

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY GOVERNMENT

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§ 30.01 ORGANIZATIONAL COUNCIL MEETINGS; RULES AND PROCEDURES.

(A) *Time and place.* The organizational meeting of the Council shall be held on the first Tuesday after the first Monday in January next following the city election in the Council Chamber of the City Hall at 5:00 p.m.

(B) *Order of business.* The order of business at organizational meetings shall be as follows:

- (1) Call to order;
- (2) Roll call;
- (3) Determination of a quorum;
- (4) Election of a President and Vice-President of the Council;
- (5) Other appointments and elections;
- (6) Adjournment.

(C) *Temporary Chairperson.* The City Attorney, or in his absence the Assistant City Attorney, shall serve as temporary chairperson until the President and Vice-President of the Council have been elected and qualified. If either the President or Vice-President is present at the meeting, and qualifies, the temporary officer shall vacate the chair and the permanent officers shall take charge of the meeting. If neither the President nor Vice-President is present at the meeting, the temporary officer shall serve through adjournment.

(1981Code, § 2.01) (Ord. 172, 3rd Series, eff. 4-20-1995)

§ 30.02 REGULAR COUNCIL MEETING; RULES AND PROCEDURES.

(A) *Regular meetings.* The first regular meeting in January of each even-numbered year shall be held immediately following the organizational meeting. All regular meetings thereafter shall be held on the first Tuesday and the third Tuesday of each month. All regular meetings shall be held in the Council chambers of the City Hall at the hour set by the regular Council at the organizational meeting.

(B) *Preparation and procedure.*

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

- (a) An agenda for the forthcoming meeting; and
- (b) A copy of all minutes to be considered.

(2) The City Administrator shall forthwith cause to be mailed to the Mayor and each Council Member copies of all said documents. The order of business at regular meetings shall be as follows:

- (a) Call to order;
- (b) Roll call;
- (c) Determination of a quorum;
- (d) Approval of minutes (actual reading may be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth);
- (e) Scheduled bid lettings;

- (f) Scheduled public hearings;
- (g) Licenses and permits;
- (h) Reports of officers, boards and commissions;
- (i) Communications;
- (j) Old business;
- (k) New business;
- (l) Claims;
- (m) Adjournment.

(3) Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered except upon a showing of good cause and unanimous consent by the Council to suspend the rules.

(C) *Temporary President.* In the absence of the President and Vice-President, the provisions of this chapter relating to a temporary chairperson shall be followed to elect a Temporary President until such time as the absent officials return to their positions or their positions.
(1981 Code, § 2.02) (Ord. 172, 3rd Series, eff. 4-20-1995; Am. Ord. 277-1, 3rd Series, passed 2-3-2004)

§ 30.03 SPECIAL COUNCIL MEETING; RULES AND PROCEDURES.

(A) *Place.* Special Council meetings shall be held in the Council Chambers of the City Hall or such other place as may be specified in the notice thereof.

(B) *Call and notice.* Special meetings of the Council may be called by the President or by any 2 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 such filing to all members who did not sign or issue the call at least 3 days prior to the time stated therein or by personal service at least 72 hours prior to the projected time of meeting. 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 judgment 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. Notice to the public and to news media shall be given as required by statute.

(Ord. 143, 3rd Series, eff. 12-4-1992)

(C) *Order of business.* The order of business at a special meeting shall be as follows:

- (1) Call to order;
- (2) Roll call;
- (3) Determination of a quorum;
- (4) Business or purpose stated in call or waiver;
- (5) Adjournment.

(1981 Code, § 2.03)

§ 30.04 ROBERT'S RULES OF ORDER TO GOVERN MEETINGS.

Robert's Rules of Order (Revised) shall govern all Council meetings as to procedural matters not otherwise set forth herein.

(1981 Code, § 2.04)

§ 30.05 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 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 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;

(5) Such interim successors shall serve until such time as the duly elected official is again available and returns to his 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.

(1981 Code, § 2.05)

§ 30.06 RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Administrator 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 Administrator at least 5 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 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 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 the time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

(1981 Code, § 2.06)

§ 30.07 RULES OF PROCEDURE FOR MEETINGS, APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all meetings, administrative appeals, and other hearings of the Council or other deliberative bodies. 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.

