

CITY OF STILLWATER, MINNESOTA



Council & Boards/Commissions Handbook

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City Administrator
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Stillwater's Mission and Values

The City of Stillwater is committed to ensure the community has a healthy future and to provide services customers have come to expect. The City of Stillwater will strive to effectively and efficiently develop and strengthen assets that contribute to a City that is a great place to live, work and play.

Mission Statement

To provide the community with a quality living environment, quality public services and facilities while protecting cultural, historical and natural resources through fair and open government, careful planning, effective management and efficient fiscal policy.

Core Values

Respect

Honor the diverse contributions of all to the betterment of the organization and community; treat all parties equitably.

Integrity

Ethical and principled approach dealing with issues, individuals and community; Earns others' trust and respect through consistent honesty and professionalism in all interactions.

Trust

Truthful, open and accountable in all interactions.

Quality

Excellence, pride and stewardship in delivery of best possible customer service with effective and efficient outcomes.

Competence

Strives for continuous improvement in self, community assets and management of resources.

Chapter 1: Overview and Resources

Introduction

Welcome to the Stillwater City Council. Stillwater City Council members are one of a five-member board of a public entity with a budget of \$41 million (2020 – all funds). Council members jointly establish community policies, adopt annual budgets and provide community leadership.

The City Council handbook is offered as a resource to City Council and Boards/Commissions members to provide information about opportunities and topics related to their role in local government. In addition to information found in this handbook, Council members are encouraged to work with the City Administrator for additional guidance and input. The City Administrator can be reached at tmccarty@ci.stillwater.mn.us or 651-430-8800.

Resources

The following publications are available online on the City's website at www.ci.stillwater.mn.us or in the City Administrator's office:

Stillwater City Charter – www.ci.stillwater.mn.us/city-government/city-code

Stillwater is a charter city, as authorized by Minnesota Statutes Chapter 410 (available online at www.revisor.mn.gov/statutes/?id=410). Stillwater's city charter is the city's constitution approved by citizens that establishes the city's form of government. Through charters, citizens design their city's form of government. The charter commission is responsible for maintaining a responsive and efficient charter. The Chief Judge of District Court appoints Charter Commission members, who meet periodically to review the City Charter, discuss issues affecting the Charter and make recommendations to the City Council and the public for changes to the Charter.

Stillwater City Code – www.ci.stillwater.mn.us/city-government/city-code

The City Code is a collection of ordinances that establishes city of Stillwater laws and regulations. Examples of topics covered within the City Code include, but are not limited to: City Charter, City administration, roles of officers, departments, mayor and Council member salaries, roles and responsibilities of various boards/commissions within the City organization, licensing requirements and regulations, public safety, planning and zoning, and City financing.

League of Minnesota Cities (LMC) – www.lmc.org

The League of Minnesota Cities is a membership organization dedicated to promoting excellence in local government. LMC serves its more than 800 member cities through advocacy, education and training, policy development, risk management, and other services.

LMC provides information, education and training to elected officials and staff. LMC has an annual conference that provides an opportunity to connect with other member cities to learn how they have handled opportunities and issues. LMC provides legislative updates on the upcoming State Legislative session and the implication of any new legislation. They hold a risk management seminar every year and other seminars and sessions as needed. If resources exist and personal schedules allow, Council members are encouraged to attend LMC's local, state and national conferences.

League of Minnesota Cities provides information about Council member roles and responsibilities, laws regulating Council action and special Council requirements. LMC is committed to helping members build quality communities through effective advocacy, expert analysis, trusted guidance and collective action.

Minnesota State Law – www.revisor.mn.gov/pubs/

Minnesota state law establishes many rules and regulations for Minnesota cities.

National League of Cities (NLC) – www.nlc.org/

The National League of Cities advocates and promotes cities and towns, provides programs and services, keeps leaders informed of critical issues, strengthens leadership skills by offering numerous training and education programs, recognizes municipal achievements, partners with state leagues and provides opportunities for involvement and networking. This organization has an annual conference (in Washington D.C. in the spring and a fall conference in various locations) that focuses on lobbying and federal issues that impact cities and information about national policies.

Other

A number of professional associations and private firms provide training on a variety of City-related topics. More information is available from the City Administrator. Contact staff at 651-430-8800.

Chapter 2: Form of Government

Council-Manager (Administrator) Plan

Stillwater's City Charter established the Council-Administrator plan as the City's form of government. The form of city government became popular at the turn of the century as part of the movement to reform and remove corruption from city organizations.

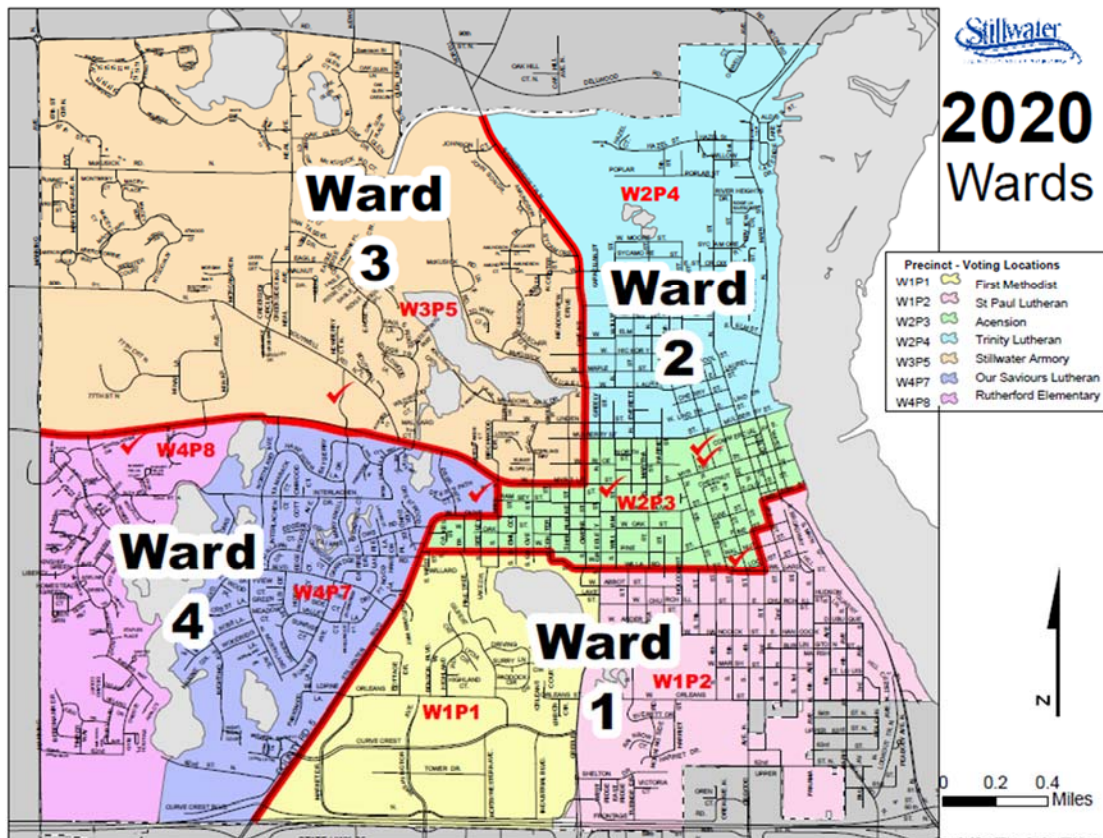
The Council-administrator plan combines the political leadership of elected officials with the administrative management experience of an appointed official. The Council is the policy making and legislative body; and the City Administrator is responsible for administration of the City.

Discretionary powers of the City are vested in and executed by the City Council and are subject to initiatives and referendums powers of the people. The City Council oversees City departments, but exercises this power through the City Administrator. The City Administrator is responsible for day-to-day City operations and is directly responsible to the City Council.

Mayor and Council

Stillwater has the weak mayor-Council plan, which is the most predominant form of city organization and is used by 74 of the 107 home rule charter cities in Minnesota. Under this plan, administrative and legislative authority is the Council's ultimate responsibility. The powers of the Mayor are generally no greater (or less) than those of any other member of the Council. No individual member of Council holds any specific administrative powers.

The City Council is composed of a Mayor and four Council members. The Mayor is elected at large (city wide) and the remaining four are elected from each of the City's four Wards. Council members must reside in the Ward that they represent.



Council member terms

All Council member terms are four years. Terms are staggered. Terms expire on the first Monday in January after the November election. The number of terms a Council member may be elected to serve is unlimited.

Candidates may file for election or reelection in the even numbered years. If, at any time, the Mayor or Council member is unable to complete a term, the vacancy is filled pursuant to Section 3.03 of the Stillwater City Charter and Minnesota Election Law.

Sources of City Authority

The U.S. Constitution does not mention cities. However, cities are influenced by the federal government indirectly through state governments and directly through participation in federal funding of programs.

Minnesota State Constitution authorizes the Minnesota Legislature to provide for the “creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries thereof” (Minnesota constitution Article XII, Section 3, available online at www.revisor.mn.gov/constitution/). The Legislature provides general formation of cities; more specific details are included in the City’s Charter and Code. Additional City powers may be broadened or restricted by State Statute. The Legislature does provide cities some discretion over policy areas as long as it is consistent with State Statutes.

Chapter 3: City Council

The City Council means a Mayor and four Council members. Each must be eligible to vote in Minnesota, registered to vote in the City and a resident of the City. Council members must live within the Ward they represent when elected and continue to reside there during their term unless boundaries change.

Each person on the Council, including the Mayor, has one vote.

Mayor

The Mayor serves as chair at Council meetings. If the Mayor cannot participate at a meeting, the Vice Mayor assumes the Mayor's duties as the Mayor pro tem. The Mayor is recognized as the head of City government for ceremonial purposes (examples: open houses, ribbon cuttings, citizen certificate presentations).

City Council

All City powers are vested in the City Council, except as otherwise specified by law or the Stillwater City Charter. The Council ensures all obligations and duties imposed on the City by law are implemented. Since the City Council exercises its authority or takes action as one body, individual members of Council cannot act on behalf of the City.

The City Council is also the organization's legislative body. Council members approve the tax rate, adopt the budget and set the City's vision. The Council provides leadership for the community by identifying issues or opportunities and then implementing goals and strategies to solve issues. Council members focus on City policies, the City vision, ordinances and intergovernmental affairs. Some examples: land use development, comprehensive planning, capital improvement projects and strategic planning. The City Council gives the City Administrator the authority to implement policy through direction of operations and execution of strategic plans.

Since the City Administrator is responsible for the City's administrative duties, Council members should work with the City Administrator about items related to City employees, inquiries or other City topics. City staff executes Council policy and actions and provides information to keep the Council informed. The City Administrator and department directors provide staff direction and guidance through the chain of command.

Stay informed and involved

A key to success is to know the roles of the City Council and City staff. Council members receive a lot of information from a variety of sources. To be better prepared, it's recommended that Council members learn about current issues, past issues, legislation and any other information which can be helpful to them. Opportunities to learn about the Council and the City:

- ◆ Attend Council meetings;
- ◆ Watch Council meetings on public access television Valley Access Channels – Channel 16 or view meeting videos online at www.ci.stillwater.mn.us/city-government/meeting-agendas-minutes-and-material/meeting-videos
- ◆ Participate in City functions and events outside of regular City Council meetings and work sessions.

TIP

Some Council members have found it useful to dedicate a specific area in their home to keep city information.

Chapter 4: Council Meetings

General

The Council decides public meeting times and places. Currently, the Council meets the first Tuesday and third Tuesday of the month. Council's regular meeting on the first Tuesday of the month will begin at 4:30 p.m. and recess no later than 6:00 p.m. and reconvene at 7:00 p.m. Council's regular meeting on the third Tuesday of the month will begin at 7:00 p.m. Additional special session meetings are prearranged and scheduled with notices posted and emailed.

Meetings are held on the second floor (4th Street Entrance) of the City Hall, 216 4th Street N. At the 2nd meeting in December, the City Clerk presents a calendar of meetings for the next year for approval. All meetings are held in compliance with Minnesota's open meeting law. All regular and special meeting dates and times are posted in City Hall on the bulletin board in the lobby of the 2nd floor and on the front page of the City's website <http://www.ci.stillwater.mn.us>

All regular and special Council meetings are webcast and videotaped and broadcasted on public access television [VACTV—local government channel 16].

The Council may decide its own rules and order of business for its meetings. The permanent record of the meetings are the written minutes once they are approved by the Council. The minutes are available to the public and can be found online on the City's website.

Quorum

When holding City Council meetings, the Council needs a quorum (majority) to legally conduct business. At least three City Council members constitute a quorum. Boards/Commissions quorums depend on the number of people on the Board/Commission.

