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CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE.

Pursuant to authority granted by Statute, this Chapter of the City Code is enacted so as for enforcement the government and good order of the City by and through the Council.

SECTION 2.02. COUNCIL MEETINGS - TIME AND PLACE.

Regular meetings of the Council shall be held in the Council Chambers on the first Monday of each month at 7:00 o'clock P.M. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next business day at the same time or set by the Council. Council meeting dates are subject to change per Mayor's discretion.

SECTION 2.03. SPECIAL AND EMERGENCY MEETINGS.

A special meeting of the Council is any meeting other than a regular meeting. It may be called by the Mayor or by any two other members of the Council by writing filed with the City Clerk stating the time, place and purpose of the meeting. The City Clerk will notify all members of the Council by mail one (1) day prior to the meeting, or personal service at least 24 hours prior to the meeting date and time.

Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk prior to the beginning of the meeting.

Emergency meetings are special meetings called by the Council due to circumstances that, in its judgment, require immediate council consideration. The City Clerk will contact all Council members of the meeting by phone at least one (1) day before the meeting.

Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements. Any special or emergency meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the Council. All Council meetings shall comply with MN Data Practice Act & Opening Meeting Law. Notice to the public and to news media shall be given as required by statute.

SECTION 2.04. COUNCIL PROCEDURE AT REGULAR MEETINGS.

The City Clerk shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a report from the City Clerk on administrative activities of the preceding month; (3) a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City during the preceding month; (4) a copy of all minutes to be considered; and, (5) copies of such other proposals, communications, or other documents as the City Clerk deems necessary or proper for advance consideration by the Council. The City Clerk shall forthwith cause to be e-mailed or delivered to each member of the Council copies of all documents. Roberts' Rules of Order (Newly Revised) shall govern all Council meetings as to procedural matters not set forth in the City Code.

SECTION 2.05. CITY SEAL.

All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of and affixed by the City Clerk. The official City Seal shall be a circular disc having engraved thereupon "CITY OF WESTBROOK and such other words, figures or emblems as the Council may, by resolution, designate.

SECTION 2.06. RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Clerk or any other City official, or any Board or Commission not having within its structure an appellate procedure such aggrieved person is entitled to a full hearing before the Council upon serving a written request to the Mayor and City Clerk at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence deemed pertinent to the appeal. The City shall keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements make a motion to adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

SECTION 2.07. RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SECTION 2.08. FACSIMILE SIGNATURES.

In the absence of the Mayor, the Acting Mayor and City Clerk are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of the Mayor's signature effectively as though it were a manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

SECTION 2.09. CITY COUNCIL

The City Council shall required to:

- A. Supervise the administration of all Departments, offices and divisions of the City except as otherwise provided by law and carry out any other responsibilities authorized by the jurisdiction of this Chapter or by subsequent Council action. The Council shall interview and screen all prospective City employees as permitted by law and shall make recommendations for terminating and suspending employees and may suspend any employee until the next Council meeting when the Council shall affirm, modify or rescind the suspension.
- B. Develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices as permitted by law and Council approval.
- C. Prepare and submit an annual budget to the Council and keep the Council advised of the financial condition of the City and make such financial or budgetary recommendations.

SECTION 2.10. CITY CLERK.

Subdivision 1. Combined Office.

Pursuant to the authority granted by Minnesota Statutes 412.591, the offices of the Clerk and Treasurer shall be, and hereby, combined in the office of the Clerk-Treasurer and thereafter the duties of the Treasurer and Clerk shall be performed by the Clerk-Treasurer.

Subdivision 2. Audit.

In conformance with the laws of the State of Minnesota, there shall be an annual audit of the City's financial affairs by the State Auditor or a public accountant in accordance with minimum procedures prescribed by the State Auditor.

Subdivision 3. Qualifications.

The City Clerk shall be selected solely on the basis of executive and administrative qualifications with special reference both to experience, formal education, as well as knowledge of accepted practices pertaining to the duties of the office.

Subdivision 4. Duties.

