

CITY OF MARSHALL,
MINNESOTA

ORDINANCE NO. _____

**ORDINANCE AMENDING THE MARSHALL CITY CHARTER
PROVISIONS REGARDING CITY ATTORNEY AND TERMS OF OFFICE**

The City of Marshall ordains:

Article I. Legislative Findings.

1. The City of Marshall is governed by a home rule charter adopted pursuant to the Constitution of the State of Minnesota and Minnesota Statutes, chapter 410.
2. Minnesota Statutes, section 410.12, subdivision 7 allows the City Council to amend the Charter by ordinance after receiving a recommendation from the Charter Commission. Such an ordinance may only be adopted upon “an affirmative vote of all members of the city council and is approved by the mayor.”
3. The Charter Commission considered proposed amendments to Sections 2.03 & 3.04 and voted to forward the proposed amendments to the City Council with a recommendation that they be adopted by ordinance.
4. The City published notice of the text of the proposed amendments and of a public hearing to be held between two weeks and one months after the notice.
5. The City Council held the public hearing, heard those wishing to speak to this issue, and determines that it is in the best interests of the City and its residents to adopt the proposed City Charter amendments.

Article II. Terms of Office. Section 2.03 of the Marshall City Charter is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 2.03 Elective Offices

Subd. 1. Mayor.

- (a) *Qualification.* Mayor must be, at the date of filing for office and during his/her term, a qualified elector of the City of Marshall and shall be elected at large.
- (b) *Mayor's Term.* The Mayor shall serve for a period of four years and until their successor is elected and qualified. The term shall begin on the first ~~regular meeting~~ Monday in January after the municipal election.

Subd. 2. Councilmembers.

- (a) *Qualifications.* Councilmembers must, at date of filing for office and during their term, be a qualified elector of the ward of the City of Marshall for which they seek office or hold office.
- (b) *Number.* Two councilmembers shall be elected from each ward.
- (c) *Councilmembers Term.* All councilmembers elected shall serve for a period of four years and until their successor is elected and qualified. The term shall begin on the first ~~regular meeting~~ Monday in January after the municipal election.

Article III. City Attorney. Section 3.04 of the Marshall City Charter is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

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 term of office to begin on the first regular meeting in January after the municipal election and he/she shall continue in office until their successor is appointed. The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the pleasure 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. ~~No commission, board, department or officer of the City shall use or employ any other attorney to represent them in their official capacities, provided that in any case of special or unusual circumstances of which the City Attorney does not have the necessary skills to complete the required work or there is a conflict of interest, the Council, at the request of the City Attorney, may by motion appoint special counsel and fix their compensation.~~ 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 with the approval of the Council.~~

ARTICLE IV. Effective Date.

Section 1. This Ordinance shall become effective after adoption and upon ninety (90) days following its legal publication, except that if within sixty (60) days after publication a petition requesting a referendum on this ordinance, signed by the number of registered voters of the City required by Minnesota Statutes, section 410.12, subdivision 7 is filed with the City Clerk, this Ordinance will not be effective until approved by a majority of the voters voting on the question of its adoption at the special election called by the City Council for that purpose.

Section 2. On the effective date of this Ordinance, the City Clerk is authorized and directed to file copies of the amendment with the Secretary of State of the State of Minnesota, the Lyon County Recorder, and the City Clerk's office together with the certificate required by Minnesota Statutes, section 410.11.

Adopted on this ____ day of _____ 2022 by a unanimous vote of the entire City Council.

BY THE CITY COUNCIL

Robert Byrnes, Mayor

ATTEST:

Sharon Hanson, City Administrator