

## CHAPTER III

## ADMINISTRATIVE CODE

Section 300 - Departments

300.01. Authority. This chapter is adopted pursuant to section 6.02, subdivision 8 of the charter. This chapter is the administrative code of the city.

300.03. Departments: department heads. The administrative affairs of the city are conducted under the supervision of the city manager. The administrative departments and department heads of the city administration are as follows: (Amended, Ord. No. 03-03)

<u>Department</u>	<u>Department Head</u>
Administration	Assistant City Manager
Finance	Finance Director/Information Technology Director
Assessing	City Assessor
Community Development	Community Development Coordinator
Fire	Fire Chief
Police	Chief of Police
Parks, Recreation	Director of Parks and Recreation
Engineering	City Engineer
Public Works	Public Works Director

(Amended, Ord. No. 03-03; Ord. No. 05-01; Ord. No. 05-11)

300.05. Officers. The city manager, department heads, city attorney, assessor, clerk and treasurer are officers of the city.

300.07. City manager: duties. Subdivision 1. General. The city manager is the head of the administrative branch of the city government and is responsible to the council for the proper administration of the affairs of the city. Subject to the provisions of the charter and council regulations consistent therewith, the manager controls and directs the city's affairs. The manager exercises control over the departments and divisions of the city administration created by the charter or by the council.

Subd. 2. Enforcement of law. The manager must see that the charter and the laws, ordinances and resolutions of the city are enforced. The manager may make investigations into the city's affairs, subpoena witnesses, administer oaths, and compel the production of books and papers.

Subd. 3. Personnel. The manager appoints upon the basis of merit and fitness and subject to applicable civil service rules, if any, employees of the city, except that (i) the appointment of officers and department heads is made upon the advice and consent of the council and (ii) the appointment, removal and suspension of the city attorney. The manager may remove or suspend an employee subject to applicable civil service provisions, if any, except that the removal or suspension of officers and department heads must be with the advice and consent of the council. (Amended, Ord. No. 05-07)

Subd. 4. Council meetings. The manager attends council meetings with the right to take part in the discussion but not to vote. The council may exclude the manager from a meeting at which the manager's removal is considered. The manager must recommend to the council for adoption such measures as deemed necessary for the welfare of the people and the efficient administration of city affairs.

Subd. 5. Budget. The city manager must prepare the estimates for the annual budget and submit with the estimates such explanatory statements as deemed necessary including comparisons of the city's finances with the three previous budgets of the city. The manager must explain the various items thereof as fully as may be deemed necessary by the council at meetings so conducted as to give interested citizens a reasonable opportunity to be heard. The city manager must enforce the provisions of the adopted budget.

Subd. 6. Expenditures. The manager may not approve an order upon the city treasurer for an expenditure unless an appropriation has been made in the adopted budget nor approve an expenditure covered by the adopted budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of outstanding orders and encumbrances.

Subd. 7. Chief accounting officer. The manager serves as the chief accounting officer of the city. The manager must submit to the council a statement each month showing the status of all funds, and such other information about the finances of the city as the council may require. Once each year, on or before the last day of June, the manager must submit a report to the council covering the financial operations of the city for the past year. The report, or summary thereof, must be published by the clerk in the official city newspaper as prescribed by law, on or before July 10th of each year. (Amended, Ord. No. 03-03)

Subd. 8. Assets. The manager must keep a current inventory showing all real and personal property of the city and its location. The manager is responsible for the care and custody of property which is not by charter, ordinance, or law assigned to some other officer or body for care and control.

Subd. 9. Amendments. The manager must from time to time suggest amendments to this administrative code.

Subd. 10. Other duties. The manager performs such other duties as may be prescribed by the charter, by law, by ordinance, or by resolution of the council.

300.09. Secretary of the council. The secretary of the council must (i) give notice of its meetings, (ii) keep a journal of its proceedings, and (iii) perform such secretarial duties as the mayor and council require. The council may designate any official or employee of the city, except the city manager, the mayor, or a member of the council, as secretary.

