

TITLE III: ADMINISTRATION

Chapter

- 30. OFFICERS AND EMPLOYEES**
- 31. ORGANIZATIONS**
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CHAPTER 30: OFFICERS AND EMPLOYEES

Section

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§ 30.01 CITY ELECTIONS.

(A) All elections of the city officers shall thereafter be held and conducted under “Australian ballot system”, as provided by law for city elections in the state.

(B) As provided by M.S. § 205.07, as it may be amended from time to time, the regular city election shall be held biannually on the first Tuesday after the first Monday in November in every even-numbered year, beginning with the election to be held in 1978.

(Ord. 1, passed - -; Ord. 43, passed 12-22-1977)

§ 30.02 COUNCIL SALARIES.

The salaries of Council members shall be as set from time to time by the city.
(Ord. 65, passed 10-3-1994)

§ 30.03 CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYEES.

Background checks for city employees shall be conducted as follows.

(A) *Criminal history background.* The city’s Police Department is required to do a state criminal history background investigation on applicants for positions with the city. This section applies only to applicants who are finalists for paid positions. Before the investigation is undertaken, the applicant must authorize the city’s Police Department in writing to undertake the investigation and authorize to release the information to the City Council and/or other city staff as deemed necessary and appropriate for further employment consideration.

(B) *Employment consideration.* Except in the case of exceptions set forth in M.S. § 364.09, as it may be amended from time to time, should the city reject the applicant's request for employment due partially or solely to the applicant's prior conviction of a crime, the city's Clerk/Treasurer shall notify the applicant in writing of the following:

- (1) The grounds and reasons for denial;
 - (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
 - (3) The earliest date the applicant may reapply for employment with the city; and
 - (4) All competent evidence of rehabilitation will be considered upon reapplication.
- (Ord. 77, passed 9-7-2010)

CHAPTER 31: ORGANIZATIONS

Section

Economic Development Authority

- 31.01 Background and findings
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Volunteer Fire Department

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ECONOMIC DEVELOPMENT AUTHORITY

§ 31.01 BACKGROUND AND FINDINGS.

(A) The city is authorized by M.S. Ch. 469 (the “Act”), and specifically M.S. § 469.091, as they may be amended from time to time, to establish an Economic Development Authority (the “EDA”) to coordinate and administer economic development and redevelopment plans and programs of the city.

(B) It is found and determined by the City Council that the encouragement and financial support of economic development and redevelopment in the city is vital to the orderly development and financing of the city and in the best interests of the health, safety, prosperity and general welfare of the citizens of the city.

(C) It is further found and determined that the economic development and redevelopment of the city can be accomplished by the establishment of an EDA as authorized by the Act.

(D) The City Council has, in accordance with the Act and M.S. § 469.093, as it may be amended from time to time, provided public notice and conducted a public hearing on 8-5-1996 concerning the establishment of an Economic Development Authority, at which hearing all persons desiring to express their views were heard.

(Res. 96-0805A, passed 8-5-1996)

§ 31.02 ESTABLISHMENT; MEMBERS.

(A) The Economic Development Authority of the city (EDA) is hereby established. The EDA is a public body corporate and politic and a political subdivision of the state.

(B) The EDA shall have all the powers, duties and responsibilities set forth in M.S. §§ 469.029 to 469.108 of the Act, as they may be amended from time to time, and all other applicable laws, except as limited by this subchapter.

(C) The EDA shall consist of a governing body of five Commissioners. Two of the Commissioners shall be members of the City Council. All Commissioners shall be appointed by the Mayor with the approval of the City Council. Those initially appointed shall be appointed for terms of two, three, four, five and six years respectively. Thereafter, all Commissioners shall be appointed for six-year terms. A vacancy is created in the membership of the commission when a City Council member of the Authority ends Council membership.

(D) The EDA shall elect a President, Vice President, Treasurer and Secretary annually. A Commissioner must not serve as President and Vice President at the same time, but the other offices may be held by the same member. The office of the Secretary need not be held by a member.

(E) The EDA shall designate an executive director or other staff to fulfill the obligations of its day-to-day business.

(Res. 96-0805A, passed 8-5-1996)

§ 31.03 LIMITS OF POWERS.

(A) The following limits shall apply to the Economic Development Authority of the city and its operations.

(1) The sale of all bonds or other obligations issued by the EDA shall be first approved by the City Council.

(2) The EDA shall follow the budget process for city departments as may be provided by the city and in accordance with city policies.

(3) Development and redevelopment plans of the EDA shall be consistent with the city's development objectives and plans.

(4) The EDA shall obtain approval of its proposed plans for development and redevelopment from the City Council.

