

COMMITTEE OF THE WHOLE

09-004-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 18 AND 21 OF THE CITY CHARTER TO ALLOW APPOINTMENT OF ADDITIONAL OFFICERS AND TO AUTHORIZE ADOPTION OF JOB SPECIFICATIONS BY RESOLUTION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 18 of the 1912 Home Rule Charter of the city of Duluth, as amended, is hereby amended to read as follows:

Section 18. All executive and administrative powers of the city shall be vested in and exercised by the mayor, the chief administrative officer and such other officers as may be established by or pursuant to the provisions of this Charter. The mayor shall be the chief executive officer of the city. The mayor shall:

(a) Exercise directly, or with the assistance of the chief administrative officer, supervision of all of the executive and administrative work of the city and provide for the coordination of administrative activities;

(b) See that the provisions of this Charter, the ordinances of the city and all laws are enforced;

(c) Appoint the chief administrative officer and, in addition, shall have the authority to appoint a communications and policy officer and a community relations officer to perform such duties as are established by job specifications established pursuant to Section 21 below;

(d) Appoint, with the approval of the council, the members of all non-salaried boards and commissions established by ordinance pursuant to the provisions of this Charter. When such boards and commissions are specifically declared by the council to be advisory to the mayor, no council approval shall be required;

(e) Have the power to remove, without restriction and without council confirmation, all officers appointed by the mayor except members of non-salaried boards who have been appointed for a definite term;

(f) Submit annually to the council for its consideration and approval an operating budget;

(g) Recommend to the council a pay plan for all officers and employees;

(h) Sign contracts, bonds or other instruments requiring the assent of the city, except those which other officers are authorized to sign;

(i) See that the terms and conditions of all contracts are faithfully executed;

(j) Upon receiving service of notice, summons or process, in any action or proceeding against the city, notify the city attorney and forthwith inform the council thereof in writing;

(k) Exercise such other powers and perform such other duties as may be prescribed by this Charter, by ordinance or by applicable state law.

The mayor may present to the council messages or information, attend council meetings, have a voice in the proceedings, veto ordinances and resolutions.

Neither the council, nor any of its members, shall direct or request the appointment of any person to, or the removal of any person from office by the mayor or by any of the mayor's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city, except as otherwise provided in this Charter. Except for the purpose of inquiry, the council and its members shall deal with

the administrative service solely through the mayor, and neither the council, nor any member thereof, shall give orders to any subordinate of the mayor either publicly or privately. Any councilor violating the provisions of this Section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilor.

Section 2. That Section 21 of the 1912 Home Rule Charter of the city of Duluth, as amended, is hereby amended to read as follows:

Section 21. At the head of each department there shall be an officer of the city, who shall have control and direction of the department subject to the general supervision of the chief administrative officer. The head of each department shall, with the approval of the chief administrative officer, have the power to appoint and remove all officers and employees of the department subject to the civil service provisions of this Charter; provided, that the equal opportunity representative shall be appointed by the mayor with the approval of the city council and may only be removed by the mayor with the approval of the city council. Two or more departments may be headed by the same individual and the chief administrative officer may head one or more departments, and heads of the departments may also serve as chiefs of divisions thereof as may be established by ordinance, upon recommendation by the mayor. The authority herein conferred upon the chief administrative officer is granted subject to the limitations contained in Section 19 of this Charter.

Each department head shall possess the necessary qualifications to insure efficient administration of such department. The council by resolution ~~ordinance~~ shall establish appropriate job specifications ~~minimum qualifications~~ for department heads, the

deputy fire chief, the deputy chief of police, ~~and~~ the equal opportunity representative and all officers appointed by the mayor.

A municipal employee who wishes to run for political office shall, before commencing the campaign for such office, apply for and obtain a leave of absence from such employee's municipal position. Except in the case of municipal emergency leave of absence shall be granted by the appropriate authority to every municipal employee desiring such leave for the purpose of running for political office. For the purposes of this Section, the term "political office" shall not be deemed to include a position on the board of education of the city of Duluth.

All city employees shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Section 3. That this ordinance shall take effect 90 days after its passage and publication.

Approved for presentation to council:

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

ADM/ATTY     GBJ:cjk     1/15/2009

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend sections 18 and 21 of the Charter to allow the mayor to appoint a communications and policy officer and a community relations officer and to allow the job specifications for all appointed positions be established by resolution rather than by ordinance.

One of the new positions will be a communications and policy officer who will be responsible for the overall communications plan for the city, and also involved with the development and promotion of the administration's legislative agenda. The other position will be a community relations officer, who will be the primary media contact for the city, will be involved with coordinating functions with citizens groups and community groups, speaking on the mayor's behalf at events, etc.

The amendment to Section 21 will allow the city to establish job specifications by resolution rather than ordinance, making it easier to change job descriptions as needed due to changing technology, restructuring of the organization, etc., and to ensure that they are done for all appointed positions.