300.10. Criminal history background check. The police department is authorized to conduct a criminal history background investigation on applicants for positions with the city, as provided by this section. This section applies only to applicants for paid or volunteer positions with the city, where the city manager has determined that conviction of a crime may relate directly to the position sought. The police department may not perform a background investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city manager and other city staff as is appropriate. An applicant's failure to provide consent may disqualify the applicant for the position sought. In administering this section, the city will comply with Minnesota Statutes, chapter 364, as may be applicable. (Added, Ord. No. 95-13, Sec. 1)

300.11. City attorney. Subdivision 1. General. The city attorney is legal adviser to the city council and to city officers and employees on matters pertaining to their duties. The attorney represents the city in council procedures and litigation except where the council directs otherwise; drafts contracts, ordinances or other documents as requested by the city; and renders other legal services required by the council or the manager.

Subd. 2. Criminal prosecution. The attorney prosecutes or defends suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, an officer of the city on behalf of the city, or in the capacity of such person as an officer of the city.

Subd. 3. Judgments. The attorney is responsible for the enforcement of judgements, decrees, or orders rendered or entered in favor of the city.

Subd. 4. Opinions. The attorney is the legal adviser of the city and renders advice on all legal questions affecting the city when requested to do so by the manager. Upon request by the mayor or the council the attorney will supply written opinions.

Subd. 5. Assessments. The attorney reviews special assessment proceedings and sees to the completion of condemnation proceedings.

Subd. 6. Documents. The attorney drafts or supervises the phraseology of contracts, leases or other documents or instruments to which the city is a party. On request of the council the attorney drafts ordinances covering subjects within the power of the city.

Section 305 - Personnel Administration

305.01. Retirement. Subdivision 1. Policy. In order to provide financial security for city employees of retirement age, and to hold out the possibilities of promotion for city employees capable of performing the municipal service of those who retire, and to attract capable persons to a career in public service, the city participates in several pension plans. (Amended, Ord. No. 03-29)

Subd. 2. Mandatory retirement. City employees who are members of the Public Employee Police and Fire Retirement Association Fund (PERA) must retire by their 70<sup>th</sup> birthday if eligible for retirement benefits from the fund on that date. If not so eligible the employee may continue employment if physically able, until eligible. (Amended, Ord. No. 03-29)

305.03. Organization chart; personnel policy. Subdivision 1. The manager is directed to prepare an organizational chart, with explanatory job description for all positions in the various departments of the city. The manager shall update the chart as necessary to keep it current for all positions within the city. (Amended, Ord. No. 03-29)

Subd. 2. The manager is directed to prepare a personnel policy, establishing an efficient equitable, and functional system of personnel administration. The policy will govern all aspects and conditions of employment with the city. The manager shall revise the plan as necessary to keep it current with all applicable laws or changes in policy as directed by the city council. The manager shall present all substantive changes and revisions to the city council for review, ratification and adoption. The personnel policy shall be inclusive of the various administrative procedures. (Amended, Ord. No. 03-29; Ord. No. 06-01)

Subd. 3. Filing. The organizational chart and personnel policy shall be kept on file in the office of the clerk for reference by any interested person. (Amended, Ord. No. 03-29)

Section 310 - Contracts; Bidding; Filing Fees

310.01. General rule. Contracts, bonds, and instruments of any kind with a value greater than \$10,000 to which the city is a party must be signed by the mayor and the manager on behalf of the city and executed in the name of the city. Contracts, bonds, and instruments of any kind with a value greater than \$2,500 and less than \$10,000 must be signed by the Manager. (Amended, Ord. No. 03-03)

310.03. Disbursement of funds. A disbursement of city funds may be made by a check ordering payment from an account of the city, signed by the mayor and the manager, specifying the fund on which it is drawn. The manager for purposes related to the banking and investment activities of the city, may initiate electronic disbursements of funds. Other electronic disbursements of funds are to be carried out by the manager upon determination of proper appropriation and approval. (Amended, Ord. No. 03-03)

310.05. Manager: purchasing agent. The manager is the chief purchasing agent of the city. City purchases and contracts may be made or let by the manager when the amount of the intended purchases or contract does not exceed \$10,000. Department head, as defined in section 300, may initiate purchases and enter into contracts with values less than \$2,500 within the constraints of the provisions of the adopted budget. (Amended, Ord. No. 03-03)

