

# City of Dover



## MAYOR AND COUNCIL

### DRAFT PROPOSED SUBSTITUTE FOR COUNCIL RESOLUTION NO. 2013-08

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to provide a definition and procedure for excused absences and change the duration of a vacancy for election purposes from the term expiration date to the next election date. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article II - Mayor and Council, Section 13. - Vacancies; forfeiture of office; filling of vacancies, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

#### CITY OF DOVER CHARTER - ARTICLE II - MAYOR AND COUNCIL

##### Section 13. - Vacancies; forfeiture of office; filling of vacancies

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,

(2) Violates any express prohibition of this charter,

(3) Is convicted of a crime involving moral turpitude, or

(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

***(a) Procedure for Excused Absences. Council members shall be required to contact the City Clerk's office no later than 4:00 p.m. of the day of the meeting requesting to be excused from the meeting and stating the reason for such absence. Failure to comply, except in cases of emergency, shall result in an unexcused absence. The Clerk shall inform the Council of the reason for the member's absence. Upon passage of a motion by a majority of the members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.***

27 *(b) Excused Absences. Excused absences shall be limited to those which meet both of the*  
28 *following requirements:*

29 *(1) The absent member must have informed the City Clerk's Office of their intended*  
30 *absence prior to the scheduled meeting. Failure to inform prior to the meeting shall*  
31 *result in an unexcused absence, unless extenuating circumstances prevent advance*  
32 *notice, and*

33 *(2) The absence is due to one of the following:*

- 34 *(i) A death in the family*
- 35 *(ii) Family or personal illness*
- 36 *(iii) City-related business*
- 37 *(iv) Personal leave (limited to one per fiscal year)*
- 38 *(v) Emergency*
- 39 *(vi) Decision by member's supervisor in employment*
- 40 *(vii) Required military service*
- 41 *(viii) Inclement weather*
- 42 *(ix) Accident*
- 43 *(x) Scheduled vacations*

44 In the case of any such vacancy or of any vacancy created by death, resignation or otherwise, **for which said**  
45 **if the date of the** vacancy **shall be is** less than six months **from the next election in duration**, the office  
46 shall remain vacant. If **the date of the such** vacancy **should be is** in excess of six months **from the next**  
47 **election in duration**, a Special Election shall be held **to fill such vacancy, this Special Election to be held**  
48 no sooner than 30 days **and no later than 60 days after from** the date of the vacancy, **.but said special**  
49 **Election to be held no later than 60 days after the date of the vacancy**. If council fails to call for a  
50 Special Election, the Special Election shall be called by the Election Board.

51 ADOPTED: \*

52 S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2013\Draft\2013-08 Substitute - Request to GA- Temporary Successor-Filling of Vacancy w Markup.wpd

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54 \_\_\_\_\_  
55 CARLETON E. CAREY, SR.  
MAYOR

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54 \_\_\_\_\_  
55 THOMAS J. LEARY  
COUNCIL PRESIDENT

56 SYNOPSIS

57 This amendment provides a definition and procedure for excused absences and changes the  
58 duration of a vacancy for election purposes from the term expiration date to the next election  
59 date.

60 Actions History:

61 March 11, 2013 - Considered by City Council