

**NOTICE OF PUBLIC HEARING
AMENDMENT TO THE CITY CHARTER**

PLEASE TAKE NOTICE that a Public Hearing will be held on the ordinance amending the following sections of the city of Marshall charter:

Section 2.03 Subd. 1. Mayor: (a) Qualification. Mayor must be, at the date of filing for office and during ~~his/her the Mayor's~~ term, a qualified elector of the City of Marshall and shall be elected at large.

Section 2.05 Vacancies In The Council: A vacancy in the Council shall be deemed to exist in accordance with the provisions of the State Law, and, in addition thereto, in case of continuous absence of the official from the City for more than ninety (90) days, or by reason of failure of any member of the Council, without good cause, to perform any duties of membership in the Council for a period of ninety (90) days. If by resignation, the vacancy automatically occurs when an incumbent submits a written resignation to the Mayor, City Administrator, or City Clerk, effective on the date specified. If the date is not specified in the resignation, the vacancy is created on the date of submittal. In each such case the Council, by resolution shall declare the vacancy and, if the unexpired term of the vacated Councilmember is less than one hundred eighty (180) days, shall appoint as soon as possible, a person eligible for election from the partially represented ward to serve until the next regular municipal election. In case of a tie vote on the appointment by the Council, the Mayor will cast the deciding vote. If the unexpired term of such Councilmember or Mayor is one hundred eighty (180) days or more, the vacancy shall be filled by special election within the area to be represented. ~~The special election shall be ordered by the Council within thirty (30) days after vacancy is declared and reasonable public notice of the election shall be given.~~ When a special election is required under this Section, the Council must adopt a resolution to set the date for the special election at the first regular meeting occurring after the vacancy; at a special meeting of the Council, occurring after the vacancy automatically occurs; or at the same meeting at which the vacancy is declared. The special election must be held at the earliest date possible under State law related to special elections and candidates must file for office no later than four weeks before the election. If a special election is to occur in the same year as a regular election, the Council may, at its own option, schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest date possible under State law for special elections.

Section 2.06 The Mayor: The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as a mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council. ~~He/She The Mayor~~ shall exercise all powers and perform all duties conferred and imposed upon ~~him/her the Mayor~~ by this Charter, the ordinances of the City and the laws of the State. ~~He/She The Mayor~~ shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of marital law. ~~He/She The Mayor~~ shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency, ~~he/she the Mayor~~ may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.10 Wards: The Council shall, by ordinance, provide for the establishment of wards, define or change their boundaries, and increase or eliminate the number of wards in the City. No change, increase, or elimination shall be made prior to the Legislature being redistricted in a year ending in one or two; or, unless otherwise provided herein, within three (3) months prior to any election held in the City governmental offices. ~~Within six (6) months following the official certification of the decennial census of the United States and the filing of the census list with the City, the Council shall, by ordinance, re-determine ward boundaries so as to make said wards as nearly equal in population as practical. The wards must be redistricted within 60 days after the Legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.~~ After the official certification of the federal decennial or special census, the Council shall either confirm the existing ward boundaries or redefine ward boundaries. Each ward shall be composed of compact, contiguous territory and shall contain as nearly as practicable an equal population. The difference between the ward with the lowest population and the ward with the highest population can be no greater than ten percent of the equal number. If a federal census shows that a ward no longer meets this requirement, the Council must change the ward boundaries to achieve compliance within the time period required by State law. If a ward boundary change places a ward councilmember's residence in a different ward, the councilmember will continue in office for the remainder of the term.

Section 3.04 City Attorney: The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, ~~his/her~~ the term of office to begin on the first regular meeting in January after the municipal election and ~~he/she shall continue e in office until their a~~ successor is appointed. The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the discretion of the City Council. The City may contract with other attorneys to perform specific legal services as it deems necessary without discharging the City Attorney. The Marshall Municipal Utilities Commission are hereby authorized to employ the City Attorney in official matters and to pay for their services from their respective funds. The City Attorney may employ such staff and assistants as necessary.

