TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: CITY COUNCIL

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MEETINGS

§ 30.01 MEETING TIMES AND PLACE.

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall, unless the City Council decides otherwise at a prior meeting, or unless meeting in the city hall is impossible.

(B) *Special meetings.* The Mayor or any 2 members of the City Council may call a special meeting of the City Council upon at least 24-hours' written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. Ch. 13D, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least 3 days before the meeting. Written notice shall be mailed at least 3 days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the 3 days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. Ch. 13D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 13D, as it may be amended from time to time.

(D) *Annual meeting.* At the first regular City Council meeting in January of each year, the City Council shall:

(1) Designate the depositories of city funds;

(2) Designate the official newspaper;

(3) Choose one of the Council Members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;

(4) Appoint officers and employees and members of departments, boards, commissions and committees as may be necessary;

(5) Establish and appoint Council Members to those committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of City Commissions and Boards, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time.

§ 30.02 PRESIDING OFFICERS.

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the remaining members shall elect one of their number a temporary Chairperson. The Acting Mayor or temporary Chairperson, when occupying the place of the Mayor, shall have the same privileges as other members.
(1957 Code, § 100:02)

§ 30.03 QUORUM.

At all meetings of the City Council, a majority of the Council members elected shall constitute a quorum to do business, but a minority may adjourn from day to day and may compel the attendance of absentees, by a fine in an amount set by Council from time to time for each offense, unless a reasonable excuse be offered.
(1957 Code, § 100:03)

§ 30.04 ORDER OF BUSINESS.

(A) At the hour appointed for meeting, the members shall be called to order by the Mayor, and in his or her absence by the Acting Mayor, and in the absence of both by the Administrator. The Administrator shall call the roll, note the absentees, and announce whether a quorum be present. In the absence of the Administrator, the Mayor shall appoint a secretary for that meeting.

(B) Upon the appearance of a quorum, the Council shall proceed to business which shall be conducted in the following order:

(1) Call to order;

(2) Roll call;

(3) Reading of the minutes of the last meeting, which, if no correction be offered, shall stand approved;

(4) Presentation of petitions, memorials, and remonstrances;

(5) Reports of standing committees;

(6) Reports of special committees;

(7) Reports of officials;

(8) Motions and communications;

(9) Introduction of ordinances;

(10) Presentation of claims;

(11) Unfinished business;

(12) Special order of business;

(13) Motions and resolutions; and

(14) Adjournment.
(1957 Code, § 100:04)

§ 30.05 ROLE OF THE MAYOR.

The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council. The Mayor may make motions, second motions, or speak on any question, provided, however, that in order to do so, upon demand of any one Council member, he or she shall vacate the chair and designate a trustee to preside temporarily. The Mayor shall be entitled to vote like other members of the Council.
(1957 Code, § 100:05)

§ 30.06 COUNCIL MEMBER REMARKS.

(A) *Discussion.*

(1) Every member, previous to his or her speaking, shall arise and address the Chairperson and shall not proceed until he or she has been recognized by the chair.

(2) He or she shall not indulge in personalities and shall confine his or her remarks to the matter under debate.
(1957 Code, § 100:06)

(B) *Limitation on remarks.* No member shall speak more than twice on any question, nor more than 5 minutes each time without unanimous consent of the Council.
(1957 Code, § 100:07)

(C) *Point of order.* A member called to order shall immediately suspend his or her remarks until the point of order is decided by the chair.
(1957 Code, § 100:08)

§ 30.07 WRITING REQUIREMENTS.

(A) *Resolutions all in writing.* All resolutions shall be in writing.
(1957 Code, § 100:09)

(B) *Motions reduced to writing.* Every motion shall be reduced to writing if the chair or any member requires it. A motion then made and seconded, shall be stated by the Chairperson or being written shall be read by the Administrator, and may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote taken thereon. The following motions need not be reduced to writing: to adjourn, postpone, reconsider, commit, lay on the table, or to act on the previous question.
(1957 Code, § 100:10)

§ 30.08 QUESTIONS.

(A) *Motions during debate.* When a question is under debate, no motion shall be entertained, unless to adjourn, to lay on the table, or to act on the previous question, to postpone, to commit, or to amend, which several motions shall have precedence in the order in which they are named, and the first three shall be decided without debate.
(1957 Code, § 100:11)

(B) *Division.* Any question shall be divided at the request of any member when the question will allow thereof.
(1957 Code, § 100:12)

(C) *Voting.*

(1) When a question is put by the chair, every member present shall vote unless for special reasons the Council shall excuse him or her; but if interested he or she shall not vote.

