



9/2/10

SPECIAL COUNCIL MEETING AGENDA

Monday, August 2, 2010

5:30 PM, following Committee of the Whole

Council Chambers, 2nd Floor, 10 W State Street

TO: Marla Grabenbauer, Al Hoop, Andrea Maxwell, Robert Schubert, Bob Wenner, Bethany Wirin and Mayor Gene L. Beach.

You and each of you are hereby notified of the call of the Special Council Meeting to be held for the following purpose:

BUSINESS

1. Roll Call
2. Resolution for Appointment to Fill Vacant At-Large City Council Seat During Term of Office.
3. Motion instructing Clerk to take no actions which are inconsistent with the Council's Appointment, specifically instructing the Clerk to refuse to accept candidate affidavits and nomination papers for the November 2, 2010, General Election in absence of a Special Election petition.

ADJOURNMENT

Gene L. Beach
Mayor Gene L. Beach

Andrea Maxwell

Vacant – At Large

Bob Schubert

Marla Grabenbauer

Bob Wenner

Al Hoop

Bethany Wirin

RESOLUTION FOR APPOINTMENT TO FILL VACANT AT LARGE CITY
COUNCIL SEAT DURING TERM OF OFFICE

WHEREAS on the 7th day of July, 2010, William D. Backoff submitted his written resignation effective August 1, 2010, as at large representative of the Marshalltown City Council (“Council”), thereby creating a vacancy with a term of office ending December 31, 2011; and

WHEREAS the remaining members of the Council have elected to proceed under Iowa Code §372.13(2)(a) to fill the vacancy by appointment; and

WHEREAS on the ____ day of July, 2010, the Council published notice in the time and manner prescribed by §362.3, Iowa Code, stating that it intends to fill the vacancy by appointment, but that electors of the city have the right to file a petition requiring that the vacancy be filled by a special election; and

WHEREAS the Council has received applications for appointment to the vacant seat in the proper form prescribed by the Council, with the necessary supporting documentation, from several qualified electors one of whom it is now appropriate for the Council to appoint to fill the vacancy for the remaining unexpired term.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. That _____ is hereby appointed to the Council as an at large representative, effective immediately, to fill the vacancy created by the resignation of William D. Backoff for the unexpired term of that office, subject only to the provisions of Iowa Code §372.13(2)(a) concerning the rights of electors to request a special election.

Section 2. That the City Clerk shall take no actions which are contrary to this appointment under provisions of the Iowa Code, but shall call for a special meeting of the Council if she receives a valid and timely petition requesting a special election to fill the vacancy for which appointment has just been made herein so the Council may take such further action as may be appropriate.

Passed this ____ day of August, 2010, and signed this ____ day of August, 2010.

CITY OF MARSHALLTOWN

Gene Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk