

Order 139-09/10

Second Reading Waived

Public Hearing, Amended & Emergency Passage: 1/4/10 9-0

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CITY OF PORTLAND
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
(Chapter 9, ELECTIONS)
RE: PROCEDURES OF PEAKS ISLAND COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. *That Section 9-55 of the Portland City Code is hereby amended to read as follows:*

Sec. 9-55. Procedure of Peaks Island council.

...

(g) *Vacancies.* A vacancy in the membership of the Peaks Island council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the island; (4) the conviction of a member of a felony while in office; or (5) the recall of a member pursuant to any provision for recall established by the council. The Peaks Island council shall declare a vacancy in its membership to exist upon the failure of a member to attend any three (3) consecutive regular meetings of the council, or at least forty (40%) percent of the regular meetings of the council held in any one calendar year unless said member shall be excused (by a vote of at least four (4) other members) for health reasons or other good cause.

A member may in writing addressed to the Peaks Island council resign his or her office effective at a future date specified in said written resignation. Once submitted to the council, said resignation may not be withdrawn, and said member's office shall become vacant on said specified future date.

If a vacancy in the membership of the Peaks Island council occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to

take place on the same date as the next scheduled municipal or state election which is no less than one hundred and twenty (120) days after the date the vacancy occurs or is declared unless the city council, by a vote of six (6) of its members, calls a special election on an earlier date following a request from the Peaks Island council. The notice of election for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty. Such election shall be called and held and nominations made as in other elections.

When a vacancy occurs, the Peaks Island Council may appoint an interim councilor, who shall be sworn into office and who shall serve with full powers and duties until a successor is elected as provided above and sworn into office.

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 8 of the Portland City Charter, in order to allow the Peaks Island Council to appoint an interim councilor immediately.