

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY COUNCIL AND OFFICIALS

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§ 30.01 PURPOSE.

This title is enacted so as to set down for enforcement the government and good order of the city by and through the Council.
(1985 Code, § 2.01)

§ 30.02 COUNCIL PROCEDURE AT REGULAR MEETINGS.

(A) The City Clerk-Treasurer shall prepare the following items:

- (1) An agenda for the forthcoming meeting;
- (2) A report from the City Clerk-Treasurer on administrative activities of the preceding month;
- (3) A compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the city during the preceding month. The list is to be called the "Claim Report" and bear headings for "Claimant," "Purpose," and "Amount"; and
- (4) A copy of all minutes to be considered.

(B) The City Clerk-Treasurer shall forthwith cause to be mailed or delivered to each member of the Council copies of all the documents. *Robert's Rules of Order (Newly Revised)* shall govern all Council meetings as to procedural matters not set forth in the City Charter or this code.

(C) The order of business at regular meetings shall be as follows:

(1) Call to order;

(2) Determination of quorum;

(3) Approval of minutes. An actual reading may be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth;

(4) Meeting opened in the order stated in the agenda to persons requesting to appear before the Council. The presiding officer may advise any person appearing as to the amount of time allowed prior to his or her speaking, or later limit that time. A person speaking shall give his or her name and address and then state his or her business;

(5) Reports of staff members;

(6) Reports from boards, commissions, Councilmembers, and the Mayor;

(7) Old business;

(8) New business;

(9) Payment of claims and approval for payment of claims and appropriations; and

(10) Adjournment.

(D) Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered, except:

(1) With the unanimous consent of the members of the Council; or

(2) Scheduled public hearings or bid lettings at the time stated in the notice.

(E) All agenda material is to be approved by the Mayor and City Clerk-Treasurer, and all claims for payment must be filed at or before 12:00 p.m. on the Friday preceding the regular Council meeting at which it is to be considered.

(1985 Code, § 2.02)

§ 30.03 RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Clerk-Treasurer or any other city official, or any Board or Commission not having within its structure an appellate procedure, the aggrieved person is entitled to a full hearing before the Council upon serving a written request

therefor upon the Mayor and City Clerk-Treasurer at least five days prior to any regular Council meeting. The request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At the hearing, the appellant may present any evidence he or she deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements, and on his or her own motion or the motion of the appellant, the City Clerk-Treasurer, or a member of the Council, adjourn the hearing to a more convenient time or place, but that time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

(1985 Code, § 2.04)

§ 30.04 RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt, by resolution, certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council, or other bodies authorized to hold hearings, and determine questions therein presented. The rules of procedure shall be effective 30 days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

(1985 Code, § 2.05)

§ 30.05 FACSIMILE SIGNATURES.

The Mayor and City Clerk-Treasurer are hereby authorized to request a depository of city funds to honor an order for payment when the instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature. The authority is granted only for the purpose of permitting the officers an economy of time and effort.

(1985 Code, § 2.06)

§ 30.06 ACCOUNTS, CLAIMS, OR DEMANDS.

(A) *Generally.* Except as to an annual salary, fees of jurors or witnesses fixed by law, or wages or salaries of employees which have been fixed on an hourly, daily, weekly, or monthly basis by the Council and which by law are authorized to be paid on a payroll basis, for any account, claim, or demand against the city which can be itemized in the ordinary course of business, the Council shall not audit or allow the claim until the person claiming payment, or his or her agent, reduces it to writing, in items, and signs a declaration to the effect that the account, claim, or demand is just and correct and that no part of it has been paid.

(B) *Discretionary exception.* The Council may, in its discretion, allow a claim prepared by the City Clerk-Treasurer prior to the declaration by the claimant if the declaration is made on the check by which the claim is paid.

(C) *Form of declaration.* The declaration provided for in division (A) above is sufficient in the following form: "I declare under the penalties of law that this account, claim, or demand is just and correct and that no part of it has been paid. Signature of claimant."