(2) In doubtful cases the chair may direct or a member may call for a division.

(3) The yeas and nays shall be called upon a requisition of the chair or any member, in which case the names of the members are required to be recorded in the minutes.
(1957 Code, § 100:13)

(D) *Order of questions.* All questions shall be put in the order in which they are moved, except in case of privileged questions.
(1957 Code, § 100:14)

(E) *Previous question.* The previous question shall be put in these words: "Shall the question now be put?" It shall be admitted on demand of any two members, and until decided shall preclude all amendments and debate of the main question.
(1957 Code, § 100:15)

§ 30.09 COMMITTEES.

All committees including standing committees shall be appointed by the chair, unless expressly ordered by the Council.
(1957 Code, § 100:16)

§ 30.10 ORDINANCES.

After an ordinance shall have passed, a complete and accurate copy as amended shall be made by the Administrator and shall be signed by the Mayor or in his or her absence by the Acting Mayor, and deposited with the Administrator, who shall attest, seal, number, file, publish, and record or place the same permanently in the ordinance book. Entry of the complete ordinance as amended directly into the ordinance book and original signatures and seal thereon shall be in compliance with this section. The affidavit of publication shall be permanently inserted in the ordinance book after each ordinance.
(1957 Code, § 100:17)

§ 30.11 PETITIONS.

Petitions and other papers addressed to the Council shall be read by the Administrator upon presentation of the same to the Council.
(1957 Code, § 100:18)

§ 30.12 NON-MEMBER ATTENDANCE AND SPEECH.

No person, other than the Mayor and other members of the Council, shall be admitted within the bar of the Council, except city officers. No person other than a member shall address the Council except with the consent of the members present or by a vote of a majority of the members present.
(1957 Code, § 100:19)

§ 30.13 ALL MEETINGS PUBLIC.

All sessions of the Council shall be public, except as those provided in § 30.01.
(1957 Code, § 100:20)

§ 30.14 PRESERVATION OF ORDER.

The Police Chief shall attend meetings of the Council when requested to do so by the Mayor and preserve order in the room.
(1957 Code, § 100:21)

§ 30.15 SUSPENSION OF RULES OF THIS SUBCHAPTER.

These rules, or any of them, may be temporarily suspended by consent of a majority of all Council members, and shall not be repealed, altered, or amended by concurrence of a majority of the whole Council, and upon notice given at some preceding meeting.
(1957 Code, § 100:22)

§ 30.16 ROBERT'S RULES OF ORDER.

(A) *Generally.* In all points not covered by these rules, the Council shall be governed on its procedure by Robert's Rules of Order.
(1957 Code, § 100:23)

(B) *Purpose of rules.* Foregoing rules are adopted to facilitate the transaction of Council business and functions. They should not be permitted to defeat or hinder the plainly expressed intent and desire of the Council. Informal compliance and substantial performance shall be sufficient under the foregoing rules in the absence of objection seasonably taken. Objection is hereby declared not to have been seasonably taken as to procedural matters provided for herein if a Council member present at a meeting fails to object during the meeting and request compliance with these rules, and the objection shall not be seasonably taken by an absent member later than the next regular meeting after the proceedings to which objection is made.
(1957 Code, § 100:24)

§ 30.17 ADJOURNMENTS.

The Council may at any time by a majority vote of those present adjourn from time to time to specific date and hour whether or not a quorum is present.
(1957 Code, § 100:25)

§ 30.18 MANNER OF VOTING.

Votes of the members on any business coming before the Council may be by voice vote, standing vote, or in the other manner of voting as may signify the intention of the members, provided, however, that upon request of any one member of the Council the vote shall be taken by secret written ballot. Any affirmative or negative vote by a member shall be entered in the minutes at his or her request. Aye and nay vote shall be taken upon any motion at the request of one member and the results entered in the minutes. Every member shall vote in that case unless the Council by majority vote shall excuse a member from voting.
(1957 Code, § 100:27)

§ 30.19 MINUTES.

Minutes of the meeting shall be kept by the Clerk. They shall be signed by the Clerk, and shall constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor shall sign the minutes. Lack of the Mayor's signature or Council approval shall not invalidate the minutes as official records. In the event the Clerk shall fail or decline to amend or change his or her minutes, upon informal request, at the time they are submitted for approval the Council may by motion carried by majority vote amend the minutes. The amending motion shall become a part of the minutes of the subsequent meeting.
(1957 Code, § 100:28)

§ 30.20 CHANGES TO APPENDIX A: FEE SCHEDULE.

