



Our Vision

Red Wing thrives as a vibrant, creative river town that values its natural environment, welcomes all people, and unlocks opportunity for everyone.

Our Mission

We strive to create a sustainable, healthy, accessible, resilient, and equitable community where every person feels at home.

Meeting Announcement and Agenda Charter Commission Regular Meeting City Council Chambers, 315 West 4th Street, Red Wing, MN & Virtually Wednesday, June 17, 2026, at 6:00 PM

This meeting will be held in the City Hall Council Chambers and virtually via Webex at the same time. Members of the public can join this meeting either in person at City Hall or virtually. [Join the meeting via Webex](#). To join via telephone, please dial (415) 655-0001. Enter access code 2552 634 4235 and password 2026 when prompted.

The purpose of the Charter Commission is to consider and recommend amendments, revisions and restatements to the Charter of the City of Red Wing and to perform such other duties as required in accordance with the Constitution and Laws of the State of Minnesota, and Bylaws and rules of the Charter Commission.

- A. [Link to Online City Charter](#)
- B. Printable City Charter
- C. Charter Commission Bylaws

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of Agenda

5. Approval of Minutes

5.A. Motion to Approve August 28, 2025, Meeting Minutes.

6. Election of Chairperson and Vice Chairperson

Chairperson Terri Cook to ask for nominations (does not need a motion or a second) for Chairperson. Following the nominations, Staff Liaison Melissa Hill will announce the nominations and ask for a roll call vote. Afterward, the newly elected Chairperson will ask for

nominations (does not need a motion or a second) for Vice Chairperson. Following the nominations, Staff Liaison Melissa Hill will announce the nominations and ask for a roll call vote.

7. Public Comment

We now invite anyone to share their thoughts on a topic that is not on the agenda. We welcome all opinions and ideas. We appreciate you stating your name at the lectern, and please remember that personal attacks may be ruled out of order. You will have up to three minutes to comment, and we appreciate your time in coming tonight.

8. Motions & General Business

- 8.A. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Michael Johnson to a Second Term on the Charter Commission. Commissioner Johnson's first term will complete on June 29, 2026. The Charter Commission is asked to consider recommending the reappointment of Commissioner Johnson. A recommendation can be made by a motion and a second followed by a voice vote. Once approved, an Order will be forwarded to the Chief Judge of the First Judicial District for reappointment.
- 8.B. Consider Motion to Approve the 2025 Charter Commission Annual Report. The annual report is attached. The Charter Commission is asked to review and approve the 2025 Annual Report. Approval of the annual report can be done by a motion and a second followed by a voice vote. Once approved, the report will be forwarded to the District Court and the City Council.
- 8.C. Consider Motion to Adopt City of Red Wing Data Practices Procedures and Data Inventory Public Document as the Official Data Practices Policy of the Charter Commission. This policy and information document is approved annually and is intended to provide direction and procedures for access to and/or copies of government data maintained or collected by the City of Red Wing and Charter Commission. City Council approved the attached Data Practices Procedures and Data Inventory document on April 27, 2026, with the changes highlighted in yellow. Adopting of the policy can be done by a motion and a second followed by a voice vote.
- 8.D. Review of Legislative Changes that Affect the Charter Commission. The City Attorney's office reviews legislative changes annually to determine if any effect the work of the Charter Commission. After reviewing the 2026 changes, the City Attorney's office reports that there were no relevant changes to the Open Meeting Law or the specific laws that govern charter commissions.
- 8.E. Annual Materials.
The attached materials are provided for your information. No action is needed.
1. Code of Conduct
 2. Board and Commission Policy (adopted at the April 13, 2026, City Council Meeting)
- 8.F. Consider Motion to Adopt the 2027 Charter Commission Regular Meeting Schedule. Minnesota Statutes § 410.05 requires the Charter Commission to meet at least once each calendar year. To satisfy this requirement, the Commission is asked to adopt the attached 2027 Regular Meeting Schedule, which includes a regular meeting on Wednesday, June 16, 2027.
The proposed schedule does not include a March meeting, as that meeting date has not

been utilized during the past two years. Should Commission business arise before June, the Commission may call a special meeting as needed.

9. Communication Items

9.A. Commissioner Resignation.

Commissioner Ann Vogel resigned from the Commission on June 17, 2026.

Commissioner Vogel's seat is by Council appointment. The City Council has been made aware of the vacancy.

10. Adjournment

Accommodations for signing interpreter, Braille, large print, etc. can be made. Call City Hall at 385.3600 seven days prior to the need. Hearing assistance devices are available during meetings.



CHARTER

Chapter 1

Names, Boundaries, Powers, and General Provisions

Section 1.01 Names and Boundaries

The City of Red Wing in the County of Goodhue and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of Red Wing, with the same boundaries as now are or hereafter may be established.

Section 1.02 Change in Ward Boundaries

The City Council may change ward boundaries by ordinance adopted as provided for herein or by State or Federal law.

Section 1.03 Powers of the City

The City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter that every power which the people of the City of Red Wing might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter, shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Unless otherwise expressly provided in this Charter, the City Council shall have all powers granted to the City, including management and control of the finances and property of the City, with full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government and good order of the City. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

Section 1.04 Charter a Public Act

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect 90 days from and after its adoption by the voters and amendments hereto shall become effective as provided by State law.

Chapter 2 **Form of Government**

Section 2.01 Form of Government

The form of government established by this Charter is the "Mayor/Council Plan."

Section 2.02 Elective Officers

The elected officers shall be a Mayor and seven Council Members, all of whom shall be eligible voters and meet all requirements provided by law. One Council Member shall be elected from each of four wards of the City, and shall be a resident thereof unless otherwise provided herein. One Council Member shall be elected from both of the two westernmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, one Council Member shall be elected from both of the two easternmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, and one Council Member shall be elected at large. The Mayor and Council Members, unless otherwise provided by State Law or an orderly transition schedule adopted as part of a Charter amendment, shall be elected for a term of four years or until their successors are elected and qualified. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council Members.

Section 2.03 Qualifying

Every person elected to any office shall take and subscribe to the oath provided by law.

Section 2.04 Boards

This Section 2.04 does not apply to the Charter Commission, the Port Authority, the Housing and Redevelopment Authority, or the T.B. Sheldon Auditorium Board. The City Council may by ordinance establish or abolish any board or commission as it deems necessary for the operation of the City. The powers, duties, and responsibilities of such boards or commissions shall be fully set forth in said ordinance. Notwithstanding any other provision to the contrary, all funds and accounting of any board or commission must be handled by the City's financial officer and shall be deemed to be public funds of the City. Notwithstanding any other provision to the contrary, the administrative officer shall be an ex officio member of all boards and commissions and has the right to attend meetings, including special and closed meetings. As an ex officio member of all boards and commissions, the administrative officer does not have the right to vote, make motions, or be counted for purposes of determining a quorum.

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance. The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

Section 2.041 Public Library

Notwithstanding any provision to the contrary, the Mayor shall, subject to confirmation by the Council, appoint a Library Board consisting of nine members to manage, supervise, and control the City's Public Library, its building and other facilities, and such other related functions as may be authorized by law or ordinance.

General provisions of this Charter and City Code shall govern member appointments, removal from office for cause, terms, and any limitations thereon. Members of the Library Board must be residents of the City provided, however, one member may be a non-City resident of Goodhue County, if the County financially contributes to the Library. The Library Board shall elect its own officers and adopt rules of procedure consistent with law and the provisions of this Charter and City Code governing boards and commissions.

The Library Board shall govern the operations of the Library, adopt policies therefore, and have final authority in material selection and programming. The Library Board shall annually present its budget request and Capital Improvement Plan to the City in accordance with the procedures of the City. Once the budget is approved by the Council it shall not be later reduced by the Council without the consent of the Library Board. The Library Board may make line item budget changes if the City's administrative officer approves. The City's financial officer shall be the financial officer of the Library, shall maintain Library monies in a separate fund and shall make disbursements therefrom only in accordance with the policies of the Library Board. The Library shall follow all City accounting, purchasing, and personnel policies and procedures, including pay and classification plans, as the same apply to other City departments.

All employees of the Library are employees of the City. The Library Board shall hire a director who shall be the chief administrative officer with authority to implement Library Board policy. The director shall have the authority to hire, to terminate, and to discipline other Library employees with approval of the City's administrative officer, and to perform such other duties and responsibilities as the Library Board may assign. The City's administrative officer shall assist the Library Board in supervising the director and shall have supervisory authority over the director in those areas where, under this section, the Library must follow City policy and procedures, and shall further report any dereliction of duty by the director to the Library Board.

All title to property of the Library shall vest in and be held in the name of the City and be under the control of the Library Board. With the consent of the Council, the Library Board may accept any gift, grant, devise, or bequest made or offered for Library purposes and carry out the conditions of such donation. Unconditional gifts of intangible personal property may be accepted without Council consent.

The Library shall follow all City ordinances, policies, and procedures. However, if the Library is not expressly required to follow a City ordinance, policy, or procedure under this section, then the Library Board may by written resolution adopt its own policy or procedure. It is the intent of this section that the authority, duties, and responsibilities of the Library Board under this section and City Code shall be interpreted broadly and in favor of the Library Board.

Section 2.05 Removal

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard in his/her defense. The City Council shall fix a date for a hearing on such charges not less than 10 days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the officeholder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provides sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

Section 2.06 Vacancies

A vacancy in the Council or office of Mayor shall be deemed to exist when any of the following events occur:

- 1) The failure of the candidate elected to qualify on or before the date of the second regular meeting after the new Council's organizational meeting;
- 2) By reason of the death, resignation, removal from office, change of residence from the ward or wards from which elected, or continuous absence from the ward or wards from which elected for more than three months;
- 3) By reason of the conviction of a felony which disqualifies an individual from holding office.

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall, by resolution adopted within seven days of the vacancy, declare such vacancy to exist and shall fill the vacancy by special election held on a date authorized by Minnesota Statutes section 205.10, subdivision 3a, as amended. The special election will be held on the first possible date authorized by said statute where the City can also follow the affidavit of candidacy filing period and notice of filing period requirements in Minnesota Statutes section 205.13, as amended. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.

If, however, a vacancy occurs in a general election year on or after April 1 and the term of the vacant seat is scheduled to expire the following year (in January), no special election shall be held. The vacant seat shall remain vacant until the replacement elected at the general election qualifies and takes office.

Section 2.07 Mayor

The Mayor shall be the titular head of the City. The Mayor may address the Council on any matters of interest. The Mayor shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City, and make recommendations as he/she believes to be desirable. The Mayor shall review concerns on City activities raised by citizens and make recommendations as he/she believes desirable as to any corrective action(s) necessary. The Mayor shall also report to the Council any neglect, dereliction of duty or waste on the part of any officer or department of the City. The Mayor shall consult with the administrative officer and chief law enforcement official on policy matters affecting public safety within the City.

Section 2.08 Acting Mayor

In the event of a vacancy in the office of the Mayor or the Mayor's inability from illness, absence from the City, or other cause to perform the duties of the Mayor's office, the President of the Council or, if the Council President is also absent or incapacitated, the Vice President of the Council, and in the event of his/her absence or incapacity, such other member of the City Council as it may designate, shall exercise the powers and perform the duties of the Mayor, except the Acting Mayor shall have no power to veto during such absence or disability. While so acting the Mayor shall be styled "Acting Mayor" and his/her acts in that capacity shall have the same force and effect as if performed by the Mayor.

Section 2.09 Investigation of City Affairs

The Council or any officer or officers authorized by the Council shall have the power to make investigations into the City's affairs, administer oaths and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any surveyor research study of any subject of municipal concern.

Chapter 3 **General Administration**

Section 3.01 Departments and Offices of Administration

The Council may, consistent with the provisions of this Charter, create, abolish, rearrange, and combine such departments, divisions, and offices as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization, provided, however, that the Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law. The administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers. The administrative officer shall have full supervisory authority over other employees and department heads including the right to hire and fire. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental organization. The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

Section 3.02 Filing and Execution of Documents

Unless otherwise specifically provided, filing of all documents provided for in this Charter or the ordinances of the City shall be at the administrative offices of the City. All contracts with the City, ordinances and resolutions of the Council, and other documents, shall be executed in the name of the City and signed by the officers designated by the City Code, Purchasing Manual, Personnel Policy Manual, or other applicable policy.

Section 3.03 City Employees, Their Wages, Salaries, Benefits, and Regulations

Council shall provide in the City Code, Personnel Policy Manual, Organizational Chart, or other applicable collective bargaining agreement or policy for the authority with reference to employment or discharge of all City employees, wages and salaries to be paid such employees, employee benefits, supervision and line of authority, and all other matters of regulation, control, and other contract provisions. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

Section 3.04 Purchase and Sale Contracts

All City purchase and sale contracts shall be made or let in accordance with a uniform policy adopted by the Council unless the Council shall otherwise order. Contracts shall be made in compliance with any regulatory statute. The Council may adopt further regulations for making bids and letting contracts, including provisions as to notice. The Council may, by ordinance, provide a means for declaring personal property or real estate which comes into the possession of the City, by any means whatsoever, to be surplus property and providing for the classification and sale thereof upon such notice as the Council considers reasonable.

Chapter 4 **Elections**

Section 4.01 Conduct of Elections

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 4.02 General Election

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

Section 4.03 Primary Election

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

Section 4.04 Filing

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

Section 4.05 Special Elections

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.06 Affidavit of Candidacy

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

Section 4.07 Forms

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

Chapter 5 **City Council**

Section 5.01 Council and Quorum

The Council Members shall constitute the City Council and shall elect a President and Vice President from their membership. A majority of the membership holding office shall constitute a quorum to transact business, but a smaller number may recess or adjourn from time to time and compel the attendance of absent members.

Section 5.02 Presiding Officers

The President or in his/her absence the Vice-President shall preside at all meetings and rule on all matters of procedure. The City Council may elect a President Pro Tem who shall have the powers, duties, and responsibilities of the President in the absence of the President and Vice-President. If no President Pro Tem is elected, the member present with the most seniority in office shall be deemed the President Pro Tem.

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council.

Unless there is an emergency for the meeting, notice of the meeting shall be at least three days in advance or otherwise as required by law, and an electronic copy of the proposed agenda and supporting materials for each regular or special meeting will be made available to each member. Unless an emergency is declared by a three-fourths vote of the Council, no other business shall be transacted at a special meeting than that which is designated in the call and matters relating thereto. Meetings of the Council and the Minutes and records thereof shall be open to the public in the manner provided by State law, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.04 Rules of Procedure

The Council shall determine its own rules and order of business. It may punish members for misconduct. Unexcused absence from three consecutive regular Council meetings shall be grounds for removal of any Council Member.

Council officers serve at the pleasure of the Council and may be removed by a super majority vote of the Council for any reason. Any member of the Council may move for the removal of a council officer if: (1) they placed the item on the Council agenda by at least noon of the Wednesday before that meeting; (2) before placing the item on the agenda, they had provided the Council officer proposed for removal with the reason for the motion; (3) there has been an opportunity for the Council officers to discuss the reason; and, (4) the reason for the removal is stated with the motion. If a motion for the removal of a Council officer is seconded, the Council officer sought to be removed has the right to respond to the motion before any debate on the motion. In the event that a Council officer is removed, the Council will immediately fill that office.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council. The votes of Council Members shall be recorded in accordance with law.

Section 5.06 Ordinances, Resolutions, and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. A roll call shall be taken on all ordinances, resolutions, and the levying of any taxes. The minutes shall clearly delineate those voting in favor and those voting against all motions or other actions. An affirmative vote of a majority of the membership holding office shall be required for the adoption of any ordinance or resolution except as otherwise provided in this Charter or by State or Federal law.

Section 5.07 Procedure on Ordinances

The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. No ordinance, except an emergency ordinance, shall be adopted on the same day it was introduced and at least three days shall pass between its introduction and passage.

Section 5.08 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in a preamble thereto, and is adopted by a majority of the Council Members holding office. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the clerical officer and posted in three conspicuous places within the City or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 5.09 Procedure on Resolutions

Every resolution shall be presented in writing or read in full before a vote is taken thereon.

Section 5.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution adopted by the Council shall be signed by the presiding officer of the Council, and attested by the clerical officer. Every ordinance shall be published at least once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may, by two-thirds vote of its members, direct that only the title of the ordinance and a summary be published, as required by State law, with notice that a printed copy of the ordinance is available for inspection by any person. A copy of the entire text of the ordinance shall be posted in the community Library and in any other public location which the Council designates.

Prior to the publication of the title and summary, the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a

statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

Section 5.11 Mayor's Veto of Ordinances and Resolutions

Every ordinance or resolution shall be delivered to the Mayor within 48 hours from the time of adoption of the ordinance or resolution by the City Council. The 48-hour deadline excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. Within 96 hours from the time of adoption of the ordinance or resolution by the City Council, the Mayor shall either approve the ordinance or resolution by delivering the signed ordinance or resolution to the clerical officer or veto the ordinance or resolution by delivering a veto with written objections concerning the ordinance or resolution to the clerical officer. The 96-hour time frame excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. If the Mayor fails to deliver a veto with written objections to an ordinance or resolution within the time period specified above, the ordinance or resolution shall be deemed in effect without the approval of the Mayor. If the ordinance or resolution is vetoed within the time and manner specified above, the vetoed ordinance or resolution may be reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the ordinance or resolution by two-thirds vote of the City Council, then the ordinance or resolution shall be in full force and effect without approval of the Mayor.

For the purposes of this Section, a "legal holiday" is as defined in the City of Red Wing Personnel Policy Manual.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign or veto the emergency ordinance. If the Mayor does not deliver an approved or vetoed emergency ordinance within one hour from the time of adoption by the City Council, the emergency ordinance shall be deemed in effect without the approval of the Mayor. For the purposes of an emergency ordinance, deliver means to hand to the recipient or electronically transmit the approval or veto to the recipient. If the emergency ordinance is vetoed by the Mayor within one hour from the time of adoption, the emergency ordinance shall be immediately reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the emergency ordinance again, then the emergency ordinance shall be in full force and effect without approval of the Mayor.

For purposes of this Section, "delivered" shall mean:

- 1) Handed to the recipient;
- 2) Mailed to the recipient at an address designated by the recipient or at the last known address of the recipient;
- 3) Deposited with a nationally recognized overnight delivery service for overnight delivery or, if overnight delivery to the recipient is not available, for delivery as promptly as

practicable, to the recipient at an address designated by the person or at the last known address of the recipient; or

- 4) Transmitted by electronic communication. "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.
- 5) An item is delivered by mail when deposited in the United States mail with sufficient postage affixed or when deposited for delivery by a nationally recognized delivery service after having made sufficient arrangements for payment by the sender. An item is deemed received when it is delivered in the manner specified above.

Section 5.12 When Ordinances and Resolution Take Effect

Resolutions and emergency ordinances shall take effect immediately upon its approval by the Mayor or at such later date as is fixed in it. Every other ordinance shall take effect 14 days after adoption and publication of the ordinance or summary of the ordinance or at such later date as is fixed therein or required by State law. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon certification of the election results, or at such later time as is fixed therein.

Section 5.13 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the applicable section, subdivision, or paragraph of the City Code, or the number (if any) and the title of the uncodified ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth each section or subdivision to be amended and shall clearly indicate new matter and old matter to be omitted in the case of partial amendments.

Section 5.14 Revision and Codification of Ordinances

The City shall revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form, and copies shall be made available by the Council at the office of the clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

Section 5.15 Acquiring and Selling Property

The City Council may acquire such real and personal property as the purposes of the City may require by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interest require. It may also sell, convey, lease, or otherwise dispose of property for a nominal consideration to encourage and promote industry and provide employment for citizens, as its interest require. The approval of any sale of real property owned by the City or purchase of any real property shall be by resolution.

Section 5.16 Expenditures for Goods or Services

Every expenditure by the City Council for goods and services of a value in excess of \$1,000,000 shall be by resolution, with the exception of construction projects. For construction projects estimated to exceed \$1,000,000, the first expenditure of the project shall be by resolution, but any further expenditures may be done by motion.

Chapter 6 **Initiative, Referendum, and Recall**

Section 6.01 Powers Reserved by the People

The people of Red Wing reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, to require ordinances when adopted by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials through the petition process. These powers shall be called the initiative, the referendum, and the recall respectively.

Only ordinances that are legislative in character may be enacted through the initiative and referendum process. Ordinances relating to the budget, a capital program, appropriating money, authorizing the levy of taxes, the salaries of city officers and employees, the zoning and purchase of land, or other acts that are considered executive, administrative, or quasi-judicial acts of the City may not be enacted through the initiative or referendum process.

Initiative

Section 6.02 Initiation of Measures

Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the clerical officer together with their names and addresses as members of such committee. Such committee may, at time of filing, seek the opinion of the City concerning whether their proposed measure is a proper question for an initiative. If a committee seeks such opinion, the clerical officer shall, within 10 working days of the filing of the proposal and after review by the city attorney, inform at least one member of the committee and the City Council whether or not said proposal is a proper question for an initiative. Proposals determined at this time to be an improper question may be amended and re-filed.

Section 6.03 Form of Petition and of Signature Papers

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five percent of the total number of registered voters in the last general election. When gathering signatures for their proposed measure, committee members need not collect all signatures on one signature paper; however, all signature papers must be in substantially the same form. All signatures shall be gathered on forms prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to those papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures, and shall also certify that each signature paper had attached to it, when circulated, a copy of the proposed ordinance. Circulators of signature papers need not be committee members.

