

ORDINANCE NO. 381

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WYOMING, IOWA, 2002, BY AMENDING PROVISIONS PERTAINING TO VACANCIES IN AN ELECTED OFFICE AND CITY ELECTIONS

Be It Enacted by the City Council of the City of Wyoming, Iowa:

SECTION 1. SECTION MODIFIED. Section 5.10 of the Code of Ordinances of the City of Wyoming, Iowa, 2002, is repealed and the following adopted in lieu thereof:

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13[2J])

1. Appointment. By appointment, following public notice, by the remaining members of the Council. The appointment shall be made within sixty (60) days after the vacancy occurs and shall be for the period until the next regular City election unless there is an intervening special election for the City, in which event the election for the office shall be placed on the ballot at such special election. If the Council chooses to proceed under this subsection, the Council shall publish notice of the appointment in accordance with Section 372.13 of the *Code of Iowa*. If the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13[2A])

2. Special Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13[2B])

SECTION 2. SECTION MODIFIED. Section 18.12 of the Code of Ordinances of the City of Wyoming, Iowa, 2002, is repealed and the following adopted in lieu thereof:

18.12 ELECTIONS. The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 13th day of October, 2014, and approved on this 13th day of October, 2014.

Mayor

ATTEST:

City Clerk

First reading: September 8, 2014

Second reading: waived October 13, 2014.

Third reading: October 13, 2014.

I certify that the foregoing was published as Ordinance No. 381 on the ____ day of
October, 2014.

City Clerk