

Effective Date: March 7, 2006

Amendments: 10-07-08 **349A** / 02-03-09 **356A** / 04-07-09 **358A** / 01-05-10 **371A** / 12-21-10 **385A** / 01-18-11 - **386A** / 06-19-12 **410A** /

2.1 Government Officials

I. Elected City Officials

2.1.01 Introduction to Elected City Officials. The elective officers of the City shall be a Mayor and six (6) members of the City Council (who shall be known as Council Members). The City Council will consist of a Mayor and Council Members from each of five wards. One Council Member will be elected by the voters of each of the respective five wards. The Mayor and one Council Member at large shall be elected by the voters of the entire City.

2.1.02 Mayor. The Mayor is the presiding officer of the Council and is a regular member of the City Council. The Mayor is the highest-ranking elected official in the City. In fulfilling the duties and responsibilities of the office of Mayor, the Mayor shall be empowered and required to do the following:

Subd. 1 Functions and Duties. The Mayor has all of the duties and powers of a Council Member in addition to those as Mayor. In fulfilling the duties and responsibilities of the office of Mayor, the Mayor shall be empowered and required to do as follows:

- A. In conjunction with the City Administrator serve as the City's representative before the Minnesota Legislature, federal agencies, and other local governments.
- B. Perform ceremonial duties on behalf of the City and promote and represent the community as required.
- C. Enforce all laws, City Code provisions, and resolutions of the City and, as necessary, make and adopt recommendations for revisions or additions to existing ordinances as codified in this Code, and the City's rules and regulations.
- D. In conjunction with the Council, make such appointments as authorized to promote the smooth administration and operation of the City.
- E. Attend and participate in discussions at all meetings of the Council and other bodies as required.
- F. Fulfill the responsibilities of the office of Mayor where statutory reference is made to the position.
- G. Perform such other duties as may be placed under the Mayor jurisdiction by Council action or as required by law.

Subd. 2 Term of Office. Pursuant to the authority vested in the Council by Minn. Stat., Chapter 412, the term of office of the Mayor of the City shall be four years.

(Ordinance 157A)

State law references: Authority to provide for four-year term, Minn. Stats. § 412.022.

Subd. 3 Salary. The salary of the Mayor of the City of Cloquet will be \$6,000 per year payable at the rate of \$500 per month. The compensation for the Mayor will not include benefits for health care, life insurance or dental insurance. In addition, the Mayor will be paid \$150 per meeting for each regularly scheduled Council meeting actually attended, up to a maximum of an additional \$300 per month. The Mayor will be allowed up to a maximum of two approved absences per calendar year from regularly scheduled meetings before the Mayor will suffer any reduction in supplemental pay for attendance of such meetings as provided herein. All absences from meetings must be approved and any absences not approved or excess of the two absences permitted herein will result in a reduction in supplemental pay for non-attendance. The salary and compensation of the Mayor may be adjusted as permitted by ordinance from time to time by the City Council.

2.1.03 Council Member. There will be six (6) council members on the City Council. There will be one council member who resides in and is elected from each of the five (5) city wards, and one additional councilor who resides in the City and is elected at large.

Subd. 1 Functions and Duties. Council Members are elected by and represent their respective wards as representatives on the City Council. In fulfilling the duties and responsibilities of the office of council member, each shall be empowered and required to do as follows:

- A. Formulate policies, adopt ordinances and exercise city powers as a member of the City Council.
- B. Act as liaisons between city government and the general citizens of the City and the people they represent.
- C. Enforce all laws, City Code provisions, and resolutions of the City and, as necessary, make and adopt recommendations for revisions or additions to existing ordinances, rules and regulations.
- D. In conjunction with the entire Council, make such appointments as authorized to promote the smooth administration and operation of the City.
- E. Attend and participate in discussions at all meetings of the Council and other bodies as required.
- F. Fulfill the responsibilities of the office of council member where statutory reference is made to the position.
- G. Provide guidance to the City Administrator with regard to City matters and provide input regarding the future development of the City.