Types of meetings

Align with Minnesota open meeting law

The City Council and any committee, subcommittee, Board/Commission are subject to the Minnesota open meeting law that requires that meetings of governmental bodies generally be open to the public. Communication among three (3) or more Council, or Board/Commission members, should take place at an open meeting.

Council and committee members should generally act with caution when communicating face-to-face or through written or electronic correspondence with each other. If a Council member wishes to share information with other members, do so through the City Administrator. Materials relating to agenda items for City business (including email) must be provided to the public at the meeting.

Regular meetings

The Stillwater City Council generally convenes twice each month. At the first meeting of the year, the Council:

- ◆ designates an official newspaper;
- ◆ designates depositories;
- ◆ designates a responsible authority and assigns duties in accordance with the State of Minnesota data practices statute;
- ◆ designates Vice Mayor
- ◆ designates Council representatives to various boards/commissions; and
- ◆ works on other organizational business as deemed necessary.

Agenda

The Council packet contains an agenda with information about each agenda item. Packets are available to the public online on the City's website, through an email distribution list and to the Council via Drop Box by 4:30 p.m. the Friday prior to each Tuesday Council meeting.

Council members wishing to discuss an item at a work session or request action on an item at a Council meeting should request the City Administrator place the item on the agenda. A brief report about a meeting or event can be done by Council members at a meeting without prior notice.

Special meetings

A special meeting of the Council refers to any meeting at a time or place different from that stated in the Council's schedule of regular meetings. The Council may transact any business within its powers at a special meeting. The Council should, however, only transact business for which notice has been provided in the special-meeting notice. All statutory provisions governing regular meetings, including the open meeting law, apply to special meetings.

Any special meeting must conform to Minnesota's open meeting law. Council members are notified of special meetings at least one day prior to the meeting. Written notices are posted at least three days before a special meeting. Those who have filed a written request of notice for special meetings are also notified.

Closed meetings

The Stillwater City Council **may** meet in a closed meeting:

- ◆ to consider strategies for labor negotiations under the Public Employer Labor Relations Association;
- ◆ to evaluate the performance of an individual the Council has authority over (i.e., City Administrator);
- ◆ attorney-client privilege;
- ◆ purchase or sale of property;
- ◆ security briefings.

Meetings **must** be closed when:

- ◆ preliminary consideration of allegations or charges against an individual the Council has authority over (i.e., City Administrator);
- ◆ portions of meetings that include:
 - data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data;
 - educational data, health data, medical data, welfare data or mental health data that are not public;
 - an individual's medical records governed by certain sections of Minnesota law.

Before a meeting can be closed, the Council must state on the record specific grounds and statute for permitting the meeting closed and describe the subject to be discussed. All closed meetings (except those closed as permitted by the attorney-client privilege) must be electronically recorded at the public body's expense. Unless otherwise provided by law, recordings must be preserved for at least three years after the meeting date.

If a closed meeting is to evaluate an individual's performance, this individual's name must be announced prior to closing the meeting. If this individual requests an open meeting, advance notice must be provided so they can make an informed decision about opening the meeting to the public.

Emergency meetings

The City Council has the statutory authority to call emergency meetings, which require immediate Council consideration. For example, a meeting may be called if there is a state of emergency, such as a natural disaster, to declare a local emergency. When emergency meetings are held, the Council (through the City Administrator) must notify the media and public.

Meeting procedures - See Appendix I.

Chapter 5: Advisory Boards/Commissions

Overview

The City of Stillwater has permanent advisory Boards/Commissions, committees and temporary advisory groups and task forces formed for a specific task and then dissolved, that the public serve on.

Some Boards/Commissions and committees are created by ordinance or resolution, policy or state statute. The City has several Boards/Commissions comprising of volunteers who serve in an advisory capacity to the Council. The size of the Boards/Commissions determines the number of members required for a quorum (i.e. seven member commissions the quorum is four (4) members).

Volunteer appointments

More than 65 community volunteers serve in an advisory capacity on City Boards/Commissions (permanent and temporary) designed to advise the Council on its decision making process. Members are recommended by the Chair and Council Representative of the Board/Commission and are appointed by the City Council.

Representation by Council members

City Council members may also be appointed as a liaison to a committee or assigned to a task force to facilitate communication and interaction between the Council, internal advisory bodies and other governmental and non-profit organizations. A liaison enhances communication between the City Council and other organizations. Liaison members serve only for communication purposes and do not have any authority to vote, unless specifically designated by Ordinance.

Membership appointment to boards/commissions, committees, or task forces is made by City Council consensus. If more than one Council member wants to serve as a member of a particular outside group, the appointment is made by a majority vote of the Council. The City Council appoints representatives to boards/commissions, committees and tasks forces at the first Council meeting of the year or on an as-needed or as-requested basis.

Where applicable, the City Council appoints an alternate to attend outside boards/commissions or committees to attend a meeting if the main delegate is unable to do so. If after hours, the main delegate should notify the alternate as soon as possible. If during regular business hours, notify the City Administrator so staff can assist with notifying the alternate.

Council members participating in policy discussions at regional meetings represent the Council's consensus.

Staff support

Staff support is done in response to requests from the City Council or Boards/Commissions as a whole.

The City Administrator's office provides administrative support to City Council members. If requested tasks require significant time commitments, please consult with the City Administrator for support to complete these tasks.

Requests for information, service-related needs or policy positions should be considered as an item for the City Council meeting agenda. Staff will complete work within a Council-established timeline if directed by Council action. To request support, contact the City Administrator or City Clerk at 651-430-8800.

Council or Board/Commission members may receive meeting materials at meetings or other methods (i.e. Drop Box, email, etc.) that would be included in public packet.

Staff relationship to advisory bodies

The City Administrator or Department Heads assign and direct staff to assist advisory bodies and ensure appropriate compliance with state and local laws and regulations. Advisory Boards/Commissions and task forces as a whole may request staff to conduct certain work and such requests are reviewed in conjunction with the department’s workload.

Board/Commission members are only responsible for the subject matter of their specific advisory group. The chairperson is responsible for Board/Commission compliance with City Code and/or bylaws.

Boards/Commissions minutes














The permanent record of the meetings are the written minutes once they are approved by the Board/Commission. The minutes are available to the public and can be found online through the City’s website.

Boards/Commissions

Boards/Commissions are advisory bodies to the City Council. They make recommendations to the City Council through adopted Council agenda procedures. When an advisory body wishes to correspond with an outside agency (i.e. Washington County etc.), the City Council needs to review and approve the communication. Volunteers commit to serve a specified term of service (listed below). Board/Commission members can serve a maximum of three (3) terms. Some Boards/Commissions have exceptions for longer terms due to vacancies. The Library Board of Trustees must follow Minnesota Statutes on three (3) term limits, no exceptions.

Boards/Commissions established by ordinance are included in the Stillwater City Code.

Sample Month						
SEPTEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7*	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

	City Council (7 pm; *4:30 & 7 pm; **3:30 & 7 pm)
	Charter Commission (7 pm)
	Downtown Parking Commission (8:30 am)
	Heritage Preservation Commission (7 pm)
	Holiday-Office Closed (*1/2 day closed at noon)
	Human Rights Commission (7 pm)
	Jt Cable Comm (6 pm, 1492 Frontage Rd W)
	Library Board of Trustees (7 pm, 224 3rd St N)
	Night to Unite (5 pm - 8 pm)
	Parks & Recreation Commission (7 pm)
	Planning Commission (7 pm)
	Traffic Safety Review Commission (5:30 pm)
	Utilities Commission (8 am)

The following are very brief descriptions of each of the City of Stillwater Boards/Commissions, and Committees. All members of the City’s Boards/Commissions must be a resident of the City of Stillwater (except for Downtown Parking Commission). It does not encompass the full scope of their tasks and work. If you have specific questions, ask your City Clerk or staff member working with the advisory group for a more in-depth description of the Boards/Commissions. Meeting location is City Hall unless otherwise noted.

Charter Commission

The Charter Commission is organized by Minnesota Statutes, Chapter 410. Its purpose is to study the local charter and city government and recommend changes, when appropriate. The

Charter Commission consists of nine (9) members who serve for a period of four (4) years. It meets the 3rd Monday of the month, three or more times per year, at 7 p.m. The members are not appointed by the City Council, but rather appointed by the Chief Judge of District Court.

Downtown Parking Commission

The Downtown Parking Commission (DTPC) is organized by Resolution No. 92-249, and amended by Resolution Nos. 2008-36, 2009-95 and 2017-096. Its purpose is to oversee the development and implementation of the Downtown Parking Plan, including planning for long-range parking lot improvements and day-to-day regulation of public parking spaces. The DTPC consists of seven (7) members who may be downtown business owners, building owners or residents of the City and serve for a period of three (3) years. It meets on the 3rd Thursday of the month at 8:30 a.m.

Heritage Preservation Commission

The Heritage Preservation Commission (HPC) is organized by City Code, Chapter 22-7, and fulfills the City's requirement as a Certified Local Government. Its purpose is to safeguard the heritage of the City by working toward the preservation of historical sites and structures. The HPC consists of seven (7) members, who serve for a period of three (3) years. It meets on the 3rd Wednesday of the month at 7 p.m.

Human Rights Commission

The Human Rights Commission (HRC) is organized by City Code, Chapter 25. Its purpose is to aid and advise the City Council in ensuring equal opportunity for all citizens in those areas protected by law and in other related concerns. The HRC is composed of seven (7) members, who serve for a period of three (3) years. It meets the last Wednesday of the month at 7 p.m.

Joint Cable Commission

The Joint Cable Commission was created by the Joint Powers Agreement, dated 02/01/1982, as amended. Its purpose is to administer the cable communication franchise ordinance. There are two (2) primary members and one (1) alternate member from each municipality (Bayport, Oak Park Heights, and Stillwater). At least one (1) primary member must be an elected official. Members serve two (2) year terms. The Joint Cable Commission meets quarterly on the 3rd Monday of the month at 6 p.m., Valley Access Channels, 1492 Frontage Rd. West, Stillwater.

Joint Board

The Joint Board was created by the Orderly Annexation Agreement with Stillwater Township. The Mayor and Council member of Ward 3 are designated as representatives for the City. The Joint Planning Commission meet on an as-needed basis when the proposed development or project affects Stillwater Township.

Library Board of Trustees

The Library Board is organized by City Charter, Chapter 1, Article XIV. Its purpose is to operate and maintain the Stillwater Public Library and the expenditures of all library funds. The Library Board consists of nine (9) members, who serve for a period of three (3) years, and are limited to three (3) consecutive terms by Minnesota Statute. It meets on the 2nd Tuesday of the month at 7:00 p.m. at the Stillwater Library, 224 3rd St N.

Parks and Recreation Commission

The Parks and Recreation Commission is organized by City Code, Chapter 48. Its purpose is to

advise the City Council and other advisory commissions regarding matters relevant to parks, open spaces, and recreation functions, including development and management of City parks, trails and playgrounds. The commission consists of seven (7) members, who serve for a period of three (3) years. It meets on the 4th Monday of the month at 7 p.m.

Planning Commission

The Planning Commission is organized by City Code, Chapter 22-05. Its purpose is to act as the City's planning agency pursuant to the Comprehensive Plan as a pattern and guide for the physical, economic and social development of the City, as well as the review of requests for variances, special and conditional use permits, subdivisions requests and general project review. The commission consists of seven (7) members, who serve for a period of three (3) years. The Council representative is a voting member. The commission meets on the 4th Wednesday of the month at 7 p.m.

Traffic Safety Review Committee

The Traffic Safety Review Committee is organized by Resolution. Its purpose is to review requests for modifications to traffic control signage, pedestrian safety, and traffic calming. The Traffic Safety Review Committee consists of ten (10) members, which include five (5) residents, two (2) members from Engineering/Public Works Department, two (2) from Police Department and one (1) from Fire Department (if needed). The members serve for a period of three (3) years. It meets quarterly (March, June, September, December) on the 2nd Tuesday of the month at 5:30 p.m.

Utilities Commission

The Utilities Commission is organized by City Code, Chapter 34. Its purpose is to aid and make recommendations to the city council on the city's public water system and the public sanitary sewer system, while promoting conservation and responsible management of resources. The commission consists of five (5) members who serve for a period of three (3) years. It meets on the 2nd Thursday of the month at 8 a.m.

Task forces and advisory committees

A task force or advisory committee is established by the City Council to address a specific issue. Once the issue has been addressed, the task force is usually disbanded or becomes inactive until it may be needed.

Committees or other associations

The City of Stillwater may belong to other organizations that serve various governments. As a member of the organization, the City of Stillwater can share in the benefit and services available. By working cooperatively with other governments, the City can have a voice in issues affecting the City of Stillwater and surrounding region.