6.04.01 Sufficiency of the Petition

Within 10 days after the filing of the petition, the clerical officer shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least five percent of the total number of registered voters in the last general election. If the clerical officer finds the number of signatures to be insufficient, the clerical

officer shall immediately notify the committee of that fact, certifying the reasons for that finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the signatures in all other particulars. If at the end of that period the number of signatures is found to be still insufficient, the clerical officer shall file the petition in his/her office and shall notify the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.04.02 – Validity of Petition

The city attorney shall examine whether the proposed ordinance is a proper question for an initiative. The city attorney shall, within 10 business days after filing of the petition, return the petition with findings and conclusion regarding whether the petition is or is not a proper question. The city attorney shall issue the findings and conclusion to the committee and City Council, citing legal authority for said conclusion.

6.04.03 – Procedure after Determination

When the clerical officer has determined the sufficiency of the petition and the attorney has issued a finding to the Council and the committee, the clerical officer shall present the same to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute.

Section 6.05 Action of Council on Petition

Upon the presentation of the petition and findings by the clerical officer, the Council shall, at its next regular meeting, determine the sufficiency or legal validity of the substance of the petition and issue a resolution either accepting or rejecting the petition. If the Council rejects the petition, no public hearing or further action is required. The finding of insufficiency does not prevent the filing of a new petition for the same purpose. If the Council accepts the petition, the Council shall provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 30 days after the date of acceptance. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to two-fifths of the committee, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next general election; but if the number of signers of the petition is equal to at least 10 percent of the total number of registered voters in the last general election, the Council shall call a special election upon the measure.

Section 6.06 Initiative Ballots

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. The Council shall formulate the ballot question, clearly and succinctly stating the essentials of the question. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 6.07 Initiation of Charter Amendments

Nothing in this Charter shall be construed as in any way affecting the right of the electors under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

Referendum

Section 6.08 Initiation of Measures

Any five registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council, except as provided in Section 6.01.

Section 6.09 Form of Petition and Signature Papers

The petition for any referendum shall consist of the ordinance sought to be repealed, setting the same out in full, indicating the date of adoption and the date of publication, if the same has been published, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by at least 10 percent of the total number of registered voters in the last general election. The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to the signature papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures and shall also certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Section 6.10 Filing of Petition

If prior to the date when an ordinance takes effect a petition signed by at least 10 percent of the registered voters of the City from the last general election is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall thereupon reconsider the ordinance at its next regular meeting and by roll-call vote either repeal it or re-affirm its adherence to the ordinance as passed. In the latter case, the Council shall immediately order a special election to be held thereon or submit the ordinance at the next general election, pending which the ordinance shall remain suspended.

Section 6.11 Referendum Ballots

The ballots used when voting upon any such referred ordinance shall be written by the Council, clearly and succinctly stating the essentials of the question, and be published two weeks before the election in the official newspaper of the municipality. The ballot shall state the substance of the ordinance and give the voters the opportunity to vote either "yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority votes against repeal, the ordinance shall take effect immediately or on the date therein specified.

Recall

Section 6.12 The Recall

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer the name of the officer whose removal is sought, a statement of the grounds for removal in not

more than 250 words, and their intention to bring about this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

Section 6.13 Recall Petitions

The petition for the recall of any official shall consist of a certificate identical with that filed with the clerical officer together with all the signature papers and affidavits thereto attached. The recall petition shall be in a form prescribed by and available from the clerical officer.

Section 6.14 Filing of Petition

Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the clerical officer. The clerical officer shall examine the petition within 5 days and, if he/she finds it irregular in any way or finds, in the case of Council Members elected by ward or wards, that petitioners are not registered in the ward or wards said Council Member is elected from, or finds that the number of signers is less than 20 percent of the registered voters of the City or of the ward or wards said Council Member is elected from, he/she shall so notify the committee.

The committee shall then be given 10 days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the clerical officer finds the petition still insufficient or irregular, he/she shall notify the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.15 Recall Election

If the petition or amended petition is found sufficient, the clerical officer shall transmit it to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall, at its next meeting, by resolution provide for filing dates and other provisions necessary for the holding of a special recall election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 90 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 6.16 Procedure at Recall Election

The clerical officer shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 6.17 Recall Ballot

Unless the officer whose removal is sought resigns within 10 days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first question shall be a "yes" or "no" question on the recall of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the

election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within 45 days of certification of such results. The "run-off" election may be held in conjunction with a regular municipal election provided one is scheduled to occur no less than 45 days nor more than 60 days after said results are certified. In the event the officer resigns within 10 days after the receipt by the Council of the completed recall petition, the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

Chapter 7 **Taxation and Finances**

Section 7.01 Council to Control Finances

The Council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02 Fiscal Year

The fiscal year of the City shall be the calendar year.

Section 7.03 Taxation

All property taxes shall be assessed and collected in the manner provided by law. Subject to law, the Council shall have full power to provide by ordinance for a system of local taxation for general or special purposes.

Section 7.04 Board of Equalization

The City Council shall constitute a Board of Equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05 Budget Estimates

The administrative officer shall be responsible for presenting the annual budget calendar for approval by the Council. Said calendar shall, in accordance with law, set the dates by which department heads, officers, boards, commissions or committees of the City shall deliver to the administrative officer an estimate, in writing, of all projected revenues and expenditures for such departments during the ensuing fiscal year, specifying in detail the purpose thereof. Said calendar shall also clearly delineate dates for submission, consideration, public hearings, and proposed adoption for the budget.

Section 7.06 Budget Preparation

The administrative officer in consultation with the financial officer shall, in accordance with the budget calendar, prepare all estimates for the annual budget. The budget shall be by funds and shall include all funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be arranged for each department or division of the City in accordance with generally accepted accounting procedures.

Section 7.07 Budget Approval

Adoption of the budget and budget hearing dates shall comply with the budget calendar. The budget estimates shall be presented at the hearings, and the administrative officer shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally adopted shall be the complete financial plan of the City for the ensuing fiscal year. The Council shall adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall then be appropriated for the several purposes named in the budget resolution and no other. In the event the entire budget or any item thereof is vetoed by the Mayor, it may be passed by a two-thirds vote in the manner provided in this Charter for vetoed ordinances or resolutions.

Section 7.08 Budget Enforcement

It shall be the duty of the administrative officer to enforce the provisions of the budget. No approval shall be made of any order placed upon the City treasury for any expenditure covered by budget resolution unless there is sufficient unexpended balance or anticipated revenue available for it. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.09 Budget Alterations

After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution by the insertion of new items or otherwise beyond the estimated revenues, unless actual receipts exceed the estimates and then not beyond the actual receipts. Any budget alteration shall be approved by a majority of Council Members. The administrative officer shall have the authority to transfer budget allocations within departments upon department head requests and encumber unused budgeted funds from one fiscal year to subsequent years.

Section 7.10 Budget Emergency Appropriation

The Council may include an emergency appropriation as a part of the budget but not to exceed five percent in aggregate of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

Section 7.11 Funds

There shall be maintained in the City treasury a general fund and such other funds as may be required. The financial officer may make inter-fund loans, except from trust and agency funds, as are necessary and appropriate.

Section 7.12 Disbursements. How made.

No money shall be paid out of the City treasury except in compliance with procedures approved by the City Council or the board or commission charged with the management of the funds and signed by the officer designated by such managing body. Disbursements shall be made by check, or other commonly accepted method of transferring funds, attested by the financial officer. No such check shall be issued nor transfer of funds be made until the claim to which it relates has been supported by an itemized bill, payroll or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The Council may by ordinance make further regulations for the safekeeping and disbursement of funds.

Section 7.13 Accounts and Reports

The financial officer shall be responsible for all of the accounts of the City. The Council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this Charter, and ordinances adopted in accord therewith. No later than 30 days after the audited financial statements are required to be submitted by the City to the state auditor in accordance with Minnesota Statutes, the administrative officer and financial officer shall submit a report to the Council covering the entire financial operation of the City for the past year. The report shall show all operations and conditions in a manner consistent with the accounting method of the City, and shall

include such further information as the administrative and financial officers deem advisable or the Council requires.

Section 7.14 City Indebtedness

Except as provided for herein, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the questions at a general or special election.

Section 7.15 Tax Anticipation Certificates

At any time after January 1 following the adoption of the annual tax levy, the Council, by a vote of two-thirds of all members and under such regulations and terms as it may prescribe, may issue certificates of indebtedness in anticipation of taxes levied for any fund and not yet collected. Such certificates shall become due and payable not later than the first day of April of the year following their issuance. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City, shall be pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.16 Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years and to bear interest at a rate to be determined by the City Council. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a two-thirds vote of the Council. It may be passed as an emergency ordinance.

Section 7.17 Bank Loans

Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank or other source for the purpose of financing any authorized purpose as allowed by this Charter or by law.

Section 7.18 Capital Improvement Program

The administrative officer shall prepare and submit to the Council a recommended five-year capital improvement program in accordance with the budget calendar. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements, cost estimates, method of financing, and recommended time schedules for each such improvement. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment as a part of the budget and in accordance with the budget calendar.

Section 7.19 Endowment Fund Investments

The City and its agencies are authorized to create endowment funds to provide for future financing of operations. Endowment funds may be established under City control or in private non-profit foundations. Any endowment fund must be approved by resolution of the City Council adopted by an affirmative vote of two-thirds of the entire City Council. The City Council shall receive an annual report from each endowment fund showing the principal, income, and any payouts.

Chapter 8 **Public Improvements**

Section 8.01 Vacating of Easements, Parks, and Similar Interests in Real Property

Upon the presentation and filing of a verified petition signed by or on behalf of any owner, natural or corporate, of any real estate abutting thereon, or on its own motion, the City Council may, by resolution approved by a majority of all members of the City Council, vacate any easement, park, or similar interest in real property (other than streets and alleys), owned by the City or by the public and located within the City. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of resolution shall not invalidate any such vacation proceedings.

Section 8.02 Vacation of Streets by City Council

Upon the presentation and filing of a verified petition signed by or on behalf of any or all owners, natural or corporate, of any real estate abutting thereon, or upon its own motion, the Council may by resolution approved by at least five Council Members vacate any street or alley or part thereof within the City. No vacation shall be made unless it appears in the interest of the public to do so after a public hearing preceded by 10 days published notice. The public hearing must afford a reasonable opportunity for affected property owners and the public to be heard. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of the resolution shall not invalidate any such vacation proceedings.

Section 8.03 Not to Interfere with Special Improvements

Vacations provided for in this Chapter shall not nullify or interfere with the right of any public utility, franchise, municipal utility, or other similar interest in the property being vacated to enter upon such vacated property for the purpose of maintaining, repairing, removing, or replacing any improvement necessary for the proper operation of said utility or franchise, unless the Council orders otherwise; provided said order is consistent with the terms of any applicable franchise agreement. The Council may further regulate the vacating procedure by ordinance and provide for terms and conditions for any vacation as it deems are in the City's best interest.

Section 8.04 Power to Make Improvements and Levy Assessments

The City shall have the power to make any and every type of public improvement or service charge not forbidden by the laws of this State and to levy special assessments for all or any part of the cost of such improvements or services.

Section 8.05 Procedure for Making Improvements and Levying Assessments

All proceedings for construction, improvements, or service charges to be paid for by special assessment against benefited property may be instituted by either of two methods as follows:

- 1) any procedure as authorized by the State law, or
- 2) procedures as established by ordinance.

Chapter 9 **Miscellaneous Provisions**

Section 9.01 Official Publications

The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances, the annual financial report or a summary thereof, and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this matter. In lieu of publishing ordinances, the annual financial report or a summary thereof, and other matters in the designated legal newspaper, the Council may publish such matters in any other manner allowed by law.

Section 9.02 Contracts

All contracts entered into on behalf of the City shall be approved by the Council, signed by the Mayor, and attested by the administrative officer and the clerical officer; provided, that an ordinance establishing any board or commission may authorize the officers of said board to enter into valid contracts relating to its affairs. Notwithstanding the foregoing, the Council has the authority to approve a Purchasing Manual or other policy allowing for contracts to be entered into without Council approval provided that the parameters of the Purchasing Manual or any other applicable policy are satisfied. All contracts shall be let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

Section 9.03 City Officers Not to be Interested in Contracts

Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a direct personal financial interest in such contracts or personally benefit financially therefrom.

Section 9.04 Existing Ordinances Continued

All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 9.05 City to Succeed to Rights and Obligations of Former City

The City shall succeed to all the property, rights and privileges, and shall be subject to all legal obligations of the City under the former Charter.

Section 9.06 Continuance in Office

Except as specifically provided herein, the adoption of this Charter shall not affect the terms of office or powers of any officer or members of any board theretofore appointed, but the same shall continue in office until changed by ordinance or resolution.

Section 9.07 Pending Condemnations and Assessments

Any condemnation or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 9.08 Ordinances to make Charter Effective

The Council shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 9.09 Franchises

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. All franchises shall be granted by ordinance or shall be granted in accordance with an ordinance establishing the contents of said franchise. A public hearing shall be conducted on the granting of any franchise. No franchise shall be granted for a period of more than 25 years, nor shall any exclusive franchise be granted. All franchise renewal or modifications, including existing franchises, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Section 9.10 Redistricting

Within 30 days of receipt of the final Federal Census, the clerical officer shall make an examination of the population of the City wards; and if the population in any one ward exceeds the population in any other ward by 10 percent of the smallest of the wards it shall be the duty of the clerical officer to notify the Council thereof. If the existing ward boundaries conform to the state redistricting standards, it shall be the duty of the clerical officer to notify the Council within 30 days of receipt of the final Federal Census.

After receiving such notification from the clerical officer, it shall be the mandatory duty of the City Council to either confirm the existing ward boundaries as conforming to the state redistricting standards, or redefine the ward boundaries to conform to those standards. If redefining the ward boundaries is necessary, the City may not redistrict its wards before the legislature has been redistricted. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. Every ward shall consist of contiguous territory and contain as nearly as possible one-fourth of the population of the City and in no event shall the largest populated ward exceed the smallest populated ward by more than 10 percent of said smallest ward. Whenever possible, ward lines shall follow the centerline of streets, avenues, alleys, and boulevards. Ward lines shall not divide then existing residences or platted blocks. If, in any such redistricting, the residence of any ward or combined ward Council Member is placed outside of the enumerated ward or wards from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected, but he/she shall be ineligible to run for reelection to said office while continuing to reside outside of said ward or wards.



CHARTER

Chapter 1

Names, Boundaries, Powers, and General Provisions

Section 1.01 Names and Boundaries

The City of Red Wing in the County of Goodhue and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of Red Wing, with the same boundaries as now are or hereafter may be established.

Section 1.02 Change in Ward Boundaries

The City Council may change ward boundaries by ordinance adopted as provided for herein or by State or Federal law.

Section 1.03 Powers of the City

The City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter that every power which the people of the City of Red Wing might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter, shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Unless otherwise expressly provided in this Charter, the City Council shall have all powers granted to the City, including management and control of the finances and property of the City, with full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government and good order of the City. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

Section 1.04 Charter a Public Act

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect 90 days from and after its adoption by the voters and amendments hereto shall become effective as provided by State law.

Chapter 2 **Form of Government**

Section 2.01 Form of Government

The form of government established by this Charter is the "Mayor/Council Plan."

Section 2.02 Elective Officers

The elected officers shall be a Mayor and seven Council Members, all of whom shall be eligible voters and meet all requirements provided by law. One Council Member shall be elected from each of four wards of the City, and shall be a resident thereof unless otherwise provided herein. One Council Member shall be elected from both of the two westernmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, one Council Member shall be elected from both of the two easternmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, and one Council Member shall be elected at large. The Mayor and Council Members, unless otherwise provided by State Law or an orderly transition schedule adopted as part of a Charter amendment, shall be elected for a term of four years or until their successors are elected and qualified. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council Members.

Section 2.03 Qualifying

Every person elected to any office shall take and subscribe to the oath provided by law.

Section 2.04 Boards

This Section 2.04 does not apply to the Charter Commission, the Port Authority, the Housing and Redevelopment Authority, or the T.B. Sheldon Auditorium Board. The City Council may by ordinance establish or abolish any board or commission as it deems necessary for the operation of the City. The powers, duties, and responsibilities of such boards or commissions shall be fully set forth in said ordinance. Notwithstanding any other provision to the contrary, all funds and accounting of any board or commission must be handled by the City's financial officer and shall be deemed to be public funds of the City. Notwithstanding any other provision to the contrary, the administrative officer shall be an ex officio member of all boards and commissions and has the right to attend meetings, including special and closed meetings. As an ex officio member of all boards and commissions, the administrative officer does not have the right to vote, make motions, or be counted for purposes of determining a quorum.

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance. The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

Section 2.041 Public Library

Notwithstanding any provision to the contrary, the Mayor shall, subject to confirmation by the Council, appoint a Library Board consisting of nine members to manage, supervise, and control the City's Public Library, its building and other facilities, and such other related functions as may be authorized by law or ordinance.

General provisions of this Charter and City Code shall govern member appointments, removal from office for cause, terms, and any limitations thereon. Members of the Library Board must be residents of the City provided, however, one member may be a non-City resident of Goodhue County, if the County financially contributes to the Library. The Library Board shall elect its own officers and adopt rules of procedure consistent with law and the provisions of this Charter and City Code governing boards and commissions.

The Library Board shall govern the operations of the Library, adopt policies therefore, and have final authority in material selection and programming. The Library Board shall annually present its budget request and Capital Improvement Plan to the City in accordance with the procedures of the City. Once the budget is approved by the Council it shall not be later reduced by the Council without the consent of the Library Board. The Library Board may make line item budget changes if the City's administrative officer approves. The City's financial officer shall be the financial officer of the Library, shall maintain Library monies in a separate fund and shall make disbursements therefrom only in accordance with the policies of the Library Board. The Library shall follow all City accounting, purchasing, and personnel policies and procedures, including pay and classification plans, as the same apply to other City departments.

All employees of the Library are employees of the City. The Library Board shall hire a director who shall be the chief administrative officer with authority to implement Library Board policy. The director shall have the authority to hire, to terminate, and to discipline other Library employees with approval of the City's administrative officer, and to perform such other duties and responsibilities as the Library Board may assign. The City's administrative officer shall assist the Library Board in supervising the director and shall have supervisory authority over the director in those areas where, under this section, the Library must follow City policy and procedures, and shall further report any dereliction of duty by the director to the Library Board.

All title to property of the Library shall vest in and be held in the name of the City and be under the control of the Library Board. With the consent of the Council, the Library Board may accept any gift, grant, devise, or bequest made or offered for Library purposes and carry out the conditions of such donation. Unconditional gifts of intangible personal property may be accepted without Council consent.

The Library shall follow all City ordinances, policies, and procedures. However, if the Library is not expressly required to follow a City ordinance, policy, or procedure under this section, then the Library Board may by written resolution adopt its own policy or procedure. It is the intent of this section that the authority, duties, and responsibilities of the Library Board under this section and City Code shall be interpreted broadly and in favor of the Library Board.

Section 2.05 Removal

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard in his/her defense. The City Council shall fix a date for a hearing on such charges not less than 10 days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the officeholder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provides sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

Section 2.06 Vacancies

A vacancy in the Council or office of Mayor shall be deemed to exist when any of the following events occur:

- 1) The failure of the candidate elected to qualify on or before the date of the second regular meeting after the new Council's organizational meeting;
- 2) By reason of the death, resignation, removal from office, change of residence from the ward or wards from which elected, or continuous absence from the ward or wards from which elected for more than three months;
- 3) By reason of the conviction of a felony which disqualifies an individual from holding office.

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall, by resolution adopted within seven days of the vacancy, declare such vacancy to exist and shall fill the vacancy by special election held on a date authorized by Minnesota Statutes section 205.10, subdivision 3a, as amended. The special election will be held on the first possible date authorized by said statute where the City can also follow the affidavit of candidacy filing period and notice of filing period requirements in Minnesota Statutes section 205.13, as amended. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.

If, however, a vacancy occurs in a general election year on or after April 1 and the term of the vacant seat is scheduled to expire the following year (in January), no special election shall be held. The vacant seat shall remain vacant until the replacement elected at the general election qualifies and takes office.

Section 2.07 Mayor

The Mayor shall be the titular head of the City. The Mayor may address the Council on any matters of interest. The Mayor shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City, and make recommendations as he/she believes to be desirable. The Mayor shall review concerns on City activities raised by citizens and make recommendations as he/she believes desirable as to any corrective action(s) necessary. The Mayor shall also report to the Council any neglect, dereliction of duty or waste on the part of any officer or department of the City. The Mayor shall consult with the administrative officer and chief law enforcement official on policy matters affecting public safety within the City.

Section 2.08 Acting Mayor

In the event of a vacancy in the office of the Mayor or the Mayor's inability from illness, absence from the City, or other cause to perform the duties of the Mayor's office, the President of the Council or, if the Council President is also absent or incapacitated, the Vice President of the Council, and in the event of his/her absence or incapacity, such other member of the City Council as it may designate, shall exercise the powers and perform the duties of the Mayor, except the Acting Mayor shall have no power to veto during such absence or disability. While so acting the Mayor shall be styled "Acting Mayor" and his/her acts in that capacity shall have the same force and effect as if performed by the Mayor.

Section 2.09 Investigation of City Affairs

The Council or any officer or officers authorized by the Council shall have the power to make investigations into the City's affairs, administer oaths and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any surveyor research study of any subject of municipal concern.

Chapter 3 **General Administration**

Section 3.01 Departments and Offices of Administration

The Council may, consistent with the provisions of this Charter, create, abolish, rearrange, and combine such departments, divisions, and offices as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization, provided, however, that the Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law. The administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers. The administrative officer shall have full supervisory authority over other employees and department heads including the right to hire and fire. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental organization. The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

Section 3.02 Filing and Execution of Documents

Unless otherwise specifically provided, filing of all documents provided for in this Charter or the ordinances of the City shall be at the administrative offices of the City. All contracts with the City, ordinances and resolutions of the Council, and other documents, shall be executed in the name of the City and signed by the officers designated by the City Code, Purchasing Manual, Personnel Policy Manual, or other applicable policy.

