

CHAPTER 2
FORM OF GOVERNMENT

Section 2.01. **Council Manager Plan**. The form of government established by this charter is the Council Manager Plan. The council exercises the legislative power of the city and determines matters of policy. The city manager is responsible to the council for the proper administration of city affairs.

Section 2.02. **Boards and Commissions**. There are no separate administrative boards or commissions except boards and commissions established for the administration of a municipal function jointly with another political subdivision. The council performs the duties and exercises the powers of administrative boards or commissions. The council may by ordinance establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions. (Amended, Ordinance No. 90-22, February 1, 1991)

Section 2.03. **Councilmembers: Qualifications and Terms**. Subdivision 1. The council is composed of a mayor and six council members who must be eligible voters of the city and must further qualify for office as provided in this charter.

Subd. 2. The mayor and councilmembers may hold another compatible public office.

Subd. 3. The mayor and councilmembers must be residents of the city. The resident councilmembers must satisfy the residence requirements of section 2.04.

Subd. 4. The mayor is elected at large. A ward resident councilmember is elected by the eligible voters of the ward in which the councilmember resides. A section resident councilmember is elected by the eligible voters of the section in which the councilmember resides.

Subd. 5. The mayor and councilmembers are elected on the date, in the years and for the terms specified by ordinance adopted by the council in accordance with law. They serve until their successors are elected and qualify for office. (Amended, Ordinance No. 98-4, November 24, 1998)

Subd. 6. (Repealed, Ordinance No. 98-4, November 24, 1998)

Section 2.04. **Resident Councilmembers**. Four of the councilmembers must be ward resident councilmembers and are qualified as follows: one councilmember must be, at the time of filing for election or appointment, a resident of the First Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Second Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Third Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Fourth Ward. Two councilmembers must be section resident councilmembers and qualify as follows: one councilmember must be, at the time of filing for election or appointment, a resident of

Section One, consisting of Wards One and Two; and one councilmember must be, at the time of filing for election or appointment, a resident of Section Two, consisting of Wards Three and Four. Thereafter, continued residence in the ward or section in which the councilmember resided at the time of election or appointment is a required qualification to continue to hold office during the councilmember's term. (Amended, Ord. No. 2009-03, September 25, 2009)

Section 2.05. **Wards**. The city is divided into four wards. Review of the wards must be made by the council and the wards reapportioned in the manner provided by law. Reapportionment is by ordinance. A change in ward boundaries does not disqualify a councilmember from serving the remainder of a term. The wards of the city are those described by ordinance. (Amended, Ordinance No. 93-4, May 12, 1993; Ordinance No. 98-4, November 24, 1998; Ord. No. 2002-07, August 5, 2002)

Section 2.06. **Incompatible City Offices**. A member of the council may not be appointed city manager. A member of the council may not be a city officer or be employed by the city for pay. A member of the council may not, for a period of one year after expiration of the member's term of office, be a city officer or be employed by the city for pay.

Section 2.07. **Council Vacancies**. A vacancy in the office of mayor or councilmember exists for the following reasons:

- (a) failure of a person elected thereto to qualify on or before the date of the second regular meeting of the council in the year subsequent to the election;
- (b) death of the member;
- (c) resignation of the member;
- (d) the member ceasing to be a resident of the city or of the ward or section from which elected;
- (e) continuous absence from the city for more than three months;
- (f) conviction of the member of a felony either before or after qualification for office;
- (g) failure of the member without good cause to perform the duties of office for a period of three months;
- (h) removal of the person from office; or
- (i) any reason specified by law.

When a vacancy occurs the council must by resolution declare the vacancy to exist and forthwith appoint an eligible person to fill the office until the next regular municipal election when the office is filled for the unexpired term. If a vacancy occurs and exists in an elective office after the last day for filing affidavits of candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term. (Amended, Ordinance No. 93-4, May 12, 1993)

Section 2.08. **The Mayor**. The mayor is the presiding officer of the council. The council must choose from its members a mayor pro tem who holds office at the pleasure of the council and serves as mayor in the mayor's disability or absence from the city or when a vacancy in the office of mayor exists. The mayor:

- (a) exercises the powers and performs the duties conferred on the mayor by this charter, the ordinances of the city, and the laws of the state;
- (b) is the official head of the city for ceremonial purposes, for purposes of the service of civil process, and for the purposes of martial law; and
- (c) must study the operation of the city government and report to the council neglect, dereliction of duty, or waste on the part of any officer or department of the city.

In time of public danger or emergency the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.09. **Salaries**. The salaries of the mayor and councilmembers are fixed by ordinance in the manner provided by law.

Section 2.10. **Investigation of City Affairs**. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, may make investigations into the city's affairs, subpoena witnesses, administer oaths, and compel the production of books and papers. The council may provide for an examination or audit of the accounts of any officer or department of the city government. The council may conduct surveys or research studies of subjects of municipal concern.

Section 2.11. **Interferences with Administration**. Neither the council nor any member of the council may dictate appointment of a person to an office or employment by the city manager. The council may not interfere with the city manager or prevent the city manager from exercising judgment in the appointment of officers and employees in the administrative service. Except for purposes of inquiry the council and its members must deal with and control the administrative service solely through the city manager. Neither the council nor any member of the council may give orders, publicly or privately, to a subordinate of the city manager.