

## **CHAPTER 31: CITY COUNCIL AND OFFICIALS**

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## ***CITY COUNCIL AND MAYOR***

### **§ 31.01 COUNCIL REORGANIZATION.**

The Council shall at its first regular meeting in January in the order herein stated and prior to commencing its regular order of business, reorganize by:

- (A) Having all new officers and officials take and subscribe their oath of office;
- (B) Seat all new members of the Council;
- (C) Select an Acting Mayor Pro Tem;
- (D) Select a Secretary of the Council; and

(E) Perform the other organizational acts or functions as may be permitted or required.  
(Prior Code, § 2.50)

## **§ 31.02 COUNCIL MEETINGS.**

Regular meetings of the Council shall be held on the first and third Mondays of each month at 7:00 p.m. in the City Hall unless a different time is scheduled by the Council. Provided that if any regular meeting shall fall on a holiday or if it appears that a quorum of the Council will not be able to be present for a scheduled meeting, the meeting shall be held on an evening as close as possible to the regular scheduled meeting date.

(Prior Code, § 2.51)

## **§ 31.03 COUNCIL PROCEDURE.**

(A) *Meetings.* For any item to be considered at a regular Council Meeting, it must be submitted to the City Clerk at least 5 days before the regular Council Meeting. No item shall be considered at a Council Meeting unless it has been submitted as required herein or unless all Councilmembers present agree to consider it immediately. The City Administrator shall, at least 3 days prior to each regular meeting of the Council, prepare the following items: an agenda for the forthcoming meeting and a copy of all minutes to be considered. The City Administrator shall include the additional items as may be required by the Mayor and Council from time to time. The City Administrator shall forthwith cause to be delivered or mailed to the Mayor and each Councilmember, copies of all the documents. *Robert's Rules of Order* (revised) shall govern all Council meetings as to procedural matters not set forth below unless varied by the Mayor, without objection by the majority of the Council:

- (1) Call to order;
- (2) Roll call;
- (3) Determination of quorum;
- (4) Reading of minutes (actual reading shall be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth);
- (5) Opening of bids, and hearing, if applicable;
- (6) Reports from City Administrator, Planning Director, Public Works Director, and other City staff members;
- (7) Comments and suggestions from citizens present, not on the agenda;
- (8) Unfinished business;

- (9) New business;
- (10) Reports from City committees, officers, and the like;
- (11) Communications and miscellaneous business;
- (12) Payment of claims; and
- (13) Adjournment.

(B) *Committees.*

(1) The Mayor shall, at a regular Council meeting in January of each year, present to the Council in writing a list of proposed committee members, for the following committees, which committees shall have the responsibility indicated.

- (a) 1. Committee name: Finance;
- 2. Reported to by: Finance Director; and
- 3. Committee responsibility: Operations and control of the Finance Department; provides guidance for communication with the City Council on Finance Department activities, including budget, purchasing, accounting, audit, financial statement, and other aspects of the City's financial operations.
- (b) 1. Committee name: Administration;
- 2. Reported to by: City Clerk/City Administrator; and
- 3. Committee responsibility: Administrative functions related to general City administration.
- (c) 1. Committee name: Parks and Recreation/Joint Powers;
- 2. Reported to by: Parks and Recreation Director; and
- 3. Committee responsibility: Operations and control of the Parks and Recreation Department; provides guidance for communication with the Natural Resources and Recreation Commission, Joint Powers Board, and other parks and recreation activities and programs.
- (d) 1. Committee name: Operations;
- 2. Reported to by: Public Works Director; and

3. Committee responsibility: Operation and control of the Public Works Department, building permits and street openings; maintenance and repair of City structures and facilities; preparation of assessments.
- (e)
1. Committee name: Planning;
  2. Reported to by: Planning Director; and
  3. Committee responsibility: Provide guidance for and communications with the Planning Commission.
- (f)
1. Committee name: Public Safety;
  2. Reported to by: Fire Chief and Police Chief; and
  3. Committee responsibility: Operation and control of the Public Safety Services.
- (g)
1. Committee name: Utility;
  2. Reported to by: Public Works Director/City Administrator; and
  3. Committee responsibility: Policies, operations, and budgeting relating to the hydroelectric plant; oversees operation of the City's franchises; address solid waste and recycling and telecommunication issues that may impact the City.
- (h)
1. Committee name: Historic Preservation, property maintenance, building and fire codes;
  2. Reported to by: Housing and Redevelopment Authority Director; and
  3. Committee responsibility: Provides guidance for and communications with the Heritage Preservation Commission; considers issues and makes recommendation to council related to historic preservation.
- (i)
1. Committee name: Tourism Committee.
  2. Reported to by: City Administrator.
  3. Committee responsibility: Work with Chamber of Commerce and other appropriate groups on tourism matters.
- (j)
1. Committee name: Economic Development Committee.
  2. Reported to by: Planning Director/City Administrator.
  3. Committee responsibility: Provides guidance for and communication with

Economic Development Commission.