(1981 Code, § 2.07) (Ord. 2, 3rd Series, eff. 6-6-1981)

§ 30.08 CITY ATTORNEY.

The City Attorney shall perform such duties as are required of him by law or referred to him or her by the Council or its agent. In addition thereto, it shall be the official duty of the City Attorney to act as Revisor of Ordinances.

(1981 Code, § 2.81)

§ 30.09 CLERK AND TREASURER OFFICES COMBINED.

Pursuant to the authority of M.S. § 412.591, as it may be amended from time to time, the offices of the City Clerk and City Treasurer shall be and hereby are combined in the office of the Clerk-Treasurer, and thereafter the duties of the Treasurer and the Clerk shall be performed by the Clerk-Treasurer.

(1981 Code, § 2.82) (Ord. 225, eff. 10-30-1969)

§ 30.10 CITY ADMINISTRATOR/CLERK TREASURER POSITION DESCRIPTION.

(A) The City Administrator is appointed by the City Council and as the chief administrative officer of the city is responsible for the proper administration of all affairs of the city.

(B) The City Administrator is empowered and required to carry out the following duties:

(1) *Administration direction.* Direct the administration of the city as provided by Council action, home rule charter, city code, and state and federal states. Coordinate with the City Council in developing administrative policies and procedures to administer city affairs;

(2) *Operational.* Develop operational plans for all departments. Establish guidelines for evaluating the effectiveness of operations;

(3) *Local improvements and city projects.* Direct planning and community development programs. Act as or appoint staff to the Planning and Zoning Commission. Recommend, administer, and coordinate the different projects with the respective engineers, architects or consultants;

(4) *Planning.* Recommend course of action regarding development planning. Direct staff preparation of materials for the development of capital improvement programs and long range planning;

(5) *Budgets.* Submit monthly budget reports and prepare a recommended budget for presentation and consideration by the City Council;

(6) *Meetings.* Direct and coordinate City Council meeting preparation, including research, reports, and correspondence;

(7) *Financial reports.* Submit any Council requested reports on the financial condition of the city and provide an annual financial statement to the Council per City Charter. Recommend improvements in the financial systems to the City Council;

(8) *Elections.* Oversee supervision of local elections in accordance with prescribed laws and regulations;

(9) *Supervision.* Supervise and have day-to-day oversight of the activities of all city department heads and the administrative staff, including coordinating the activities of the City Attorney. Direct the implementation of City Council actions by all city department;

(10) *Employment.* Make recommendations to the City Council regarding the employment and removal of city staff. Recommend salary changes based on position requirements and employee performance;

(11) *Personnel.* Establish personnel policies, direct employee benefit programs, and recommend new programs or changes to existing programs. Direct the implementation of federal, state, and local laws and regulations regarding personnel. Conduct or oversee labor negotiations. Perform disciplinary action as prescribed in labor agreements and personnel rules and regulations;

(12) *Purchasing.* Authorize all purchases and expenditures with budget limitations;

(13) *Communication.* Deliver presentations on behalf of the city, testify at legal proceedings, manage public information and media, and citizen inquiries regarding city services;

(14) *Additional duties.* The City Administrator is the City Clerk-Treasurer and is responsible for statutory, Home Rule Charter, and job description duties of the City Clerk-Treasurer position;

(15) *Government liaison.* Serve as liaison between the city and other governmental and non-governmental entities.

(Am. Ord. 253, 3rd Series, passed 4-3-2001)

§ 30.11 SALARIES OF CERTAIN BOARD AND COMMISSION MEMBERS.

The Council shall, by resolution, fix salaries of the members of the Water, Light, Power and Buildings Commission, Cemetery Commission, and the Civil Service Commission.
(1981 Code, § 2.85)

§ 30.12 SALARIES OF MAYOR AND COUNCIL MEMBERS.

The compensation of Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time.

(Am. Ord. 305, 3rd Series, passed 10-16-2007)

§ 30.13 PERSONNEL POLICIES.

The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. The rules may from time to time be amended.

