

**PROPOSED CHARTER AMENDMENT**  
**Charter Section 2.07**

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**Section 2.07. President of the Council.**

- (a) Each new Council shall at the meeting at which it takes office, and biannually thereafter, elect by majority vote one of its members as President of the Council. Commencing with the election of the Council President in the year 1985, and for each and every term thereafter the President shall serve a term of two years and shall be eligible for reelection. The President shall preside at all meetings of the Council and shall serve as Acting Mayor during any period in which the Mayor (1) is absent from the city for a period of more than five business days; (2) requests the President to act as Mayor; or (3) is disabled; or (4) and as provided in Section 3.06. The Mayor shall notify the City Clerk of his/her absence. In any situation where (i) an emergency exists where the peace, property, health, safety or morals of the community are endangered, (ii) the Mayor is absent from the city as contemplated by Section 2.07(a)(1), and (iii) the Mayor is unavailable by telephone or otherwise for a period of two hours, the President shall serve as Acting Mayor. The President shall receive compensation in an amount equal to 20% of the current salary of Councilmembers per year in addition to the salary as a Councilmember.
- (b) For purposes of this section and Section 2.08, the term "disabled" shall mean when the Mayor or City Council President is unable to perform the ~~physical or mental~~ duties of that position as detailed in this section. Whenever the Mayor transmits to the City Clerk his/her written declaration that he/she is unable to discharge the duties of the Office of Mayor and until he/she transmits a written declaration to the contrary, such duties shall be performed by the Council President as Acting Mayor. Whenever the majority of the Mayor's Cabinet as outlined in Section 3.08 transmits to the City Clerk, a written declaration that the Mayor is unable to discharge the duties of his/her office, the Council President shall immediately assume the duties of the office of Acting Mayor. Thereafter, when the Mayor transmits to the City Clerk, a written declaration that he/she can perform the duties, he/she shall resume the duties of Mayor unless a majority of the Mayor's Cabinet transmits their declaration to the City Clerk with three days that the Mayor is unable to perform the duties of his/her office. If that should occur, the City Council shall decide the issue within 48 hours. If a two-thirds majority of the Council shall decide that the Mayor is unable to discharge the duties of his/her office, the Council President shall continue to act as Mayor, otherwise the Mayor shall resume his/her duties. Unless such incumbent concurs that he/she is temporarily disabled and upon a reasonable belief that a disability exists, the Council shall by majority vote appoint a committee of three medical doctors who shall be compensated at a rate commensurate with usual and customary examination fees. The committee shall promptly examine the Mayor or Council President. After the examination, or if unable to perform the examination due to circumstances beyond the Committee's control, the Committee

~~shall promptly conduct a secret ballot and, by unanimous vote, may find with a reasonable degree of medical certainty that such incumbent is temporarily disabled. The finding of or failure to find a disability shall be made public and written notice given to the City Attorney. The City Attorney shall give notice to the person next in line of succession to the office of the disabled incumbent, which person shall forthwith assume the duties of Acting Mayor or of presiding at the Council meetings pursuant to this Charter during the period of such disability.~~

~~Prior to a final determination that such incumbent has forfeited his/her office, or that such office has become vacant, such incumbent may appeal the decision of the committee to the Council which shall sit as a quasijudicial body to review the committee's finding. Based on a reasonable degree of medical certainty, the Council may sustain, reverse or modify the committee's findings. The Council's finding may be appealed to the District Court pursuant to appropriate statute.~~

**PROPOSED CHARTER AMENDMENT**  
**Charter Section 2.07 and 3.04.5**

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**Section 2.07. President of the Council.**