(2) The Council shall at the next regular meeting thereof, consider the proposed committee members and shall have the authority to ratify the committee appointments, by a majority vote of those present and constituting a quorum. Should the Council not so ratify the appointments at this meeting, the Mayor shall further study and reconstitute the committees and present the reconstituted list of proposed committee members at the next regular Council meeting at which meeting the Council may ratify the reconstituted committee appointments by majority vote of those present and constituting a quorum. Should the Council not so ratify the reconstituted committee appointments at this meeting, the Council may, at its next regular Council meeting, by majority vote of those present and constituting a quorum, make the committee appointments as it deems appropriate.

(3) Each appointee shall serve as appointed unless excused by a majority of the members of the Council. Vacancies in committees shall be filled by the Mayor.

(4) The Mayor shall designate the Chairperson and the Vice-Chairperson of each committee.

(5) Each committee shall consist of 3 Councilmembers.

(6) The committees are encouraged, at their own discretion, to consult with citizens regarding the activities of the committee, and to obtain expert advice.

(C) *Ordinances, resolutions, and the like.* All ordinances, resolutions, communications and other matters submitted to the Council shall be read by title. A majority of the Council may direct that the same be referred to an appropriate committee. A member of the Council may require the reading in full of the ordinance, resolution, or communication referred to. Financial claims against the City may upon receipt thereof be referred by the City Administrator to the appropriate committee. No ordinance or resolution shall be considered by the Council unless presented by 1 of the members. Every ordinance shall be in writing.

(D) *Council deliberation.* The deliberations of the Council shall be conducted in the following manner.

(1) No member shall address the Council until he or she has been recognized by the presiding officer. He or she shall thereupon address himself or herself to the Mayor and confine his or her remarks to the question under discussion and avoid all personalities.

(2) When 2 or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(3) No person other than a member shall address the Council except by consent of a majority of the members present.

(4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit 1 member to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.

(5) When a question is under discussion no action shall be in order, except to adjourn, to lay on the table, to refer previous questions, to postpone to a certain day, to refer to a committee, to amend, or to postpone indefinitely. These motions shall have precedence in the order listed.

(6) Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Council to a direct vote, first upon any pending amendments, and then upon the main question.

(7) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.

(E) *Reconsideration of vote.* It shall be in order for any member voting in the majority to move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A member may not change his or her vote on any question after the result has been announced. A motion to reconsider being put and lost shall not be renewed.

(F) *Temporary suspension of rules.* These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of members present. (Prior Code, § 2.52)

#### **§ 31.04 SALARIES OF MAYOR AND COUNCILMEMBERS.**

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

(B) The compensation paid to the Mayor for service to the City as Mayor shall be \$9,400 per year, to be paid in 12 equal monthly installments during the person serving as Mayor is in office.

(C) The compensation paid to councilmembers for service as Councilmembers shall be \$7,200 per year, to be paid in 12 equal montly installments during the time the person serving as Councilmember is in office.

(D) Any Mayor or Councilmmember who serves less than a full month sahll receive a pro-rated portion of the montly installment.

(E) The salaries in effect on the date this ordinance was adopted shall remin in place until after the regular Council meetin held on January 5, 2015, at which time the new salaries shall become effective. (Ord. No.

#### ***CITY OFFICIALS***

2014-17, 2rd Series, passed 10-20-14)

#### **§ 31.15 CITY ATTORNEY.**

The Council shall appoint a City Attorney, together with the assistants as may be necessary, who shall serve at the pleasure of the Council. The City Attorney shall perform the duties as are required of

him or her by law or referred to him or her by the Council or its agent. It shall be the official duty of the City Attorney to act as Revisor of Ordinances. (Prior Code, § 2.53)

**§ 31.16 CITY ADMINISTRATOR.**

(A) *Office created.* The Office of City Administrator is hereby created. The City Administrator shall be appointed by the Council on the basis of his or her training, experience, and administrative qualifications.

(B) *Duties.* The duties of the City Administrator shall be as follows:

(1) Exercise control and supervision over all departments of the City and coordinate the activities of consultants and advisory bodies.

(2) Exercise control over all departments of the City; appoint and remove all employees of the City, except department heads, upon the basis of merit and/or fitness alone. Department heads may be appointed or removed by the City Administrator only after receiving Council approval. The City Administrator shall make recommendations for the suspension and termination of department heads, and may suspend any department heads, until the next Council meeting when the Council shall affirm, modify, or rescind the suspension. The City Administrator shall act as the personnel officer and shall be responsible for the implementation of the City's personnel policy;

(3) Secure the enforcement of all laws, provisions of the City code and resolutions of the City and of the state as they apply to the City, and make recommendations for changes or additions to ordinances when necessary;

(4) Attend all special and regular meetings of the Council and actively participate in the meetings in all respects, except voting;

(5) Prepare and submit to the Council the proposed annual budget, and enforce and administer all provisions of the adopted budget;

(6) Submit reports to the Council on City finances, budget status, and administrative activities on a regular basis, as well as submit to the Council and make available to the public a complete report on a financial and administrative activities of the City at the end of each fiscal year;

(7) Supervise the preparation and coordination of and submit to the Council the annual and long-range work programs of the department of the City;