(1981 Code, § 2.32) (Ord. 2, 3rd Series, eff. 6-6-1981)

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

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*GENERAL PROVISIONS***§ 31.01 BOARDS AND COMMISSIONS GENERALLY.**

This section shall apply to, and regulate, all boards and commissions, however created, except where provisions hereof are in conflict with a statute or another provision of the City Code. All board and commission appointments shall be made by the Mayor and confirmed by the Council at the organizational meeting in even numbered years or the first meeting in January of odd numbered years, except as otherwise provided in specific City Code provisions. The term of each appointee shall be established and stated at the time of his appointment, and terms of present board and commission members shall remain unchanged. New appointees shall assume their positions upon being appointed and qualified. When a vacancy occurs during a term it shall be filled in the same manner, but only for the unexpired term. No appointed board or commission member shall be an employee of the city except those who are members by reason of their office. Except as otherwise provided by statute or the City Code, all appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when such expenses are authorized by the Council before they are 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 ensuing year. Any board or commission member may be removed by the Council for misfeasance, malfeasance or nonfeasance in office and his position filled as any other vacancy. All members shall be residents of the city, except that 1 member of each board may be a resident of Polk County and non-resident of the city, if the Council deems such arrangement advantageous and more representative. Outgoing members of all boards and commissions shall continue in office until new appointments have been made and confirmed, and the appointees duly qualified.

(1981 Code, § 2.54)

§ 31.02 ABSENTEE BALLOT COUNTING BOARD.

Pursuant to the provisions of M.S. § 203B.13, as amended from time to time, the City Council authorizes the Polk County Commissioners to establish an Absentee Ballot Precinct and ratifies the ordinance of the Polk County Board of Commissioners adopted on August 20, 1986. The Absentee Ballot Precinct to be located in the Polk County Courthouse, for the purpose of receiving all absentee ballots for any statewide primary or general election (or special referendum) held within the city. The Absentee Ballot Precinct shall be under the direct charge and supervision of the Polk County Auditor and shall be administered pursuant to the Minnesota election laws without cost to the city.

(1981 Code, § 2.56) (Ord. 75, 3rd Series, eff. 9-12-1986)

PLANNING COMMISSION**§ 31.20 ESTABLISHMENT OF COMMISSION.**

A City Planning Commission for the city is established.
(1981 Code, § 2.50, Subd. 1) (Ord. 181, eff. 11-30-1961)

§ 31.21 COMPOSITION.

The Planning Commission shall consist of 9 members. Six members shall be appointed by the Mayor and approved by a majority of the Council and may be removed by a 4/5 vote of the Council. The City Engineer or any engineer appointed by the Mayor and approved by the majority of the Council and the City Attorney or Assistant City Attorney shall be advisory members, the advisory members shall be non-voting members of the Planning Commission and shall serve in an advisory capacity; and the Council shall select 1 member of the Commission from its own members. Of the members of the Commission first appointed, 1 shall be appointed for the term of 1 year, 1 for the term of 2 years, 1 for the term of 3 years, and 1 for the term of 4 years. Of the 2 additional members appointed by the Mayor and approved by the majority of the Council, as provided in this amendment, at the time of their appointment, 1 shall be appointed to a term to expire December 5, 1980, and 1 shall be appointed to a term to expire December 5, 1981; thereafter all appointments shall be for a term of 4 years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of advisory members shall correspond to their respective tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his duties take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation. If any person serving on the Planning Commission shall find that his private or personal interests are involved in any matter coming before the Commission, the member shall disqualify himself from taking part in any action on the matter, or the member may be disqualified by the Planning Commission.
(1981 Code, § 2.50, Subd. 2) (Ord. 2, 3rd Series, eff. 6-6-1981)

§ 31.22 ORGANIZATION MEETINGS AND THE LIKE.

The Commission shall elect a chairperson from among its appointed members for a term of 1 year; and the Commission may create and fill such other offices as it may determine. The Commission shall hold at least 1 regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. On or before January 1 of each year, the Commission shall submit to the Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council.
(1981 Code, § 2.50, Subd. 3)

§ 31.23 ADOPTION OF PROGRAM OF WORK.

(A) Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties.

(B) Such a program will include:

- (1) An outline of data and information to be assembled as a basis for the city plan;
- (2) An outline of subjects to be covered by the city plan;
- (3) An outline of types of procedure necessary to make the city plan effective.

(C) The Planning Commission may, by resolution, revise its program of work from time to time. (1981 Code, § 2.50, Subd. 4)

§ 31.24 PREPARATION OF CITY PLAN.

