

**CITY OF FARIBAULT
ORDINANCE No. 2019-22**

**AMENDING SECTION 2.05. – VACANCIES; APPOINTMENTS.
OF THE FARIBAULT CITY CHARTER**

THE CITY OF FARIBAULT ORDAINS:

Section 1. The City Council of the City of Faribault, pursuant to the recommendation of the City of Faribault Charter Commission, has hereby determined that Chapter 2 of the City Charter be amended by the addition of the underlined language and by the deletion of the ~~stricken~~ language in Section 2.05 as follows:

Section 2.05. - Vacancies; appointments.

A vacancy in the council shall be deemed to exist on the happening of any of the following events, before the expiration of the term of such office:

- (1) The death of the mayor or council member;
- (2) The resignation of the mayor or council member;
- (3) The removal of the mayor or council member;
- (4) The mayor's or council member's ceasing to be an inhabitant of the city;
- (5) The mayor's or council member's conviction of any infamous crime, or of any offense involving a violation of the official oath;
- (6) The mayor's or council member's refusal or neglect to take the oath of office, or to give or renew the official bond, or to deposit or file such oath or bond within the time prescribed;
- (7) The decision of a competent tribunal declaring the mayor's or council member's election or appointment void;
- (8) The death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case the vacancy shall be deemed to take place at the time when the term of office would have begun had the person lived.
- (9) The mayor's or council member's inability to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

In each case, the council shall by resolution declare such vacancy to exist and shall appoint an eligible person to fill the vacant office until the next regular city election is held. In the case of a tie vote in the council for a vacancy in the position

of a council member, the mayor shall make the appointment, selecting one of the finalists that was before the council for consideration for appointment. In the case of a tie vote in the council for a vacancy in the position of mayor, the vice mayor shall make the appointment, selecting one of the finalists that was before the council for consideration for appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor.

Section 2. This ordinance shall take effect ninety days after the date of its publication.

First Reading: December 10, 2019

Second Reading:

Publication Date:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator