

ORDINANCE NO. 10-2014

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

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

**SECTION 1. SECTION MODIFIED.** Section 5.10 of the Code of Ordinances of the City of Garnavillo, Iowa, is repealed and the following adopted in lieu thereof: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[2])*

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 SECTION MODIFIED.** Section 18.12 of the Code of Ordinances of the City of Garnavillo, Iowa, is repealed and the following adopted in lieu thereof:


**18.12 ELECTIONS.** The Administrator/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 22<sup>nd</sup> day of September, 2014, and approved this 22<sup>nd</sup> day of September, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

First Reading: 9-20-14

Second Reading: 9-20-14

Final Reading & Passage: 9-20-14

I certify that the foregoing was posted as Ordinance No. 10-2014 on the 22<sup>nd</sup> day of September, 2014 until the 2<sup>nd</sup> day of October, 2014.

Denise Schneider

Denise Schneider, City Administrator/Clerk