

# CHARTER

## CHAPTER II

### Officers

Section 2.1 ELECTIVE OFFICERS. The elective officers shall be a mayor, one council member from each ward, and two council members-at-large. The terms of all elective officers shall continue until their successors are elected and qualify. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.2 APPOINTIVE OFFICERS. The city council shall appoint a city administrator, a city attorney, a city clerk-treasurer, a city engineer, and such other officers as shall be necessary for the proper conduct of the affairs of the City. (As amended, Ordinance No. 658, adopted 5/3/77; and by City Election – 3/13/90.)

Section 2.3 QUALIFYING. Every person elected or appointed to any office shall take and subscribe the oath provided by law. The city clerk-treasurer, chief of police, fire chief, city engineer, and such other officers as are designated by the city council shall, before entering upon their respective duties, furnish bond to the City in such manner, form, and amount as the city council may direct. If so determined by the city council, the bond may be in the form of a blanket bond, and the premium may be paid by the City.

Section 2.4 TERM OF OFFICE. The term of all elective officers shall commence on the first Monday in January next succeeding their election. The term of all appointive officers shall commence on the first day of April of the year following each biennial City election, and shall be for two (2) years, and until their successors are appointed and qualified. The term of all of the aforesaid officers of said City, elected by the people, shall be for four (4) years, and until their successors shall be elected and qualified. (As amended, City Election – 3/13/90.)

Section 2.5 SUSPENSION. The city administrator may suspend any appointive officer for a period not exceeding sixty (60) days. Forthwith, the city administrator shall report the action with the reasons therefor to the city council by written communication filed with the city clerk and shall call a meeting of the city council and shall devolve the duties of the suspended officer upon some person who shall receive the same compensation as that of the officer suspended. During the period of suspension the suspended officer shall be entitled to no compensation unless the city council shall decide the suspension was not warranted. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.6 REMOVAL. Every officer and every member of any board or commission, whether appointed to office by the city council or by the mayor or elected by the people, may be removed from said office by vote of five-sevenths of the city council, provided that an official elected by the people shall not be removed except for cause after having been furnished with a written statement of the charges and given a reasonable opportunity to be heard in defense. The city council shall fix a time for

hearing on such charges not less than ten (10) days after notice to the accused officer and shall have power to compel the attendance of witnesses and the production of books and papers. In the event the officer neglects to appear and answer the charges, or the city council finds that the charges are sustained and furnish sufficient cause for removal, it shall by five-sevenths vote declare the office vacant. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.7 REMOVAL FROM CITY OR WARD. Any elected officer who removes from the City or any ward council member who removes from the ward from which elected, or any elected officer who neglects or refuses to qualify within ten (10) days after an election or appointment to elective office, shall be deemed to have vacated the office. The city council shall by resolution declare the office vacant. (As amended, Ordinance No. 658, adopted 5/3/77; Ordinance No. 1017, adopted 12/4/90.)

Section 2.8 FILLING VACANCIES. If a vacancy exists in any elective office, the city council by vote of a majority of the members remaining in office shall fill the vacancy until the next regular city election when a successor shall be elected for the remainder of the unexpired term. In the event of a tie vote in the city council on the filling of a council vacancy, the mayor shall cast the deciding vote. (As amended, City Election – 3/14/78.)

Section 2.9 MAYOR. The mayor shall be the titular head of the City; the mayor shall have the veto power including item veto of the budget; the mayor shall meet with the city council and give to the city council such information and recommend such measures as the mayor may deem advantageous to the City. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.10 ACTING MAYOR. In event of vacancy in the office of mayor or absence of the mayor from the City or in the mayor's inability from sickness or other cause to perform the duties of office, the president of the council, or, if the president is also absent or incapacitated from acting, such other member of the city council as it may designate shall exercise the powers and perform the duties of the mayor during such absence or disability. While so acting, that member shall be styled the "acting mayor" and his/her acts in that capacity shall have the same force and effect as if performed by the mayor. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.11 CITY CLERK-TREASURER. The city clerk-treasurer: Shall keep custody of the corporate seal and of all books and records of the City; shall attend meetings of the city council and keep a correct record of all proceedings, ordinances, and resolutions in suitable books to be kept for that purpose; may administer oaths and acknowledgments in all cases as required or sanctioned by law; shall keep an office open at hours fixed by the city council and at the place designated by the city council; all records and files therein shall be open to public inspection, shall sign and file all contracts and perform all things incident thereto as directed; shall draw and sign orders upon the city treasury for money authorized to be paid out by the City, but, except as in this charter otherwise authorized, shall not sign any order unless there is a sufficient

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amount credited to the fund upon which the same is drawn to pay the same; and shall keep a list of outstanding bonds showing the purpose, when and where payable, the rate of interest, and the date of payment, including a specimen bond of each issue.