The City Clerk shall be the chief administrative officer of the City and shall be responsible to the Council for the proper administration of all affairs of the City and to that end shall have the power and shall be required to:

- A. Attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council. The City Clerk shall also represent the City at all official or semi-official functions as may be directed by the Council and not in conflict with the prerogatives of the Mayor or Council. The Clerk shall be entitled to notice of all regular and special meetings of the Council.
- B. See that all laws and provisions of the City Code are duly enforced.
- C. Make or let purchases and contracts in an amount established by the City Council. Present to the City Council as per MN Statutes 412.691, quotations, sealed bids, purchases or contracts in excess of \$50,000 and present them to the Council for official action.
- D. Recommend from time to time the adoption of such measures as deemed necessary or expedient for the health, safety and welfare of the community.
- E. Perform such other duties as may be required by the Council and consistent with Minnesota Statutes and the City Code.

Subdivision 5. Bond Required.

The City Clerk shall furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of duties. The premium of the bond shall be paid by the City.

Subdivision 6. Compensation,

The City Clerk shall receive such compensation as the Council shall fix from time to time by ordinance or resolution.

SECTION 2.11. INTERIM EMERGENCY SUCCESSION.

Subdivision 1. Purpose.

Due to the existing possibility of an emergency disaster requiring a declaration of a local state of emergency, it is found urgent and necessary to insure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

Subdivision 2. Succession to Local Offices.

In the event of an emergency/disaster affecting the vicinity of the City, the Mayor, Council, Civil Defense Director and City Clerk shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictates, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

- A. By majority vote of those persons present, regardless of number, they shall elect a Chair and Secretary to preside and keep minutes respectively.
- B. They shall review and record the specific facts relating to the emergency and injuries to persons or the disaster or damage to property already done, or the imminence thereof.
- C. They may, based on such facts, declare a state of local emergency, pursuant to the authority granted by Minnesota Statutes 12.29, subdivision 1.
- D. By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.
- E. Such interim successors shall serve until such time as the duly elected official is again available to and returns to the position or the state of emergency has passed or a successor is designated and qualifies as required by law, whichever occurs first.

Subdivision 3. Duties of the Interim Emergency Council.

The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

SECTION 2.12. SALARIES OF MAYOR, COUNCIL MEMBERS, AND MEMBERS OF BOARDS AND COMMISSIONS.

Subdivision 1. Salaries

Salaries of the Mayor and Council are set by Council resolution.

The yearly salary of the Mayor shall be \$1,500. The yearly salary of each Council Member shall be \$750.

Subdivision 2. Setting of Salaries

The yearly salary of Mayor and each Council Member shall be established by current resolution prior to the regular city election. No change in salary shall take effect until January 1 after the next succeeding regular city election.

Subdivision 3. Special Meetings Compensation

Compensation for attending special meetings is set at \$25 by Council resolution.

Subdivision 4. Board and Commission Salaries

Salaries for members of utility commission and EDA board members shall be established by resolution of the Council.

Subdivision 5. Reimbursement of Meals

Reimbursement of meals shall be in accordance to rates set by council as noted on the expense reimbursement form.

Subdivision 6. Types of Meetings to be Paid

Type of meeting to be paid:

- A. Regular and special meetings of Commissions and Boards, whether or not a quorum is present.
- B. Meetings with other groups when approved by the Council.
- C. Meetings to give reports to the Council. The Chair of the Commission or Board or other designee.
- D. Liaison of the Council will be paid for regular and special meetings as if they are commission or board members.

- E. Each Council Member, Commission or Member shall keep their own records of meetings, expenses, and submit a bill on a semi-annual basis for each year for approval and payment.
- F Actual out-of-pocket expenses for mileage, meals, and lodging shall be submitted for approval and payment.

SECTION 2.13. WORKERS COMPENSATION.

All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of workers compensation.

SECTION 2.14. CIVIL DEFENSE DIRECTOR.

Subdivision 1. Services.

The Council may appoint a Civil Defense Director.

Subdivision 2. Compensation.

The compensation of a Civil Defense Director for any services rendered to the City may be fixed and determined by the Council.

SECTIONS 2.15 – 2.29. RESERVED.

SECTION 2.30. DEPARTMENTS GENERALLY.

Subdivision 1. Appointment.

All Department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate period of time. Hiring of seasonal work is on a short term basis to be determined by Council at the time of hire.

Subdivision 2. Compensation.

All wage and salary scales shall be fixed and determined by the Council.

Subdivision 3. Table of Organization and Lines of Responsibility.

The Council may by resolution adopt, amend, and from time to time revise, a Table of Organization and define lines of responsibility and authority for the efficient governmental organization of the City.

Subdivision 4. Budgetary Information.

