

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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§ 30.01 CITY COUNCIL MEETINGS.

(A) *Regular meetings.* Regular meetings of the City Council shall be held on the second Wednesday of the month. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless the City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

(B) *Special meetings.* The Mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. § 471.705, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. § 471.705, Subd. 1c(c), as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. § 471.705, Subd. 1c(c), as it may be amended from time to time.

(D) *Initial meeting.* At the first regular City Council meeting in January of each year, the City Council shall:

- (1) Council members shall take oath of office;
 - (2) Designate the depositories of city funds;
 - (3) Designate the official newspaper;
 - (4) Choose one of the Council Members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
 - (5) Appoint officers and employees and members of departments, boards, commissions and committees as may be necessary;
 - (6) Establish and appoint Council Members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.
- (E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. § 471.705, as it may be amended from time to time.

§ 30.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the City Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk shall call the meeting to order and shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

§ 30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies thereof shall be delivered to each Council Member as soon as

practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

§ 30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefore. City Council business shall be conducted in the following order unless varied by the presiding officer:

- (1) Call to order.
- (2) Approval of minutes.
- (3) Consent agenda.
- (4) Public hearings.
- (5) Petitions, requests, and communications.
- (6) Ordinances and resolutions.
- (7) Old business.
- (8) New business.
- (9) Payment of Bills
- (10) Reports of staff and committees.
- (11) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be presented by the City Clerk to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk thereof at least 72 hours before new business is to be heard. The City Clerk may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 30.05 VOTING.

The votes of the Council Members on any question may be taken in any manner that signifies the intention of the individual members, and the votes of the Council Members on any action taken shall be recorded in the minutes. The vote of each Council Member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to his or her name, shall be

marked "Present-Not Voting."

§ 30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

§ 30.07 SUSPENSION OR AMENDMENT OF RULES.

These rules may be suspended only by a two-thirds vote of the members present and voting.

§ 30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time.

§ 30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.

§ 30.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote.

§ 30.11 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

§ 30.12 CITY ATTORNEY.

The city council shall appoint a qualified attorney at law, who has been admitted to practice law by the supreme court of the state of Minnesota, to act as legal advisor of the city and all its officers and agencies in the conduct of city business. He shall represent the city in all matters and proceedings in which the city is a party in interest. He shall act as prosecuting attorney in all prosecutions for the violation of ordinances.

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

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ADMINISTRATION DEPARTMENT

§ 31.00

An Administration Department is hereby established. The head of the Department shall be the City Administrator.

§ 31.00.A

The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be chosen by the Council solely on the basis of training, experience, executive and administrative qualifications. The City Administrator need not be a resident of the City at the time of the appointment but may reside outside the City while in office only with approval of the Council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by a unanimous vote of the City Council, after a public hearing is held where the City Administrator is allowed address the concerns of the City Council, the hearing may go into closed session pursuant to the provisions of Minn. Stat. § 13D. 305 Subd.3(a).

§ 31.00.B Duties Of The City Administrator.

Subdivision 1.

The City Administrator shall be responsible to the Council for the administration of the City's affairs. The City Administrator shall have the powers and duties set forth in the following subdivisions:

Subdivision 2.

The City Administrator shall see that the ordinances, resolutions, policies, and general rules of the City are enforced.

Subdivision 3.

The City Administrator shall be the Chief Employment Agent for the City (CEA). The City Administrator shall; appoint, suspend, remove, promote, demote, transfer and otherwise discipline upon the basis of merit and fitness and subject to applicable Personnel Policies, Professional Standards and Collective Bargaining Agreements, all subordinate officers and City employees. The City Administrator shall recommend contractual and noncontractual salary, wages, hourly compensation, Health Insurance Policies, and other fringe benefits offered to City Employees, to the City Council for consideration and action.

The City Administrator shall represent the City Council in all Union negotiations and present City Council proposals and or counter proposals for Collective Bargaining Agreements to Union Representatives.

The City Administrator Shall work with the City Attorney or outside Counsel in preparation for any arbitration relative to Union disputes or Collective Bargaining matters.

Subdivision 4.

The City Administrator shall direct and supervise all departments, offices and agencies of the City, except as otherwise provided by Law, City Ordinance, or Professional Standards adopted by Resolution of the City Council.

1. Administration Department
2. Recreation

3. Airport
4. Building Inspector/Plumbing Inspector/Electrical Inspector
5. City Attorney
6. City Engineer Consultant
7. Financial Advisor/Bond Consultant
8. Fire Department/Emergency Management
9. Municipal Liquor Store
10. Police Department
11. Public Works

Subdivision 5.

The City Administrator or designee shall attend all meetings of the Council and may take part in discussion but not vote. The City Council may, in its discretion, exclude the City Administrator from any meetings at which the employment terms and conditions, removal, suspension or other disciplinary matter of the City Administrator is considered.

