

**TITLE III: ADMINISTRATION**

**Chapter**

**30. CITY COUNCIL AND CITY OFFICIALS**



## CHAPTER 30: CITY COUNCIL AND CITY OFFICIALS

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### § 30.01 AUTHORITY AND PURPOSE.

Pursuant to the authority granted by statute, this Chapter is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

### § 30.02 COUNCIL MEETINGS.

Regular meetings of the Council shall be held in the Council Chambers on the first and third Tuesdays of each month at 5:00 p.m.

*Amended: Ordinance No. 26, 3<sup>rd</sup> Series*

### § 30.03 SPECIAL MEETINGS.

Special meetings of the Council may be called by the Mayor or by any three other members of the Council by writing filed with the City Administrator stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Administrator to each member of the Council by mailing a copy of the filing to all members who did not sign or issue the call at least one day prior to the time stated therein, or by personal service at least 24 hours prior to the projected time of the meeting. The City Administrator shall post written notice of the time, place and purpose of the special meeting on the principal bulletin board of the City. Special meetings may be held without prior written

notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Administrator prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time to time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgement of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. At least three days before the meeting, written notice shall be posted on the bulletin board of the City and shall be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. As an alternative to mailing or otherwise delivering notice to persons who have requested notice, notice may be published once at least three days before the meeting in the official newspaper.

#### § 30.04 PROCEDURE AT REGULAR MEETINGS.

(A) The City Administrator shall prepare the following items:

(1) An agenda for the forthcoming meeting;

(2) 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 to be called the "Resolution Record" indicating the claimant, purpose, and amount; and

(3) A copy of all minutes to be considered.

(B) The City Administrator shall forthwith cause to be mailed to the Mayor, each member of the Council and the City Attorney copies of all such documents. *Robert's Rules of Order (Revised)* shall govern all Council meetings as to procedural matters not set forth in the City Code.

#### § 30.05 CITY ADMINISTRATOR.

Pursuant to the authority of Chapter 331 of the Laws of the State of Minnesota for 1967, the Office of City Administrator shall be, and hereby are, combined in the office of the Administrator and thereafter the duties of the Administrator shall be performed by the Administrator.

#### § 30.06 EXECUTION OF CONTRACTS AND CITY SEAL.

All contracts to which the City is a party, in addition to being signed by the Mayor and City Administrator, shall be sealed with the City Seal. The Seal shall be kept in the custody of the City Administrator and affixed by the City Administrator. The official City Seal shall be a circular disc having engraved thereupon "CITY OF THIEF RIVER FALLS" and such other words, figures and emblems as the Council may, by resolution, designate.

**§ 30.07 RIGHT TO ADMINISTRATIVE APPEAL.**

If any person shall be aggrieved by any administrative decision of the City Administrator or any Board or Commission not having within its structure an appellate procedure, the aggrieved person is entitled to a full hearing, if requested, within one year of the date of the administrative decision before the Council upon serving a written request therefor upon the Mayor and City Administrator 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 such hearing the appellant may present any evidence the appellant 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 their own motion or the motion of the appellant, the City Administrator, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening. All requests shall be made within 180 days of the time that the decision to be appealed was made, unless otherwise provided for.

**§ 30.08 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 and 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.

**§ 30.09 DISBURSEMENT OF FUNDS AND ALLOWANCE OF ACCOUNTS.**

All disbursements shall be made by order signed by the Mayor and City Administrator, duly authorized by the Council, and every such order shall specify the purpose for which the disbursement is made and indicate that it is to be paid out of the proper fund. But no such order shall be paid until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon the fund. No claim against the City shall be allowed, except as otherwise provided in this Chapter, unless accompanied by an itemized account and voucher, payroll or time sheet signed by a responsible employee who has personal knowledge of the facts in the case and certifies to the correctness and reasonableness of the claim and that it is a proper claim against the City; provided, however, that the Council may provide for a regular payment without specific individual authorization or filing of an itemized account and voucher, payroll or time sheet of the salaries and wages of regular employees or laborers and any other fixed charges which have been previously duly and regularly authorized. Filing of a separate account verification may be dispensed with by the Council if appropriately similar wording is printed near the endorsement space on the order for payment form.

**§ 30.10 FACSIMILE SIGNATURES.**

The Mayor and City Administrator are authorized to request a depository of City funds to honor an order for payment when the instrument bears a facsimile of their signatures and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were their manually written signatures. The signatures may also be used on bonds of the City, provided that one signature is manually affixed as authentication thereof. The authority is granted only for the purpose of permitting the officers an economy of time and effort.

**§ 30.11 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 insure 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, Council, and City Administrator shall be forthwith notified by any one of the persons and by any means available to gather at the City Hall. In the event that safety or convenience dictates, 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 such 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; and

(5) The interim successors shall serve until such time as the duly elected official is again available and returns to the elected official's position or the state of emergency has passed and a successor is designated and qualified 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.

*Cross reference:*

*Emergency management, see Ch. 33*

**§ 30.12 SALARIES OF MAYOR AND COUNCIL MEMBERS.**

Effective January 1, 2003, the salary of the Mayor shall be \$600 per month, the salary of the Vice-Mayor shall be \$575 per month, and the salary of each Councilmember shall be \$550 per month.

**§ 30.13 WORKER'S COMPENSATION.**

(A) *Contractors.* The City shall not enter into any contract for doing public work before receiving from all other contracting parties acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes.

(B) *City officers.* All officers of the City elected or appointed for a regular term of office or to complete the unexpired term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.