Subd. 2 Term of Office. The term of office for Council Members shall be four years.

State law references: Authority to provide for four-year term, Minn. Stats. § 412.022.

Subd. 3 Salary. The salary of Council members for the City of Cloquet will be \$4,800 per year, payable at a rate of \$400 per month. The compensation for members of the City Council will not include benefits for health care, life insurance or dental insurance. In addition, each member of the City Council will receive \$100 per regularly scheduled Council meeting actually attended up to a maximum of \$200 per month. Each Council member will be allowed up to a maximum of two approved absences per calendar year from regularly scheduled meetings before the Council member will suffer any reduction in supplemental pay for attendance of such meetings as provided herein. All absences from meetings must be approved and any absences not approved or excess of the two absences permitted herein will result in a reduction in supplemental pay for non-attendance. The salary and compensation of members of the City Council may be adjusted as permitted by ordinance from time to time by the City Council.

II. Non-elected City Officials

2.1.04 City Administrator. The combined positions of City Treasurer and City Clerk shall be known as the City Administrator. The City Administrator shall be appointed by and be responsible to the Council.

Subd. 1 Appointment and Removal. The City Administrator shall be appointed by a majority of the Council for an indefinite term and may be removed from the office by affirmative action by a majority of the full Council with or without cause, subject to the terms of any applicable employment contract executed between the Council and the City Administrator.

Subd. 2 Qualifications. The City Administrator shall be selected solely on the basis of the person's executive and administrative qualifications, experience, formal education, and knowledge of accepted practices pertaining to the duties of the office.

Subd. 3 Direction. The City Administrator shall be subject to the supervision and direction of the Mayor and the Council as a collective body pursuant to Minnesota Statutes and consistent with applicable laws. The Council shall, at least once annually, undertake a review of the City Administrator's performance.

Subd. 4 Functions and Duties. The City Administrator shall be the chief administrative officer of the City, and shall be responsible for the proper administration of all affairs of the City; shall oversee and direct the operation of all Departments, Divisions, and Offices of the City except as otherwise provided by law. In fulfilling the duties and responsibilities of the office of the City Administrator, the City Administrator shall be empowered and required to do as follows:

- A. Supervise and direct the administration of all Departments, Divisions, Offices, municipal functions, and services under the control of the Council, except as otherwise provided by law.
- B. Develop and issue administrative policies, rules, regulations, and procedures necessary to ensure the proper management of all Departments, Divisions, and Offices.
- C. Enforce all laws, City Code provisions, and resolutions of the City and, as necessary, make recommendations for revisions or additions.
- D. Attend and participate in discussions at all meetings of the Council and other bodies as required. The City Administrator shall represent the City at all functions as appropriate and in keeping with the prerogatives of the Mayor and the Council.
- E. Prepare and submit an annual budget to the Council and administer it after receiving Council approval.
- F. Administer and manage the finances of the City subject to Council approval.
- G. Advise the Council as to the financial condition of the City.
- H. Recommend and submit for Council approval or disapproval the employment, promotion or removal of all City personnel. Undertake the recruitment, screening, and interviewing of prospective employees.
- I. Make recommendations to the Council as to wages, salaries and employee benefits of all City employees.
- J. Direct all personnel matters as provided for by the personnel policies established by the Council with the authority to assign or transfer personnel, suspend for up to 30 days, subject to approval of the Council, assist the City Council negotiating committee in all negotiations of employee labor contracts for approval by the Council; provide system for annual employee performance appraisals and directly evaluate Department Heads.

- K. Supervise purchasing, including the making or letting of purchases and contracts in accordance with policies established by the Council and applicable laws; provide for the receipt of estimates, quotations, and sealed bids and submit to the Council as appropriate.
- L. Monitor all consultant and contract work performed for the City.
- M. Coordinate the City Attorney's activities on behalf of the City.
- N. Recommend the adoption of such measures as may be necessary or expedient for the health, safety, and welfare of the community or for the improvement of the organization and operation of municipal government.
- O. Prepare and/or provide periodic reports, summaries, information, and recommendations to the Council relating to municipal services, projects, and issues for consideration by the Council.
- P. Fulfill the responsibilities of the office of the City Clerk-Treasurer where statutory reference is made to the position.
- Q. Perform such other duties as may be placed under the City Administrator's jurisdiction by Council action or as required law.