The City Clerk and Mayor shall, prior to August 1 in each year, review the projected financial needs of each department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the City.

Subdivision 5. Control.

All Departments and Department Heads, except the Legal Department, shall be directly responsible to the City Clerk and shall act under the control of the Council.

SECTION 2.31. POLICE DEPARTMENT.

A Police Department is hereby established. The Head of this Department shall be the Chief Law Enforcement Officer or Chief of Police who shall be responsible for all law enforcement functions of the Department. The Chief of Police shall be a licensed police officer and shall be responsible to the City Clerk and to the Council as provided by City Code Section 2.10 and 2.30. The number of additional members of the Department, both sworn and non-sworn, shall be determined by the Council. The Mayor/City Clerk shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty in the event of a local emergency or needs. All sworn members of the Department shall have the powers and authority of police officers generally, and shall perform such duties as are required of them by the Chief of Police, City Clerk, or the Council. The Chief of Police shall have general superintendence of the Police Department and custody of all property used and maintained for the purposes of said Department. It is the duty of the Chief of Police to file as requested, with the City Clerk, any reports as may be required by the City Clerk and the Council.

SECTION 2.32. FIRE DEPARTMENT.

A Volunteer Fire Department under the control of the Council is hereby established. The size, composition and enumeration shall all be established by resolution of the Council, which may be changed from time-to-time by resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. The Chief shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. The Chief shall protect and preserve all life and property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, duties and be subject to all the responsibilities of the Chief. It is also the duty of the Chief of the Fire Department, on or before the beginning of each calendar quarter, to file a report with the City Clerk as to all fires occurring during the previous months stating the probable cause thereof and estimated damages; such report shall also state the other activities of the Department. The Chief of the Fire Department shall also make and file such other reports as may be requested by the Council.

SECTION 2.33. LEGAL DEPARTMENT.

A Legal Department is hereby established. The Council may appoint a City Attorney, who shall be head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required by law or referred by the Council. It shall be the official duty of the City Attorney to act as "Reviser of Ordinances".

SECTION 2.34. PUBLIC WORKS DEPARTMENT.

A Public Works Department is hereby established. The head of such Department shall be the Public Works Superintendent. The City ponds, lift station, streets, pools, parks, community center and branch disposal shall be under direct supervision of the Public Works Supervisor and shall be responsible for and have custody of all Department property. It is also the duty of the Public Works Supervisor, on or before the date of the first regular Council meeting in each month, to report as to any recommendations as to repairs or improvements deemed advisable, together with a report of the activities of Department during the preceding month. The Public Works Supervisor shall also make and file such other reports as may be requested by the Council. The public Works Supervisor is also responsible for completion of required paperwork associated with the waste water treatment facility.

SECTIONS 2.35 - 2.49. RESERVED.

SECTION 2.50. BOARDS AND COMMISSIONS GENERALLY.

All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed by the Council at the first regular meeting in December of each year. The term of each appointee shall be established and stated at the time of appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this Section. New appointees shall assume office on January 1, December 31 being the date of expiration of terms. Provided, however, that all appointees to Board and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term. No appointed Board or Commission member shall be an employee of the City except those who are members by virtue of their office. All appointed Board and Commission members shall serve with such remuneration and reimbursement for out-of-pocket expenses incurred in the performance of their duties as may be authorized by the Council. The Chair, Vice-Chair and Secretary shall be chosen from and by the Board or Commission membership, provided, however, that no Chair shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and the position filled as any other vacancy. Each Board and Commission shall establish meeting dates and times on an annual basis. All members shall be residents of the City, except that some members of each Board or Commission may be residents of Cottonwood County and non-residents of the City if the Council deems such arrangement more representative. All Boards and Commissions shall act in an advisory capacity to the Council. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

SECTION 2.51. LIBRARY BOARD.

Subdivision 1. Establishment and Composition.

A Library Board composed of five (5) members, who shall serve staggered three-year terms, is hereby established. All appointments for a full term, or to fill a vacancy for an unexpired term, shall be made by the Mayor with the approval of the Council. No more than one Council member shall be a member of the Board.

Subdivision 2. Duties.

The duties of the Board are as follows:

- A. To annually elect from its membership a Chair, Secretary and such other officers as it deems necessary; adopt rules and regulations for the government of the library and conduct of its business; appoint a qualified Library Director and other staff as necessary, establish compensation of employees, and remove them for cause.