- (a) Each new Council shall at the meeting at which it takes office, and biannually thereafter, elect by majority vote one of its members as President of the Council. Commencing with the election of the Council President in the year 1985, and for each and every term thereafter the President shall serve a term of two years and shall be eligible for reelection. The President shall preside at all meetings of the Council and shall serve as Acting Mayor as contemplated by Section 3.04.5. ~~during any period in which the Mayor is absent from the city or disabled and as provided in Section 3.06.~~ The President shall receive compensation in an amount equal to 20% of the current salary of Councilmembers per year in addition to the salary as a Councilmember.
- (b) For purposes of this section and Section 2.08, the term "disabled" shall mean when the Mayor or City Council President is unable to perform the ~~physical or mental~~ duties of that position as detailed in this section. Whenever the Mayor transmits to the City Clerk his/her written declaration that he/she is unable to discharge the duties of the Office of Mayor and until he/she transmits a written declaration to the contrary, such duties shall be performed by the Council President as Acting Mayor. Whenever the majority of the Mayor's Cabinet as outlined in Section 3.08 transmits to the City Clerk, a written declaration that the Mayor is unable to discharge the duties of his/her office, the Council President shall immediately assume the duties of the office of Acting Mayor. Thereafter, when the Mayor transmits to the City Clerk, a written declaration that he/she can perform the duties, he/she shall resume the duties of Mayor unless a majority of the Mayor's Cabinet transmits their declaration to the City Clerk with three days that the Mayor is unable to perform the duties of his/her office. If that should occur, the City Council shall decide the issue within 48 hours. If a two-thirds majority of the Council shall decide that the Mayor is unable to discharge the duties of his/her office, the Council President shall continue to act as Mayor, otherwise the Mayor shall resume his/her duties. ~~Unless such incumbent concurs that he/she is temporarily disabled and upon a reasonable belief that a disability exists, the Council shall by majority vote appoint a committee of three medical doctors who shall be compensated at a rate commensurate with usual and customary examination fees. The committee shall promptly examine the Mayor or Council President. After the examination, or if unable to perform the examination due to circumstances beyond the Committee's control, the Committee shall promptly conduct a secret ballot and, by unanimous vote, may find with a reasonable degree of medical certainty that such incumbent is temporarily disabled. The finding of or failure to find a disability shall be made public and written notice given to the City Attorney. The City Attorney shall give notice to the person next in line of succession to the office of the disabled incumbent, which person shall~~

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## **Section 2.08. Vice-President of the Council.**

The Vice-President of the Council shall be elected at the same time and in the same manner as the President of the Council. The Vice-President shall preside at meetings of the Council during any absence or disability of the President and shall serve as Acting Mayor during any period contemplated by Section 3.04.5 in which ~~both the Mayor and the President is~~ are absent from the City or disabled.

### **Section 3.04.5 Acting Mayor**

In those instances where the Mayor is absent from the city or is temporary unable to perform the duties of the position for a period of up to fifteen days, the Mayor shall have the authority to appoint a member of his/her staff, a Cabinet member as defined by Section 3.08, or the City Council President as Acting Mayor. Any person appointed to be Acting Mayor must meet the qualifications in Section 3.02 of the Charter. In any situation where (i) an emergency exists where the peace, property, health, safety or morals of the community are endangered, (ii) the Mayor is absent from the city as contemplated by Section 3.04.05, and (iii) the Mayor is unavailable by telephone or otherwise for a period of two hours, the position of Acting Mayor shall be performed in a manner consistent with Sections 2.07, 2.08, and 3.06 of the Charter.

In those instances where the Mayor is unable to perform the duties of the position of Mayor for more than 15 days, meets the standard of being disabled established by Section 2.07(b) of the Charter, or is deceased, the position of Acting Mayor shall be performed in a manner consistent with Sections 2.07, 2.08, and 3.06 of the Charter.

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Prior to a final determination that such incumbent has forfeited his/her office, or that such office has become vacant, such incumbent may appeal the decision of the committee to the Council which shall sit as a quasijudicial body to review the committee's finding. Based on a reasonable degree of medical certainty, the Council may sustain, reverse or modify the committee's findings. The Council's finding may be appealed to the District Court pursuant to appropriate statute.

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In those instances where the Mayor is unable to perform the duties of the position of Mayor for more than 15 days, meets the standard of being disabled established by Section 2.07(b) of the Charter, or is deceased, the position of Acting Mayor shall be performed in a manner consistent with Sections 2.07, 2.08, and 3.06 of the Charter.

**PROPOSED CHARTER AMENDMENT**  
**Charter Section 2.18**

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**Section 2.18. Initiative.**

Ordinances or amendments to existing ordinances may be submitted to the Council by a petition signed by registered electors of the city equal to at least 15 per cent of the vote for the office of Mayor cast at the last preceding general city election. Initiative petitions shall be uniform in character, shall contain the proposed ordinance in full, shall set forth the address of each person signing, shall be in the form prescribed by the City Clerk, and shall be filed with the City Clerk.