(B) This subchapter may be modified to make any changes as authorized by the Act.

(C) As proved in the Act, it is the intention of the City Council that nothing in this subchapter, nor any activities of the EDA, shall be construed to impair the obligations of the city under any of its contracts or to affect in any detrimental manner the rights and privileges of a holder of a bond or other obligation heretofore issued by the city. The City Council shall not modify any limit in effect at the time any bonds or obligations are issued or contracts executed to the detriments of the holder of the bonds or obligations or any contracting party.

(Res. 96-0805A, passed 8-5-1996)

§ 31.04 TRANSFER OF AUTHORITY.

(A) (1) Pursuant to the authorization of M.S. § 469.094, as it may be amended from time to time, the city does, by this subchapter, hereby transfer to the Economic Development Authority of the city established by this subchapter, all activities, programs, operations and authority of the existing City Tax Increment Financing Program (TIF), including the transfer of the control, authority and operation of any project as defined in M.S. § 469.174, subd. 8, as it may be amended from time to time, or any other program or project authorized by M.S. §§ 469.001 to 469.047 or 469.124 to 469.133, as they may be amended from time to time, located within the city. The EDA shall exercise all of the powers that an HRA could exercise.

(2) This transfer of authority to the EDA shall be effective 9-1-1996.

(B) The EDA shall covenant and pledge to perform the terms, conditions and covenants of the bond indenture or other agreements executed for the security of any bonds issued by the city related to its Economic Development and/or TIF Program. The EDA shall exercise all of the powers necessary to perform the terms, conditions and covenants of any indenture or other agreements executed for the security of the bonds and shall become obligated on any such bonds by reason of the transfer as provided in this subchapter.

(Res. 96-0805A, passed 8-5-1996)

§ 31.05 IMPLEMENTATION.

(A) The City Council shall from time to time adopt such ordinances and resolutions as are required and permitted by the Act to give full effect to this subchapter.

(B) The Mayor, the city's Clerk/Treasurer and other appropriate city officials are authorized and directed to take the actions and execute and deliver the documents necessary to give full effect to this subchapter.

(Res. 96-0805A, passed 8-5-1996)

VOLUNTEER FIRE DEPARTMENT

§ 31.20 ESTABLISHMENT.

There is hereby established in the city a Volunteer Fire Department, consisting of a membership of not less than 12, nor more than 22, including the following officers: Chief; Assistant Chief; Secretary and Treasurer.

(Ord. 29, passed 5-6-1963)

§ 31.21 CHIEF OF FIRE DEPARTMENT; DUTIES.

(A) *Election (appointment)*. The Chief of the Fire Department, the Assistant Chief, the Secretary and Treasurer shall be elected annually from the membership and by the members of the Fire Department subject to confirmation by the Council. The office of Secretary and Treasurer may be held by the same member. Each shall hold office for one year and until his or her successor has been duly elected; provided, however, that, any officer may be removed during his or her term of office by the Council for cause and after a public hearing. New firefighters may be appointed to the Department on passing satisfactory mental and physical examinations, and the appointments confirmed by the Council. Firefighters may continue as members of the Department during good behavior and may be removed by the Council only for cause and after a public hearing.

(B) *Duties of Chief*. The Chief shall be custodian of all equipment and shall have control over all the firefighting apparatus, and he or she shall be loosely responsible for its care and condition. He or she shall make a report, annually, and at such other times as requested, to the Council. The annual report shall be submitted to the Council for its September meeting, and shall show the condition of all equipment and needs of the Fire Department. The Chief may submit such additional reports and recommendations at any meeting of the Council, and he or she shall report each suspension of any member by him or her, the duration of the suspension and his or her recommendations as to reinstatement or for removal for such, at the first meeting of the Council following such disciplinary action. The Chief shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her report retention or discharge.

(Ord. 29, passed 5-6-1963)

§ 31.22 RECORDS.

The Chief and the Secretary shall each keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of the fire, cause of the fire, type of building, value of contents, members of the Department responding to the alarm, the name of the acting Chief and such other information as he or she may see advisable, or as may be required from time to time by the Council or the state's Insurance Department.

(Ord. 29, passed 5-6-1963)

§ 31.23 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold a monthly practice drill of at least one-hour duration for the Fire Department and to give the firefighters instruction in approved methods for fighting and fire prevention.

(Ord. 29, passed 5-6-1963)

§ 31.24 ASSISTANT CHIEF.

(A) In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

(B) (1) Additional Assistants may be named in the discretion of the members of the Fire Department if seen advisable.

(2) In such case, Assistants shall take charge in order of rank.

