

County. The Court shall thereupon pass an order requiring the said officer to show cause why his office should not be vacated, and the vacancy filled as herein provided. A copy of said order shall be served upon the said officer, and such order shall be made returnable not more than twenty days following its passage. If the said officer shall fail to answer the order, the Court shall determine the matter *ex parte*. If the said officer shall answer the order, the Court shall hear the case, and shall thereupon decide it either by dismissing the petition or by declaring the said office vacant. The Court may award costs as appear to be equitable and right.

41. VACANCIES. (a) In case of a vacancy from any cause in the office of Mayor or Councilman, the Mayor and City Council shall fill such vacancy by appointment within 20 days from date said vacancy occurred. Any person so appointed shall have all the qualifications required for election to the particular office, and he shall receive the salary of that position during his tenure in office.

(b) Any such appointment of a Mayor *pro tem* shall be made by the City Council from among its own membership. Such Mayor *pro tempore* shall have and exercise all the powers and duties of a duly elected and qualified Mayor, and his acts shall have the same force and validity as those of a duly elected and qualified Mayor. He shall be known as the Acting Mayor.

42. DUTIES. (a) The Mayor and City Council shall be the legislative department of the City government, with the power to pass such ordinances, orders and regulations and to do such other things as may be authorized by this Article.

(b) References throughout this Article to the Mayor and City Council shall be to the Mayor and City Council of Cumberland, in their corporate character unless the context clearly shall require otherwise.

43. (Vacant.)

44. MEETINGS. The Mayor and City Council shall meet at least twice each month in regular session, at such time as it may determine, to act upon such municipal business as may come before it. A majority of all the members of the Mayor and City Council shall be a quorum for the consideration of municipal business, but no action of the Mayor and City Council shall be effective unless it receives the favorable vote of a majority of the full membership thereof. All sessions of the Mayor and City Council at which any ordinance is passed, or any order or resolution adopted, shall be open