Subd. 5 General Supervision. No member of the Council, including the Mayor, shall in any manner interfere with, or prevent the City Administrator from exercising the City Administrator's own judgment in the administration of the City. Except for the purpose of inquiry, no member of the Council or the Mayor shall dictate to or exercise control over the administration of the City, and no member shall give orders to any Department Head or employee except through the City Administrator upon a majority vote of the Council.

Subd. 6 Administrative Appeal. If any person shall be aggrieved by any administrative decision of the City Administrator, such aggrieved person may request a full hearing before the Council upon serving a written request therefore upon the Mayor and City Administrator at least five days prior to any regular Council Meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged. The Council may direct the appeal to an appropriate committee of the Council for a review of the administrative decision and for findings of fact for review by the Council. At such hearing before the committee or Council, the appellant may present any evidence deemed pertinent to the appeal. The right to an administrative appeal shall not apply to personnel matters, which shall be handled in accordance with grievance procedures contained in the personnel policies adopted by the Council or by applicable collective bargaining agreements.

Subd. 7 Annual Audits. The City Administrator shall have an annual audit of the City's financial affairs performed in accordance with Laws of Minnesota.

Subd. 8 Salary. The salary and benefits for the City Administrator shall be as set forth from time to time by the Council by resolution and shall be consistent with any employment contract executed between the Council and the City Administrator.

(Ordinance 231A, 152A, 284)

2.1.05 Director of Public Works/City Engineer. The City may employ a Director of Public Works/City Engineer who will be appointed by the City Council. The Director of Public Works/City Engineer will report to the City Administrator. The Director of Public Works/City Engineer may, with the consent of the City Council, employ such assistants and employees as may be necessary to perform his/her responsibilities. The Director of Public Works/City Engineer will perform all of the job duties clearly delineated in the job description on file with the City Administrator.

2.1.06 City Attorney. The City Council shall appoint a City Attorney who shall be an attorney licensed to practice law within the State of Minnesota.

Subd. 1 Functions and Duties. In fulfilling the duties and responsibilities of the office of City Attorney, the City Attorney shall be empowered and required to do as follows:

- A. Have charge of all legal matters connected with the city government as directed by the City Administrator and City Council.
- B. Shall act as legal advisor to the Mayor, City Council, its committees, and all other officers of the City and of its boards.
- C. When requested, the City Attorney will furnish legal opinions on behalf of the City and shall be authorized to sign all plats and legal documents as required and directed.
- D. Attend those meetings of the City Council, City boards or committees pertaining to city business when requested.
- E. Perform such other duties as may be placed under the City Attorney's jurisdiction by Council action or as required by law.

2.1.07 Police Chief. In fulfilling the duties and responsibilities of the position of Police Chief, the Chief will report to the City Administrator and shall be responsible to the City Council for law enforcement within the City. In addition, the Chief will be responsible for the property of the City used by the Police Department and will perform all of the job duties clearly delineated in the job description on file with the City Administrator.

2.1.08 *(Section deleted per Ordinance No. 410A adopted 6/19/12)*

2.1.09 Library Director. The Library Director has responsibility for the management and operation of the City Library. The Library Director is responsible to the Library Board which reports to the Council. The Library Director has final authority over all matters involving the day to day operation of the City Library and is responsible for the property of the City used by the Library. The Library Director will perform all of the job duties clearly delineated in the job description on file with the City Administrator.

Section 2.2: Statutory Boards, Commissions and Committees

2.2.01 City Planning Commission

Subd. 1 Establishment of Commission. Consistent with the authority extended pursuant to Minn. Stat. § 462.354 a City Planning Commission for the City shall be continued.

