

## Proposed AMENDMENT TO SECTION 4 OF DULUTH CITY CHARTER

### Sec. 4. Vacancies in office of mayor and councilor; acting mayor; interim mayor.

(A) The office of mayor or city 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 (30) days, but if additional time is needed, leave may be granted by the council for a longer absence except as provided in Section 4(F).

(B) ~~If any such~~ In the event of a city councilor vacancy occurs (other than by recall or resignation after recall petition is filed), the city council, by majority vote, shall, without delay within ninety (90) days of said vacancy, appoint an eligible person to fill the same, who shall serve until the first Monday in January after the next municipal election, when the office shall be filled by election for the unexpired term. If the council vote to appoint an eligible person to fill a vacancy results in a deadlock, an eligible person will be chosen by coin toss.

(C) ~~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~~ On the first Monday in January after each general municipal election, the mayor's duties shall be filled appoint by the mayor written designation an acting mayor from the city councilors-at-large after each 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 unless such incapacity 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 designee 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 and shall have the effect of reducing the membership of the council by one (1) member.

(D) In the event of a vacancy in the role of the mayor as provided in Section 4(A), the city council shall appoint an eligible person to serve as interim mayor, who shall serve until the mayor returns or until the next municipal election, whichever is earlier. The compensation of the acting interim 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 interim mayor from time to time.

(E) In the event of an absence of the mayor for short term leave of thirty (30) days or less, including vacation, sick or other leave as permitted by law, the city administrator, under the supervision of the mayor and subject to the direction of the mayor, shall exercise the power and duties of mayor.

(F) In the event of an absence of the mayor for a duration of more than thirty (30) days but less than ninety (90) days or in the event of incapacity of the mayor for such period of time, the acting mayor designee may serve as acting mayor. The mayor shall not be considered incapacitated within the meaning of this Charter unless such incapacity shall be determined by the council at a hearing held upon notice to the mayor for the purpose of making such determination. If the acting mayor designee is unable or unwilling serve as acting mayor for the duration of the mayor's absence, the mayor may appoint, with the approval of city council, an eligible person to serve as acting mayor for the duration of the mayor's absence. However, in the event that no acting mayor is appointed, the city council shall appoint an interim mayor as provided in this Section 4. The compensation of the acting mayor during the mayor's absence or incapacity shall be set by the city council but shall not exceed councilor's fee for service.