Section 3.06 Ordinances, Resolutions And Motions: Except as in this Charter otherwise provided, all legislation shall be by ordinance. The "yes" and "no" vote on ordinance, resolutions and motions shall be recorded. An affirmative majority vote of a quorum shall be required for the passage of all ordinances and resolutions, unless a super majority is required by this Charter or state law. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. All votes taken during a meeting governed by either Minn. Statute 13D.02 or 13D.021 in which one or more councilmembers or the mayor has joined remotely must be conducted by roll call so that each member's vote on each issue can be identified and recorded. Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city posts ordinances on the city's website, then it must also post proposed ordinances on the website at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote. Additionally, Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city has an electronic notification system, the city must notify any person that has signed up for e-mail notification of proposed ordinances at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote.

Section 3.13 Revision And Codification Of Ordinances: The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two (2) successive weeks. Ordinances granting franchises, disposing of public property, enacting zoning designations of land, and other ordinances that are not of a general and permanent nature need not be included in the ordinance code. At the Council's discretion, a table of all or some of these ordinances may be included, or their text may be included as appendices.

Section 4.01 The Regular Municipal Election: A regular municipal election shall be held on the first Tuesday after the first Monday of November of every even-numbered year, commencing in 1986, at such place or places as the Common Council may designate. The City Clerk shall have at least two (2) weeks previous notice of the time and place of holding such election and of the members to be elected by publication at least twice in the official newspaper, but failure to give such notice shall not invalidate such election. At said election and subject to the terms set forth herein, there shall be elected members of the Council and, when applicable, Mayor.

Section 4.02 Special Elections: The Council may by resolution order a special election and provide all means necessary for the holding of said election. A notice of a special election shall be given in the official newspaper of the City at least once per week for a two (2) week period prior to the election. The date of the special election will be scheduled to occur either at the next general municipal election or on a date allowed under State law for special elections, with notice to the County Auditor in the manner required by state statute.

Section 4.03 Nominations By Elections: In compliance with the Candidate filing period as defined by Minnesota Statute § 205.13, subd. 1a, an individual who is eligible and desires to become a candidate for an office to be voted for at the election shall file an affidavit of candidacy with the City Clerk. The affidavit shall be in substantially the same form as required of candidates for state offices and shall be furnished by the City Clerk upon request and payment of the proper filing fee to the City Clerk. Once the affidavit has been filed with the City Clerk, the name of the candidate shall be placed on the official ballot without partisan designation. Unless a candidate has filed an affidavit of candidacy and paid a filing fee, his/her the candidate's name may not be placed upon the official ballot for the municipal election.

Section 5.02 Expenditures By Petitioners: ~~No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of a signature paper any such paper, or any other person,~~ shall accept ~~or offer~~ any rewards, pecuniary or otherwise, for ~~service~~ signatures rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal services or from incurring an expense not to exceed \$150.00 for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this Section is a misdemeanor.

Section 5.06 Filing Of Petitions And Action Thereon: All the signature papers shall be filed in the office of the City Clerk as the instrument. Within ten (10) days after the filing of the petition, the City Clerk Director shall ascertain by examination the number of electors whose signatures are

appended thereto and whether this number is at least one hundred (100). If ~~he/she~~ the City Clerk finds the petition insufficient or irregular, ~~he/she~~ the Clerk shall at once notify one or more of the members of the committee of the fact, certifying the reasons for their finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to still be insufficient or irregular, the City Clerk shall file it in ~~his/her~~ their office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council, at its option, from referring the ordinance to the electors at the next regular or any special election.

Section 5.07 Action Of Council On Petition: When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting, stating the number of petitioners, and the Council shall at once read the ordinance and refer it to an appropriate committee of the Council, which may be a committee of the whole. The committee of Council, shall thereupon provide for one or more public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Administrator. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least two hundred (200) voters, the Council shall call a special election upon the measure. Such special election shall be held ~~not less than thirty (30) nor more than forty-five (45) days from date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action;~~ at the earliest date possible under State law for special elections, unless that date is less than thirty (30) days from the date of final action on the ordinance by the Council, and if so then the earlier of (i) the next available date for special elections under state law but if a or (ii) the regular election is to occur within three (3) months, the Council may submit the ordinance at the election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