Section 3.03 City Employees, Their Wages, Salaries, Benefits, and Regulations

Council shall provide in the City Code, Personnel Policy Manual, Organizational Chart, or other applicable collective bargaining agreement or policy for the authority with reference to employment or discharge of all City employees, wages and salaries to be paid such employees, employee benefits, supervision and line of authority, and all other matters of regulation, control, and other contract provisions. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

Section 3.04 Purchase and Sale Contracts

All City purchase and sale contracts shall be made or let in accordance with a uniform policy adopted by the Council unless the Council shall otherwise order. Contracts shall be made in compliance with any regulatory statute. The Council may adopt further regulations for making bids and letting contracts, including provisions as to notice. The Council may, by ordinance, provide a means for declaring personal property or real estate which comes into the possession of the City, by any means whatsoever, to be surplus property and providing for the classification and sale thereof upon such notice as the Council considers reasonable.

Chapter 4 **Elections**

Section 4.01 Conduct of Elections

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 4.02 General Election

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

Section 4.03 Primary Election

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

Section 4.04 Filing

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

Section 4.05 Special Elections

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.06 Affidavit of Candidacy

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

Section 4.07 Forms

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

Chapter 5 **City Council**

Section 5.01 Council and Quorum

The Council Members shall constitute the City Council and shall elect a President and Vice President from their membership. A majority of the membership holding office shall constitute a quorum to transact business, but a smaller number may recess or adjourn from time to time and compel the attendance of absent members.

Section 5.02 Presiding Officers

The President or in his/her absence the Vice-President shall preside at all meetings and rule on all matters of procedure. The City Council may elect a President Pro Tem who shall have the powers, duties, and responsibilities of the President in the absence of the President and Vice-President. If no President Pro Tem is elected, the member present with the most seniority in office shall be deemed the President Pro Tem.

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council.

Unless there is an emergency for the meeting, notice of the meeting shall be at least three days in advance or otherwise as required by law, and an electronic copy of the proposed agenda and supporting materials for each regular or special meeting will be made available to each member. Unless an emergency is declared by a three-fourths vote of the Council, no other business shall be transacted at a special meeting than that which is designated in the call and matters relating thereto. Meetings of the Council and the Minutes and records thereof shall be open to the public in the manner provided by State law, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.04 Rules of Procedure

The Council shall determine its own rules and order of business. It may punish members for misconduct. Unexcused absence from three consecutive regular Council meetings shall be grounds for removal of any Council Member.

Council officers serve at the pleasure of the Council and may be removed by a super majority vote of the Council for any reason. Any member of the Council may move for the removal of a council officer if: (1) they placed the item on the Council agenda by at least noon of the Wednesday before that meeting; (2) before placing the item on the agenda, they had provided the Council officer proposed for removal with the reason for the motion; (3) there has been an opportunity for the Council officers to discuss the reason; and, (4) the reason for the removal is stated with the motion. If a motion for the removal of a Council officer is seconded, the Council officer sought to be removed has the right to respond to the motion before any debate on the motion. In the event that a Council officer is removed, the Council will immediately fill that office.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council. The votes of Council Members shall be recorded in accordance with law.

Section 5.06 Ordinances, Resolutions, and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. A roll call shall be taken on all ordinances, resolutions, and the levying of any taxes. The minutes shall clearly delineate those voting in favor and those voting against all motions or other actions. An affirmative vote of a majority of the membership holding office shall be required for the adoption of any ordinance or resolution except as otherwise provided in this Charter or by State or Federal law.

Section 5.07 Procedure on Ordinances

The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. No ordinance, except an emergency ordinance, shall be adopted on the same day it was introduced and at least three days shall pass between its introduction and passage.

Section 5.08 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in a preamble thereto, and is adopted by a majority of the Council Members holding office. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the clerical officer and posted in three conspicuous places within the City or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 5.09 Procedure on Resolutions

Every resolution shall be presented in writing or read in full before a vote is taken thereon.

Section 5.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution adopted by the Council shall be signed by the presiding officer of the Council, and attested by the clerical officer. Every ordinance shall be published at least once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may, by two-thirds vote of its members, direct that only the title of the ordinance and a summary be published, as required by State law, with notice that a printed copy of the ordinance is available for inspection by any person. A copy of the entire text of the ordinance shall be posted in the community Library and in any other public location which the Council designates.

Prior to the publication of the title and summary, the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a

statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

Section 5.11 Mayor's Veto of Ordinances and Resolutions

Every ordinance or resolution shall be delivered to the Mayor within 48 hours from the time of adoption of the ordinance or resolution by the City Council. The 48-hour deadline excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. Within 96 hours from the time of adoption of the ordinance or resolution by the City Council, the Mayor shall either approve the ordinance or resolution by delivering the signed ordinance or resolution to the clerical officer or veto the ordinance or resolution by delivering a veto with written objections concerning the ordinance or resolution to the clerical officer. The 96-hour time frame excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. If the Mayor fails to deliver a veto with written objections to an ordinance or resolution within the time period specified above, the ordinance or resolution shall be deemed in effect without the approval of the Mayor. If the ordinance or resolution is vetoed within the time and manner specified above, the vetoed ordinance or resolution may be reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the ordinance or resolution by two-thirds vote of the City Council, then the ordinance or resolution shall be in full force and effect without approval of the Mayor.

For the purposes of this Section, a "legal holiday" is as defined in the City of Red Wing Personnel Policy Manual.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign or veto the emergency ordinance. If the Mayor does not deliver an approved or vetoed emergency ordinance within one hour from the time of adoption by the City Council, the emergency ordinance shall be deemed in effect without the approval of the Mayor. For the purposes of an emergency ordinance, deliver means to hand to the recipient or electronically transmit the approval or veto to the recipient. If the emergency ordinance is vetoed by the Mayor within one hour from the time of adoption, the emergency ordinance shall be immediately reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the emergency ordinance again, then the emergency ordinance shall be in full force and effect without approval of the Mayor.

For purposes of this Section, "delivered" shall mean:

- 1) Handed to the recipient;
- 2) Mailed to the recipient at an address designated by the recipient or at the last known address of the recipient;
- 3) Deposited with a nationally recognized overnight delivery service for overnight delivery or, if overnight delivery to the recipient is not available, for delivery as promptly as

practicable, to the recipient at an address designated by the person or at the last known address of the recipient; or

- 4) Transmitted by electronic communication. "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.
- 5) An item is delivered by mail when deposited in the United States mail with sufficient postage affixed or when deposited for delivery by a nationally recognized delivery service after having made sufficient arrangements for payment by the sender. An item is deemed received when it is delivered in the manner specified above.

Section 5.12 When Ordinances and Resolution Take Effect

Resolutions and emergency ordinances shall take effect immediately upon its approval by the Mayor or at such later date as is fixed in it. Every other ordinance shall take effect 14 days after adoption and publication of the ordinance or summary of the ordinance or at such later date as is fixed therein or required by State law. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon certification of the election results, or at such later time as is fixed therein.

Section 5.13 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the applicable section, subdivision, or paragraph of the City Code, or the number (if any) and the title of the uncodified ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth each section or subdivision to be amended and shall clearly indicate new matter and old matter to be omitted in the case of partial amendments.

Section 5.14 Revision and Codification of Ordinances

The City shall revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form, and copies shall be made available by the Council at the office of the clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

Section 5.15 Acquiring and Selling Property

The City Council may acquire such real and personal property as the purposes of the City may require by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interest require. It may also sell, convey, lease, or otherwise dispose of property for a nominal consideration to encourage and promote industry and provide employment for citizens, as its interest require. The approval of any sale of real property owned by the City or purchase of any real property shall be by resolution.

Section 5.16 Expenditures for Goods or Services

Every expenditure by the City Council for goods and services of a value in excess of \$1,000,000 shall be by resolution, with the exception of construction projects. For construction projects estimated to exceed \$1,000,000, the first expenditure of the project shall be by resolution, but any further expenditures may be done by motion.

Chapter 6 **Initiative, Referendum, and Recall**

Section 6.01 Powers Reserved by the People

The people of Red Wing reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, to require ordinances when adopted by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials through the petition process. These powers shall be called the initiative, the referendum, and the recall respectively.

Only ordinances that are legislative in character may be enacted through the initiative and referendum process. Ordinances relating to the budget, a capital program, appropriating money, authorizing the levy of taxes, the salaries of city officers and employees, the zoning and purchase of land, or other acts that are considered executive, administrative, or quasi-judicial acts of the City may not be enacted through the initiative or referendum process.

Initiative

Section 6.02 Initiation of Measures

Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the clerical officer together with their names and addresses as members of such committee. Such committee may, at time of filing, seek the opinion of the City concerning whether their proposed measure is a proper question for an initiative. If a committee seeks such opinion, the clerical officer shall, within 10 working days of the filing of the proposal and after review by the city attorney, inform at least one member of the committee and the City Council whether or not said proposal is a proper question for an initiative. Proposals determined at this time to be an improper question may be amended and re-filed.

Section 6.03 Form of Petition and of Signature Papers

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five percent of the total number of registered voters in the last general election. When gathering signatures for their proposed measure, committee members need not collect all signatures on one signature paper; however, all signature papers must be in substantially the same form. All signatures shall be gathered on forms prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to those papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures, and shall also certify that each signature paper had attached to it, when circulated, a copy of the proposed ordinance. Circulators of signature papers need not be committee members.

6.04.01 Sufficiency of the Petition

Within 10 days after the filing of the petition, the clerical officer shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least five percent of the total number of registered voters in the last general election. If the clerical officer finds the number of signatures to be insufficient, the clerical

officer shall immediately notify the committee of that fact, certifying the reasons for that finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the signatures in all other particulars. If at the end of that period the number of signatures is found to be still insufficient, the clerical officer shall file the petition in his/her office and shall notify the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.04.02 – Validity of Petition

The city attorney shall examine whether the proposed ordinance is a proper question for an initiative. The city attorney shall, within 10 business days after filing of the petition, return the petition with findings and conclusion regarding whether the petition is or is not a proper question. The city attorney shall issue the findings and conclusion to the committee and City Council, citing legal authority for said conclusion.

6.04.03 – Procedure after Determination

When the clerical officer has determined the sufficiency of the petition and the attorney has issued a finding to the Council and the committee, the clerical officer shall present the same to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute.

Section 6.05 Action of Council on Petition

Upon the presentation of the petition and findings by the clerical officer, the Council shall, at its next regular meeting, determine the sufficiency or legal validity of the substance of the petition and issue a resolution either accepting or rejecting the petition. If the Council rejects the petition, no public hearing or further action is required. The finding of insufficiency does not prevent the filing of a new petition for the same purpose. If the Council accepts the petition, the Council shall provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 30 days after the date of acceptance. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to two-fifths of the committee, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next general election; but if the number of signers of the petition is equal to at least 10 percent of the total number of registered voters in the last general election, the Council shall call a special election upon the measure.

Section 6.06 Initiative Ballots

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. The Council shall formulate the ballot question, clearly and succinctly stating the essentials of the question. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 6.07 Initiation of Charter Amendments

Nothing in this Charter shall be construed as in any way affecting the right of the electors under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

Referendum

Section 6.08 Initiation of Measures

Any five registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council, except as provided in Section 6.01.

Section 6.09 Form of Petition and Signature Papers

The petition for any referendum shall consist of the ordinance sought to be repealed, setting the same out in full, indicating the date of adoption and the date of publication, if the same has been published, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by at least 10 percent of the total number of registered voters in the last general election. The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to the signature papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures and shall also certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Section 6.10 Filing of Petition

If prior to the date when an ordinance takes effect a petition signed by at least 10 percent of the registered voters of the City from the last general election is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall thereupon reconsider the ordinance at its next regular meeting and by roll-call vote either repeal it or re-affirm its adherence to the ordinance as passed. In the latter case, the Council shall immediately order a special election to be held thereon or submit the ordinance at the next general election, pending which the ordinance shall remain suspended.

Section 6.11 Referendum Ballots

The ballots used when voting upon any such referred ordinance shall be written by the Council, clearly and succinctly stating the essentials of the question, and be published two weeks before the election in the official newspaper of the municipality. The ballot shall state the substance of the ordinance and give the voters the opportunity to vote either "yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority votes against repeal, the ordinance shall take effect immediately or on the date therein specified.

Recall

Section 6.12 The Recall

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer the name of the officer whose removal is sought, a statement of the grounds for removal in not

more than 250 words, and their intention to bring about this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

Section 6.13 Recall Petitions

The petition for the recall of any official shall consist of a certificate identical with that filed with the clerical officer together with all the signature papers and affidavits thereto attached. The recall petition shall be in a form prescribed by and available from the clerical officer.

Section 6.14 Filing of Petition

Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the clerical officer. The clerical officer shall examine the petition within 5 days and, if he/she finds it irregular in any way or finds, in the case of Council Members elected by ward or wards, that petitioners are not registered in the ward or wards said Council Member is elected from, or finds that the number of signers is less than 20 percent of the registered voters of the City or of the ward or wards said Council Member is elected from, he/she shall so notify the committee.

The committee shall then be given 10 days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the clerical officer finds the petition still insufficient or irregular, he/she shall notify the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.15 Recall Election

If the petition or amended petition is found sufficient, the clerical officer shall transmit it to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall, at its next meeting, by resolution provide for filing dates and other provisions necessary for the holding of a special recall election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 90 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 6.16 Procedure at Recall Election

The clerical officer shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 6.17 Recall Ballot

Unless the officer whose removal is sought resigns within 10 days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first question shall be a "yes" or "no" question on the recall of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the

election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within 45 days of certification of such results. The "run-off" election may be held in conjunction with a regular municipal election provided one is scheduled to occur no less than 45 days nor more than 60 days after said results are certified. In the event the officer resigns within 10 days after the receipt by the Council of the completed recall petition, the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

Chapter 7 **Taxation and Finances**

Section 7.01 Council to Control Finances

The Council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02 Fiscal Year

The fiscal year of the City shall be the calendar year.

Section 7.03 Taxation

All property taxes shall be assessed and collected in the manner provided by law. Subject to law, the Council shall have full power to provide by ordinance for a system of local taxation for general or special purposes.

Section 7.04 Board of Equalization

The City Council shall constitute a Board of Equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05 Budget Estimates

The administrative officer shall be responsible for presenting the annual budget calendar for approval by the Council. Said calendar shall, in accordance with law, set the dates by which department heads, officers, boards, commissions or committees of the City shall deliver to the administrative officer an estimate, in writing, of all projected revenues and expenditures for such departments during the ensuing fiscal year, specifying in detail the purpose thereof. Said calendar shall also clearly delineate dates for submission, consideration, public hearings, and proposed adoption for the budget.

Section 7.06 Budget Preparation

The administrative officer in consultation with the financial officer shall, in accordance with the budget calendar, prepare all estimates for the annual budget. The budget shall be by funds and shall include all funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be arranged for each department or division of the City in accordance with generally accepted accounting procedures.

Section 7.07 Budget Approval

Adoption of the budget and budget hearing dates shall comply with the budget calendar. The budget estimates shall be presented at the hearings, and the administrative officer shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally adopted shall be the complete financial plan of the City for the ensuing fiscal year. The Council shall adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall then be appropriated for the several purposes named in the budget resolution and no other. In the event the entire budget or any item thereof is vetoed by the Mayor, it may be passed by a two-thirds vote in the manner provided in this Charter for vetoed ordinances or resolutions.

Section 7.08 Budget Enforcement

It shall be the duty of the administrative officer to enforce the provisions of the budget. No approval shall be made of any order placed upon the City treasury for any expenditure covered by budget resolution unless there is sufficient unexpended balance or anticipated revenue available for it. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.09 Budget Alterations

After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution by the insertion of new items or otherwise beyond the estimated revenues, unless actual receipts exceed the estimates and then not beyond the actual receipts. Any budget alteration shall be approved by a majority of Council Members. The administrative officer shall have the authority to transfer budget allocations within departments upon department head requests and encumber unused budgeted funds from one fiscal year to subsequent years.

Section 7.10 Budget Emergency Appropriation

The Council may include an emergency appropriation as a part of the budget but not to exceed five percent in aggregate of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

Section 7.11 Funds

There shall be maintained in the City treasury a general fund and such other funds as may be required. The financial officer may make inter-fund loans, except from trust and agency funds, as are necessary and appropriate.

Section 7.12 Disbursements. How made.

No money shall be paid out of the City treasury except in compliance with procedures approved by the City Council or the board or commission charged with the management of the funds and signed by the officer designated by such managing body. Disbursements shall be made by check, or other commonly accepted method of transferring funds, attested by the financial officer. No such check shall be issued nor transfer of funds be made until the claim to which it relates has been supported by an itemized bill, payroll or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The Council may by ordinance make further regulations for the safekeeping and disbursement of funds.

Section 7.13 Accounts and Reports

The financial officer shall be responsible for all of the accounts of the City. The Council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this Charter, and ordinances adopted in accord therewith. No later than 30 days after the audited financial statements are required to be submitted by the City to the state auditor in accordance with Minnesota Statutes, the administrative officer and financial officer shall submit a report to the Council covering the entire financial operation of the City for the past year. The report shall show all operations and conditions in a manner consistent with the accounting method of the City, and shall

include such further information as the administrative and financial officers deem advisable or the Council requires.

Section 7.14 City Indebtedness

Except as provided for herein, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the questions at a general or special election.

Section 7.15 Tax Anticipation Certificates

At any time after January 1 following the adoption of the annual tax levy, the Council, by a vote of two-thirds of all members and under such regulations and terms as it may prescribe, may issue certificates of indebtedness in anticipation of taxes levied for any fund and not yet collected. Such certificates shall become due and payable not later than the first day of April of the year following their issuance. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City, shall be pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.16 Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years and to bear interest at a rate to be determined by the City Council. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a two-thirds vote of the Council. It may be passed as an emergency ordinance.

Section 7.17 Bank Loans

Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank or other source for the purpose of financing any authorized purpose as allowed by this Charter or by law.

Section 7.18 Capital Improvement Program

The administrative officer shall prepare and submit to the Council a recommended five-year capital improvement program in accordance with the budget calendar. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements, cost estimates, method of financing, and recommended time schedules for each such improvement. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment as a part of the budget and in accordance with the budget calendar.

Section 7.19 Endowment Fund Investments

The City and its agencies are authorized to create endowment funds to provide for future financing of operations. Endowment funds may be established under City control or in private non-profit foundations. Any endowment fund must be approved by resolution of the City Council adopted by an affirmative vote of two-thirds of the entire City Council. The City Council shall receive an annual report from each endowment fund showing the principal, income, and any payouts.

Chapter 8 **Public Improvements**

Section 8.01 Vacating of Easements, Parks, and Similar Interests in Real Property

Upon the presentation and filing of a verified petition signed by or on behalf of any owner, natural or corporate, of any real estate abutting thereon, or on its own motion, the City Council may, by resolution approved by a majority of all members of the City Council, vacate any easement, park, or similar interest in real property (other than streets and alleys), owned by the City or by the public and located within the City. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of resolution shall not invalidate any such vacation proceedings.

Section 8.02 Vacation of Streets by City Council

Upon the presentation and filing of a verified petition signed by or on behalf of any or all owners, natural or corporate, of any real estate abutting thereon, or upon its own motion, the Council may by resolution approved by at least five Council Members vacate any street or alley or part thereof within the City. No vacation shall be made unless it appears in the interest of the public to do so after a public hearing preceded by 10 days published notice. The public hearing must afford a reasonable opportunity for affected property owners and the public to be heard. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of the resolution shall not invalidate any such vacation proceedings.

Section 8.03 Not to Interfere with Special Improvements

Vacations provided for in this Chapter shall not nullify or interfere with the right of any public utility, franchise, municipal utility, or other similar interest in the property being vacated to enter upon such vacated property for the purpose of maintaining, repairing, removing, or replacing any improvement necessary for the proper operation of said utility or franchise, unless the Council orders otherwise; provided said order is consistent with the terms of any applicable franchise agreement. The Council may further regulate the vacating procedure by ordinance and provide for terms and conditions for any vacation as it deems are in the City's best interest.

Section 8.04 Power to Make Improvements and Levy Assessments

The City shall have the power to make any and every type of public improvement or service charge not forbidden by the laws of this State and to levy special assessments for all or any part of the cost of such improvements or services.

Section 8.05 Procedure for Making Improvements and Levying Assessments

All proceedings for construction, improvements, or service charges to be paid for by special assessment against benefited property may be instituted by either of two methods as follows:

- 1) any procedure as authorized by the State law, or
- 2) procedures as established by ordinance.

Chapter 9 **Miscellaneous Provisions**

Section 9.01 Official Publications

The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances, the annual financial report or a summary thereof, and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this matter. In lieu of publishing ordinances, the annual financial report or a summary thereof, and other matters in the designated legal newspaper, the Council may publish such matters in any other manner allowed by law.

Section 9.02 Contracts

All contracts entered into on behalf of the City shall be approved by the Council, signed by the Mayor, and attested by the administrative officer and the clerical officer; provided, that an ordinance establishing any board or commission may authorize the officers of said board to enter into valid contracts relating to its affairs. Notwithstanding the foregoing, the Council has the authority to approve a Purchasing Manual or other policy allowing for contracts to be entered into without Council approval provided that the parameters of the Purchasing Manual or any other applicable policy are satisfied. All contracts shall be let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

Section 9.03 City Officers Not to be Interested in Contracts

Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a direct personal financial interest in such contracts or personally benefit financially therefrom.