Subdivision 6.

The City Administrator shall recommend to the City Council for adoption such measures as the City Administrator deems necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7.

The City Administrator shall keep the City Council fully advised on the financial condition and needs of the City and shall prepare and submit to the City Council an annual budget.

Subdivision 8.

The City Administrator shall assist the City Council with long term and strategic planning.

Subdivision 9.

The City Administrator shall perform such other duties as maybe requested by the City Council.

Subdivision 10.

There shall be a City Clerk/Treasurer and such other subordinate officers to the City Administrator as the Council may establish by ordinance. The City Clerk and Treasurer shall be subject to the direction of the City Administrator and shall have such duties as prescribed by law and as assigned by the City Administrator. The Council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices.

Subdivision 11.

The City Administrator shall be the chief procurement officer for the City (CPO). All City purchases and contracts shall be made or executed by the City Administrator when the amount involved does not exceed any limit set by City Council resolution. The City Administrator may establish purchasing thresholds for departments not to exceed purchasing limits established by the City Council. The City Administrator may delegate purchasing officer duties for departments or extensions of the City. The City Administrator will provide recommendation to the City Council for all other purchases that it executes on behalf of the City. All purchase contracts above the amount set

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by City Council resolution, all other contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The City Council may, by ordinance, adopt further regulations for the making of bids and the executing of contracts including, but not limited to, regulations authorizing project life cycle or total cost bidding.

Subdivision 12.

The City Administrator shall be responsible to the City Council. The City Administrator shall also make, and file reports as may be requested by the City Council.

§ 31.00.C

The combined role of City Clerk/Treasurer is hereby established pursuant to Minn. Stat. § 412.591 Subd. 2.

§ 31.00.D

The City Clerk/Treasurer shall be responsible to the City Administrator. The duties of the City Clerk/Treasurer include accounts receivable functions, the protection of vital records, all election functions for the City of Appleton, guardianship for the Official Seal for the City of Appleton, and all of the responsibilities, duties, and functions prescribed by Minnesota Statutes.

The City Clerk /Treasurer shall also make, and file reports as may be requested by the City Administrator.

§ 31.00.E

The role of City Accounting Officer is hereby established.

§ 31.00.F

The City Accounting Officer shall be responsible to the City Administrator. The duties of the City Accounting Officer include accounts payable functions, purchase order processing, payroll processing, utilities processing, processing of bonds, abatements, and tax incremental finance payouts.

The City Accounting Officer is also responsible for Bank and all City Budget Account reconciliations.

The City Accounting Officer will assist the City Administrator with the creation of an Annual Budget to be presented as part of the City's Tax Levy for adoption by the City Council.

POLICE DEPARTMENT

§ 31.01 POLICE DEPARTMENT

(A) The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be subject to negotiations pursuant to M.S. § 179A where appropriate, the budget process, and then fixed by the City Council. The Chief of Police shall be appointed by the City Council. Members of the Police Department shall be interviewed and hired pursuant to the provisions of §31.00.B Subdivision 3 and 4 of the Appleton City Code of Ordinances.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

§ 31.02 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training of the members of the Police Department. The Chief of Police shall recommend disciplinary procedures against members that include verbal warnings, written warnings, demotions, suspensions, and discharge to the office of the city administrator pursuant to §31.00.B Subdivision 3, all disciplinary procedures shall be applied in a manner consistent with existing Collective Bargaining Agreements and the City of Appleton Personnel Policies, wherever appropriate.

The Chief of Police shall be responsible for the keeping of adequate records. The Chief shall make reports to the office of the city administrator as directed pursuant §31.00.B Subdivision 3 and 4 of the Appleton City Code of Ordinances. The Chief may submit additional reports and recommendations at any meeting of the City Council. Reports provided to the office of the city administrator and City Council shall be relegated to data that is lawful to share as determined by public records laws and procedures defined by the Bureau of Criminal Apprehension (BCA) and the Minnesota Department of Public Safety. Every member of the Police Department is subordinate to the Chief of Police and shall obey the instructions of the Chief of Police. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

§ 31.03 DUTIES OF POLICE.

Members of the Police Department shall enforce the laws applicable to the city, bring violators before the court, and make complaints for offenses coming to their knowledge. Members of the Police Department shall serve processes on behalf of the city and shall serve those notices as may be required by the City Council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All fees shall be paid into the city treasury.

§ 31.04 UNIFORM AND BADGE.

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

§ 31.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police and which are permitted by law.

§ 31.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.

The Police Department Manual, as amended, containing the general policies, procedures and rules for operation of the Police Department of the city is hereby adopted as the official departmental policy manual of the Police Department.

