



## Request for Council Action

**TO:** Mayor and City Council  
**FROM:** Tim Murray, City Administrator  
**MEETING DATE:** January 22, 2019  
**SUBJECT:** Ordinance 2019-1 Delete Sec. 2-8 of the City of Faribault Code of Ordinances regarding the Advisory Joint Civil Service Commission – First Reading

---

### Background:

In 2010, two ordinances were passed by the Council regarding the Joint Civil Service Commission (JCSC). The first, Ordinance 2010-05, disbanded the JCSC that was in place at that time. This was shortly followed up with the passage of Ordinance 2010-10, which put in place an Advisory JCSC (non-statutory), made up of three members, which was charged with advising the City Council on employment and promotion of the licensed or uniformed personnel of the Police and Fire Departments.

The City currently has two vacancies on the JCSC, and has not received any applications for appointment, which renders the commission as unable to perform any duties or actions. In previous years, it has also been difficult scheduling meeting times that worked for all three members. Additionally, the tasks the commission is charged with are adequately covered and addressed through existing employment laws, policies, procedures, and collective bargaining agreements in place that govern the employment and promotion of all City employees.

This matter was discussed at the January 15, 2019 Joint Committee meeting as part of the Board and Commission appointments item. The Committee was in agreement that the JCSC should be eliminated. In conjunction with this action, City Administration and Human Resources will look to develop processes and procedures that are specific to the hiring and promotion of police and fire personnel, to include the development of eligibility and certification list.

The collective bargaining agreement with the firefighters union still contains language regarding the role of the JCSC, while the labor agreements with the police groups no longer include this reference. We will look to enter into Memorandum of Understanding or approve an amendment to the agreement with the fire fighters group to reflect this change.

**Recommendation:**

Approve Ordinance 2019-1 on First Reading

**Attachments:**

- Ordinance 2019-1
- Ordinance 2010-05
- Ordinance 2010-10

**CITY OF FARIBAULT  
ORDINANCE No. 2019-1**

**DELETING SEC. 2-8 OF THE CITY OF FARIBAULT CODE OF  
ORDINANCES REGARDING THE ADVISORY JOINT CIVIL SERVICE  
COMMISSION**

**THE CITY OF FARIBAULT ORDAINS:** The City Code of Ordinances, shall be amended as follows:

Section 1. Chapter 2, Section 2-8 of the Code of Ordinances of the City of Faribault is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language (thereby deleting the entire section as currently written) as follows:

**Sec. 2-8. - Reserved.~~Joint civil service for police and fire personnel.~~**

~~(a) There is hereby created an advisory joint civil service commission for personnel of the police division and the fire division of the department of public safety of the city. Such joint civil service commission is not formed pursuant to nor shall it constitute a civil service commission operating pursuant to Minnesota Statutes, Chapter 419 or Minnesota Statutes, Chapter 420.~~

~~(b) The membership of the joint civil service commission shall be appointed as consistent as practical with the appointment procedure set forth in Minnesota Statutes, Chapter 419.~~

~~(c) Subject to city council authority and discretion, the city charter and this section, the uniformed personnel of the police division and the fire division shall be subject to the joint civil service commission. Personnel of the police division and the fire division not subject to the joint civil service commission include, but are not limited to, chief of police, director of fire, police reserve officers, records personnel and other support personnel such as secretaries and administrative assistants.~~

~~(d) The joint civil service commission shall be charged with the duties of advising the city council as to the employment and promotion of the licensed or the uniformed personnel of the police division and fire division. Subject to city council authority and discretion, the city charter and this section, the joint civil service commission employment and promotion procedures shall function and operate as consistent as practical with those set forth in Minnesota Statutes, Chapter 419. The joint civil service commission shall not be charged with any issues involving discipline,~~

~~discharge or suspension of any members of the police division and fire division.~~

Section 2. This ordinance amendment shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading: January 22, 2019

Second Reading: February 12, 2019

Publication Date: February 15, 2019

**Faribault City Council**

---

Kevin F. Voracek, Mayor

**ATTEST:**

---

Timothy C. Murray, City Administrator

CITY OF FARIBAULT  
ORDINANCE 2010-05

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATING  
TO THE JOINT CIVIL SERVICE COMMISSION FOR POLICE AND FIRE

WHEREAS, the City Council of the City of Faribault desires to disband the joint civil service commission for police and fire; and

WHEREAS, the disbanding of the joint civil service commission for police and fire as set forth in Sec. 2-8 and Sec. 2-9 of the Faribault Code of Ordinances may be disbanded pursuant to Minnesota Statutes Section 419.16 by a unanimous vote of the City Council.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Chapter 2 of the Faribault Code of Ordinances is amended by the deletion of the following Sections in their entirety:

Sec. 2-8. Police, fire personnel under civil service; and

Sec. 2-9. Joint civil service.