Metro Cities

Metro Cities mission is to advance the shared interests of all metropolitan cities at the Executive Branch, Legislature and Metropolitan Council with a vision of an economically strong and vibrant metropolitan region that promotes successful communities. Metro Cities primary objective is to be an effective voice for metropolitan cities at the Legislature and Metropolitan Council, so as to influence state legislation affecting metro area cities, and regional policies that accommodate the needs of metro area cities.

Chapter 6: Open Meeting Law and Data Practices

Open Meeting Law

With only a few exceptions, City Council and Boards/Commissions meetings, including committees, subcommittees, and meetings are open to the public. The open meeting law ensures the public are fully informed about decisions made by elected officials and also ensures the public's right to participate in City Council or Boards/Commissions actions. More information about the open meeting law is available through the Minnesota House of Representatives at: www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf.

Whenever the Council or Boards/Commissions meets the following information should be available to the public: date, time and location.

The public should be able to:

- ◆ watch the meeting and be present;
- ◆ see how members vote on issues;
- ◆ receive printed information the Council or Board/Commission has at the meeting;
- ◆ have a summary of minutes to be approved.

Any scheduled gathering of the City Council, Boards/Commissions or committee must give proper notice and be open to the public. Chance meetings and social gatherings are excluded; however, Council members cannot discuss or receive information on official business in private social settings.

There are few exceptions to the open meeting law and specific requirements regarding notice and subject of closed meetings. Strict adherence to these requirements is necessary to avoid violating the statute. The City Attorney should be consulted when the Council is considering conducting a closed meeting.

Council and Board/Commission members who intentionally violate the provisions of the open meeting law are subject to personal liability up to \$300 in civil penalties per single occurrence. Government entities are prohibited from paying these penalties for Council and Board/Commission members. If a Council or Board/Commission member has three or more intentional violations, the result is forfeiture of the right to serve on the City Council or Board/Commission.

Minnesota Government Data Practices Act

Minnesota's Data Practices Act gives public access to City records and data to balance the public's right to know with respect for individuals' privacy. The Act presumes that government data are public and accessible for inspection and copying unless a federal law, state statute, or temporary classification of data notes otherwise. Since there are significant penalties for willfully releasing private and confidential data, Council members should consult the City Administrator or City Clerk when there are questions about what information is public and private.

In addition, a city that violates any provision of the Data Practices Act is liable for any damage as a result of the violation. The person damaged may bring action against the city to cover damages, plus costs and reasonable attorney fees.

More information about the Minnesota Government Data Practices Act is available through the Minnesota House of Representatives: www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf

The LMC also provides helpful information about data practices on their website.

Data is classified into categories to define confidentiality. These categories assist the city in deciding whether data can be released and to whom.

Public record

Communications (electronic or written) involving City Council members and members of advisory Boards and Commissions are public records (with a few exceptions as stated by the Minnesota Government Data Practices Act).

Communications not considered public record may still be public information (i.e., email, text messages). Those interested in copies of these items must file a public disclosure request. Requests for private data or information outside the scope of a Council member or Board/Commission member's role should be routed to the City Administrator for assistance.

Elected and appointed officials - financial disclosures are required by Minnesota Statute and City Charter 5.12 and is classified as public data on individuals.

Personnel data

Some personnel data of City employment applications, present and past employees, members of advisory boards and commissions, volunteers and independent contractors is public. Personnel public data:

- ◆ name
- ◆ salary
- ◆ contract fees
- ◆ pension
- ◆ fringe benefits
- ◆ expense reimbursements
- ◆ job title and job description
- ◆ education, training and previous work experience
- ◆ terms of any administrative or judicial agreement
- ◆ work location and work telephone number
- ◆ time records
- ◆ date of first and last employment existence and status of any complaints or charges against an employee

Note: Actual complaint circumstances are not public, whether or not the charge or complaint resulted in disciplinary action. The final disposition of any disciplinary action, with the reasons the action was necessary, and information documenting those reasons are public when final disposition is made. Final disposition also includes resignation when the resignation occurs after the final decision of the City or arbitrator.

The following is public and refers to former or current applicants for either employment or appointment to an advisory board.

- ◆ veteran status
- ◆ relevant test scores
- ◆ rank on eligibility list
- ◆ education, training and work availability

Private record

Examples:

- ◆ **Applicants for City positions:** names are private except when certified as eligible for employment and considered a finalist. A finalist is someone called in for additional interviews, but has not been chosen for the position.
- ◆ **Appraisal data:** confidential until released or until the property is sold.
- ◆ **Arrest data, response data and investigative data:** classified as public information once the investigation is closed and charges are filed.
- ◆ **Elected officials correspondence:** the Minnesota Government Data Practices Act states that correspondence between individuals and elected officials is private; however, it can be made public by the sender or recipient.
- ◆ **Property complaints:** complaints to the City of Stillwater that are ordinance violations are confidential data. For example, if a neighbor reports another neighbor is in violation of an ordinance, the name of the complainant cannot be disclosed.

Chapter 7: Code of Conduct

The Mayor, Council, Board and Commission members are dedicated to promoting values and integrity of local government and democracy and committed to governing efficiently and effectively. After taking an oath of office as a City Council or Board/Commission member, the member agrees to conduct themselves in accordance with the following code of conduct:

- ◆ The professional and personal conduct of Council and Board/Commission members must be above reproach and avoid the appearance of impropriety. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, the Board or Commission, staff or the public intended to disrupt and not further the City's business.
- ◆ Council and Board/Commission members shall abide by applicable state laws, City ordinances and other doctrines relating to conduct of a Council member, Board and Commission members, including, but not limited to: conflict of interest, data practices and the open meeting law.
- ◆ Council and Board/Commission members maintain the confidentiality of information concerning property, personnel or legal affairs of the City. They shall neither disclose confidential information, without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- ◆ A Council and Board/Commission member does not use the official position to secure special privileges or exemptions for themselves or others.
- ◆ Each Council and Board/Commission member support the maintenance of a positive and constructive work place environment for City staff, private citizens and businesses dealing with the City, Council, and Boards and Commissions. All members will recognize their roles, as delineated in the City Charter, City Code and Minnesota Statutes and in individual dealings with City staff.
- ◆ No Council or Board and Commission member shall, except as specifically permitted by Minnesota statutes, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence the member in the performance of the member's official duties or intended as a reward for the member's official actions.
- ◆ Council or Board and Commission members shall comply with the letter and spirit of the Council's meeting expectations, remain impartial in other members judgement and actions and refraining from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council or Board/Commission.
- ◆ Council and Board/Commission members will not testify in their capacity as a Council member or Board and Commission member, before any other board, commission, administrative officer or agent of the federal government, the state of Minnesota or of any county or other municipal corporation, including cities, except as provided. Exceptions to the policy:
 - if the member is testifying in such capacity pursuant to a lawfully issued subpoena;
 - in the event the Council has designated the member or members to act as a spokesperson for the Council or Board/Commission as a whole, to explain the majority vote or Council's or Board or Commission's position;

- ◆ If speaking as an individual citizen, it is important to share that it is your perspective being presented and not on behalf of the City, or the Council or Board/Commission. In addition, members must refrain from testifying orally or in writing as to any quasi-judicial matter being heard, or having the possibility of being heard by the Council.

Conflict of interest

Generally, state law prohibits public officers from having a personal financial interest in a sale, lease, or contract they are authorized to make in their official capacity. A “public officer” would include a Mayor, Council member, or Board and Commission member or City staff.

City Charter 5.12 also addresses Conflict of Interest and the requirement for financial disclosures of City officials.

An interested officer should disclose his or her interest at the earliest stage and abstain from voting or deliberating on any contract in which he or she has an interest. There are some exceptions to the general prohibition on contracting with City officials defined in state law. When the exceptions are used, generally the contract must be approved by unanimous vote of the Council. To help determine if a conflict exists consider the:

- ◆ nature of the decision being made;
- ◆ nature of the financial interest;
- ◆ effect of the individual interest on the outcome of the decision by the Council.

Another conflict of interest situation may occur when the official’s own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter. Some common areas are planning and zoning issues, public improvements, special assessments, licenses, land purchases and vacation of streets. Some other areas are church memberships, family associations and club memberships.

There are detailed procedures that must be followed to use any exception to the conflict of interest law. Any questions regarding a conflict of interest should be addressed with the City Administrator and City Attorney.

The City Attorney would provide an opinion and any procedures to follow. LMC has more information on Conflict of Interest on their website.

City Charter – Conflict of Interest & Financial Disclosure – Chapter 1, Sec. 5.12 is available on the City’s website.

Incompatible offices

Generally, individuals in elected office are prohibited from holding incompatible offices. The City Attorney should be consulted on concerns about elected officials holding two separate offices. Stillwater City Council members cannot hold any other City office or City employment during tenure as a Council member. A former member of the City Council cannot be employed by the City until one year after the term they were elected for has expired.

Gifts

State law defines a “gift” as money, property (real or personal), a service, a loan, the forbearance or forgiveness of debt, or a promise of future employment, given and received without the giver receiving something of equal or greater value in return.

Elected and appointed “local officials” generally may not receive a gift from any “interested persons.”

A “local official” represents any elected or appointed official of a City, or of an agency, authority, or instrumentality, including members of a Board/Commission. The gift prohibition clearly applies to the members of the City Council. However, the law does not further define the term “local official,” making it unclear if the law intends to cover all city employees, or just certain high-level employees (such as city managers or administrators) and other appointed officials. This is also addressed in the City’s Charter 5.12.

Since so many individuals can get involved in the decision-making process, trying to distinguish between city “employees” and “officials” becomes quite difficult. As a result, the safest course of action is to assume the law applies to City Council, Board/Commission members, employees, regardless of title or job responsibilities.

Some commonly encountered exceptions to the gift law include lawful campaign contributions and food or beverages given at a reception, meal, or meeting the official has been invited to attend. If there is ever any question about accepting or declining a gift, the best option may be to decline.

Liabilities

The City of Stillwater carries personal liability insurance policies on elected officials, appointed officials, employees and officers. The City defends a person who is performing job duties and is not guilty of malfeasance in office, willfully neglecting their duties or acting in bad faith.

Ethical leadership

Ethical leadership of Council, Board/Commission members, and employees is vital to the functioning of the city and to maintain the public’s trust and confidence in the city and democratic process.

Key traits of ethical leaders

- ◆ ***Recognize that ethical questions may be complex.*** As a result, they are willing to seek and accept the advice of knowledgeable officials such as the City Administrator, City Attorney or City staff.
- ◆ ***Understand that ethical conflicts are inevitable and should be dealt with forthrightly.*** Elected and appointed officials are human and citizens of their community. On occasion, it is expected that they will have needs or roles in their private lives that conflict with public office obligations. Ethical officials are open about potential conflicts of interest and follow applicable rules for disclosing and dealing with the conflict (such as refraining from discussion and voting on a particular issue) to avoid even the appearance of impropriety.
- ◆ ***Driven by fairness.*** The most ethical Council and Board/Commission members recognize that many City decisions will have an adverse, as well as positive outcomes and they, therefore, strive to make the best decision as defined by its ultimate fairness to all concerned. This often means making impartial decisions on the merits of the issues alone, while

disregarding personal allegiances. It can also mean taking into account interests of citizens who are not present or who have not otherwise commented, but who are nonetheless affected by a decision. Ethical officials try to make decisions in the best interest of all in the community, not just those who show up at a meeting or protest the loudest.

- ◆ ***Know the importance of conscientious and ethical government as a value in itself.*** Ethical Council and Board/Commission members do not use their office or authority for revenge, prestige, or personal gain. Ethical members recognize that government is a human institution. As a result, the human motivations of those in government will determine if the government itself is effective or ineffective, good or bad, ethical or unethical. Ethical members care enough to make a positive difference and then act accordingly.

Recall of elected officers

The City of Stillwater Charter does not permit the City Council to remove or recall a Council member from office.

Chapter 8: Compensation

City Council compensation

Council salaries are set by ordinance (must be adopted at least six months before the election). Salary increases are effective the first meeting in January after the November election. Salary amounts per Ordinance 0901:

Mayor:	\$750/month	\$9,000/year
Councilmember:	\$600/month	\$7,200/year

Salary amounts are also listed in Stillwater City Code, [Section 22-3](#).

Board, Commissions and other advisory groups are voluntary positions.

