



## AGENDA ITEM ANALYSIS

Project/Issue Name: 23-66 An Ordinance of the City Council Proposing an Amendment to The City Charter to Clarify the Procedure for Filling Vacancies in the City Council; Calling an Election to be Held on April 2, 2024 on the Proposed Amendment; Authorizing and Directing the City Clerk to Give Notice to the County Clerk of Said Election, and Providing for Enactment of the Proposed Amendment if Approved.

Submitted By: Laura Burbridge, City Clerk  
Megan McCullough, City Attorney

Date: December 12, 2023

### Issue Statement

To call an election proposing a charter amendment to the voters of Republic.

### Discussion and/or Analysis

**QUESTION 3: Shall the Charter of the City of Republic, Section 3.6(c), be amended to clarify that a vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election with expiring Council seats on the ballot?**

This question would clarify the term of any Mayoral appointment moving forward and is written as the current Charter language is interpreted by legal counsel. This would not change the current procedure but would make it clear to Council and the public. **The Charter currently reads:**

#### 3.6 Vacancies; Forfeiture Of Office; Filling Of Vacancies

- (a) Vacancies. The office of a Councilmember shall become vacant upon the member's death, resignation, recall or removal from office in any manner authorized by law or this Charter, or upon forfeiture of their office.
- (b) Forfeiture Of Office. A Councilmember shall forfeit office if:
  - (1) At any time during the Councilmember's term of office the Councilmember lacks any qualification for the office prescribed by this Charter or by law.
  - (2) If the Councilmember violates any prohibition of this Charter or is convicted of a crime involving moral turpitude.
  - (3) If the Councilmember either defaults in taxes to the City or fails to attend three consecutive regular meetings of the Council without being excused by the Council.
  - (4) If the Councilmember willfully violates the requirements of Section 12.1, Personal Financial Interest.
- (c) Filling Of Vacancies. A vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election, but the Mayor with the advice and consent of the Council by a majority vote of all its remaining members shall fill the vacancy with a qualified



person, as defined in Section 3.2(b), Qualifications, until the person elected to serve the remainder of the unexpired term takes office.

### **3.6 Vacancies; Forfeiture Of Office; Filling Of Vacancies**

- (d) Filling Of Vacancies. A vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election *with expiring Council seats on the ballot*, but the Mayor with the advice and consent of the Council by a majority vote of all its remaining members shall fill the vacancy with a qualified person, as defined in Section 3.2(b), Qualifications, until the person elected to serve the remainder of the unexpired term takes office.

#### **Recommended Action**

Staff recommends approval.