- B. To annually report to the Council receipts and their sources, disbursements and for what purposes, the number of library materials on hand, purchased and loaned, and other information it deems advisable; and, to file such information with the Minnesota Department of Education not later than April 1 of each year.

Subdivision 3. Title to Property.

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, the City for the library shall vest in, and be held in the name of, the City, and any conveyance, grant, donation, devise, bequest or gift made to, or in the name of, the library or Library Board shall be deemed to have been made directly to the City.

SECTION 2.52. UTILITIES COMMISSION.

Subdivision 1. Establishment and Composition.

A Utilities Commission is hereby established. The Commission shall be composed of three (3) members, which shall be appointed by the Council and shall serve staggered three-year terms. Utility Commission is as follows; first year commission seat, second year Secretary and third year President.

Subdivision 2. Powers.

- A. The Commission shall have charge of the administration, maintenance and control of the water, city sewer infrastructure and electrical utilities. The Commission shall recommend to the Council the hire of a Utility Superintendent and all necessary employees; to authorize payment to the officers and employees for expenses necessarily paid or incurred in performance of their duties; to require and fix the amount of a bond of any officers or employees and to authorize the payment of premiums thereon; to effect all necessary insurance, to maintain petty-cash funds; to receive and to accept, according to their terms, all gifts and donations for utility purposes; to establish such standing committees as it may see fit; to make rules relating to its own procedure for the administration, maintenance and control of the utilities owned and operated by the City.
- B. The Commission shall have the power, and it shall be the duty, of the Commission to keep buildings and equipment in good repair.
- C. The Chair-and Utility Bookkeeper shall sign, on behalf of the Commission, all contracts and orders; and shall certify all payments and execute such other documents as are authorized by the Commission. In the absence of the Chair from the City, or in case of his disability for any reason, the Secretary-shall, during such time, exercise all of the powers of the Commission Chair.

Subdivision 3. Duties.

The duties of the Commission are as follows:

- A. Rates and Employees.
 - 1. Review and make recommendations to the Council in all matters relating to rates and charges for the municipal utilities.
 - 2. Review and make recommendations to the Council for adopting policies including, but not limited to, policies as to furnishing and terminating utility services.
 - 3. Review and make recommendations as to employment, discharge, and the efficient use of personnel for furnishing municipal utility services.

- B. Finances.
 - 1. There is hereby created a fund, which is hereby designated as the "Utility Fund", into which fund shall be placed all moneys received from all sources for the Municipal Utility. Payment of bills incurred in the operation, maintenance and control of the Municipal Utility shall be paid from said fund.
 - 2. No deposits in the utility fund shall be diverted from the Commission; for purposes other than ownership operation, and maintenance of the Municipal Utility unless authorized by the Commission and accepted by the Council.
 - 3. Bills and indebtedness, other than principal and interest on bonds incurred in the operation, maintenance and control of the utility shall be approved by the Chair and City Clerk and presented to the Council. The Council shall act on such bills as in other claims against the City, including those paid pursuant to the \$50,000.00 limitation referred to in Subdivision 2 of this Section.
 - 4. The Utility Bookkeeper shall certify payrolls and bills as to amounts, date of payment and other pertinent data to the Commission; and when such certified payrolls are presented to the Commission and Utility Bookkeeper are hereby authorized to issue, or cause to be issued, payment in accordance with the terms of such specified payroll. All checks, vouchers, and warrants executed in behalf of the Municipal Utility shall be signed by the Utility Bookkeeper.

5. The members of the Commission shall serve on the Commission for such remuneration, as resolved by the Council. Commission members may be paid and reimbursed for actual expenses incurred in attending to business of the Municipal Utility same to be approved by the Commission and Council.
- C. Meetings of the Commission. The Commission shall hold regular meetings which will be established at the first meeting date. Special meetings are hereby authorized and shall be held when called by the President. To transact business at any regular or special meeting, a majority of the Commission must be present. The President or Secretary shall file with the Council a copy of the minutes of all Commission meetings held that month.
- D. Annual Statement. The Commission shall cause to be filed with the Council on or before the first day of January of each year a complete statement of all transactions of the preceding fiscal year's business, and said annual statement shall contain and include a complete and detailed statement of all receipts and disbursements for the preceding fiscal year.
- E. Bonds and Deposits. All moneys received and collected from the operation of the Utility shall be deposited in the official depository of the City.
- F. Fiscal Year - Budget. The Commission shall cause to be prepared a budget for the anticipated expenditures for the fiscal year following. Such budget shall be filed with the Utility Bookkeeper on or before January 1 of each year, and shall be considered by the Council at the regular monthly meeting of the Council in January.