VOLUNTEER FIRE DEPARTMENT

§ 31.20 VOLUNTEER FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.

(A) There is continued in this city a Volunteer Fire Department, which department shall have the following officers: a Chief, and Assistant Chiefs.

(B) The Chief of the Volunteer Fire Department shall be appointed by the City Council. The Chief of the Volunteer Fire Department shall recommend for appointment each year an Assistant Chief and a Fire Marshal, subject to confirmation by the City Council. The Chief of the Volunteer Fire Department the Assistant Chief and the Fire Marshal each shall hold office for one year and until the successor has been duly appointed or qualified. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical. The officer so appointed is so appointed for the period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be recommended for appointment by the Chief of the Volunteer Fire Department after a formal interview process, subject to confirmation by the City Council. Firefighters in good standing that comply by all departmental rules, bylaws, City Policies, and Ordinances shall continue as members of the Volunteer Fire Department until retirement, but may be removed by the City Council for cause after a public hearing.

§ 31.21 DUTIES OF CHIEF.

The Chief shall have control of all firefighting apparatus and shall be responsible for its care and condition. The Chief shall make reports to the office of the city administrator as directed pursuant §31.00.B Subdivision 3 and 4 of the Appleton City Code of Ordinances. The Chief may submit additional reports and recommendations at any meeting of the City Council as directed by the office of the city administrator or the City Council. The Chief shall recommend disciplinary procedures against volunteer firefighters that include verbal warnings, written warnings, demotions, suspensions, and discharge to the office of the city administrator pursuant to §31.00.B Subdivision 3, all disciplinary procedures shall be applied in a manner consistent with the City of Appleton Non-Union Personnel Policy and Code of Conduct. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may recommend for the suspension of members of the Volunteer Fire Department to the office of the city administrator, for any member who refuses or neglects to obey orders.

§ 31.22 DUTIES OF FIRE MARSHAL.

The office of Fire Marshal may be held by the Chief or Assistant Chief, if the City Council approves. The Fire Marshal shall be charged with the enforcement of all city ordinances and laws of the state for fire prevention including, if authorized by the City Council, the Uniform Fire Code, Minn. Rules Ch. 7510, as it may be amended from time to time. The Fire Marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

§ 31.23 RECORDS.

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Volunteer Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation. The Chief shall provide all incident records to the office of the city administrator on a weekly basis or as directed.

§ 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

§ 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

§ 31.26 FIREFIGHTERS.

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

§ 31.27 LOSS OF MEMBERSHIP.

Firefighters shall forfeit membership in the Volunteer Fire Department for unreasonable inattention to duties or lack of attendance at meetings or calls or disobedience of orders or other due cause, and any firefighter may be suspended by the office of the city administrator pending hearing upon his or her removal. Firefighters absent from three consecutive drills or calls, unless excused by the Chief, may be recommended by the Fire Chief to forfeit membership in the Volunteer Fire Department.

§ 31.28 COMPENSATION.

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

§ 31.29 INTERFERENCE WITH VOLUNTEER FIRE DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties.

Penalty, see § 10.99

§ 31.30 BYLAWS.

The Volunteer Fire Department may adopt bylaws for its government, which bylaws shall be effective upon approval by the City Council.

Bylaws adopted by the Volunteer Fire Department shall not be in conflict with the provision of The Administration Department, §31.00 through §31.00.F. Wherever a conflict exist, the provisions of the Administration Department shall prevail.

PLANNING COMMISSION

§ 31.45 ESTABLISHMENT OF THE PLANNING COMMISSION

A Planning Commission for the city is hereby established. The Commission shall be the city planning agency authorized by M.S. § 462.354(1), as it may be amended from time to time.

§ 31.46 COMPOSTION

- (A) The Planning Commission shall consist of five members from the resident population of the city to be appointed by the mayor with the approval of the Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed, or a successor is appointed. Absence from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the mayor, with the approval of the Council, shall appoint a person to complete the unexpired term.
- (B) The Council shall select an ex officio member from among its own members to serve as liaison between the Planning Commission and the City Council. Other persons may serve in an ex officio capacity as the Council may, in its discretion, deem appropriate.
- (C) (C) Each of the five regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

§ 31.47 ORGANIZATION, MEETINGS, MINUTES, AND EXPENDITURES

- (A) At the first regular meeting in January, the Commission shall elect the Chairperson and the Vice-Chairperson from among its appointed members, each for a term of one year, and the Commission may create and fill other offices as it may determine.
- (B) The Commission may hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in case of his or her absence, by the Vice-Chairperson.
- (C) Written minutes of meetings shall be kept and filed with the City Administrator prior to the next regularly scheduled Council meeting but shall be subject to approval at the next Planning Commission meeting.
- (D) (D) No expenditures by the Commission shall be made unless and until authorized for the purpose by the Council.