The City Council may from time to time, by Resolution, make changes to the amounts of the fines and fees established in “Appendix A: Fee Schedule” of this Code.

MISCELLANEOUS

§ 30.30 CITY EMPLOYEE PERSONNEL POLICIES.

The City Administrator is authorized to establish polices within the context of state and federal law and upon the advice and consent of City Council. Such polices were established in 2005. An employee handbook was designed to answer questions pertaining to employment practices, responsibilities as an employee, and benefits received. The handbook is not a contract and does not constitute the terms of an employment contract. Information and provisions contained in the handbook may changed from time to time, upon consent of the City Council and notification of employees.

§ 30.31 CITY VEHICLES.

(A) *Purpose.*

(1) This policy will provide uniform criteria for all city departments and operation in the acquisition and replacement of vehicles. The city is dedicated to managing its resources in a fiscally responsible manner. Therefore, a specific need should be demonstrated before a new vehicle is added to the city's equipment list, and every existing vehicle should be utilized to its greatest economic extent prior to replacement. The acquisition of additional vehicles to the city's overall operation and their replacement should be only as necessary to allow the city to provide the services and perform the duties and responsibilities which are expected by the public with budgetary constraints.

(2) The many varied aspects of public service provided by the city require the use of different types of vehicles. The type of vehicle acquired shall be that which is determined to be appropriate, cost effective, and in the best interest of the city for that vehicle's function. Vehicle acquisitions shall be justified in writing by the department head and approved by the City Administrator subject to budgetary constraints.

(B) *Vehicle replacement policy.*

(1) *Minimum replacement standards.* City acquired vehicles should not be programmed or budgeted for replacement until they meet minimum replacement standards for the particular vehicle category, but vehicles should not be replaced just because they meet the minimum replacement standards. Any deviations for early replacement must be justified in writing by the department head and approved by the City Administrator.

(2) *Replacement evaluation process.*

(a) Any vehicle which is proposed for replacement shall have a standard vehicle evaluation form completed with a written recommendation by the appropriate department head outlining the justification for its replacement.

(b) When applicable, the department head will establish the replacement year when the replacement schedule is based on usage, and also determine all other miscellaneous equipment replacement schedules based on usage, manufacturer's recommendations, and condition of equipment.

(c) Replacement exceptions may be made based on mechanical reliability, financial considerations, safety, and vehicle availability as recommended by the department head and approved by the City Administrator.

(d) All vehicle purchases, replacements, and reassignments must be coordinated between the department head and City Administrator. Next, the City Administrator will update and distribute all additions and revisions to the 5-year replacement schedule to the Council at the beginning of the capitol improvements planning process and after the final budget is approved.

(3) *Disposition of used vehicles.* Before a vehicle is removed from the city's equipment list, the department head and City Administrator shall review all current vehicles of similar type and determine if it would be economically beneficial to switch with another existing vehicle before disposal. They will also determine the most economical method and time of disposal. Vehicles scheduled to be replaced may be retained by the city, for use in another capacity (e.g., replaced squad car being used as an administration vehicle) upon approval of the City Administrator.

(C) *City use of personal vehicles; mileage, reimbursement.*

(1) All employees of the city will be paid mileage for use of their personal vehicles and reimbursed for all related legal parking costs while conducting official city business. The mileage rate will be as set by the City Council. Employees are encouraged to use available city vehicles whenever possible while conducting official city business.

(2) Normal personal commuting mileage from home to work or work to home is not reimbursable.

(D) *Vehicle identification; city logo.* All city vehicles shall be licensed and marked in accordance with state law and as appropriate for vehicle's specific use as follows:

(1) All administrative transportation vehicles shall have the city's name and vehicle number prominently displayed on side door panels. The city's official logo will be applied when it is beneficial to have it displayed to the public as determined by the department head.

(2) All Public Works and Park Maintenance specialty type vehicles shall have the city name, logo, and vehicle number prominently displayed on the side door panel or other highly visible location.

(3) Marked police squad/patrol cars shall be marked as dictated by state law.

(4) Fire Department vehicles shall display the city's name, vehicle number and shall contain lettering identifying it as a fire response emergency vehicle prominently displayed on the side door panels or other highly visible location.

(E) *Responsibility.* The City Administrator is responsible for the enforcement of this policy. Department heads may not deviate from the policy unless they have written approval from the City Administrator.
(– passed 1-5-2002)
Editor's note:
This policy was passed by motion on 1-5-2002

CHAPTER 31: CITY OFFICIALS

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Mayor and Council Members

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Other Officials

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31.16 Superintendent of Public Works
31.17 Liquor Store Manager
31.18 Airport Manager
31.19 Fire Chief
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MAYOR AND COUNCIL MEMBERS

§ 31.01 SALARIES AND BENEFITS.

(A) Compensation of Mayor and Council - Regular and Special meetings.

(1) Mayor. The salary of the Mayor shall be $4,750.00 per year, plus $75.00 for each special, or emergency council meeting attended.

(2) Council Members. The salary for each Council Member shall be $3,365.00 per year, plus $75.00 for each special, or emergency council meeting attended.

(3) Payroll Frequency. Elected officials shall be paid and reimbursed on the same frequency as established by payroll policies for regular city employees.

(B) Reimbursements and Benefits.

(1) The Mayor and Council Members shall be reimbursed for necessary disbursements and expenses incurred in the performance of their duties.

(2) The Mayor and Council Members shall be reimbursed a sum of $50.00 to attend approved conferences, seminars or other out-of-town meetings plus travel expenses reimbursed in accordance with established IRS schedules.

(3) Should the Mayor or Council Members opt to participate in the Public Employee Retirement Association (PERA) defined contribution retirement plan, the City shall contribute to towards that individual's retirement account.

(C) Effective Date. This ordinance shall become effective after passage and publication, as of January 1, 2017.

(Ord. 2016-06, passed 10-03-2016, amending Ord. 272, passed 10-17-2002)

OTHER OFFICIALS

§ 31.15 CITY ADMINISTRATOR.

(A) *Establishment.* The position of City Administrator is hereby established.

(B) *Purpose.* The Council hereby delegates to the City Administrator general supervisory control over all departments and employees with managerial operational authority and responsibilities during the time as the Council is not in regular or special session.

(C) *Responsibilities, duties, and limitations.* The City Administrator shall have the responsibilities, duties, and limitations as the Council may, from time to time, establish in a job description. He or she shall fulfill all job requirements as adopted by the Council. He or she shall also perform the other duties as may be required of him or her by ordinance, resolution, or statutes adopted by the City of Olivia, the State of Minnesota, or the United States of America. The Council may rescind, modify, or reverse action taken by the City Administrator.
(Ord. 196, passed 2-6-1984)

§ 31.16 SUPERINTENDENT OF PUBLIC WORKS.

(A) *Establishment.* The position of Superintendent of Public Works is hereby established.

(B) *Purpose.* The Council hereby delegates to the Superintendent of Public Works general supervisory control over the Park and Street Departments.

(C) *Responsibilities, duties, and limitations.* The Superintendent of Public Works shall have the responsibilities, duties, and limitations as the Council may, from time to time, establish in a job description. He or she shall fulfill all job requirements as adopted by the Council. He or she shall report to the City

Administrator during the time as the Council is not in regular or special session. The Council may rescind, modify, or revise action taken by the Superintendent of Public Works.
(Ord. 196, passed 2-6-1984)

§ 31.17 LIQUOR STORE MANAGER.

(A) *Establishment.* The position of Liquor Store Manager is hereby established.

(B) *Purpose.* The Council hereby delegates to the Liquor Store Manager general supervisory and managerial control over the Liquor Store.

(C) *Responsibilities, duties, and limitations.* The Liquor Store Manager shall have the responsibilities, duties, and limitations as the Council may, from time to time, establish in a job description. He or she shall fulfill all job requirements as adopted by the Council. He or she shall report to the City Administrator during the time as the Council is not in regular or special session. He or she shall also perform the other duties as may be required of him or her by ordinance, resolution, or statutes adopted by the City of Olivia, the State of Minnesota, or the United States of America. The Council may rescind, modify, or reverse action taken by the Liquor Store Manager.
(Ord. 196, passed 2-6-1984)

§ 31.18 AIRPORT MANAGER.

(A) *Establishment.* The position of Airport Manager is hereby established.

(B) *Purpose.* The Council hereby delegates to the Airport Manager general supervisory and managerial control over the airport.

(C) *Responsibilities, duties, and limitations.* The Airport Manager shall have the responsibilities, duties, and limitations as the Council may, from time to time, establish in a job description. He or she shall fulfill all job requirements as adopted by the Council; State of Minnesota, Division of Aeronautics; and the United States of America, Federal Aviation Administration. He or she shall report to the City Administrator during the time as the Council is not in regular or special session. The Council may rescind, modify, or reverse action taken by the Airport Manager.
(Ord. 196, passed 2-6-1984)

§ 31.19 FIRE CHIEF.

(A) *Establishment.* The position of Fire Chief is hereby established.

(B) *Purpose.* The Council hereby delegates to the Fire Chief general supervisory control over the Fire Department.

(C) *Responsibilities, duties, and limitations.* The Fire Chief shall have the responsibilities, duties, and limitations as the Council may, from time to time, establish in a job description. He or she shall fulfill all job requirements as adopted by the Council. He or she shall report to the City Administrator during the time as the Council is not in regular or special session. The Council may rescind, modify, or reverse action taken by the Fire Chief.
(Ord. 196, passed 2-6-1984)

§ 31.20 SUBORDINATE POSITIONS.

The Council may, from time to time, establish or remove by resolution subordinate positions to supervisory and/or managerial positions.
(Ord. 196, passed 2-6-1984)

CHAPTER 32: CITY ORGANIZATIONS

Section

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32.70 Establishment, purpose, organization and governance

LIBRARY BOARD

§ 32.01 ESTABLISHMENT.

(A) There is hereby established, within the City of Olivia, a Public Library to be governed by a Library Board consisting of 9 members to be appointed for 3-year terms by the Mayor with the approval of the City Council. No Library Board member may serve more than 2 consecutive 3-year terms.

(B) The Public Library and the Library Board shall be governed by the terms of M.S. Ch. 134, as it may be amended from time to time, and shall have the powers, duties, obligations, and responsibilities conferred by that chapter.

(C) All past actions and agreements of the Library Board are hereby ratified to the extent that the actions and agreements comply with the governing laws of the State of Minnesota and the ordinances of the City of Olivia.

(D) The Library Board is authorized to accept gifts, bequests, or grants to be used for Public Library purposes.
(Ord. 215, passed 10-5-1987)

PUBLIC UTILITIES COMMISSION

§ 32.10 ESTABLISHMENT.

A Public Utilities Commission is hereby established.
(Ord. 201, passed 10-1-1984)

§ 32.11 MEMBERSHIP.

(A) The Commission shall be composed of 5 members appointed by the City Council, and subject to removal by a majority vote of the City Council.

(B) The Commission membership may also include the following ex-officio non-voting members: 1 member of the City Council, with the Council member serving for a term the duration of which shall be established by the City Council at the time of appointment, but in no event for a term longer than the elected term as a member of the City Council; the City Administrator; and the Superintendent of Public Works.
(Ord. 201, passed 10-1-1984)

§ 32.12 TERMS.

The term of office shall be 5 years. Appointees shall hold their offices until their successor is appointed and qualified. The initial appointments after passage of §§ 32.10-.14 shall be: 1 appointment for a 1-year term; 1 appointment for a 2-year term; 1 appointment for a 3-year term; 1 appointment for a 4-year term; and 1-appointment for a full 5-year term.
(Ord. 201, passed 10-1-1984)

§ 32.13 DUTIES AND POWERS.

(A) To make recommendations to the Council on the operation of the electric, water, wastewater, and storm water sections, and the capital utility reserve;

(B) To recommend to the Council reasonable rates and charges for the commodities and services furnished by the above sections; and

(C) To review and make recommendations to the Council on all agreements entered into with other agencies as they relate to the above sections.
(Ord. 201, passed 10-1-1984)

§ 32.14 RULES.

The Commission shall adopt rules for its own proceedings. It shall annually choose a President and Secretary from among its members. No member of the Commission shall receive a salary.
(Ord. 201, passed 10-1-1984)
Cross-reference:
Utility Corporate Reserve Account, see § 35.01

§ 32.15 EFFECTIVE DATE.

Sections 32.10-.14 shall be published once in the official city newspaper, and shall be in full force and effect upon publication.
(Ord. 201, passed 10-1-1984)

FIRE DEPARTMENT

§ 32.20 ESTABLISHMENT.

(A) *Establishment*. There is hereby established a Fire and Rescue Department in the City of Olivia, which shall be known as the Olivia Fire and Rescue Department.

(B) *Purpose*. The general object, purpose, and plan of the Department shall be the extinguishment of fire, and the protection of life and property.

(C) *Organization and Governance*. The Olivia Fire and Rescue Department shall be organized and governed in accordance with the By-Laws of the Olivia Fire and Rescue Department, which shall be adopted by Ordinance of the City Council.

(Ord. 288, passed November 6, 2006)

POLICE DEPARTMENT

§ 32.35 ESTABLISHMENT.

There is hereby established a Department of Police in the City of Olivia which shall hereafter be known as the Olivia Police Department.

(Ord. 161, passed 6-27-1977)

§ 32.36 APPOINTMENT AND REMOVAL.

Each member of the Olivia Police Department shall be appointed by the City Council, and may be removed by the City Council.

