CITY COUNCIL WORK SESSION
THURSDAY, MAY 24, 2012
4:45 PM, CONFERENCE ROOM #1
CITY OFFICE BUILDING

AGENDA

CITY CHARTER POINTS OF DISCUSSION:

1. **Section 4.02 Planning Commission:**
2. **Section 4.03 Park & Leisure Services Board.**
3. **Section 2.08 (Subd. 1) Appointive Offices of the Council**
4. **Section 2.08 (Subd. 2) Appointive offices of the Council**
5. **Section 2.11 Procedure Subdivision 2 Rules of the Council**
6. **Sections 4.02 / 4.04 / 4.05**
7. **Other Concerns**
8. **Adjourn**

CITY CHARTER POINTS OF DISCUSSION:

1. **Section 4.02 Planning Commission:**

   City staff is requesting review and consideration of this charter requirement. Under current charter, the Planning Commission is charged with review of all Department requests for capital items. The Planning Commission has expressed reluctance to comment on the needs of each department for their equipment. City staff finds that this requirement places artificial deadlines on the development of a Capital Improvement Plan and separates the capital planning from the operating fund budgets.

2. **Section 4.03 Park & Leisure Services Board.**

   In February 2000 the City and School District entered into a Joint Powers Agreement for recreational and leisure services. The City and School District appoint a Joint Powers Board to oversee the efforts. The City of Willmar and the School District separately maintain their facilities, although they are jointly programmed by the Community Education and Recreation under the guidance of the Joint Powers Board.

   The Charter Commission believes the promotion of parks has been diminished and seeks to re-establish a City Park Board with the task of focusing solely on City of Willmar parks.

   The Joint Powers Board feels this would be a duplication of efforts.

3. **Section 2.08 (Subd. 1) Appointive Offices of the Council**

   The Charter Commission proposed including the addition of the City Administrator job duties taken directly from Ordinance No. 989 adopted October 23, 1990, with one (1) addition, that being (C) *the responsibility of seeing that the regulating City Charter is enforced.*
   If the duties of the City Administrator are contained within the Charter, future changes will need to be made by Charter rather than ordinance.

4. **Section 2.08 (Subd. 2) Appointive offices of the Council**

   The City Attorney's authority is not currently described by ordinance and the Charter Commission proposed amending the Charter with the duties of City Attorney. Again, like the City Administrator duties, if defined by Charter versus ordinance, any future changes must be done by Charter amendment.

5. **Section 2.11 Procedure Subdivision 2 Rules of the Council**

The Charter Commission recommends that the City Charter be amended to include the adoption of the Minnesota Mayor's Association Rules of Order for City Councils.

Current City Charter does have a requirement that the City Council adopt parliamentary rules. The Council could meet the current Charter requirements by simply adopting rules of parliamentary procedure.

If the Minnesota Mayor's Association Rules of Order for City Councils are included in the revised City Charter, any changes in the future, must be made by Charter and any deviations from the rules of order, could be considered as violations of the City Charter.

6. **Sections 4.02 / 4.04 / 4.05**

The Charter Commission has recommended that the number of affirmative votes required to amend or override and action of either the Rice Hospital Board of the Municipal Utilities Commission be increased.

Some City Council Members have voiced concerns that this will diminish the authority of the City over the component entities.

Section 4.02. - The Planning Commission .

Subdivision 4. Recommended capital improvements. The **Commission** shall prepare and submit annually to the Council and to the official or agency charged with the duty of submitting the annual budget a recommended capital improvements report, which shall contain recommended capital improvements which in the opinion of the **Commission** are necessary or desirable in the forthcoming five (5) year period. The report shall include estimated budget requirements for such improvements, and it may contain a priority list and an arrangement of such improvements with respect to the year they are recommended to be begun.

Section 4.03. Park and Leisure Services Board.

There shall be an advisory board known as the Park and Leisure Services Board of ~~nine (9)~~ six (6) members appointed for terms of three (3) years, and so that the terms of no more than ~~three (3)~~ two (2) members thereof shall expire each year. ~~The Board shall include a representative of the School District as a voting member.~~ The Board shall advise and assist the Council in the development and maintenance of a park and recreation program for the City and its people, including acquisition of land for leisure activities. The Board shall, at the request of the Planning Commission, prepare a five (5) year park and leisure services plan, and shall submit written copies of said plan to the Planning Commission and the City Council. The Board shall have such powers and duties as the Council shall from time to time by ordinance give it. No member shall serve more than two (2) consecutive terms on the Board. The serving of a term of two (2) years or more shall be considered a full term for purposes of the preceding sentence.

(Ord. No. 1027, § 1, 7-15-92)

(Ord. No. 1027, § 1, 7-15-92)

Section 2.08. Appointive offices of the Council.