Payroll information

City Council members are paid on the same pay schedule as regular employees. Pay days are bi-weekly on Wednesdays with the first pay day in January. Payroll is automatic; no timesheets needed. Newly elected City Council members must complete the following enrollment items before the year's first pay period:

- ◆ W-2
- ◆ I-9 document (additional documents will need to be accompanied with this document, i.e., passport or driver's license and social security card)
- ◆ Direct deposit form
- ◆ Public Employees Retirement Association (PERA) membership election form
- ◆ Tennessean Warning
- ◆ Signoff sheet on Technology Policy
- ◆ Accounts payable automatic clearing house (ACH) authorization form

To complete necessary paperwork, contact the Human Resources Department at 651-430-8800.

Public Employees Retirement Association benefit

Elected officials have the opportunity to be a member of the Public Employers Retirement Association (PERA). A membership election by public officials form must be completed even if one chooses not to become a member. City Council members may also participate in the Defined Contribution Plan (DCP), contributing five percent of their bi-weekly salary into the DCP. The City also contributes an equal share into members' plans. Participating members do not pay social security taxes; however, they do still contribute to Medicare. Once the form is complete, members who elect to participate are automatically enrolled. They will receive an information packet from PERA, which includes a beneficiary designation form and an election form (to designate where to invest contributions). Mailing forms to PERA as soon as possible ensures timely processing.

Chapter 9: Communications and Media Relations

Communications

As elected and appointed officials, all members have a responsibility to communicate accurate, timely and professional information to the public. Communicating in this matter is important to ensure the quality and credibility of information being provided to the public.

Align with Minnesota Open Meeting Law

Information posted or responded to should be done in alignment with the open meeting law.

Boards/Commissions members should generally act with caution when using electronic means to communicate with one another. A majority of Council, members corresponding with each other electronically regarding City business (i.e. REPLY ALL) could be a violation of the Open Meeting Law.

If a Council member wishes to share information with other members, do so through the City Administrator. Materials relating to agenda items for City business (including email) must be provided to the public at the meeting.

If a Board or Commission member wishes to share information with other members, do so through the designated City staff to the board/commission. Materials relating to agenda items for City business (including email) must be provided to the public at the meeting.

Citizen questions, comments and concerns

It's important that Council members direct citizen questions, comments and concerns to staff at 651-430-8800. Doing so ensures requests are routed to the appropriate staff person and holds accountability that proper follow-up is made and the task is completed. In addition, since some requests cover multiple departments, there may be a history that will be useful as staff works to resolve the issue.

TIP

A good response to residents: "I don't have all of the information relating to your question. Let me check with staff and have staff follow up with you."

Find out the respective resident's name and contact information for yourself and City Staff.

Written correspondence

City Council members may need to write letters to citizens, businesses, or other public agencies. Contact staff in the City Administrator's office at 651-430-8800 for these items.

Written letters and memoranda received by the City, addressed to a Council member or the Council as a body are photocopied and provided to all Council members and are also kept on file.

Electronic communications

Generally, the Council and Boards/Commissions receives agenda materials, background information and other meeting information via Drop Box. Contact the City Administrator or Staff Representative if there are questions about these items.

Email or social media communications shared among three or more Council members should take place at an open meeting.

- ◆ Example of a violation: A Council member posts a comment on a Facebook page about a proposed ordinance. A second Council member comments that they agree and a third Council member clicks the "like" button.

Social media

Since social media is an effective and frequently chosen communication tool among the public, the City of Stillwater has an official Facebook page.

The legislature has addressed social media

In 2014, the legislature added a provision relating to use of social media. *“The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media.”*

Public perception

City Council members are public officials representing the City of Stillwater and its policies and perspectives.

Board/Commission members are appointed by the City Council as advisory and to carry out the Council’s policies relative to their Board/Commission duties.

Official versus individual perspectives

Since the public connects City officials to the City of Stillwater, it’s important to clarify official perspectives from individual perspectives.

Public information

Any published content, written or electronic (i.e. email) may be considered public information or considered covered under the Minnesota Government Data Practices Act. Informal messages not related to a public official’s role, such as meeting notices, reminders, telephone messages and informal notes are not public record.

Large outreach

Information posted on social media is public and is online for a long time. Both email and social media posts can be quickly shared with other audiences, making it important to post professional messages and avoid political comments.

Discoverability

Generally, email is not removed from the system even if deleted. Email is discoverable in litigation, making it important to use it cautiously. When seeking legal advice or to discuss matters of pending litigation or other “confidential” City business, ensure emails are sent to only those intended because the attorney-client privilege protecting the document from disclosure may be waived.

Media relations

Council and Board/Commission members are encouraged to refer all media inquiries to the City Administrator prior to Council or Board/Commission discussion and vote on an item. After a vote has been taken, a Council member may comment on his/her decision. It’s understood that individual member decisions may not be reflective of the Council’s or Board/Commission’s majority vote. Following these guidelines is important to the democratic process because it helps avoid creating the public perception that a vote or decision has been made on a topic. That perception may discourage the public from engaging in the democratic process.

TIP

When presenting information, it is important to separate official and private citizen roles.

If a post is on behalf of the City of Stillwater, identify the role as being an elected official for the city.

When presenting individual perspectives, clarify that these viewpoints are not representative of the City of Stillwater and instead are personal opinions. Personal social media account names or email names should not be tied to the City.

City Administrator's role

The City Administrator may communicate on the City's behalf in interviews, publications, news releases, on social media sites and related communications. Many times, the department director can handle interviews and communications on behalf of the City Administrator as they may be in a better position to provide response because they are working directly on the issue.

Good to know when media calls

- ◆ **Upcoming Council, Board/Commission agenda items, issues or discussion topics:** Wait to provide information until the topic is voted on. This communicates that a decision has not been made, and allows the public process to work by keeping the topic open for citizen input. If a Council or Board/Commission member discusses the issue with media before a decision is made there is potential that the public may be confused about the Council or Board/Commission direction. This may create a public perception that a vote or decision has been made on a topic and discourage the public from engaging in the democratic process.
- ◆ **Routine or public information:** Provide media with the information (i.e., a meeting time or agenda) and notify City Administrator of the request.
- ◆ **Other information:** Items like City personnel, potential litigation, controversial issues (examples: bees and chickens in city limits, specific public hearings), an opinion about a City matter, or if unsure of the type of question, it's recommended to work with the City Administrator on these topics. The City Administrator typically works with staff on these issues and can present the discussion scope or topic.

TIP

A good response to the media if an answer is not readily available: "I don't have all of the information about that. Let me find out and I will return the call."

Find out the respective media's name, contact information and deadline.

Technology

To enhance Council members' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business. The City provides technology equipment with necessary software, Internet and email capabilities. Use of personal computer equipment may make its contents subject to public disclosure and review. Contact the information technology manager at 651-430-8804 with technology questions.

Commission members of Planning and Heritage Preservation are provided reimbursement by the City, under the Technology Reimbursement Policy, for a portable computer that serves as a replacement for printed copy of information and used at their meetings.

Use of technology such as computer, Internet and email, cell phones, desktop phones, iPads and digital equipment must be done with integrity and able to withstand public scrutiny.

ELECTRONIC COMMUNICATIONS TIP

Public record: City business emails involving City Council members and members of advisory Boards and Commissions are public records (with a few exceptions as stated by the Minnesota Government Data Practices Act. A helpful resource is available through the LMC website.

Public information: Other email or text messages are not considered public record, however, they may still be public information. Those interested in copies of these items must file a public disclosure request. Requests for private data or information should be routed to the City Administrator or City Clerk.

Chapter 10: Travel Policy for City Council, Boards/Commissions

- ◆ Travel involving an overnight stay
 - Give prior notice to the City Administrator before traveling on overnight business explaining the trip's purpose, travel dates and other details. Doing so creates open lines of communication between members and the City Administrator.
- ◆ Travel expenses
 - Audit standards require a fully itemized claim for expense reimbursement to be submitted to the City Administrator's office within 15 days of the close of the authorized travel period for which expenses have been approved.
- ◆ Any air transportation will be arranged by City Staff in coordination with the member.
- ◆ Hotel/motel accommodations will be arranged by City Staff coordinated with the member.
- ◆ Meal costs for official functions (political or professional organizations) are paid at full actual cost. Receipts must accompany all voucher requests through the Finance Department.
- ◆ Use of rental car will be arranged by City Staff as part of air transportation.
- ◆ There is no reimbursement for alcoholic beverages.
- ◆ Expenses are not reimbursed for spouses, guests, those not employed by the City, or other persons not authorized to receive reimbursement under this policy or state regulations.
- ◆ Reimbursement may be claimed by one person for several employees or officials eating together. Please list all names on the reimbursement claim.
- ◆ Incidental expenses (i.e. telephone, parking, taxis and buses) are reimbursed. Use voucher form and include any receipts.
- ◆ Personal vehicles may be used for City business. Prior to doing so, please submit proof of insurance to the City Administrator's office. Mileage for business use is reimbursed at the Internal Revenue Service's allowable mileage rate.
- ◆ Report eligible expenses on a voucher request form within 15 days after the trip. Attach receipts for expenses claimed and submit to the City Administrator's office.
- ◆ Update the City Administrator upon return. The report should also be shared with all other City Council members to share any valuable knowledge and insights gained.

For assistance with the above, contact staff in the City Administrator's office.

Chapter 11: Rules to Govern By

Land use laws

The Municipal Planning Act grants cities the authority to regulate land use and provides the framework and road map all cities must follow. Cities regulate land use through three basic tools:

- ◆ Comprehensive Plan;
- ◆ Zoning Ordinance (including the zoning map);
- ◆ Subdivision Ordinance.

Although cities are not required to adopt all three tools when engaged in municipal planning, each tool serves a separate and essential purpose. These tools harmonize and interact in important ways to protect and promote sound City development.

First, the comprehensive plan helps the City look to the future and guides current development in administering its zoning ordinance and subdivision ordinance. The subdivision ordinance regulates land division into smaller lots and the creation of blocks and neighborhoods with safe streets, appropriate environmental features and character. Finally, the zoning ordinance regulates the use and density of City zones such as commercial, residential and industrial purposes, both segregating and combining uses where appropriate to prevent congestion, environmental contamination and other negative human health hazards.

A **zoning map** divides the community into different land uses to assist the City in planning and permitting future growth. Each category of zoning has specific standards.

A **variance** allows the individual property owner to “vary” required rules for the property.

Conditional use permits/Special use permits are granted based on certain standards being maintained or established at the time issued. The permit is granted with a set of conditions pertained to the use of specified property that must be followed or the permit can be revoked.

Due process: People who own land in areas that can be impacted will be informed according to requirements in City Code or Minnesota Statutes and also given an opportunity to provide input before any plan/work moves forward.

Public improvements

There are two types of improvements: petitioned and City initiated. A petitioned project occurs when a citizen who owns 35 percent or more of the affected property signs a petition asking the city to make improvements. A city initiated project is an improvement identified in the community investment plan. A city initiated project requires a 4/5 vote of the Council, where as a petitioned project only requires a simple majority.

Process for public improvements:

- ◆ Petition received (if applicable)
- ◆ Resolution declaring adequacy of petition and order preparation of feasibility report
- ◆ Presentation of feasibility report (preliminary report and cost estimate)
- ◆ Resolution accepting report and calling for hearing
- ◆ Publication of notice of improvement hearing
- ◆ Mailing notice to affected property owners
- ◆ Resolution ordering improvement and preparation of plans
- ◆ Resolution approving plans and ordering advertisements for bids
- ◆ Publication of advertisement for bids

- ◆ Resolution declaring costs and calling for hearing
- ◆ Resolution ordering preparation of assessment roll
- ◆ Preparation of assessment roll
- ◆ Publication of notice of assessment hearing
- ◆ Mailing notice to affected property owners

No assessment is made until the project is completed. This is in accordance with Minnesota Statutes, Chapter 429 (<https://www.revisor.mn.gov/statutes/?id=429>), which explains the complete process in detail.

Actions requiring ordinances

Ordinances are another legal avenue in which Council can direct policy. Actions of the City Council done by ordinance can be found in the Stillwater City Charter, available online on the City's website.

An ordinance can pertain only to one subject and can be introduced by any Council member or City staff at a regular Council meeting.

- ◆ Prior to passage, an ordinance must receive two readings, but shall not be read at any place other than regular sessions, and not twice at the same session.
- ◆ The first reading is when amendments may be offered. The reading of a section shall not preclude the offering of an amendment to a preceding section. A first reading may not be scheduled on the 2nd meeting in December of an election year unless there is no election changes in the City Council after the election.
- ◆ Prior to the second reading, the City follows Minnesota Statute 415.19, Notice of Proposed Ordinance which states *"If a city posts ordinances on the city's website, the city must also post proposed ordinances on the Web site at least ten days before the City Council meeting at which the proposed ordinance is scheduled for a final vote."*
- ◆ The second reading shall take place after posting requirements at the City Council's next regular meeting.
- ◆ When an ordinance is up upon its final reading, fails to pass and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one week after the meeting at which such motion was made.
- ◆ All ordinances shall be enacted by a majority vote of all the members of the Council, except where a larger number is required by law or the City's Charter. It shall be signed by the Mayor, attested by the City Clerk and published once in the official newspaper.
- ◆ In the case of lengthy ordinances, if the City Council determines that publication of the title and summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may by a four-fifths (4/5) vote of its members, direct that only the title of the ordinance and a summary be published, with notice that the printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk, and any other location which the Council designates. A copy of the entire text of the ordinance shall be made available in the Stillwater Public Library, and in any other public location that the Council designates.