(D) *Form and effect of declaration on check.* The declaration provided for in division (B) above shall be printed on the reverse side of the check, above the space for endorsement thereof by the payee, as follows: "The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the city, and that no part of it has heretofore been paid." When endorsed by the payee named in the check, the statement shall operate and shall be deemed sufficient as the required declaration of claim.

(E) *Signing checks.* All checks shall be signed by the Mayor and the City Clerk-Treasurer. (1985 Code, § 2.07)

§ 30.07 CITY ATTORNEY.

In addition to the duties of the City Attorney enumerated in the City Charter, he or she shall be "Revisor of Ordinances." (1985 Code, § 2.70)

§ 30.08 SALARIES OF MAYOR AND COUNCILMEMBERS.

(A) *Salaries.* The City Council shall set the salaries of the Mayor and City Councilmembers from time to time.

(B) *Per diem payments.* The Council of the city, in which the net tax capacity consists in part of iron ore, taconite or semitaconite may pay the members of the Council a per diem in an amount not to exceed \$25 per day nor \$250 per year for members of the Council who are absent from the municipality in the performance of their duty as municipal officials. (M.S. § 415.10)

CHAPTER 31: CITY ORGANIZATIONS

Section

Departments

- 31.01 Generally
- 31.02 Police Department
- 31.03 Fire Department
- 31.04 Public Works Department
- 31.05 Library Department

Boards and Commissions

- 31.20 Generally
- 31.21 Utilities Commission
- 31.22 Cemetery Advisory Board
- 31.23 Planning and Zoning Commission
- 31.24 Library Board

DEPARTMENTS

§ 31.01 GENERALLY.

(A) *Control.* All departments of the city are under the overall control of the Council. Heads of all departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

(B) *Appointment.* Except as herein provided, all department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable civil service regulations in effect in the city.

(C) *Compensation.* All wages and salaries shall be fixed and determined by the Council.

(D) *Table of organization and lines of responsibility.* The Council may, by resolution, adopt, amend, and, from time to time, revise a table of organization and define lines of responsibility and authority for the efficient governmental organization of the city.

(E) *Budgetary information.* The head of each department shall, prior to July 15 in each year, file with the City Clerk-Treasurer the projected financial needs of his or her department for the ensuing year. The projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and any other information as may be requested by the Council.
(1985 Code, § 2.30)

§ 31.02 POLICE DEPARTMENT.

A Police Department is hereby established. The head of the Department shall be known as the Police Chief, and the number of additional members and employees of the Police Department shall be determined by the Council, which may be changed from time to time. The Mayor shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when, in his or her judgment, an emergency exists for the preservation of life or property. The Police Chief and all members of the Police Department shall have the powers and authority of police officers generally and shall perform any duties as are required of them by the Council or by law. The Police Chief shall have general superintendence of the Police Department and custody of all property used and maintained for the purposes of the Department. It is the duty of the Police Chief, on or before the second business day in each month, to file with the City Clerk-Treasurer a report as to all arrests made by, and other activities of, the Department during the previous month. The Police Chief shall also make and file any other reports as may be required by the Council.
(1985 Code, § 2.31)

§ 31.03 FIRE DEPARTMENT.

A Volunteer Fire Department under the control of the Council is hereby established. The size, composition, and remuneration shall all be established by resolution of the Council, which may be changed from time to time by subsequent resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the Council. The Fire Chief shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of the Department. He or she shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and ordinances of the city relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. He or she shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in

preserving the property. In case of the absence or disability of the Fire Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties, and be subject to all the responsibilities of the Fire Chief. The Fire Chief shall make and file any reports as may be requested by the Council.

(1985 Code, § 2.32)

§ 31.04 PUBLIC WORKS DEPARTMENT.

A Public Works Department is hereby established. The head of the Department shall be the Director of Public Works. The city water, sewerage systems, streets, parks, and refuse collection shall be under the direct supervision of the Director and he or she shall be responsible for and have custody of all property of the Department. It is also the duty of the Director of Public Works, on or before the date of the first regular Council meeting in each month, to file with the City Clerk-Treasurer a report as to any recommendations as to repairs or improvements he or she deems advisable, together with a report of the activities of the Department during the preceding month. The Director shall also make and file any other reports as may be requested by the Council.