310.07. Bid and quote procedures. The city will follow Minnesota State Statutes, chapter 471, regulating all bid and quote procedures. For purchases of goods and services not covered by Minnesota State Statutes, procedures are to be developed by the manager in accordance with sections 310.03 and 310.05 and under the provisions provided within the adopted budget. (Amended, Ord. No. 03-03)

310.09. Filing fees. Fees for filing various instruments with the city clerk are set by Appendix B.

Section 315 - City Funds

315.01. PIR Fund. Subdivision 1. Established. The city has heretofore created and established a special fund designated as the Permanent Improvement Revolving (PIR) Fund. It is the purpose of this subsection, pursuant to the provisions of section 7.11 of the charter, to provide for the basis upon which the PIR Fund will be operated, maintained, and used. The assets of the PIR Fund, whether in the form of bank deposits, investments or receivables from other funds of the city, are referred to herein as the "former funds". The permanent improvement revolving fund heretofore existing and to be maintained, operated and used hereafter in accordance with this subsection is referred to as the "PIR Fund". The city manager is directed to enter and establish such books, records and accounts as are hereafter provided or as are necessary for the maintenance and operation of the PIR Fund. The books, records and accounts are to be kept in the form and manner of other books, records and accounts of the city as far as consistent with the terms hereof.

Subd. 2. Source of funds. The PIR Fund consists of:

- (a) the former funds of the PIR Fund;
- (b) amounts remaining in any construction fund or debt service fund established for an assessable public improvement pursuant to Minnesota Statutes, section 429.091, subdivision 4, when
  - (1) all bonds or other obligations payable from said construction or debt service fund have been retired; and
  - (2) anticipated collections of special assessments and other revenues pledged to a construction or debt service fund for an assessable public improvement are estimated by the city treasurer to be adequate to produce at least 5% in excess of the amount needed to pay when due the principal of and interest payments on bonds issued to finance the improvements for which the fund was established; and
- (c) any other amounts from time to time appropriated to the PIR Fund by the city council.

Subd. 3. Uses of the fund. The PIR Fund may be used for the following purposes subject to the provisions of this subsection;

- (a) the temporary or permanent financing of the cost of assessable public improvements pursuant to Minnesota Statutes, chapter 429 and/or state aid eligible public improvements; (Amended, Ord. No. 03-03)
- (b) the temporary or permanent financing of the cost of non-assessable public improvements related to the improvement of streets and alleys; (Added, Ord. No. 03-03)
- (c) loans to any other city fund or funds for any purpose when there is an established method of repayment of such loan or loans to the PIR Fund;
- (d) other lawful corporate purposes as authorized by this subsection.

Subd. 4. Accounts. There are maintained in the PIR Fund the following equity accounts:

- (a) PIR Fund balance appropriated. This account consists of the amount authorized by the city council to be obligated for the construction of assessable public improvements.
- (b) PIR Fund balance unappropriated. This account consists of the amount available for appropriation by the city council for assessable public improvements.

Subd. 5. Maximum fund balance. The total sum of the equity accounts of the PIR Fund appropriated and unappropriated, in excess of the sum of \$720,000, may be permanently transferred to the general fund of the city solely for the improvement of streets and street maintenance. Any such transfer or transfers, if made, must be made annually in connection with the adoption of the annual budget of the city and must be based upon the audited financial records of the PIR Fund as of the close of the preceding calendar year.

Subd. 6. Fund uses. Loans and transfers from the PIR Fund, other than those made in the course of investing PIR Fund monies along with other monies of the city, may be authorized by the city council after receiving the recommendation of the city manager.

Subd. 7. Reports. Each year the city manager must prepare and submit to the city council, as a part of the annual report of the financial operations of the city as provided by section 7.12 of the charter, a detailed report of the condition of the PIR Fund.

315.03. Capital improvement fund. Subdivision 1. Established. There is created and continued a special permanent fund for the purpose of accruing and investing appropriated money to be used for the purchase, acquisition, construction, development or rehabilitation of municipal capital improvements within or by the city designated the Capital Improvement Fund. Municipal capital improvements are defined to include items, property or improvements thereof or thereon, the reasonable life expectancy of which is not less than three years and which are not to be paid for in whole or in part by special assessments levied against benefitted property.

