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**MEMORANDUM**

**To:** Honorable Faribault Charter Commission Members  
Timothy C. Murray, City Administrator

**From:** Scott J. Riggs, City Attorney

**Date:** September 24, 2018

**Re:** City Charter Language for Review, Item 4.A.1, 2 and 3

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The following is proposed rough, draft language in follow-up to discussions at the Charter Commission meeting on August 24, 2017, and in follow-up to discussions with City Administrator Timothy C. Murray. The proposed rough, draft language is for initial discussion purposes and has not yet been discussed in any form or brought forth for discussion before the City Council.

1. Advisory Committees Language. Based on discussion regarding specific authority and control over all such boards, commissions, committees, task forces or other groups established by the Council, please note the following proposed specific language: Add to the end of City Charter Section 2.02:

All such boards, commissions, committees, task forces or other groups established by the council shall be governed by all applicable statutes, ordinances, rules or requirements provided by federal, state or local laws.

2. Clarifying Council Authority for Employment Matters. Insert the following revisions to City Charter Section 6.04:

(a) Insert the phrase “and employees” into the title of Section 6.04;

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- (b) Insert Council authorizing language as to all city employees as follows: “The council shall appoint all subordinate officers and employees and shall oversee and supervise any review, appraisal or discipline related to all such employees, unless otherwise delegated.”
  - (c) Insert Council authorizing language as to oversight of the city administrator as follows: “In situations where immediate employment action is needed relative to any employee of the city, the mayor along with one other council member, or such committee appointed by the council for such employment oversight purposes, shall be able to immediately respond to any employment situation, all in the interests of the public health, safety and welfare of the city.”
3. Clarifying Staff Authority Regarding Employment Matters. Pursuant to discussions with City Administrator Murray, possible additional language regarding the authority of the city administrator relative to the city administrator’s oversight of city employees in certain circumstances could be inserted as a new subdivision 3A in Section 6.02 as follows:

Notwithstanding anything to the contrary in Subdivision 3 or Subdivision 4 of this Section 6, or otherwise, the city administrator, is authorized to oversee and supervise all probationary, seasonal and temporary employees as directed by the council. ***[OR, ALTERNATIVELY -- outright delegation]*** – Notwithstanding anything to the contrary in Subdivision 3 or Subdivision 4 of this Section 6, or otherwise, the council delegates to the administrator the authority to oversee and supervise all probationary, seasonal and temporary employees [as necessary//with follow-up to the council as needed].