§ 31.48 POWERS, DUTIES, COMPREHENSIVE PLAN

- (A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this code.
- (B) It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use

plan and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to the comprehensive plan program.

- (C) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review and recommendations of matters referred to the Planning Commission by the Council.
- (D) *Zoning Ordinance.* The Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings and make recommendations to the Council as may be prescribed by the zoning ordinance.
- (E) *Special Permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance of this code of ordinances. The Commission shall report its recommendations to the Council for action.
- (F) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance. The Commission shall report its recommendations to the Council for action.
- (G) *Variances.* All applications for variances may be referred to the Planning Commission which shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. §462.357, subd. 6, as it may be amended from time to time, and forwarded with or without recommendations directly to the City Council for its decision. Variances may be granted from the literal provisions of an ordinance only where strict enforcement would cause a practical difficulty because of circumstances unique to the individual property under consideration as authorized by M.S. §462.357, subd. 6(2) as it may be amended from time to time.
- (H) The Planning Commission shall recommend to the City Council a descriptive list of proposed public improvements, (five-year Capital Improvement Plan, CIP) for the ensuing five-year period. The five-year capital improvement plan shall be recommended by the Planning Commission to the Council and will include all street, utility, equipment, parks, and facilities projects and replacements and will also submit such to the finance commission for funding recommendations.

HOSPITAL BOARD

§ 31.65 ESTABLISHMENT OF THE HOSPITAL BOARD.

There is hereby created and established a Board to be known as the “Hospital and Nursing Home Board of the City of Appleton.”

(A) The Hospital and Nursing Board of the City of Appleton shall provide oversight for the administration and operations of the facility whose services include: Hospital, Clinic, Care Center, Assisted Living & Home Care, Rehabilitation/Therapy.

(B) The facility shall be formally recognized as Appleton Area Health (AAH) on all business communications, all professional communications, all grant applications, all regulatory or policy communications, and all materials of substantive import or function to the operation of the facility, AAH.

§ 31.66 COMPOSITION.

The Hospital and Nursing Home Board shall consist of five voting members. Two Board members shall be the Mayor of the City of Appleton and another City Council member. The remaining three members shall be appointed by the Mayor with consent of the City Council.

(A) The term of office of said members shall be for a period of four years. Said term to start from and after the 1st day of February immediately following the appointment, said term to be staggered so that one term expires each year. The appointment to fill the place of any member whose term is about to expire shall be made at the first meeting of the City Council after January 1st of each year. Any vacancy shall be filled for the unexpired portion of the term in which it occurs. The maximum number of consecutive terms a Board member may serve shall be (3) three terms. A Board member shall be eligible for reappointment after a period of one (1) year off the Board.

(B) The Mayor may delegate His/Her Board responsibility to any willing member of the City Council. The Mayor’s ability to delegate Hospital and Nursing Home Board responsibility does not transfer appointment powers to delegated City Council members who may serve on the Board.

(C) Any Board member may be removed by the Mayor with the consent of the council for cause after a hearing.

(D) No member of the Hospital and Nursing Home Board shall receive compensation or emolument for their services.

(E) No Current Fulltime Employee at AAH, Active Medical Consultant/Professional to AAH, AAH staff, or Vendor holding Active Contracts, Bids, or Negotiations with AAH, shall be a member of the Hospital and Nursing Home Board. If the Mayor is a Current Fulltime Employee at AAH, Active Medical Consultant/Professional to AAH, or a Vendor holding Active Contracts, Bids, or Negotiations with AAH, then another member of the City Council shall be appointed by the Mayor with the consent of the City Council to serve on the Hospital and Nursing Home Board. No member of the City Council shall be a member of the Hospital and Nursing Home Board except as provided by article (B) of section 31.66 of the Appleton City Ordinance or as provided herein.

§ 31.67 ORGANIZATION, MEETINGS AND FUNDS.

(A) The Hospital and Nursing Home Board shall immediately after its appointment meet and organize and shall elect from its members a chairman, vice president, secretary and treasurer, and such other officers, as they may deem necessary. The Board shall adopt by-laws fixing the terms of said officers and their duties and such other matters, as they deem expedient and necessary for the operation of the Board with consent of the City Council.

(B) The Board shall have charge of the management and operation of the Appleton Municipal Hospital and Nursing Home and the grounds and property surrounding the same, and of all personal property of the said hospital and nursing home.