(Ord. 161, passed 6-27-1977)

§ 32.37 PERSONNEL.

The Olivia Police Department shall consist of the Police Chief, who shall be the chief executive officer of the Department, and the subordinate police officers as shall be prescribed by ordinance or resolution.

(Ord. 161, passed 6-27-1977)

§ 32.38 COMPENSATION.

Personnel of the Olivia Police Department will receive the compensation as shall be determined by the City Council.

(Ord. 161, passed 6-27-1977)

§ 32.39 DUTIES OF POLICE CHIEF.

The Police Chief shall have direct control and management of all members of the Police Department and shall be responsible for the lawful exercise of the duties of the personnel, subject to the laws of the State of Minnesota, the ordinances of the City of Olivia, and orders of the City Administrator. The Chief shall be responsible for the maintenance of order, the enforcement of laws, ordinances, and regulations of the city, the prevention of crime, and the protection of life and property. He or she shall maintain discipline so as to secure complete efficiency in the Department. In case of the absence or disability of the Chief, the Chief with approval of the City Administrator shall designate a police officer to be Acting Chief, and the Acting Chief shall perform the duties and exercise the power and authority of the Chief, but shall be entitled to no additional salary therefor. In the event of the absence or disability of the Chief and City Administrator, the Acting City Administrator shall designate a police officer to be the Acting Chief.
(Ord. 161, passed 6-27-1977)

§ 32.40 GENERAL DUTIES OF POLICE DEPARTMENT MEMBERS.

(A) The Police Chief and each police officer shall perform the duties as may be required by law, ordinance, or city regulation and the other duties as may be imposed by the City Administrator.

(B) Each member of the Department shall give the assistance as is necessary or as may be directed by the City Administrator to any other city department.
(Ord. 161, passed 6-27-1977)

§ 32.41 DEPARTMENT RULES.

The Police Chief shall promulgate, subject to approval of the City Council, rules and regulations for the operation of the Department, and for the discipline, equipment, and uniforms of the police officers, fixing their duties and prescribing penalties for violation of any rules and regulations. The City Administrator shall be responsible for the maintaining and enforcement of those departmental rules and regulations.
(Ord. 161, passed 6-27-1977)

§ 32.42 DEPARTMENT PROPERTY.

The Police Chief shall have custody, care, and control of the police property and equipment of the Police Department, subject to the direction of the City Administrator. The Police Chief shall conduct periodic surveys of the property and equipment, arrange for the salvaging of discarded or impaired items, and submit recommendations as to future needs.
(Ord. 161, passed 6-27-1977)

§ 32.43 UNIFORM REGULATION.

(A) Each member of the Police Department shall wear a suitable badge, to be furnished by the city, and every member of the Police Department shall, while on duty, wear a uniform which shall comply with department rules and regulations pertaining to uniforms.

(B) The Chief may issue written orders authorizing the performance of specific duties while not in uniform.

(C) Whenever any member shall terminate membership in the Department he or she shall immediately deliver his or her badge and all other property issued by the city and in his or her possession to the City Administrator, or Police Chief and all sums due the member shall be withheld pending the final settlement.
(Ord. 161, passed 6-27-1977)

§ 32.44 CITIZENSHIP REQUIRED.

Each candidate for any position in the Police Department must have been a citizen of the United States for at least 5 years prior to the date of appointment.
(Ord. 161, passed 6-27-1977)

§ 32.45 PHYSICAL EXAMINATION.

Prior to appointment as a member of the Police Department, each applicant must file on a form to be furnished by the city a signed, written report by a physician licensed to practice medicine and surgery in Minnesota, stating that a complete and thorough physical examination made by him or her within 30 days prior to the filing of the application for the position discloses that the applicant is sound in all respects and physically qualified for the exacting requirements of police duty.
(Ord. 161, passed 6-27-1977)

§ 32.46 SUSPENSION OR REMOVAL.

(A) Each member of the Department shall be subject to suspension without pay for a period of not exceeding 30 days, and also to demotion or removal from office or employment for misconduct, incompetency, inefficiency, cowardice, or failure to perform duties, or to observe the rules and regulations of the Department, subject to the right of appeal of the aggrieved party in a manner prescribed by law.

(B) The action shall be taken by the City Administrator in the case of the Police Chief, or by the Police Chief in the case of other members of the Department in all cases of suspension.

(C) In cases of removal, the action shall be taken by the City Council.
(Ord. 161, passed 6-27-1977)

§ 32.47 EMERGENCY POLICE APPOINTMENTS.

(A) In case of riot or other emergency as defined by the City Council, the Council or City Administrator or Police Chief may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order.

