

ORDINANCE NO.: 4803

AN AMENDED ORDINANCE to amend Subsection 2.35 (A) to (D) of the Code of Ordinances of the City of La Crosse regarding the continuity of government.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Subsection 2.35(A)through (D) is hereby amended to read as follows:

(A) POLICY AND PURPOSE.

Because of the existing possibility of an enemy action, disaster, or threat of disaster attack upon the United States of unprecedented size and destructiveness, including the inevitable hazard of radioactive contamination, and in order, in the event of such happening—~~an attack,~~ to assure the continuation of effective, legally constituted leadership, authority, and responsibilities in the offices of the government of the City, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor, ~~aldermen~~ Council Member, supervisors, and department heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices—~~during and immediately after an enemy attack.~~

(B) DEFINITIONS.

As used in this Ordinance, unless the context otherwise clearly indicates:

- (1) "Unavailable" shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and the ~~his~~ duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.
- (2) "Attack" and "enemy action" shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire, or atomic, radiologic, chemical, bacteriologic, or biological means or other weapons or processes.
- (3) "Duly authorized deputy" shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.
- (4) "Emergency Interim Successor" shall mean a person designated pursuant to this Ordinance for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(C) DESIGNATION, STATUS, QUALIFICATIONS, AND TERM OF EMERGENCY INTERIM SUCCESSORS.

- (1) Succession of Mayor.  
Succession of the Office of Mayor shall be in the following order: President of the City Council and two emergency interim successors to be named by the Mayor within 30 days after this Ordinance is adopted, and by each Mayor within 30 days of his taking office, and the Mayor shall specify and rank in order of succession after the President of the City Council so that there will be not less than two duly authorized emergency interim successors for the Office of Mayor. Whoever is nominated and whatever succession is designated shall be confirmed by the City Council.
- (2) Succession of ~~Aldermen~~ Council Member.  
Two emergency interim successors are to be named and their order of rank specified by each ~~alderman~~ Council Member within 90 days after adoption of this Ordinance and within 30 days of taking office by each ~~alderman~~ Council Member so that there will be not less than two duly authorized emergency interim successors for each ~~alderman~~ Council Member. The names and designated order of the emergency interim successors shall be confirmed by the City Council.
- (3) Succession of Supervisors.  
Two emergency interim successors are to be named and their order of rank specified by each supervisor within 90 days after adoption of this Ordinance and within 30 days of taking office by each supervisor so that there will be not less than two duly authorized emergency interim successors for each supervisor. The names and order designated for the emergency interim successors shall be confirmed by the Council.
- (4) Department Heads.  
Within 30 days after adoption of this Ordinance, each department head shall appoint and specify the order of succession, after his deputy, of two emergency interim successors, so that there will be not less than three successors to the office of each department head. If there is no deputy, three emergency interim successors shall be so appointed instead of two. Emergency interim successors to department heads shall be confirmed by the Mayor.
- (5) Review of Designations.  
The Mayor, ~~Aldermen~~ Council Member, Supervisors, and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to insure at all times that there is the requisite number of qualified emergency interim successors.
- (6) Qualifications.  
No person shall be designated or serve as an emergency interim successor unless he may under the constitution of this City, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any Ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.  
Emergency interim successors shall act only until the Council can meet as a body and appoint and confirm a successor to the Mayor, ~~Aldermen~~ Council Member and Supervisors if necessary in accordance with existing statute.

(7) Status of Emergency Interim Successor.

A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office.

(D) ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR.

If, in the event of an enemy action, disaster, or threat of disaster, ~~attack~~ the Mayor, any ~~Aldermen~~ Council Member, any Supervisor, or any department head and any duly authorized Deputy is unavailable, his emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

SECTION II: This ordinance shall take effect upon passage and publication.

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy Kabat, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Teri Lehrke, City Clerk

Passed: 3/13/14  
Approved: 03/18/14  
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