

Chapter # 2 OPERATIONS & ADMINISTRATION

Part 1. COUNCIL

201.01. Meetings

Subd. 1. **Regular Meetings.** Regular meetings of the Pierz City Council shall be set by duly adopted resolution at the first meeting in January. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place or as prearranged and publicized by the Council. All meetings, including special and adjourned meetings, shall be held in the City Hall unless the Council decides otherwise at a prior meeting or meeting in the City Hall is impossible.

Subd. 2. **Special Meetings.** The mayor or any two members of the council may call a special meeting of the Council upon at least 24 hours written notice to each member of the 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. Notice to the public shall be given in accordance with state law.

Subd. 3. **Initial Meeting.** At the first regular Council meeting in January of each year the Council shall:

- a. Designate the depositories of city funds;
- b. Designate the official newspaper;
- c. 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;
- d. Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary;
- e. Establish and appoint council members to such council committees as are deemed appropriate for the efficient and orderly management of the city.
- f. Adopt a resolution setting regular day and time for Council meetings.

Subd. 4. **Public Meetings.** All council meetings, including special and adjourned meetings and meetings of council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

201.02. Presiding Officer.

Subd. 1. **Who presides.** The mayor shall preside at all meetings of the council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their numbers to act temporarily as presiding officer.

Subd. 2. **Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert=s Rules of Order, Revised.

Subd. 3. **Appeal procedure.** Any member may appeal to the council a ruling of the presiding officer. If the appeal is seconded, the member may speak solely on the question involved and the presiding officer may explain the ruling, but no other council member shall participate in the discussion without first being granted the floor. There shall be a five minute limit on each speaker. The appeal shall be sustained if it is approved by a majority of the members present including the presiding officer.

201.03. Minutes

Subd. 1. **Who Keeps.** Minutes of each council meeting shall be kept by the clerk or, in the clerk's absence, by the deputy 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 clerk and can be accurately identified from the description given in the minutes.

Subd. 2. **Approval.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the 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 council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

201.04. Order of Business.

Subd. 1. **Order established.** Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order unless varied by the presiding officer:

- a. Call to order
- b. Roll call
- c. Approval of minutes
- d. Consent agenda
- e. Public hearings
- f. Petitions, requests and communications
- g. Ordinances and resolutions
- h. Reports of officers, boards, and committees
- i. Unfinished business
- j. New business
- k. Miscellaneous
- l. Adjournment

Subd. 2. **Petitions and agenda.** Petitions and other papers addressed to the council shall be read by the clerk upon presentation of the same to the council. All persons desiring to present new business before the council shall inform the clerk thereof at least 72 hours before said new business is to be heard. The clerk may prepare an agenda of said new business for submission to the council on or before the time of the next regular meeting.

201.05. Voting.

Subd. 1. **Definition.** The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his/her name, shall be marked Present-Not Voting.

201.06. Ordinance, Resolutions, Motions, Petitions and Communications.

Subd. 1. **Signing and publication proof.** Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by the clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 2. **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 of subdivision as it will read with the amendment.

201.07. Suspension or Amendment of Rules.

Subd. 1. **Vote.** These rules may be suspended only by a 2/3 vote of the members present and voting.

201.08. Salaries of Mayor, Clerk, Treasurer and Council Members

Subd. 1. **Definition.** Salaries for all elected officials shall be set by duly adopted ordinance prior to the election of Council members. Salaries may not be increased except in a regular election year prior to the date of the elections.

201.09. Additional Special Meeting Compensation.

Subd. 1. **Additional.** The mayor and each council member shall receive, in addition to their regular compensation, a per hour fee for attending special meetings, seminars and other city business. The per hour fee shall be set at the same time that council salaries are set and may not be changed except prior to a regular election.

201.10. Treasurer's Position.

Subd. 1. **Purpose.** The purpose is to define the duties and compensation of the elected Treasurer for the City of Pierz.

Subd 2. **Duties.** It shall be the duty of the elected treasurer of the City of Pierz to, on a monthly basis, review and oversee the financial accounts of the City of Pierz. This shall include but not be limited to the following:

- a. Review and Cross check each bank transaction by verifying and balancing the checkbook for each City account and fund.
- b. Review and make recommendations for the transfer and investing of all City funds.
- c. Prepare and present to the Mayor and Council a monthly statement of funds.
- d. Acquire the knowledge and abilities required to maintain all City financial transactions in the absence of the Administrator.