Licenses and permits

The city has the authority to license and require permits for activities within its jurisdiction. Licensing and permitting regulates activities and provides oversight for inspection in the public interest. The city exercises its police power to protect and promote the public's welfare and safety through the licensing process. More information about licenses and the licensing process contact City Hall at 651-430-8800.

Chapter 12: Leaving Office and Vacancies

Leaving office

Return of materials and equipment

Upon completion of service to the community, Council members return City equipment acquired during the term of office consistent with City policies. Examples include: computers, copies of Stillwater's City Code, key card, etc.

Boards/Commissions members must submit a letter of resignation to the City Clerk.

Vacancies

There are several reasons a vacancy may occur on the Council and Boards/Commissions.

According to the City Charter Sec. 3.02 *If any person elected as Mayor or Councilmember shall resign the office, fail to qualify as required after the election, or shall neglect to perform the duties of the office, or be absent from the City without consent of the Council for a period of thirty (30) days, or shall be unable by reason of sickness or other cause to discharge the duties of office, the Council may declare the office vacant.*

The process for filling a Council vacant seat is established in the Stillwater City Charter, Section 3.03:

When a vacancy occurs in the office of Mayor or on the Council, the Council by majority vote of all remaining members shall appoint a qualified person to fill the vacancy to serve the remainder of the term. If this action is not taken within 60 days following the occurrence of the vacancy, a special election shall be called to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. When a vacancy occurs in the office of the Mayor, the Vice-Mayor shall act as Mayor until the vacancy is filled. (Ord. No. 822, 5-21-96; Ord. No. 1083, § 1, 10-6-15)

The Charter Commission and City Council recently approved the following Charter amendments:

Amending 15.08 to include attendance for all boards and commissions.

(a) Except for the Charter Commission or where the method of appointment is controlled by State law, appointment to Boards and Commissions must be made by majority vote of the Council, however, removal must be by [a] 4/5th vote of the Council.

*(b) **Attendance for All Boards and Commissions.** In the event that a Board or Commission member misses three (3) consecutive meetings, or 1/4 of the meetings in any one twelve (12) month period, the commission may request the City Council to replace that member.*

The Chair shall give the person notice regarding his /her absenteeism prior to the commission requesting that the council replace the member. Thirty (30) days shall be given to the member for a response to the commission before any action is taken.

Chapter 13: City Administrator

City Administrator's role

The City Administrator serves the Council and community and brings local government projects and programs to citizens on the Council's behalf. The City Administrator prepares the budget, recruits, hires and supervises department directors and is the Council's chief advisor. Citizens and Council members rely on the City Administrator to provide unbiased and objective information while presenting both sides of an issue and information about long-term consequences.

The City Administrator is appointed by the City Council and directs all city staff. See Stillwater's City Charter Article VII Administration of City Affairs in the City Code on the City's website.

Authority flow (see Organizational Chart):

- ◆ Citizens to the City Council;
- ◆ City Council to the City Administrator;
- ◆ City Administrator to department directors and then to subordinate staff.

Since the City Administrator is the staff member hired by the Council, it is important that requests for information or community issues be brought directly to the City Administrator. The City Administrator is in the best position to provide a response because many issues involve multiple departments or work may already be in progress.

If a Council member wishes to influence actions, decisions, recommendations, workloads, work schedules or staff priorities, that member must work with other Council members to do so as a matter of Council policy. The full City Council retains the authority to accept, reject or amend staff recommendation on policy matters.

Communication

The need for regular communication between the City Administrator and Council is essential to maintain an open communication with the organization. The Council establishes policy and programs and the City Administrator executes Council actions. The City Administrator keeps the Council informed and is sensitive to Council issues. Similarly, Council members need to keep the City Administrator apprised of constituent concerns and future issues.

The City Administrator provides information between Council and city staff. The City Administrator is responsible for communicating the city's position about policy matters to outside agencies on the Council's behalf. Sharing information timely with the Council is one of the City Administrator's highest priorities. The City Administrator:

- ◆ ensures Council members receive copies of correspondence that will assist them in policy-making;
- ◆ provides other documents to Council on a regular basis and other information vital to the Council member's position;
- ◆ holds workshops and study sessions to provide detailed presentations about beneficial information;
- ◆ schedules Council/staff retreats to focus on topics and enhance information exchange;
- ◆ has an open-door policy so individuals, Council and Board/Commission members can meet with the City Administrator on an impromptu and one-on-one basis.

Direct questions or comments to the City Administrator at 651-430-8800 or in the City Administrator's absence, contact the City Clerk at 651-430-8800.

Professional associations

Like many other City Administrators, Stillwater's City Administrator is a member of the International City/County Management Association (ICMA), a professional and educational association for city administrative officers that was founded in 1914. ICMA's mission is "to strengthen the quality of local government through professional management." The City Administrator is subject to ICMA's Professional Code of Ethics and the 12 Ethical Principles of Personal and Professional Conduct.

Council evaluation

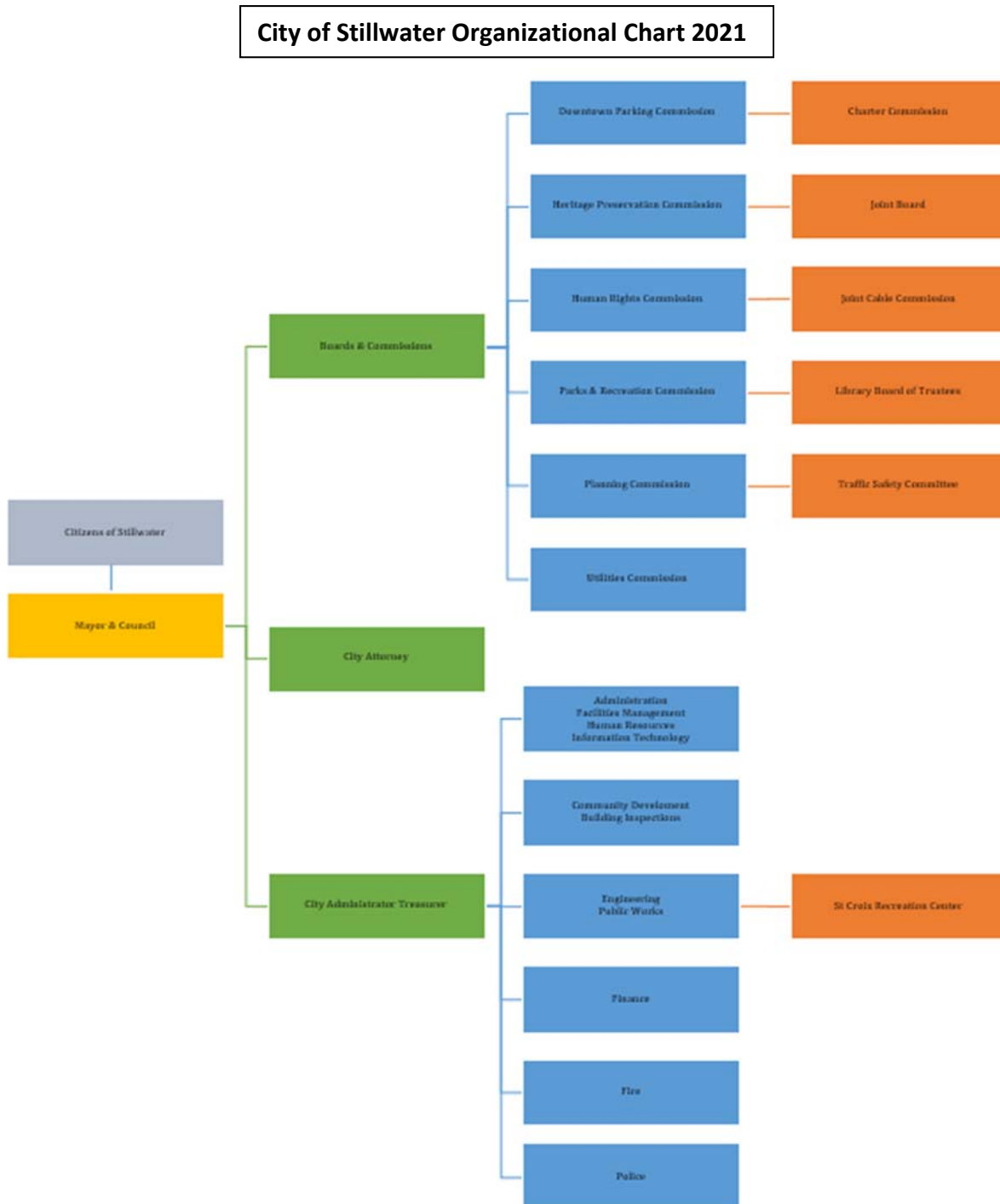
The Stillwater City Council completes an annual performance evaluation of the City Administrator. This evaluation helps ensure city goals are achieved and provides direction and guidance to the City Administrator. The City Administrator may be evaluated in: organizational management; fiscal/business management; program development and follow-through; relationship with the City Council, city staff, public and private sector organizations; long-range planning; interagency relations and professional/personal development.

Chapter 14: City Organizational Structure

The City of Stillwater is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy and not influenced by political factors for the good of the organization.

City departments

The City Administrator is responsible for the day-to-day management of the City. The City Administrator supervises the organization through department directors.



Community Development

The mission of the Community Development Department is to lead the way through innovative, open and responsive planning, development and building inspection services for a vibrant, livable and sustainable regional community.

Community development is responsible for planning and managing Stillwater's physical growth and expansion with an emphasis on orderly growth using an urban service matrix to make the community more sustainable in terms of land use and development, downtown development and neighborhood preservation. Community development includes housing, inspections, planning and zoning, and economic development.

Engineering/Public Works Department

The mission of the of the Engineering/Public Works Department is to provide the Stillwater community with essential services in a safe, reliable, and environmentally responsible manner, placing a high value on quality and teamwork.

The objective of the Engineering Department is to insure that the City's infrastructure is kept in working order and rehabilitated in a cost effective manner. The department is responsible for planning, design, and construction of all municipal infrastructure; mapping, surveying, as-built records management, right-of-way management and permitting; pavement and storm water management; grading and utility permits; coordinating projects with other government agencies; and activities associated with park planning, and building facilities.

The City of Stillwater Public Works Department is responsible for the reliable long-term operation, maintenance, repair, improvement and management of all City infrastructure. Public Works staff provides its residents and businesses with clear passage of streets and trails, safe collection of wastewater, reliable flood protection, clean drinking water, beautiful parks, fields and recreational facilities.

Finance Department

The mission of the Finance Department is to manage and maintain financial records in conformity with generally accepted governmental accounting principles and in compliance with federal, state, and local laws as well as providing quality service to the City's customers and safeguarding the City's assets.

The department oversees the investment of public funds, cash management, and the issuance of debt.

The department develops and maintains effective and efficient financial planning, reporting, and central support systems in order to assist the operating departments in achieving their financial objectives; provides the City Council, City Administrator, and other City officials with financial information on a timely and meaningful basis.

Fire Department

The commitment of the Fire Department is to protect life and property through dedicated service to the community.

The Stillwater Fire Department (SFD) was established by Council action on May 28, 1872. The department is configured as a combination department consisting of employees and volunteer paid-on-call. The full-time staff consists of the Fire Chief, Deputy Chief/Fire Marshal, Assistant Chief of Operations, three shift Captains and six Firefighter/Engineers and

Administrative Assistant. The department is staffed 24 hours a day, seven days per week with a minimum of two personnel. The volunteer paid-on-call personnel respond when paged and are trained to various levels, which include Firefighter to the rank of Assistant Chief Officer

Police Department

The mission of the Police Department is to enhance the quality of life in Stillwater through working with the community. We will protect and serve Stillwater's property, citizens, and visitors with dedication and professionalism.

The Stillwater Police Department is committed to the service model of community governance. Staff works in partnership with City departments, the residential and business community, and other governmental and non-profit agencies to reduce crime, provide a sense of safety and security, and improve the quality of life for those who visit, live and work in the City of Stillwater

Administration Department

Leading the way delivering innovative and efficient support services through an open, responsive and neighborly approach benefiting our citizens and region.