Subdivision 1. [City Administrator.] The City Council shall appoint ~~an~~ chief administrative officer of the City who shall be called the City Administrator. ~~and shall approve the appointments of other Department Head positions that from time to time may be deemed appropriate.~~[28] The City Administrator:

(A) shall exercise supervision, authority and control over all departments and divisions of the City, except Rice Hospital, the Municipal Utilities Commission and the Legal Department,
(B) shall oversee and supervise the hiring, discipline and removal of all employees of the City of Willmar, except hiring, discipline and removal of Municipal Utilities employees, Rice Hospital employees, and employees of the Legal Department. [28]Hiring, discipline and removal of Department Heads shall be subject to approval of the City Council. ~~His~~ The Administrator's duties under this paragraph shall be subject to applicable Civil Service Regulations and other City ordinances,
(C) shall be responsible for seeing that the City Charter and all laws, regulations and ordinances of the City are enforced,
(D) shall attend all meetings of the City Council, and such committee meetings of the Council ~~as requested~~ unless otherwise excused by the Council,
(E) shall make recommendations to the Council for adoption of such ordinances and resolutions as are in the best interests of the City and to ensure and provide for the welfare and well being of the residents of the City,
(F) shall monitor and oversee all contracts which the City is party to, to ensure that they are performed in accordance with their terms,
(G) shall cause financial statements of the City to be prepared on a regular basis to keep the Mayor and Council advised of the financial standing of the city.
(H) shall coordinate the preparation and submission to the Council of the Mayor's annual budget,
(I) along with the Mayor, shall execute all contracts in the name of the City of Willmar,
(J) shall be responsible for the negotiation and settlement of all labor contracts of the City,
(K) shall coordinate all municipal programs and municipal activities of the City,
(L) shall coordinate the relationship between the City and the news media,
(M) shall make application for all state and federal funds available to the City through grant programs,
(N) shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City ~~as the Mayor deems desirable~~ including those recommendations which may be suggested by the Mayor;
(O) shall submit or cause to be submitted to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
(P) shall make such other reports as the Council may require concerning the operations of the City departments, offices and agencies, and for this purpose all personnel of the City shall furnish to the Mayor such information as requested for the discharge of the Mayor's duties;
(Q) shall perform such other duties as the City Council may, from time to time, direct.

ORDINANCE NO. 989

AN ORDINANCE ESTABLISHING THE POSITION OF CITY ADMINISTRATOR IN THE CITY OF WILLMAR.

The City of Willmar does ordain as follows:

Section 1. POSITION OF CITY ADMINISTRATOR ESTABLISHED. The position of City Administrator if hereby established in the City of Willmar.

Section 2. DUTIES AND RESPONSIBILITIES OF THE CITY ADMINISTRATOR. The City Administrator shall have the following duties and responsibilities:

1. He shall exercise supervision, authority and control over all departments and divisions of the City, except Rice Hospital, the Municipal Utilities Commission and the Legal Department.

2. He shall oversee and supervise the hiring, discipline and removal of all employees of the City of Willmar, except hiring, discipline and removal of Municipal Utilities employees, Rice Hospital employees, and employees of the Legal Department. Hiring, discipline and removal of Department Heads shall be subject to approval of the City Council. His duties under this paragraph shall be subject to applicable Civil Service Regulations and other City ordinances.

3. He shall inquire that all laws, regulations and ordinances of the City are enforced.

4. He shall attend all meetings of the City Council, and such committee meetings of the Council as requested.

5. He shall make recommendations to the Council for adoption of such ordinances and resolutions as are in the best interests of the City and to insure and provide for the welfare and well being of the residents of the City.

6. He shall monitor and oversee all contracts which the City is party to, to insure that they are performed in accordance with their terms.

7. He shall cause financial statements of the City to be prepared on a regular basis to keep the Mayor and Council advised of the financial standing of the City.

8. Within the time parameters established by the City Charter and State Statute, he shall coordinate the preparation and submission to the Council of the annual budget.

9. Along with the Mayor, he shall execute all contracts in the name of the City of Willmar.

10. He shall be responsible for the negotiation and settlement of all labor contracts of the City.

11. He shall coordinate all municipal programs and municipal activities of the City.

12. He shall coordinate the relationship between the City and the news media.

13. He shall make application for all state and federal funds available to the City through grant programs.

14. He shall perform such other duties as the City Council may, from time to time, direct.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon its adoption and second publication, or on January 1, 1991, whichever date is later.

This Ordinance introduced by Councilman: Enockson.
This Ordinance introduced on: October 3, 1990.
This Ordinance published on: October 9, 1990.
This Ordinance given a hearing on: October 17, 1990.
This Ordinance adopted on: October 17, 1990.
This Ordinance published on: October 23, 1990.

Subdivision 2. [City Attorney.] The City Council shall appoint an officer of the City who shall be called the City Attorney. The City Council may, as an alternative, contract for legal services with an individual or law firm. The City Attorney shall:

(A) Prosecute City Ordinance violations.
(B) Prosecute Petty Misdemeanors, Misdemeanors, and Gross Misdemeanor violations of State Statutes as required by Minnesota law.
(C) Review agreements and contracts involving the City.
(D) Draft Ordinances and Resolutions.
(E) Review licenses, bonds, and insurance certificates.
(F) Provide legal advice to Mayor, Council, Department Heads, Boards and Commissions.
(G) Pursue civil actions on behalf of the City including collections; condemnations and contract enforcement.
(H) Act as legal representative of Rice Memorial Hospital and Municipal Utilities Commission.
(I) Enforce the City charter and advise the Mayor and Council when the Charter is not being followed or the duties of an office are not being carried out.
(J) shall perform such other duties as the City Council may, from time to time, direct.