(C) There is hereby created a separate fund to be known as "The Hospital and Nursing Home Fund" which shall be used exclusively for maintaining and improving the Appleton Municipal Hospital and Nursing Home. The Hospital and Nursing Home Board shall require its legal representative to collect all moneys due said Hospital and Nursing Home and cause the same to be deposited in a separate bank account established by the Board for said fund. The Hospital and Nursing Home Board shall have control of the expenditures from the Hospital and Nursing Home fund and said moneys from this fund shall be paid out of the Hospital and Nursing Home fund by means of a warrant signed by the Chairman of the Hospital and Nursing Home Board and the Chief Executive Officer or the Chief Financial Officer of the Hospital, provided that any payment from this fund for an unbudgeted expenditure in an amount exceeding \$10,000.00 shall require in addition the signature of the Mayor or the City Administrator. The Board shall have the authority to spend money from the "Hospital and Nursing Home Fund" but shall comply with the City of Appleton Purchasing Policy and Minnesota Uniform Contract Law, (MINN. STAT. § 471.345). All funds made available to the Hospital and Nursing Home Board by appropriation of the City Council shall be expended as directed by the City Council. Any contract for the construction of any additional hospitals, medical clinics, or nursing homes or additions to hospitals, medical clinics, or nursing homes, or appurtenant structures, and any contract for the purchase or sale of real property by or for the benefit of the Hospital shall, after approval by the Hospital and Nursing Home Board, be submitted to the office of the City Administrator for review, and shall not be executed or otherwise authorized until it is approved by the City Council.

§ 31.68 POWERS AND DUTIES.

(A) The Hospital and Nursing Home Board shall have the power to employ suitable nurses, attendants, and other employees as they deem advisable, and to fix the compensation of same and to remove such appointees at will. The Hospital and Nursing Home shall have the power to recommend that the City Council hire a suitable superintendent. The City Council solely retains the authority to employ, to remove, and to fix the compensation of the superintendent.

(B) The Hospital and Nursing Home Board shall control the admission of patients, the fixing of fees and charges for the same. It may make such repairs, improvements and purchase such supplies and materials, as it deems necessary.

(C) The Board shall make an annual report to the City Council in each year regarding the condition of their trust as of the previous year, showing the various sums of money received, and how much money has been expended and for what purpose, together with such other information which they deem of general interest, or which the City Council shall request.

(D) The Hospital and Nursing Home Board shall provide the City Council with a statement of its financial position per annum. The Hospital and Nursing Home Board's financial position shall be professionally reported with tools such as; financial audits, forensic audits, procedural audits, Days of Cash on Hand, and any other financial measure used to assess the financial position of the Hospital and said reports shall be provided to the office of the City Administrator.

(E) The Hospital and Nursing Home Board shall provide notice to the office of the City Administrator of its intent to seek out financial products such as loans, payroll bonds, operating bonds, lines of credit, and any grant, reimbursement program, or tax credit that will increase the indebtedness of the City or use the City of Appleton's financial position as a part of the collateral or credit assessment of the Hospital. No debt shall be issued by the Hospital and Nursing Home Board without the approval of the Appleton City Council.

LIBRARY BOARD [Reestablished 9 – 13 - 2023]

§ 31.85 ESTABLISHMENT OF A LIBRARY BOARD

A Library Board for the city is hereby established pursuant to § M.S. 134.195 subd. 1.

§31.86 POWERS AND DUTIES

- (A) The Library Board shall be advisory only. It shall exercise supervision of the library building to the extent necessary to carry on a public library service in a proper manner, and it shall make such recommendations for care and maintenance of the building.
- (B) A librarian shall be employed for the city library to have charge of the library during the hours it is open to the public and be responsible for the proper conduct thereof. The Library Board may make recommendations to the Pioneerland Library System and report to the council with reference to the employment of such a librarian.
- (C) No later than September 1 of each year, the Library Board shall meet with the City Administrator to review its estimate of the financial needs for operation of the city library system for the ensuing fiscal year.

§ 31.87 COMPOSITION

- (A) The Library Board shall consist of five members appointed by the mayor and confirmed by the city council.
- (B) The mayor, with approval from the City Council, shall appoint members to serve on the Library Board.
- (C) Initially, those appointments shall be for one and three-year staggered terms. Thereafter, board members shall be appointed for a term of three years.
- (D) Board members shall retain their appointments until they determine to resign. Vacancies shall be advertised, and appointments made by the mayor with the consent of the Council. If a board member resigns midterm, the newly appointed board member shall fill the remaining term and then be reappointed for a full term, if desired.
- (E) The Council shall select an ex officio member from among its own members to serve as liaison between the Library Board and the City Council. The council member is not a member of the Board. The council member is to communicate to the Council the actions of the Board and provide feedback to the board from the council.
- (F) Any member may be removed by the City Council for cause after a hearing by the Council. The Council shall have cause to remove any member for misconduct or who is absent from three consecutive duly scheduled Library Board meetings without notifying or obtaining the consent of the Board Chair or is otherwise absent from five of any 12 consecutive Library Board meetings without notifying or obtaining the consent of the Board Chair