Subd. 3. **Compensation.** The monthly compensation for the treasurer shall be \$180.00, plus a \$213.00 insurance stipend and \$10.00 per hour rate of pay for additional meetings.

Part 2. CITY ORGANIZATIONS

202.01. Planning Commission

Subd. 1. **Appointments.** On January 2 in each year, or soon thereafter as the Council shall meet, the Mayor, by his or her own recommendation or recommendation of a committee comprised of the City Administrator, Planning Commission chair and a member of the City Council so designated, shall make appointments for three-year terms of office to reappoint or replace members whose terms have expired.

Subd. 2. **Organization.** The planning and zoning 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 re-appointed or a successor is appointed. Absence from any three meetings in a year, unless excused by the council for reasonable cause, constitutes a vacancy. In the event of any vacancy, the mayor, with the approval of the council, shall appoint a person to complete the un-expired term. One member may be a council member or the clerk to be appointed by the mayor with council approval, for a one-year term to expire December 31 of each year. Other persons may serve in an ex officio capacity as the council may in its discretion deem appropriate. At the first regular meeting in January, the commission shall elect a chairman, a vice chairman, and a secretary from among its appointed members, each for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall hold such meetings each month at such time and place as they may fix by resolution. Special meetings may be called at any time by the chairman, or in case of the chairman's absence by the vice-chairman. Written minutes of meetings shall be kept and filed with the clerk prior to the next regularly scheduled council meeting, but shall be subject to approval at the next planning commission meeting. No expenditures by the commission shall be made unless and until authorized for the purpose by the council.

Subd. 3. **Quorum.** A quorum for any meeting or hearing of the Planning Commission shall be a majority of the members of the Planning Commission.

Subd. 4. **Meetings.** The Planning Commission shall schedule not less than one regular meeting in each calendar month and two, May through September. Regularly scheduled meetings shall take place when deemed necessary. Special meetings may be held as provided for herein. The Planning Commission shall set the meeting times for all regular meetings. Special meetings may be called by the Chairperson on five-day written notice mailed to each member. Special meetings shall be called by the Chairperson of the Planning Commission at the written request of three members of the Planning Commission within five-day notice, if at least four members of the Planning Commission agree to waive of notice. All meetings of the Planning Commission shall be held in the City Hall and shall be open to the public.

Subd. 5. **Meeting procedure.** The Planning Commission may set the rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by *Roberts' Rules of Order*, revised, as may be necessary for the proper conduct of the business of the Planning Commission.

Subd. 6. **Compensation.** The members of the Planning Commission may receive the compensation for per diem and expenses as may be allowed by the Council.

Subd. 7. **Powers and duties.** The Planning Commission shall have the power and duties as allowed by statute or regulation of the State of Minnesota and as allowed by City Code provisions.

Subd. 8. **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 such plan or section 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.

Subd. 9. **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.

Subd. 10. **Special permits.** The Council shall refer all special permit applications to the Planning Commission, for study and recommendations, as per the Zoning Ordinance. The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The commission shall report its recommendations to the council for action within 15 days of receipt of the application.

Subd. 11. **Subdivisions.** 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.

Subd. 12. **Variances.** The Council shall refer all applications for variances to the Planning Commission, for study and recommendations, as per the Zoning Ordinance. The Planning Commission may make recommendations on all requests for variances under the terms of the zoning ordinance. The commission shall report its recommendations to the council for action within 15 days of receipt of the application.

Subd. 13. **Clerk-Treasurer and Recording Secretary.** The Clerk-Treasurer shall serve as the Clerk-Treasurer and Recording Secretary of the Planning Commission. All testimony at any hearing held by the Planning Commission shall be recorded or transcribed. The duties as Clerk-Treasurer and Recording Secretary shall be as prescribed by the Planning Commission.

202.02 Park Commission

Subd. 1. **Establishment of a Parks Commission.** There is hereby established a Parks Commission referred to as the Committee.

Subd. 2. **Membership.** The Committee shall be composed of not less than five or no more than seven members appointed by the Mayor with the approval of a majority of the City Council. Members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. Members shall be appointed as follows. When a vacancy occurs or is about to occur, applications shall be requested from the residents of the city. All applications shall be submitted to the Mayor for review and

recommendation and shall be presented to the Council for approval. Membership shall include one member from the City Council. The Council representative shall be a voting member.

Subd. 3. **Terms.** Terms of office for members other than the City Council representative shall be for three years, provided that in the first establishment of the Committee, two members shall be appointed for terms of three years, two members for a term of two years and the remainder shall be appointed one-year terms.

