

ORDINANCE NO. _____, 2ND SERIES

AN ORDINANCE OF THE CITY OF HIBBING, MINNESOTA, AMENDING HIBBING CITY CODE CHAPTER 2 ENTITLED "ADMINISTRATION AND GENERAL GOVERNMENT", BY REVISING SECTION 2.53 'CITY ADMINISTRATOR'; AND, BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 2.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

Section 1. Hibbing City Code, Section 2.53 entitled "City Administrator" is hereby deleted in its entirety.

Section 2. There shall be added to the Hibbing City Code a new Section 2.53 entitled "City Administrator" reading as follows:

"SEC. 2.53. CITY ADMINISTRATOR.

Subd. 1. Office Established. The office of the City Administrator is hereby established. The City Administrator shall be appointed by the Council and shall be administrative head of the government of the City. The City Administrator shall be responsible for the efficient administration of all departments of the City.

Subd. 2. Appointment, Compensation and Tenure. The City Administrator shall be appointed without regard to such Administrator's political beliefs and need not be a resident of the City when appointed. The City Administrator shall be appointed for an indefinite term. The City Administrator's compensation shall be determined by the Council. In the absence or the disability of the City Administrator, the Council may designate a qualified administrative officer of the City to perform the duties of the City Administrator during such absence or disability. The City Administrator may at any time be removed from office by a majority vote of the elected members of the Council.

Subd. 3. Duties and Powers.

A. To enforce the laws and City Code provisions.

B. Except as otherwise provided by statute, may recommend the appointment of and may recommend the removal of all employees (except the City Attorney and his or her assistants and except

all essential employees of the Hibbing Fire Department and the Hibbing Police Department and except the Deputy Clerk) authorized by the Council to be hired or removed, and subject to approval of the Council, and further subject to any applicable Civil Service regulations. The Council shall make the actual appointment by motion stating the name, position, salary, duration or term of appointment, bond requirement and any other necessary matter. No appointment shall be made upon any basis other than that of merit and fitness.

C. To exercise supervision and control of all departments and divisions of the City government except the City Attorney and his or her assistants.

D. To attend all meetings of the Council with the right to take part in the discussion but with no right to vote.

E. To recommend to the Council for adoption such measures as may be deemed necessary or expedient for the welfare of the City. Any proposed measures or projects which exceed the authorized threshold as established in the City's Purchasing Policy shall be approved by the Council before being pursued in depth or finalized by the City Administrator. Once Council approval is granted, the City Administrator shall prepare monthly status reports on each such measure or project.

F. To see that all terms and conditions imposed in any contract or public utility franchise in favor of the City or to its inhabitants are faithfully kept and performed.

G. To make, in the ordinary course of business, all purchases of materials and supplies necessary for the City as provided for in the Annual Budget and in accordance with statutory provisions.

H. To assist the Council in preparing the Annual Budget each year.

I. For the purpose of assisting the Council in preparing the budget, the City Administrator shall be authorized to require all department heads to submit statements of the estimated expenses for the next calendar year of their respective departments, a description of proposed City improvements for their respective departments and the probable expense thereof, a description of all unperformed contracts and a statement of the amount of all unexpired appropriations of the preceding year for their respective departments.

J. To have and exercise the power, authority and duties of any Department Head or Division Head of the City government during the time when such office shall be vacant or no person shall have been appointed thereto except the Police Chief, the Fire Chief and the City Attorney and his or her assistants.

K. To issue or cause to be issued all licenses and permits not otherwise provided for by statute or the City Code.

L. To prescribe rules and regulations for the conduct of the various departments of the City and divisions thereunder.

M. To recommend to the Council the reorganization or consolidation of the departments of the City.

N. To prepare the Agenda for all Council meetings. In addition to those items initiated by the City Administrator, the City Administrator shall place on the Agenda any and all items submitted in writing by a Council member for consideration. No item submitted by a Council member shall be removed from the Agenda without the prior written approval of the Council member who requested that the item be placed on the Agenda.

O. To perform such other duties as may be prescribed by the City Code or resolution of the Council.

P. To devote such Administrator's entire time to the discharge of such Administrator's official duties.

Subd. 4. Emergency Purchases. During a declared emergency, the City is, notwithstanding any statutory provisions to the contrary, empowered, through the Council, acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat disaster by protecting the health and safety of persons and property providing emergency assistance to the victims of such disaster. In the event of a declared emergency, the City may exceed its delegated purchasing authority and does not need to follow the solicitation process as specified in state statutes. These statutes give cities the ability to declare an emergency for a limited period of time and waive the requirement to use mandated contracting procedures. Only what is needed to expeditiously reestablish the functions of government, the protection of property, or the health or safety of people is eligible for the emergency authority exception.

Subd. 5. Bond Required. Before entering upon the duties of the City Administrator's office, the City Administrator shall furnish a corporate surety bond to be approved by the Council as to amount and by the City Attorney as to form, such bond to be conditioned upon the faithful performance of such Administrator's duties. The premium for such bond shall be paid by the City."

Section 3. Penalties. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 2.99 entitled "Violations a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 4. After adoption, signing and attestation, this ordinance shall be published once in the official newspaper of the City and shall be in effect on and after the date following such publication.

Adopted by the City Council of Hibbing, Minnesota, this _____ day of _____, 2024.

FOR ADOPTION:

AGAINST ADOPTION:

ABSENT:

CITY OF HIBBING

Pete Hyduke, Mayor

ATTEST:

Candie Seppala, Clerk

The foregoing Ordinance No. _____, 2nd Series, reviewed and approved as to form.

Andy Borland, City Attorney

(Published in the Hibbing Tribune on _____, 2024. Affidavit of Publication attached.)

City of Hibbing
Ordinance No. _____, 2nd Series
June 27, 2024