Subd. 2. Sources. The city council may from time to time, as a part of the certification of the annual budget or otherwise, appropriate money to the fund with or without the designation of particular uses to which such monies will ultimately be put. When such appropriations are made by the council, the clerk must deposit money in the fund as soon as it is received.

Subd. 3. Uses. Money in the fund may be used only to pay for capital improvements. Payments may be made whenever authorized by the council if provision for the payment for capital improvements from the fund has been made in the annual budget. If no such provision has been made, payments may be made from the fund only upon adoption of a resolution by not less than a four-fifths vote of the city council. When money has been appropriated to the fund for a particular use it may not be used for any other capital improvement unless the change is ordered by a resolution adopted by four-fifths vote of the city council. Upon completion of a capital improvement, any excess appropriated unexpended balance will become unappropriated and available. (Amended, Ord. No. 03-03)

Subd. 4. Investments. Money appropriated to the fund must be invested regularly by the manager in such securities as are authorized by the laws and regulations of the state of Minnesota for investment by municipalities or deposited according to law.

Subd. 5. Accounting and records. The fund must be kept separate and distinct from other funds of the city, whether general or special. The city manager must prepare and maintain the necessary records and books for the maintenance of the fund. The records and books must include appropriate means of keeping separate and distinct the amounts of money in the fund appropriated for particular ultimate uses as well as a general account for undesignated appropriations. At least annually the manager must furnish to the council an accounting of the fund including receipts, disbursements, purposes of disbursements, investments, income thereon and current balances.

Subd. 6. Interpretation. Nothing contained in this subsection is to be interpreted to vary or alter the statutory, charter or ordinance requirements applicable to the general custody and control of municipal funds or general municipal accounting practices.

Section 320 - Commissions

320.01. Certain commissions. Subdivision 1. Established. There are created and continued the Planning Commission and the Park and Recreation Commission, referred to in this subsection as "advisory commissions". The advisory commissions have the powers and duties assigned them by this subsection and law. (Amended, Ord. No. 05-10)

Subd. 2. Membership: qualifications. The planning commission is composed of one member appointed from each ward of the city, and one member from the city at large. The Park and Recreation Commission which is composed of (i) one member from each ward, (ii) three members from the city at large with no more than two members from any one ward of the city on the commission, (iii) one non-voting ex officio member from the Robbinsdale youth baseball association, and (iv) one non-voting ex officio member from the Robbinsdale youth football association. Members must be citizens of the United States and residents of the city. Before approval by the city council of an appointment, the person being considered must submit a written description of qualifications and experience for the position concerned on a form prepared by the city clerk and approved by the city council. Appointments to the commissions require approval by four-fifths vote of the city council. Members serve without compensation. (Amended, Ord. No. 05-10)

Subd. 3. Term of office. Members of the advisory commissions serve for a term of two years expiring on December 31 of even numbered years.

Subd. 4. Commission officers. Each advisory commission must name one of its members to serve as chairperson.

Subd. 5. Meetings and procedures. Unless designated otherwise, each advisory commission must attempt to hold at least one regular meeting each month. The chair of each advisory commission may cancel a regular meeting if, after consultation with the staff liaison, it is determined that there is insufficient business to require that the meeting be held. Each commission must adopt rules for the transaction of business and must keep a public record of its resolutions, transactions and findings. On or before January 1 of each year each commission must submit to the city council a report of its work during the previous year. The report must include the number of meetings held during the year and the number of meetings attended by each member of the commission. Each commission must submit a written report to the city council of its proceedings and recommendations. (Amended, Ord. No. 06-01)

Subd. 6. Conflict of interest. A member of a commission may not vote on a matter in which the member is directly or indirectly interested.

Subd. 7. Removal of members. A commission member may be removed for cause by a majority vote of the city council after written charges have been filed and a hearing granted after at least five days written notice thereof to the member against whom such charges are filed.

Subd. 8. Vacancies. Vacancies are filled by appointment by the city council for the unexpired term. Members serve until a successor is appointed or qualified.