Section 9.04 Existing Ordinances Continued

All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 9.05 City to Succeed to Rights and Obligations of Former City

The City shall succeed to all the property, rights and privileges, and shall be subject to all legal obligations of the City under the former Charter.

Section 9.06 Continuance in Office

Except as specifically provided herein, the adoption of this Charter shall not affect the terms of office or powers of any officer or members of any board theretofore appointed, but the same shall continue in office until changed by ordinance or resolution.

Section 9.07 Pending Condemnations and Assessments

Any condemnation or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 9.08 Ordinances to make Charter Effective

The Council shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 9.09 Franchises

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. All franchises shall be granted by ordinance or shall be granted in accordance with an ordinance establishing the contents of said franchise. A public hearing shall be conducted on the granting of any franchise. No franchise shall be granted for a period of more than 25 years, nor shall any exclusive franchise be granted. All franchise renewal or modifications, including existing franchises, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Section 9.10 Redistricting

Within 30 days of receipt of the final Federal Census, the clerical officer shall make an examination of the population of the City wards; and if the population in any one ward exceeds the population in any other ward by 10 percent of the smallest of the wards it shall be the duty of the clerical officer to notify the Council thereof. If the existing ward boundaries conform to the state redistricting standards, it shall be the duty of the clerical officer to notify the Council within 30 days of receipt of the final Federal Census.

After receiving such notification from the clerical officer, it shall be the mandatory duty of the City Council to either confirm the existing ward boundaries as conforming to the state redistricting standards, or redefine the ward boundaries to conform to those standards. If redefining the ward boundaries is necessary, the City may not redistrict its wards before the legislature has been redistricted. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. Every ward shall consist of contiguous territory and contain as nearly as possible one-fourth of the population of the City and in no event shall the largest populated ward exceed the smallest populated ward by more than 10 percent of said smallest ward. Whenever possible, ward lines shall follow the centerline of streets, avenues, alleys, and boulevards. Ward lines shall not divide then existing residences or platted blocks. If, in any such redistricting, the residence of any ward or combined ward Council Member is placed outside of the enumerated ward or wards from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected, but he/she shall be ineligible to run for reelection to said office while continuing to reside outside of said ward or wards.

RED WING CHARTER COMMISSION BYLAWS

June 15, 2022

ARTICLE I - THE COMMISSION

Section 1. Name of Commission. The name of the Commission is the “Red Wing Charter Commission” (referred to herein as the “Commission” or “Charter Commission”).

Section 2. Purpose. The Commission is established pursuant to Article XII Section 5 of the Constitution of the State of Minnesota, Section 410.05 of the Minnesota Statutes and Charter of the City of Red Wing. These Bylaws are enacted pursuant to Minnesota Statutes, section 410.05, subd. 2. The purpose of the Commission is to consider and recommend amendments, revisions and restatements to the Charter of the City of Red Wing and to perform such other duties as required in accordance with the Constitution and Laws of the State of Minnesota, these Bylaws and rules of the Charter Commission.

Section 3. Office of Commission. The offices of the Commission are at the Red Wing City Hall for purposes of official Commission business.

Section 4. Members. The Commission shall be composed of not less than 7 nor more than 15 members.

Section 5. Qualification and terms of Members. Minnesota Statutes, section 410.05 establishes qualifications, terms, and method of appointment of Commission members.

Section 6. Nomination and Appointment of Members. In accordance with Section 410.05 Subd. 3 of the Minnesota Statutes, the City Council and the Commission may submit names of eligible nominees for the District Court for the First Judicial District to consider in making appointments to the Charter Commission. Of the fifteen (15) Members’ chairs available on the Commission, the Commission may recommend appointment for eight (8) chairs and the City Council may recommend appointment for the remaining seven (7) chairs in accordance with the “Charter Commission Term” document maintained by the Secretary. Pursuant to Minnesota Statutes, section 410.05, the Chief Judge of the First Judicial District shall make the final decision for appointment of the nominated candidates. Members may serve no more than two (2) consecutive terms without having at least a one (1) year break in service on the Commission. Members appointed to serve a partial term of less than twenty-four (24) months may serve the remainder of the partial term and then an additional two (2) consecutive terms without having at least at one (1) year break in service.

Section 7. Liaisons. Any City Council or staff liaison may participate, as a liaison, in discussion but is not a member of the Commission. Liaisons have no vote, cannot make motions, and do not count toward quorum.

Section 8. Removal. Members may be removed from office in accordance with Minnesota Statutes, section 410.05 Subd 2.

Section 9. Vacancies. Vacancies in the Commission shall be filled as provided in Minnesota Statutes, section 410.05 Subd 3.

ARTICLE II – OFFICERS

Section 1. Officers. The officers of the Commission are Chair, Vice-Chair and Secretary, and the officers shall perform the duties required by law or specified in these Bylaws. The City Clerk of the City of Red Wing shall serve as the secretary of the Commission but shall not be entitled to vote.

Section 2. Chair. The Chair shall call the regular meetings of the Commission, prepare the agenda, preside at all meetings, oversee the implementation of the decisions of the Commission and act as the primary liaison with City staff. The Chair retains all the rights and responsibilities held as a member of the Commission including the right to vote. The Chair shall submit to the Commission for its approval at its annual meeting an annual report summarizing the activities and accomplishments of the Commission for the preceding calendar year. The annual report to the Commission may contain the Chair's recommendation for Commission activities for the ensuing year.

Section 3. Vice-Chair. The Vice-Chair shall perform the duties of the Chair during the Chair's temporary absence and shall perform such duties during the vacancy of that office until the Commission elects a new Chair.

Section 4. Secretary. The Secretary shall maintain the records, record the minutes and votes at each meeting, and maintain a permanent record of agendas, approved minutes and relevant materials for public review. In the absence of a Secretary, the City Clerk of the City of Red Wing shall serve as the secretary of the Commission but shall not be entitled to vote.

Section 5. Compensation; Expenses. Minnesota Statutes, section 410.06 provides that members of the Commission shall receive no compensation, and specifies the amount and kind of expenses allowed.

Section 6. Additional Duties. The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission.

Section 7. Elections. The Chair and Vice-Chair shall be elected from among the members of the Commission for a one (1) year term at its annual meeting and shall hold office until their successor is elected. The Chair shall conduct the election. Officers shall

be declared elected and qualified by a simple majority vote of those present and voting. Newly elected officers shall take office immediately.

Section 8. Vacancies. A vacancy in the office of Chair or Vice-Chair, including a vacancy pursuant to Minnesota Statutes, section 410.05, shall be filled by a special election by the Commission at its next meeting with the elected successor serving the unexpired term of office.

Section 9. Partial Term. Should a member not finish his or her term on the Commission, the Chair shall notify the City Clerk of that opening immediately to allow for prompt filling of that position. Following notification of the City Clerk, the Chair shall follow the appointment process for any openings on the Commission and shall ensure that the proper and timely notification be given to the new and/or returning members following their appointment to the Commission. The member appointed to fill the remaining part of this term is eligible to serve two (2) full terms after the first partial term.

Section 10. Resignations. Persons resigning shall submit a written resignation to the Commission on or before the next scheduled meeting. Upon such resignation the vacancy shall be filled by the Chief Judge of the First Judicial District in accordance with the terms of these Bylaws.

ARTICLE III - MEETINGS

Section 1. Annual Meeting. The Charter Commission shall meet in May or June each year to elect officers, approve an annual report, review any newly enacted legislation that may affect the Charter, and conduct any other business. A schedule of regular meetings may also be adopted. All meetings shall be held in the Red Wing City Hall unless meeting notices state otherwise. All meetings shall comply with the Minnesota Open Meeting Law (Minnesota Statutes, Chapter 13D).

Section 2. Special Meetings. The Chair or any two (2) members of the Commission may call a special meeting to transact any business stated in the meeting notice in accordance with state law. Notice of the special meeting shall state the time, date, place and business to be conducted at the special meeting. Notices may be delivered via electronic mail or first class mail to the member's designated mailing address at least three (3) working days prior to the special meeting. The business to be considered at special meetings shall be limited to that stated in the meeting notice.

Section 3. Quorum. The powers of the Commission shall be vested in the members thereof. A majority of qualified members shall constitute a quorum for the purpose of conducting the Commission's business and exercising its powers and for all other purposes, but a smaller number of members may adjourn from time to time.

Section 4. Agenda. A meeting's agenda informs the public of what the commission will be addressing in that meeting. No additions to the agenda of a special meeting shall be allowed. An addition to the agenda of a regular meeting shall only be allowed prior to

the approval of the agenda as a whole and only if the matter is of such urgency that it cannot be addressed at the next regular meeting or that a special meeting could not be called in time for appropriate response.

Any member of the Commission may propose items for the agenda. Agenda items must be consistent with the purpose of the Commission. The proposing member should be prepared to make a motion, and, except for very simple motions, the exact wording of the motion should be written. The wording of that motion may be included with the agenda item proposal.

The Commission may use the following order of business at its meetings:

1. Call to Order
2. Pledge of Allegiance
3. Motion to Excuse Absent Commission Members
4. Approval of Agenda
5. Approval of Prior Meeting's Minutes
6. Public Comment Period
7. Unfinished Business
8. New Business
9. Set Date for Next Meeting
10. Adjournment

The business of a special meeting shall be limited to the stated purpose of the special meeting. Public comments at a special meeting shall be limited to that stated purpose.

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Charter Commission in all cases where they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the Charter Commission may adopt, or statute.

Section 5. Public Comments. The public shall have an opportunity to speak to any item on the agenda prior to action being taken on that item.

In a regular meeting, the public shall have an opportunity to address any topic consistent with the purpose of the Charter Commission, including issues with the Charter, the need for possible amendments to the Charter, or these Bylaws.

The purpose of public comments is to allow members of the public to address the Commission and be heard by the Commission. It is not intended to initiate impromptu action or discussion. The Commission shall not debate or discuss new issues brought up in public comments other than possibly deciding how to handle the request or question, such as proposing it be placed on the agenda of a future meeting.

Each speaker shall be limited to a single three-minute speech.

The public comment section of the meeting shall be limited to 20 minutes. Speakers who registered to speak shall be entitled to speak first. The Commission may, at its option, suspend the rules to extend the public comment time.

Speakers shall address all comments to the commission as whole and not one individual member. Complaints should focus on positions taken rather than the person or persons taking that position.

Speakers are encouraged to be courteous and respectful and to refrain from the use of vulgar language, profanity, inappropriate gestures, insults, personal attacks, or accusations.

Section 6. Manner of Voting. The voting on all questions coming before the Commission shall be recorded in the minutes. The votes on resolutions, unless unanimous, shall state the number of “ayes” and “nays” and “abstentions”. When a quorum is in attendance, action may be taken by the Commission upon a vote of the majority of the members present unless another provision of these by-laws specifically states otherwise.

Section 7. Committees. The Commission may establish and appoint committees. Each committee must designate a Chair.

Article IV - Amendments

Section 1. Amendment Procedure. The Commission Bylaws may be amended by a resolution, made in writing, and adopted by two-thirds of the duly appointed members of the Commission. The Secretary shall number each amendment, note the date of adoption, and have it posted publicly online.

Section 2. Records. The Secretary shall ensure that each member received a copy of the City Charter and the Commission Bylaws. The City Charter, the Charter Commission Bylaws and the Charter Commission minutes shall be kept on file at the City Offices, posted publicly online, and made available for public review.

Article V – Adoption of Charter Amendments

Section 1. Method of Adoption. Amendments to the Charter may be adopted as provided in Minnesota Statutes, section 410.12.

**Red Wing Charter Commission
Regular Meeting
City Council Chambers
August 28, 2025**

Members Present: Chair Terri Cook; Commissioners Thomas Drazkowski, Ryan Hanson, Michael Johnson, Carol Overland, Alan Quarnstrom, Charles Richardson, Ann Vogel, Mallory West, Min MartinOakes, Peggy Rehder, Janet Brandt, and Anne Robertson

Members Absent: Commissioners John Guerber and Chad Kono (excused absences)

Others Present: Melissa Hill, City Clerk / Staff Liaison; Abbi Kelzer, City Attorney; Chris Heineman, Council Administrator; Donald Kliwer, Council Liaison

1. Call to Order

The meeting was called to order by Chair Cook at 6:00 p.m.

2. Pledge of Allegiance

Chair Cook led the recitation of the Pledge of Allegiance.

3. Roll Call

Roll call was conducted. Chair Cook and Commissioners Brandt, Drazkowski, Hanson, Johnson, MartinOakes, Overland, Quarnstrom, Rehder, Richardson, Robertson, Vogel, and West were in attendance.

4. Approval of Agenda

A motion was made by Commissioner Rehder, seconded by Commissioner MartinOakes and unanimously carried, to approve the agenda as presented.

5. Approval of Minutes

A. Motion to Approve June 18, 2025, Annual Meeting Minutes.

A motion was made by Commissioner Overland, seconded by Commissioner Johnson and unanimously carried, to approve the meeting minutes as drafted.

6. Public Comment

Chair Cook reviewed the public comment procedure. There was no public comment.

7. Motions and General Business

A. Officers of the Council Discussion.

Chair Cook referenced past Charter Commission discussion of this topic. She noted that the Charter Commission is being asked to provide a recommendation to the City Council relating to officers of the Council.

Commissioner Robertson stated that Red Wing is fortunate to be a charter city, a designation that allows Red Wing to have local government that reflects the community. She stated that the current structure has worked well for past Council Administrators.

A motion was made by Commissioner Robertson to take no action relating to Chapter 3, Section 3.01 of the City Charter. The motion was seconded by Commissioner Overland.

Chair Cook referenced the staff report relating to this item.

Commissioner Rehder commented that Council Administrator Heineman has indicated some urgency relating to a potential Charter amendment to address the Administrative Services Director position, which is currently vacant.

Commissioner Overland cited proposed language indicating that the Mayor serves as the Council President, noting that this is not accurate.

Commissioner Drazkowski requested clarification of the motion on the floor. Commissioner Robertson reiterated her motion to take no action relating to Chapter 3, Section 3.01 of the City Charter. Commissioner Hanson commented that the motion would preserve the status quo. Commissioner Overland suggested a friendly amendment to maintain the status quo, and Commissioner Robertson accepted the friendly amendment. Chair Cook then restated the motion to take no action, thus maintaining the status quo. Commissioner Rehder suggested considering language that would specifically address the Administrative Services Director position. Commissioner Overland stated her opinion that any guidance relating to this position should come from the City Council.

Commissioner MartinOakes requested rationale for the motion on the floor. She stated her understanding of the process of proposing amendments to the Charter, noting that the Charter Commission provides recommendations to the City Council.

Commissioner Overland expressed concerns about the proposed language, noting that this language would remove one of the powers of the City Council. Chair Cook commented that the proposed language would change the City Council's organizational chart. She stated her opinion that the Charter Commission would not have the authority to do this.

City Attorney Kelzer reviewed the ways that the City Charter can be amended:

- 1) Recommendation from the Charter Commission to the City Council to consider an amendment.

- 2) Request from the City Council to the Charter Commission to initiate a Charter amendment process, which would require a community vote during an election.

Commissioner Rehder suggested scheduling a joint workshop of the Charter Commission and the City Council for further discussion of the City Charter as a whole.

Commissioner Robertson provided additional rationale for her position. She noted that she viewed the discussion that occurred during the June 18 Charter Commission meeting. She stated her opinion that Red Wing should not operate as a statutory city and should not rush to change the City Charter. She commented that Red Wing has neither a strong mayor nor a weak mayor, adding that the Red Wing Mayor does have veto power. She commented that she sees no confusion about the chain of command.

Commissioner Quarnstrom asked whether a Charter Commission meeting would be scheduled for further discussion of a potential Charter amendment, if the motion to take no action is approved. Chair Cook commented that the current meeting represents the second time this topic has been discussed.

Commissioner Hanson recommended pursuing Charter amendments only on an as-needed basis. He referenced current language from the City Charter, Chapter 3, Section 3.01:

The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

Commissioner Hanson asked whether this language would give the City Council the power to address questions regarding Administrative Services Director position.

City Attorney Kelzer stated that under the current language of the Charter the City Council could assign the duties of the Administrative Services Director and not fill this position, or could appoint another officer to also serve as the Administrative Services Director.

Chair Cook asked about the role of the Council Administrator in terms of assigning these duties. She also noted that the City of Red Wing Employee Handbook states that the Administrative Services Director may represent the Council Administrator in the absence of the Council Administrator. She asked who would assume this responsibility. City Attorney Kelzer stated that the City Council could appoint someone to assume this responsibility, adding that perhaps the Council Administrator would have the authority to delegate this responsibility.

Chair Cook stated her understanding that only the City Council can change the organizational chart.

Commissioner Quarnstrom agreed with Commissioner Rehder's suggestion to schedule a workshop for further discussion of the Charter.

Chair Cook commented that Council Liaison Kliewer provided a report to the City Council about the June 18 Charter Commission meeting during the June 23 City Council meeting. She stated that Council Member Becky Norton and Council President Janie Farrar both suggested more discussion and clarification of what was being asked of the Charter Commission.

Chair Cook stated her opinion that the Charter Commission should not look at changing the Charter, unless a change is needed. She provided the example that the Charter may need to be amended in order to be in alignment with new State statutes.

Commissioner MartinOakes agreed with the need to be deliberative. She stated that she viewed the June 18 Charter Commission meeting recording and has concerns that City employees may not understand to whom they report. She suggested that this issue be considered.

A motion was made by Commissioner Overland to call the question. The motion to call the question was seconded by Commissioner Richardson. A voice vote was conducted and the motion carried by a vote of 11:2, with Commissioners Quarnstrom and Drazkowski dissenting.

A voice vote was then conducted regarding the motion to take no action relating to Chapter 3, Section 3.01 of the City Charter, thus maintaining the status quo. The motion carried by a vote of 11:2, with Commissioners Quarnstrom and West dissenting.

Commissioner Rehder reiterated her earlier suggestion to schedule a workshop with the City Council, to gain a better understanding of the Charter and the process. Commissioner Johnson asked Council Liaison Kliewer for his opinion about scheduling a joint workshop. Council Liaison Kliewer stated his opinion that this would be a good idea. He stated that the role of the Council is to establish policies, noting that recommendations for efficiencies are presented to the Council by the Council Administrator and City staff for consideration. He stated that he would be interested in learning more about the origins of Charter language relating to officers of the City Council. He stated that during his time of the City Council, two or three organizational chart revisions have been approved at the request of former Council Administrator Kay Kuhlmann.

Commissioner West stated that she sees merit in scheduling a workshop, adding that feedback from City employees would also be beneficial.

Commissioner Quarnstrom suggested discussion of how the language of the City Charter is currently being applied from a practical perspective, so that everyone has a better understanding.

Commissioner MartinOakes commented that a more robust discussion would have better served the process. She suggested carefully considering the structure and scope of a joint workshop, noting that this type of discussion could lead to a slippery slope. She suggested starting with an educational presentation on the Charter. Commissioner Quarnstrom agreed that a practical workshop discussion would be beneficial.

Commissioner Overland expressed agreement with the concerns expressed by Commissioner MartinOakes about a potential slippery slope. She cited Charter language and stated that she does not understand the concept of employees having too many bosses.

Commissioner Hanson stated that it is incumbent upon Charter Commission members to become familiar with the language of the Charter on their own. He stated that the Charter Commission was presented with an issue that resulted from a City staff vacancy. He stated that the City, as an employer, has remedies available to it. He stated that it is not the charge of the Charter Commission to facilitate or guide these types of requests. He noted that it is the burden of the requestor to prove why a change would be necessary. He stated that, from the discussion, he has not been persuaded that an urgency to act exists or that there is the potential for harm if no action is taken. He stated his opinion that maintenance of the status quo is appropriate. He noted that additional information could be provided with regard to why changes may be necessary.

Commissioner Drazkowski commented that he recently reviewed approximately 30 city charters. He noted that they all had common boilerplate language that clearly specified the duties of the Council Administrator or City Manager position. He suggested considering language that would make the Red Wing City Charter more compatible with the charters of other Minnesota cities, noting that the Red Wing Charter is somewhat of an outlier. He advocated for the scheduling of a workshop to review the charters of similar-sized cities. He suggested working together with the City Council and City staff to address issues related to ambiguity in the City Charter.

Commissioner Robertson commented that comparing charters would be a very cumbersome process, noting that Red Wing has a unique form of government. She stated that it would be up to the City Council or the voters to request changes in this regard. She agreed with scheduling a workshop that would focus on better understanding the current City Charter.

Commissioner Overland stated that, while she agrees that it is the responsibility of Charter Commission members to familiarize themselves with the language of the City Charter, an educational workshop on the topic of the City Charter would be useful.

Council Administrator Heineman quoted language from the City Charter, Chapter 2, Section 2.04:

Notwithstanding any other provision to the contrary, the administrative officer shall be an ex officio member of all boards and commissions and has the right to attend meetings, including special and closed meetings.

Council Administrator Heineman commented that he takes his role as an ex officio member of the Charter Commission very seriously. He noted that this is why he raised these issues and appreciates the discussion that was conducted. He noted that the primary role of Charter Commission members is to serve as citizen overseers of the City Charter, which functions practically as Red Wing's constitution. He stated that Charter Commission members are empowered to review and study the Charter and ensure that it is effective, workable, and meets the needs of Red Wing's residents. He commented that Charter Commission members have the responsibility to recommend proposed changes, stating that this was his intention as an ex officio member of the Charter Commission. He cited examples of former Council Administrator Kay Kuhlmann doing this on a number of occasions.