State law references: Planning commission authorized, Minn. Stats. § 462.354, subd. 1(1).

Subd. 2 Composition. The planning commission shall consist of seven members appointed by the Mayor with the approval of the Council. Commission members shall be appointed for terms of three years each. Each appointed member shall serve until his or her successor shall be appointed and qualified. Interim vacancies shall be filled by appointment of the Mayor upon approval of the Council for unexpired terms. The terms of the ex-officio members shall correspond to their respective official tenures. Every appointed member shall, before assuming the office, take an oath that he or she shall faithfully discharge the duties of his or her office. All members shall serve without compensation.

Subd. 3 Organization, Meeting, Other. The Planning Commission shall elect a chairperson and the commission may create and fill other offices as it may determine. It may select a secretary from within or from without the commission membership. The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which shall be a public record. On or before February first of each year, the commission shall submit to the City Council a report of its work during the preceding year. The commission may employ City planning, engineering, architectural and such other services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council.

Subd. 4 Adoption of Program of Work. Upon the appointment and organization of the commission, it shall proceed with the preparation and adoption by resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. This program shall include:

- A. An outline of data and information to be assembled as a basis for the City plan;
- B. An outline of subjects to be covered by the City plan;
- C. An outline of types of procedure necessary to make the City plan effective. The planning commission may, by resolution, revise its program of work from time to time.

Subd. 5 Preparation of City Plan. It shall be the function and duty of the planning commission to prepare and adopt a comprehensive City plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar development, the use of property, the density of population, and other matters relating to the physical development of the City. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work.

Subd. 6 Procedure for Adoption of Plan. Before adopting the City plan or any section of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereon. Notice of the time and place of that meeting shall be given by publication in a newspaper of general circulation at least five days before the day of the hearing. The adoption of the City plan or any section or amendment thereof shall be by resolution of the commission, approved by the affirmative votes of not less than five-sevenths (5/7) of its total membership. The Commission may from time to time amend or add to the City plan or any section thereof as provided in this Section for the adoption of the original plan whenever changed conditions or further studies by the commission indicate that an amendment or addition shall be necessary. An attested copy of the plan or any section, amendment, or addition to the City plan adopted by the planning commission shall be certified to the City Council subject to final approval.

Subd. 7 Means of Executing Plan. Upon the adoption of the City plan or any section thereof, it shall be the duty of the planning commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or any section thereof in order that the plan shall serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the City plan. These means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvement of the City, a long term program of capital expenditures and such other matters as shall accomplish the purposes of this Section.

Subd. 8 Zoning Plan. In harmony with existing official arrangements by the City for the preparation or maintenance of a zoning code and ordinances, the planning commission shall prepare and administer a zoning plan for the City. Before recommending any substantive changes to that plan, the planning commission shall hold at least one public hearing thereon after a notice similar to that required by Subd. 6. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes. Thereafter, any changes must be referred to the Council for final approval.

Subd. 9 Official Map of the Street Extensions. The planning commission may and upon instruction by the City Council shall prepare an official map of the platted and un-platted portions of the City and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the City within the existing platted and developed territory or across the un-platted territory. After the map has been prepared and a hearing on it has been held as provided in Subd. 8, it shall be submitted to the City Council, which shall then consider the map and may adopt it or any part of it with such amendments as it shall deem advisable. Before adoption by the Council, a public hearing shall be held upon the proposal at least five days after a notice thereof has been published in a newspaper of general circulation in the City. After the map has been adopted by the Council, whenever any existing street or highway is widened or improved, or whenever any new street is opened or acquired by action of the City, it shall not be required in the proceedings to pay for any building or structure whatsoever constructed upon a mapped street, or situated outside of any building line that may have been established upon the existing street, or within any area thus reserved by the map for public purposes, if the building or structure has been placed there after the adoption and publication of the map.

