to fill the office for the remaining balance of the unexpired term, which in this case is scheduled to expire in January of 2026.³ If a pending election is scheduled within 90 days of the vacancy, that election date can be used for the special election. If not, a special election shall be called at the earliest practicable date. Because Ottumwa follows the primary election procedures, the council shall give the county auditor at least 60 days' written notice of the date chosen for the special election. A nomination petition must be filed not less than 53 days before the date of the special election. If a special election is the preferred method of replacement, I suggest contacting the county auditor's office right away to determine the available dates for the special election and the corresponding filing deadlines for candidates.

Let me know if you have questions regarding this memo.

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³ Iowa Code § 376.2(1).

NOTICE OF CITY COUNCIL VACANCY

In accordance with Iowa Code Sections 372.13(2)(a), notice is hereby given that a vacancy has occurred among the members of the City Council of the City of Ottumwa

The vacancy occurred on December 18, 2023. The remaining balance of the term of office for the vacant position will expire in January of 2026.

It is the intention of the remaining members of the City Council to fill said vacancy by appointment. The person so appointed to fill the vacancy shall hold office until a successor is elected and qualified in accordance with law.

The electors of the City of Ottumwa have the right to file a valid petition requiring that the vacancy be filled by a special election.

Dated this ____ day of _____, 2023.

CITY OF OTTUMWA

By _____
City Clerk