(1985 Code, § 2.33)

§ 31.05 LIBRARY DEPARTMENT.

A Library Department is hereby established. The head of the Department shall be the Librarian. All library activities shall be under the supervision of the Librarian.

(1985 Code, § 2.35)

BOARDS AND COMMISSIONS

§ 31.20 GENERALLY.

All board and commission appointments authorized by ordinance or resolution shall be made by the Mayor, and the appointment shall be confirmed by the Council in January of each year. The term of each appointee shall be established and stated at the time of his or her appointment, and terms of present board and commission members may be reestablished and changed so as to give effect to this section. New appointees shall assume office on February 1, January 31 being the date of expiration of terms; provided, however, that all appointees to boards and commissions shall hold office until their successor is appointed and qualified. No employee of the city shall serve on a board or commission when a direct conflict of interest is present. No person shall serve on two boards or commissions at the same time. All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when the expenses have been

authorized by the Council before they were incurred. The Chairperson and Secretary shall be chosen from and by the board or commission membership at its first regular meeting in December of each year to serve for the next calendar year. Any board or commission member may be removed by the Council for misfeasance, malfeasance, or nonfeasance in office and his or her position filled as any other vacancy. Each board and commission shall hold its regular meetings at a time established and approved by the Council. Except as otherwise provided, this section shall apply to all boards and commissions. All boards and commissions shall be advisory to the Council.
(1985 Code, § 2.50)

§ 31.21 UTILITIES COMMISSION.

(A) *Establishment and composition.* A Utilities Commission is hereby established.

(1) The Commission shall be composed of five members who shall serve staggered three-year terms, beginning with the following terms:

- (a) One Commission member: one-year term;
- (b) Two Commission members: two-year terms; and
- (c) Two Commission members: two-year terms.

(2) Commission members may serve multiple terms upon approval of the City Council.

(B) *Powers and duties.* The Utilities Commission shall advise the Council in all matters relating to the city water, sewer, and light utilities.
(1985 Code, § 2.53) (Ord. passed 2-10-2009)

§ 31.22 CEMETERY ADVISORY BOARD.

(A) The Cemetery Advisory Board is hereby established and shall consist of five members appointed by City Council action. Each member's term shall be for three years, except that the initial Board to be appointed shall have terms of three years, two years, and one year, respectively.

(B) The Cemetery Advisory Board shall advise the City Council with respect to rules and regulations to govern the operation of the City Cemetery, expansion and configuration of cemetery grounds, maintenance and operations of the cemetery by city employees, and all other matters relating to and affecting the City Cemetery.

(C) The Cemetery Advisory Board shall function in accordance with the standards and procedures applicable to other advisory boards within the city.
(Ord. passed 2-27-2007; Ord. 31.22, passed 9-24-2019)

§ 31.23 PLANNING AND ZONING COMMISSION.

(A) *Establishment and composition.* A Planning and Zoning Commission is hereby established. The Commission shall be composed of five members who shall serve staggered three-year terms. The Mayor, City Attorney, City Engineer, and, unless serving by appointment, the Zoning Administrator shall be ex officio members.

(B) *Powers and duties.* The Planning and Zoning Commission shall have all the powers and duties defined or granted in state statutes and this code relating to planning, zoning, and subdivision regulation and shall act in an advisory capacity to the Council in all of those areas.
(1985 Code, § 2.51)

§ 31.24 LIBRARY BOARD.

(A) *Establishment and composition.* A Library Board composed of seven members, all of whom shall be residents of the city and shall serve staggered three-year terms, is hereby established. All appointments for a full term, or to fill a vacancy for an unexpired term, shall be made by the Mayor with the approval of the Council, and a member may be removed in the same manner for misconduct or neglect. No more than one Councilmember shall be a member of the Board. Members shall receive no compensation for their services, but may be reimbursed for actual and necessary travel expenses incurred in the discharge of Board duties and activities.

