

(2) A majority of the Council shall constitute a quorum. No action by the Council shall be valid unless adopted by the affirmative vote of at least a majority of Council Members present and voting at the City Council meeting. Nothing herein shall prohibit the City Council from enacting an ordinance which provides for a supermajority vote unless otherwise required or prohibited by law.

(3) All Council Members present shall vote on all matters before the City Council except on those matters on which a Council Member announces a conflict of interest or the City Attorney determines there is a conflict of interest.

(Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)

Section 3.07. Appropriations.

(1) Pursuant to Section 1.03, the Council shall have full authority to make or reduce appropriations as deemed necessary in accordance with general law.

(2) The City Manager shall have authority to transfer unencumbered appropriation balances within a City fund, department, office, or agency. The Council may transfer part or all of any unencumbered appropriation balance from one fund, department, office, or agency to another.

(Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)

ARTICLE IV. ADMINISTRATIVE

Section 4.01. City Manager.

There shall be a City Manager who shall be the chief administrative officer of the City. The City Manager shall be responsible to the Council for the administration of all City affairs placed in the manager's charge by or under this Charter and the City Code.

(Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)

Section 4.02. Appointment; Removal; Residency; Compensation.

(1) *Appointment.* The Council by an affirmative vote of five of its seven members shall appoint a City Manager for an indefinite term. The City Manager shall be appointed on the basis of executive and administrative qualifications.

(2) *Removal.* The Council may remove the City Manager, by the affirmative vote of at least four members of the Council. Upon request by the City Manager, to be made within 5 days after receipt of written notification of such vote, a public hearing shall be held within 10 days after receipt of such request. After such hearing, the Council by affirmative vote of at least four Council Members shall decide whether to reconsider its previous action.

(3) *Residency.* The City Manager need not be a resident of the City or State at the time of the manager's appointment, but may reside outside the City while in office only with the approval of the Council.

(4) *Compensation.* The compensation of the City Manager shall be fixed by the Council. (Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)

Section 4.03. Powers and Duties of the City Manager.

The City Manager shall:

- (1) Appoint, suspend, demote, or dismiss any City employee under the City Manager's jurisdiction in accordance with law, and may authorize any department head to exercise these powers with respect to subordinates in that department.
- (2) Direct and supervise the administration of all departments of the City except the offices of the City Attorney.
- (3) Attend all City Council meetings unless excused by the Council, and shall have the right to take part in discussions, but not vote.
- (4) See that all laws, Charter provisions, ordinances, resolutions, and other acts of the Council subject to enforcement are faithfully executed, and perform such other duties as are specified in this Charter and the City Code.
- (5) Submit the annual budget, budget message, and capital program to the Council and shall keep the Council fully advised as to the financial condition and future needs of the City, and shall make such recommendations to the Council concerning the affairs of the City as the City Manager deems appropriate. The City Manager shall promptly communicate to Council his/her reasonable expectation of any deviations of \$250,000.00 (plus or minus) from an expenditure identified within the annual budget.
- (6) Shall designate a qualified City employee to exercise the powers and perform the duties of City Manager during any temporary absence or incapacity of the City Manager. The Council may revoke such designation at any time and appoint another qualified person, other than a currently seated Council Member, to serve as acting City Manager until the City Manager returns or his/her incapacity shall cease.
- (7) Shall appoint an employee to serve as City Clerk who shall give notice of public meetings, keep a journal of City Council proceedings, attest documents, and perform other duties as assigned.

(Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)

Section 4.04. City Attorney.

There shall be a City Attorney, appointed by Council, who shall serve as chief legal advisor to the Council and City administrators and shall represent the City in all legal proceedings and perform such other related duties, as the Council may deem necessary. The City Attorney may be full time or part time or on retainer as the Council may deem necessary. If the position of City Attorney is full time, the provisions of Section 4.02 applicable to the City Manager shall be equally applicable to the City Attorney.

(Ord. No. 09-15, § 2, 11-9-2009, referendum 1-26-2010)