

POSSIBLE ALTERNATE CHARTER AMENDMENTS TO:
Northfield Charter, Section 3.8, Subd. 2, Executive Functions

May 24, 2018

Current Section 3.8, Subd. 2, Language from Northfield Charter:

Section 3.8, subd. 2, of the Northfield Charter currently provides, in its entirety, as follows:

- Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study the administration and operations of the city and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary. If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator. The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

Possible Options for Amendment of Northfield Charter, Section 3.8, Subd. 2:

1. *Option 1 - Mandatory Review and Report.* Charter Commission proposed amendment annual review and reporting language as discussed on May 18, 2018 between Charter Commission representatives, and the City Administrator and City Attorney:

Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall ~~study~~ review the administration and operations of the city and shall report to the council any neglect, ~~or~~ dereliction of duty, ~~or waste~~ on the part of the city administrator ~~any officer~~ or any department of the city. This review shall be conducted and the report prepared in compliance with all applicable data privacy laws, and shall not include private personnel data, or involve the review of or investigation of any private personnel matter. A summary report of the results of the review required by this subdivision shall be communicated by the mayor to the city council in writing every year by November 1. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary, including but not limited to professional services to assist the mayor in conducting the review required by this section.

If the office of administrator becomes vacant, the mayor, with the approval of

the council, shall appoint an acting administrator.

The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

2. Option 2 – Mayor, Charter Commission Chair and City Administrator Modified Mandatory Review and Report. The Mayor, Charter Commission Chair, and City Administrator have met and are cooperatively bringing forward this alternative modification to Option 1 for consideration.

Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study review the administration and operations of the city through an operational audit and shall report to the council findings and recommendations. ~~any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor shall appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary to complete the operational audit. This review shall be conducted every two years and the report prepared in compliance with all applicable data privacy laws, and shall not include private personnel data, or involve the review of or investigation of any private personnel matter. A summary report of the results of the review required by this subdivision shall be communicated by the mayor to the city council in writing by November 1 of the review year. Additionally, T~~the mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary for other purposes.

If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator.

The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

3. Option 3 - Discretionary Review and Report. Alternate language for consideration by the Charter Commission and City Council, prepared by the City Administrator and City Attorney, providing for a discretionary review and report instead of the mandatory annual review and report provided above:

Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study review the administration and operations of the city, and may propose to council policies for such purposes.

In the event of finding the same, the mayor shall timely report to the council any neglect, or dereliction of duty, or waste on the part of any officer or department of the city. Any review shall be conducted and the report prepared in compliance with all applicable data privacy laws, and shall not include private personnel data, or involve the review of or investigation of any private personnel matter. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary to assist the mayor in conducting any review and report under this section.

If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator.

The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

4. Option 4 - Deletion of Review and Report Language. Delete study and reporting language from section 3.8, subd. 2, of the Charter as there are other mechanisms to address such matters outside the Charter framework in State law and under the Council's powers and authority:

- Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. ~~The mayor shall study the administration and operations of the city and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary.~~

If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator.

The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.