Subd. 10 Plats. Every plat of land proposed within the City limits of the City shall be submitted to the City Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the City Council. Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or other use of any plat, before the plat has been approved by the planning commission and the City Council in accordance with the provisions of this Section shall be guilty of a misdemeanor. Before acting on the plat, the City Council shall submit the plat to the planning commission for its recommendations. The planning commission, within sixty (60) days after any such plat has been referred to it by the City Council, shall act on the plat and shall make its recommendations with respect thereto.

The recommendations may consist of:

- A. Recommendation that the City Council approve the plat; or
- B. Recommendation that, the City Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for the recommendation; or

- C. Recommendation that the City Council approve the plat after specified changes or revisions shall be made therein. These recommendations may include the condition that a revised plat, containing many changes or revisions, be submitted to the planning commission, in which case such revised plat shall be so submitted to the planning commission for its further consideration and recommendations before action thereon by the City Council. The City Council shall not overrule the recommendations of the planning commission except by a vote of not less than a majority (4/7) of all its members. The planning commission shall prepare and recommend to the City Council for adoption regulations governing the platting of lands.

Subd. 11 Procedure of Changes. No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after these plans or regulations have been adopted by the City Council, until the proposed change shall have been referred to the planning commission for report thereon and an attested copy of the report shall have been filed with the Council; and no ordinance or resolution establishing any such plans or regulations shall be adopted by the City Council until the ordinance or resolution shall have been referred to the planning commission for a report thereon and an attested copy of the report shall have been filed with the Council. Failure of the planning commission to report within sixty (60) days after the reference, or such longer period as the Council may designate, shall be deemed to be approval of the proposed change.

2.2.02 *(Section deleted per Ordinance No. 349A adopted 10/7/08.)*

2.2.03 Library Board

Subd. 1 Membership. The Library Board shall consist of seven (7) members, who shall be appointed by the Mayor, subject to confirmation by the Council. Members shall be residents of the City. Not more than one (1) member of the Council shall at any one time be a member of the Library Board.

Subd. 2. Terms. Upon their first appointment, the members shall be divided as nearly as practicable into three equal groups to serve for one-, two-, and three-year terms, respectively. Thereafter, each regular appointment shall be for a term of three years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made. Terms shall commence on January 1st the year of appointment and no library board member is eligible to serve more than three (3) consecutive three year terms.

Subd. 3. Compensation. No compensation shall be paid to the members of the library board except as provided under Minnesota Statutes §134.09 and §375.47.

State law references: Expense allowances for members of boards and agencies, Minn. Stats. §134.09 and §375.47.

Subd. 4. Organization. As soon as practicable after the first appointments, at a date and place fixed by the appointment officer, and annually thereafter within thirty (30) days after January 1st, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

Subd. 5. Powers. The library board shall have those powers, duties, and obligations as are enumerated in the Minnesota Statutes Chapter 134.

Subd. 6. Claims. Any person having any claim or demand against the municipality growing out of any act or omission of the library board shall file with the board a written statement thereof and, if such claim or demand or any part thereof be disallowed, the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the council of a city.

Subd. 7 Rules or Bylaws. The Board shall have the authority to adopt its own rules of procedures or bylaws and to change the same by a majority vote of the members of the Board.

2.2.04. *(Section deleted per Ordinance No. 386A adopted 01/18/11)*

2.2.05 Housing and Redevelopment Authority

Subd. 1. Membership. The Housing and Redevelopment Authority board shall consist of five (5) Commissioners who shall be appointed by the Mayor, subject to confirmation by the City Council. Commissioners shall be residents of the city and may also be members of the City Council.

Subd. 2. Terms. Upon their first appointment, the members shall be appointed to one-, two-, three-, four-, and five-year terms, and thereafter, all commission members will be appointed to five year terms. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made. Terms shall commence on January 1st the year of appointment and the City Council may set the terms of the Mayor or any Council Members serving on the board to coincide with their respective terms of office on the council.

Subd. 3. Compensation. No compensation shall be paid to the members of the board.

