

CITY OF MARSHALL,
MINNESOTA

ORDINANCE NO. 22-012

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

The Common Council of the City of Marshall do ordain:

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. The City Charter of the City of Marshall (“Charter”) was originally adopted on July 22, 1969 and has had several amendments since its adoption.
3. The Marshall Charter Commission (“Commission”) determined it was appropriate to review the Charter and prepare proposed amendments to the Charter.
4. 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. The Commission worked cooperatively with the City Council to develop and review proposed amendments to the Charter. Such an ordinance may only be adopted upon “an affirmative vote of all members of the city council and is approved by the mayor.”
5. The Charter Commission considered proposed amendments to Sections 2.03 & 3.04 and voted at its meeting on October 19, 2022, to forward the proposed amendments to the City Council with a recommendation that they be adopted by ordinance.
6. The City published public hearing notice at least two weeks prior to the Hearing and held a public hearing on December 13, 2022 regarding the proposed Charter amendments.
7. The City Council finds and determines that it is in the best interests of the City and its residents to adopt the proposed City Charter amendments.

Article II. Upon recommendation of the Marshall Charter Commission, and pursuant to the authority in Minnesota Statutes, section 410.12, subdivision 7, the following section 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. Upon recommendation of the Marshall Charter Commission, and pursuant to the authority in Minnesota Statutes, section 410.12, subdivision 7, the following section 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 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. ~~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. The City Clerk is authorized and directed to work with the City Attorney to insert into the City Charter the appropriate references to the amended sections, correct any typographical errors and make any other non-substantive corrections as may be needed to place the charter into final form, and to keep and post on the City’s website an official copy of the revised City Charter.

ARTICLE V.

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 13th day of December 2022 by a unanimous vote of the entire City Council.

BY THE CITY COUNCIL

Robert Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

Introduced on: November 7, 2022

Final passage on: December 13, 2022

Published in Marshall Independent: _____