Subdivision ~~2~~ 3. Votes required for appointments. ~~All appointments, except City Department Heads, shall require the affirmative votes of at least five (5) members of the Council.~~ The appointment of the City Administrator and City Attorney shall require the affirmative votes of at least five (5) members of the Council.
(Ord. No. 1027, § 1, 7-15-92)

Subdivision 4. Except for purposes of inquiry, the City Council must ~~contact and control~~ direct the administrative ~~branch~~ activities solely through the City Administrator. The City Council shall not, publicly or privately, give an order to the City Administrator subordinates. A single member or group of Council members less than a majority shall not give an order to the City Administrator.

Section 2.09. Independent audit and Financial Reporting.

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. The [30] ~~am~~ccounts of Rice Memorial Hospital and the Willmar Municipal Utilities ~~Commission~~ shall be audited at least annually. Such audits shall be made by a certified public accountant or firm of such accountants who have no direct interest in the fiscal affairs of the City government or any of its officers. The annual audit of the City, the Willmar Municipal Utilities and Rice Memorial Hospital shall be certified by the accountant preparing the annual audit. Except as provided herein with respect to audits of Rice Memorial Hospital and the Willmar Municipal Utilities, the Council may, without requiring competitive bids, designate such accountant or firm ~~annually or~~ for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. The Rice Memorial Hospital Board and the Willmar Municipal Utilities Commission may select their respective certified public accountant ~~on approval of the City Council. Rice Memorial Hospital~~ and ~~the Willmar Municipal Utilities~~ shall each pay their own audit fees incurred for the audits required by this Section. Copies of each annual audit of Rice Memorial Hospital and the Willmar

Section 2.11. Procedure.

Subdivision 1. Meetings. On the first Monday after the first Tuesday of each January immediately following a general election, the Council shall meet for its biennial organizational meeting and the terms of Council members whose terms expire shall terminate at the opening of such meeting. The Council shall meet regularly at least twice in every month at such times and places as the Council shall prescribe by resolution at such biennial organizational meeting. Special meetings may be held on the call of the Mayor or of four (4) or more members of the Council, or by decision of the Council made at a regular or special meeting, upon no less than twelve (12) hours notice to each member. All meetings shall be public.

Subdivision 2. Rules and journal. The Council shall [38]adopt the Minnesota Mayor's Association Rules of Order for City Councils ~~adopt its own rules and order of business~~ and shall provide for a journal of its proceedings, which journal shall be a public record.

Subdivision 3. Voting and quorum. ~~Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.~~ Five (5) members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council.

Section 4.02. The Planning Commission.
Subdivision ~~10~~ 9. Over-riding power of the Council. Any resolution or other action by the Commission may be overruled by the Council by the affirmative votes of ~~five (5)~~ six (6) members of the Council at any time within a period of thirty (30) days from the date of the regular Council meeting next following the receipt by the City Clerk of the copy of the motion, resolution or action of the Commission in question.

Section 4.04. Rice Memorial Board.
Subdivision 5. Over-riding power of the Council. The Council shall have the power to overrule by the affirmative vote of at least ~~five (5)~~ six (6) members thereof any action of the Board with the exception of personnel appointments, other than the appointment of the ~~C~~chief ~~E~~executive ~~O~~officer at the Council meeting next following the receipt by the City Clerk of the minutes of the Board containing such action. If the Council fails or refuses to overrule such action at the said meeting, the action shall be absolute; provided, however, that if the Council desires to consider the matter further, it may by resolution defer action on the matter for a period not to exceed thirty (30) days or to the next scheduled City Council meeting. No such action shall be deemed to have been presented to the Council unless it shall have included in the minutes of a duly constituted meeting of the Board and the text of any resolution, rule or regulation attached thereto in full. It shall be the duty of the City Clerk to transmit such minutes, resolutions, rules and regulations to the Council at the Council meeting next following receipt thereof.

Section 4.05. Municipal Utilities Commission.
Subdivision 5. Over-riding power of the Council. The Council shall have the power to overrule, by the affirmative vote of at least ~~five (5)~~ six (6) members thereof, any decision, motion, resolution, rule, regulation or order of the Commission at the Council meeting next following the receipt by the City Clerk of the minutes of the Commission containing such action and if the Council fails or refuses to overrule such action at the said meeting, the action shall be absolute provided, however, that if the Council desires to consider the matter further it may by resolution defer action on the matter for a period not to exceed thirty (30) days or to the next scheduled City Council meeting. No such action shall be deemed to have been presented to the Council unless it shall have been included in the minutes of a duly constituted meeting of the Commission and the text of any resolution, rule or regulation attached thereto in full. It shall be the duty of the City Clerk to transmit such minutes, resolutions, rules and regulations to the Council at the Council meeting next following receipt thereof.

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