Subd. 9. Powers and duties. In addition to other duties imposed by law and this code, the advisory commissions have the following duties and powers:

- (a) Planning commission. The planning commission must study, investigate and make recommendations concerning the use of land, the location and the use of buildings, and the arrangement of buildings on lots in the city. The commission must consider and make recommendations concerning such other matters referred to it from time to time by the city council and may suggest to the council matters which the commission believes should be studied and considered. The planning commission is the planning agency of the city as provided by law.
- (b) Park and recreation commission. The park and recreation commission must study, investigate and make recommendations as to the acquisition, development, construction, maintenance and operation of the city parks and playgrounds. The commission must consider and make recommendations concerning such other matters as may be referred to it from time to time by the city council. The director of parks and recreation serves as an advisor to the commission in matters concerning parks and recreation and assists in coordinating long range planning. The commission may make such recommendations relating to the public recreation program as they deem necessary in fulfilling the recreational needs of the community. (Amended, Ord. No. 05-10)

320.03. Human rights commission. Subdivision 1. Policy. It is the public policy of the city of Robbinsdale to strive to secure for all residents of the city freedom from illegal discrimination in employment, housing and real property, public accommodations, public services and education consistent with the Minnesota Human Rights Act. The human rights commission has been established to assist the city council in carrying out this policy. (Amended, Ord. No. 99-03)

Subd. 2. Meetings and membership. There is established and continued a commission to be known as the human rights commission consisting of 11 members. The commission is appointed by the mayor and with the advice and consent of the city council. The commission must designate one of the members as chairperson. The members are appointed and hold office concurrent with the term of the mayor. The members of the commission serve at the pleasure of the council. A member's term may be terminated upon a majority vote of the council. The commission must attempt to hold bi-monthly meetings. The chair of the advisory commission may cancel a regular meeting if, after consultation with the staff liaison, it is determined that there is insufficient business to require that the meeting be held. Members of the commission serve without compensation but may be reimbursed for personal expenses incurred in the performance of their duties. (Amended, Ord. No. 99-03; Ord. No. 06-01)

Subd. 3. Duties. The duties of the Human Rights Commission are: (a) to advise the Council on matters and problems relating to discrimination and human rights issues and behavior in the city; (b) to recommend to the Council education, municipal and community programs designed to effectuate the policies set forth in this subsection; (c) to implement such programs referred to in (b) as may be directed for Commission action by the Council; (d) to recommend to the City Council the formulation and implementation of programs designed to effectuate the policies stated in this subsection; (e) to study and make recommendations to the City Council for referral to the Commissioner of Human Rights; (f) to perform other functions, approved by the City Council and authorized for local commissions under the Minnesota Human Rights Act. (Amended, Ord. No. 99-03)

Subd. 4. Cooperation. The services of city departments and agencies will be made available by their respective heads to the Commission at its request, and information in the hands of any department or agency will be furnished to the Commission when requested. Upon receipt of recommendations in writing for the Commission, each department or agency under the direction of the city manager must submit a written reply indicating the disposition of an action taken with regard to such recommendations.

Subd. 5. Consultation. The Commission must advise and consult with the mayor and City Council on all matters involving legally prohibited prejudice or discrimination and recommend such legislative action as it may deem appropriate to effectuate the policy of this subsection.

Subd. 6. Cooperation with civic groups and governmental agencies. The Commission must invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, fraternal and benevolent societies, veteran's organizations, professional and technical organizations, and other groups in the city in carrying on its work. The Commission may aid in the formation of local community groups in neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the city. The Commission must cooperate with state and federal agencies whenever it deems such action appropriate in effecting the policy of this subsection.

Subd. 7. Investigations, research, and publications. The Commission may research and investigate allegations and complaints. In accordance with the Minnesota Human Rights Act, the Commission may conduct public hearings to gather and disseminate information regarding illegal discrimination in employment, housing and real property, public accommodations, public services and education. (Amended, Ord. No. 99-03)

320.05. Senior commission. Subdivision 1. Title. There is established and continued a citizens' advisory commission known as the Senior Commission. (Amended, Ord. No. 08-01)

Subd. 2. Purpose. The purpose of the Commission is to advise the City Council as to the status and needs of seniors, age 55 and over, in the city and ways in which the needs of seniors may be met. (Amended, Ord. No. 08-01)