Subd. 4. Organization. As soon as practicable after the first appointments, at a date and place fixed by the appointment officer, and annually thereafter within thirty (30) days after January 1st, the members of the board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

Subd. 5. Powers. The Housing and Redevelopment Authority shall have those powers, duties, and obligations as are enumerated in the Minnesota Statutes Chapter 469.001 to 469.047. *State law references: Economic Development; Minn. Stats. §469.001 to §469.047.*

Subd. 6. Claims. Any person having any claim or demand against the municipality growing out of any act or omission of the Housing and Redevelopment Authority shall file with the board a written statement thereof and, if such claim or demand or any part thereof be disallowed, the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the council of a city.

Subd. 7. Rules. The board shall have the authority to adopt its own rules of procedure and to change the same by majority vote of the members of the board.

Subd. 8. Housing and Redevelopment Authority functions. The board shall develop and implement programs to strengthen the city's neighborhoods. The mission of the Housing and Redevelopment Development Authority is to improve the quality of life in the city by:

1. Work with the City, County and other neighborhood-based organizations and for-profit and nonprofit developers to implement the city's adopted housing plan, redevelopment plans and small area plans.
2. Manage housing-related activities for federal, state and locally funded programs, including acquisition, relocation, rehabilitation and new construction.
3. Maintain and improve the existing housing stock through rehabilitation and development of single-family and multifamily housing units in accordance with city adopted policies.
4. Manage the development of new or substantially rehabilitated rental housing for lower-income families and individuals and other populations in need of affordable housing.
5. Provide homeownership opportunities for first-time homebuyers including the origination of mortgage loans by the Home Loan Fund and the provision of related services with other departments and agencies, with a special emphasis on increasing owner-occupancy levels in identified neighborhoods and in duplex structures.
6. Work with community services department and economic development division to return vacant residential properties to habitation.

7. Provide real estate and project services to all PED divisions, other city departments and agencies, including acquisition, disposition and management of properties, relocation of owners and tenants, and housing and job impact analysis.
8. Work with utilities and nonprofit organizations to provide financing for residential energy conservation.
9. Work with other departments, agencies and social service providers to provide housing and other related services for the homeless and to provide housing for other identified special need populations.
10. Identify and obtain additional sources of financing for housing programs.
11. Take appropriate actions both to maintain needed low-income units in properties currently receiving federal rental subsidies, and to minimize the displacement of low-income residents from them as the rental subsidies expire.
12. Work with neighborhood organizations and other housing interest groups to develop and implement a neighborhood marketing program.
13. Provide staff services, along with the staff of the economic development division, necessary to carry out the duties and functions of the housing and redevelopment authority board, except those which may be assigned to other city departments or divisions or other public agencies by state law or council resolution.
14. Carry out and discharge such other duties and powers as may be reasonably necessary to achieve the functions of the department of planning and economic development.

2.2.06 (Reserved) Utility Commission

Section 2.3: Non-Statutory Citizen Boards, Commissions and Committees**2.3.01 Cable TV Commission.**

Subd. 1 Creation. There shall be continued a permanent committee to be known as the Cable TV Commission. This committee shall consist of six (6) members, with a minimum of three (3) whom shall be residents of the City of Cloquet, and up to three (3) members, maximum of one (1) member per community, for those communities that by reason of extension permits are served under the terms and conditions of this franchise. All Cloquet members shall be appointed by the Mayor of Cloquet with the advice and consent of the Cloquet City Council and shall serve without compensation. Non-Cloquet members are to be appointed by their governing body.

Subd. 2 Terms. Each Cloquet member shall be appointed for a term of three (3) years. Each Cloquet member shall serve his or her appointed term until his or her successor is appointed and qualifies. Non-Cloquet members shall serve for terms of three (3) years as designated by their governing body.

Subd. 3 Vacancies. Vacancies occurring in the Commission shall be filled for the unexpired term by an appointment by the Mayor with the advice and consent of the Council. Vacancies of non-Cloquet members shall be filled through appointments by the appropriate governing body.