It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive city plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work.

(1981 Code, § 2.50, Subd. 5)

§ 31.25 PROCEDURE OF ADOPTING OF PLAN.

Before adopting the city plan or any section of it or any substantial amendment thereof, the Commission shall hold at least 1 public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least 10 days before the day of the hearing. The adoption of the city plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative vote of not less than 5/7 of its total membership. The Commission may from time to time amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that such amendment or addition is necessary. An attested copy of the plan or of any section, amendment, or addition to the city plan adopted by the Planning Commission shall be certified to the Council.

(1981 Code, § 2.50, Subd. 6)

§ 31.26 MEANS OF EXECUTING PLAN.

Upon the adoption of the city plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such city plans. The means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the city, a long term program of capital expenditures and such other matters as will accomplish the purposes of this section.

(1981 Code, § 2.50, Subd. 7)

§ 31.27 ZONING PLAN.

The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a revised zoning plan for the city. Before recommending the plan to the Council, the Planning Commission shall hold at least 1 public hearing thereon after a notice similar to that required by § 31.25. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

(1981 Code, § 2.50, Subd. 8)

§ 31.28 OFFICIAL MAP OF STREET EXTENSIONS.

The Planning Commission, with the assistance of the City Engineer or any engineer appointed by the Mayor and approved by a majority of the Council, may and upon instruction by the Council shall prepare an official map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the city within the existing platted and developed territory or across the unplatted territory. After the map has been prepared and a hearing on it has been held as provided in § 31.27, it shall be submitted to the Council, which shall thereupon consider the map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least 10 days after a notice therefor has been published in the official newspaper of the city. After the map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the city, it shall not be required in the proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of the map within the limits of the mapped street, or outside any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

(1981 Code, § 2.50, Subd. 9)

§ 31.29 PLATS.

(A) Every proposed plat of land within the city or within 2 miles of the limits of the city and not within a town which itself requires the approval of plats shall be submitted to the Council before being filed, and no plat of land shall be filed unless and until the same shall first have been approved by the Council. Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before such plat has been approved by the Planning Commission and the Council in accordance with the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by as set forth in § 10.99. Before acting on the plat the Council shall submit the same to the Planning Commission for its recommendations. The Planning Commission, within 40 days after any such plat has been referred to it by the Council, shall act on the same and shall make its recommendations with respect thereto.

(B) The recommendations may consist of:

(1) Recommendation that the Council approve such plat; or

(2) Recommendation that the Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for such recommendation; or

(3) Recommendation that the Council approve the plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions be submitted to the Planning Commission, in which case the revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the Council.

(1981 Code, § 2.50, Subd. 10)

§ 31.30 PROCEDURE FOR CHANGES.

No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after the plans or regulations have been adopted by the Council, until the proposed change has been referred to the Planning Commission for report thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any of such plans or specifications shall be adopted by the Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the Planning Commission so to report within 40 days or such longer period as may be designated by the Council after the reference shall be deemed to be approval of the proposed change.

(1981 Code, § 2.50, Subd. 11)

§ 31.31 LIST OF RECOMMENDED PUBLIC WORKS.

Each officer, department, board, or commission of, or in the city whose functions include recommending, preparing plans for, or constructing public works shall, at least 3 months before the end of each fiscal year, submit to the Council a list of the proposed public works recommended by such officer, department, board, or commission for planning, initiation or construction during the ensuing fiscal year. The Council shall request from the local school district a similar list of its proposed public works. The lists, reports, or recommendations shall be referred by the Council to the Planning Commission, which Commission shall list and classify all such proposed public works for the ensuing fiscal year. The program shall be recommended by the Commission to the Council and to such other officer, departments, boards, or public bodies as have jurisdiction over the recommending, planning or constructing of the public works. A copy of the recommended program of public works shall be included in the annual report of the Planning Commission provided for in § 31.22.

(1981 Code, § 2.50, Subd. 12) (Ord. 181, eff. 11-30-1961)

LIBRARY BOARD**§ 31.45 ESTABLISHMENT OF LIBRARY.**

There is established a public library in the city pursuant to the provisions of M.S. §§ 134.07 to 134.15, both inclusive, as amended from time to time.