(B) During the appointment, the special police officers shall possess only those powers and perform only those duties as shall be specifically assigned by the Police Chief.

(C) All appointments as special police officer shall expire upon determination of the City Council that the riot or other emergency has ceased to exist.
(Ord. 161, passed 6-27-1977)

§ 32.48 EFFECTIVE DATE.

Sections 32.35 *et seq.* shall take force and effect from and after its publication according to law.
(Ord. 161, passed 6-27-1977)

PLANNING COMMISSION

§ 32.60 PLANNING COMMISSION.

For provisions regarding the Planning Commission, see Chapter 152.

PARKS AND RECREATION COMMISSION

§ 32.70 ESTABLISHMENT

(A) Establishment. There is hereby established a Parks and Recreation Commission in the City of Olivia, which shall be known as the Parks & Recreation Commission or "Park Board."

(B) Purpose. The general object, purpose and plan of the Parks and Recreation Commission shall be to oversee and manage the numerous activities associated with park and recreational facility planning, maintenance and improvement, trail and sidewalk planning and development, support the establishment of a diverse offering of recreational opportunities for residents and visitors, and other efforts to enhance and benefit the general welfare of the community. The Parks and Recreation Commission shall serve as an advisory board to the City's Parks Department and the City Council in regards to matters associated with its duties and purposes as provided for in this section, or as otherwise assigned by the City Council.

(C) Organization and Governance. The Parks and Recreation Commission shall be organized in accordance with the by-laws of the Parks and Recreation Commission which shall be adopted by the City Council.
(Ord. 2014-01, passed 2-3-2014)

CHAPTER 33: EMERGENCY MANAGEMENT

Section

33.01 Policy and purpose
33.02 Definitions
33.03 Establishment of emergency management organization
33.04 Powers and duties of Director
33.05 Local emergencies
33.06 Emergency regulations
33.07 Emergency management a government function
33.08 Participation in labor disputes or politics

33.99 Penalty

§ 33.01 POLICY AND PURPOSE.

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

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

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

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

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

§ 33.02 DEFINITIONS.

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

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

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

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

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

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

§ 33.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

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

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

§ 33.04 POWERS AND DUTIES OF DIRECTOR.

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

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

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

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

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

(F) (1) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state.

(2) To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

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

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

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

§ 33.05 LOCAL EMERGENCIES.

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

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

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.
Penalty, see § 33.99

§ 33.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation,

respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) (1) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator.

(2) A copy shall be kept posted and available for public inspection during business hours.

(3) Notice of the existence of these regulations and their availability for inspection at the City Administrator's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution.

(4) By resolution, the Council may modify or rescind a regulation.

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

(D) (1) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster.

(2) The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.
Penalty, see § 33.99

§ 33.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

(A) All functions and activities relating to emergency management are hereby declared to be governmental functions.

(B) The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 33.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

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

§ 33.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.
Cross-reference:
General penalty, see § 10.99

CHAPTER 35: FINANCES

Section

35.01 Utility Capital Reserve Account
35.02 Financial audit
35.03 Bad debt write-off
35.04 Finance charge on miscellaneous billing statements

§ 35.01 UTILITY CAPITAL RESERVE ACCOUNT.

(A) *Establishment.* Commencing on the first day of the first month after the effective date of the ordinance creating this section each purchaser of any 1 or combination of utilities from the city shall pay, in addition to all other fees, taxes, and charges otherwise authorized by the city a Utility Capital Reserve Account Fee (RAF). A purchaser is obligated to pay an RAF for each physical location for there which is a separate postal mailing address. Notwithstanding the forgoing, a purchaser is not obligated to pay more than 1 RAF for any premises for which there is a single postal mailing address.

(B) *Monthly fee.* Unless and until such time as the Capital Reserve Account fee may be modified by further ordinance, the fee shall be $4.50 per month. Reserve Account fees shall be included on the monthly utility bill. Payment shall be due and payable in full upon receipt of the bill. All fees are charges against the respective property owners, lessees an occupants and are due on the due date specified by the city for the respective account, and shall be delinquent 21 days thereafter. Late fees established by the city Council for other utilities shall apply to RAF. It is the duty of the city to endeavor to promptly collect delinquent fees, and in all cases where satisfactory arrangements for payments have not been made, all such delinquent fees shall be forwarded to the City Administrator who shall prepare and send a past due notice to the customer. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

(C) *Capital Reserve Account.* All Utility Reserve Account fees collected by the city shall be deposited into a separate Utility Reserve Account or alternatively maintained in other accounts in the city in such a manner that the balance in the Reserve Account is readily ascertainable.

