



City Charter Update and Modernization Project – Council Vacancies

City Attorney's Office

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City Council Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

Modernize and Update the City Charter

- Modernization and updating the City Charter is necessary.
- A comprehensive review and update has not been completed in over 25 years.

- On April 15, Council adopted five ordinances to place Charter amendments on the November 2025 ballot.
- **A final item for consideration, regarding the Council vacancy process, was delayed to allow Work Session discussion.**
- Tonight's Work Session also includes an item for discussion of the order of Charter amendments on the ballot.

1. What questions and feedback do Councilmembers have about this proposed Amendment, including
 - Eliminating deadline for appointment of replacement;
 - Minimum time for circulating nominating petitions;
 - Minimum time for appointee to serve in office; and
 - Whether Council should be prevented from appointing for a briefer term?
2. Are Councilmembers interested in seeing this proposed Amendment presented for consideration as a ballot item for November 2025?

Current Charter requires:

- **Council must appoint replacement to fill vacancy within 45 days.**
- **If period for filling vacancy falls within the 45-day window before a regular election, the *new* Council fills the vacancy after the election (unless the vacated office is already on the ballot under the normal schedule).**

Under the current Charter:

- **The time frame for delaying appointment to the new Council does not match to election process timelines.**
 - **Nominations for placing a vacated office on the ballot require time for circulation of nominating petitions before the County's candidate submittal deadline.**

Under the current Charter:

- **The swearing in date for new Councilmembers creates a long “lame duck” phase.**
 - **This results in a longer time between the deadline for getting vacated office on the ballot and the time a new Council will be seated.**
 - **The current 45-day “hold” before the election creates a minimum time an appointee would serve on Council.**

Proposed changes:

- **Reorganize and restate the requirements and process for appointment to make them easier to read;**
- **Require public announcement of the vacancy via website and allow Council to direct Clerk to solicit and receive applications;**
- **Continue requirement that qualifications must be met and allow Council to add requirements for applicants, including possible nominating petitions, financial disclosures and other application requirements.**

Proposed changes:

- **Eliminate deadline for appointment** to fill vacancy;
- Require vacant office to appear on regular election ballot if a **set minimum time for circulation of nominating** petitions is available;
- Requires newly seat Council to appoint replacement if too late for regular election ballot.
- **Requires (or allows)** Council to refrain from appointing a replacement if the appointee will not be able to serve **a minimum amount of time**.

Proposed changes:

- **Clarify the timing of Mayor Pro Tem becoming Acting Mayor and Council selection of new Mayor Pro Tem;**
- **Make clear the appointed replacement for the Mayor Pro Tem who has become Acting Mayor serves until the Acting Mayor returns from that role or the term ends;**
- **Clarify that process for replacement in Acting Mayor's District seat.**

Proposed changes:

- **Specify that any person appointed or elected to fill a vacancy who serves a total of more than half of the term will be considered to have served a full term for the purpose of applying term limits.**

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Chart of Dates for Reference

	<u>Reference Dates</u> <u>(2025 Tuesdays unless</u> <u>noted)</u>	<u>Before/after election</u>	<u>To end of terms in Jan.</u> <u>2026</u>
2026 Swearing in	January 13, 2026	70 days/10 wks after	-----
	December 2	28 days/4 wks after	42 days/6 wks
	November 18	14 days/2 wks after	56 days/8 wks
2025 Election Day	November 4	-----	70 days/10 wks
	October 7	28 days/4 wks before	98 days/14 wks
	September 9	56 days/8 wks before	126 days/18 wks
Candidates Due	Friday, September 5	60 days/8.5 wks before	130 days/18.5 wks
	September 2	63 days/9 wks before	133 days/19 wks
	August 5	91 days/13 wks before	161 days/23 wks

