

ORDINANCE 30.4

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR FILLING A VACANCY IN ANY ELECTED OFFICE OF THE MUNICIPALITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOSHENBURG, NEBRASKA.

Section 1. That Chapter Municipal Code of Goshenburg, Article 1-10.5, Section 1-10.5 of the Nebraska, be amended to read as follows:

Elected Officials; Vacancy. Whenever a vacancy occurs in an elected office of the Municipality, except Mayor, notice of said vacancy shall be presented in writing to the City Council at a regular meeting and said notice shall appear as a part of the minutes of such meeting.

The City Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Municipality or by posting in three public places in the Municipality the office vacated and the length of the unexpired term.

The Mayor shall within two (2) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the City Council, at which time the Mayor shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. Upon a majority vote of approval by the City Council the vacancy shall be filled.

If a majority vote is not reached the nomination shall be rejected and the Mayor shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to carry by majority vote, the Mayor shall continue at such meeting to submit the names of qualified electors and the City Council shall continue to vote upon such nominations until the vacancy is filled.

The Mayor shall cast his vote only in case of a tie vote of the City Council.

All City Council members shall cast a ballot for or against each nominee. (Ref. 32-4,152 RS Neb.)

City Mayor; Vacancy. Whenever a vacancy occurs in the office of Mayor, or in case of his disability or absence, the President of the Council shall exercise the office of Mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns.

When the successful candidate for Mayor shall be prevented from assuming office, the incumbent Mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and the President of the Council shall exercise the office of Mayor until such vacancy is filled.

If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in Section 1-10.5. (Ref. 17-107, 17-115 RS Neb.)

Section 2. That the original Section 1-10.5 and any other Section passed and approved prior to passage, approval, and publication of this Ordinance and in conflict with the provisions therewith are hereby repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Passed and approved this 7th day of June, 1977

John A. Kallaghan Mayor

(SEAL)

Maria Fowler Municipal Clerk