(D) *Reserve Account Fund use.* Withdrawals and/or distributions for the Reserve Account shall be approved by the Council by resolution for use by the city to pay for or to defray the city's share of costs associated with the repair (other than in the normal course of maintenance,) replacement, improvement, or extensions of the city's water distribution, sanitary sewer, and storm sewer systems.

(E) *Effective date.* This section shall be effective 2-1-2006 and a 1-time publication being the 26 day

of January 2006, in the official newspaper.
(Ord. 283, passed 1-26-2006)
Cross-reference:
For Public Utility Commission, see §§ 32.10 et seq.

§ 35.02 FINANCIAL AUDIT.

The following policy statements are hereby adopted by the City Council.

(A) An auditing firm having at least 1 certified public accountant on staff will be retained by the city for a period of 4 years to perform auditing and accounting services for the city beginning in the year 1989.

(B) The minimum contents of the annual audit report to be prepared by the auditing firm will be as follows:

(1) Combined balance sheet - all funds.

(2) Combined statement of revenues, expenditures, and changes in fund balance - all funds.

(3) Combined statement of revenues, expenditures, and changes in retained earnings - all proprietary funds.

(4) Combined statement of cash flows - all proprietary funds.

(5) Combined schedule of indebtedness.

(6) In addition, the following supplementary information will be included:

(a) Management letter.

(b) Combining, individual fund, and account group financial statements.

(c) Auditors comments on compliance.

(d) Schedule of EDA revenues and expenditures.

(e) Taxable valuations, tax levies, and rates for the past 5 years.

(f) Combined schedule of indebtedness.

(g) Schedule of debt service requirements.

(h) Schedule of sources and uses of funds of the TIF districts.

(C) In addition to performing the auditing task and preparing financial statements, the auditing firm will be required to present their audit report to the City Council prior to June 1 of the year following the year of the audit. The firm will also be required to provide accounting consulting services to City Staff at a set rate established in the 4-year contract.

(D) Upon the termination of the City Administrator, whether through retirement, voluntary termination or forced termination, the city may use the services of the State Auditor's Office or another CPA firm other than the one under contract to perform the auditing and preparation of the financial statements for the year during which the City Administrator left office. If this interrupts the performance of a 4-year contract the city may have with a private certified public accounting firm, their contract will be extended for 1 additional year.
(Res. 88-26, passed 8-2-1988)

§ 35.03 BAD DEBT WRITE-OFF.

(A) *General.* The City Council has found it necessary to establish a bad debt write-off policy for utility customers which have either discontinued a residence and/or a business in the city.

(B) *Determination of bad debts.* Prior to establishing an account as a bad debt the following must take place.

(1) The customer must have left the city or filed bankruptcy proceedings.

(2) The City Administrator must have attempted to notify the customer that has left the city that a utility account in their names is left unpaid and they have 30 days to make it current.

(3) After the 30-day limit expires the names and amounts of the remaining accounts will be given to the City Council for permission for write off and submission to a collection agency for further collection procedures.

(4) The Council must make a motion and duly pass it before any account may be written off or turned over to a collection agency.

(5) After the City Council approved the determination of the bad debt accounts the City Administrator will make the necessary accounting entries as described below to write-off the bad debts, he or she will also submit the accounts to the city's collection agency for further collection.

(C) *Selection of a collection agency.* The City Administrator will submit proposals for collection agencies to the Council for their review. The proposal will be for a 5-year period allowing the city to stay with the agency for 5 years unless the agency deviates from the collection cost and processes they submitted on their proposal. The city reserves the right to renew an agreement with a collection agency after a 5-year period without taking new proposals.

(D) *Write-off procedures.* The following accounting entries will be taken to write-off the bad debts once they are approved by the City Council:

(1) The accounts are first entered as a credit to accounts receivable in each of the utility funds and debit to cash, in order to remove them from the receivable account.

(2) The accounts are next entered as bad debt expenses to individual utility funds by crediting cash and debiting bad debt expense in each fund.

(3) If the city receives payments on the bad debts after the above entries are made, the accounting entry to be made would be in the general fund only and would be a debit to general fund cash and credit to recovery of bad debts.
(Res. 88-7 passed 1-19-1988)

§ 35.04 FINANCE CHARGE ON MISCELLANEOUS BILLING STATEMENTS.

Terms: Net 30 days. Accounts not paid in 30 days are subject to a finance charge of 1.5% per month (annual rate of 18%), $.50 minimum charge.
Editor's note:
This policy was adopted by the City Council at its regular meeting on April 16, 1990 and was effective May 1-1990