

**SUBSTITUTE NO. 1 TO ORDINANCE NO. 19-001**

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING PROCEDURES TO FILL CITY COUNCIL VACANCIES**

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**#4614**

**Sponsor:**

**Council  
Member  
Harlee**

**WHEREAS**, the City Council deems it necessary and proper to amend the provisions of Section 2-34 of the City Code regarding the procedures to fill City Council vacancies; and

**WHEREAS**, Section 2-101 of the City Charter states that if a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy, the City Council, by a majority vote of all its remaining members, shall appoint a person to fill the vacancy until a person is elected by the voters for the unexpired term; and

**WHEREAS**, the City Charter does not clearly provide procedures for how Council appoints a person to fill the vacancy, and Section 2-34 of the City Code provides for such procedures; and

**WHEREAS**, City Council wishes to change the procedures by which Council appoints a person to fill the vacancy by increasing the ability for all members of Council to be involved in recommending an individual to Council to fill the vacancy.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 2 of the City Code is hereby amended by amending Section 2-34 thereof by deleting the stricken language and adding the underlined language to read as follows:

**§ 2-34. - Procedures to fill city council vacancies.**

The city council hereby establishes the following procedures by which a person is appointed by resolution to fill a city council vacancy:

~~The president of city council shall appoint members of a special committee consisting of five members of city council; one member shall be the president who shall serve as its chair. The special committee~~ The committee of the whole of city council, chaired by the president of city council, shall be charged with selecting a candidate to fill the vacancy in accordance with the requirements outlined in the City Charter section 2-101.

(1) ~~The special committee~~ of the whole shall:

- a. Accept recommendations from members of council in accordance with the requirements of subsection (1)b of this section;
- b. Accept resumes and letters of intent, during a specified time period, from persons who are qualified pursuant to the City Charter;
- c. Interview each qualified person in executive session;
  - i. Each member of the committee of the whole shall identify up to three candidates to fill the vacancy. The candidates shall be identified using an identifier, other than the candidate's name, which will be assigned to each candidate during executive session.
- d. ~~b.~~ Recommend a person by majority vote of the members of the special committee of the whole; and
- e. ~~e.~~ Follow the requirements for appointment of a person to fill a council vacancy, pursuant to the City Charter.

(2) The vacancy shall be certified by resolution.

(3) ~~The special committee~~ of the whole shall propose by resolution its recommendation of a person to fill the vacancy for vote by the full of city council. The resolution must be approved by a majority vote of all the members of city council.

(4) If the resolution fails to be approved, the committee of the whole shall reconvene and propose by resolution another recommendation of a person who it previously interviewed to fill the vacancy for a vote by the full of city council. The resolution must be approved by a majority vote of all members of city council. The committee of the whole shall repeat this procedure until the vacancy is filled.

(5) While the procedures set forth in this section are taking place, if the city council vacancy is for a councilmanic district, the at-large council member

living in or closest to the district in which there is a vacancy will respond to and assist residents in that district until the vacancy is filled.

**SECTION 2.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....January 10, 2019  
Second Reading.....January 10, 2019  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

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

Approved this \_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Substitute Ordinance amends Section 2-34 of the City Code, which sets forth procedures to fill City Council vacancy, by allowing all members of Council to be part of the committee that recommends to Council an individual to fill a Council vacancy.

**POLICY STATEMENT:** This Ordinance is intended to change the procedures by which Council appoints a person to fill a vacancy on the legislative body, in an effort to clarify procedures and make the process more inclusive of all members of City Council. This Ordinance also lays out the various stages of the process for filling a Council vacancy with the intent of clarifying this process, as well as ensuring it flows smoothly and each candidate receives equal treatment and consideration – with steps taken to ensure confidentiality, the same questions being asked of each candidate, and a clear, codified process for expressing interest and being considered to fill a vacancy on City Council.