

CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION
STATE OF INDIANA

EXECUTIVE ORDER NO. 1, 2008

**DESIGNATION OF ACTING MAYOR AND LINE OF SUCCESSION
UPON INCAPACITY OF THE MAYOR
OR VACANCY IN THE OFFICE**

WHEREAS, Indiana Code § 36-3-3-3(a) provides that whenever the Mayor is absent from the county, ill, or injured, he may designate one (1) of his deputies as Acting Mayor with all the powers of the office for a maximum of fifteen (15) days in any sixty (60) day period; and

WHEREAS, Indiana Code § 36-3-3-3(c) provides that whenever the Mayor is incapacitated and unable to make a designation of one of his deputies as Acting Mayor, then the President of the City-County Council becomes Acting Mayor; and

WHEREAS, the Indiana Code does not provide a line of succession in the event that the Mayor is incapacitated and unable to make a designation of one of his deputies, and the President of the City-County Council is also incapacitated; and

WHEREAS, Indiana Code § 3-13-11-12 provides that the chief deputy assumes the duties of the Mayor for a period of time between when a vacancy occurs and when the office is filled; and

WHEREAS, the Indiana Code does not provide a line of succession in the event that the office of Mayor becomes vacant, and the chief deputy is unable to assume the duties of that office; and

WHEREAS, Section 251-408 of the "Revised Code of the Consolidated City and County" provides that the Mayor shall, via executive order, designate a line of successors to establish which government officials may act in his place under circumstances not addressed by the Indiana Code; and

WHEREAS, the designation of an Acting Mayor and a line of succession is beneficial to the orderly administration of executive powers and responsibilities, and promotes the interest of public health, safety and welfare;

NOW, THEREFORE, by virtue of the authority vested in me as the Mayor of the City of Indianapolis and successor-in-interest to the Board of Commissioners of Marion County, Indiana, and in accordance with the aforementioned statutes and ordinance, it is hereby ordered as follows:

DESIGNATION OF ACTING MAYOR

1. In the event that the Mayor is absent from the county, ill, or injured, then the following public officials are hereby designated as Acting Mayor with all the powers of the office, in descending order of succession in the event that one or more of the designees is incapacitated and unable to perform the duties as Acting Mayor:

- a. Chief of Staff of the Office of Mayor of the City of Indianapolis;
- b. Deputy Mayor for Public and Neighborhood Affairs of the City of Indianapolis;
- c. Director of Public Safety of the City of Indianapolis;
- d. Corporation Counsel of the City of Indianapolis;
- e. Controller of the City of Indianapolis;
- f. Chief of Police of the City of Indianapolis; and,
- g. Fire Chief of the City of Indianapolis.

2. These designations are made pursuant to Indiana Code § 36-3-3-3(a). An Acting Mayor designated under Paragraph 1 of this Executive Order shall exercise the powers of the office only until such time as the Mayor is restored from his or her absence, illness or injury.

LINE OF SUCCESSION DURING INCAPACITY OR VACANCY IN OFFICE

3. In the event that the Mayor is incapacitated and no designation under Indiana Code § 36-3-3-3(a) is in effect, then the President of the City-County Council, becomes Acting Mayor pursuant to Indiana Code § 36-3-3-3(c). In the event that the President of the City-County Council is incapacitated to the extent that he or she is unable to perform the duties as Acting Mayor as provided in Indiana Code § 36-3-3-3(c), then the following public officials shall be authorized to carry out the duties of the office of Mayor, in descending order of succession, until such time as the President of the City-County Council is able to perform the duties as Acting Mayor, or the executive is restored according to law, whichever first occurs:

- a. Deputy Mayor for Public and Neighborhood Affairs of the City of Indianapolis;
- b. Director of Public Safety of the City of Indianapolis;
- c. Chief of Staff of the Office of Mayor of the City of Indianapolis;
- d. Corporation Counsel of the City of Indianapolis;
- e. Controller of the City of Indianapolis;
- f. Chief of Police of the City of Indianapolis; and,
- g. Fire Chief of the City of Indianapolis.

4. In the event the office of Mayor becomes vacant for purposes of Indiana Code § 36-3-3-4 and no public official has been appointed to serve specifically as "senior deputy" or "chief deputy" of the office of Mayor, then the following public officials, in descending order of succession, shall be deemed to be the chief deputy of the office of Mayor for purposes of Indiana Code 3-13-11, and thereby authorized to carry out the duties of the office of Mayor until such time as the office is filled under Indiana Code 3-13-11:

- a. Deputy Mayor for Public and Neighborhood Affairs of the City of Indianapolis;
- b. Director of Public Safety of the City of Indianapolis;
- c. Chief of Staff of the Office of Mayor of the City of Indianapolis;

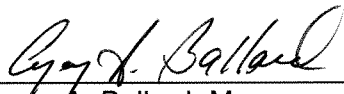
- d. Corporation Counsel of the City of Indianapolis;
- e. Controller of the City of Indianapolis;
- f. Chief of Police of the City of Indianapolis; and,
- g. Fire Chief of the City of Indianapolis.

5. All previous executive orders of the Mayor of the City of Indianapolis establishing a line of executive succession, including Executive Order No. 1, 2006, are hereby rescinded.

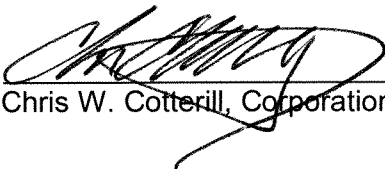
6. This Executive Order shall become effective immediately.

DATED this 29th day of January, 2008.

CONSOLIDATED CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA

By: 
Gregory A. Ballard, Mayor

APPROVED AS TO FORM AND LEGALITY:

By: 
Chris W. Cotterill, Corporation Counsel