§ 31.88 ORGANIZATION, MEETINGS, MINUTES, AND EXPENDITURES

- (A) It shall meet at least twice in each year, and shall annually elect a president, secretary, and such other officers as may be required.
- (B) Said board may adopt by-laws, rules and regulations for the management and conduct of said library service and make recommendations and determine policy with reference thereto.
- (C) It shall cause a report to be made annually to the city council at the end of each fiscal year, to share any and all library information and/or suggestions.
- (D) Written minutes of meetings shall be kept and filed with the City Administrator prior to the next regularly scheduled Council meeting but shall be subject to approval at the next Library Board meeting.
- (E) No expenditures by the Board shall be made unless and until authorized for the purpose by the Council.

AIRPORT BOARD [Repealed 9 – 28 - 2022]

§ 31.100 ESTABLISHMENT OF THE AIRPORT BOARD [Repealed 9 – 28 - 2022]

§ 31.101 COMPOSITION [Repealed 9 – 28 - 2022]

§ 31.102 ORGANIZATION [Repealed 9 – 28 - 2022]

ECONOMIC DEVELOPMENT AUTHORITY

§ 31.200 ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT AUTHORITY

There is hereby created and established an authority to be known as the “Economic Development Authority of the City of Appleton.”

§ 31.201 COMPOSITION.

(A) The Authority shall consist of five commissioners, one of whom shall be the Mayor of the Appleton City Council. The commissioners shall be appointed by the Mayor with the consent of the council.

(B) The term of office of said commissioners shall be for a period of six years. Said term to start from and after the first regular scheduled City Council meeting held in January and shall end on December 31 of their respective term. Any vacancy shall be filled for the unexpired portion of the term in which it occurs.

(C) Any member may be removed by the Mayor with the consent of the council for cause after a hearing.

(D) No member of the Economic Development Authority shall receive any compensation or emolument for their service.

§ 31.202 ORGANIZATION, MEETING AND FUNDS.

(A) The Economic Development Authority shall meet and organize at the first meeting of each year and shall elect from its members a chairman, vice chairman, secretary and treasurer. The authority may adopt by-laws establishing duties and other matters as they deem expedient and necessary for the operation of the authority.

(B) By-laws adopted by the authority shall be contingent to the approval of the Appleton City Council.

§ 31.203 POWERS AND DUTIES.

(A) The economic Development Authority shall execute and of the powers, rights, duties and obligations as set forth in Minnesota Statutes Sections 469.090 to 469.108 and any other law is hereby established in and for the City.

(B) The authority shall make an annual report to the City Council on or before the 25th day of February in each year regarding the condition of their trust as of the 31st day of December of the previous year, showing the various sums of money received, and how much money has been expended, and for what purpose, together with such other information which they deem of general interest, or which the council shall request.

CEMETERY BOARD [Reestablished 9 – 13 – 2023]

§ 31.300 ESTABLISHMENT OF A CEMETERY BOARD

A Cemetery Board for the city is hereby established pursuant to § M.S. 306.01

31.301 COMPOSITION

(A) The Cemetery Board shall consist of three members who shall be appointed by the Mayor with the consent of the City Council. Each appointed member shall not need to be a resident of the city of Appleton.

(B) The term of office of said members shall be for a period of three years and each term shall start in January immediately following the appointment.

(C) Any member may be removed by the City Council for cause after a hearing by the Council. The Council shall have cause to remove any member for misconduct or who is absent from three consecutive duly scheduled meetings without notifying or obtaining the consent of the Board Chair

31.302 ORGANIZATION, MEETINGS, MINUTES, AND EXPENDITURES

(A) At the first regular meeting in January, the Board shall elect the Chairperson and the Vice-Chairperson from among its appointed members, each for a term of one year, and the Board may create and fill other offices as it may determine.

(B) The Board shall hold at least four meetings a year at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in case of his or her absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Administrator prior to the next regularly scheduled Council meeting but shall be subject to approval at the next Cemetery Board meeting.

(D) No expenditures by the Board shall be made unless and until authorized for the purpose by the Council.

31.303 POWERS AND DUTIES

(A) The Cemetery Board shall be advisory only. It shall make plans and offer recommendations for the care and administration of the Appleton City Cemetery.

(B) The Cemetery Board shall make an annual report to the City Council on or before November 15 of each year.

(C) No later than September 1 of each year, the Cemetery Board shall present, in detail, to the City Council its estimate of the financial needs for operation of the city cemetery for the ensuing fiscal year.