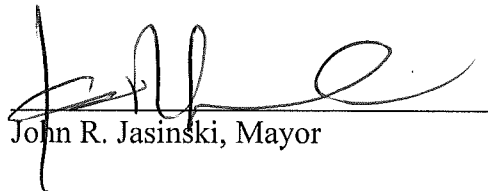
Section 2. This Ordinance shall take effect thirty (30) days after its passage and publication.

First Reading: April 13, 2010

Second Reading: June 8, 2010

Publication Date: June 12, 2010

Faribault City Council

  
John R. Jasinski, Mayor

Attest:

  
Terry J. Berg, Interim City Administrator

CITY OF FARIBAULT  
ORDINANCE 2010-10

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATING TO THE  
CREATION OF A JOINT CIVIL SERVICE COMMISSION FOR POLICE AND FIRE PERSONNEL

WHEREAS, the City Council of the City of Faribault adopted Ordinance 2010-05 disbanding the joint civil service commission for police and fire as set forth in Sec. 2-8 and Sec. 2-9 of the Faribault Code of Ordinances pursuant to Minnesota Statutes Section 419.16 by a unanimous vote of the City Council; and

WHEREAS, the City Council of the City of Faribault desires to create a joint civil service commission for personnel of the police division and the fire division of the department of public safety of the city for the purposes of advising the city council as to the employment and promotion of the licensed or the uniformed personnel of the police division and fire division.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Chapter 2 of the Faribault Code of Ordinances is amended by the addition of the following new Section 2-8:

Sec. 2-8. Joint civil service for police and fire personnel.

(a) There is hereby created an advisory joint civil service commission for personnel of the police division and the fire division of the department of public safety of the city. Such joint civil service commission is not formed pursuant to nor shall it constitute a civil service commission operating pursuant to Minnesota Statutes, Chapter 419 or Minnesota Statutes, Chapter 420.

(b) The membership of the joint civil service commission shall be appointed as consistent as practical with the appointment procedure set forth in Minnesota Statutes, Chapter 419.

(c) Subject to city council authority and discretion, the city charter and this section, the uniformed personnel of the police division and the fire division shall be subject to the joint civil service commission. Personnel of the police division and the fire division not subject to the joint civil service commission include, but are not limited to, chief of police, director of fire, police reserve officers, records personnel and other support personnel such as secretaries and administrative assistants.

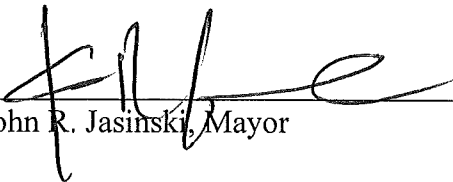
(d) The joint civil service commission shall be charged with the duties of advising the city council as to the employment and promotion of the licensed or the uniformed personnel of the police division and fire division. Subject to city council authority and discretion, the city charter and this section, the joint civil service commission employment and promotion procedures shall function and operate as consistent as practical with those set forth in Minnesota Statutes, Chapter 419. The joint civil service commission shall not be charged

with any issues involving discipline, discharge or suspension of any members of the police division and fire division.

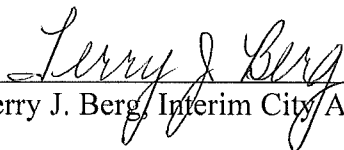
Section 2. This Ordinance shall take effect thirty (30) days after its passage and publication.

First Reading: June 8, 2010  
Second Reading: June 22, 2010  
Publication Date: June 26, 2010

Faribault City Council

  
John R. Jasinski, Mayor

Attest:

  
Terry J. Berg, Interim City Administrator