Council Administrator Heineman commented that recommendations from the Charter Commission to the City Council constitute the simplest and easiest way to amend the Charter, without the need for a full election process. He stated that he would be happy to coordinate and facilitate a joint meeting or workshop with the City Council. He clarified that if this discussion results in a directive to change elements of the Charter, this may trigger an election process. He stated that it was not his intention to present this issue during the June 18 Charter Commission meeting, adding that he simply wanted to bring up the possibility of further discussion.

Commissioner Hanson asked Council Administrator Heineman, as an ex officio member of the Charter Commission, whether he considers himself to be a neutral or disinterested party in this matter.

Council Administrator Heineman stated that he is relatively neutral relating to this matter. He commented that the City Administration section of the Charter relates directly to the operation of his position and affects how the City organizational structure works. He stated his understanding that any amendments to the City Charter, at the recommendation of the Charter Commission, would require a unanimous affirmative vote of the City Council.

Council Administrator Heineman stated that he had conversations with all City Council Members prior to bringing the topic of potential Charter amendments forward during the June 18 Charter Commission meeting but did not discuss this during a City Council meeting, to ensure that the process was not City Council driven.

8. Communication Items

There were no communication items.

9. Adjournment

Chair Cook stated that the next Charter Commission meeting is scheduled in March of 2026, if necessary.

The meeting adjourned at 6:50 p.m.

Red Wing Charter Commission Annual Report 2025

The Charter Commission met twice in 2025. The Annual meeting was held on June 18, 2025. The following business was conducted:

1. Commissioner Terri Cook was reelected as Chair and Commissioner Min MartinOakes was reelected to serve as Vice Chair of this body.
2. Recommendations for appointment:
Charles Richardson to a full first term
Margaret Rehder to a Second Term
Janet Brandt to a first term replacing Terese Bjornstad who did not seek a second term.
3. The Minnesota Legislature adopted changes to the Open Meeting Law relating to remote meeting participation and minor changes to election laws. These would not require changes to our City Charter.
4. Reaffirmed Charter Commission Bylaws as written regarding public comment at special meetings. Public comment will be allowed on agenda items only during special meetings.
5. Discussion was held around the City Council Administrator, Chris Heinemans' proposal to eliminate some Officers of the Council listed in the Charter. The Commission will take this up at a special meeting later in 2025.
6. Discussion regarding Red Wing's form of Government was requested by Council Administrator Heineman. Mr Heineman presented information on a 'Council/Manager Plan' form of Government. This commission voted unanimously to keep our current 'Mayor/Council Plan'.
7. The Charter Commission adopted City of Red Wing Data Practices Procedures and Data Inventory Public Document as the official Data Practices Policy of the Charter Commission.
8. The Charter Commission adopted the following Regular Meeting Schedule:

Annual Meeting the third Wednesday in June

Third Wednesday in March (if needed)

A second meeting was held on August 28, 2025

The purpose of this Special meeting was to consider making changes to the Charter regarding Officers of the Council. The Charter Commission voted to maintain the status quo and take no action on amending the Charter in regard to Officers of the Council.



CHARTER COMMISSION MEETING STAFF REPORT

To: Charter Commission Members
From: Melissa Hill, City Clerk
Meeting Date: June 17, 2026
Agenda Item Number: 8.G.

Title and Purpose

Motion to Approve Updated Data Practices and Procedures.

MN Statute 13.025 requires the City to update its Data Practices Procedures and Data Inventory annually. This document establishes how the City receives, processes, and responds to requests for government data. The City Council approved the updates during their April 27, 2026, meeting.

Attachments

1. Redlined 2026 Data Practices & Procedures

Background

These procedures are required under the Minnesota Government Data Practices Act and ensure the City responds to data requests in a timely, consistent, and legally compliant manner. The annual review allows the City to incorporate statutory changes, operational updates, and best practices.

Discussion

The document was reviewed by department heads and the City's Attorney's Office. Some language in the "description" column in the tables was abbreviated to shorten the overall document length but maintain the statutory requirements for information required in the document. Additional changes are minor and detailed below.

The addition of a Police Department form: *Authorization for Release of Accident Report (Exhibit F-3)*

- Information about drones (page 27) and license plate readers (page 12) was added
- The removal of "Administrative Services Director" as a designee
- Updates to the City Clerk's contact information

All changes have been tracked in the attachment.

Recommended Action

Approve the Data Practices Procedures and Data Inventory.

**CITY OF RED WING
DATA PRACTICES PROCEDURES
PUBLIC DOCUMENT**

- I. **Introduction.** These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the “Act”), specifically Minnesota Statutes Section s 13.025, 13.03, Subd. 2, and 13.05, Subd. 5.

- II. **Responsible Authority.** The City Council has appointed the City Clerk as the person who is the Responsible Authority for compliance with the Act. The City Clerk has appointed the Human Resource Manager, Fire Department Office Clerk/Receptionist, Library Administrative Assistant; Police Department Administrative Secretary; Building Inspector, IT Manager, [Administrative Services Director](#), and Public Works Process Manager as designees to assist in complying with the Act. All requests for data should be directed to the Responsible Authority or designee.

- III. **Access to Public Data.** All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification.
 - A. **People entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.

 - B. **Form of Request.** The request for public data must be made in writing and may be made by mail, facsimile, or email. A request for information relating to litigation will be referred to the City Attorney.

 - C. **Time Limits.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the request will be completed [within a reasonable time as soon as reasonably possible](#).

 - D. **Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City’s fee ordinance (Exhibit A) and as allowed under Minnesota Statutes Section 13.03. The fee may not include time necessary to separate public from nonpublic data.

The Responsible Authority may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.

- IV. **Access to Data on Individuals.** Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit B.

A. People Entitled to Access.

- *Public* information about an individual may be shown or given to anyone.
- *Private* information about an individual may be shown or given to:
 - The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit D, or a reasonably similar form.
 - People who are authorized access by the federal, state, or local law or court order.
 - People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the *Tennessee* warning.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.
- *Confidential* information may **not** be given to the subject of the data, but may be shown or given to:
 - People who are authorized access by federal, state or local law or court order.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.

B. Form of Request. Any individual may request verbally or in writing whether the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy private or confidential information must be in writing. An Information Disclosure Request, attached as Exhibit E (Exhibit F for police data), must be completed to document who requests and who receives this information. The Responsible Authority or Designee must complete the relevant portions of the form. The Responsible Authority or Designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response. A request for information relating to litigation will be referred to the City Attorney.

- C. **Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access. This can be done through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.
- D. **Time Limits.** Requests will be received and processed during normal business hours. If the requesting party is the subject of the data, the response must be immediate, if possible, or within 10 working days if an immediate response is not possible. If the requesting party is not the subject of the data, the response must be immediate, if possible, or as soon as reasonably possible.
- E. **Fees.** Fees will be charged in accordance with the fee ordinance attached as Exhibit A and as allowed under Minnesota Statutes Section 13.04.
- F. **Summary Data.** Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other private or confidential data. Unless classified by other statute or federal law, summary data is public. The Responsible Authority or Designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or Designee must notify the requester of the anticipated time schedule and the reasons for any delay.

The Responsible Authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the Responsible Authority determines that access by this outside agency or person will not compromise ~~the privacy of~~ the private or confidential data. The Responsible Authority may use the form attached as Exhibit G.

- G. **Minor Children's Records.** The following applies to *private* (not confidential) data about people under the age of 18.
 - **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a minor child subject. "Parent" means the parent or legal guardian of a minor child data subject, or individual acting as a parent or legal guardian in the absence of a parent or legal guardian. The parent is presumed to have this right unless the Responsible Authority or Designee has been given evidence that there is a state law, court order, or other legally binding document that prohibits this right.
 - **Notice to Minor.** Before requesting private data from minor children, city personnel must notify the minors that they may request that the

information not be given to their parent(s). This notice should be in the form attached as Exhibit I.

- **Denial of Parental Access.** The Responsible Authority or Designee may deny parental access to private data when the minor requests this denial and the Responsible Authority or Designee determines that withholding the data would be in the best interest of the minor child. The request from the minor must be in writing stating the reasons for the request. In determining the best interest of the minor, the Responsible Authority or Designee will consider:
 - Whether the minor is of sufficient age and maturity to explain the reasons and understand the consequences.
 - Whether denying access may protect the minor from physical or emotional harm,
 - Whether there is reasonable grounds to support the minor's reasons, and
 - Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The Responsible Authority or Designee may also deny parental access without a request from the minor under the Minnesota Health Records Act.

The Responsible Authority or Designee will document the basis for its decision when it considers a minor's request to deny parental access to data.

V. Denial of Access. If the Responsible Authority or Designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or Designee must inform the requesting party verbally at the time of the request or in writing as soon after that as possible. When informing the requesting party, the Responsible Authority or Designee must cite the particular statute, temporary classification or federal law that forms the legal authority for the denial. The Responsible Authority or Designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

VI. Collection of Data on Individuals. The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about himself or herself, the City employee requesting the information must give the individual a *Tennessee* warning, see Exhibit C. This warning must contain the following:

- the purpose and intended use of the requested data;
- whether the individual may refuse or is legally required to supply the requested data;
- any known consequences from supplying or refusing to supply the information, and;
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning is not required when an employee is requested to supply data to his/her employer and the data requested falls within the employee's scope of employment.

A *Tennessee* warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

VII. Challenge to Data Accuracy. An individual who is the subject of public or private data may contest the accuracy or completeness of data about themselves maintained by the City. The individual must notify the City's Responsible Authority in writing describing the nature of the disagreement. Within 30 days, the Responsible Authority must respond in writing to the individual as to their determination. The 30-day deadline may not be extended. The determination must be that the data was inaccurate, incomplete, accurate, and/or complete. If inaccurate or incomplete, the Responsible Authority must 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.

An individual who is dissatisfied with the Responsible Authority's determination may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14 and Minnesota Rules, part 1205.1600. An individual must submit an appeal to the Commissioner within 60 days of the Responsible Authority's notice of the right to appeal or as otherwise provided by the rules of the Commissioner. The Responsible Authority will correct any data if so ordered by the Commissioner or a court.

VIII. Data Protection

A. Accuracy and Currency of Data

- All employees will be requested to provide updated personal information to the appropriate supervisor and Human Resource Manager, which is necessary for tax, insurance, emergency notifications, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.
- Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.
- All records must be disposed of according to the City's General Records Retention Schedule.

B. Data Safeguards

- Private and confidential information will be stored in files or databases that are not accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.
- Private and confidential data must be kept only in City facilities, except when necessary for City business.
- Only those employees whose job responsibilities/descriptions require them to have access will be allowed access to files and records that contain private and confidential information. These employees may be identified in the following ways:
 - The City will identify employees who have access to not public data in its Data Inventory;
 - Position descriptions may identify not public data accessible to employees when a work assignment reasonably requires;
 - An employee may access certain not public data in the event of a temporary duty assigned by a manager or supervisor for as long as is required to complete the work; and
 - The Responsible Authority, Designees, City Council Administrator, and City Attorneys may have access to all not public data maintained by the City as necessary to complete fulfill assigned duties and work.
- The employees authorized to access not public data will be instructed to:

- not discuss, disclose or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see or gain access to it,
 - password protect computers and lock computers before leaving workstations, and
 - shred private or confidential data before discarding, or dispose through confidential waste incineration.
- When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit H.
 - Not public data may be shared with another entity if federal or state law allows or mandates it. Not public data may be shared to the extent necessary or required by the law.
 - Unauthorized use or disclosure of private or confidential data may result in disciplinary action up to and including termination. A willful unauthorized use or disclosure of private or confidential data may result in other penalties as provided in Minnesota Statutes Section 13.09.

C. Cybersecurity Reporting

- The City must report cybersecurity incidents that impact the City to the Department of Information Technology Services within 72 hours of reasonably identifying or believing that a cybersecurity incident has occurred. The City's contractors or vendors must report cybersecurity incidents to the City if such incidents impact the City.

IX. Red Wing Library

- A. Patron Data Privacy.** The Red Wing Public Library (hereinafter "Library") shall comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13.40.

Library records that link a patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private (hereinafter referred to as "private library data").

Data supplied by a user in applying for a library card, except for the name of the borrower, is also classified as private library data (Exhibit J).

Private library data is accessible only to the individual who is the subject of that data. In the case of a minor (under 18) or a person adjudged mentally incompetent, "individual" includes a parent or guardian, or an individual acting as a parent or guardian in the absence of a parent or guardian. Release of private library data to the individual requires that the individual possess the individual's library card, or other form of identification.

However, the Library shall withhold private library data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request of the minor, if the Library determines that withholding the data is in the best interest of the minor. In that case, the minor and authorized staff person of the Library shall complete and sign a Data Privacy Withholding Request Form (Exhibit K).

With regard to incoming and outgoing telephone calls and overdue notices, the Library staff must take appropriate steps to identify the individual patron prior to giving out information considered to be private library data.

B. Standards and Guidelines for Automated Library Systems (Exhibit L).

Exhibit A

REQUEST FOR PUBLIC DATA

Person Requesting Copy of Public Government Data	Data to be Copied: #, size, and color	Copying Fee	Postage
Subject of data	Any document, compact disc, audio tape, videotape, etc., that identifies the requestor; copies not limited in number, size or color.	Limited to the actual cost of making and certifying copies only. <u>Ambulance Run Report</u> : No Charge to patient involved. <u>Fire Incident Report</u> : No charge to person/owner involved. <u>Police Accident Report</u> : No charge to driver/passenger involved.	No Charge
Any other person who is not the subject of data	100 or fewer copies of documents that are letter or legal size and black and white.	No charge for 10 pages or less. Over 10 pages, \$0.25 per page.	No Charge
Any other person who is not the subject of data	More than 100 copies, odd-sized or color copies, regardless of the number, size or color. Copies of data stored electronically, compact discs, audio tapes, videotapes, etc.	Actual cost of searching for and retrieving documents, discs, tapes, etc., including cost of employee time, and for making and certifying (and electronically transmitting).	Actual Cost
Channel 6 Program Copies	City meetings, city sponsored speaker events, election candidate forums, etc.	\$10.00 for each program copied onto a DVD. Copies will be ready for pick up two business days following a request.	Actual Cost
Domestic Abuse Victim	Written police reports, calls for service, arrest data, or response or incident data that arise out of the domestic abuse incident; not limited in number, size or color.	No charge applies pursuant to Minn. Stat. §629.341	No Charge

EXHIBIT B

**CITY OF RED WING
DATA INVENTORY**

Responsible Authority is:

[Melissa Hill](#)~~Teri L. Swanson~~, City Clerk

315 West 4th Street

Red Wing, MN 55066

Teri.Swanson@ci.red-wing.mn.usmelissa.hill@redwingmn.gov

651-385-3615

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Absentee Ballots	Sealed absentee ballots before opening by an election judge.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Ambulance Reports (also called Prehospital Care Data)	Data collected by ambulance service personnel about the circumstances related to an emergency response and patient care activities provided by the ambulance service personnel in a prehospital setting.	Private	MS 13.381; MS 144E.123	Fire Chief, Assistant Chief, Office Clerk Fire Marshal
Applicants for Appointment	Data about applicants for appointment to a public body collected by the City as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public: name; city of residence, except when the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status. Once an individual is appointed to a public body, the following are public: residential address;	Private <u>Except that certain data are public on applicants and certain data become public once an individual is appointed</u>	MS 13.601	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>and either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee, first and last dates of service on the public body, the existence or status of any complaints or charges against an appointee. Upon completion of an investigation of a complaint or charge, the final investigative report is public, unless access to the data would jeopardize an active investigation.</p>			
Appraisal Data	<p>Appraised values of individual parcels of real property that are, made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the City, are private.</p> <p>Estimated or appraised values of individual parcels of real property that are made by City personnel or by independent appraisers acting for the City for the purpose of selling or acquiring land through purchase or condemnation are confidential.</p> <p>Such data become public if: (1) the data are submitted to a court-appointed condemnation commissioner; (2) the data are presented in court in condemnation proceedings; (3) the negotiating parties enter into an agreement for the purchase and sale of the property; or (4) at the discretion of the City, a majority of the Council votes to make it public.</p>	<p>Confidential/ -Private with regard to data on individuals; Nonpublic/ <u>Protected nonpublic</u> with regard to data not on individuals</p> <p><u>Except that data become public upon certain occurrences outlined in MS 13.44</u></p>	MS 13.44, subd. 3	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Assessor's Data	<p>Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the political subdivision to refrain from making the data available to the public.</p> <p>Income information on individuals used to determine eligibility of property for class 4d under sections <u>MS 273.128</u> and <u>MS 273.13</u>.</p> <p>The following data regarding income properties:</p> <ul style="list-style-type: none"> • _____ <u>detailed</u> income and expense figures; • _____ average vacancy factors; • _____ <u>verified</u> net rentable <u>areas</u> or <u>net</u> useable areas, <u>whichever is appropriate</u>; • _____ anticipated income and expenses; for current year; • _____ projected vacancy factors; for current year; and • _____ lease information. 	Private <u>with regard to data on individuals</u> ; <u>Nonpublic with regard to data not on individuals</u>	MS 13.51	Certain employees on an as needed basis as part of specific work assignment.
Award Data	Financial data on business entities submitted to the City for the purpose of presenting awards to business entities for achievements in business development or performance are private data on individuals or nonpublic data .	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.48	Certain employees on an as needed basis as part of specific work assignment.
<u>Automated License Plate Reader Data</u>	<u>Data collected by an automated license plate reader, which must be limited to the following: license plate numbers; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles.</u>	Private with regard to data on individuals; <u>Nonpublic with regard to data not on individuals</u> <u>Unless the data are public under MS 13.82, subds.</u>	<u>MS 13.824</u>	<u>Certain employees on an as needed basis as part of specific work assignment.</u>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
		<p><u>2, 3, or 6, or are active criminal investigative data under MS 13.82, subd. 7</u></p>		
Benefit Data HRA	<p>All data about individuals participating in the City's housing rehabilitation program, Section 8 rental assistance program or other housing assistance program are private, except that the names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered through the City that are intended to assist with the purchase of housing or other real property are public.</p>	<p>Private</p> <p><u>Except that certain data are public as outlined in MS 13.462</u></p>	MS 13.462	<p>Certain employees on an as needed basis as part of specific work assignment.</p>
Business Data	<p>The following data, that are submitted to the City by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: financial information about the business, including credit reports; financial statements; net worth calculations; business plans; income and expense projections; balance sheets; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data submitted become public when public financial assistance is provided or the business receives a benefit from the City, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.</p>	<p>Private with regard to data on individuals; Nonpublic/<u>Protected nonpublic</u> with regard to data not on individuals</p> <p><u>Except that certain data become public upon certain occurrences outlined in MS 13.591</u></p>	MS 13.591	<p>Certain employees on an as needed basis as part of specific work assignment.</p>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
City Attorney Records	The use, collection, storage, and dissemination of data by the city <u>City</u> attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data that is the subject of attorney-client privilege is confidential. Data that is the subject of the "work product" privilege is confidential.	Confidential	MS 13.393	Certain employees on an as needed basis as part of specific work assignment.
Civil Investigative Data	Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation, <u>including is confidential, except that a complainant's statement is private.</u>	Confidential <u>with regard to data on individuals;</u> <u>Protected nonpublic with regard to data not on individuals</u> <u>Except that a complainant may access their own statement Private</u> <u>And inactive civil investigative data are generally public</u>	MS 13.39	Certain employees on an as needed basis as part of specific work assignment.
Computer Data	Data created, collected, or maintained about a person's access to the City's computer for the purpose of: gaining access to data or information; transferring data or information; or using government services; <u>are private data.</u>	Private <u>with regard to data on individuals;</u> <u>Nonpublic with regard to data not on individuals</u>	MS 13.15	Certain employees on an as needed basis as part of specific work assignment.
Cybersecurity Incident Reports	Data the City is required to provide to the Minnesota Department of Information Technology Services within 72 hours of reasonably identifying or believing a cybersecurity incident has occurred.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 16E.36, subd. 2(g) & MS 13.37, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Data on Decedents	<u>Upon the death of the data subject, Data data</u> which, prior to	Confidential/;	MS 13.10	Certain employees on