(8) Keep the Council advised as to the future needs of the City, and make recommendations on long-range promotion of community welfare;

(9) Familiarize himself or herself with alternate and supplemental sources of revenue, including but not limited to federal and state aids, loans, grants, and other sources of revenue, and prepare and submit proposals to the Council and other appropriate agencies of the City

recommendations for actions necessary to fully take advantage of the sources;

(10) Personally maintain amicable relations with City employees and the public and promote the relations between the Council and its employees and constituents and adjoining and overlapping governmental entities;

(11) Recommend to the Council any other measures required for the efficient administration of City affairs and promotion of community welfare; and

(12) Any other and further duties and responsibilities as may be assigned to him or her by the Council, including some of those delegated to the City Clerk under City code provisions.

(Prior Code, § 2.80)

## ***CODE OF ETHICS***

### **§ 31.30 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC OFFICIALS.*** The following persons:

(1) All persons elected to serve in any public office, or appointed to serve in any public office for the unexpired term of any person vacating the office;

(2) All appointed Commissioners serving on City commissions;

(3) City Administrator;

(4) City Attorney and Assistant City Attorneys;

(5) All City department heads; and

(6) City Clerk.

(Prior Code, § 2.81)

### **§ 31.31 DECLARATION OF POLICY.**

The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby

established by this subchapter, a code of ethics. The purpose of this code is to establish ethical standards of conduct. The provisions and purpose of this code are hereby declared to be in the best interest of the City of Hastings, Minnesota. (Prior Code, § 2.81)

### **§ 31.32 RESPONSIBILITIES OF PUBLIC OFFICE.**

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of Minnesota, and to impartially carry out the laws of the nation, state, and the City of Hastings and thus foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(Prior Code, § 2.81)

### **§ 31.33 DEDICATED SERVICE.**

(A) All public officials of the City of Hastings should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

(B) Public officials should not exceed their authority or break the law, or ask others to do so. They should work in full cooperation with other public officials unless prohibited from doing so by law.

(Prior Code, § 2.81)

### **§ 31.34 FAIR AND EQUAL TREATMENT.**

(A) No public official shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when the services are available to the public generally or provided by municipal policy for the use of the public official in the conduct of official business.

(B) No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. (Prior Code, § 2.81)

### **§ 31.35 CONFLICT OF INTEREST.**

(A) No public official shall engage in any business or transaction or shall have a financial or other personal interest direct or indirect, which is incompatible with the proper discharge of their duties in the public interest or which impairs their independence of judgment or action in the performance of their official duties. This includes an interest arising from blood or marriage relationships, close business, or

political association.

(B) The following acts, although not intended to be all inclusive, shall be deemed to be a conflict of interest:

- (1) Incompatible employment as provided by Minnesota Statutes;
- (2) Use of confidential information, obtained as a result of public position, for personal gain;
- (3) Soliciting of personal gifts and favors by a public official;
- (4) Use of official position for personal gain;
- (5) Representation by a public official of private interests before City governmental agencies and participation in the profits from the representation; and

(6) Contracting with the City by a business in which a public official has a substantial or controlling interest. (Prior Code, § 2.81)

### **§ 31.36 PUBLIC DISCLOSURE.**

(A) Each public official of the City of Hastings shall file for public record in the office of the City Clerk, a sworn statement in a form approved by the City Council and which must contain, at a minimum, the following information:

(1) The names of all businesses, corporations, companies, firms, partnerships, or other business enterprises, doing business with or in the City of Hastings, in which the public official is connected thereto as an employee, owner, director, officer, adviser, or consultant, or in which the public official has a continuing financial interest, through ownership of stock or as a beneficiary of any pension or retirement plan;

(2) A description of all parcels of real property, other than property occupied by the public official as a personal residence, in which the public official has any interest, including the right to occupy any such property; and

(3) The interest of a spouse, or minor child or other member of the immediate household of any public official shall be considered an interest of the public official for purposes of filing the statement required.

(B) Each person who becomes a public official shall, within 30 days after assuming the office or position, file a public disclosure required by this section.

(1) Following an initial filing, the information on that filing shall remain in effect and all public officials will continue to attest to its truth. Within 30 days of any change to the information on the initial filing and following any reappointment or reelection, all public officials shall file a new

sworn statement with the City Clerk. City staff members covered under this provision shall fill out an initial filing and shall thereafter complete any amended filings within 30 days of any change to the information on the initial filing or at least every 4 years, in the years in which the Mayor and at large Councilmember seats are up for election, whichever comes first. (Am. Ord. 511, passed 4-5-2004)

(2) This subchapter shall not be construed to require the filing of any information relating to any person's connection with any professional society or any charitable, religious, social, fraternal, recreational, civil or political organization or any similar organization not conducted as a business enterprise.

(3) The City Administrator shall inform each person who is required to file a statement, the time and place for filing, and shall furnish each such person with a copy of this subchapter and the required statement form. The City Administrator shall inform the City Council when any person, who is required to file a statement, fails to file the statement in a timely manner. (Prior Code, § 2.81)