

EXECUTIVE ORDER NO. 15-03

WHEREAS, any vacancy of the office of Mayor has the potential to be disruptive to the daily admission of city responsibilities as well as disruptive to the city's overall health, safety and general welfare; and

WHEREAS, via the general election process the office of Mayor is filled by way of election and subsequent assumption of office pursuant to law; and

WHEREAS, the office of the Mayor may become vacant, due to resignation (KRS 83A.040(7) or removal KRS 83A.040(9), during a Mayor's term in office, causing the creation of a vacancy in the office of Mayor; and

WHEREAS, in the event of such a vacancy, the Legislative Body may take up to thirty (30) days to appoint a Mayor to fill the unexpired term and/or fail to appoint a subsequent Mayor, placing the responsibility with the Governor. (KRS 83A.040(5) and (6); and

WHEREAS, during this vacancy and prior to appointment, significant disruption in city administrative decision making, city services, cash disbursements, etc. may occur as a result of this vacancy unless orderly succession is pre-assigned in advance of a vacancy in the office of the Mayor; and

WHEREAS, in addition to the aforementioned codified types of vacancies in the office of Mayor, there are other times in which the Mayor is unable to perform the executive functions of the office in a manner similar to those addressed by the 25th Amendment to the United States Constitution, as well as the most recent occurrence in Cold Spring of a Mayor resigning and a period of time existing prior to officially having a vacancy, where no person was designated to perform the essential functions of city government; and

NOW THEREFORE, I, Mark A. Stoeber, MAYOR of the City of Cold Spring, Kentucky, as allowed by KRS 83A.130 (7), order the following succession plan, in the event of a vacancy in the office of the Mayor, to insure the orderly administration of City operations, where codified KRS regulations do not specifically provide direct guidance:

- 1) That upon either the resignation, pursuant to KRS 83A.040(7) or removal pursuant to KRS 83A.040(9), a vacancy exists in the office of the Mayor, the following persons, in order, shall be delegated the mayor's power, duties or responsibilities, unless prohibited by law:
 - i. City Police Chief, unless said position is vacant, then
 - ii. City Administrator, unless said position is vacant, then
 - iii. City Clerk, unless said position is vacant, then
 - iv. City Attorney, unless said position is vacant,
 - v. Highest ranking Police Officer.
- 2) That should at any time, a majority of the following filled positions Police Chief, City Administrator, City Clerk and City Attorney, determine that the Mayor is unable to perform the executive functions of the office, after meeting and a determination by a majority of all filled positions identified in this section 2, determine that the Mayor is unable to perform the executive functions of the City, the majority shall by written declaration send to each member of council their determination. At such time, by order set forth in Section 1(i)-(v), said City Official shall be designated to perform the executive functions of the office of the Mayor, unless prohibited by law. Within 24 hours of execution of said written declaration, such written declaration must be provided to council via email AND to the last known addresses of each councilmember: by hand delivery of city personnel AND mailed to such address by registered mail. Said written declaration must also be provided to the declared "absent" Mayor via email AND to last known address of the Mayor: by hand delivery of city personnel AND mailed to such address by registered mail. The Mayor shall by written declaration to each member of council advise at such a time that he/she has resumed his

authority and ability to perform executive functions. Said written declarations shall become effective upon receipt by each member of council.

WITNESS my hand this 28th day of September, 2015.

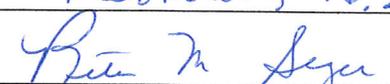
Mark A. Stoeber

, MAYOR

COUNTY OF Campbell
COMMONWEALTH OF KENTUCKY

Subscribed and sworn to before me a notary public in and for the Commonwealth of Kentucky by Mark A. Stoeber, Mayor, the above appointment and alternate appointment as his/her true act and deed this 28th day of September, 2015.

My commission expires:

February 16, 2018
 ID # 505312
Notary Public, KY, State-At-Large