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PROFESSIONAL ASSOCIATION

July 14, 1986

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Ms. Donna Scott  
c/o Secretary of State's Office  
Room 180  
State Office Building  
St. Paul, Minnesota 55155

Re: City of Hastings - City Charter Amendments

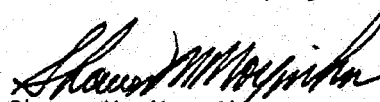
Dear Ms. Scott:

Pursuant to Minn. Stat. §410.12, Subd. 4, I am delivering to the Secretary of State's Office certified copies of the recently passed amendments to the Hastings City Charter. Additionally, I am enclosing information regarding the date of the election and the vote by which the charter amendments were approved.

If you have any questions regarding this, please do not hesitate to call me.

Very truly yours,

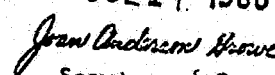
CITY OF HASTINGS, by

  
Shawn M. Moynihan  
Assistant City Attorney

SMM/bap

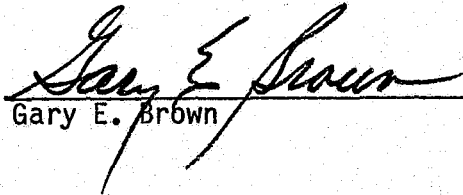
Enclosures

cc: Dianne R. Latuff

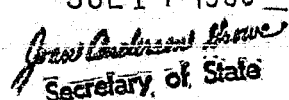
36775  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 17 1986  
  
Secretary of State

CERTIFICATION

The foregoing is a true and correct copy of the amendment to Section 3.01, 3.11, 3.12 and 4.02 of the City of Hastings Charter which was approved on June 24, 1986, by 55.1% of the voters who voted in the special election.

  
Gary E. Brown

(SEAL)

# 36775  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
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Secretary of State

### 3. CITY ADMINISTRATOR

SECTION 3.01. FORM OF GOVERNMENT. The form of Government established by this charter shall be known as the "Mayor-Council Plan." All legislative powers, all policy making powers, all executive powers and all administrative powers of the City of Hastings shall vest in and be exercised by the City Council; provided, however, the City Council may, by ordinance, delegate to an appointed city employee or employees, all or a portion of the administrative functions and powers ~~(except the authority to hire and discharge city employees which may not be delegated.)~~ Any city employee to whom administrative powers are delegated shall however be responsible to the City Council in all respects and shall be governed by the terms of this Charter or the ordinance by which administrative powers were delegated to him or her. Further, the City Council may by ordinance create such departments, divisions and bureaus for the administration of the City's affairs as it deems necessary for efficient and responsive government, and from time to time may alter the powers and organization of the same.

SECTION 3.11. THE CITY ADMINISTRATOR. The City Administrator shall be the chief administrative officer of the City. He or she shall be chosen by the council solely on the basis of his or her training, experience, executive and administrative qualifications. He or she need not be a resident of the City at the time of his or her appointment but may reside outside the City while in office only with the approval of the council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the council; but after he or she has served as Administrator for one year, he or she may demand written charges and a public hearing on the charges before the council prior to the date when his or her final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the Administrator or make his or her removal final. Pending the hearing and removal, the council may suspend the Administrator from office. With the approval of the council, the Administrator may designate some properly qualified person to perform the duties of the Administrator during his or her absence or disability or while the Office is vacant.

SECTION 3.12. POWERS AND DUTIES OF THE CITY ADMINISTRATOR.  
Subdivision 1. The City Administrator shall be responsible to the council for the administration of the City's affairs and shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. The City Administrator shall see that this charter and the laws, ordinances and resolutions of the City are enforced.

Subdivision 3. The City Administrator shall appoint and remove upon the basis of merit and/or fitness alone, all employees of the City, other than employees of the Police Department, except that he or she shall receive council approval to either appoint or remove department heads established by either resolution or ordinance.

Subdivision 4. The City Administrator shall exercise control over all departments and divisions of the City Administration created by this charter or by the council, except the police department. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative services solely through the City Administrator, and neither the Council nor any member thereof shall give orders to any subordinates of the City Administrator either publicly or privately.

Subdivision 5. The City Administrator shall attend all meetings of the council and may take part in discussion but not vote, but the council may, in its discretion, exclude him or her from any meeting at which his or her removal is considered.

Subdivision 6. The City Administrator shall recommend to the council for adoption such measures as he or she deems necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7. The City Administrator shall keep the council fully advised on the financial condition and needs of the City, and shall prepare and submit to the council the annual budget and capital program.

Subdivision 8. The City Administrator shall submit to the council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subdivision 9. The City Administrator shall make recommendations for terminating and suspending Department heads, except for the Police Chief, and may suspend any department head, except for the Police Chief, until the next Council meeting when the Council shall affirm, modify or rescind the suspension.

Subdivision 10. The City Administrator shall perform such other duties as are prescribed by charter or may be required by the council.

Subdivision 11. All department heads shall be employed by contract which shall include a job description and be subject to an annual performance review by the appropriate supervisor. Contracts shall be subject to Council approval.

SECTION 4.02. APPOINTED OFFICERS. CITY CLERK. The City ~~Council~~ Administrator shall appoint a City Clerk who shall hold office under such terms and conditions as the ~~Council~~ City Administrator may prescribe. ~~He~~ The City Clerk shall serve as Secretary of the City Council and shall keep such records and perform such duties as may be required by this charter, by ordinance or resolution of the City Council, or by State law. The City Clerk may hold any other City office not inconsistent therewith and may be charged with such administrative or managerial duties as the ~~Council~~ City Administrator shall determine.

CITY ADMINISTRATOR. ~~The City Council may appoint a City Administrator who shall hold office under such terms and conditions as the Council may prescribe. The City Council may charge said City Administrator with administrative or managerial duties and may designate him as the person responsible to the council for the proper administration of all affairs relating to the City in which case he shall serve as head of the administrative branch of the City government. The City Administrator's duties and responsibilities shall be designated by ordinance adopted by a majority of the entire City Council. The City Administrator may hold any other appointed City office not inconsistent therewith, including the office of City Clerk. The City Council may delegate to the City Administrator all administrative duties and responsibilities (except authority to hire and discharge City Employees which authority shall not be delegated by the City Council, and except for the police department which shall be under the direction of the Mayor as provided in Section 3.06 of this Charter).~~

CITY ATTORNEY. The City Council shall appoint, or may authorize the City Administrator to appoint, a City Attorney who shall be an attorney licensed to practice before the highest Court in the State of Minnesota. He or she shall act as legal advisor to the Mayor and City Council and to Department Heads, Commission Heads and Board Chairman, and shall perform all other legal services as directed or authorized by the City Council or the laws of the State.

OTHER APPOINTED OFFICERS AND EMPLOYEES. ~~The City Council~~ City Administrator, upon authorization by the City Council, shall appoint such other and further officers and personnel as may be required to operate the City efficiently and the City Council shall determine the qualifications thereof and prescribe the duties to be performed by each. The terms of office, compensation and conditions of employment of all appointed officers and employees of the City shall be established by the City Council. ~~All persons so appointed by the City Council shall hold office at the pleasure of the City Council.~~