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data, are confidential data on decedents.</p> <p>Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data, are private data on decedents.</p>	<p>Private <u>with regard to data on individuals</u></p> <p><u>Except that data becomes public after a certain number of years as outlined in MS 13.10</u></p>		<p>an as needed basis as part of specific work assignment.</p>
Domestic Abuse Data	<p>Data collected, <u>created, received, or maintained</u> under the Domestic Abuse Act <u>MS 518B.01 is confidential, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.</u></p>	<p>Confidential <u>until a temporary court order made pursuant to MS 518B.01, subds. 5 or 7, is executed or served upon the data subject who is the respondent to the action</u></p>	MS 13.80 & 13.82	<p>Certain employees on an as needed basis as part of specific work assignment.</p>
Economic Assistance Data	<p>The following data that are submitted to a housing and redevelopment authority by persons who are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data become public data if the authority provides financial assistance to the person, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.</p>	<p>Private with regard to data on individuals; Nonpublic with regard to data not on individuals</p> <p><u>Except that certain data become public if the authority provides financial assistance as outlined in MS 13.59</u></p>	MS 13.59	<p>Certain employees on an as needed basis as part of specific work assignment.</p>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Elected Officials' External Correspondence	Emails and similar correspondence between individuals and elected officials.	Private, but may be made public by either the sender or recipient.	MS 13.601, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Elected Officials' Internal Correspondence	Emails and similar correspondence regarding city business between elected officials.	Presumptively public unless another section in the MGDPA, state statute, or federal law would classify the content of the emails or correspondence as not public.	MS 13.03, subd. 1	
Examination Data	Completed versions of personnel, licensing, or academic examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.	Private <u>unless the Responsible Authority determines that access would compromise the objectivity, fairness, or integrity of the examination process. The Responsible Authority shall not be required to provide copies of completed examinations or answer keys to any individual who has completed an examination.</u>	MS 13.34	Certain employees on an as needed basis as part of specific work assignment.
Federal Contracts Data	To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City because the City contracts with the federal agency is classified as private or nonpublic.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.35	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Firearms Data	Data about the purchase or transfer of firearms and applications for permits to carry firearms.	Private	MS 13.87, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Human Rights Investigative Data	Human rights investigative data are confidential while the file is open <u>or closed</u> with the Department of Human Rights. Human rights investigative data contained in a closed case file are private data, except that the name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data, unless another statute applies.	Confidential ; Private <u>with regard to data on individuals;</u> <u>Nonpublic/Protected nonpublic with regard to data not on individuals</u> <u>Except that data in closed case files may become public as outlined in MS 363A.35</u>	MS 363A.35	Certain employees on an as needed basis as part of specific work assignment.
Ice Arena Rentals	The following data relating to convention rentals are classified as private or nonpublic: Letter a letter or other documentation from any person who makes inquiry to or who is contacted by the facility regarding the availability of the facility for staging events ; identity of firms and corporations which contact the facility ; type of event which they wish to stage in the facility ; suggested terms of rentals ; and responses of authority staff to these inquiries ; exhibitor data. <u>Exhibitor data – the names, addresses, and contact persons</u>	Private with regard to data on individuals; Nonpublic with regard to data not on individuals <u>Except that data become public upon certain occurrences outlined in MS 13.55</u> <u>Exhibitor data may be withheld at the discretion of the facility to protect the</u>	MS 13.55	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<u>for individual exhibitors at an exhibition.</u>	<u>competitive position of the facility or its customers</u>		
Labor Relations Data	Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information <u>specifically</u> collected or created to prepare the management position.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals <u>Provided that specific labor relations information which relates to a specific labor organization is protected nonpublic</u>	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Law Enforcement Data (applies to City agencies carrying on a law enforcement function, including the City's police and fire departments)	Certain-arrest <u>Arrest</u> data, request for service data, and response or incident data is public under Minn. Stat. §13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs that are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Inactive investigation data that identify a person's financial account or transaction numbers are private data. Booking photographs are public. The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.	Confidential/; Private <u>with regard to data on individuals</u> ; <u>Nonpublic/ Protected nonpublic with regard to data not on individuals</u> Public	MS 13.82	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>The identity of a victim of vulnerable adult maltreatment is private. The identity of a reporter of vulnerable adult maltreatment is confidential. Inactive investigative data that relates to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private.</p> <p>Law enforcement data are private and shall be withheld from the public under certain circumstances when necessary to protect the identifies of: undercover law enforcement officers, victims of certain sex crimes, informants, victims and witnesses who specifically request not to be identified publicly, deceased persons whose bodies are unlawfully removed from a cemetery, certain persons placing a call to a 911 system, juvenile witnesses when necessary to protect the identity of the witness, and mandated reporters. Response or incident data may be temporarily withheld from public access when the law enforcement agency reasonably believes that public access would be likely to endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence.</p> <p>The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>an individual otherwise protected.</p> <p>Unique descriptions of stolen, lost, confiscated, or recovered property are private.</p> <p>Identities of customers of licensed pawnshops, secondhand goods dealers, or a scrap metal dealer are private.</p> <p>Detention-<u>Corrections and detention</u> data which would disclose medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. §13.85).</p> <p>Criminal history data is private, except convictions of crimes within the past 15 years (Minn. Stat. §13.87).</p> <p>Deliberative processes or investigative techniques of law enforcement agencies are confidential.</p> <p>Data in arrest warrants or search warrants is confidential until the individual has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.</p> <p>Peace officer records of children who are or may be delinquent or who may be engaged in criminal acts are private but may be disseminated by the law enforcement agency as provided by (Minn. Stat. § 260B.171, subd. 5(a)).</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Personal Contact and Online Account Information	Telephone numbers, e-mail addresses, Internet usernames, passwords, Internet protocol addresses, and any other similar data <u>related to the individual's online account or access procedures</u> collected, maintained, or received by a government entity for notification purposes or as part of a subscription list <u>for an entity's electronic periodic publications</u> as requested by the individual <u>are private data</u> .	Private	MS 13.356	Certain employees on an as needed basis as part of specific work assignment.
Personnel Data	Data on individuals maintained because the individual is or was an employee of the City, an applicant for employment with the City, a volunteer performing services for the City, or an independent contractor performing services for the City is either public, private, or confidential pursuant to MS 13.43. Personnel data, other than Social Security numbers, will be disseminated to an employee's Labor Union or the Public Employment Relations Board to the extent necessary to conduct elections; investigate and process grievances; implement the provisions of the Public Employment Labor Relations Act; and provide basic contact information to the exclusive representative for the employee's Union.	Private/ Confidential <u>with regard to data on individuals</u> ; or Public	MS 13.43; <u>179A.07, subd. 8</u>	Certain employees on an as needed basis as part of specific work assignment; Employee Labor Unions representative(s) when required by law.
Planning Survey Data	The following data collected in surveys of businesses conducted by <u>cities and housing and redevelopment authorities the City</u> for the purposes of planning, development, and redevelopment are classified as private or nonpublic: <u>the names, and addresses, of individuals</u> and <u>the</u> legal descriptions of	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.59	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>property business properties owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.</p> <p>The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private: the names and addresses of individuals and the legal descriptions of property owned by individuals.</p>			
Portable Recording System Data	<p>Data collected by a portable recording system (a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation) are private data on individuals or nonpublic data, subject to the following exceptions:</p> <p>(1) Data that records, describes, or otherwise documents actions and circumstances surrounding the discharge of a firearm by a peace officer in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, are public.</p> <p>(2) Data that records, describes, or otherwise documents actions and circumstances surrounding the use of force by a peace officer that results in substantial bodily harm are public.</p>	<p>Public; Private; <u>Confidential with regard to data on individuals;</u> Nonpublic; -Protected nonpublic; <u>with regard to data not on individuals</u> <u>Confidential</u></p>	MS 13.825	<p>Certain law enforcement personnel may access not public Portable Recording System Data only if they receive written authorization from the Chief of Police or the Chief's designee, and only if access serves a legitimate, specified law enforcement purpose.</p>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>(3) Data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on an undercover peace officer must be redacted.</p> <p>(4) Data regarding an active criminal investigation are confidential or protected nonpublic while the investigation is active.</p> <p>(5) Data that documents the final disposition of any disciplinary action against an employee, together with the specific reasons for the action and data documenting the basis of the action, are public.</p> <p>(6) The City may redact or withhold access to portions of data that are public if those portions of data are clearly offensive to common sensibilities.</p> <p>(7) Notwithstanding paragraph (3) above, when an individual dies as a result of a use of force by a peace officer, the City will allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request: (i) the deceased's next of kin; (ii) the legal representative of the deceased next of kin; (iii) the other parent of the deceased individual's child. The City may deny a request to</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	inspect if the Police Department determines that there is a compelling reason that inspection would interfere with an active investigation. The data in this paragraph shall become public to other persons no later than 14 days after the incident. The City's Police Chief may deny access to this data by providing a written denial with a short description of the reason access was denied.			
Predatory Offender Registration and Release	<u>Offender</u> - Data on the registration and release of persons required to register as predatory offenders is private data on the offender, except as required by law to be released to the public. <u>Recipient of notice</u> - Information regarding witnesses requesting notice of the release of the offender, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are private data on the recipient of the notice.	Private <u>Regarding offender, data in the notice must be limited to data classified as public under MS 13.84, subd. 6, unless offender consents to or a court order authorizes release of nonpublic data</u>	MS 244.053; 244.10	Certain employees on an as needed basis as part of specific work assignment.
Property Complaint Data	The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.	Confidential	MS 13.44	Certain employees on an as needed basis as part of specific work assignment.
Political Subdivision Licensing Data	The following data submitted to a political subdivision by a person seeking to obtain a license: (1) a tax return, <u>as defined by MS 270B.01, subd. 2;</u> and (2) a bank account statement. Political Subdivision Licensing Data collected will be destroyed no later than 90 days after a final decision on a license application.	Private <u>with regard to data on individuals;</u> or Nonpublic <u>with regard to data not on individuals</u>	MS 13.204	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Recreation Data	For <u>The following data collected and maintained by the City for the purpose of people-enrolling individuals</u> in recreational or other social programs: -name, address, telephone number, any other data that identify the individual, and any data which describes the health or medical condition of the individual, family relationships, <u>and</u> living arrangements <u>of an individual</u> , <u>and-or which are</u> opinions as to the emotional makeup or behavior of an individual.	Private	MS 13.548	Certain employees on an as needed basis as part of specific work assignment.
Safe at Home Program Participant Data	Includes location and identity data for those participating in Minnesota's Safe at Home address confidentiality program.	Private data on individuals if a program participant notifies the responsible authority of certification in the Safe at Home address confidentiality program and not otherwise classified by law as not public.	MS 13.045, subd. 3	Certain employees on an as needed basis as part of specific work assignment, including the provision of certain government health, safety, and welfare functions.
Sealed Bids	Sealed bids, including the number of bids received, prior to opening.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Security Information	Data that <u>the Responsible Authority determines</u> would <u>be likely to</u> substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury <u>if the data were released</u> . This includes checking account	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communication services accounts information or similar accounts information, and global positioning system locations.			
Social Security Numbers 	Social security numbers, in whole or in part, are private .	Private	MS 13.355	Certain employees on an as needed basis as part of specific work assignment. Exhibit
Trade Secret Information 	Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the affected individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Transportation Service and Transit Customer Data 	Personal, medical, financial, familial, or locational information <u>data</u> pertaining to applicants for or users of services providing transportation for the disabled people with disabilities or elderly <u>individuals</u> . Additionally, <u>data on applicants, users, and customers of public transit</u> collected by or through	Private	MS 13.72	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	the City website; by telephone; or through a third-party software program for the purposes of booking and using public transit services.			
<u>Unmanned Aerial Vehicle Data</u>	<u>Data collected by an unmanned aerial vehicle or UAV (an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft (e.g., drone)).</u>	<u>Private with regard to data on individuals;</u> <u>Nonpublic with regard to data not on individuals</u> <u>Subject to MS 626.19, subd. 6(a)</u>	<u>MS 626.19;</u> <u>MS 13.82, subd. 7</u>	<u>Certain employees on an as needed basis as part of specific work assignment.</u>

Exhibit C

RIGHTS OF SUBJECTS OF GOVERNMENT DATA SAMPLE "TENNESSEN WARNING"

In accordance with the Minnesota Government Data Practices Act (MGDPA), the City of Red Wing is required to inform you of your rights as they pertain to the information collected about you. Public information is data that is not classified by state statute, federal law or temporary classification as either private or confidential. It is accessible to anyone for any reason. All government data is presumed to be public unless a specific state or federal law classifies it otherwise. Private information is that information which is available to you, not the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC - Name; city of residence; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status.

After an individual is appointed to a public body, the following additional items of data are public: residential address, either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and upon completion of an investigation of a complaint or charge against an appointee, the final investigation report, unless access to the data would jeopardize an active investigation.

PRIVATE - All other information collected at the time of the application.

The information collected and required from you is to determine your eligibility for a City of Red Wing Board and Commission position. If you do not supply the required information, the City of Red Wing will not be able to determine your eligibility. The dissemination and use of the private data we collect is limited to that necessary for the administration of Board and Commission positions. Persons or agencies with whom this information may be shared include:

CITY AND COUNTY PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CITY COUNCIL MEMBERS TO APPROVE THE APPLICATION, CONTRACTED PUBLIC AUDITORS AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You have the following rights under the MGDPA: The right to see and obtain copies of the data maintained on you, the right to be told the contents and meaning of the data, and the right to contest the accuracy and completeness of the data. To exercise these rights, contact Administration, Second Floor, City Hall, Red Wing, MN, 55066.

I have read and understand the above information regarding my rights as a subject of government data.

(Signature of Applicant)

(Date)

CONSENT TO ADDITIONAL DISCLOSURE

I understand and agree that, if my application is selected for consideration by the City Council, all of the data contained in my application materials and provided to the City in support of my application will be published in the City Council packet and will be made available to the public, with the exception of my address, email address, and phone numbers. I consent to the disclosure of all the data in my application materials, regardless of whether that information would otherwise be deemed private under the Minnesota Government Data Practices Act, with the exception of my address, email address, and phone numbers.

(Signature of Applicant)

(Date)

Exhibit D

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Red Wing ("City") to release
(print name)
the following private data about me:

to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.
The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

x _____
Signature

Identity verified by:

- Witness: x _____
- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Other: _____

Responsible Authority/Designee: _____

Exhibit E

INFORMATION DISCLOSURE REQUEST

Minnesota Government Data Practices Act

A. Completed by Requester

NOTE: 1. Request Frequency – Private Data on Individuals. After you have been given shown the data and informed of its meaning, the data need not be disclosed to you six months thereafter unless a dispute or action pursuant to Minnesota Statutes section 13.04 is pending or additional data on you has been collected or created.

2. You may be required to pay the actual costs of making, certifying and/or compiling the copies of information requested.

REQUESTER NAME (Last, First, M.): _____	DATE OF REQUEST: _____
STREET ADDRESS: _____	PHONE NUMBER: _____ EMAIL-ADDR: _____
CITY, STATE, ZIP: _____	SIGNATURE: <u>X</u>
DESCRIPTION OF THE INFORMATION REQUESTED: _____ _____ _____	

B. Completed by Department

DEPARTMENT NAME: _____	HANDLED BY: _____
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NONPUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NONPUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain below) <input type="checkbox"/> DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION: _____ _____	
PHOTOCOPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x _____ ¢ = \$ _____ <input type="checkbox"/> Special Rate: _____ (attach explanation) <i>No charge for 10 pages or less (to person not subject of data)</i>	IDENTITY VERIFIED FOR PRIVATE INFORMATION <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE ID, Etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE: <u>X</u>	DATE REQUEST APPROVED OR DENIED: _____

Requested by: _____ Subject of Data _____ Not Subject of Data

Exhibit F



RED WING



POLICE



DEPARTMENT

NICK SATHER, CHIEF OF POLICE
REQUEST FOR POLICE DATA

DATE OF REQUEST: _____

IF THE DATA YOU ARE REQUESTING IS ABOUT YOU OR IS PRIVATE DATA

ABOUT YOU: To request data as a data subject or private data about you, we will require you to show a valid state ID, such as a driver's license, military ID or passport as proof of identity.

IF THE DATA YOU ARE REQUESTING IS PUBLIC:

You do not have to provide any of the below contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, we may have to contact you.

NAME OF REQUESTOR:

(LAST)

(FIRST)

(MIDDLE)

ADDRESS:

(STREET)

(CITY)

(STATE)

(ZIP)

PHONE #: _____

EMAIL ADDRESS:

SIGNATURE OF REQUESTOR: _____

INFORMATION REQUESTED: Describe the data you are requesting as specifically as possible; i.e. names, dates of birth; type of incident; date of incident; case number if known, etc.

(PLEASE COMPLETE BACK SIDE ALSO)

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THE REPORT(S):

- WILL PICK UP REPORT(S) AT THE POLICE DEPARTMENT
- MAIL TO ADDRESS INDICATED ABOVE
- EMAIL TO ADDRESS INDICATED
- MAIL TO DIFFERENT ADDRESS:
-

This form can be delivered to the Red Wing Police Department, FAXED or mailed.

Red Wing Police Department ATT: Records
430 West 6th Street
Red Wing, MN 55066
FAX: 651-267-2695 or 651-267-2669

Please NOTE the Red Wing Police Department may take up to ten business days to respond to this request if you are the data subject and may respond as soon as reasonably possible if you are not the data subject. A fee may be applicable for copies of reports.

DEPARTMENT USE ONLY:

IDENTIFICATION VERIFIED IF APPLICABLE: DL STATE ID
MILITARY ID

PASSPORT OTHER (explain) _____

DATE REQUESTOR PICKED UP REPORT OR DATE MAILED/EMAILED:

INCIDENT NUMBER(S) OF REPORTS RECEIVED:

COST OF REPORT IF APPLICABLE:

REQUEST PROCESSED BY:

Signature

RWPD32 11/14/2024

Exhibit F-1



RED WING POLICE DEPARTMENT
NICK SATHER, CHIEF OF POLICE



REQUEST FOR PORTABLE RECORDING

Minnesota State Statute 13.825 Portable Recording Systems states that data collected by a portable recording system are private data on individuals or nonpublic data, subject to Subd. 2.

Request Date:		RWPD Case #:	
----------------------	--	---------------------	--

Date of Recording:		Officer(s) Name/Badge #(s)	
Address/Location of Recording:			
Subject of the Data in the Recording OR Representative of the Subject of the Data:	<input type="checkbox"/> I am the subject of the data in the recording <input type="checkbox"/> I am the subject of the data in the recording and I am requesting the release of my image, my voice and my actions to be made public per MN Statute 13.825, subd.2(a) (2) <input type="checkbox"/> I am a representative of the subject of the data in the recording (name of subject of the data) <p align="center"><u>(Consent to Release Private Data form must be signed)</u></p>		
NOT Subject of the Data in the Recording:	<input type="checkbox"/> I am requesting public data of the recording of a peace officer involved in a firearm discharge or use of force resulting in substantial bodily harm per MN Statute 13.825, subd. 2(a)(1) <input type="checkbox"/> I am requesting the data of the recording as a member of a law enforcement agency, government entity or federal agency authorized to receive this data per MN Statute 13.825, subd. (8) Reason for request:		
Persons Entitled to a Report of a Collision	<input type="checkbox"/> I am entitled to an accident report of a collision under MN Statute 169.09, subd. 13, and I am requesting data from the recording used in the collision investigation, specifically, I am: <input type="checkbox"/> (i) an individual involved in the accident, the representative of the individual's estate, or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under MN Statute 573.02;		

(CONTINUED)

Persons Entitled to a Report of a Collision

- (ii) any other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident;
 - (iii) legal counsel of a person described in (i) or (ii);
 - (iv) a representative of the insurer of any person described in (i) or (ii);
- OR
- (v) a city or county attorney or an attorney representing the state in an implied consent action who is charged with the prosecution of a traffic or criminal offense that is the result of a traffic crash investigation conducted by law enforcement.

Accompanying my request is the accident report relating to the data. I understand the data from the recording must only be used to process a claim related to the collision or as evidence in a proceeding related to the collision

I understand that I must not disseminate the data or use the data for any other purpose. I understand that if I disseminate or use the data in violation of this paragraph and MN Statute ~~13.285~~13.825, subd. 4(c), that I am subject to the remedies and penalties under section MN Statute 13.08.

SIGNATURE:

Name of Requester:			
Last	First	Middle	
Address:			
Phone:		Email:	
Signature of Requester:			

OFFICE USE ONLY:

Staff Verified Valid Photo Identification: <input type="checkbox"/>	ID TYPE:	Staff Initials:	
Signature of Staff Completing Request:			Date:

Exhibit F-2



RED WING POLICE DEPARTMENT
NICK SATHER, CHIEF OF POLICE

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the Red Wing Police Department to
(Print name)

RELEASE the following private data about me: (PLEASE DESCRIBE IN DETAIL THE INFORMATION TO BE RELEASED INCLUDING DATE AND LOCATION OF INCIDENT AND INCIDENT NUMBER)

TO the following person(s); representatives:

The person(s) receiving the private data may use it only for the following purpose or purposes:

This authorization is dated: _____ and expires on: _____
(the expiration cannot exceed one year from the date of the authorization)

I agree to give up and waive all claims that I might have against the Red Wing Police Department, its agents and employees for releasing data pursuant to the request.

Signature

Exhibit F-3



RED WING



POLICE



DEPARTMENT

NICK SATHER, CHIEF OF POLICE

ICR # _____

AUTHORIZATION FOR RELEASE OF ACCIDENT REPORT

I, _____,
(print name)

AUTHORIZE THE RED WING POLICE DEPARTMENT TO RELEASE TO ME A COPY OF MY ACCIDENT REPORT DATED: _____.

SIGNATURE

DATE

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THE ACCIDENT REPORT:

- MAIL TO ADDRESS ON ACCIDENT REPORT
- EMAIL TO: _____
- PICK UP IN PERSON

Exhibit G

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. **AUTHORIZATION.** City of Red Wing ("City") hereby authorizes _____
_____, ("Authorized Party") access to the following
government data:

2. **PURPOSE.** Access to this government data is limited to the objective of creating
summary data for the following purposes:

3. **COST.** (Check which applies):

- The Requesting Party is the person who requested the summary data and agrees to bear the City's costs associated with the preparation of the data which has been determined to be \$ _____.
- The Requesting Party has requested the City to prepare summary data and will pay in accordance with attached Exhibit A.

4. **SECURITY.** The Authorized Party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized Party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public which is obtained from City records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

Data contained in files, records, microfilm, or other storage media maintained by the City are the City's property and are not to leave the City's custody. The Authorized Party agrees not to make reproductions of any data or remove any data from the site where it is provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever be disclosed or communicated to anyone by any means.

The Authorized Party warrants that the following named individual(s) will be the only person(s) to participate in the collection of the data described above:

5. **LIABILITY FOR DISCLOSURE.** The Authorized Party is liable for any unlawful use or disclosure of government data collected, used, and maintained in the exercise of this Agreement and classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

The Authorized party agrees to defend, indemnify, and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this agreement and against all loss by reason of the Authorized Party's failure to fully perform in any respect all obligations under this Agreement.

