



## Legislation Details (With Text)

<b>File #:</b>	15-062-O	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Second Reading
<b>File created:</b>	7/14/2015	<b>In control:</b>	Personnel
<b>On agenda:</b>	7/27/2015	<b>Final action:</b>	8/10/2015
<b>Enactment date:</b>	8/10/2015	<b>Enactment #:</b>	10399
<b>Title:</b>	AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW THE CITY COUNCIL TO CHOOSE AN ELIGIBLE PERSON BY COIN TOSS TO FILL A VACANCY IF THE COUNCIL IS DEADLOCKED.		
<b>Sponsors:</b>	Sharla Gardner		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>			

Date	Ver.	Action By	Action	Result
8/10/2015	1	Mayor	approved	
8/10/2015	1	City Clerk	attested	
8/10/2015	1	City Council	adopted	Pass
7/27/2015	1	City Council	read for the first time	

AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW THE CITY COUNCIL TO CHOOSE AN ELIGIBLE PERSON BY COIN TOSS TO FILL A VACANCY IF THE COUNCIL IS DEADLOCKED.

### 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 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.

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.

**STATEMENT OF PURPOSE:** This ordinance amends Section 4 of the City Charter to specify that if the city council should deadlock when choosing an eligible person to fill a vacancy, the person will be chosen by coin toss. Minnesota Statute, Sec. 204C.34, allows for usage of a coin toss to break an election deadlock.

The proposed charter change was reviewed and recommended by the Charter commission at its meeting of July 8, 2015.

This ordinance requires a unanimous vote for approval.