Subd. 4. **Removal from office.** Any member of the Committee may be removed from office for just cause and on written charges by four-fifths vote of the City Council. In addition, any member absent from three consecutive regular meetings or five meetings in one year shall be deemed to have forfeited his or her seat upon declaration of the Mayor and a vacancy shall exist without formal removal proceedings. It shall be the duty of the Chairperson of the Committee to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill the vacancies within 60 days from notification.

Subd. 5. **Officers.** The officers of the Committee shall be elected by the members of the Committee at the first regular meeting of each year. The Committee shall elect a Chairperson and a Vice-Chairperson from among its members and may create the other offices as it may determine. Terms of elected offices shall be for one year with eligibility for re-election.

Subd.6. **Clerk-Treasurer and Recording Secretary.** The Secretary shall record and transcribe a record of attendance, testimony, findings and determinations including the vote of each member. The records of the Committee shall be a public record.

Subd. 7. **Rules.** The Committee shall be governed and operate by rules adopted by the Committee. The Committee may adopt additional rules and procedures as are necessary for the orderly conduct of its business.

Subd. 8. **Meetings.** The Committee shall schedule one regular meeting each month and meet when determined necessary. Special meetings may be held at any time upon the call of the chair. Notice of the time and place of a special meeting shall be communicated to the members and publicly noticed at least three days prior to the meeting except in the event of emergency. All Committee meetings shall be open to the public.

Subd. 9. **Committees.** The Committee may establish committees and subcommittees from its membership to serve in an advisory capacity to assist the Committee in the conduct of its business.

Subd. 10. **Appropriations.** The City Council may make available to the Committee the appropriations as it may see fit for compensation, fees and expenses necessary in the conduct of the work of the Committee including, but not limited to, necessary travel, per diem and other expenses while on official business for the Committee.

Subd. 11. **Purpose.** The Committee is established to review and to make recommendations to the City Council on the development and organization of the city parks and golf course.

Subd. 12. **Duties.** The Committee shall prepare and recommend to the City Council the plans, programs and policies as it deems necessary to carry out the purposes of this section. The powers shall include, but not be limited to, the study of and recommendations to the City Council on the following:

- a. To hold meetings of its members to consider matters pertaining to parks and golf course in the city as directed by the Council or as the members of the Committee themselves deem proper;
- b. To recommend policies affecting the use of the city's parks and golf course;
- c. To assist in the preparation of a plan for the future development/rehabilitation of the city's parks and golf course to be submitted to the City Council for implementation, to maintain the plan and recommend amendments to the plan to the City Council as may become necessary or desirable;
- d. To act in an advisory capacity to the Council in all matters relating to parks and golf course;
- e. To assist in the procurement of land and review the retaining of parcels for necessary open space; and
- f. To carry out any other plans and programs as may be assigned by the City Council from time to time.

Subd. 13. **Park Committee.** The Committee shall not be considered a Park Board under state law and shall have no powers to acquire or lease land, employ personnel or enter into contracts or leases, or any similar powers authorized for a Park Board by state law.

Subd. 14. **Powers.** All city employees shall, upon request and within a reasonable time, furnish to the Committee or its agents the available records or information as may be required in its work. The Committee or its agents may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized city agents or employees, and shall have the other powers as are required for the performance of official functions in carrying out the purposes of this section.

202.03. Board of Adjustments and Appeals.

Subd.1. **Defined.** A City Board of Adjustments for the City of Pierz is hereby continued. The Board shall be the City's Board of Adjustment as authorized in the City's Planning & Zoning Ordinance.

Subd. 2. **Membership.** The Board of Adjustment shall consist of five members, the Mayor, one Council member, the Chair of the Planning & Zoning Commission, the Fire Chief and one citizen at large from the resident population of the city to be appointed by the mayor with the approval of the council. In the event of any vacancy, the mayor, with the approval of the council, shall appoint a person to complete the un-expired term.

Subd. 3. **Meetings.** The Board of Adjustments shall convene and act upon all questions as they may arise in the administration of the Zoning Ordinance.

Part 3. POLICE DEPARTMENT

203.01. Establishment.

Subd. 1. **Established.** A police department is hereby continued. The head of the department shall be known as the chief of police and the number of additional members of the department, together with their ranks and titles, shall be determined by the council by resolution. The compensation to be paid members of the police department shall be fixed by the council. Members of the department shall be appointed by the council.