6. **INSURANCE.** In order to protect itself as well as the City, the Authorized Party agrees at all times during the term of the Agreement to maintain insurance covering the Authorized Party's activities under this Agreement. The insurance will cover \$1,000,000 per claimant for personal injuries and/or damages and \$1,000,000 per occurrence. The policy must cover the indemnification obligation specified above.

7. **ACCESS PERIOD.** The Authorized Party may have access to the information described above from _____ to _____.

8. **SURVEY RESULTS.** (Check which applies):

If the Authorized Party is the requester, a copy of all reports, summaries, compilations, articles, publications, or any document or series of documents which are created from the information provided under this Agreement must be made available to the City in its entirety.

If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications, or any document or series of documents which are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY: _____

By: _____

Date: _____

Title (if applicable): _____

CITY OF RED WING

By: _____

Date: _____

Its: _____

Exhibit H

SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to administer the data consistent with the Minnesota Government Data Practices Act and to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Contractor will not release or disclose the contents of data classified as not public to any person unless it is part of litigation and then it can be released to the Court after approval by the City Attorney. Contractor agrees to defend and indemnify the City from any claim, liability, damage, or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

Exhibit I

NOTICE TO PERSONS UNDER AGE OF 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____

Date: _____

BY: _____

(title)

Request to Withhold Information

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____

Signature: _____

Exhibit J

RED WING PUBLIC LIBRARY REGISTRATION

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 v/tdd at least 3 days in advance

Name

First Middle Last

Home Phone (____) _____ Work Phone (____) _____

Address/City

State _____ County _____ Zip Code _____

I live inside my town or city limits: Yes _____ No _____

Birth Date _____ ID # _____

Identification which verifies current address; if a driver's license is not current, a second form of verification is required (personal check, rental receipt, etc.)

The information requested is required to support library service. By Minnesota law information which links your name with library materials is considered private. Information from this registration form, other than your name, is also private, available only to you and to appropriate library personnel, and by those otherwise authorized by law. If you are under age 18, information about your library record is available to your parents and/or guardian unless you ask to have this information withheld by filling out a Data Privacy Request Form and if it is determined that withholding this information is in your best interest.

I agree to obey all rules established by the library, to pay promptly all overdue fines charged to this card, to pay for damaged and lost items, and to give immediate notice of any change of address or loss of card. I understand that this library card must be in good standing in order to receive library services.

SIGNATURE _____

PARENT'S OR GUARDIAN'S SIGNATURE: _____

(If applicant is under 13 years of age, a parent or guardian must also sign here and include parent/guardian identification as listed above.)

FOR STAFF USE ONLY: A J T H D W W3 W6

REPLACEMENT CARD _____

NEW REGISTRATION _____

LIBRARY CARD # _____

STAFF INITIALS _____

DATE _____

Exhibit K

**DATA PRIVACY WITHHOLDING REQUEST FORM
RED WING PUBLIC LIBRARY**

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 at least 3 days in advance

I have been informed that under the Minnesota Government Data Practices Act, I, as a minor, may request private data about me maintained by the library be withheld from my parent/guardian. I understand that this information will be withheld if it is determined to be in my best interests.

I request the following data about me be withheld from my parent/guardian for the following reasons:

DATA:

REASONS:

Signature of minor: _____ Date: _____

NAME (please print) _____

ADDRESS _____

TELEPHONE _____ BEST TIME TO CALL _____

BIRTHDATE _____
(Month) (Day) (Year)

The Library Director will contact you.

(Signature of Library Director) (Date)

Exhibit L

RED WING LIBRARY *Standards and Guidelines for Automated Library Systems*

DATA PRIVACY STANDARDS AND GUIDELINES

INTRODUCTION

On-line automated systems have brought a kind of instant access to patron information that was normally unavailable to libraries prior to the 1970's. Now library staff routinely have access to information about what patrons have checked out, for example, or what titles they have requested. The availability of this information has expanded questions of data privacy policy from traditional concerns of protecting patrons from unwarranted incursions into their records to everyday situations that can occur wherever automated systems provide access to patron information.

The Data Privacy Standards address issues of data privacy as they relate to library automation. Because automated systems affect many areas of library operations, the standards and guidelines address a wide range of issues affecting patron records, circulation records, and other operations records, but their focus remains privacy vis-à-vis automated systems. They do not attempt to address all library data privacy concerns.

The Data Privacy Standards were written to conform to the Minnesota Government Data Practices Act (see description below). The Minnesota Government Data Practices Act governs data practices of state agencies, political subdivisions, and state-wide systems. While the standards contained herein were written to be consistent with the law, they do not have the force of law. School libraries, libraries of publicly-supported academic institutions, state agency libraries, and other governmental agency libraries should be aware that there are many types of data in addition to library data governed by the law (e.g., educational data, welfare data, medical data, criminal justice data). A library holding educational data, for example, also needs to be aware of the sections of the law governing such data.

The Minnesota Government Data Practices Act is often vague and many of its provisions are untested in the courts. Librarians responsible for creating and implementing data practices should obtain legal advice on all proposed policies and procedures. These standards and guidelines should not be used as a substitute for legal counsel.

The Minnesota Government Data Practices Act requires that each political subdivision appoint a person called a "responsible authority" for matters relating to data privacy. (Minnesota Statutes 1996, Section 13.02, Subdivision 16). Since legal opinion concerning implementation of the Act will vary, libraries should consult their responsible authority, as well as their local legal authorities, concerning interpretation of and compliance with the Act.

The Office of Library Development and Services, Minnesota Department of Children, Families and Learning, can also offer assistance to libraries as to the current interpretations of this act.

BACKGROUND: THE MINNESOTA DATA PRACTICES ACT

The Minnesota Government Data Practices Act (Minnesota Statutes 1996, Chapter 13) was initially enacted in 1979. It, along with Chapter 1205 of the Department of Administration Rules, governs data practices of “state agencies, political subdivisions, and statewide systems” (Minnesota Statutes, Sec. 13.01, Subd. 1). The Minnesota Government Data Practices Act covers a wide variety of data (personnel, licensing, welfare, health, etc.) in addition to library data. Section 13.40 deals specifically with library data. Provisions and definitions of particular application to libraries include:

1. Public vs. private data.

“Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order: (1) data that link a library patron’s name with materials requested or borrowed by the patron or that link a patron’s name with a specific subject about which the patron has requested information or materials; or (2) data in applications for borrower cards, other than the name of the borrower.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (a) (1))

2. Pick Up of Reserves.

“A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (b))

3. Private data on individuals.

“*Private data on individuals* means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject of the data.” (Minnesota Statutes 1996, Sec. 13.02, Subd. 12)

4. Relationship of minors to parents/guardians.

“*Individual* means a natural person. In the case of a minor or an incapacitated person, *individual* includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.” (Sec. 13.02, Subd. 8) “Minor” means an individual under the age of 18 (Minnesota Statutes 1996, Sec. 645.451, Subd. 2)

5. Information required to be given individual, upon request for private or confidential data.

“An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. (Sec. 13.04, Subd. 2)

DATA PRIVACY STANDARDS

1. Libraries should have written policies and procedures regarding data privacy and should make (and keep) all staff and volunteers familiar with such policies and procedures.
2. If a library allows its patrons unsupervised access to private data in a patron's own record, procedures should be adopted to ensure that access to that record cannot be obtained by others without the patron's consent.
3. A library should allow another agency within the institution or another library access to its patron records only if the individual from whom private data was collected was informed of that use/dissemination in the “Tennessee warning” given when the data was initially collected and if that agency or library agrees in writing to treat the data in those records in a manner consistent with standards and with the written policies and procedures of the library concerning data privacy.
4. In the case of shared library systems where staff at several libraries have access to the same private data, participating libraries should jointly formulate a set of standards and procedures concerning access to private data.
5. If a library petitions the appropriate authority to broaden or otherwise alter the definition of private data, a copy of that petition should be sent to the Minnesota State Library so that the Library can make the MINITEX/Minnesota State Library Standards Task Force aware of what changes are being proposed.
6. These data privacy standards should be followed by all libraries in Minnesota and they should apply to all persons using Minnesota libraries, regardless of their home residency.
7. All data privacy policies and procedures shall be consistent with all applicable state and federal laws.

DATA PRIVACY IMPLEMENTATION GUIDELINES

The following general guidelines are intended to help libraries develop data privacy policy and procedure as it concerns library automation. They describe areas that libraries should review for compliance with the Minnesota Government Data Practices Act.

1. Identification.

In summary, the Minnesota Government Data Practices Act requires that private data (the specific titles and subjects charged to or requested by a library user and data in application for library cards, except the person's name) is to be made available only to the subjects of that data. In the case of minors or individuals adjudged mentally incompetent, private data is also available to their parents or guardians. This legal requirement should be addressed wherever private data is handled at reference, circulation, and technical service areas.

A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Registration procedures for library cards must give the patron the option of having reserved materials released only to them.

Particularly at circulation desks, the issue is how to develop workable procedures for handling patron requests, in person and over the telephone, for circulation information. ("What do I have checked out? What does my son?" "I got this overdue notice and ...") Given the specific situation at your library, what kind of patron identification can be reasonably required for staff to provide data with confidence?

2. Providing public data.

Anyone can request, and libraries must provide, library data classified as public. It is prudent to ask for and keep only what patron information the library needs for its operation. Public data could be requested and used for purposes you don't intend.

Note: The rules governing the Minnesota Government Data Practices Act state that a "reasonable fee" can be charged for providing copies of public data, taking into account the cost of materials, labor, mailing, electronic transmissions, and other costs. A citizen who wants to only inspect public data cannot be charged any kind of fee for that inspection. (Minnesota Statutes 1996, Section 13.03, Subdivision 3)

3. Data trails.

Libraries should examine data trails left where private data has been gathered, to eliminate the possibility of its being accessible to non-authorized persons. For example, how are the following recorded, maintained, and disposed of: reserve

forms, subject request forms, on-line database search requests and results, ILL forms, notices mailed or otherwise delivered to patrons, manual charge cards?

It should be noted that any charge out procedure that requires a patron to sign his or her name on a card containing the title or call number for the charged material is illegal if that same card is subsequently accessible to another person, and would constitute a disclosure of private data to the public.

4. Public notification concerning private data.

4.1 According to the Minnesota Data Practices Act, minors have a right to request that private data be withheld from their parents or guardians and they must be informed of that right. (This requirement is sometimes referred to as “minor notification.”) Notification should be provided and procedures should be established to handle such a request, including making determinations as to whether honoring a request is in the “best interest” of the minor.

4.2 According to the Minnesota Government Data Practices Act, library users must be informed of what private data is being collected, its uses and disposition (sometimes referred to as the “Tennessee warning”).

Here is a **SAMPLE** public notification, combining Tennessee warning and minor notification:

“The information requested is required to support library service. By Minnesota law, information you provide in applying for a library card, except your name, as well as information which links your name with library materials is private. It is available only to you and to appropriate library personnel, and by those otherwise authorized by law. This information is required to support library service. If you are under age 18, information about materials requested or kept overdue is available to your parent or guardian. You may ask to have this information withheld by filling out a data privacy request form. However, we can only withhold this data from your parents if it is in your best interest to do so.”

4.3 The laws concerning criteria for guardianship are not clear-cut. Consult your legal counsel in drafting guidelines with regard to whom guardianship notification applies.

5. Training and documentation.

Library policy regarding data privacy should be written, approved by appropriate governing bodies, and distributed to staff. Ongoing training programs should ensure staff awareness of this policy and their role in upholding it.

Here is a **SAMPLE** library board policy:

“Library records linking the names of library users with specific library materials or subjects as well as information in applications for borrowers cards, other than the name of the borrower are private by law in Minnesota and may not be disclosed for other than library purposes except pursuant to a court order. All Library employees are advised that such records shall not be made available to any agency of state, federal, or local government except pursuant to such a court order as may be issued under the authority of and pursuant to federal, state, or local law relating to civil, criminal, or administration discovery procedures or legislative investigative power. The Library will resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.”

6. Statement III from the American Library Association Code of Ethics, 1995.

The ALA Code of Ethics, 1995 refers to data privacy as follows:

“We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.”

7. Classification of library data as public or private.

While the law defines private library data (Section 13.40 of the Minnesota Statutes), public institutions have the right and the ability to make application to the State Commissioner of Administration to classify other data maintained by libraries as not public.

Such petitions should also be forwarded to the Minnesota State Library at the address below prior to submission so that the State Library and the MINITEX/ Minnesota State Library Standards Review Task Force can be kept aware of emerging data privacy issues. The State Library can also offer technical help for reclassification efforts.

Minnesota State Law Library
1500 Highway 36 West
Roseville, MN 55113
651-582-8791

ANOTHER INFORMATION RESOURCE

Additional information about privacy as it pertains to information about students is included: *Privacy and the Handling of Student Information in the Electronic Networked Environments of Colleges and Universities (Cause, 1998)*, which may be borrowed from the Minnesota State Library or the MINITEX Office.



**City of
RED WING®**

**2026 Rules and Policies for
Boards, Commissions, and Committees**

Section 1: Authority to Establish Boards, Commissions, and Committees

The City of Red Wing has a variety of bodies that provide important roles within local government. These bodies offer the opportunity for more people to participate in the democratic process and focus on areas important to them. The purpose of the boards, commissions, and committees is to advise the City Council on matters that fall within each group's area of concentration. The following is a list of all appointed bodies within the City of Red Wing government. An addendum to this document provides a summary of the similarities and differences between commissions and committees.

1. *State-Mandated Commission.* Minnesota law dictates that every city organized as a Home Rule City, such as Red Wing, must have a Charter Commission.

- Charter Commission

2. *Advisory Commissions.* The City Council, through the Charter, has the authority to establish additional advisory commissions as it deems appropriate. Among other roles, these types of commissions advise the Council on specific issues, as requested by the Council. The following bodies are currently established:

- Arts and Culture Commission
- Human Rights Commission
- Sister Cities Commission
- Sustainability Commission

3. *Advisory Commissions with Additional Decision-Making Authority.* These bodies act as advisory commissions with at least one additional decision-making responsibility.

- *Advisory Planning Commission:* This body is also the City's Board of Adjustment; it is the decision-making body on zoning variances requested by the public. The City Council is only involved in zoning variance decisions if a member of the public requests an appeal to the Council.

- Heritage Preservation Commission: This is the City’s decision-making body on heritage preservation design reviews for locally designated historic properties. The City Council is only involved in these types of design review decisions if a member of the public requests an appeal to the Council.
4. *Boards of Authority.* The City’s two authority boards were created by a City Council resolution. They have taxing authority and fall under the guidelines of the state’s empowering statutes.
- Housing and Redevelopment Authority Board (HRA)
 - Port Authority Board
- a. The HRA and Port Authority can set Rules of Order and Procedures that are different than the City Council. Members must approve their rules by a majority vote and keep those rules on file.
- b. The HRA and the Port Authority can receive funds on their own behalf without City Council approval.
5. *T. B. Sheldon Auditorium Board.* The City received the T. B. Sheldon Theatre as an estate gift, and the terms of the gift require the theater to have a board. This board was created through a City ordinance and is commonly referred to as the “Sheldon Board.”
- a. The Sheldon Board can set Rules of Order and Procedures that are different than the City Council. Members must approve their rules by a majority vote and keep those rules on file.
- b. The Sheldon Board can receive funds on its own behalf without City Council approval.
6. *Library Board.* The Library Board governs the operations of the Library and, therefore, has more authority than other advisory boards and commissions.
- a. The Library Board may adopt library policies by resolution and has final authority in the library’s material selection and programming.
- b. The Library Board may, with the consent of the Council, accept any gift, grant, or bequest made or offered for Library purposes.
- c. Additional details are outlined in the City’s Charter.
7. *Advisory Committees.* These government bodies meet to recommend policy guidelines to the City Council and serve as a forum for resident input on subjects related to the

committee's area of focus. However, advisory committees have less regulation, authority, and structure than boards and commissions.

- Airport Advisory Committee
- Harbor Advisory Committee

- a. These groups meet only as needed, generally once or twice per year.
- b. A City staff member schedules and convenes the meetings.
- c. Notices, minutes, and recordings are not done..
- d. City staff maintains a membership roster on the City's website.

8. Reassignment of Commissions and Committees

- a. The City Council may, by ordinance, downgrade a regular Advisory Commission (see Section 1, #2 above) to an Advisory Committee per Charter Section 2.04, which provides that the City Council may, by ordinance, abolish any commission as it deems necessary for the operation of the City. This is specific to Advisory Commissions that are not mandated by state statute.
- b. The City Council may by ordinance elevate an Advisory Committee (see Section 1, #7 above) to an Advisory Commission per Charter Section 2.04, which provides that the City Council may by ordinance establish any commission as it deems necessary for the operation of the City. There must be adequate staff capacity and a budget to support this change.

Section 2: Membership

1. Membership Composition: The number of members and the residency of members varies per governmental body. Details are listed below.
 - a. *Advisory Planning Commission, Heritage Preservation Commission, Port Authority, and Sheldon Board.* There are seven members on each of these commissions, and all members must be City of Red Wing residents.
 - b. *Arts and Culture Commission.* This body has a minimum of seven and a maximum of 11 members. Most must be residents of Red Wing; however, up to two members may be residents of Goodhue County or Pierce County.
 - c. *Charter Commission.* The Charter Commission consists of not less than seven and no more than 15 members. All must live within the city limits of Red Wing.

d. *Human Rights Commission, Sister Cities Commission, and Sustainability Commission.* The Sister Cities Commission has up to 15 members, the Sustainability Commission has seven members, and the Human Rights Commission has seven members. Members of these three commissions must live within the boundaries of the City of Red Wing or the broader boundaries of Independent School District 256. The number of members who live outside Red Wing's limits must not constitute a quorum or more.

d.e. The Arts & Culture Commission, Human Rights Commission, Sister Cities Commission, and Sustainability Commission may include one voting member who is a freshman, sophomore, junior, or senior enrolled in Independent School District 256, or who is a homeschooled student of equivalent grade level residing within the geographic area served by Independent School District 256. These student voting members count toward a quorum and have full voting privileges.

e.f. *Library Board:* The Library Board has nine members. Most must be residents of the City of Red Wing, except one member may be a nonresident who lives in Goodhue County, if the county financially contributes to the Library.

f.g. *Housing and Redevelopment Authority (HRA):* The HRA Board has seven members and all must be residents of Red Wing. The HRA also has a City Council Liaison assigned by the Council President.

g-h. *Airport Advisory Committee:* This committee consists of seven members. Four members must be residents of Red Wing. One member must be a resident of Goodhue County who is also either a taxpayer of Red Wing or a hangar lessee. Two members must be residents of Pierce County, with preference given to residents of Isabelle Township or Trenton Township.

h-i. *Harbor Advisory Committee:* This committee consists of seven members. Most members must be residents of the City of Red Wing, except one member may be a nonresident who owns real property in the city or has a slip at a City-owned marina.

2. Length of Residency

All applicants must have lived in the City of Red Wing for at least six months. If another county or area of residency is required or allowed, the applicant must have lived within those boundaries for at least six months.

3. Confirmation of Residency

- a. Administration staff will confirm the residency of each applicant through one of the following means:
 - Goodhue County Public Property Tax Records

- Utility billing
 - State ID
 - Affidavit signed by a Red Wing resident that includes the address of the individual signing the affidavit, the applicant’s address, and the affiant’s sworn statement that the applicant has lived in Red Wing for at least six months.
- b. If City staff are unable to confirm an applicant’s residency through these methods, staff may look at additional factors as noted in Chapter 2, Section 2.08, Subd. 4 of the City Code. That includes, but is not limited to, other evidence that demonstrates the individual lives within the city limits. The applicant has the burden to provide proof of residency to staff.

~~4. Age~~

- ~~a. Voting members of boards and commissions must be 18 years or older.~~

5.4. Advisory Members

- a. Boards or commissions may have adult and/or student advisory members. Advisory members will be appointed by the Mayor and confirmed by the City Council to serve terms consistent with the board or commission they are appointed to.
- b. Advisory student appointees will serve an annual term that begins June 1 and ends May 31.
- c. Advisory members are non-voting members, are not counted for purposes of a quorum, and may live outside the city limits.

6.5. Ex-Officio Member

- a. The Council Administrator serves as an ex-officio member on all boards, commissions, and authorities and, as such, is not counted for the purpose of determining a quorum and does not have the right to vote.

7.6. Membership Lists

- a. City Administration staff will maintain membership lists for all boards and commissions and make them available on the City’s website. These lists will also contain appointment and reappointment dates, term expiration dates, and the appointing government body, if applicable.

Section 3: Simultaneous Membership

- 1. Board and commission members can only serve on a single board or commission at a time, with the exception of the Charter Commission. Charter Commission members can

simultaneously serve on one additional City board or commission.

2. Advisory committee members may serve on one board or commission at the same time they serve on an advisory committee. This is because advisory committees have much less regulation, authority, and structure (see page 2 and addendum).