The clerk shall within twenty days verify the sufficiency of the signatures thereto, and if found sufficient, transmit the petition to the Council, which shall proceed with the proposal in the regular manner herein provided. The Council shall either enact the ordinance without amendment or reject it within thirty days. In the event the Council shall fail to enact such ordinance or amendment, the Council shall, at the next regular election held within the city, submit the same to a vote of the people. The City Clerk shall issue a proclamation notifying the electors at least thirty days prior to such election and shall cause to be published a notice of the election and a copy of the proposed ordinance in the designated official City newspaper. ~~in each of the daily newspapers of general circulation in the city.~~ Such publication shall be not more than twenty nor less than ten days before the election. All initiated ordinances shall have a title which shall state, in a general way, the purpose and intent of such ordinance. No initiative petition shall contain more than one subject; subparts of the same subject matter of the initiative petition must be separately titled and enumerated. The form of ballot used for such election shall be prepared by the City Attorney and shall contain the title of such ordinance. In initiative elections the question shall be determined by a majority of the electors voting on the question.

**PROPOSED CHARTER AMENDMENT**  
**Charter Section 6.11**

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**Section 6.11. Prohibitions.**

No action affecting the employment status of an employee or applicant for a position in the city service, including examination, appointment, promotion, demotion, suspension, or removal, or other conditions and privileges of employment, shall be taken or withheld by reason of the race, creed, color, sex, disability, national origin, religion, or political affiliation of the affected person; provided nothing in this section shall be construed as prohibiting any action affecting the employment status of an employee or applicant in those certain instances where disability or sex is a bona fide occupational qualification reasonably necessary to the normal operation of city business. No person shall be employed or retained in the city service who advocates or belongs to an organization advocating the overthrow or change of our government by force or violence.

No non-elective officer or employee in the city service shall during working hours or while such employee is otherwise engaged in the performance of official duties or while wearing a uniform required by the city service, solicit or contribute funds for any candidate for public office ~~in any election for Mayor or City Council Member~~; take part in or manage the campaign of any candidate for public office ~~Mayor or City Council Member~~; address or take an active part in any rally or meeting for or in support of any candidate for public office ~~Mayor or City Council Member~~; solicit votes, assist voters at the polls, or help any candidate for public office ~~Mayor or City Council Member~~ get voters to the polls; participate in the distribution of campaign literature supporting any candidate for public office ~~Mayor or City Council Member~~; initiate or circulate any petition nominating a candidate for public office ~~Mayor or City Council Member~~; ride in any caravan for any candidate for public office ~~Mayor or City Council Member~~. No department head in the classified service and listed in section 3.07 may use their title, position, or uniform to publicly address or take any active position to support or oppose any candidate for public office while they are employed by the city. Nothing in this section shall prohibit any non-elective officer or employee in the city service from exercising such person's right as a citizen to express an opinion, cast a vote, or do any other partisan or non-partisan political act not expressly prohibited herein.

A non-elective officer or employee in the service of the City shall not hold any office in, or be employed by, any other public body which would interfere with the performance of such person's official duties in the service of the City or create any conflict of interest. No person seeking appointment to or promotion in the service of the City shall give, render, or pay any money, service, or other valuable thing to any person in connection with a test, appointment or promotion. Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law.

**PROPOSED CHARTER AMENDMENT**  
**Charter Section 8.13**

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**Section 8.13. Reconstitution of Government in Event of Disaster.**

In the event of a public disaster resulting in the death or disability of the Mayor or a majority of the Council, the remaining members of the Council shall successively appoint a sufficient number of additional members to fill the vacancies therein which have been created. Such appointees shall to the extent practicable possess the qualifications required for original membership on the Council. The Council so constituted shall proceed to elect a Mayor if that office is vacant. The Council may select the new Mayor from among its members or from among the electors of the city having the qualifications for the office. In the event of a public disaster which results in the death or disability of the Mayor and the entire Council, the surviving member of the Mayor's Cabinet as described by Section 3.08 who has served the City the longest, shall serve as Acting Mayor until the next City election is held.