203.02. Chief of Police.

Subd. 1. **Defined.** The chief of police shall have supervision and control of the police department and its members. The chief shall be responsible to the council for law enforcement and for property of the city used by the department. The chief shall be responsible for the proper training and discipline of the members of the department. The chief shall be responsible for the keeping of adequate records and shall report to the council on the needs of the department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The council may designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during an absence or disability.

203.03. Duties of Police.

Subd. 1. **Defined.** 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 such notices as may be required by the 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 fee as set by Resolution at the first Council meeting of the year. All such fees shall be paid into the city treasury.

203.04. Uniform and Badge.

Subd.1. **Defined.** Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the department, the member shall immediately deliver to the city the badge, uniform, and all other property of the city.

203.05 Extra Police.

Subd. 1. **Defined.** In case of riot or other law enforcement emergency, the chief of police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the chief of police.

203.06 Police Reserve.

Subd. 1. **Establishment.** There is hereby created within the police department a police reserve which shall consist of such number of volunteer members as the council deems necessary. The police reserve shall be under the control and supervision of the chief of police. Members of the police reserve shall be appointed by the council and may be removed by it at any time. They shall serve under the direction of the superior officers of the regular police force and such others as the chief may appoint from their own number.

Subd. 2. **Duties.** When assigned to duty by the chief of police, each police reserve member shall have the same authority, duties, and obligations as regular members of the police department including the authority to issue citations except as restricted in subdivision five hereof. Individual members may be used as deemed necessary by the chief of police, but the entire police reserve shall not be called to duty except upon the order of the mayor.

- Subd. 3. **Oath, insignia.** Each police reserve member shall take the oath prescribed by Minn. Stat. 358.05. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the chief of police may prescribe. Upon termination of membership, a member shall surrender to the city all city property issued to the member.
- Subd. 4. **Personnel rules.** Personnel code sections and rules applicable to regular employees of the city do not apply to members of the police reserve, but each such member shall be covered as a city employee under the worker=s compensation insurance policy of the city.
- Subd. 5. **Other restrictions.** No member of the police reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No police reserve member shall make arrests upon a warrant unless accompanied by a regular police officer. Only police reserve members shall use such identification or otherwise represent themselves to be members of the police reserve. No police reserve member shall carry any firearm while on duty except as specifically authorized by the police chief.

Part 4. FIRE DEPARTMENT

204.01 Fire Department Continued.

- Subd. 1. **Defined.** There is continued in the City of Pierz a volunteer fire department, which department shall have the following officers: a chief, an assistant chief, a captain, a training officer, a safety officer, a secretary and a treasurer.

204.02. Appointment of Officers.

- Subd. 1. **Appointment.** The chief of the fire department and all other officers shall be appointed annually by the council upon the recommendation of the fire department. Members of the department may recommend to the council a nominee or nominees for appointment by submitting same in writing to the council prior to August 1, of each year. The fire department shall elect each year a chief, an assistant chief, a captain, a training officer, a secretary and a treasurer, subject to confirmation by the council. The assistant chief, captain, training officer, secretary and treasurer, each shall hold office for one year and until the successor has been duly appointed or qualified. The above named officers may be removed by the council for cause and after a public hearing. Firefighters and probationary firefighters shall be appointed by the members the Employment Management Committee as appointed by the Council and subject to confirmation by the council. Firefighters shall continue as members of the department during good behavior, and may be removed by the council only for cause and after a public hearing.

204.03. By-Laws/Procedural Manual.

- Subd. 1. **By-Laws.** The Pierz Volunteer Fire Department shall operate under the control and guidance of the City Council of the City of Pierz and the By-Laws/Procedural Manual as recommended to and approved by the Council.

Part 5. BACKGROUND CHECKS

205.01. Background Checks.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Section 2.

Subd. 2. Criminal History Background Investigations. The Pierz Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following: all positions within the city, unless the city's hiring authority concludes that a background investigation is not needed.

Subd. 3. Data. In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City of Pierz (*e.g.*, *City Administrator/Manager/Clerk*), or other city staff involved in the hiring process.

Subd. 4. Authorization. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- a. The grounds and reasons for the denial.
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- c. The earliest date the applicant may reapply for employment.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.

Part 6. CODE OF CONDUCT

206.01. Purpose. The city council of the City of Pierz determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Pierz, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of Pierz in their government and to encourage its citizens to serve on its council and commissions.

206.02. Standards of Conduct.

Subd. 1. No member of the city council or a city board or commission may knowingly:

- a. Violate the open meeting law.

- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.
- i. Represent private interests before the city council or any city committee, board, commission or agency.

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

206.03. Complaint, Hearing. Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section 206.02. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