(1981 Code, § 2.51, Subd. 1) (Ord. 203, eff. 1-27-1966)

§ 31.46 LIBRARY BOARD.

The public library shall be under the jurisdiction of a Board of 7 directors, known as The Library Board of the City of East Grand Forks. M.S. §§ 134.07 to 134.15, both inclusive, as amended from time to time, shall govern the appointment of the Board members, their tenure in office, and their powers and duties.

(1981 Code, § 2.51, Subd. 2) (Ord. 203, eff. 1-27-1966; Am. Ord. 229, 3rd Series, passed 6-2-1998)

§ 31.47 FUNDING.

For the purpose of maintaining the library, the Council shall annually levy a tax upon all the taxable property of the city not exceeding 8 mills on the dollar. The proceeds of the tax, together with all other moneys received, for the library shall be paid into the City Treasury and credited to a special fund to be known as The Library Fund.

(1981 Code, § 2.51, Subd. 3) (Ord. 203, eff. 1-27-1966)

§ 31.48 ILLEGAL ACTS.

It shall be unlawful for any person willfully to commit any injury to any property of the public library or willfully to damage or mutilate any book or periodical belonging to the library or willfully to fail to return any book or periodical belonging to the library after the expiration of the time for which such book or periodical may be kept according to the rules and regulations duly adopted by the Board of the public library.

(1981 Code, § 2.51, Subd. 4) (Ord. 203, eff. 1-27-1966) Penalty, see § 10.99

SENIOR CITIZENS CENTER BOARD OF COMMISSIONERS**§ 31.60 ESTABLISHMENT.**

Pursuant to M.S. § 471.191, as amended from time to time, a recreational facility known as the East Grand Forks Senior Citizens Center is hereby established.

(1981 Code, § 2.55, Subd. 1) (Ord. 80, 3rd Series, eff. 1-16-1987)

§ 31.61 BOARD OF COMMISSIONERS.

The Senior Citizens Center shall be under the jurisdiction of a Board of Commissioners who shall serve without compensation. The Board of Commissioners shall consist of 7 members, all of whom shall be appointed by the Mayor with the approval of the Council. One of the Commissioners must be a member of the Council. Two of the 7 persons initially appointed as Commissioners shall be appointed for terms of 1 year, 2 of the 7 persons initially appointed as Commissioners shall be appointed for terms of 2 years, and the remaining 3 persons initially appointed as Commissioners shall be appointed for terms of 3 years. Thereafter, all Commissioners shall be appointed for terms of 3 years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. A vacancy is created on the Board of Commissioners when the Council member of the Board of Commissioners ends Council membership. A vacancy for this or any other reason must be filled for the balance of the unexpired term in the manner in which the original appointment was made. A Commissioner may be removed by the Mayor, with the approval of a majority of the Council, for cause after a hearing.

(1981 Code, § 2.55, Subd. 2) (Ord. 80, 3rd Series, eff. 1-16-1987)

§ 31.62 OFFICERS AND EMPLOYEES.

Immediately after appointment, the Board of Commissioners shall elect 1 of its members President and 1 of its members as Vice-President. The Board of Commissioners shall appoint a Secretary who need not be a member of the Commission, who shall be responsible for the records of the Commission,

and such other duties as the Commission may determine. The Board of Commissioners may hire a Director for the Senior Citizens Center, pursuant to M.S. Ch. 44, as it may be amended from time to time, or may enter into a contract with an individual or an agency willing to provide the services expected of a Director. The Director may also serve as the Secretary. The compensation paid to the Director shall be determined by the Board of Commissioners and shall be paid out of the Board of Commissioners' budget.

(1981 Code, § 2.55, Subd. 3) (Ord. 80, 3rd Series, eff. 1-16-1987)

§ 31.63 BY-LAWS.

The Board of Commissioners shall submit proposed by-laws to the Council for its consideration. The by-laws shall not take effect until approved by the Council. Thereafter, the Board of Commissioners shall amend its by-laws only with the Council approval.

(1981 Code, § 2.55, Subd. 4) (Ord. 80, 3rd Series, eff. 1-16-1987)

§ 31.64 FINANCIAL CONTROLS.

