

City Council

Sec. 5. Vacancies.

If a ~~City~~ city council member ~~should~~ dies, resigns, ~~or be is~~ removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the successor shall be appointed by ~~Council~~ council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. Vacancies in the council shall be filled by the council; provided, however, that, if the vacancies in the council are not filled by the council within thirty (30) days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies; provided, further that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.

Sec. 5-1. Temporary inability.

If a city council member is unable to discharge the powers and duties of office, such inability being of temporary duration, the member, or the member's agent, shall transmit to the presiding officer of council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, each council member shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 5-2. Permanent inability.

If a city council member has been unable to discharge the powers and duties of office for ninety consecutive days, and the council member, or the member's agent, has not filed a signed, written declaration of temporary inability, such act shall work a forfeiture of office and the presiding member of council shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made by that the office be vacated, a successor shall be named as provided for in this charter.

Mayor

Sec. 64. ~~Succession of mayor — acting~~ Acting mayor.

Draft Charter Amendment Inability, Acting Official, Successor

~~If the mayor dies, becomes permanently disabled from performing the duties of office, resigns, or moves from the city during the term of office, the mayor shall be succeeded in office, until the 1st day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. At the next regular municipal election following the death, resignation or removal of the mayor from the city, if such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years; otherwise for the remainder of the unexpired term.~~

If the mayor be temporarily absent from the city, the mayor may designate the director of public service, the director of public safety, or the president of city council as acting mayor. ~~If the mayor becomes temporarily disabled from performing the duties of mayor for any cause, the director of public service, or if absent the director of public safety, or if absent the president of city council, shall become acting mayor.~~ During a period of temporary absence of the mayor the acting mayor so designated shall exercise such powers and duties of the office of mayor as the mayor shall delegate. ~~During a period of temporary disability of the mayor the powers and duties of the office of mayor shall devolve upon the acting mayor. In either case the mayor may invoke this provision by written communication to the appropriate officer to be named the acting mayor, but in the case of temporary disability, failure to do so shall not prevent the proper officer from performing the powers and duties of the office of mayor. Nothing herein shall prevent the president of city council from exercising the president's powers and duties as a member of council during the temporary absence or~~ disability inability of the mayor.

Sec. 64-1. Temporary inability.

If the mayor is unable to discharge the powers and duties of office, such inability being of temporary duration, the mayor, or the mayor's agent, shall transmit to the director of public service, the director of public safety, or the president of city council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. The recipient of such declaration shall be designated as acting mayor. During a period of temporary inability of the mayor, the powers and duties of the office of mayor shall devolve upon the acting mayor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the mayor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 64-2. Permanent inability.

Draft Charter Amendment
Inability, Acting Official, Successor

If the mayor has been unable to discharge the powers and duties of office for ninety consecutive days, and the mayor, or the mayor's agent, has not filed a signed, written declaration of temporary inability, such act shall work a forfeiture of office and the director of public safety and the director of public service shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 64-3. Successor to mayor.

If the mayor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the mayor shall be succeeded in office, until the 1st day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. If such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years, otherwise for the remainder of the unexpired term; provided that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.

City Attorney

Sec. 67. Powers and duties.

The city attorney shall have such duties and responsibilities as are set forth in this charter or required of the city attorney by ordinance, including the following. The city attorney shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. The city attorney shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall certify in writing approval of the form and correctness thereof. The city attorney may appoint a department deputy and such assistants, secretaries and clerks as council may authorize. Said deputy shall have the power to perform all the duties of the city attorney.

Sec. 78. Temporary inability.

If the city attorney is unable to discharge the powers and duties of office, such inability being of temporary duration, the city attorney, or the city attorneys' agent, shall transmit to the deputy city attorney a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the city attorney, the powers and duties of the office of city attorney shall devolve upon the deputy city attorney, who shall be the acting city attorney. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed,

Draft Charter Amendment
Inability, Acting Official, Successor

or the office is vacated. For the purpose of this section, the city attorney shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 78-1. Permanent inability.

If the city attorney has been unable to discharge the powers and duties of office for ninety consecutive days, and the city attorney, or the city attorneys' agent, has not filed a signed, written declaration of temporary inability, such act shall work a forfeiture of office and the deputy city attorney shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Section 78-2. Successor to city attorney.

If the city attorney dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated ~~or moves from the city~~ during the term of office, the city attorney's successor in office shall be appointed by the council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of a city attorney, a city attorney shall then be elected to serve for a term of four years; otherwise for the remainder of the unexpired term; provided that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.

Auditor

Sec. 87. Temporary inability.

If the auditor is unable to discharge the powers and duties of office, such inability being of temporary duration, the auditor, or the auditor's agent, shall transmit to the deputy auditor a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the auditor, the powers and duties of the office of auditor shall devolve upon the deputy auditor, who shall be the acting auditor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the auditor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Draft Charter Amendment
Inability, Acting Official, Successor

Sec. 87-1. Permanent inability.

If the auditor has been unable to discharge the powers and duties of office for ninety consecutive days, and the auditor, or the auditor's agent, has not filed a signed, written declaration of temporary inability, such act shall work a forfeiture of office and the deputy auditor shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 87-2. Successor to auditor.

If the auditor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated ~~or moves from the city~~ during the term, a successor in office shall be appointed by council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the auditor, an auditor shall then be elected to serve for a term of four years; otherwise, for the unexpired term; provided that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.