

Memorandum 12-049 Resignation of Councilmember Hogan

Memorandum ID: 12-049
Memorandum Status: Approved

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MEMORANDUM 12-049

TO: MAYOR AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: MARCH 19, 2012

SUBJECT: RESIGNATION OF COUNCILMEMBER KEVIN HOGAN

Councilmember Hogan submitted a formal notice of resignation effective March 12, 2012.

Homer City Code 1.24.040 (I) Bylaws for Council Procedure and HCC 1.24.050 Filling a Vacancy state:

I. Vacancies:

An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:

1. Fails to qualify or take office within thirty days after his election or appointment;
 2. Resigns and his resignation is accepted;
 3. Is physically or mentally unable to perform the duties of the office as determined by two-thirds vote of the Council;
 4. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
 5. Misses three consecutive regular meetings unless excused;
 6. Is convicted of a felony or of an offense involving a violation of the oath of office;
 7. Is convicted of a violation of AS 15.13 concerning Alaska Public Offices Commission reporting requirements;
 8. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant;
- and
9. Is physically absent from the municipality for ninety consecutive days unless excused by the City Council.

- 1.24.050 Filling a vacancy. a. If a vacancy occurs in the City Council the remaining members shall, within thirty days, appoint a qualified person to fill the vacancy. If less than thirty days remain in a term, a vacancy may not be filled.
- b. Notwithstanding (a) of this section, if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days appoint a number of qualified persons to constitute a quorum.
- c. A simple majority, not a quorum, vote of the remaining Councilmembers is required to select and appoint persons to fill Council vacancies.

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d. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

e. A vacancy in the office of Mayor occurring within six months before a regular election shall be filled by the Council. The person appointed serves until the next regular election when a successor is elected to serve the balance of the term. If a member of the Council is appointed Mayor, the member shall resign the seat on the Council. If a vacancy occurs more than six months before a regular election, the governing body shall call a special election to fill the unexpired term. (Ord. 05-60, 2005; Ord. 90-22, 1990)

RECOMMENDATION:

Accept Councilmember Hogan's resignation and declare the seat vacant. Authorize the Clerk to advertise the vacant seat and determine a deadline for applicants to apply.

Source URL (retrieved on 2015-01-28 01:55):

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