Human Resources

Employees are the most valuable asset of an organization. Human resources staff has an important role in the recruitment and selection of qualified people to serve citizens in a positive and efficient manner. Staff is responsible for benefits administration, compensation administration, employee and labor relations, wellness, training and development, payroll, job descriptions, job openings, recruitment and selection.

Information Technology

Information technology staff strives to deliver innovative technology solutions to provide citizens, businesses and City employees' efficient and reliable access to information and services. Staff manages multiple technology solutions including technology equipment, wireless devices, network security, network connectivity, cellular and desktop telephone communications, software application development and support, information management and training.

City Clerk

The City Clerk serves as official custodian and information resource to City Council, City Staff and the public regarding City records, history and public documents. Also manages and supervises Administration Department operations to achieve goals within available resources. The City Clerk coordinates activities with other departments and agencies as needed. The City Administrator and City Clerk work closely in the development of an effective organization, which includes analyses of operations, decisions, or recommendations concerning organization and procedures.

Legal Counsel

Legal counsel for the City is through the City Attorney. The City Attorney is the legal advisor for the Council, and Commissions and Boards, the City Administrator and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to city affairs. General City Attorney legal responsibilities:

- ◆ provides legal assistance necessary for formulation and implementation of legislative policies and projects;
- ◆ represents the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings;
- ◆ prepares or approves ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- ◆ keeps City Council and staff apprised of court rulings and legislation affecting the legal interest of the city. The City Attorney represents the City Council as a whole and not individually.

Scheduling meeting rooms

Meeting rooms may be scheduled through staff in the Administration office by calling 651-430-8800.

Chapter 15: Financial

The City of Stillwater Charter is specific about responsibilities and procedures for the City's financial administration. The Charter establishes the calendar year as the fiscal year. The City Council has delegated the fiscal responsibility to the City Administrator, who is assisted in that responsibility by the Finance Director.

Strategic plan, budget for operations and services

Stillwater's budget is a financial plan and policy document that reflects the strategic goals and policies adopted by the City Council. The plan is a fiscally sound and balanced budget that maintains the integrity of the City's financial health while meeting quality service level demands that citizens have come to expect. The plan is balanced financially and also balances how resources are distributed among operating, capital, debt service and adequate reserves.

Budget process

The budget process follows a cycle that begins with the City's Strategic Plan, a road map that helps guide the City through the next few years. The City's Strategic Plan details where the City is going and how it plans to get there, while determining measurable results. Stillwater's current strategic plan is available online at the City's website.

The strategic plan, coupled with service levels, serves as the foundation to build the City's budget. The City Council and staff review and revise the strategic plan on a biannual basis. Staff reports progress to the City Council through semi-monthly operational reports and to the community through the City's website.

Capital budget and improvement plan

The city's capital budget combines the Capital Improvement Plan (CIP) for major construction and acquisition projects and information needed to implement the projects. Projects are prioritized and consistent with the city's comprehensive plan and strategic plan. Capital improvement projects are frequently financed through bonds. Funding requirements for bond funded projects include principal and interest payment for those bonds.

Financial statement

The Finance Department prepares the Comprehensive Annual Financial Report (CAFR), which is a financial report explaining the financial status of the City with the sources of revenues and expenditures. The CAFR is audited annually through an audit by a certified public accounting firm. The audit must be in compliance with all state requirements.

The audit preparation process begins in January each year and runs through June. The auditors are usually on-site examining financial materials for about a week in March or April. The CAFR is prepared following this examination. After the audit, the CAFR is presented to the City Council in June.

Bonds

One way the City finances projects is by issuing bonds. In general, a city can issue bonds for any authorized expense, which is not a current expense. The use of bonds for acquisition, development, construction, or improvements of capital assets is allowable.

Cities can also issue bonds for public improvement in which they will gain revenue. They can purchase police, fire and street equipment. This type of bond must be short term.

The following are examples of types of bonds the City has issued:

- ◆ **General obligation bonds** are issued to provide funds for:
 1. Acquisition and construction of major capital facilities
 2. Capital Outlay (i.e. vehicles, equipment etc.)
 3. Capital Improvement Projects (i.e. street improvement projects, sidewalk restoration etc.)
 4. Tax Increment Financing eligible projects

These bonds are direct obligation and pledge the full faith and credit of the City. These bonds are repaid primarily from the ad valorem taxes.

- ◆ **Tax increment bonds** are issued for redevelopment projects. The additional tax increments resulting from increased tax capacity of the redevelopment properties will be the main funding source used to retire the related debt.
- ◆ **Revenue bonds** are issued to finance capital improvements where the revenues generated from the project are the main funding source used to retire the related debt. They are retired with the use of the revenue from the enterprise fund.

Typical budget schedule

Early spring	Council reviews strategic initiatives and service levels. City Administrator and Finance Director develop budget guidelines for use by department managers in preparation of a proposed budget.
Mid-August/Sept.	City Administrator presents the next year's budget message and preliminary budget, along with a preliminary tax levy, at a Council work session. Council examines proposed budget and reviews each department budget for the following year. The Council may make changes in the preliminary budget during this review process. The Council adopts the preliminary tax levy and sets the maximum property tax levy available to the city for the following year. The adopted proposed budget must then be certified to Washington County by September 30. The budget explains proposed revenues and expenditures, proposed capital expenditures and debt payment schedule.
December (1 st mtg.)	City holds its Truth and Taxation meeting to present the final budget and property tax levy to citizens for comment. Additional time is allowed for public to provide input.
December 30	Final budget and levy for new fiscal year must be adopted and certified to the Washington County and State of Minnesota.

Appendix I – Meeting and Voting procedures

Presiding officer

The Mayor (vice), chair (vice) presides over the meeting and calls the meeting to order. If the mayor or chair arrives after the meeting has begun, the mayor or chair resumes duties once business on a current topic has been concluded. At any meeting where the mayor (vice), chair (vice) are not present, the Council or Boards/Commissions nominates and votes on nominated member(s) to preside at the meeting.

Order of business

Council and Boards/Commissions meetings begin promptly. Council meetings are held in the following order, with Boards/Commissions meetings following a similar format (not all content) as determined by the City Administrator, City Clerk or staff liaison. The description of each section shall apply to Boards/Commissions.

CITY COUNCIL AGENDA First Tuesday of the month

REGULAR MEETING

4:30 P.M.

- ◆ Call To Order
- ◆ Roll Call
- ◆ Other Business
- ◆ Staff Reports
- ◆ Recessed to 7:00 p.m.

RECESSED MEETING

7:00 P.M.

- ◆ Call To Order
- ◆ Roll Call
- ◆ Pledge Of Allegiance
- ◆ Recognitions or Presentations
- ◆ Open Forum
- ◆ Consent Agenda (includes approval of minutes and payment of bills)
- ◆ Public Hearings
- ◆ Unfinished Business
- ◆ New Business
- ◆ Council Request Items
- ◆ Adjournment

CITY COUNCIL AGENDA Third Tuesday of the month

REGULAR MEETING

7:00 P.M.

- ◆ Call To Order
- ◆ Roll Call
- ◆ Pledge Of Allegiance
- ◆ Recognitions or Presentations
- ◆ Open Forum
- ◆ Staff Reports
- ◆ Consent Agenda (includes approval of minutes and payment of bills)
- ◆ Public Hearings
- ◆ Unfinished Business
- ◆ New Business

- ◆ Council Request Items
- ◆ Adjournment

Call to order

The Mayor (vice) calls the meeting to order. If the Mayor arrives after the meeting has begun, the Mayor resumes duties once business on the current topic has been concluded.

Roll call

Council members' names (present and absent) are called before a meeting starts. After roll call, those in attendance recite the "Pledge of Allegiance."

Recognition or Presentations

The public may make requests in advance to appear before the Council. These requests are typically up to 15 minutes long and held after roll call. Topics vary based on what the person or group wants to present (i.e. Annual Reports from Convention & Visitors Bureau, recognition of citizens or organizations, Police or Fire Officers swearing in ceremony).

Public open forum

Public open forum is a portion of the Council meeting to address Council on subjects which are not a part of the meeting agenda. The Council may take action or reply at the time of the statement or may give direction to staff regarding investigation of the concerns expressed. Out of respect for others in attendance comments are limited to five (5) minutes or less.

The Mayor manages the public open forum and establishes time allotments for speaking (to prevent unreasonable meeting delays). To avoid potential liability issues, the Mayor (or presiding officer) must ensure no personnel matters are discussed or presented by the public at these forums. The Mayor may stop the speaker if he/she persists in improper conduct or remarks after being called to order.

The Council may also hear citizen comment on matters of pending litigation, but may not be able to respond.

Staff reports

The Department Heads and City Administrator provides information to Council or informs Council on progress on authorized actions, or requests authorization to take action.

Consent agenda

Routine and non-controversial items are placed on the City Council's Consent Agenda. These items may be approved by one motion upon unanimous consent by a roll call vote. A City Council or audience member may request an item be withdrawn for separate consideration. A Council member may abstain from voting on, or vote against, any consent agenda item without requesting its removal. Abstentions will be recorded in the respective City Council meeting minutes.

- ◆ ***Approval of the minutes:*** Approval of the minutes presented by the City Clerk makes it the official meeting record. The minutes are in summary form (not verbatim). All resolutions and reading of ordinances (with any requested changes by Council, if applicable) will have a roll call vote. It is recommended to read the minutes for accuracy prior to the meeting and make any changes before approval.

Public hearings

Public hearings ensure due process by protecting an individual's rights prior to governmental action. Due process encourages objective decision making by providing those who have an interest

in the City's decision with an opportunity to be heard. City staff present the information related to the public hearing, then the Mayor opens the public hearing.

Generally, there is no dialogue between Council members, staff or the public during the hearing. Council members may ask questions of those addressing the Council to clarify a fact, but any statement by a Council member for anything other than to pose a question on the matter being considered, may be ruled out of order by the Mayor (or presiding officer).

After new facts and information have been presented to the City Council, the hearing may be closed. Once the public hearing is complete, Council members make a motion and debate the matter under consideration.

Examples of Public Hearings:

- ◆ Street vacation
- ◆ Annexation by ordinance
- ◆ Approval of local improvement project to be paid for with special assessments
- ◆ Consideration of proposed special assessments
- ◆ Improvement of sewers, drains, and storm sewers
- ◆ Adoption or amendment of zoning ordinance
- ◆ Subdivision applications
- ◆ Conditional or Special Use Permits
- ◆ Adoption of a Charter amendment by ordinance
- ◆ Adoption of interim ordinance that regulates, restricts, or prohibits a housing proposal
- ◆ Appeals of advisory commission decisions
 - Ordinances are changes to Stillwater City Code and may require a public hearing. Other acts may be done by ordinance or resolution.
 - The Council may discuss appeals, such as decisions by the Planning or Heritage Preservation Commissions. Appeals procedure is addressed in Sec. 31-217 of the City Code.

Unfinished business

Unfinished business is a portion of the Council meeting to bring back information previously addressed by the Council that requires further action or direction.

New business

New business is a portion of the Council meeting to bring new items to the Council for review, discussion and action.

Council request items

Council information and requests portion of the Council meeting allows the Council to bring forward items for staff input to be placed at future meetings or provide information to the public and Council.

Adjournment

If there is no further business, adjournment formally concludes the meeting.

Voting Procedures

Voting is an action to pass or fail an item by majority vote of the Council or Boards/Commissions. Majority is determined by the number of members present at a meeting. Certain actions by Council, such as an un-petitioned street project, require an extraordinary majority or 4/5 vote. Council and Boards/Commissions members may abstain from voting on a particular agenda item.

Principal rules governing motions

The following information is from the League of Minnesota Cities about governing motions. This list includes the more common motions.

Motions: formal method of bringing business before the Council and Boards/Commissions and for stating propositions on which the Council or Boards/Commissions will have to make a decision. Motions can be made only by Mayor, Council and Boards/Commissions members.

Requires a second: motions which have a “yes” must be seconded by a member before they can be considered. The motion maker may not second his/her own motion. By seconding a motion, a person does not necessarily indicate favor of the motion.

Can interrupt a speaker: motions which have a “yes” can be made at any time during a meeting. They may be made even while another has the floor and is speaking.

Debatable: a “yes” means the Council or Boards/Commissions can discuss the motion’s merits. A “no” means no discussion is allowed and the motion must be voted on as soon as it is made and seconded.

Amendable: motions can be changed by amendment. Motions with a “no” must be voted on in the same form the motion was originally made.

Vote required to pass: tells whether the motion requires a simple or two-thirds majority for passage.

Can be reconsidered: indicates whether or not a motion that was once passed or defeated by the Council or Boards/Commissions can be considered again later in the meeting.