(Ord. 29, passed 5-6-1963)

§ 31.25 FIREFIGHTERS.

All firefighters, including officers, who are presently serving on the Fire Department shall be members of the Fire Department created by this subchapter. Any new members joining the Fire Department shall be of a minimum age of 18 years. The service shall be continuous. No new members shall be considered for appointment without first passing a satisfactory mental and physical examination.

(Ord. 29, passed 5-6-1963)

§ 31.26 COMPENSATION.

The members and officers of the Fire Department receive compensation as the Council may from time to time, authorize and direct.

(Ord. 29, passed 5-6-1963)

§ 31.27 FIRE PROTECTION OUTSIDE CITY LIMITS.

(A) When any political subdivision enters into contract with the city for fire protection on property owned, leased or represented by such political subdivision, and agrees to pay for such services at the rates prescribed, the Fire Department, thereafter, shall go outside the city limits to answer fire calls or alarms for such property or properties, but in no case shall the Fire Department send apparatus to such property if the Fire Chief or other individuals in charge of the Fire Department at the time decides that it is needed for local service, and in no case shall it send more equipment or men than is anticipated in the agreement.

(B) The rates to be charged for such service shall be those fixed from time to time by resolution of the Council.

(Ord. 67, passed 11-6-1994)

§ 31.28 EMERGENCY PROTECTION SERVICES; FEES.

(A) *Purposes and intent.* This section is adopted for the purpose of authorizing the city to charge for fire service, as authorized by M.S. §§ 366.011, 366.012 and 415.01, as they may be amended from time to time.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIRE PROTECTION CONTRACT. A contract between the city and a town or other city for the city to provide fire service.

FIRE SERVICE. Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment or provides fire suppression, rescue, extrication and any other services related to fire and rescue as may occasionally occur.

FIRE SERVICE CHARGE. The charge imposed by the city for receiving fire service.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks, it includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles or park trailers.

MUTUAL AID AGREEMENT. An agreement between the city and a town or other city for the city's Fire Department to provide assistance to the fire department of a town or other city.

(C) *Parties affected.*

(1) Owners of property within the city who receive fire service.

(2) Anyone who receives fire service as a result of a motor vehicle accident or fire within the city.

(3) Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.

(D) *Rates.* The charges for service shall be set and amended from time to time by resolution of the City Council and included on the fee schedule of the city.

(E) *Billing and collection.*

(1) Parties requesting and receiving fire services may be billed directly by the city. Additionally, if the party receiving fire services did not request services, but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(2) Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the city will send a notice of delinquency.

(3) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

(4) Pursuant of M.S. § 366.011, as it may be amended from time to time, if the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before November 15, of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the city all charges collected on behalf of the city. The city must give the property owner notice of its intent to certify the unpaid fire service charge by October 15.

(5) False alarms will not be billed as a fire call until the city's Fire Department and/or the city determines there should be a charge for service.

(F) *Mutual aid agreement.* When the city's Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.

(G) *Application of collections to budget.* All collected fire charges will be designated as city funds and will be deposited into a fund, to be designated by the City Council, to offset equipment purchases and offset expenses of the city's Fire Department.

(Ord. 79, passed 7-6-2009)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

- 32.01 Policy and purpose
- 32.02 Definitions
- 32.03 Establishment of emergency management organization
- 32.04 Powers and duties of Director
- 32.05 Local emergencies
- 32.06 Emergency regulations
- 32.07 Emergency management a government function
- 32.08 Participation in labor disputes or politics

- 32.99 Penalty

§ 32.01 POLICY AND PURPOSE.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 32.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as “civil defense” functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Council. The emergency management organization shall conform to and be

consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 CFR part 201, as it may be amended from time to time.

§ 32.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency

personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 32.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.
Penalty, see § 32.99

§ 32.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk.

A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.37, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 32.99

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

§ 32.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

CHAPTER 33: GENERAL ADMINISTRATIVE POLICIES

Section

General Provisions

33.01 Property line disputes

Data; Responsible Authority

33.15 Appointment; authority

33.16 Rights of data subjects

33.17 Procedures for access to public, private data

GENERAL PROVISIONS

§ 33.01 PROPERTY LINE DISPUTES.

(A) The city will not locate property lines for residents of the city.

(B) If a resident of the city wants his, her or their property line found, it is up to the resident to either have the property surveyed or find the survey stakes themselves. If there is a dispute between two residents, the resident that questions the property line is responsible to have the area surveyed.
(Ord. 71, passed 2-17-2000)

DATA; RESPONSIBLE AUTHORITY

§ 33.15 APPOINTMENT; AUTHORITY.

