

ORDINANCE AMENDING SECTIONS OF THE AUSTIN CITY CHARTER.

WHEREAS, the Charter Commission of the City of Austin has recommended that the Charter Amendments hereinafter set forth to the City Council for passage, and

WHEREAS, pursuant to the provisions of M.S.A. 410.12 Subdivision 7, the Common Council of the City of Austin has held a public hearing on the said recommendation after published notice as provided for therein,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

That Section 1 of Chapter 1 of the Austin City Charter be hereby amended by striking out said Section 1 in its entirety and substituting in lieu thereof the following:

Section 1 - (a) Incorporation and name of the City
(b) General Powers
(c) Construction
(d) Intergovernmental Relations

(a) All that part of the County of Mower, State of Minnesota, within the limits and boundaries hereinafter described, shall be a City, and the inhabitants thereof shall be and form a municipal corporation, under the name and style of the City of Austin.

(b) The City of Austin shall have the powers generally possessed by a municipal corporation at common law, and shall have and exercise all those powers, rights, functions, privileges, and immunities possessed by it prior to the adoption of this Article; and also all powers, rights, functions, privileges, and immunities now or hereafter granted to municipal corporations by and under the constitution and laws of the State of Minnesota; and also all powers, functions, rights, privileges and immunities incidental to or inherent in, municipal corporations; also all those powers not specifically restricted by law, and in addition it shall have all other powers contained in this charter; and it shall have all powers necessary to provide for the welfare of its citizens and for the common good; and in exercise of the above described powers, rights, functions, privileges and immunities, shall be subject to the limitations and prohibitions of the constitution and laws of the State of Minnesota; and the City of Austin shall have and exercise such powers as though they were more specifically enumerated in this Charter. It shall, under its corporate name, be capable of contracting and being contracted with, suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal, which it may change or alter at its pleasure and it may take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purpose of said corporation will require, or the exigencies of said corporation may render convenient, within or without the limits of the City, and the same shall be free from taxation.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter, or an amendment thereof, shall not be construed as limiting in any way, the general powers stated in this article.

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(d) The City, except where prohibited by law, may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State of Minnesota, or any political subdivision or agency thereof, or any one or more states or civil divisions or agencies thereof or the United States or any agency thereof, or any municipal corporation or political subdivision. The City shall have power to apply for and receive any Federal or State grants of funds that may be available to it and to provide additional funds to facilitate the use of said grants, and shall have the power to do and perform all acts and do all things necessary to make use of such grants, and shall have the power to continue the operations of any programs or projects begun by use of said grants, even though the grants therefor have expired.

That Section 6 of Chapter 5 of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety and substituting in lieu thereof the following;

Section 6 -

All powers of the City shall be vested in the Council except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and the performance of all duties and obligations imposed on the City by law.

That Section 2 of the Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 2 in its entirety and substituting in lieu thereof the following:

Section 2 -

Each ward shall elect two Aldermen, each of whom shall be a resident and qualified voter within the Ward for which he is elected. There shall also be elected within and for said city one Alderman-at-Large, who shall be a resident of said City.

That Section 5 of Chapter 3 of the Austin City Charter be hereby amended by striking out any reference to "Street Commissioner" in the body of Section 5, Chapter 3 of the Austin City Charter.

That Section 11 of Chapter 3 of the Austin City Charter be hereby striking out said Section 11 in its entirety.

That Section 12 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 12 in its entirety.

That Section 15 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 15 in its entirety.

That Section 17 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 17 in its entirety and substituting in lieu thereof the following:

Section 17 -

The members of the Council, including the mayor, the administrative assistant, and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council in accordance with the State Statutes where applicable.

That Section 18 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 18 in its entirety.

That Chapter 4 of the Austin City Charter be hereby amended by striking out said Chapter 4 in its entirety and substituting in lieu thereof the following Chapter 4:

Chapter 4 - Police - Section 1

The police force of the City shall consist of the Mayor, who shall be the chief executive officer of the City who shall at all times have control and supervision of the police of the city, and such other policemen as he shall, by and with the consent of the Common Council, appoint.

Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the civil service commission of the vacancy. The commission shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the commission shall certify two more names than the number of vacancies to be filled. The appointing authorities shall appoint one person from the names so certified to fill each vacancy.

Section 2-

The mayor shall, in his appointments, designate one officer to be chief of police and the other officers for special duties as he may deem necessary, and may designate the rank of such officers by the proper titles that he may select consistent with the civil service rules and regulations.

The officer designated as chief, subject to his duty to enforce all laws of the state and ordinances of the City, shall be subject to the will of the Mayor, have control and supervision of the other police officers and he shall be responsible for the faithful performance of their duties as well as his own.

Section 3-

All policemen of the City shall be sworn officers, having the power of arrest according to state statute and with the responsibilities for the protection of life and property, the preservation of the public peace and order, the prevention and the detection of crime, the apprehension of offenders, the regulation and control of traffic and enforcement of the laws of the state and the ordinances of the City.

Section 4-

If any person shall, without authority, assume to act as a policeman, or pretend to have such power, wear the badge of a policeman, with the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, at the discretion of the Court.

Section 5 -

Police officers shall be paid such salary and compensation for their services to the city as shall be fixed by the common council, by resolution, immediately after appointment and qualification.

The amendments above set forth shall become effective ninety (90) days after publication of said ordinance, unless within sixty (60) days after the publication of said ordinance

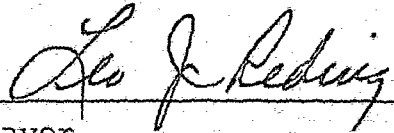
a petition for a referendum is filed with the City Recorder pursuant to said M.S.A. 410.12 Subdivision 7.

Passed by a vote of Yeas and Nays this 3rd day of September, 1974.

YEAS 6

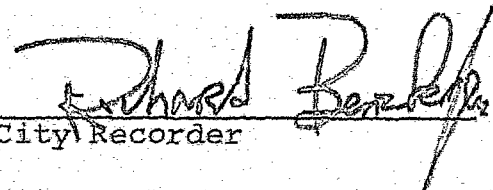
NAYS 0

APPROVED:

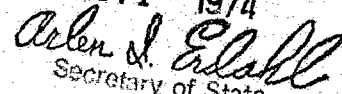


Mayor

ATTEST:



City Recorder

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 1 - 1974

Secretary of State