

CHAPTER 2 FORM OF GOVERNMENT

Section 6. FORM OF GOVERNMENT. The form of government established by this charter shall be known as the "Council-Manager Plan."

Section 7. ELECTIVE OFFICES. The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of two years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

Section 8. INCOMPATIBLE OFFICES. No member of the council shall hold any paid municipal office or employment under the City of Columbia Heights, and until one year after the expiration of that member's term as council member no former member shall be appointed to any paid office or employment under the city which office or employment was created or the emoluments of which were increased during that member's term. **(Ordinance No. 1086, passed June 11, 1984)**

Section 9. VACANCIES IN THE COUNCIL. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be published in a designated city newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution, with the publication being completed no later than thirty (30) days from said date. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk, within 45 days from the date of said resolution. The council shall interview each of the applicants within 30 days from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said 30 day period, the council shall make its appointment from the pool of applicants within 15 days, whether done so at a regular council meeting or a special meeting. The individuals so appointed shall fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution after March 31st in the year of a regular municipal election, then the appointment process as set forth herein shall not take effect and any such vacancy shall continue to

exist until said election, at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case. **(Ordinance No. 1331, passed September 23, 1996) (Ordinance No. 1086, passed June 11, 1984)**

Section 10. THE MAYOR. The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall have the appointment, control, and direction of all police officers of the city, and shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999) (Ordinance No. 1086, passed June 11, 1984)**

Section 10A. (Deleted per Ordinance No. 1584, passed August 23, 2010)

Section 11. THE CITY MANAGER. The city manager shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications and the choice shall not be limited to inhabitants of the city or state. The city manager shall be appointed for an indefinite period and shall be removable by the council at any time. If removed at any time after one year of service, such person may demand written charges. Such demand shall be in writing and shall be served upon the mayor or any member of the council within one week after the date of the resolution of suspension or removal and written charges shall be served upon the city manager within fifteen days after the service of such demand upon the mayor or any member of the council and public hearing shall be had on said charges before the city council within thirty days after the service of such charges, but the city council and the city manager may consent to a hearing on said charges at a later date, but the removal of the city manager shall not take effect until such hearing shall have been held, but pending such hearing the city council may suspend the city manager from office. During the absence or disability of the city manager, the duties of that office shall be performed by some properly qualified person designated by the council. **(Ordinance No. 1086, passed June 11, 1984)**

Section 12. OATH OF OFFICE. Every officer of the city shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: I do solemnly swear [or affirm] to support the constitution of the United States and of this state, and to discharge faithfully the duties devolving upon me as _____ of this city to the best of my judgment and ability. **(Ordinance No. 1086, passed June 11, 1984)**