

10.400

**CHAPTER 4  
ADMINISTRATIVE SERVICE**

10.401

**Sec. 4.1. ADMINISTRATIVE OFFICERS.**

- a. The administrative officers of the city shall be the city manager, city attorney, assessor, city clerk, city treasurer and police chief. The council may not diminish the duties or responsibility of the office of the city manager. The city manager and city attorney shall be appointed by the council for an indefinite period, shall be responsible to and serve at the pleasure of the council and shall have their compensation fixed by the council.
- b. All administrative officers of the city, except the city manager, city attorney, city clerk and city treasurer, shall be appointed by the city manager for indefinite terms of office, subject to confirmation by the council. Such officers appointed by the city manager shall be responsible to the city manager and shall serve at his pleasure. Their compensation shall be fixed by the city manager in accordance with budget appropriations and subject to approval by the council. Removal of such officers may be made by the city manager with the confirmation of the council, provided, however, that ten days' written notice to the officer affected be given, and any action taken by the council be at a regularly scheduled meeting. The officer affected may be present and heard at such meeting.
- c. Except as may otherwise be required by law, the council shall establish, by ordinance, such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibility of the officers of each department. The city manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this Charter or with any ordinance or resolution adopted concerning such duties and authorities under authority of this Charter.
- d. All personnel employed by the city who are not elected officers of the city, or under the authority of this Charter are administrative officers, shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of his department upon the advice and consent of the city manager, subject to the provisions of any merit or civil service system.  
(char. eff. Nov. 25, 1974)

10.402

**Sec. 4.2. CITY MANAGER: APPOINTMENT AND QUALIFICATIONS.**

The council shall appoint a city manager within ninety (90) days after any vacancy exists in such position. The city manager shall hold office at the pleasure of a majority of the council, but he shall not be removed from office during a period of ninety (90) days following any regular city election except by the affirmative vote of five (5) members of the council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. At the time of his appointment, he need not be a resident of the city or

state, but during his tenure of office he shall reside within the city. Removal of the city manager may be made by the council in its sole discretion, provided, however, that ten days' notice to the city manager be given, and any action by the council be at a regularly scheduled meeting. The manager affected may be present and be heard at such meeting.

(char. eff. Nov. 25, 1974)

#### 10.403

##### Sec. 4.3. **CITY MANAGER: FUNCTIONS AND DUTIES.**

The city manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- a. To be responsible to the council for the efficient administration of all administrative departments of the city government, except the departments under the direction of the city attorney, city clerk, and city treasurer;
- b. To see that all laws and ordinances are enforced;
- c. To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- d. To recommend an annual budget to the council and to administer the budget as finally adopted, under policies formulated by the council, and to keep the council fully advised at all times as to the financial conditions and needs of the city;
- e. To attend council meetings with the right to take part in discussions but not to vote, and to recommend to the council for adoption such measures as he may deem necessary or expedient;
- f. To exercise and perform all administrative functions of the city that are not imposed by this Charter upon some other official;
- g. To be responsible for the maintenance of a system of accounts for the city; which system of accounts shall be in conformance with any uniform system required by law; and
- h. To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the council.

(char. eff. Nov. 25, 1974)

#### 10.404

##### Sec. 4.4. **ACTING CITY MANAGER.**

The council may appoint or designate an acting city manager during the period of a vacancy in the office or during the absence of the city manager from the city, or during a period of illness or disability on the part of the city manager. Such acting manager shall, while he is in such office, have all the responsibilities, duties, functions, and authority of the city manager.

(char. eff. Nov. 25, 1974)

**10.405****Sec. 4.5. CITY ATTORNEY: FUNCTIONS AND DUTIES.**

- a. The council shall appoint and fix the salary of the city attorney who shall hold office at the pleasure of the council and who need not be a resident of the city.
- b. The city attorney shall act as legal advisor to, and be attorney and counsel for the council and shall be responsible only to the council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the clerk a copy of all written opinions given by him.
- c. The city attorney shall prosecute all Charter and ordinance violations, and he shall conduct for the city such cases in court and before other legally constituted tribunals as the council may request. He shall file with the clerk copies of all records and files relating thereto as the council may direct.
- d. The city attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the council and shall promptly give his opinion as to the legality thereof.
- e. The City attorney shall call attention to the council all matters of law, and changes or developments therein, affecting the city.
- f. The city attorney shall perform such other duties as may be prescribed for him by this Charter or by the Council.
- g. Upon the recommendation of the city attorney, or on its own initiative, the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the city attorney therein.  
(char. eff. Nov. 25, 1974)

**10.406****Sec. 4.6. CITY CLERK: FUNCTION AND DUTIES.**

- a. The city clerk shall be elected at large at the regular city election for a term of two (2) years commencing at the first regular council meeting to be held after January 1st of the year following the said regular election.
- b. The city clerk shall be clerk of the council. He shall attend all meetings of the council and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions, and regulations of the council.
- c. He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the City of Gaylord, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

- d. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter, and shall accept no petitions for any purpose set forth in this Charter which are not on the forms provided by him for such purpose.
- e. He shall certify by his signature all ordinances and resolutions enacted or passed by the council, and perform any other duties required of him by the state law, this Charter, or by the council.  
(char. eff. Nov. 25, 1974)

**10.407**

**Sec. 4.7. CITY TREASURER: FUNCTION AND DUTIES.**

- a. The city treasurer shall be elected at large at the regular city election for a term of two (2) years commencing at the first regular council meeting to be held after January 1st of the year following the said regular election.
- b. The city treasurer shall have the custody of all moneys of the city, the clerk's bond, and all evidence of values belonging to the city, or held in trust by the city.
- c. He shall receive all money belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefor.
- d. He shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine. He shall report the same in detail to the council.
- e. He shall have such powers and duties in regard to the collection of city taxes and moneys as may be conferred upon him by this Charter or by state law.
- f. He shall perform such other duties as may be prescribed for him by the state law, this Charter, or by the Council.  
(char. eff. Nov. 25, 1974)

**10.408**

**Sec. 4.8. CITY ASSESSOR: FUNCTIONS AND DUTIES.**

The city assessor shall have all powers vested in, and shall be charged with all duties imposed upon assessing officers by the general law of the state. He shall make and prepare all regular and assessment rolls in the manner prescribed by this Charter, by ordinance or by statute. He shall also perform such other duties as may be prescribed for him in this Charter or by the council.  
(char. eff. Nov. 25, 1974)