PARKS, RECREATION, AND EVENT COMMISSION [Established 9-13-2023]

§ 31.400 ESTABLISHMENT OF THE PARK, RECREATION, AND EVENT COMMISSION

The Park, Recreation and Event Commission (Park Commission) for the city is hereby established. As an advisory commission, the Park Commission shall not have the powers enumerated in M.S. § 412.521, as it may be amended from time to time.

§ 31.401 COMPOSITION, APPOINTMENT, REMOVAL

- A. The Park Commission shall consist of five members, not necessarily from the resident population.
- B. The mayor, with approval from the City Council, shall appoint members to serve on the Park Commission.
- C. Initially, those appointments shall be for one and three-year staggered terms. Thereafter, commissioners shall be appointed for a term of three years.
- D. Commissioners shall retain their appointments until they determine to resign. Vacancies shall be advertised, and appointments made by the mayor with the consent of the Council. If a commissioner resigns midterm, the newly appointed commissioner shall fill the remaining term and then be reappointed for a full term, if desired.
- E. The Council shall select an ex officio member from among its own members to serve as liaison between the Park Commission and the City Council. The council member is not a member of the commission. The council member is to communicate to the Council the actions of the commission and provide feedback to the commission from the council.
- F. Any member may be removed by the City Council for cause after a hearing by the Council. The Council shall have cause to remove any member for misconduct or who is absent from three consecutive duly scheduled Park Commission meetings without notifying or obtaining the consent of the Commission Chair or is otherwise absent from five of any 12 consecutive Park Commission meetings without notifying or obtaining the consent of the Commission Chair.

§ 31.402 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES

- A. The Commission shall normally meet once per month. The Commission shall schedule additional special meetings and/or cancel regularly scheduled meetings as the Commission deems appropriate.
- B. At the January meeting, the Park Commission shall choose one of its members as the Chair. The Park Commission may also select the Vice-Chair and/or Secretary from among its own members.
- C. The Commission may adopt rules of procedure governing its operation which shall take effect only if approved by a majority vote of the City Council at a duly called City Council meeting.
- D. The City Administrator, or their designee shall serve as staff support for the commission and shall ensure the actions of the commission are carried out.

- E. Written minutes of meetings of the Park Commission shall be kept by the Park Commission. A copy of the minutes shall also be filed with the City Administrator prior to the next regularly scheduled City Council meeting but shall be subject to approval of the Commission at the next Park Commission meeting. The City Administrator shall include the minutes along with other pertinent reports from the Park Commission in the City Council meeting packets.
- F. To maintain the city parks, recreation programs and events, there shall be established a special fund called the “Park Fund”
- G. The City Council may transfer to the Park Fund the monies the Council considers necessary for park purposes.
- H. The Park Commission shall have no authority whatsoever to expend city funds. The Commission may make recommendations to the City Council regarding expenditures, but no expenditures for park purposes shall be made unless and until authorized by the City Council.

§ 31.403 POWERS AND DUTIES

- A. The Park Commission shall serve as an advisory body to the City Council. In particular, the Park Commission shall make recommendations to the Council regarding:
 - 1) The design of parks, construction of roadways and trails, and other necessary structures and improvements in parks.
 - 2) Contracts and leases for the construction and operation of park facilities.
 - 3) The purchase of all necessary materials, supplies, equipment, and services pertaining to parks.
 - 4) The maintenance of park property so that it is adequately maintained.
 - 5) Events for the general public.
 - 6) The review of proposed subdivisions to assure compliance with the park provisions of Chapter 153 of this code of ordinances; (The review may include comments on whether the city should pursue payment of a park dedication fee in lieu of dedication of an area within the subdivision for use as park property.)
 - 7) The review of the city’s comprehensive plan as it relates to the development and acquisition of park property.
 - 8) The review and monitoring of any recreation programs contracted with other agencies or provided by the city
 - 9) Oversight and review of the Appleton Aquatic Center operations and staff
 - 10) Oversight of the summer seasonal staff operating on parks property,
 - 11) Other duties and powers as the City Council may delegate to the Commission.

- B. The Park Commission shall endeavor to meet on an annual basis with the park boards and park commissions of surrounding jurisdictions to evaluate the longer-term park needs of the area
- C. The Park Commission may conduct benefit events for the purpose of raising monies, soliciting donations, and running concessions provided that all activities are approved by the City Council and not in conflict with the duly adopted ordinances of the city or state law.
- D. No later than September 1 of each year, the Park Commission shall present, in detail, to the City Council its estimate of the financial needs for operation of the city park and recreation system for the ensuing fiscal year.

FINANCE COMMISSION [Established 9-13-2023]

§ 31.500 ESTABLISHMENT OF THE FINANCE COMMISSION

The Finance Commission for the city is hereby established.

