



CITY OF CHANHASSEN

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MEMORANDUM

TO: City Council

FROM: Heather Johnston, Interim City Manager
Andrea McDowell-Poehler, City Attorney

DATE: December 7, 2020

SUBJ: Repeal Sections 2-16, 2-17 and 2-19 of City Code

ISSUE

Section 2-16 of the City Code establishes specific departments and officers, but does not align with Minnesota Statute.

SUMMARY

Currently there are several sections in City Code that prescribe organizational structure and duties of city officers. The duties of city officers are also prescribed in statute. Specifically, the duties of the City Manager can be found in Minnesota Statute, section 412.651. The provisions in City Code do not reflect the city's current organization and may in some cases conflict with statute.

RELEVANT CITY CODE

Sec. 2-16 – Departments and officers established.

Sec. 2-17 – Organization structure: requires an organizational chart for all positions in a department to be established by resolution and set forth in the city's classification and compensation program.

Sec. 2-19 – Offices of City Clerk and City Manager consolidated: Consolidates the offices of the City Clerk and City Manager, requiring the City Manager to perform all of the statutory duties of the office of the City Clerk.

BACKGROUND

During a review of the Code provisions, it was noted that these sections were out of date and not reflective of the current organization. Staff asked the City Attorney if these provisions were needed. It was recommended that internal organizational provisions be removed from the City Code to allow flexibility in managing resources.

ANALYSIS

Section 2-16 was added by ordinance 78 on January 21, 1985, and last amended on January 12, 2004. Minnesota Statutes, Section 412.651 outlines the duties of the City Manager as follows:

412.651 CITY MANAGER; POWERS AND DUTIES.

Subdivision 1. Generally.

The city manager shall have the powers and duties set forth in the following subdivisions.

Subd. 2. Enforcement.

The city manager shall see that statutes relating to the city and the laws, ordinances and resolutions of the city are enforced.

Subd. 3. Appointment of personnel.

The city manager shall appoint upon the basis of merit and fitness and subject to any applicable civil service provisions and, except as herein provided, remove the clerk, all heads of departments, and all subordinate officers and employees; but the appointment and removal of the attorney shall be subject to the approval of the council.

Subd. 4. Control.

The city manager shall exercise control over all departments and divisions of the administration created under Optional Plan B or which may be created by the council.

Subd. 5. Council meetings.

The city manager shall attend all meetings of the council with the right to take part in the discussions but not to vote; but the council may in its discretion exclude the city manager from any meetings at which the manager's removal is considered.

Subd. 6. Recommend ordinances and resolutions.

The city manager shall recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the affairs of the city.

Subd. 7. Advise; annual budget.

The city manager shall keep the council fully advised as to the financial condition and needs of the city and the city manager shall prepare and submit to the council the annual budget.

Subd. 8. Administrative code.

The city manager shall, when directed to do so by the council, prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time the city manager shall suggest amendments to such code.

Subd. 9. Additional duties.

The city manager shall perform such other duties as may be prescribed by the statutes relating to Optional Plan B cities or required by ordinance or resolutions adopted by the council.

History:

1949 c 119 s 81; 1973 c 123 art 2 s 1 subd 2; 1986 c 444

Section 2-17 was added by ordinance 78 on January 21, 1985. The organization chart for the city may be published in city documents.

Section 2-19 was added by ordinance 63 on February 18, 1977. Currently, the Deputy City Clerk/Office Manager holds all of the certifications required for the City Clerk and performs those duties, including the administration of elections. Eliminating this provision would allow for clarification of the responsibility for performing the duties of this position.

Staff believes it is appropriate to remove these sections of City Code to provide clarity in reflecting the current organization, eliminate confusion, and allow for flexibility in adapting the internal organization structure to meet current city needs.

ALTERNATIVES

- 1) Repeal Sections 2-16, 2-17 and 2-19 of the City Code.
- 2) Repeal Sections 2-16, 2-17 and 2-19 of the City Code and add a specific reference to Section 2-18 to MN Statutes, section 412.651.
- 3) Do nothing.

RECOMMENDATION

Staff recommends Alternative 1 which would repeal Sections 2-16, 2-17 and 2-19 of the City Code.