

LAWS OF DELAWARE
VOLUME 84
CHAPTER 65
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 142

AN ACT TO AMEND THE CHARTER OF THE CITY OF DELAWARE CITY RELATING TO VACANCIES AND FORFEITURE OF OFFICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 3-09 of the Charter of the City of Delaware City by making deletions as shown by strike through and insertions as shown by underline:

Sec. 3-09. Vacancies and Forfeiture of Office.

A. Vacancies. The office of the Mayor or Councilperson shall become vacant upon death, removal from the City, resignation, removal from office in any manner authorized by law, or forfeiture of office.

B. Forfeiture of Office. The Mayor or Councilperson shall forfeit office if: (1) he/she lacks, at any time during his/her term of office, any qualification for the office prescribed by this Charter or by law; (2) violates any express prohibition of this Charter; (3) is convicted of a felony as that term is defined by the State of Delaware; (4) failure to attend three (3) successive regular monthly meetings at any time or failure to attend four (4) regular monthly meetings in any twelve-month period, without a legitimate excuse for absence at each meeting, as determined by a vote of a majority of all members of the Mayor and Council in attendance at each such meeting of the Mayor and Council, or (5) is deemed to have forfeited his or her office under the provisions of Section 3-10 of this Charter.

C. Filling of Vacancies. In case of vacancy for any cause in the Office of Mayor, the Vice-Mayor, who is appointed by the majority vote of the Council, shall fill such vacancy. In the case of a vacancy for any cause in the office of Councilperson, ~~the Council, upon a majority vote shall make a temporary appointment within thirty (30) days to fill such vacancy. Such appointment shall continue until the next general municipal election.~~ said vacancy shall be filled through a special election held as soon as practical following the vacancy. Within fourteen (14) days of the vacancy, Mayor shall set a date for said special election and notify the Department of Elections of the same. Thereafter, such office shall be filled by election and the person so elected shall serve for the remainder of the term of the Councilperson whose office became vacant.

Approved June 29, 2023