Expenses, charges and other expenditures authorized by the Board of Commissioners shall be presented to the City Administrator for payment from a separate fund designated as the Senior Citizens Fund. An annual budget for the Senior Citizens Fund shall be prepared by the Board of Commissioners and shall be presented to the City Administrator by August 15 of each year for the following year.

(1981 Code, § 2.55, Subd. 5) (Ord. 80, 3rd Series, eff. 1-16-1987)

CHAPTER 32: CITY POLICIES

Section

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- 32.02 Claims and disbursements
- 32.03 Facsimile signatures
- 32.04 City seal
- 32.05 Civil service system

§ 32.01 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 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 workers compensation entitlement.

(C) *Permittees and licensees*. No permit or license to engage in a business shall be issued by the city until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing a current certificate thereof or the permit to self-insure.

(1981 Code, § 2.08) (Ord. 112, 3rd Series, eff. 5-4-1990)

§ 32.02 CLAIMS AND DISBURSEMENTS.

(A) *Claims*. All claims shall be made in writing, itemized, contain a declaration by the claimant that it is a just and correct account and that no part of it has been paid, and be signed by the claimant. The claim shall be in proper form before it is considered by the Council. The form of declaration shall be such as is required by state law, and if no such requirement exists, then as adopted by the Council.

(B) *Waiver of claim.* The verified account may, if so directed by the Council, be waived if, on the reverse side of the check, above the space for endorsement by the payee, the following statement is printed.

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.

(C) *Time of filing claim.* In order to have his claim considered by the Council at a regular meeting, the claimant must have filed the same in proper form with the City Administrator at least 2 days prior to the time scheduled for the meeting.

(D) *Disbursements.* All disbursements shall be made by check signed by the proper officers after being duly authorized by the Council, and every such check 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 such fund. No claim against the city shall be allowed, except as otherwise provided in this title, unless accompanied by an itemized account and voucher, pay- roll or time sheet signed by a responsible officer 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.

(1981 Code, § 2.30)

(E) *Delegation of authority.* The city delegates its authority to pay certain claims against the city, with exception of litigation claims, to the City Administrator/Clerk-Treasurer; and, in his absence, to the Finance Director and to the Deputy Clerk-Treasurer. The city shall disburse payments on a regular basis to meet its obligations to vendors as part of the ongoing business of the city. The city is also authorized to make payments to meet its payroll obligations. The delegated payment authority will be reviewed monthly by the City Council and the City Administrator/Clerk-Treasurer shall provide to the City Council a report of all disbursements for each payment period at the next regularly scheduled Council meeting. Payment obligations to vendors must conform to the city purchasing policy as follows:

- (1) *Purchases under \$2,000.* Department heads may approve purchases under \$2,000.
- (2) *Purchases from \$2,000 to \$10,000.* Require signature of Administrator/Clerk-Treasurer.
- (3) *Purchases over \$10,000.* Require City Council approval.

(4) *Purchases between \$10,000 and \$100,000.* Require competitive quotes from at least 2 vendors and City Council approval.

(5) *Purchases over \$100,000.* Require competitive advertised bids and City Council approval.

(6) *Special assessment projects over \$50,000.* Local improvements projects financed in part or in whole by special assessments require advertised bids and City Council approval.

(7) Requests denied by the Administrator/Clerk-Treasurer can seek City Council approval to override.

(Ord. 307, 3rd Series, passed 1-20-2009)

§ 32.03 FACSIMILE SIGNATURES.

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

(1981 Code, § 2.31)

§ 32.04 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's seal. The seal shall be kept in the custody of the City Administrator and affixed by him. The official seal shall be in a circular form, have engraved thereupon THE CITY OF EAST GRAND FORKS and such other words, figures or emblems as the Council may, by resolution, designate.

(1981 Code, § 2.80)

§ 32.05 CIVIL SERVICE SYSTEM.

(A) *Establishment.* Subject to the approval of the voters, there is established for the city the Civil Service Personnel System authorized by M.S. Chapter 44, as it may be amended from time to time.

(B) *Classified service.* Every employee, as defined by M.S. Chapter 44, as it may be amended from time to time, shall be in the classified service except those excluded from the classified service by that law and the following employees, who are expressly excluded:

- (1) Assessor and assistants;
- (2) City Attorney;
- (3) Volunteer firefighters;
- (4) City physician and health officer;
- (5) Every employee hired by the day or week to perform unskilled or semi-skilled labor;
- (6) Seasonal employees hired for less than 6 months in any calendar year;

(7) Any person employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Council or any agency of the city.