Subdivision 4. Council Authority.

Notwithstanding any other provision of this Section, the Council shall, at any and all times, have the power and the duty to question and inquire into all aspects of authority exerted by the Utilities Commission, including but not limited to receipts, disbursements and methods of accounting. Before approval of any Utilities Commission budget for an ensuing year, each item thereof shall be fully and completely explained and justified to the satisfaction of the Council.

SECTION 2.53. ECONOMIC DEVELOPMENT COMMISSION.

Subdivision 1. Establishment and Legal Status.

- A. The Westbrook Economic Development Authority (EDA) was officially formed in July, 1990. The Westbrook EDA, subject to the provisions of the Enabling Resolution, shall have all the powers, duties and responsibilities of any economic development authority created pursuant to the Act, or other law, a housing or redevelopment authority created pursuant to the Housing Act, or other law and which shall constitute an “Agency” pursuant to the Development Act. It shall be the role and responsibility of such economic development authority to carry out economic, housing and industrial development and redevelopment within the city in accordance with such general policies as may from time to time be established by the Council and Mayor.
- B. Legal Status. The Authority shall be a public body politic and corporate and a political subdivision of the State of Minnesota. It shall not be considered a department of the city nor shall the city be liable for its obligations, unless assumed by the city in writing. Its relationship to the Council and Mayor shall be governed by the Enabling Act, this Enabling Resolution and the various statutes under which it operates, including the Enabling Act, the Housing Act, the Development Act, the Industrial Bond Act, the Housing Bond Act and the Tax Increment Act; provided, that in the event there is a conflict between the terms of this Enabling Resolution and any such statute, the Enabling Resolution shall control and in the event there is a conflict between the Enabling Act and any such statutes, the Enabling Act shall control; provided further, that a statute granting authority shall not be deemed to be in conflict with a statute that grants less or no such authority.

Subdivision 2. Definitions.

- A. “Authority” means the Westbrook Economic Development Authority.
- B. “City” means the City of Westbrook, Minnesota.
- C. “Council” means the duly elected governing body of the city.
- D. “Enabling Resolution” means the resolution of the Council establishing the Westbrook, Economic Development Authority pursuant to the Enabling Act.
- E. “The Development Act” means the City Development Districts, Minnesota Statutes, Sections 469.124 to 469.134.
- F. “Federal Limitation Act” means certain acts of Congress which limit the aggregate amount of obligations of a specified type which may be issued within the city, as further defined in Section 474.16, Subdivision 5 of the Industrial Bond Act and as may from time to time be defined in other state laws.

- G. “The Housing Act” means Municipal Housing and Redevelopment Authorities, Minnesota Statutes, Sections 469.001 to 469.047.
- H. “The Housing Bond Act” means the Municipal Housing Program Act, Minnesota Statutes, Chapter 462.C.
- I. “Industrial Bond Act” means the Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 to 469.165.
- J. “Project Area Plan” means an outline for the development or redevelopment of a geographic area of Authority concentration which contains a statement of objectives for improvement of the area as well as a description of public facilities to be constructed, and estimated schedule of the open space to be created, the environmental controls to be applied, the property to be publicly acquired and the condition under which the Authority shall exercise the right of eminent domain, if any, the proposed reuse of private property and the general standards of development. Said plan shall be sufficiently complete to constitute a “development program” pursuant to Section 469.125, Subdivision 3 of the Development Act and a “redevelopment plan” pursuant to Section 469.002. Subdivision 16 of the Housing Act.
- K. “Project Budget” means a financial budget containing the sources and uses of public funds to be expended in carrying out the public costs associated with a Project Plan or Project Area Plan. In the event any or all such public costs are to be paid with tax increment, the Project Budget shall constitute a “tax increment financing plan” as described in Section 469.175 of the Tax Increment Act.
- L. “Project Plan” means a description of the development or redevelopment of property, including an estimated schedule, the property to be publicly acquired and the condition under which the Authority will exercise its right of eminent domain, if any, description of the public facilities to be constructed, and the proposed reuse of private property.
- M. “Tax Increment Act” means Tax Increment Financing, Minnesota Statutes, Sections 469.174 to 469.179.

