

## ATTACHMENT #1

### § 2.08.160. Appointment of Mayor and Mayor Pro Tempore.

- (a) It is the purpose and intent of this Section to provide for an automatic annual rotation of Council Members who occupy the positions of Mayor and Mayor Pro Tempore. The automatic annual rotation is further intended to permit as many Council Members as possible to have an opportunity during their membership on the City Council to occupy the position of Mayor and Mayor Pro Tempore. This Section shall not be amended or repealed without first obtaining the approval of a majority of those persons voting on any such proposed amendment or repeal at a general or special municipal election called for this purpose.
- (b) At the first regular meeting of the City Council in December of each year, or as soon thereafter as reasonably possible in the event any newly elected Council Members have not yet taken office due to delayed certification of election results, the City Council shall appoint from among the Council Members the Mayor and the Mayor Pro Tempore to immediately assume those positions, as applicable. Appointment to the position of Mayor and Mayor Pro Tempore shall be made on a rotating basis among all Council Members as follows, and the Mayor and Mayor Pro Tempore shall serve until their applicable successor is appointed or they resign or vacate the applicable position due to inability to fulfill the responsibilities of that position, as defined in subsection (c):
  - (1) The Council Member having the longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor.
  - (2) The Council Member having the second longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor Pro Tempore.
  - (3) If two or more Council Members equally qualify hereunder for appointment as Mayor, any Council Member who has not previously served as Mayor during the period of current continuous membership of the qualified Council Member shall be appointed Mayor; and if two or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member who received the most votes among them in his or her most recent election to Council shall be appointed Mayor, and the Council Member who received the second most votes among them in his or her most recent election to Council shall be appointed Mayor Pro Tempore; and if two or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member whose name is then drawn by lot or other random procedure shall be appointed Mayor, and the other Council Member shall be appointed Mayor Pro Tempore.
  - (4) If two or more Council Members equally qualify hereunder for appointment as Mayor Pro Tempore, the appointment of Mayor Pro Tempore shall be made in accordance with the same priority and criteria as otherwise set forth for appointment as Mayor in subsection (b)(3).
  - (5) A Council Member shall not be eligible for appointment as Mayor or Mayor

Pro Tempore until he or she has first completed at least one year of service during his or her current continuous membership on the City Council, unless no other Council Member can otherwise assume the position of Mayor or Mayor Pro Tempore due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c) or due to other qualifying Council Members declining an appointment to the position as set forth in subsection (d).

- (6) If the position of Mayor becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Mayor Pro Tempore shall be appointed Mayor for the remainder of that term of Mayor, and shall be reappointed Mayor for the next full term of the position of Mayor if then qualified hereunder, unless he or she declines either appointment. Notwithstanding subsection (b)(5), the Mayor Pro Tempore shall be appointed to the position of Mayor even if, at the time the position of Mayor becomes vacant, he or she has not completed at least one year of service during his or her current continuous membership on the City Council.
  - (7) If the position of Mayor Pro Tempore becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Council Member next qualified to become Mayor Pro Tempore shall be appointed Mayor Pro Tempore for the remainder of that term of Mayor Pro Tempore, and shall be reappointed Mayor Pro Tempore for the next full term of the position of Mayor Pro Tempore if then qualified hereunder, unless he or she declines the appointment.
- (c) A Council Member shall not be appointed Mayor or Mayor Pro Tempore, as applicable, and the Mayor or Mayor Pro Tempore shall be deemed to have vacated their position, as applicable, due to inability to fulfill the responsibilities of that position. As used in this Section, the term “inability to fulfill the responsibilities of that position” shall mean at least one of the following:
- (1) Unexcused absences from more than four regular or special City Council meetings within the 12 month period prior to appointment as Mayor or Mayor Pro Tempore, as applicable, or during the period of service as Mayor or Mayor Pro Tempore, as applicable;
  - (2) Resignation from the position of Mayor or Mayor Pro Tempore, as applicable;
  - (3) Death, or physical incapacity due to medical condition severely limiting the ability of the Mayor or Mayor Pro Tempore, as applicable, to perform ongoing duties assigned to them by City policy or the City Council;
  - (4) Mental incapacity (such as by reason of severe stroke, serious head injury, serious nervous breakdown, or serious mental illness) of the Council Member otherwise qualified hereunder to be appointed to, or serve in the applicable position of Mayor or Mayor Pro Tempore, as reasonably determined at a public meeting by a majority of the full membership of the City Council;

