

## Proposed AMENDMENT TO SECTION 4 OF DULUTH CITY CHARTER

Amended – Randorf

### Sec. 4.

- (A) 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 a recall petition has been filed), the council shall appoint an eligible person to fill the vacancy as soon as practicable, but no later than forty-five (45) days after the vacancy occurs. The appointee shall serve until the first Monday in January following the next municipal election, when the office shall be filled by election for the remainder of the unexpired term.
- (B) If the council vote to appoint an eligible person to fill a vacancy results in a deadlock, additional ballots shall be conducted until a majority is obtained, or the council may postpone consideration or reopen the application process in accordance with council rules. 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 incapacitated 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 incapacitated within the meaning of this Charter except upon a determination of the city council following notice and a hearing conducted in accordance with procedures established by ordinance. 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.
- (C) 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. (As amended by elections, March 20, 1956, and September 8, 1964; Ord. No. 8639, 7-26-1982, § 4; Ord. No. 10398, 8-10-2015, § 1; Ord. No. 10399, 8-010-2015, § 1.)