

TITLE III: ADMINISTRATION

Chapter

30. GENERAL PROVISIONS

31. ENFORCEMENT OF ADMINISTRATIVE OFFENSES

CHAPTER 30: GENERAL PROVISIONS

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§ 30.01 ESTABLISHING RULES FOR GOVERNMENT.

(A) The regular meetings of the City Council shall be held upon the third Monday of each month at 7:00 p.m. at such place as may be designated by resolutions; provided, that the Council may continue any meeting from day to day or to any day by adjournment as occasion may require.

(B) Special meetings of the City Council may be called at any time by the Mayor or any two councilmembers, following notice as required by the Minnesota Open Meeting Law.

(C) At the hour of meeting, the Mayor shall call the Council to order, or in the absence of the Mayor, the Acting Mayor may call the meeting to order.

(D) The Administrator shall keep the minutes as to show the vote of each member upon every question voted upon by ayes and noes, and in all cases shall announce the names of those voting in the affirmative and those voting in the negative before the vote is declared by the Mayor.

(E) Every member shall vote on every question put by the Presiding Officer unless excused by the Council from voting.

(Ord. 1, passed 6-8-1897; Am. Ord. 30-A, passed 5-3-2010)

§ 30.02 COUNCIL MEMBERS AND MAYOR SALARY.

The salary of each Council Member shall be \$1,000 per year. The salary of the Mayor shall be \$1,500 per year. Compensation for special meetings shall be \$10 per meeting.

(Ord. 67, passed 10-4-82)

§ 30.03 CITY ELECTIONS.

(A) Pursuant to M.S. § 205.07, as it may be amended from time to time, commencing with the 1974 city election, the regular city election shall be held annually on the first Tuesday after the first Monday in November of each even-numbered year.

(B) Whenever this change in the election year results in the expiration of any current term of office at a time when no city election is held in the months immediately prior thereto, each term is extended until the date for taking office following three Council Members are to be elected, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years.

(Ord. 55, passed 2- -74)

§ 30.04 ADMINISTRATOR.

(A) *Duties generally.* The duties of the Administrator of the city shall include the duties of the Clerk and Treasurer. The Administrator shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the County Auditor all appointments and the results of all city elections. He or she shall keep:

(1) A minute book, noting therein all proceedings of the Council;

(2) An ordinance book, in which he or she shall record at length all ordinances passed by the Council;

(3) An account book, in which he or she shall enter all money transactions of the city, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the Treasurer with their payee and object; and

(4) Ordinances, resolutions and claims considered by the Council need not be given in full in the minute book if they appear in other permanent records of the Administrator and can be accurately identified from the description given in the minutes. The Administrator shall act as the Clerk and Bookkeeper of the city, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish such notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed upon him or her by the Council. For certified copies and for filing and entering, when required, papers not relating to city business, he or she shall receive the fees allowed by law to city clerks; but the Council may require the Administrator to pay such fees to the City Treasury. With the consent of the Council, he or she may appoint a deputy for whose acts he or she shall be responsible and whom he or she may remove at pleasure. In case of the Administrator's absence from the city of disability, the Council may appoint a Deputy Administrator except that he or she shall not be a member of the Council.

(M.S. § 412.151)

(B) *Other duties.*

- (1) Direct the administration as provided by Council action, state and federal statutes. Coordinate with the Council in administering city affairs.
 - (2) Prepare reports and summaries relating to contemplated municipal projects and improvements and submit them with recommendations as may be required to the Council for study and subsequent action.
 - (3) Prepare an annual fiscal budget and capital improvement plan for submission to the Council. Maintain financial guidelines for the city within the scope of the approved budget and capital program.
 - (4) Prepare an annual financial statement and perform other duties as required in M.S. §§ 412.141 and 5.04, as they may be amended from time to time.
 - (5) Attend and participate in all Council meetings. Attend at his or her discretion or by invitation other committee and commission meetings.
 - (6) Coordinate municipal programs and activities as authorized by the Council.
 - (7) Submit quarterly reports to the Council of the financial condition of the city accounts.
 - (8) Supervise the conduct of local elections in accordance with the prescribed laws and regulations.
 - (9) Supervise the activities of all city department heads and the administrative staff in the administration of city policy with authority to effectively recommend their employment and removal.
 - (10) Work in cooperation with the Council's appointed attorney and engineer.
 - (11) Prepare news releases, develop and discuss public relations material with all concerned as required. Maintain good public relations with the general public.
 - (12) Consult with appointed officials and with other public or private agencies as may be required.
 - (13) Be fully informed regarding federal, state and county programs which affect the city.
 - (14) Negotiate or delegate the negotiations of the terms and conditions of employee labor contracts for presentation to the Council.
 - (15) Perform all duties required of him or her by ordinances or resolutions adopted by the Council.
- (Ord. 65, passed 6-1-79)

CHAPTER 31: ENFORCEMENT OF ADMINISTRATIVE OFFENSES

Section

- 31.01 Purpose
- 31.02 Administrative offenses defined
- 31.03 Notice
- 31.04 Payment
- 31.05 Contested case
- 31.06 Failure to pay
- 31.07 Disposition of penalties
- 31.08 Offenses and penalties
- 31.09 Subsequent offenses

§ 31.01 PURPOSE.

Administrative offense procedures established pursuant to this section are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain city ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance with law. Likewise, the city in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect the cost of the administrative offense procedures as a part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

(Ord. passed 8-21-2006)

§ 31.02 ADMINISTRATIVE OFFENSE DEFINED.

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

An **ADMINISTRATIVE OFFENSE** is a violation of a provision of the city ordinance and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in § 31.08, entitled "Offenses and Penalties," hereafter.

(Ord. passed 8-21-2006)

§ 31.03 NOTICE.

Any officer of the City of Clarissa Police Department or any other person employed by the city, authorized in writing by the City Administrator, and having authority to enforce this chapter, shall upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle, a notice of violation. The notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.
(Ord. passed 8-21-2006)

§ 31.04 PAYMENT.

Once such notice is given, the alleged violator must, within seven days of the time of issuance of the notice, pay the penalty. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.
(Ord. passed 8-21-2006)

§ 31.05 CONTESTED CASE.

Any person contesting as administrative offense shall have the administrative penalty vacated and criminal charges shall be filed in accordance with the law allowing them the opportunity to contest the violation in the court system.
(Ord. passed 8-21-2006)

§ 31.06 FAILURE TO PAY.

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid, no such misdemeanor or petty misdemeanor charge may be brought by the city for the same violation.
(Ord. passed 8-21-2006)

§ 31.07 DISPOSITION OF PENALTIES.

All penalties collected pursuant to this section shall be paid to the city and deposited in the city's General Fund.
(Ord. passed 8-21-2006)

§ 31.08 OFFENSES AND PENALTIES.

Offenses which may be charged as administrative offenses and the penalties for such offenses will be established by the resolution of the City Council from time to time. Copies of such resolution shall be maintained in the Office of the City Administrator.

(Ord. passed 8-21-2006)

§ 31.09 SUBSEQUENT OFFENSES.

In the event a party is charged with a subsequent administrative offense, within 12 months for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25 % (except speeding).

(Ord. passed 8-21-2006)

