

council, regular and special, held within any period of six (6) consecutive calendar months, he/she shall thereupon cease to hold office.

Section 2.8. Councilmembers: Vacancies. If a vacancy occurs in the office of mayor or other councilmember (15) months or more before the next general city election, the vacancy shall be filled by a successor elected at a special election to complete the unexpired term. The council shall call such special election promptly upon the occurrence of such vacancy.

If a vacancy occurs in the office of mayor or other councilmember less than fifteen (15) months before the next general city election, and if the term of the office does not expire immediately after said election, the council shall elect a successor to serve until the election. In the election, a successor shall be elected to complete the unexpired term.

If a vacancy occurs in the office of mayor or other councilmember less than fifteen (15) months before the next general city election, and if the term of the office expires immediately after said election, the council shall elect a successor to complete the unexpired term.

Section 2.9. Mayor and councilmembers: Compensation. Councilmembers and the mayor shall receive for their services such sum as shall be approved by the affirmative vote of four (4) members of the council from time to time payable in monthly installments. The council, by non-emergency ordinance may alter the compensation of the mayor and other councilmembers, but such change shall not go into effect until the terms of all of the councilmembers in office at that time have expired.

Section 2.10. Council: Powers. Except as otherwise provided in this charter, all powers of the city shall be vested in the council. Without limitation of the foregoing, the council shall have power, subject to the state constitution, applicable law, and this charter:

- (1) To appoint and remove the city manager;
- (2) To enact municipal legislation relating to any or all subjects and matters within the powers of the city;
- (3) To adopt the budget, provide revenues, and make appropriations; regulate salaries, wages, and other compensation of officers and employees; and regulate all other fiscal affairs of the city;
- (4) To sell and convey any and all property belonging to the city both personal and real, after ample opportunity for competitive bidding, under

such regulations and with such exceptions as the council may provide;

(5) To adopt in its entirety or in parts a master plan for the physical development of the city and its environs and to make changes therein;

(6) To adopt an official map of the city, and to make changes therein;

(7) To inquire into the conduct of any office, department, or agency of the city government, and investigate municipal affairs; and to authorize council committees and other city authorities to make such inquiries and investigations;

(8) To subpoena witnesses to testify and to compel the production of documents and other effects as evidence, and to authorize council committees and other city authorities to exercise such power;

(9) To appoint or elect and, with or without cause, remove the members of the personnel board, of the city planning commission, of the board of adjustment, of the public utilities advisory board, and of the board of ethics, and other quasi-legislative, quasi-judicial, or advisory officers and authorities, now or when and if established; and to provide the method of appointing or electing and removing them; and

(10) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers, duties, and functions consistent with this charter to offices, departments, and agencies created by this charter.

Section 2.11. City management analyst.

There shall be a city management analyst, who shall be an officer of the city elected by the sole act of the council upon the affirmative vote of at least four (4) members of the council. The management analyst shall be a full-time employee of the city and shall serve for an indefinite term at the pleasure of the council in an unclassified service category. The council may suspend or remove the management analyst, with or without cause, by the affirmative vote of at least four (4) members of the council. Said management analyst shall have a bachelors or advanced degree in accounting, business administration or public administration, or in lieu of the degree requirement, be a certified public accountant or a licensed attorney. In addition to the aforesaid requirements, the management analyst shall be specifically trained in governmental or business investigation in management. The management analyst shall have such powers and perform such duties as may be directed and granted from time to time by the council. The management analyst's duties shall include the continuous investigation of the works of all departments of the city. The

management analyst shall make a written report, at least once each year, to the council concerning the methods and results of the operations of said departments.

Prior History:

Charter was amended by Ordinance No. 8744 and 8909 at election of August 6, 1985 to change the following language:

Section 2.11. City management auditor.

There shall be a city management auditor, who shall be an officer of the city elected by the sole act of the council upon the affirmative vote of at least four (4) members of the council. The management auditor shall be a full-time employee of the city and shall serve for an indefinite term at the pleasure of the council in an unclassified service category. The council may suspend or remove the management auditor, with or without cause, by the affirmative vote of at least four (4) members of the council. Said auditor shall be a duly licensed certified public accountant and specially trained or experienced in governmental or business investigation or management. He/she shall have such powers and perform such duties as may be directed and granted from time to time by the council. The management auditor's duties shall include the continuous investigation of the works of all departments of the city. The management auditor shall make a written report, at least once each year, to the council concerning the methods and results of the operations of said departments.

Section 2.12. City clerk. There shall be a city clerk, who shall be an officer of the city elected by the council for an indefinite term upon the affirmative vote of at least four (4) members of the council. The city clerk shall be a full-time employee of the city and shall serve at the pleasure of the council in an unclassified service category. The council may suspend or remove the city clerk, with or without cause, by the affirmative vote of at least four (4) members of the council.

The city clerk shall serve as clerical officer of the council. He/she shall keep the journal of the proceedings of the council, and shall enroll in a book or books kept for the purpose all executed original ordinances and resolutions passed by it in a bound volume. He/she shall be custodian of such documents, records, and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal, to documents when

required in accordance with this charter, applicable law or ordinance.

Section 2.13. Other personnel appointed by the council.

The council may, upon the affirmative vote of at least four (4) members of the council, in its discretion, hire and retain on a full-time, part-time, or contract basis in an unclassified service category, such other personnel as may be needed by the council to assist the council or individual councilmembers in undertaking their duties. Such personnel shall serve for an indefinite term and may be removed or suspended, with or without cause, by the affirmative vote of at least four (4) members of the council.

Section 2.14. Relation of personnel appointed by the council to the administrative service.

Neither the management auditor, city clerk nor other personnel appointed or elected by the council, shall hold any administrative office or duty in the administrative service which is subject to the control and authority of the city manager; however, the city manager may hold any administrative office or duty which is subject to his/her control. The management auditor and city clerk shall hold no other position of public office or employment. Personnel appointed or elected by the council shall have access to all books and records of all administrative departments in the city and may contact officers and employees of said administrative departments for the purpose of inquiry on matters of concern to the council; however, said persons shall not direct officers and employees in the administrative service in the performance of their duties.

Section 2.15. Council not to interfere with administrative service.

Councilmembers shall not direct the appointment of any person to, or their removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Councilmembers shall deal with the administrative service solely through the city manager; and no councilmember shall give orders to any subordinate of the city manager either publicly or privately. Notwithstanding, councilmembers may otherwise contact such officers and employees for the purpose of inquiry on matters of concern, but shall not direct such officers and employees in the performance of their administrative duties. If any councilmember violates any provision of this section, said councilmember shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars. Any such conviction of any