(B) *Duties.* The duties of the Board are as follows:

(1) To annually elect from its membership a President, Secretary, and any other officers as it deems necessary; adopt rules and regulations for the government of the library and conduct of its business; appoint a qualified Library Director and other staff as necessary; establish compensation of employees and remove them for cause;

(2) To pay into the city treasury all money received for the library, and interest thereon, which shall be credited to the Library Fund and kept separate from the other money of the city, and paid out only upon approval of the Board;

(3) To have exclusive control of library grounds and rooms, and the construction of library buildings, and to lease rooms for library use if it finds it to be necessary or desirable; and

(4) To annually report to the Council receipts and their sources, disbursements and for what purposes, the number of library materials on hand, purchased, and loaned, and other information it deems advisable; and to file that information with the State Department of Education not later than April 1 of each year.

(C) *Title to property.* All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, the city for a library shall vest in, and be held in the name of, the city, and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, the library or Library Board shall be deemed to have been made directly to the city.
(1985 Code, § 2.52)

CHAPTER 32: CITY POLICIES

Section

- 32.01 City-owned lands within Hopkins Park
- 32.02 Even-Year Election Plan adopted
- 32.03 Deferment of special assessments
- 32.04 Partial prepayment of special assessments
- 32.05 Franchises

§ 32.01 CITY-OWNED LANDS WITHIN HOPKINS PARK.

It is hereby ordained that the City Council will not sell any city-owned land within the area known as Hopkins Park, as legally described in the attachment to the ordinance codified herein as “Exhibit A,” for private, commercial, or residential purposes.
(Ord. passed 6-23-1998)

§ 32.02 EVEN-YEAR ELECTION PLAN ADOPTED.

(A) In order to bring the city into compliance with M.S. § 205.07, as it may be amended from time to time, and to provide an orderly transition to the Even-Year Election Plan provided by law, the city does hereby adopt the Even-Year Election Plan providing for a two-year term for the Mayor and four-year terms for the Councilmembers.

(B) This section shall be in full force and effect from and after its publication according to law.
(Ord. 6-97, passed 6-17-1997)

§ 32.03 DEFERMENT OF SPECIAL ASSESSMENTS.

(A) The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, and the City Clerk-Treasurer is hereby authorized to record the deferment of special assessments where the following conditions are met.

(1) The applicant must apply for the deferment not later than 90 days after the assessment is adopted by the Council.

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(2) The applicant must be 65 years of age, or older, or retired by virtue of permanent and total disability.

(3) The applicant must be the owner of the property.

(4) The applicant must occupy the property as his or her principal place of residence.

(5) The applicant's income from all sources shall not exceed the low income limit as established by the Federal Department of Housing and Urban Development as used in determining the eligibility for "Section 8" housing.

(B) The deferment shall be granted for as long a period of time as the hardship exists and the conditions as aforementioned have been met. However, it shall be the duty of the applicant to notify the City Clerk-Treasurer of any change in his or her status that would affect eligibility for deferment.

(C) The entire amount of deferred special assessments shall be due within 60 days after loss of eligibility by the applicant. If the special assessment is not paid within 60 days, the City Clerk-Treasurer shall add thereto interest at 8% per annum from the due date through December 21 of the following year and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant plead and prove, to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay, within 60 days, a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.

(D) The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

(1) The death of the owner when there is no spouse who is eligible for deferment;

(2) The sale, transfer, or subdivision of all or any part of the property;

(3) Loss of homestead status on the property; or

(4) Determination by the Council for any reason that there would be no hardship to require immediate or partial payment.

(1985 Code, § 2.73)

§ 32.04 PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.

(A) *Partial prepayment of assessments permitted.* After the adoption of an assessment roll pursuant to M.S. Ch. 429, as it may be amended from time to time, and before certification of the assessment roll to the County Auditor, the City Clerk-Treasurer, or other authorized official, is authorized and directed to accept partial prepayment of the assessment, and reduce the amount certified to the County Auditor accordingly. As provided by law, the partial prepayment may be accepted only during the 30-day period following approval of the assessment roll.

