
Section 3.08. VACANCIES; FILLING OF VACANCIES.

The office of a Commissioner, including the Mayor, shall become vacant upon the incumbent's death, resignation, forfeiture, or removal from office in any manner authorized by law. Any vacancy in the membership of the Commission, other than at the close of a regular term, shall be filled according to the following procedure.

- (A) *Vacancy in Office of Commissioner.* In the event of a vacancy other than in the office of the Mayor, the remaining Commissioners, including the Mayor, shall appoint, by a majority vote, a qualified person to fill the vacancy.
- (1) If the term of office in which the vacancy occurs expires on the last Thursday in March following the next regular City election, the person so appointed shall only serve until that date.
 - (2) If the vacancy occurs sixty (60) or more days preceding the date of the next regular City election, and if the term of office in which the vacancy occurs does not expire on the last Thursday in March following that election, the person so appointed shall serve until the last Thursday in March and the remainder of the unexpired term shall be filled at that election.
 - (3) If the vacancy occurs less than sixty (60) days preceding the date of the next regular City election, and if the term of office in which the vacancy occurs does not expire on the last Thursday in March following that election, the person so appointed shall serve for the entire remainder of the unexpired term.
 - (4) If a majority of the remaining Commissioners, including the Mayor, are unable to agree, after two (2) regular meetings, upon the appointment of an individual to fill a vacancy. The Commission shall call a special election to fill the vacancy. The special election shall be held within sixty (60) calendar days of the second regular meeting.
- (B) *Vacancy in Office of Mayor.*
- (1) If a vacancy in the office of Mayor occurs at least sixty (60) or more calendar days preceding the date of the next regular City election, there will be an election to fill the Mayor's seat which will be held at the time of the next regular City election. If a vacancy occurs in the office of Mayor less than sixty (60) calendar days preceding the date of the regular City election, the Mayor shall be elected at a special election to be held on the second Tuesday in May. If a special election is held to fill the office of Mayor, those persons who previously qualified to run for the Mayor's seat and other candidates who qualify pursuant to this Charter and Chapter 34 of the Code of Ordinances may run for the Mayor's seat to be filled at the special election. Notwithstanding anything to the contrary, the Mayor elected at the special election shall assume office at the first regular meeting after being elected.
 - (2) When a vacancy occurs in the office of Mayor, the Vice-Mayor shall automatically succeed to the office of Mayor and shall serve until the last Thursday in March following the next regular City election. Thereafter, the Vice-Mayor shall return to his or her former seat and complete the remainder of his or her Commission term if any part thereof remains unexpired. If a special election is called to fill a vacancy in the office of Mayor, the Vice-Mayor selected at the organizational meeting shall serve until a new Mayor is seated and shall thereafter return to his or her seat.
 - (3) The succession of the office of Mayor by the Vice-Mayor shall create a vacancy in the Commission. The vacancy on the Commission shall be filled in the manner set forth in this Charter except the Commissioner appointed to fill the vacancy created on the Commission as a result of a vacancy in the office of Mayor that occurs sixty (60) days or more before the next election shall serve only until the last Thursday in March following the next regular City election. If a vacancy occurs on the Commission as a result of a vacancy in the office of Mayor less than sixty (60) days before the next election, the Commission seat shall remain vacant, notwithstanding anything to the contrary within this Charter until after the assumption of office of the Mayor after the special election.

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- (4) If the Vice-Mayor is unable or unwilling to succeed to the office of Mayor, then the Deputy Vice-Mayor shall succeed to the office of Mayor. If the Deputy Vice-Mayor is unable or unwilling to succeed to the office of Mayor, the Commission shall then select a Mayor from the remaining Commissioners. If the Commission is unable to select a Mayor by the end of the second regular meeting after the vacancy then a special election shall be held for the election of the Mayor.
- (5) If a vacancy occurs in the office of Vice-Mayor, the Deputy Vice-Mayor shall automatically become Vice-Mayor and a new Deputy Vice-Mayor shall be selected by the Commission. If a vacancy occurs in the office of Deputy Vice-Mayor, the Commission shall then select a new Deputy Vice-Mayor.
- (C) *Extraordinary Vacancies.* In the event that all members of the Commission are removed by death, disability, resignation or forfeiture of office, the Governor shall appoint a Commission, including a Mayor, with full Commission powers. The interim Commission shall then call a special election, as provided under this Charter, to fill the appointed offices. The special election shall be held not more than ninety (90) days after appointment of the interim Commissioners.
- (Ord. No. 62-01, passed 1/8/02, Adopted at Referendum 3/12/02; Ord. No. 63-01, passed 1/8/02, Adopted at Referendum 3/12/02; Ord. No. 35-12, § 3, passed 10/16/12, Adopted at Referendum 3/12/13)