(C) *Personnel Board.* There is created a Personnel Board for the city consisting of 3 members who shall be appointed by the Mayor with the consent of the Council. The provisions of M.S. Chapter 44, as it may be amended from time to time shall apply to the composition, terms, appointment, qualification and removal of members of the Personnel Board.

(D) *Powers and duties.* The Personnel Board shall have control and supervision over the employment, promotion, discharge and suspension of all employees in the classified service as provided in M.S. Chapter 44, as it may be amended from time to time.
(1981 Code, § 2.52) (Ord. 152, eff. 11-6-1956)

CHAPTER 33: FINANCE AND TAXATION

Section

- 33.01 Revenue from sanitary sewerage service
- 33.02 Lodging tax

§ 33.01 REVENUE FROM SANITARY SEWERAGE SERVICE.

The revenue received from the charges and rates for the sanitary sewerage service shall be paid into a separate fund and used, first, to meet costs of operating and maintaining the sewerage service facilities, including maintenance equipment. When these costs are met and paid, the remaining balance shall be applied to pay capital charges represented by bonds and the interest thereon and to the reasonable requirements for replacements or obsolescence.

(1981 Code, § 2.84) (Ord. 170, eff. 5-23-1959)

§ 33.02 LODGING TAX.

(A) The city imposes a tax of 3% on the gross receipts from the furnishing for consideration of lodging at a motel, hotel, tourist court or other use of space by a transient within the city, other than the renting or leasing of such space for a continuous period of 30 days or more.

(B) The tax authorized herewith shall be the personal obligation of the operator of any such motel, hotel, or other space used by a transient and shall constitute a debt owed to the city by the operator extinguishable only by payment to the city. The operator is defined to be the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, licensee, or any other capacity.

(C) The tax shall be collected by the operator at the time the payment for the lodging is made and shall be remitted to the city on or before the twenty-fifth day of the month following the month within which the tax is collected.

(D) The City Administrator is herewith authorized to establish administrative regulations to effect the collection of the tax and any interest and penalties thereon.

(E) Any operator failing to make payment by the twenty-fifth day of the month as specified in division (C) of this section shall be required to pay a penalty of 5% of the tax amount remaining unpaid, and thereafter an additional penalty of 10% if the tax is not paid within 30 days thereafter; in addition, interest at the rate of 8% per annum shall be paid in addition to such penalties on the amount of tax remaining unpaid until the tax shall have been paid in full. The City Attorney is authorized to commence such legal action as is necessary to collect all taxes, interest, and penalties due hereunder.
(Ord. 99, 3rd Series, eff. 8-1-1989)

(F) The Council may, by resolution, designate the recipient of 95% of the gross proceeds derived from the tax imposed by this section, with the balance of the gross proceeds to be used to provide reimbursement for administrative costs of collection and administration of the tax by the city.
(Ord. 122, 3rd Series, eff. 10-12-1990)

(G) This section shall be effective August 1, 1989, for all lodging furnished after 12:01 a.m. on such date.
(Ord. 99, 3rd Series, eff. 8-1-1989)
(1981 Code, § 5.63) (Am. Ord. 156, 3rd Series, passed 5-26-1993; Am. Ord. 266, 3rd Series, passed 1-7-2003)

CHAPTER 34: EMERGENCY MANAGEMENT

Section

- 34.01 Policy and purpose
- 34.02 Definitions
- 34.03 Establishment of emergency management organization
- 34.04 Powers and duties of Director
- 34.05 Local emergencies
- 34.06 Emergency regulations
- 34.07 Emergency management a government function
- 34.08 Participation in labor disputes or politics

- 34.99 Penalty

§ 34.01 POLICY AND PURPOSE.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters.

(B) To provide for the exercise of necessary powers during emergencies and disasters.

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 34.02 DEFINITIONS.

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

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. Emergency management includes those activities sometimes referred to as ***CIVIL DEFENSE*** functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 34.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City

Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Council.

§ 34.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 34.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of 3 days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 34.99

§ 34.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance,

and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Administrator's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 34.99

§ 34.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 34.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

§ 34.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.