Subd. 3. Duties. It is the responsibility of the Commission to:

- (a) recommend the initiation of programs, grants and other governmental activities and services to maintain or improve the quality of life for seniors in the city; (Amended, Ord. No. 08-01)
- (b) evaluate and assess the impact of current or proposed programs, grants and other governmental activities and services on seniors in the city; and (Amended, Ord. No. 08-01)
- (c) serve as a liaison to existing seniors service agencies to assist in assessing resources, disseminating information on services available and assisting seniors in availing themselves to those resources and services. (Amended, Ord. No. 08-01)

Subd. 4. Appointments and composition. The Senior Commission consists of seven members. One member is elected by the Commission to serve as chairperson. Members must be at least 55 years of age and be residents of the city. Members are appointed as follows: (Amended, Ord. No. 08-01)

- (a) two members appointed at large; (Amended, Ord. No. 09-07)
- (b) one member appointed from each of the four wards in the city;
- (c) one member from the Robbinsdale Seniors Club as sponsored by the Robbinsdale Park and Recreation Department. (Amended, Ord. No. 08-01; Ord. No. 09-07)

Subd. 5. Term.

- (a) Members of the Senior Commission serve for a term of two years. The terms are staggered as follows: (Amended, Ord. No. 08-01)
  - (i) one representative from the Robbinsdale Seniors Club, the representatives from wards 1 and 3, and the representative appointed at large have terms expiring on December 31, of even numbered years; (Amended, Ord. No. 08-01)
  - (ii) one representative from the Robbinsdale Seniors Club, and the representatives from wards 2 and 4 have terms expiring on December 31, of odd numbered years. (Amended, Ord. No. 08-01)

Subd. 6. Meetings and procedures. The Seniors Commission must attempt to hold at least one regular meeting each month, except during the summer months. The chairperson of the Commission, after consultation with the staff liaison, may cancel a regular meeting if it is determined that there is insufficient business to require that the meeting be held. The Commission must adopt rules for the transaction of business and must keep a public record of its resolutions, transactions, or findings. The Commission must submit to the City Council each year a report of its work during the previous year. The report must include a summary of the Commission's proceedings and recommendations. (Amended, Ord. No. 08-01)

Section 325 - Disposal of Abandoned Property

325.01. Disposal of impounded motor vehicles. Subdivision 1. Holding period. The city may dispose of motor vehicles coming into its custody, whether impounded by the city or abandoned, and remaining unclaimed by the owner. The city or the designated custodian of the motor vehicle must deliver the vehicle to its owner upon tender of storage and hauling fees. Prior to disposal of the motor vehicle, the city clerk must mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of the possession and intent to dispose of the motor vehicle. The motor vehicle must be sold to the highest bidder at public auction or sale following publication of one notice of sale in the official newspaper. The sale must be held no sooner than ten days nor later than 20 days after date of publication of notice of sale. The sale must not be conducted until the motor vehicle has been in the possession of the city for a period of not less than 15 days after mailing of notice to the registered owner, if any.

Subd. 2. Proceeds. The net proceeds of the sale are paid into the general fund of the city. The net proceeds are the sale price less any cost of handling, storage or sale of the vehicle. Net proceeds will be paid to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six months of the sale.

325.03. Disposal of other personal property. Subdivision 1. Holding period. Personal property other than motor vehicles in the custody or possession of the city that has been abandoned by the owner thereof or for which no owner has been found, may be disposed of after the property has been held by the city for a period of at least one month. The city may dispose of perishable property in the manner hereinafter provided prior to the expiration if the one month waiting period would result in a substantial reduction in the value of the property.

Subd. 2. Notice. After the expiration of the one month period, notice of sale of the property at public auction must be given one publication in the official newspaper. The sale must be held no sooner than ten nor later than 20 days after publication of notice of sale.

325.05. Conduct of sale. Sales of motor vehicles and other personal property may be conducted by the manager or by a licensed auctioneer employed by the city. Money received from the sale is deposited in the general fund, but must be held for a period of six months from the date of the sale subject to the right of the former owner to receive payment of the sale price upon application and satisfactory proof of ownership within that six month period. The city is not liable for the condition of property sold, and no warranty, express or implied, is given by the city in connection with the property sold.