(B) *Scope.* This section shall apply to all assessment rolls which, on the effective date hereof, have been adopted by the Council but not yet certified to the County Auditor, and to all assessment rolls subsequently adopted by the Council.
(1985 Code, § 2.74)

§ 32.05 FRANCHISES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FRANCHISE. Any special privileges granted to any person in, over, upon, or under any of the streets or public places of the city, whether the privilege has heretofore been granted by it or by the state, or shall hereafter be granted by the city or by the state.

(B) *Franchise ordinances.* The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in those places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semipermanent fixtures for the purpose of constructing or operating railways, telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants, or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make the use of the streets or public places or before proceeding to place the fixtures in those places.

(C) *Power of regulation reserved.* The city shall have the right and power to regulate and control the exercise by any person of any franchise however acquired, and whether the franchise has been heretofore granted by it or by the state.

(D) *Conditions in every franchise.* All conditions specified in this section shall be a part of every franchise, even though they may not be expressly contained in the franchise.

(1) The grantee shall be subject to and will perform on its part all the terms of this section and will comply with all pertinent provisions of the City Charter and this code, as the same may from time to time be amended.

(2) The grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that the fares, rates, and charges shall at all times be just, fair, and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the state, in the manner following.

(a) A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon all money invested.

(b) If possible, maximum rates and charges shall be arrived at by direct negotiation with the Council.

(c) If direct negotiations fail to produce agreement, the Council shall, not less than 30 days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a Board of Arbitration. The Board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

(3) The Council shall have the right to require reasonable extensions of any public service system from time to time, and to make any rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(4) The grantee shall not issue any capital stock on account of the franchise or the value thereof, and the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising the franchise, any return on account of the franchise or its value.

(5) No sale or lease of the franchise shall be effective until the assignee or lessee shall have filed with the city an instrument, duly executed, reciting the facts of the sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(6) Every grant in the franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the

Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.

(7) Every franchise shall contain a provision granting the city the right to acquire the same in accordance with statute.

(8) The franchisee may be obligated by the city to pay the city fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the city.

(E) *Further provisions of franchises.* The enumeration and specification of particular matters, which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof any other and further conditions and restrictions as the Council may deem proper to protect the city's interests, nor shall anything contained in this section limit any right or power possessed by the city over existing franchises. (1985 Code, § 2.75) Penalty, see § 10.99

CHAPTER 33: EMERGENCY MANAGEMENT

Section

- 33.01 Generally
- 33.02 Interim emergency succession

§ 33.01 GENERALLY.

(A) *Statute adopted.* The State Emergency Management Act of 1996, M.S. Ch. 12, as it may be amended from time to time, insofar as it relates to cities, is hereby adopted by reference as part of this section, as fully as if set forth explicitly herein.

(B) *Establishment of an Emergency Management Agency.* There is hereby created within the city government an Emergency Management Agency, which shall be under the supervision of a Director to be appointed forthwith by the Mayor. The Director shall have direct responsibility for the organization, administration, and operation of the Emergency Management Agency, subject to the overall direction and control of the Council.

(C) *Emergency preparedness plan.* The Council may, by resolution, adopt, from time to time, amend, or repeal an emergency preparedness plan for the city.
(Ord. 1, passed 5-11-1999)

§ 33.02 INTERIM EMERGENCY SUCCESSION.

(A) *Purpose.* Due to the existing possibility of a nuclear attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the city to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

(B) *Succession to local offices.* In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the city, the Mayor, City Council, and City Clerk-Treasurer shall be forthwith notified by any one of those persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows.

(1) By majority vote of those persons present, regardless of number, they shall elect a Chairperson and Secretary to preside and keep minutes, respectively.

(2) They shall review and record the specific facts relating to the nuclear attack or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.

(3) They may, based on the facts, declare a state of emergency.

(4) By majority vote of those persons present, regardless of number, they shall fill all positions on the Council (including the Office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.

(5) The interim successors shall serve until the time as the duly elected official is again available and returns to his or her position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

(C) *Duties of the Interim Emergency Council.* The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

(1985 Code, § 2.08)