

Cumberland (1966 Edition), which reads as follows, be and is hereby repealed:

[Resignation by the Mayor or any councilman elected under this article shall be made in writing to the Mayor and City Council for their action thereupon. In case of the removal of the Mayor or any Councilman from the territorial limits of said City, such removal shall ipso facto be deemed to create a vacancy in his office. In case of any vacancy from any cause in the office of Mayor, or any Councilman, the Mayor and City Council shall fill such vacancy by appointment until the next succeeding regular election; provided, such election is not more than one year off, and the person so appointed shall possess all the qualifications required by this Charter for such office; but should such election be more than one year off, this said office shall be filled by an election called for that purpose, according to law, in accordance with the methods herein prescribed for regular elections. In case of vacancy in the office of Mayor, from any cause, the Mayor and City Council may appoint one of their number to act as Mayor pro tempore until such vacancy is filled as provided in this section, and such Mayor pro tempore shall have and exercise all the powers and duties while he so acts, and his acts shall have the same force and validity as in the case of a Mayor or Councilman regularly elected and qualified.]

Section 2. AND BE IT FURTHER RESOLVED, That Section 16 of the Charter of the City of Cumberland (1966 Edition), be and is hereby re-enacted, to read as follows:

(a) *Resignation by the Mayor or any Councilman elected under this article shall be made in writing to the Mayor and City Council for their action thereupon. In case of the removal of the Mayor or any Councilman from the territorial limits of said City, such removal shall ipso facto be deemed to create a vacancy in his office.*

(b) *In case of vacancy in the office of Mayor, by reason of resignation, removal from the City, illness, disability, or any other cause, the Mayor and City Council may appoint one of their number to act as Mayor pro tempore until such vacancy is filled as provided in this section, and such Mayor pro tempore shall have and exercise all the powers and duties while he so acts, and his acts shall have the same force and validity as in the case of a Mayor or Councilman regularly elected and qualified. The Council shall, within sixty (60) days of the occurrence of such vacancy, elect one of its members to the office of Mayor for the unexpired term.*

(c) *In case of a vacancy on the Council, by reason of resignation, removal from the City, illness, disability, or any other cause, the Council shall, within sixty (60) days of the occurrence of such vacancy, elect some qualified person to fill said vacancy for the unexpired term.*

(d) *Any vacancies on the Council, or in the office of Mayor, shall be filled by the favorable votes of a majority of the remaining members of the Council.*

(e) *In the event vacancies shall result in a Council of less than three (3) members, a majority of the remaining members shall elect qualified persons to fill such vacancies until such time as a special election is held, as hereinafter set forth. For the purposes of this section, the Mayor shall expressly be considered a member of the Council, which shall be deemed to consist of five (5) members.*

(f) *If one of such vacancies shall be in the office of Mayor, the remaining members shall elect one of their number to fill such office, as*