The responsible authority shall require the requesting party to pay the actual cost of making, certifying and compiling copies and of preparing summary data.
(Res. 09-0805C, passed - -1996)

§ 33.16 RIGHTS OF DATA SUBJECTS.

The rights of individuals on whom the data is stored or to be stored by the city are as set forth here:

(A) An individual asked to supply private or confidential data concerning the individual will be informed of:

(1) The purpose and intended use of the requested data within the city;

(2) Whether he or she may refuse or is legally required to supply the requested data;

(3) Any known consequence arising from his or her supplying or refusing to supply private or confidential data; and

(4) The identity of other people or entities authorized by state or federal law to receive the data. (This requirement does not apply when an individual is asked to supply investigative data to a law enforcement officer.)

(B) Upon request to the responsible authority, an individual will be informed:

(1) Whether he or she is the subject of stored data on individuals; and

(2) Whether it is classified as public, private or confidential.

(C) Upon his or her further request, an individual who is the subject of stored private data on individuals will be shown the data without any charge and, if he or she desires, will be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to him or her for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.

(D) The responsible authority will provide copies of data upon request by the individual subject of the data. The actual cost of providing copies will be borne by the individual.

(E) The responsible authority will comply immediately, if possible, with any request made pursuant to this section or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he or she cannot comply with the request within that time, he or she will so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

(F) (1) An individual may contest the accuracy or completeness of public or private data concerning himself or herself. To exercise this right, an individual must notify the responsible authority in writing describing the nature of the disagreement. The responsible authority will within 30 days either:

(a) Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or

(b) Notify the individual that he or she believes the data to be correct.

(2) Data in dispute will be disclosed only if the individual's statement of disagreement is included with the disclosed data.

(Res. 09-0805C, passed - -1996)

§ 33.17 PROCEDURES FOR ACCESS TO PUBLIC, PRIVATE DATA.

(A) *General.* All requests to examine, for copies or for summary data, must be in writing and signed by the requesting party. Requests should be directed to the responsible authority. All requests to inspect data will be limited to normal business hours of the city. Every attempt will be made to comply with requests in an appropriate and prompt manner as specified by these procedures and by the state's Government Data Practices Act, being M.S. Chapter 13.

(B) *Examination of the data.*

(1) *Public data.* Any person upon request to the responsible authority may examine public government data without charge.

(2) *Private or non-public data.*

(a) Examination of private or nonpublic government data is available without charge only to:

1. The subject of the data;
2. People within the city whose work assignment reasonably requires access;
3. Agencies authorized by state or federal law; and
4. Agencies or individuals who have the express written consent of the subject of the

data.

(b) Any such person or agency seeking examination must identify himself or herself by presenting a Minnesota driver's license or other picture identification card acceptable to the responsible authority.

(3) *Confidential or protected non-public data.*

(a) Examination of confidential or protected non-public data is limited to:

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1. Persons within the city whose work assignment reasonably require access; and
2. Agencies or individuals authorized by state or federal law to gain access.

(b) Any such person or agency seeking examination must identify him or herself by appropriate identification acceptable to the responsible authority. The responsible authority cannot disclose the actual confidential data to the subject of the data but, upon request, shall inform the subject whether confidential data is maintained on him or her.

(c) The subject of the data may gain access to this knowledge only upon:

1. Appearance at the city office with Minnesota driver's license or other picture identification acceptable to the responsible authority; or
2. Appearance by the subject's personal representative identified by a Minnesota driver's license or other picture identification acceptable to the responsible authority and with a written and notarized authorization by the subject of the data.

(C) *Explanation of the data.* Upon request to the responsible authority, any person may receive an explanation of the content and the meaning of the data which has been received or inspected.

(D) *Copies of data.* Any person, upon request to the responsible authority, may receive copies of any data which he or she is entitled to inspect. The responsible authority will provide copies within a reasonable time after receipt of the request and charge the requesting party the actual costs of the material and any special costs necessary to produce the copies. The fee is \$0.25 per page for copies and current hourly wage for the labor involved in preparation of the data requested.

(E) *Access to summary data.* Any person, upon request to the responsible authority, will receive prepared summary data from public, private or confidential data. Within ten days of the receipt of the request, the responsible authority will inform the requesting party of the estimated costs to provide the summary data, or will provide a written statement describing a time schedule for the preparation including reasons for time delays, or will provide a written statement to the requesting party stating why the responsible authority has determined that access would compromise the private or confidential data. The responsible authority will charge the requesting party costs associated with the preparation of summary data. The responsible authority will provide an estimate of the fee to the requesting party before preparing the summary and may require payment in advance of the preparation.

(Res. 09-0805C, passed - -1996)