§ 31.501 COMPOSITION, APPOINTMENT, REMOVAL

- A. The Finance Commission shall consist of six members: the City Administrator, City Clerk/Treasurer, Public Works Director and three residents.
- B. The mayor, with approval from the City Council, shall appoint members to serve on the Finance Commission.
- C. Initially, those appointments shall be for one and three-year staggered terms. Thereafter, commissioners shall be appointed for a term of three years.
- D. Commissioners shall retain their appointments until they determine to resign. Vacancies shall be advertised, and appointments made by the mayor with the consent of the Council. If a commissioner resigns midterm, the newly appointed commissioner shall fill the remaining term and then be reappointed for a full term, if desired.
- E. The Council shall select an ex officio member from among its own members to serve as liaison between the Finance Commission and the City Council. The council member is not a member of the commission. The council member is to communicate to the Council the actions of the commission and provide feedback to the commission from the council.
- F. Any member may be removed by the City Council for cause after a hearing by the Council. The Council shall have cause to remove any member for misconduct or who is absent from three consecutive duly scheduled Park Commission meetings without notifying or obtaining the consent of the Commission Chair or is otherwise absent from five of any 12 consecutive Park Commission meetings without notifying or obtaining the consent of the Commission Chair.

§ 31.501 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES

- A. The Commission shall normally meet quarterly. The Commission shall schedule additional special meetings and/or cancel regularly scheduled meetings as the Commission deems appropriate.
- B. At the January meeting, the Finance Commission shall choose one of its members as the Chair. The Finance Commission may also select the Vice-Chair and/or Secretary from among its own members.
- C. The Commission may adopt rules of procedure governing its operation which shall take effect only if approved by a majority vote of the City Council at a duly called City Council meeting.
- D. The City Administrator, or their designee shall serve as staff support for the commission and shall ensure the actions of the commission are carried out.
- E. Written minutes of meetings of the Finance Commission shall be kept by the city. A copy of the minutes shall also be filed with the City Administrator prior to the next regularly scheduled City Council meeting but shall be subject to approval of the Commission at the next Finance

Commission meeting. The City Administrator should include the minutes along with other pertinent reports from the Finance Commission in the City Council meeting packets.

- F. The Finance Commission shall have no authority whatsoever to expend city funds. The Commission may make recommendations to the City Council regarding expenditures, but no expenditures shall be made unless and until authorized by the City Council.

§ 31.502 POWERS AND DUTIES

- A. The Finance Commission shall serve as an advisory body to the City Council for financial matters. In particular, the Finance Commission shall make recommendations that will provide clarity, transparency, and accessibility of financial information to review policies and offer strategies for improved budgeting and funding for present-day operations and future needs, and to review the city's financial affairs. The duties and functions of the Commission may include:
- 1) Recommend budget goals, including but not limited to local tax rate and tax levy targets, management of enterprise funds, and spending levels.
 - 2) Advise on short and long-term financial policy matters, including but not limited to cash reserve funds, budgets, financing, and capital replacement policies.
 - 3) Review and recommend funding strategies for the Capital Improvement Plan.
 - 4) Review and recommend standardized budget and financial reporting methods and tools to make financial communications and budget information more transparent, comprehensive, and accessible to the public.
 - 5) Review and recommend the annual timeline and process for creating City budgets.
 - 6) Review the city's annual audit and management letter.
 - 7) Review the city's financial affairs and investment policy and bring to the City Council any items of concern or suggested improvements.
 - 8) Consider the City's debt policy and review all bonding decisions.
 - 9) Perform other duties as the City Council may delegate to the Commission.
- B. The Finance Commission shall endeavor to meet on an annual basis with the Planning Commission, the Park Commission, Library Board, Cemetery Board and City Staff to review their next year budgets and Capital Improvement Plans.
- C. No later than September 1 of each year, the Finance Commission shall present, in detail, to the City Council its estimate of the financial needs for the operation of the city for the ensuing fiscal year.

CHAPTER 32: EMERGENCY MANAGEMENT [Repealed 9 – 28 - 2022]

§ 32.01 POLICY AND PURPOSE [Repealed 9 – 28 - 2022]

§ 32.02 DEFINITIONS [Repealed 9 – 28 - 2022]

§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION
[Repealed 9 – 28 - 2022]

§ 32.04 POWERS AND DUTIES OF DIRECTOR [Repealed 9 – 28 - 2022]

§ 32.05 LOCAL EMERGENCIES [Repealed 9 – 28 - 2022]

§ 32.06 EMERGENCY REGULATIONS [Repealed 9 – 28 - 2022]

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION
[Repealed 9 – 28 - 2022]

§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS [Repealed 9 – 28 - 2022]

§ 32.99 PENALTY [Repealed 9 – 28 - 2022]