

AGENDA CHARTER COMMISSION

City Council Chambers

January 10, 2024

5:00 p.m.

I. ROLL CALL

II. ACCEPTANCE OF REQUESTED EXCUSED ABSENCES

III. APPROVAL OF MINUTES

October 11, 2023

IV. COMMUNICATIONS

A. Technical changes:

- *Passed by the City Council on September 21, 2023;*
- *Changes effective after 90 days (December 20, 2023);*

B. Municipal elections (section 39 repeal):

- *Passed by the City Council on November 20, 2023;*
- *Changes effective after 90 days (February 20, 2024)*

V. UNFINISHED BUSINESS

A. DISCUSSION ITEM: ORDINANCE MODERNIZATION TASKFORCE, PROPOSED PRIORITIES – SUBSTANTIVE CHANGES

Proposed priorities for review:

- i. City Council vacancies (section 4);
- ii. Mayoral vacancies (section 4);**
- iii. Appointments of a City Administrator (sections 7 & 19);**
- iv. Council organization (section 6);
- v. Violations (sections 18, 30, 39, 53, & 54);
- vi. Civil Service (section 35);
- vii. Community Investment Trust Fund (section 54);
- viii. Use of Public Highways (section 100);
- ix. Hotel/Motel excise tax threshold (section 54);
- x. Limitation on Expenses and Obligations (section 57);
- xi. Franchises (section 79-89).

ii. **MAYORAL VACANCIES (Section 4)**

Acting Mayor (Short-term absence due to vacation, travel, minor/brief medical need)

Interim Mayor (Long-term absence, unable to perform duties)

Mayoral Vacancy (Permanent vacancy and need to replace)

iii. **APPOINTMENT OF CITY ADMINISTRATOR (Section 7 and Section 19)**

- **Section 7(C):** “All appointments to municipal office by the mayor, except the mayor's choice of city administrator, and all appointments of the city administrator shall be submitted to the council for approval, and no appointment shall be effective until such approval is granted.”

- **Section 19:** “There is hereby established the office of city administrator, **who shall be appointed by the mayor, subject to the approval by majority vote of the city council. A duly appointed and confirmed city administrator may be terminated by the mayor with the consent of the city council by a simple majority vote.** The city administrator shall be the principal assistant. Such assistant shall be appointed based solely on the ability to perform the duties and functions of the office, as set forth in this Charter. The city 12 administrator (i) shall be an ICMA credentialed city manager or meet the qualifications to be an ICMA credentialed city manager, or (ii) shall have had, during the ten years immediately preceding appointment, at least five years of successful experience in business or public administration, such as would qualify a person for the performance of the duties set forth in this Charter. **The mayor may assign any other officer or employee of the city to perform the duties of the city administrator during the vacancy of that office or absence or disability of that officer. The city administrator, under the supervision of the mayor and subject to direction by the mayor, shall supervise the heads of all departments except the city attorney; appoint, with the approval of the mayor and the council, and remove, with the approval of the mayor, the heads of all departments;** keep informed and keep the mayor advised concerning the activities of all offices, departments and boards and make, or cause to be made, investigations and studies of the internal organization and procedure of any office or department, and may require such reports from any of them which such assistant deems necessary; prescribe accepted standards of administrative practice to be followed by all offices and departments; prepare the annual operating and capital budgets and supervise the execution of budget ordinances; make information available to the mayor, the council and the public concerning the current status of the financial affairs of the city and all offices, departments and boards receiving appropriations from the city; attend meetings of the council at its request, and make available such information as it may require; perform all other duties required of such officer by this Charter, or by ordinance or assigned to such officer in writing by the mayor. **The mayor, by prior written notice directed to the city administrator, and subject to approval by a majority vote, may relieve the city administrator of any duties, powers or responsibilities granted the city administrator by the terms of this Charter. Such written notice, signed by the mayor, shall be filed with the city clerk as a document of public record.** The city administrator is forbidden to use official authority or influence for the purpose of affecting or interfering with a nomination or election to municipal office; or directly or indirectly to coerce, attempt to coerce, command or advise any municipal officer or servant or employee to pay, lend or contribute any part of such person's salary or compensation or anything else of value to any party, committee, organization, agency or person for municipal political purposes. The city

administrator is forbidden to make any contributions for municipal political purposes, but shall have full right to hold personal political beliefs and to speak on municipal issues. **The sole ground for removal of the city administrator by the council shall be the finding by the council, based on due proof submitted to the council upon a hearing held upon notice for that purpose, that the city administrator has violated the terms of the Charter restricting the political activity of such officer.**”

VIII. ADJOURNMENT

REMINDER: Pursuant to the Charter Commission Rules of Procedure: “[o]nly absences due to personal emergency or illness, or absence from the city will be excused and only if prior notice is given to the president or secretary of the commission.”

Please notify the City Clerk’s Office on or before 10:00 a.m. on January 10, 2024, if necessary to request an excused absence, by e-mail to ibjohnson@duluthmn.gov or by phone to (218) 730-5251.