Based on Robert’s Rules of Order Newly revised (10th Edition), **the City of Stillwater does not strictly adhere to Robert’s Rules of Order (more relaxed)**. The motions below are intended to be a basic primer of commonly used motions. They are listed in order of common use – not in order of precedence. Some motions take precedence over other motions.

You Want:	You Say:	2nd?	Debate?	Amend?	Vote?
Bring business before commission (a main motion)	I move that (or “to”)...	Yes	Yes	Yes	Majority
Modify the wording of a motion	I move to amend the motion by...	Yes	Yes	Yes	Majority
Lay aside temporarily	I move to lay the question on the table	Yes	No	No	Majority
Take matter from table	I move to take from the table...	Yes	No	No	Majority
Kill main motion	I move that the motion be postponed indefinitely	Yes	Yes	No	Majority
Refer to boards/commissions	I move to refer the motion to...	Yes	Yes	Yes	Majority
Limit or extend debate	I move that debate be limited to...	Yes	No	Yes	2/3
Take a break	I move to recess for...	Yes	No	Yes	Majority
Make commission follow the agenda	I call for the orders of the day	No	No	No	None

You Want:	You Say:	2nd?	Debate?	Amend?	Vote?
Request more information	Point of information	No	No	No	None
Enforce rules	Point of Order	No	No	No	None
Demand a rising vote	Division	No	No	No	None
Close the meeting	I move to adjourn	Yes	No	No	Majority

Parliamentarian

The Mayor (or in the Mayor’s absence the vice Mayor) serves as City Council parliamentarian and decides all questions of parliamentary procedure in accordance with basic parliamentary rules. Before deciding any question of parliamentary procedure, the Mayor may request advice from the City Attorney or City Administrator. In cases where serious errors in procedure are being used or contemplated, the City Attorney or City Administrator typically gives advice.

Other protocols

Other guidelines ensure Council meetings emphasize the importance of business being conducted in a professional manner. Council members and staff:

- ◆ work to preserve appropriate order and decorum during all meetings;
- ◆ address Council members as *Council member (Commission member)*, followed by last name, such as “Council Member Jones, (Commission Member Johns)” and staff by title and last name, such as “City Administrator Anderson;”
- ◆ discourage side conversations, disruptions, interruptions or delaying efforts;
- ◆ inform presiding officer when leaving a meeting;
- ◆ limit disruptive behavior;
- ◆ recognize that on the City Council, staff, advisory body chairs or designated representatives and those authorized by the presiding officer shall be permitted to sit at Council or staff stations.

Appendix II – Index of Commonly Used Terms

Abatement: A complete or partial cancellation of a levy imposed by a government. Abatements usually apply to tax levies, special assessments, and service charges.

Abatement of nuisance: The elimination of a situation that endangers the public health safety and welfare.

Abstention: Decision of a member not to vote on an item. An abstention is counted as a no vote. This is contrasted with the situation where a member is disqualified from voting, where such a member is not counted in determining the item's passage.

Accounts payable: A liability account reflecting amounts on open account owing to private individuals or organizations for goods and services received by a government (but not including amounts due to other funds of the same government or to other governments.)

Accounts receivable: An asset account reflecting amounts owing on open account from private individuals or organizations for goods and services furnished by a government (but not including amounts due from other funds of the same government).

Affirmative action plan: State and federally mandated plans to attract, recruit, hire, promote, retain, transfer and train women and minority employees involving the setting of goals and procedures in written plans.

Age composition (population structure): A profile of people in a particular planning area shown in terms of age and sex.

Allotment: A part of an appropriation which may be encumbered or expended during an allotment period.

Amortization: Gradual reduction, redemption, or liquidation of the balance of an account according to a specified schedule of times and amounts.

Annuity: A series of equal money payments made at equal intervals during a designated period of time.

Appraise: An estimate of value of property. If the property is valued for purposes of taxation, the less-inclusive term "assess" is substituted for this term.

Appeal: Private individuals, a group, or a public agency may take the decision of a governing body to a higher authority for review.

Appropriation: A legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes.

Assessed valuation: A valuation set upon real estate or other property by a government as a basis for levying taxes.

Assessment: The process of determining the worth, or the market value of land and buildings for taxation purposes.

Assets: Resources owned or held by a government that has monetary value.

At-large representation: A person elected city wide and not one specific Ward.

Audit: A methodical examination of resources use that concludes in a written report of its findings. An audit is a test of management's accounting system to determine the extent to which internal accounting controls are both available and being used.

Audit report: The report prepared by an auditor covering the audit or investigation.

Authority bonds: Bonds payable from the revenues of a special authority.

Bid: An offer to sell something or perform some work pursuant to specifications.

Bill: A term used to denote a law or statute passed by certain legislative bodies.

Blight: Social and/or physical decay of the community.

Bond: A written promise to pay a specified sum of money, called the face value or principal amount, at a specified date or dates in the future, called the maturity date(s), together with periodic interest at a specified rate.

Bond discount: The excess of the face value of a bond over the price for which it is acquired or sold.

Bond premium: The excess of the price at which a bond is acquired or sold over its face value.

Bonded debt: That portion of indebtedness represented by outstanding bonds.

Bonds: A bond is a promise to pay money in the future issued by a city (or corporation, etc.) that may be secured or unsecured. A bond may be secured by the issuer's (city) full faith and credit, some stream of revenue from a developer, or some tangible asset.

Budget message: Explains the budget in fiscal terms and in terms of work programs. It outlines the proposed financial policies of the government entity for the ensuing fiscal year, describes any important features of the new budget and indicates any major changes for the current year in financial policies, expenditures and revenues along with the reason for changes. Includes a summary of the government entity's debt position.

Building code: A set of regulations governing building construction.

Building permit: An official document issued by a city, township, or county which grants permission to a contractor or private individual to erect a building or make an improvement to an existing structure.

Bulk regulations: Zoning ordinance restrictions on the density, height, location and lot coverage of buildings.

Callable bond: A type of bond which allows the issuer to pay the obligation before the stated maturity date by giving notice of redemption in a manner specified in the bond contract.

Capital budget. A plan of proposed capital outlays and the means of financing them.

Capital improvement plan (CIP): A program of when, where and how much a city plans to invest in public services over the next five to ten years.

Cash: An asset account reflecting currency, coin, checks, postal and express money orders and banker's drafts on hand or on deposit with an official or agent

Central business district (CBD): A common and usually central area of the community where citizens carry on commercial trade and purchasing.

Certificate of occupancy: Official notice that a building is in accord with the zoning ordinance or building and housing codes, and may be used or occupied.

Charter: A document setting forth the principle functions and organization of a city or corporation.

Combination bond: A bond issued by a government which is payable from the revenues of a governmental enterprise but which is also backed by the full faith and credit of the government.

Comparable worth: A state law requiring all units of government study and classify all positions to create salary schedules that pay in relation to the relative worth of the positions.

Comprehensive municipal plan: The plan depicting the proposed use of land in the city that guides the adoption of zoning regulations, etc.

Conditional use: A land use in a certain zone which is neither permitted outright nor prohibited outright.

Conditional use permit. A conditional use permit allows a development in a zoning district where the specifics of the proposed development are subject to review to determine the suitability of the development as proposed. It cannot be denied simply to prevent use.

Consent agenda: Items on the agenda that contain issues requiring Council action. These items are usually non-controversial and acted on with one motion.

Contract: A contract, for purposes of bidding laws, is an agreement for the sale or purchase of supplies, materials, equipment, or the rental thereof or the construction, alteration, repair or maintenance of real or personal property.

Cost accounting: That method of accounting which provides for assembling and recoding of all the elements of cost incurred to accomplish a purpose, to carry on an activity or operation, or to complete a unit of work or a specific job.

Coupon rate: The interest rate specified on interest coupons attached to a bond.

Debt: An obligation resulting from the borrowing of money or from the purchase of goods and services.

Debt limit: The maximum amount of gross or net debt which is legally permitted.

Debt service fund: A fund established to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest. Formerly called a sinking fund.

Deficit: (1) The excess of the liabilities of a fund over its assets. (2) The excess of expenditures over revenues during an accounting period; or, in the case of proprietary funds, the excess of expense over income during an accounting period.

Delegation: The process of allowing someone to perform a task that the Council is authorized to perform such as conducting a hearing. A proper delegation must be made under terms that define and instruct the person exercising the delegated power.

Density: The number of buildings, offices, or housing units on a particular area of land.

Depreciation: (1) Expiration in the service life of fixed assets, other than wasting assets attributable to wear and tear, deterioration, action of the physical elements, inadequacy, or obsolescence. (2) The portion of the cost of a fixed asset other than a wasting asset which is charged as an expense during a particular period.

Display and consumption: Display and consumption is the use of set-ups where patrons mix alcoholic beverages with the mix supplied by the establishment.

Downzone: A change in a property's zone and designation to require a lower density or a less intense use.

Due process: Due process means that a person's property interests cannot be affected without an opportunity to be advised of the basis upon which the adverse action is taken and the opportunity to be heard regarding the matter in a particular forum.

Dwelling unit: A building designed for and intended for human habitation.

Easement: A right to use property owned by someone else, usually for a specific purpose.

Economic base: One of the major studies contained in the comprehensive plan. The study of the economic base seeks to investigate the assets and productive activities of a community.

Eminent domain: The power of a government to acquire private property for public purpose.

Encumbrances: Commitments related to unperformed (executory) contracts for goods and services.

Enterprise fund: A fund established to account for operations (a) that are financed and operated in a manner similar to private business enterprises—where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Entitlement: The amount of payment to which a state or local government is entitled as determined by the federal government under an allocation formula contained in applicable statutes.

Environmental impact statement: A specific type of planning study. The impact study represents the combined efforts of many professionals such as biologists, environmentalists, planners, engineers, etc., and concentrates on the likely impact on the local environment that a certain project might be expected to have.

Equal protection: Equal protection is a constitutional law concept that all people receive the same protection of the law. That is similarly situated people are treated similarly without regard to their race, creed, color, etc.

Exactions: The donation of land or money, the installation of improvements or other conditions required of a developer by the city government in return for approval of a proposed development.

Extraordinary majority: Some actions require an extraordinary majority to adopt. In that situation, four-fifths (4/5) of all members (not just those present) must vote for it to pass.

Fee: Recoupment of cost by the city as opposed to obtaining revenues in excess of the costs of providing the service, or regulating the activity (i.e. liquor license). A fee in excess of the costs of regulating or providing service is a tax.

Fidelity bond: A written promise to indemnify against losses from theft, defalcation, and misappropriation of public monies by government officers and employees.

Final plat: The final application proposal submitted by a subdivider to the planning commission.

Fiscal year: A 12-month period to which the annual operating budget applies and at the end of which a government determines its financial position and the results of its operations.

Flood hazard: An area, properly identified, which is subject to periodic flooding capable of causing property damage and/or injury to people.

Franchise: A right or privilege officially granted a person or group by a government.

Frontage: The part of a lot that touches a road, street, or watercourse; usually expressed as a specific amount such as 100 feet of road frontage.

Fund: A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities.

Funding bonds: Bonds issued to retire outstanding floating debt and to eliminate debt.

Gift (ethical purposes): Means money, real or personal property, a service, loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return. (MN STAT 10A.071)

General fund: The fund use to account for all financial resources except those required to be accounted for in another fund.

General obligation bond: A bond secured by the general revenues of the city such that the city may be required to levy in order to make the payments required, pursuant to the terms of the bond.

Grants: Contributions of gifts of cash or other assets from another government to be used or expended for a specified purpose, activity, or facility.

Harassment: The action of repeatedly annoying or tormenting another individual.

Hearing: A hearing (in the context of a Council meeting) is the opportunity to voice one's opinions to those making a decision.

Home rule charter: A home rule charter city is one that has its powers and structure determined by an election of its citizens in adopting a charter, as opposed to a statutory city whose structure and powers are prescribed by state statute.

Impartial hearing: An impartial hearing is one held and conducted by a person who has no interest in the outcome and who is not controlled by the parties or interested in the outcome.

Imprest account: An account into which a fixed amount of money is placed for the purpose of minor disbursements.

Improvements: Facilities which aid in land development. Improvements include streets, sewer and water lines, curbs, sidewalks, streetlights, fire hydrants and street signs.

Industrial revenue bonds: Bonds issued by governments, the proceeds of which are used to construct facilities for a private business enterprise. Lease payments made by the business enterprise to the government are used to service the bonds. Such bonds may be in the form of general obligation bonds, combination bonds, or revenue bonds.

Initiative: The process whereby citizens place a proposed ordinance on the ballot. Initiative and referendum only apply to certain ordinances regulating conduct or establishing a procedure and may not be applied to administrative Council actions.