Section 5.10 The Referendum: If prior to the date when an ordinance takes effect a petition signed by qualified electors of the City equal in number to one hundred fifty (150) or fifteen percent (15%) of the total votes cast at the last municipal election, whichever is greater, is filed with the City Clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its regular meeting, and either repeal it or by "yes" and "no" vote reaffirm its adherence to the ordinance as passed. In the latter case the Council shall ~~immediately~~ order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If ordering a special election, the special election shall be held at the earliest date possible under State law for special elections. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective, but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.15 Filing Of Petition: Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~ the City Clerk finds it irregular in any way or finds that the number of signatures is less than ten (10%) percent of the electors that voted in said ward at the last general election or 250 voters, whichever is greater, ~~he/she~~ the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement on the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~ the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

Section 5.23 Filing Of Petition: Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~ the City Clerk finds it irregular in any way or finds that the number of signatures is less than the greater of ten (10%) percent of the electors that voted in said last whole city election or 500 voters, ~~he/she~~ the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~ the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

Section 5.28 Election Results: If a majority of those voting on the question of recall vote in favor of the recall, the mayor shall immediately cease to be mayor of the City. If a majority of those voting on the question of recall vote not to recall the mayor, ~~he/she~~ the Mayor shall have the right to serve out ~~his/her~~ the term to which ~~he/she~~ the Mayor was elected. If a mayor is recalled or resigns, the council at its next meeting shall call for a special election to fill the remaining term of the recalled mayor according to Chapter 4 of the City Charter. The recalled or resigned mayor shall not be allowed to file for the election to fill the vacancy created by the recall election or the resignation.

Section 6.02 The City Administrator: The Council shall appoint a City Administrator and delegate to ~~him/her~~ the City Administrator whatever powers, ministerial or administrative, they deem necessary for the proper administration of City affairs, in addition to the specific duties set out in Section 6.03. ~~He/she~~ The City Administrator shall be the chief administrative officer of the City. ~~He/she~~ The City Administrator shall be so chosen by the Council solely on the basis of ~~his/her~~ training, experience and administrative qualifications and need not be a resident of the City at the time of ~~his/her~~ the appointment. ~~He/She~~ The City Administrator shall be appointed for an indefinite period of time and may be removed by the Council at any time. The Council may designate some properly qualified person to perform the duties of the City Administrator during ~~his/her~~ the City Administrator's absence or disability or while the office of the City Administrator is vacant.

Section 6.03 Duties Of City Administrator: The City Administrator shall be directly responsible to the City Council for the proper administration of all affairs of the City, and to that the City Administrator shall perform the following specific duties:

Section 6.05 Purchases And Contracts: The City Administrator shall be the chief purchasing agent of the City. All policies and procedures for City purchases and related contracts for supplies, materials, equipment, services or the like shall be prescribed by a formal policy approved by the City Council by majority vote and be in strict compliance with the laws of the State of Minnesota then in effect. All contracts, bonds and instruments of any kind to which the City is a party, except checks drawn on the City, shall be signed by the Mayor or President Pro Tem in his/her the Mayor's absence and attest by the City Clerk or City Administrator in his/her the absence of the City Clerk on behalf of the City and shall be executed in the name of the City.

Section 7.01 Council To Control Finances: The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and on the exercise of keeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses. The council may establish a public expenditure policy ("Policy") to identify certain types of expenditures as furthering a public purpose and being within the city's authority on which to expend city funds. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor. Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure.

Section 7.13 City Indebtedness: Except as provided in Section 7.14 and 7.15, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by State law, no such obligations shall be issued and sold without the approval of the majority of the electors of the City voting on the question at a general or special election according to Chapter 4 of the City Charter.

Section 11.05 Public Utility Discontinuance: No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other dispositions are embodied in an ordinance approved by sixty percent (60%) of the electors voting thereon at a general or special election according to Chapter 4 of the City Charter. Marshall Municipal Utilities authority to cease to operate or sell, lease or abandon any of their utilities shall be regulated by Chapter [section] 13.05 of the City Charter.

Section 12.02 Oath Of Office: Every officer of the City shall before entering upon the duties of his/her their 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 (Mayor, Councilmember, City Administrator, etc.) of the City of Marshall to the best of my judgment and ability."

The Public Hearing will be held before the Marshall City Council on Tuesday, February 13, 2024, at or after 5:30 pm in the Council Chambers of City Hall at 344 West Main Street.

NOTICE: Persons interested in reviewing a complete copy of the proposed Ordinance may do so at the office of the City Clerk, City Hall, 344 West Main Street, Marshall Minnesota 56258.

Steven Anderson, City Clerk

Dated: January 19, 2024