



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 15-060-O

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Type: Ordinance

Status: Passed

Version: 1

**Agenda
Section:**

Committee: Personnel

File Created: 07/14/2015

Subject:

Final Action: 08/10/2015

Title: AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW AN ELIGIBLE PERSON TO FILL A VACANCY UNTIL THE FIRST MONDAY IN JANUARY AFTER THE NEXT MUNICIPAL ELECTION.

Internal Notes:

Sponsors: Gardner

Enactment Date: 08/10/2015

Attachments:

Enactment Number: 10398

Recommendation:

Hearing Date:

Drafter: slapaugh@duluthmn.gov

Effective Date: 11/10/2015

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	07/27/2015	read for the first time				
1	City Council	08/10/2015	adopted				Pass
1	Mayor	08/10/2015	approved				
1	City Clerk	08/10/2015	attest				
1	City Council	08/31/2015					
1	City Council	08/31/2015					

Text of Legislative File 15-060-O

AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW AN ELIGIBLE PERSON TO FILL A VACANCY UNTIL THE FIRST MONDAY IN JANUARY AFTER THE NEXT MUNICIPAL ELECTION.

CITY PROPOSAL/BY COUNCILOR GARDNER:

The city of Duluth does ordain:

Section 1. That Chapter II, Section 4, of the 1912 Home Rule Charter of the city of Duluth, as amended, is hereby amended, to read as follows:

Section 4. The office of mayor or councilor shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from the city or the district except as in Section 2 provided, conviction of a felony, violation of any of the duties of office, which, by provisions of this Charter, render the office vacant, or continuous absence from the city for more than thirty days, but if additional time is needed, leave may be granted by the council for a longer absence.

If any such vacancy occurs (other than by recall or resignation after recall petition is filed) the Council shall without delay appoint an eligible person to fill the same until the first Monday in January after the next municipal election, when the office shall be filled by election for the unexpired term.

In the case of an absence of shorter duration than renders the office of mayor vacant, or in the event of disability of the mayor, the mayor's duties shall be filled by an acting mayor who shall be appointed by the mayor from the councilors-at-large after each general municipal election. Should the mayor become disabled or be absent for more than ten (10) days without having appointed an acting mayor, the district councilors, by majority vote, shall appoint one of the councilors-at-large as acting mayor. The mayor shall not be considered disabled within the meaning of this Charter unless such disability shall be determined by the council at a hearing held upon notice to the mayor for the purpose of making such determination. The appointment of a councilor as acting mayor shall not be deemed to create a vacancy in the office of councilor-at-large, but while serving as acting mayor such councilor shall not perform city council duties.

The compensation of the acting mayor during the absence or disability of the mayor shall be set by the city council in an amount commensurate with the duties required of the acting mayor from time to time.

Section 2. That this ordinance shall take effect 90 days after its passage and publication.