Subd. 4 Removal. The Mayor, with the advice and consent of the Council, may remove any member of the Commission whenever he or she determines the best interests of the City shall be served. Removal of the non-Cloquet members shall be by the appropriate governing body.

Subd. 5 Rules and Procedures. The Commission shall adopt a set of rules to govern its meetings and proceedings. The rules shall be in accordance with the rules of the operation of the Council. The rules may be amended from time to time but only upon notice to all members that the proposed amendment shall be acted upon at a special meeting.

Subd. 6 Powers and Duties. The Commission shall:

- A. Review all rate requests by the Franchisee;
- B. Provide reports and studies to the Council as provided for by this section;
- C. Monitor the performance of the Franchisee in executing the provisions of the Franchise;
- D. Review reports of auditors, including periodic System evaluation reports; and
- E. Working in conjunction with the City Administrator, submit an annual report to the Council and Franchisee assessing the Franchisee's performance according to the terms of the Franchise and make recommendations to the Council regarding the same.
(Ordinances 228A, 223A, 219A, 214A, 207A, 199A, 142A, 141A, 128A, 124A, 111A, 95A, 87A)

2.3.02 Citizen Advisory Board (formerly "Joint Civil Service Commission.)

On October 2, 2007, the City Council voted to abolish the Joint Police/Fire Civil Service Commission consistent with Minn. Stat. §419.16. The Civil Service Commission was replaced by the Citizen Advisory Board and the provisions applicable to the Citizen Advisory Board can be found in Chapter 4 pertaining to "Public Safety."

Section 2.4: Code of Ethics

2.4.01 Declaration of policy. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established a code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards committees and commissions of the city. The purpose of this chapter is to establish guidelines for ethical standards of conduct for all such officials and employees by setting best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this chapter and such rules and regulations as may be established are declared to be in the best interests of the city

2.4.02 Responsibility of public office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and carry out impartially the laws of the nation, state and city and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

2.4.03 Dedicated service.

- A. All officials and employees of the city shall be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- B. Officials and employees shall not exceed their authority or breach the law or ask others to do so and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by official recognized confidentiality of their work.

2.4.04 Fair and equal treatment.

- A. **Use of Public Property.** No official or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.
- B. **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

2.4.05 Conflict of interest.

- A. **Financial and Personal Interest Prohibited.** No official or employee, whether paid or unpaid, shall engage in any business or transaction, nor shall such official or employee act in regard to financial or other personal interest, direct or indirect, when such actions are incompatible with the proper discharge of his or her official duties or when such actions impair his or her independence of judgment or action in the performance of his or her official duties.
- B. **Definitions.**
 - 1. **"Financial interest"** means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

2. **"Personal Interest"** means any interest arising from blood or marital relationships or from business or political associations, whether or not any financial interest is involved.
3. **"Person"** means any person, corporation, partnership or joint venture.

C. **Specific Conflicts Enumerated.**

1. **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as herein provided.
2. **Disclosure of Confidential Information.** No official or employee shall disclose confidential information concerning the property, government or affairs of the city nor shall he or she use such information to advance the financial or other private interest of himself or herself or other.
3. **Representing Private Interests Before City Agencies or Courts.** No officer or employee shall appear on behalf of any private person, other than himself or herself, his or her spouse or minor children, before any city agency or municipal court. However, a member of the council may appear before city agencies on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.

State law references: Prohibited interests in contracts, Minn. Stats. §471.87 et seq.

2.4.06 Disclosure of interest in legislation.

- A. Any member of the city council who has a financial or personal interest in any proposed legislation before the council shall disclose on the records of the council the nature and extent of such interest.
- B. Any other official or employee who has a financial or personal interest in any proposed legislative action of the council and who participates in discussion with or gives an official opinion or recommendation to the council shall disclose on the records of the council the nature and extent of such interest.

2.4.07 Penalty and sanctions. Violation of any provision of this chapter may constitute a cause for suspension, removal from office or employment or censure and may also be punishable under the provisions of this municipal code.