In addition, the city clerk-treasurer: Shall be the custodian of all monies and securities belonging to the City; shall be responsible for the safekeeping thereof and shall keep an accurate and detailed account thereof in such form as the city council shall direct; shall, on the first business day of each month, make and file a detailed statement of receipts and disbursements of the City during the preceding month specifying the funds and the amount in each fund; shall make an annual report and such other reports and perform such other duties as required by the city council. Whenever in the charter, or in any ordinance of the City of Owatonna in force as of the effective date of this amendment, either of the designations "city clerk" or "city treasurer" appear, such designations shall henceforth be construed to mean "city clerk-treasurer". Furthermore, whenever in the charter either of the designations "clerk" or "treasurer" appear as abbreviated designations of, respectively, the offices of "city clerk" or "city treasurer", such abbreviated designations shall henceforth be construed to mean "city clerk-treasurer". The qualifications for this position shall be established by the city council. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.13 CITY ATTORNEY. The city attorney shall: Be a person admitted to practice in all courts of this state; shall be the legal advisor of all officers and boards of the City; shall prosecute or defend all suits, actions, or proceedings, either civil or criminal, to which the City is a party; shall furnish written opinions upon all subjects submitted by the city council, or by any of its committees, or by the mayor or by any board of the City; shall attend city council meetings when so requested, draw all contracts affecting the City, and such other legal instruments and papers as may be required in connection with City affairs and perform such other services as pertain to the office. (As amended, Ordinance No. 1017, adopted 12/4/90.)

Section 2.14 CITY ENGINEER. The city engineer shall be a registered professional civil engineer; shall possess the same powers in making surveys and plats within the limits of the City and certifying to the same as are vested in county surveyors and the same force and validity shall be ascribed to the surveys and plats as to the plats of the county surveyor. Under the direction of the city administrator, the engineer shall superintend all work done by or for the City in which engineering skill is required; shall draw plans and specifications for all work and estimate the expense; when work is done by contract, the engineer shall issue certificates required by law showing the amount and value of the work performed and the proper performance and completion of the contract. All surveys, profiles, diagrams, specifications, and estimates in reference to any work shall be filed in his/her office for public inspection. When plans and specifications are required for reference or for use in doing any work, the engineer shall make or cause to be made copies of such plans and specifications. Under the direction of the city administrator, the engineer shall superintend all work and improvements on streets, alleys, bridges, and public grounds of the City; shall see that all streets and public ways are graded and open for travel, are kept free from obstruction and in such

repair as to be safe and passable and that all trees along or over sidewalks shall be trimmed and awnings kept so as not to obstruct or interfere with public travel; shall supervise and inspect all sewer connections and the construction and laying out of sewers; shall collaborate with the utility commission on any new project involving any utility. (As amended, Ordinance No. 763, adopted 3/3/81; Ordinance No. 1017, adopted 12/4/90.)

Section 2.15 CITY ADMINISTRATOR. The city administrator shall, under direction of the council, exercise control and supervision over all administrative affairs of the City government. The administrator shall issue administrative manuals, orders, rules, directives, and regulations not inconsistent with the charter, the ordinances of the City and State law, when approved by the council. The administrator shall recommend to the council and mayor such measures and policies considered necessary or expedient for the best operation of the City government. The administrator shall keep the council and mayor advised of the financial condition and needs of the City and prepare and submit annually to the council an administrative budget which shall be compiled from the various departmental budget requests pursuant to Sections 5.5 and 5.6 of the city charter. The administrator shall perform such additional duties as may be assigned by the city council or by ordinance. (As added, Ordinance No. 1017, adopted 12/4/90.)

Section 2.16 MAYOR AS HEAD OF POLICE DEPARTMENT. (Repealed in its entirety by Ordinance No. 1017, adopted 12/4/90.)

Section 2.17 SALARIES. The officers of the City shall receive no compensation for their services except as herein provided. The members of the city council and the mayor shall each receive for their services such amount as is from time to time established pursuant to the provisions of Minnesota Statutes 415.11 and Acts amendatory thereof and thereto. In addition thereto, the mayor shall also receive a contingency fund in an amount fixed by the city council. The compensation of all other officers and employees of the City shall be fixed by the city council at the time such officer or employee is appointed or hired. The city council may adjust or change such compensation from time to time.