

Samples of City Charters with Appointment Provisions

City of Mountain View Charter, Section 504. - Vacancies.

The council shall, within 30 days from the commencement of any vacancy on the council from whatever cause arising, either fill the vacancy by appointment or call a special election to fill the vacancy. If the vacancy is filled by appointment, the person so appointed shall hold office until the first Tuesday following the next general municipal election at which a successor could be elected and until that person's successor qualifies. At that next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term. If the vacancy be filled by election, the person so elected shall hold office for the unexpired term of the former incumbent and until that person's successor qualifies. When any vacancy occurs, if there are two councilmembers at that time serving terms to which they were appointed, then in that event, the vacancy shall be filled solely by election. Notwithstanding the provisions of Charter Section 1302, a special election to fill a council vacancy may be held on any date.

City of Palo Alto Charter, Article 3, Section 10-Vacancy on council.

A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of January succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term.

City of Santa Clara Charter, Section 703-Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

City of Gilroy Charter, Article IV, Section 406. Vacancies.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent

from the State without leave for more than sixty (60) consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused there from by said body.

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

The Council shall declare the existence of any vacancy. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

City of San Jose Charter, Section 410- Filling of Vacancies.

If, for any reason, a vacancy, as defined by Charter Section 409, occurs in the office of Mayor or Council member, the Council shall either fill the vacancy by appointment by a majority of its remaining members, or call an election for the purpose of filling such vacancy.

(a) APPOINTMENT. If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 1st following the next Regular Municipal Election after the appointment, which ever first occurs.

(b) ELECTION. If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.

(c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

(d) ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.

(e) NO REMAINING MEMBERS. If the offices of all of the Council members and also of the Mayor should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.

(f) ELECTION DATES. All dates for elections to fill vacancies shall be set by resolution.

(g) ELECTION IN 1994. The election held on November 8, 1994 to fill a vacancy effective January 1, 1995 in Council District 7 shall be deemed to be an election pursuant to this Section. The person so elected shall serve for the full term of that office.

Redwood City Charter, Section 9- The Council.

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Any vacancy occurring in the Council shall be filled by appointment by the remaining council members; but in the event that said remaining council members fail to fill such vacancy by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the City for a period of 90 days, unless by permission of the Council, or ceases to be a resident and elector of the City, such member's office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

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City of Hayward Charter, Section 501. - VACANCY IN ELECTIVE OFFICE.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until his successor is elected and qualified. At the next General Municipal Election following any such appointment, the person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

City of Santa Cruz Charter, Section 605- COUNCIL VACANCIES.

A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, or by special election called by the Council.

If a vacancy is filled by appointment, the appointee shall hold office until the second regularly scheduled evening meeting following the next municipal election and until a successor is elected and takes the oath of office. At the next general municipal election following any vacancy, a Councilmember shall be elected to serve for the remainder of any unexpired term.

If a vacancy is filled by special election, the person receiving the highest number of votes shall, upon taking the oath of office, serve for the remainder of the unexpired term of the former incumbent and until a successor has been elected and takes the oath of office.

In the event a vacancy has not been filled by appointment or an election called within sixty (60) days after such office shall have been declared vacant, the Council shall forthwith call an election to fill such vacancy.

A City Council office shall become vacant and shall be so declared by the Council if a person elected or appointed to the Council fails to take the oath of office within sixty (60) days after the election or appointment, is absent from all regular meetings of the Council for sixty (60) days unless expressly permitted by the City Council in its official minutes, ceases to be an elector of the City, or is convicted of a crime involving moral turpitude.

City of Santa Rosa Charter, Sec. 31-Council Vacancy.

(a) A Council vacancy may be filled by appointment by the Council or the Council may call a special election to fill the vacancy. If the Council fails to fill a Council vacancy within sixty days after it occurs, the Council shall then call a special election to be held as soon as practicable.

(b) If for any reason the seats of a majority of the Council shall become vacant, the City Clerk shall then call a special election to fill the vacancies for the unexpired terms, such election to be conducted substantially in the manner provided for by the general laws of the state.

(c) An appointee shall hold office until a successor is elected for the unexpired term at the next municipal election or until a successor is elected at a special election held in accordance with this section. Any person elected to the Council pursuant to this section shall serve the balance of the unexpired term.

(d) If any officer of the City shall remove himself or herself from the City or absent himself or herself therefrom for more than thirty days consecutively without the prior permission of the Council or shall fail to qualify or shall resign or be convicted of a felony or adjudged incompetent, his or her office shall thereupon become vacant.

(e) The Council may, by ordinance, provide the detailed procedure for carrying out the provisions of this Section.

City & County of San Francisco Charter Article XIII, Section 13.101.5. VACANCIES.

(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.

(b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors.

(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less than one year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that election to fill the unexpired term.

(d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the offices enumerated in this Section, that process shall apply to any election required by this Section.

City of Berkeley Charter, Article V, Section 12. Vacancy in Office of Mayor or Councilmember.

(1) If a vacancy shall occur in the office of Mayor or Councilmember:

(a) If the unexpired term is less than one year, the remaining members of the Council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the Council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the Council by any Councilmember by placement on the agenda. Should the Council fail to fill any vacancy within 60 days after its occurrence, the Council shall, within 10 days, order a special municipal election, to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days or less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by the Council nor by special election, but at said regularly occurring election.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the Council within ten days after the occurrence of the vacancy and to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by special election, but at said regularly occurring election.

(2) If at any municipal election a Mayor or the required number of Councilmembers be not elected by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office. In such case the person so appointed shall hold office, subject to the provisions of the Recall, to and including the April 30th following the next general municipal election.