Injunction: An injunction is a court order in connection with a lawsuit that prevents an action from being taken while the order is pending. In some cases, the injunction's effect is to compel a positive act rather than to simply prevent an act from occurring.

Interested person: A person or representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

Investments: Securities and real estate held for the production of revenues in the form of interest, dividends, rentals, or lease payments. The term does not include fixed assets used in governmental operations.

Joint powers: Units of government may enter into agreements to do almost anything that any one of the governmental bodies can do through joint powers agreements. Examples include joint police or other services among cities.

Judgment: An amount to be paid or collected by a government as the result of a court decision, including a condemnation award in payment for private property taken for public use.

Land use: A broad term used to classify land according to present use and according to the suitability for future uses: That is, for housing, open spaces and parks, commercial, industrial, etc.

Land use and development controls: Codes, resolutions and ordinances enacted by local communities, townships and counties under the authority of state enabling legislation. Such controls are designed and intended to be used for the protection of the public health, safety and welfare.

Lawful gambling: Lawful gambling refers to activities licensed by the state of Minnesota. Paddlewheels, tip boards, pull tabs, bingo and raffles are the only permitted activities. All other forms of gambling are illegal.

Levy: (verb) to impose taxes special assessments, or service charges for the support of governmental activities. (Noun) The total amount of taxes, special assessments, or service charges imposed by a government.

Liabilities: Debt or other legal obligations arising out of transactions in the past, which must be liquidated, renewed, or refunded at some future date. This term does not include encumbrances.

License: A permit to engage in an activity. Also may refer to real property whereby a person is permitted to use or occupy real property.

Lot: A piece of land divided from a larger parcel.

Mayor pro tem (Vice): Would be the appointment of a temporary Mayor until appointment or election fills the position.

Meeting: Where a quorum of a governing body is present and information is received or discussed relating to matters that will come before the governing body or an action is taken with respect to matters that might come before the governing body.

Minimum lot size: The smallest lot or parcel that can be built on in a particular land use zone.

Motion: An oral action of the Council that is recorded in the minutes, but is otherwise not formally set forth in written form.

Municipal bond: A bond issued by a state or local government.

Non-conforming use: A land use that does not comply with the ordinance of the zone it is in, or does not comply with other land use regulations.

Non-intoxicating: Malt beverages having an alcohol content of 3.2 percent or less.

Nuisance: The use of land or behavior that brings harm or substantial annoyance to adjacent property owners or the public in general.

Obligations: Amounts which a government may be required legally to meet out of its resources. They include not only actual liabilities, but also un-liquidated encumbrances.

Ordinance: A formal legislative enactment by the governing board of a city. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the city to which it applies.

Parcel: A lot or group of lots under a single ownership.

Parliamentary procedure: Following the rules and customs of the Council on how a meeting is conducted. Official process to accomplish city business.

Petty cash: A sum of money set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming.

Performance zoning: The use of standards in regulating land use location and density, rather than specific zones and districts.

Planned unit development (PUD): A zoning development management approach to physical growth which combines housing, commercial, light manufacturing and open space uses all in the same zone while maintaining an overall density compared to conventional development.

Planning commission: An official body appointed by the governing body of a city, township, or county that is responsible for making the comprehensive plan. In addition, the planning commission makes recommendations to the governing body about the zoning ordinance and zoning decisions, on subdivisions and on general planning matters.

Plat: The map of a subdivision, showing the number and dimensions of lots, public right way, and easements.

Police power: The power of a city to establish penal ordinances that prohibit conduct, adopt zoning regulations, remove nuisances, and otherwise provide for the health, safety and welfare of the community and its citizens.

Publish: Publishing a notice requires placing the item in the city's official newspaper for the specified period and in the specified form.

Punitive damages: Punitive damages are meant to punish as opposed to compensate. Punitive damages cannot be awarded except in fairly extreme situations involving a malicious act or willful disregard of someone's rights. Generally, a city cannot be assessed punitive damages.

Purchase order: A document which authorizes the delivery of specified merchandise or the rendering of certain services and the making of a charge for them.

Quorum: The number of individuals necessary to transact business. A quorum is less than all of the members and is generally the number required to adopt an item, usually a simple majority of the body's members.

Referendum: A referendum is accomplished by the petition of the electorate to have an ordinance submitted to an election before it may become effective.

Refunding bonds: Bonds issued to retire bonds already outstanding. The refunding bonds may be sold for cash and outstanding bonds redeemed in cash, or the refunding bonds may be exchanged with holders of outstanding bonds.

Relocation assistance: Assistance given to individuals and businesses displaced by governmental acquisition of property. Assistance takes the form of help in locating replacement place for family or business and monetary payments related to additional costs of replacement location.

Resolution: A written action of the Council adopted by roll call vote of the Council that records and sets forth the action taken by the Council.

Revenue bond: A bond that is secured by the stream of payments received from some particular project or undertaking as opposed to the general revenues of the city.

Right-of-way: The right to cross over property. A right-of-way usually refers to public land on which a street is built is a right-of-way. The right-of-way includes not only the street but land between the street and the sidewalk.

Right-to-know: Legislation requiring employers to advise employees regarding hazardous materials in the workplace.

Section 1983: This refers to a section of the civil rights act that allows an injured person to sue for damages under federal law for a deprivation of rights by an individual(s) acting under the law.

Setback: The distance required to locate a building from a road, property line, or other building.

Site plan: A map of a proposed development or subdivision.

Special assessment: The levying of a charge against property that has received a benefit from a particular project or activity undertaken by the city. The special assessment becomes part of the funding mechanism to defray the cost of the project.

Special district: A special unit of local government created to provide a specific service, such as water and sewer, and fire protection.

Special service district: A special service district is a district authorized by special legislation that allows for the imposition of service fees for services rendered in the district. It is available for use in industrial, commercial, or public utility applications.

Statute: A written law enacted by a duly organized and constituted legislative body.

Statutory city: A statutory city is one that is governed by chapter 412 of Minnesota statutes.

Storm water: Any flow occurring during or following any form of natural precipitation.

Subdivision: The legal separation of a parcel of land into lots for future sale and/or development.

Substandard housing: A broad classification for housing condition, rated in degrees of major and minor, which indicates that a certain dwelling unit is deficient for general use.

Surety bond: A written promise to pay damages or to indemnify against losses caused by the party or parties named in the document, through nonperformance or defalcation.

Tax: A tax is a charge levied against property or an activity. Cities may only impose taxes pursuant to specific statutory authorization. A fee that generates revenues in excess of the cost of a service or the regulation of an activity is an illegal tax.

Tax certificate: A certificate issued by a government as evidence of the conditional transfer of title of tax-delinquent property from the original owner to the holder of the certificate.

Tax deed: A written instrument by which title to property sold for taxes is transferred unconditionally to the purchaser.

Tax increment financing: A development tool whereby the taxes generated by a development or redevelopment are used to pay the costs of the project incurred by the city. The additional taxes generated by development are used to reimburse the city's costs in the project.

Tax lien: Claims which governments have upon properties until taxes levied against them have been paid.

Tax rate: The amount of tax stated in terms of a unit of the tax base.

Taxes: Compulsory charges levied by a government for the purpose of financing services performed for the common benefit.

Tort: A civil wrong whereby a person's property or person have been injured by the wrongful act of another, which act may be intentional or simply the product of neglect to exercise reasonable care.

Tract: Land under single ownership or control.

Trust funds: Funds used to account for assets held by a government in a trustee capacity for individuals, private organizations, other governments and/or other funds.

Variance: The decision to alter the provisions of a land use ordinance, usually on a single piece of land.

Veteran's preference: Statutory preferences granted to veterans of the armed forces, including additional points in civil service testing and protection from discharge except for misconduct. Does not apply to department head level employees.

Vote: At a Council or Boards/Commissions meeting, the formal decision on an item. Votes may be taken by roll call or by voice as directed, but the minutes of the meeting must reflect how each member voted.

Waters of the state: All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Zone: An area or areas of the City in which certain land uses are permitted and other uses are prohibited by the zoning ordinance.

Zoning: A regulatory approach to the use of land defines what types of buildings, activities and construction may occur in a district. For example: single-family residential, commercial, light industrial, etc.

Appendix III – Tips for Successful Public Service as Council or Boards/Commissions Member

- ◆ Speak the majority vote (rather than personal vote) of the Council to avoid confusing the public.
- ◆ Learn about the City, its history, operations, finances, City ordinances, Charter and policies.
- ◆ Devote sufficient time to the office and to studying the present and future problems of the community.
- ◆ Save energy and time by setting priorities. Governing a City requires a team effort. Be a team player.
- ◆ Use caution when making public decisions because they represent the community. Be careful to not allow personal experiences to influence decisions and focus on what the community needs as a whole.
- ◆ Take budget preparation seriously because it influences the next year as well as future years.
- ◆ Make decisions on the basis of public policy and be consistent. Treat similar situations similarly, and avoid favoritism.
- ◆ Be proactive. Focus on ways to prevent problems. Find the long-term public interest of the community as a whole rather than focusing on the demands of special interest groups.
- ◆ Be thoughtful when making decisions and be careful to not rush to judgment.
- ◆ Embrace change. Look for ways to be responsible through new ideas from the community, staff, the public and other Council members.
- ◆ If not sure of an answer to a question, it's okay to say, "I don't know the answer." Then find the answer to that question within a reasonable time limit. Providing correct information is important. The City Administrator can generally be very helpful.
- ◆ Remember that most decisions and actions require approval of the governing body, and this takes a majority vote.
- ◆ Keep in mind that Council members have legal authority as a governing body member only when the governing body is in legal session.
- ◆ Keep other Council members and the City Administrator in the communication loop about topics because this puts everyone on the same page.
- ◆ Participate in official meetings with the dignity and decorum fitting those who hold public trust.
- ◆ Personal dress and courteous behavior at meetings help create an environment for making sound public decisions.
- ◆ Conduct official public meetings with some formality and follow rules of procedure. Formal meetings expedite the process and tend to promote better decision making.
- ◆ Ask questions.
- ◆ Be active. Vote yes or no on motions. Respect the official position and share it as the voice of one City Council.
- ◆ Respect the letter and intent of the open meetings law. Be trusted by not repeating information under any circumstances unless there is a professional reason to do so.
- ◆ Retain competent, key employees, pay them well, trust their professional judgment and recognize their authority and responsibilities.
- ◆ Council focus is on policy-making and allow the City Administrator to work with the city's day-to-day operations. Work within the system by directing businesses and people to city staff as appropriate (such as suppliers and vendors). Direct contact with governing body members should be with the governing body as a whole.

- ◆ Be accountable for policies and decisions made.
- ◆ Be positive and ask the right questions. "How can we do this?"
- ◆ Learn to evaluate recommendations and alternative courses of action. Request options and encourage imaginative solutions.
- ◆ Focus on the long-term future of the City to avoid taking short-term gains at the expense of long-term losses.
- ◆ In determining the public interest, balance personal rights and property interests, recognize that in decisions must be made with the best interest of those involved in mind.
- ◆ Focus on the total development—physical, economic and social—of the community.
- ◆ Keep in contact and cooperate with federal, state, county and school officials. Cities must work within the intergovernmental system to be effective.
- ◆ Get to know officials of neighboring and similar size cities. Visit other cities, particularly those with a reputation of being well run.
- ◆ Listen to fellow Council members and the public to better understand what they are trying to say.
- ◆ Keep constituents informed and encourage citizen participation.
- ◆ Remember what's said privately and publicly can often be seen as news. Be friendly and deal effectively with the news media and represent the City Council as one voice. Consult with the City Administrator if there are any questions or help needed. Be careful about rumors. Check them out and help clarify any false information.
- ◆ Take care in those appointed to Boards and Commissions to ensure they are capable and representative of the whole community.
- ◆ Use manuals, guides and other technical assistance and information. Attend workshops and conferences to grow.
- ◆ Time management can help balance city service with other priorities. Establish personal goals and objectives.
- ◆ Focus on the future, and try to leave the city better than when first becoming a Council member.
- ◆ At least once a year, schedule a governing body discussion to review processes and procedures. Ask "How are we doing? How can we do things better?"
- ◆ Be enthusiastic about public service and the privilege to serve and make it a fun and rewarding experience.
- ◆ Be a leader, as well as part of the team of elected and appointed officials who were selected to make the city an even better place to live.
- ◆ Celebrate! Good things do happen. Let the public share those successes.

Source: League of Kansas Municipalities, 1990

Appendix IV – IMCA Code of Ethics



The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

- 1.** Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
- 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
- 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.
- 4.** Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- 5.** Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
- 6.** Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
- 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
- 8.** Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
- 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- 10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
- 12.** Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

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