Subdivision 3. Governing Body.

The powers of the Authority shall be vested in the commissioners thereof in office at any time, a majority of whom shall constitute a quorum for all purposes.

- A. Membership of the Authority shall consist of five commissioners with at least three members on the City Council.
- B. The Mayor shall appoint the authority commissioners with the approval of the City council.
- C. Members of the Authority are appointed for a four year term. The five board of directors consists of three (3) members from the City Council and two (2) members at-large.
- D. If a vacancy is created when a Council member ends council membership or other such vacancy occurs, the commission vacancy shall be filled by Mayoral appointment with approval and consent of the Council, for the balance of the term.

Subdivision 4. Authority Officers.

The commissioners of the Authority shall elect officers as provided in Section 469.096 of the Enabling Act.

Subdivision 5. Reports.

- A. At least once annually by March 1, the Authority shall appear at a regularly scheduled Council meeting and report to the members of the public regarding the operational statutes of the Authority. Such report shall comply with Section 469.100, Subdivision 4 of the Enabling Act and shall include a description of current and proposed projects as well as general development goals for the city.
- B. The Authority shall be responsible for all filings and reports required by the various statutes under which it operates. Copies of all such reports shall be provided to the Council and Mayor and shall be available to members of the public unless otherwise permitted or required by law.

Subdivision 6. Account, Budget and Fiscal Year.

- A. The accounting, maintenance of books and records, establishment and maintenance of funds and accounts, investment of cash surpluses, disbursement of monies and other necessary financial matters of the Authority shall be the responsibility of the Commission Treasurer.

- B. On or before September 1 of each year the authority shall submit its annual budget to the City Clerk in a form prescribed by the City Clerk. Such budget shall include a detailed written estimate of the amount of money that the Authority expects to need from the City for Authority business during the next fiscal year and shall otherwise comply with Section 469.100, Subdivision 1 of the enabling Act. The Council may impose such conditions upon the issuance of obligations by the City for the purpose of funding said Authority budget as it may determine. The City Clerk shall review and consider approval of the proposed authority budget as a part of the City Budgetary process. The Commission shall appear before the Council as requested to explain and discuss the content of the proposed Authority budget. Upon approval of such budget, the Authority shall not exceed total budgeted expenditures without approval of corresponding budget amendments by the Council; provided, however, that this provision shall not preclude the Authority from unilaterally making line-item changes as it deems appropriate.

- C. The fiscal year of the Authority shall be the same as that of the City.

Subdivision 7. Powers.

- A. The Authority may exercise all of the powers contained in the Enabling Act.

- B. The Authority may exercise all of the powers contained in the Housing Act.

- C. The Authority may exercise all of the powers of an Agency contained in the Development Act.

- D. The Authority may exercise all of the powers of a redevelopment agency contained in the Industrial Bond Act.

- E. The Authority may exercise all of the powers of a city contained in the Housing Finance Act, provided authorized to do so by ordinance of the Council pursuant to Section 462C.02, Subdivision 6 of the Housing Finance Act.

- F. The Authority may exercise such powers as may be contained in other laws applicable to economic development authorities or housing and redevelopment authorities not specifically described herein.

Subdivision 8. Limit of Powers.

- A. The sale of all bonds issued by the Authority must be approved by the City Council before issuance.

- B. The ability of the Authority to participate as a limited partner in a development project must have prior approval of the City Council.

- C. All official actions of the Authority must be consistent with the adopted comprehensive plan of the City, and any official controls implementing the comprehensive plan.

- D. The Authority must submit administrative structure and management practices to the City Council for approval.

SECTION 2.54. PLANNING COMMISSION.

(CODIFIER'S NOTE: The Planning Commission is provided for in Chapter 9 of the City Code.)

SECTION 2.55. BOARD OF ADJUSTMENTS.

(CODIFIER'S NOTE: The Board of Adjustments is provided for in Chapter 9 of the City Code.)

SECTION 2.56. RESERVED.

SECTIONS 2.57 - 2.70. RESERVED.

SECTION 2.71. PERSONNEL RULES AND REGULATIONS.

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

SECTIONS 2.72 - 2.98. RESERVED.

SECTION 2.99. VIOLATIONS.

Any person who violates a section, subdivision, paragraph or provision of this Chapter, in performance of an act, or fails to act when such failure is declared unlawful, and upon conviction thereof, shall be punished as Minnesota Statute allows.