- (5) Upon the case-by-case determination by the City Council, in its discretion, to apply the following to the appointment, or removal, as applicable, of the Mayor or Mayor Pro Tempore, as applicable, via a censure resolution adopted at a public meeting by a majority of the full membership of the City Council, resulting from either: (i) a repeated failure of the Mayor or Mayor Pro Tempore, as applicable, to represent the City Council's adopted positions when representing the City, and not him or herself individually, after the City Council had first provided a written warning concerning such failure; or (ii) a violation of a any requirement of law pertaining to conduct by public officials, other than as set forth in subsection (c)(6), as determined by final decision of a governmental commission, agency or officer not a part of the City;
- (6) Arrest while serving as Mayor or Mayor Pro Tempore, as applicable, for a felony or any crime of violence or moral turpitude; provided that if and when the prosecution of such felony or other crime is dismissed or otherwise terminated without a plea agreement or conviction, then the Council Member shall thereafter be placed in the highest priority behind the Mayor or Mayor Pro Tempore, as applicable, as otherwise set forth in subsection (b).
- (d) A Council Member who currently serves as Mayor or Mayor Pro Tempore may resign that position at any time during his or her term. Further, a Council Member who otherwise qualifies shall not be appointed Mayor or Mayor Pro Tempore if he or she voluntarily declines the appointment to the applicable position.
- (e) If a Council Member vacates the position of Mayor or Mayor Pro Tempore, or declines an appointment to either position, the following rules shall apply:
  - (1) If the Council Member currently serves as Mayor or Mayor Pro Tempore, as applicable, and vacates that position due to: (i) resignation; (ii) physical disability; or (iii) mental disability, as set forth in subsections (c)(2), (3) and (4) above, and so vacates during the first six months of his or her term, the Council Member shall retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, based upon the Council Member's time of continuous service on the Council since his or her last appointment to the position of Mayor or Mayor Pro Tempore, as applicable. If the Councilmember so vacates during the last six months of his or her term, the Council Member shall not retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, and only the Council Member's time of continuous service on the Council accruing after so vacating shall count toward any future appointment under subsection (b).
  - (2) If the Council Member currently serves as Mayor or Mayor Pro Tempore, as applicable, and vacates that position due to: (i) unexcused absences from Council meetings; or (ii) removal by the City Council via censure resolution, as set forth in subsection (c)(1) and (5), the Council Member shall not retain priority under subsection (b) for a future appointment to the position of Mayor or Mayor Pro Tempore, as applicable, and only the Council Member's time of

continuous service on the Council accruing after so vacating shall count toward any future appointment under subsection (b).

- (3) If the Council Member has never served as Mayor or Mayor Pro Tempore, as applicable, and the Council Member declines an appointment to that position for the first time, the Council Member shall retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, based upon the Council Member's time of continuous service on the Council.
  - (4) If the Council Member has never served as Mayor or Mayor Pro Tempore, as applicable, and the Council Member declines an appointment to that position for a second time, the Council Member shall not retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tem, as applicable, and only the Council Member's time of continuous service on the Council accruing after his or her second declining of said appointment shall count toward any future appointment to that position under subsection (b). Notwithstanding the above, a Council Member who declines a second appointment shall still be deemed to have satisfied the minimum one-year Council service requirement for any future appointment under subsection (b)(5).
  - (5) If the Council Member has previously served as Mayor or Mayor Pro Tempore, as applicable, during his or her current continuous membership on the City Council, and is later nominated to that position again, the Council Member may decline the appointment once and retain priority for a future appointment as set forth in subsection (e)(3), based upon the Council Member's time of continuous service on the Council since last serving as Mayor or Mayor Pro Tempore, as applicable. If he or she declines the appointment a second time, the Council Member shall not retain priority for a future appointment as set forth in subsection (e)(4).
- (f) As used in this Section, the terms "qualify," "qualified" and "qualify hereunder" mean that a Council Member meets the priority and criteria established for selection as Mayor or Mayor Pro Tempore, as applicable, as set forth in subsection (b).  
(Ord. 666 § 1, 2012; Ord. 729 § 1, 2020)