Section 2.5 Incompatible City Offices

2.5.01 Incompatible Offices. No member of the City Council or any elected officer of the City shall be appointed City Administrator, nor shall he/she hold any other paid municipal office or paid employment with the City while serving upon as Mayor or as a member of the City Council.

2.5.02 Right to Seek Office. Notwithstanding the prohibition above, nothing in this section is intended to prevent a paid City employee or paid officer from running for public office or from seeking a position on the City Council or as Mayor. An individual may run for election to a position that is incompatible under this Section, or otherwise under law, without first resigning from the employment or position held with the City. However, upon election and qualification for a second, and incompatible position under this Section (or as otherwise provided by law), he/she is deemed to have automatically resigned from the first position effective at the time he/she is seated as Mayor or upon the City Council.

2.5.03 Prospective Application of Policy. Any City employee or officer that already holds a position as Mayor or City Councilor at the time of the adoption of this policy will be permitted to retain their employment with the City, as well as the office to which they were elected, until the expiration of the term to which they were elected. However, thereafter, the limitations and prohibitions of this Section will apply in each and every subsequent election.

2.5.04 Penalty and Sanctions. A violation of any provision of this Section may constitute a cause for suspension, removal from office, termination of employment or censure in the sole discretion of the remaining members of the City Council sitting en banc.

2.5.05 Nepotism Prohibited. Members of the same family or household are eligible for employment with the City. However, except as provided herein, a direct supervisory relationship shall not exist between family or household members, nor shall one member of a family or household assume the role of investigator or decision-maker with respect to 1) processing complaints or allegations against, or 2) making decisions on personnel matters, concerning the performance or continued employment or promotion of a family or household member. This prohibition does not limit the right of an employee to make a recommendation on a personnel matter concerning a family or household member where the right to make such recommendations is explicitly provided for in an applicable collective bargaining agreement.

- A. **Exceptions.** In exceptional circumstances, or in situations of temporary employment, a direct supervisory relationship may exist between employees who are family or household members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals, the limited scope and duration of their duties, or the lack of other available appropriate supervisory personnel. However, any exception must be approved by the City Administrator.

Section 2.6 Background Checks

2.6.01 General Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement (Cloquet Police Department) access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks and for purposes conducting licensing background checks for screening applicants for city licenses.

2.6.02 Employment Background Checks.

Subd. 1 Criminal History Employment Investigations. The Cloquet Police Department is hereby required, as the executive entity within the City, to conduct criminal history background investigations at the request of the hiring authority on the following individuals: Applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed; finalists for City positions of employment; volunteers who are expected to work alone with minors or vulnerable adults; and persons volunteering in the police or fire departments.

In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator or other City staff involved in the hiring process.

- A. Authorization Required. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior convictions unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
1. The grounds and reason for the denial.
 2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.09.
 3. The earliest date the applicant may reapply for employment.
 4. That all competent evidence of rehabilitation will be considered upon re-application.

2.6.03 License Background Checks.

Subd. 1 Criminal History License Investigations. The Cloquet Police Department is hereby required, as the exclusive entity within the City, to conduct criminal history background investigations on the applicants for the following licenses within the City of Cloquet:

1. Alcoholic Beverage Licenses
2. Licensing of Taxi Cabs
3. Licensing of Tobacco Sales
4. Licensing of Gambling
5. Licensing of Peddlers, Solicitors, Itinerant Businesses and Transient Merchants
6. Professional Therapeutic Massage Licenses
7. Licensing of Sexually Oriented Businesses
8. Licensing of Pawn Brokers
9. Licensing or Authorization of the Carrying of Weapons or Firearms

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator or other city staff involved in the licensing approval/denial process.

- A. Authorization Required. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
1. The grounds and reason for the denial.
 2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.09.
 3. The earliest date the applicant may re-apply for a license.
 4. That all competent evidence of rehabilitation will be considered upon re-application for a license.