



CHARTER

Chapter 5

City Council

Section 5.01 Council and Quorum

The Council Members shall constitute the City Council and shall elect a President and Vice President from their membership. A majority of the membership holding office shall constitute a quorum to transact business, but a smaller number may recess or adjourn from time to time and compel the attendance of absent members.

Section 5.02 Presiding Officers

The President or in his/her absence the Vice-President shall preside at all meetings and rule on all matters of procedure. The City Council may elect a President Pro Tem who shall have the powers, duties, and responsibilities of the President in the absence of the President and Vice-President. If no President Pro Tem is elected, the member present with the most seniority in office shall be deemed the President Pro Tem.

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council. Notice shall be published in the legal newspaper and on the city website. The Council shall operate with the understanding that public comment is to be encouraged, and each Council meeting shall include a section for general public comment and for comment specific to agenda items at that time on the agenda.

Unless there is an emergency for the meeting, notice of the meeting shall be at least three days in advance or otherwise as required by law, and an electronic copy of the proposed agenda and supporting materials for each regular or special meeting will be made available to each member. Unless an emergency is declared by a three-fourths vote of the Council, no other business shall be transacted at a special meeting than that which is designated in the call and matters relating thereto. Meetings of the Council and the Minutes and records thereof shall be

open to the public in the manner provided by State law, full recording shall be archived on city website, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.04 Rules of Procedure

The Council shall determine its own rules and order of business. It may punish members for misconduct. Unexcused absence from three consecutive regular Council meetings shall be grounds for removal of any Council Member.

Council officers serve at the pleasure of the Council and may be removed by a super majority vote of the Council for any reason. Any member of the Council may move for the removal of a council officer if: (1) they placed the item on the Council agenda by at least noon of the Wednesday before that meeting; (2) before placing the item on the agenda, they had provided the Council officer proposed for removal with the reason for the motion; (3) there has been an opportunity for the Council officers to discuss the reason; and, (4) the reason for the removal is stated with the motion. If a motion for the removal of a Council officer is seconded, the Council officer sought to be removed has the right to respond to the motion before any debate on the motion. In the event that a Council officer is removed, the Council will immediately fill that office.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council, and records shall be posted on the city's website. The votes of Council Members shall be recorded in accordance with law.

Section 5.06 Ordinances Resolutions and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. A roll call shall be taken on all ordinances, resolutions, and the levying of any taxes. The minutes shall clearly delineate those voting in favor and those voting against all motions or other actions. An affirmative vote of a majority of the membership holding office shall be required for the adoption of any ordinance or resolution except as otherwise provided in this Charter or by State or Federal law.

Section 5.07 Procedure on Ordinances

The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. No ordinance, except an emergency ordinance, shall be adopted on the same day it was introduced and at least three days shall pass between its introduction and passage.

Section 5.08 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in a preamble thereto, and is adopted by a majority of the Council Members holding office. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after

the ordinance has been filed with the clerical officer and posted in three conspicuous places within the City or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 5.09 Procedure on Resolutions

Every resolution shall be presented in writing or read in full before a vote is taken thereon.

Section 5.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution adopted by the Council shall be signed by the presiding officer of the Council, and attested by the clerical officer. Every ordinance shall be published at least once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may, by two-thirds vote of its members, direct that only the title of the ordinance and a summary be published, as required by State law, with notice that a printed copy of the ordinance is available for inspection by any person. A copy of the entire text of the ordinance shall be posted in the community Library and in any other public location which the Council designates.

Prior to the publication of the title and summary, the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a Statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

Section 5.11 Mayor's Veto of Ordinances and Resolutions

Every ordinance or resolution shall be delivered to the Mayor within 48 hours from the time of adoption of the ordinance or resolution by the City Council. The 48-hour deadline excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. Within 96 hours from the time of adoption of the ordinance or resolution by the City Council, the Mayor shall either approve the ordinance or resolution by delivering the signed ordinance or resolution to the clerical officer or veto the ordinance or resolution by delivering a veto with written objections concerning the ordinance or resolution to the clerical officer. The 96-hour time frame excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. If the Mayor fails to deliver a veto with written objections to an ordinance or resolution within the time period specified above, the ordinance or resolution shall be deemed in effect without the approval of the Mayor. If the ordinance or resolution is vetoed within the time and manner specified above, the vetoed ordinance or resolution may be reconsidered by the City Council. If, upon reconsideration, the City Council

shall pass the ordinance or resolution by two-thirds vote of the City Council, then the ordinance or resolution shall be in full force and effect without approval of the Mayor.

For the purposes of this Section, a "legal holiday" is as defined in the City of Red Wing Personnel Policy Manual.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign or veto the emergency ordinance. If the Mayor does not deliver an approved or vetoed emergency ordinance within one hour from the time of adoption by the City Council, the emergency ordinance shall be deemed in effect without the approval of the Mayor. For the purposes of an emergency ordinance, deliver means to hand to the recipient or electronically transmit the approval or veto to the recipient. If the emergency ordinance is vetoed by the Mayor within one hour from the time of adoption, the emergency ordinance shall be immediately reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the emergency ordinance again, then the emergency ordinance shall be in full force and effect without approval of the Mayor. For purposes of this Section, "delivered" shall mean:

- 1) Handed to the recipient;
- 2) Mailed to the recipient at an address designated by the recipient or at the last known address of the recipient;
- 3) Deposited with a nationally recognized overnight delivery service for overnight delivery or, if overnight delivery to the recipient is not available, for delivery as promptly as practicable, to the recipient at an address designated by the person or at the last known address of the recipient; or
- 4) Transmitted by electronic communication. "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.
- 5) An item is delivered by mail when deposited in the United States mail with sufficient postage affixed or when deposited for delivery by a nationally recognized delivery service after having made sufficient arrangements for payment by the sender. An item is deemed received when it is delivered in the manner specified above.

Section 5.12 When Ordinances and Resolution Take Effect

Resolutions and emergency ordinances shall take effect immediately upon its approval by the Mayor or at such later date as is fixed in it. Every other ordinance shall take effect 14 days after adoption and publication of the ordinance or summary of the ordinance or at such later date as is fixed therein or required by State law. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon certification of the election results, or at such later time as is fixed therein.

Section 5.13 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the applicable section, subdivision, or paragraph of the City Code, or the number (if any) and the title of the uncodified ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth each section or subdivision to be amended and shall clearly indicate new matter and old matter to be omitted in the case of partial amendments.

Section 5.14 Revision and Codification of Ordinances

The City shall 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 clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

Section 5.15 Acquiring and Selling Property

The City Council may acquire such real and personal property as the purposes of the City may require by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interest require. It may also sell, convey, lease, or otherwise dispose of property for a nominal consideration to encourage and promote industry and provide employment for citizens, as its interest require. The approval of any sale of real property owned by the City or purchase of any real property shall be by resolution.

Section 5.16 Expenditures for Goods or Services

Every expenditure by the City Council for goods and services of a value in excess of \$1 shall be by resolution, with the exception of construction projects. For construction projects estimated to exceed \$1 the first expenditure of the project shall be by resolution, but any further expenditures may be done by motion.