Section 4: Terms

1. Length of Terms: Most boards and commission terms are three years, expiring on December 31. Members can serve two consecutive terms. Exceptions to that rule are listed below.
 - a. Charter Commission terms are four years, per state law. Members may serve up to two consecutive terms.
 - b. Housing and Redevelopment Authority terms are five years, as established by state law. Members may serve up to two consecutive terms.
 - c. Sheldon Board terms are five years, per city ordinance. Members may serve up to three consecutive terms.
 - d. Advisory student appointee and student voting member terms are one year, from June 1 through May 31. Students may serve up to four consecutive terms. Both advisory (nonvoting) student members and student voting members must be enrolled in ninth grade or higher at the time of appointment. ~~Students may serve up to five terms.~~
2. Appointment to One's Own Term: If a person is appointed to their own term in the first half of the year (January 1 through June 30), that constitutes the first year of the member's first term. If a person is appointed to their own term in the second half of the year (July 1 through December 31), that constitutes a partial term, and the first year of their first full term starts January 1 of the upcoming year. The phrase "own term" means when a person is appointed to an open seat and is not finishing the unexpired term of a previous member.
3. Appointment to Fill Another Member's Vacancy: Sometimes a person is appointed to fill a previous member's unexpired term. This may happen, for example, when a member resigns or steps down early for any reason, is removed, or has their seat declared vacant due to a lack of residency. When this happens, if the new member is appointed in the first half of the unexpired term, that also constitutes the new member's first term. If the new member is appointed in the second half of the unexpired term, that term is considered a partial term. When that partial term is completed, the new member may be appointed to their own first term in the same manner as an initial appointment.
4. When a member has reached the maximum number of consecutive terms allowed, the

member must come off the board or commission and not serve in any capacity on that body for at least 12 months. After 12 months, previous members can be appointed again to the same body and serve the permitted number of consecutive terms.

5. If a board or commission member chooses to serve on a different board or commission at the completion of their term, there is no waiting period.
6. Individuals can hold the position of Chair or Vice Chair for a maximum of two consecutive years. After a one-year hiatus, a person may hold either position again for a maximum of two consecutive years.

Section 5: Member Applications and Appointments

1. Applications

- a. Persons interested in serving on a board, commission, or committee must complete an application. Digital applications and printable applications are available on the City's website at www.redwingmn.gov. Digital applications can be submitted online. Completed paper applications can be mailed or delivered to City Hall. Hard copies can be made available upon request.
- b. Applications will be forwarded to the Mayor or responsible party for consideration and will be kept on file for one year. After one year, interested applicants must reapply.

2. Appointments

- a. Per City Charter, the Mayor recommends people to be appointed to boards and commissions. The City Council then approves or denies those recommendations, based on a majority vote.
- b. Exceptions to this rule are the Charter Commission and the Port Authority.
 - i. Charter Commission: Per Minnesota Statute Section 410.05, Subdivision 3, the City Council can recommend to the Chief Judge of the First Judicial District the appointment of up to seven members, and the Charter Commission can recommend to the judge the appointment of up to eight members.
 - ii. Port Authority: Per Minnesota Statutes, Section 469.050, subd. 3 and subd. 4, and the Port Authority Enabling Resolution, five members are residents recommended by the Mayor and approved or denied by the City Council. Two members are City Council members who are appointed by City Council resolution.
- c. It is recommended that the Mayor contact each individual who applies for a board or commission.

- d. When a member completes their first term and would like to continue with a second term, that member may be appointed in the same manner as the initial appointment.
- e. If a board or commission member is seeking reappointment but will not be recommended by the Mayor for a second term, the Mayor must either notify that person or direct City staff to notify the person.

Section 6: Subcommittees of a Board or Commission

1. Any board or commission may form subcommittees that can meet outside of regular meetings, as long as the subcommittees are less than a quorum of members.
2. Subcommittees have a limited scope of study and cannot make decisions on behalf of the board or commission.
3. Subcommittees can meet and communicate freely. Subcommittees do not need to notice their meetings, record their meetings, or keep minutes.
4. Subcommittees will provide verbal reports on their activities during the next regular board or commission meeting.
5. Subcommittees may include community members who are not members of the board or commission.
6. Staff liaisons may schedule, attend, or follow up on subcommittee meetings, but they are not required or expected to. The involvement of staff liaisons in subcommittee work is based on the specific board/commission's practices and situation. Staff liaisons and/or their supervisors, not the body, make decisions regarding involvement with subcommittees.

Section 7: Board and Commission Orientation and Training

1. In the first month of appointment, new members will receive the following:
 - Orientation Materials
 - Current Roster of Members
 - Rules & Policies for Boards, Commissions, and Committees
 - Oath of Office
2. At the beginning of their term, board and commission members must sign an Oath of Office. A staff member will coordinate a time for the new member to meet with the Mayor to administer the oath. The member will be asked whether they would like to be sworn in

and introduced at the next scheduled Council meeting during the “Proclamations and Recognitions” section of the agenda. If they decline, the oath will be administered at their next board or commission meeting, or at City Hall at an agreed upon time. In the Mayor’s absence, a Council member may administer the oath. In the Mayor’s and Council member’s absence, a City staff member who is a notary public may swear in members. Certificates, once signed, will be filed with the City Clerk.

3. Each year, the City will provide board and commission training for all members on pertinent public laws and/or policies, procedures, or issues, and will determine the training content, format, and schedule.

Section 8: Annual Organizational Work

1. At the first regular meeting each year, every board and commission will do the following:
 - a. *Swear In New and Renewing Members.* This applies to any new or renewing member who has not been sworn in before this meeting.
 - b. *Elect a Chairperson and Vice Chairperson.* Individuals can hold the position of Chair or Vice Chair for a maximum of two consecutive years. Boards and commissions may also choose to elect or appoint additional positions, such as a pro tem, secretary, or subcommittee chair.
 - c. *Review the Annual Budget,* if applicable.
2. After the City Council adopts its Rules and Policies for Boards, Commissions, and Committees, each board/commission will review and follow them. No vote is necessary.
 - a. Boards and commissions may make modifications to the Order of Business and the Public Comment sections by a majority vote of the board/commission members. Council must approve the changes before they can be implemented.
 - b. The Library Board and Sheldon Board can make modifications to additional areas of the document with a majority vote of their board members and do not need Council approval.

Section 9: Order of Business

1. The order of business for all regular board/commission meetings shall be as follows, unless the Council directs otherwise:
 - a. Call to Order
 - b. Roll Call

- c. Pledge of Allegiance (optional)
 - d. Statement of Intent (optional)
 - e. Mission Statement (optional)
 - f. Approval of Agenda
 - g. Approval of Minutes of Preceding Meetings/Workshops
 - h. Public Comment
 - i. Motions and General Business
 - j. Communication Items (optional)
 - k. Adjournment
2. Four items in the Rules of Order are optional, and each board or commission has the choice to include or not include those in their Order of Business for the year. Related to the Statement of Intent and the Mission Statement, members can choose to include one or both as a written part of the agenda and/or as a statement read by the Board Chair or the entire commission, or decline any inclusion.
 3. Boards and commissions may choose whether a member of the public is allowed one or two times to speak. If they choose to allow the public two times to speak, each person is given one time to speak on any non-agenda items, and one time to speak on any agenda items. The time limit is three minutes each. Board/commission members may also choose to change the total number of minutes allowed during their Public Comment period.
 4. Comments from the staff liaison may be included as distinct agenda items listed under "Communication Items," if desired.

Section 10: Rules of Parliamentary Procedure

1. The rules of parliamentary procedure comprised in the newest revision of Robert's Rules of Order shall govern the board/commission in all cases in which they are applicable, and to the extent they are not inconsistent with these rules, the Charter, the ordinances of the City, or the laws of the State of Minnesota.
2. The staff liaison or his/her designee shall function as Parliamentarian to advise the presiding officer on matters of Parliamentary law.
3. The Chair, Vice Chair, and staff shall occupy their respective seats in the Chambers while the board/commission is in session.
4. The Chair, or in his/her absence, the Vice Chair, shall call the meeting to order at the noticed meeting time. In the case of the absence of the Chair and Vice Chair, the Pro Tem (if there is one) or the member with the most tenure in office shall do the same. The names of those present, absent, and excused shall be recorded, as well as arrival and departure

times for the members arriving late or leaving early.

5. The board/commission presiding officer may debate from the chair and shall not be deprived of any rights or privileges of a board/commission member by reason of acting as presiding officer.
6. The Council Administrator's ex-officio, non-voting membership on all boards and commissions shall not count for purposes of determining a quorum, majority, or exceptional majority vote requirements.

Section 11: Public Comment

1. Public comment and active involvement of residents in government is encouraged through in-person communication, phone, and email. The board/commission will dedicate time during each regular meeting to hear from people. (For public hearings, see Section 11, #2 below).
 - a. The Public Comment period will take place near the beginning of the meeting for people to speak on agenda items and non-agenda items.
 - b. Each person from the public is allowed one time of up to three minutes to speak on any non-agenda items, and one time of up to three minutes to speak on any agenda items. Non-agenda items will come first; agenda items will follow.
 - c. A person may not give either of their three-minute allotments of time to another person.
 - d. Every person desiring to speak shall first be recognized by the Chair. No one is allowed to make comments from the audience when the person making comments has not been recognized by the Chair. The Chair shall preserve order and decorum and decide all questions of order, subject to appeal to the board/commission.
 - e. Speakers may not make allegations, charges, or complaints against any City employee or community member. If a person wishes to make an allegation or to file a charge or complaint against an employee, the person should do so with the Council Administrator in writing or in a private meeting, or with the individual designated in City policy to receive the allegation, charge, or complaint. Speakers may not make comments or gestures that are threatening, profane, lewd, vulgar, obscene, harassing, or abusive.
 - f. No person shall be allowed to delay or interrupt the proceedings or refuse to obey the orders and rules of the board/commission.

- g. Speakers may not campaign for or against a political candidate during any part of their public comments.
 - h. When a special meeting is scheduled, the Chair will decide whether public comment will be added to the agenda.
 - i. For details on public comment during workshops, see Section 17 of this document.
2. The public comment practices outlined in Section 11 (#1) above do not apply to public hearings. Boards and commissions that hold public hearings will use the protocol specific to public hearings.

Section 12: Rules of Voting

1. The Chair shall open each agenda item with a brief summary of the issue. A presentation by the appropriate source, such as the staff liaison, may be made if requested by the Chair and/or members of the body. The board/commission may discuss or debate the issue prior to a motion being made.
2. Once a motion is made, a second is necessary before additional discussion.
3. The Chair will ask for action once the discussion of the motion is over. A simple majority is necessary for the approval of regular business items.
4. During discussion, a board/commission member may “call the question” (which means calling a vote to cease debate and proceed to vote on the main motion). If a board/commission member calls the question, a vote will occur on that question. A two-thirds (2/3) vote of support is required to end the debate.
5. A vote on all matters, with the exception of resolutions, shall be taken by asking members in favor to say “aye” and asking if any members are opposed. If there is a question on the number of “aye” votes, any member (typically the Chair) may ask for a roll call vote.
6. A member may be excused from voting for special reasons (such as a conflict of interest as defined by state law), which must be recorded in the minutes.
7. When a board/commission member votes “present,” the member is presumed to be abstaining, and the vote will be recorded as such. A “present” vote will not be counted when determining a majority vote.
8. After the decision on any question, any member who voted with the prevailing side may move to reconsider any action at the same meeting. At a subsequent meeting, any

member may seek to have a motion to renew added to the agenda. If the motion to renew is added to the agenda, the vote on the motion to renew can take place at that same meeting.

9. Except in an emergency or other unusual circumstance where immediate action is in the best interests of the City, the board/commission shall not take action on a request for funding that has not been included in the published agenda. The funding request shall be placed on a subsequent agenda for board/commission consideration.
10. For the purposes of a break during the meeting, the Chair may recess the board/commission without a motion at any time he/she deems appropriate and shall state the time at which the meeting will resume. If the Chair decides to recess the meeting until another date, the Chair shall state the time and place at which the meeting will resume and the reason for the recess.
11. Boards and commissions shall take action by resolution if required by law, agencies of the state, and/or organizational bylaws. The vote on all resolutions shall be by roll call.

Section 13: Meeting Materials

1. The board/commission chair and staff liaison will establish the board/commission agenda.
2. The board/commission will not amend the agenda once the agenda is approved by a majority vote at the meeting. However, the board/commission Chair may vary the order of business or business items to facilitate special orders or the efficient use of meeting time.
3. The staff liaison shall include all appropriate materials in the meeting packet according to the order of business on the agenda. All reports, communications, resolutions, or other materials to come before the board/commission shall be provided to the staff liaison at least five business days prior to each regular meeting.
4. At least 72 hours prior to the meeting, the staff liaison shall furnish a copy of the regular meeting agenda and all supporting materials to each board/commission member electronically (or if requested, in paper form). Failure to accomplish any of these tasks shall not invalidate the meeting.
5. The staff liaison shall have a paper copy of the agenda and supporting materials and make them available for public inspection. All items required to be posted for public notice shall be done on a notice board located in City Hall.
6. Board and commission members may be issued electronic devices for agenda preparation/distribution efficiency. It will be up to the City to determine which boards and

commissions are issued devices. Distribution will depend on the size of the agenda and materials, the frequency of meetings, and the budget.

Section 14: Quorum

1. A quorum of voting members (a majority) must be present to hold a regular or special meeting. If a quorum of members is not present at the designated start time, the chair will cancel the meeting.
 - a. Staff liaisons may choose to email members in advance to see if a quorum will be available on the scheduled meeting date. If it is clear that a quorum will not be in attendance on that date, the meeting may be canceled ahead of time.
2. Workshops do not require a quorum of members.

Section 15: Time Limits, Attendance, and Absences

1. All meetings and workshops of boards, commissions, and committees should be kept to a maximum of two hours. This is to respect the members' time commitment. Members are expected to be on time and stay for the duration of the meeting, as long as that falls within the two-hour limit.
2. Board and commission members are expected to attend the majority of regular and special meetings and workshops. However, it is understood that unavoidable conflicts occur, especially with boards and commissions that are very active and/or have a significant workload, which may require special meetings.
3. Members are expected to prioritize workshops just as they do regular and special meetings. Workshops are important because members learn information and engage in discussions that usually impact the decisions made at meetings.
4. Board and commission members who have unavoidable absences should contact the staff liaison to request an excused absence. Excused absences will be granted to all members who contact the staff liaison before the meeting.
5. The staff liaison will keep an attendance roster and monitor absences. The staff liaison will contact members who miss three consecutive unexcused meetings and/or miss 50% of regularly scheduled meetings and workshops in a 12-month period (whether those absences are excused or not).
6. If attendance issues persist, a board or commission member may be removed by a two-thirds vote of the City Council.

Section 16: Locations for Meetings and Events

1. All regular and special board and commission meetings will take place in the City Council Chambers.
2. Boards and commissions may use City facilities for educational purposes at no cost. To do so, the board or commission should reserve the facility through their staff liaison. A board or commission may reserve City facilities for advocacy purposes only upon prior City Council approval.

Section 17: Notices, Minutes & Recordings

1. Notices, Minutes, and Accessibility
 - a. All meetings and workshops must allow access to the public, either virtually or in person.
 - b. Notice of all meetings and workshops must be posted 72 hours in advance of the meeting.
 - c. Minutes of each meeting and workshop must be prepared and made available to the public.
2. Recordings
 - a. All regular and special board and commission meetings will be video recorded. The meetings will be broadcast live on Channel 6 (the local government access channel) and streamed live on the City's website. Recordings of past meetings will also be rebroadcast on Channel 6 and may be viewed on the City's website.
 - b. Board and commission meeting recordings are available for two years. City Council meeting recordings are available for five years.
 - c. All board and commission workshops will be audio recorded and made available to the public.
 - d. If a board or commission meeting in which action is to be taken is moved off-site, the meeting shall be audio recorded, unless approved by the City Council or if it is physically impossible or impractical to do so.

Section 18: Workshops

1. Boards and commissions may meet in a workshop session as an alternative to a regular or special meeting when no action is requested.
2. Voting cannot take place at workshops. In all cases, topics discussed at workshops will advance to a formal board/commission meeting if action is being considered.
3. The workshop format is generally more informal. Workshops can be held at alternate sites. All workshops will be audio-recorded, and recordings will be made available to the public. Minutes will also be kept and made available to the public.
4. Workshops require public notice and are open to the public.
5. Public comments will not be heard at workshops. Instead, the public is encouraged to attend or listen to the workshop audio online and make comments to the board/commission via email, phone call, a mailed letter, an in-person meeting, or by attending a board/commission meeting and speaking during that public comment period.
6. Public comments may be allowed at a specific board/commission workshop at the direction of the Chair.
7. If a public comment period is held at a workshop, it will be taken at the end, and all comments must be pertinent to the workshop topics.

Section 19: Planning

1. In the first quarter of the year, each board and commission will update their revolving five-year work plan and highlight their upcoming year's priorities. These highlighted items will act as the board or commission's annual work plan.
2. In the first quarter of the year, members will also discuss any anticipated funding desired for the following year. Educational opportunities such as conferences, programs, or training are permissible budget items. After a majority of members adopt the five-year plan, the staff liaison will forward those budget requests to the appropriate staff member for consideration in the City Council's next annual budget.

Section 20: Communication Outside of Meetings and Workshops

1. All boards and commissions will follow the Open Meeting Law related to communication outside of meetings and workshops.

2. Red Wing's advisory committees are not subject to the state's Open Meeting Law because these bodies cannot make decisions on behalf of the City or City Council, and the meetings do not consist of a quorum or more of elected leaders.
3. Below are requirements for Red Wing's boards and commissions.
 - a. *Gatherings*: Most gatherings of board or commission members outside of a meeting or workshop must be less than a quorum unless noticed accordingly. However, chance gatherings and social gatherings are permitted. Please note that even at a chance or social gathering, though, a quorum of members may not discuss or receive information on official board or commission business.
 - b. *Serial Communications*: Serial communications are prohibited. Serial communications are defined as communication between members that initially goes to less than a quorum of members, but when all participants of that communication are considered, it has reached a majority. Examples are an email conversation that eventually spreads to a quorum of members, or a verbal conversation that travels from one member to another member to another until that conversation reaches more than a quorum.
 - c. *All-Email Communications*: A voting board or commission member may not send emails or other communication to all of the other members. The only person who can email an entire board or commission is the staff liaison. This is to ensure that members, either advertently or inadvertently, are not discussing or making decisions in private instead of in front of the public. When a member wants to communicate with all other members, the person should email the staff liaison, who can then email the entire body, at regular periods between meetings (for example, once a week, when necessary).

Section 21: Virtual Meetings and Attendance

1. Boards and commissions must abide by the Open Meeting Law related to virtual meetings, just as the City Council does.
2. Members are expected to attend meetings in person regularly. However, if attendance is impractical due to circumstances, members can attend virtually. Virtual attendance will follow all state laws as outlined in Minnesota Statutes 13D.02 and 13D.01.
3. Members who wish to participate virtually in meetings should consult with their staff liaison at least 24 hours before a meeting, whenever possible.

Section 22: Gifts and Payments for Services

1. Gifts
 - a. Members should not accept gifts from the public, with the exception of the Sister Cities Commission. The Sister Cities Commission and its members can accept gifts from Red Wing's sister cities or their delegates.
2. Payment for Services
 - a. Advisory board and commission members will receive no compensation for service to the City.
 - b. Authority boards can determine compensation without City Council authorization. Port Authority members and HRA members are paid a set amount for every meeting they attend. This amount is set by state statute.

Section 23: Role of the Staff Liaison

1. The Council Administrator appoints a staff liaison to each board and commission.
 - a. Some staff liaison jobs are tied to and within the scope of a City staff position. In these cases, the liaison duties are part of that staff member's job description. For example, the Library Director serves as the staff liaison to the Library Board, and the HRA Director serves as the staff liaison to the HRA.
 - b. Other staff liaisons take on a board or commission as an extra duty outside of their regular job responsibilities. In these cases, the staff liaisons are expected to spend 10 hours per month on board and commission duties. These liaisons will be paid an annual amount, as agreed upon in the annual budget, and payments will be distributed monthly. Board and commission members should be mindful of this 10-hour per month time constraint and utilize staff liaison time accordingly.
2. Each staff liaison will be provided with a job description. The general duties and guidelines of a staff liaison are listed below.
 - a. Attend all of the assigned board or commission meetings. If that is not possible on occasion, the liaison must find a staff replacement to attend the meeting.
 - b. Provide notes to the assigned minute-taker so minutes may be kept. This includes a record of attendance, time of the meeting, vote tallies, budget items, areas for follow-up, and other important information, as needed.
 - c. File approved minutes electronically in Laserfiche.

- d. Work with the chair of the board or commission to create the agenda for the monthly meeting and/or workshop.
 - e. Distribute the agenda and minutes at least three days (72 hours) prior to the board or commission meeting.
 - f. Provide support and information to the body but do not participate in the debate of issues or vote on any issues.
 - i. When the staff liaison position is tied to a specific City staff position, such as the Advisory Planning Commission, Heritage Preservation Commission, Library Board, HRA, Sheldon, and others, the staff liaison may share insights and/or recommendations with members, based on that position's expertise and knowledge.
 - g. Communicate the board/commission's important activities, topics, and/or policy items to the City Council. This can happen in writing via the Council Status Report or verbally in a short presentation to the Council.
 - h. Get the board or commission's action item(s) to the City Clerk, who will put the item on the draft agenda list. The Council Administrator will decide if and when the action item will go on a City Council agenda. The staff liaison will also communicate back to the members the status of the action item.
 - i. Write City Council staff reports related to the commission's action items that come before the Council.
 - j. Process all financial transactions, including reimbursements and payment authorizations.
 - i. The staff liaison is authorized to make payments for goods and services delivered or performed, following a majority vote of the board/commission.
- A regular report on fiscal status, if appropriate, will be made to the board/ commission.
- k. Inform the Administration staff of all regular meetings, special meetings, and workshops. Every effort will be made not to schedule meetings that conflict with other City meetings or other board and commission meetings.
 - l. Work with the Administration staff to ensure that all meeting notices are posted and distributed a minimum of 72 hours before the start of the meeting.

- m. Ensure the City website has the most updated information related to the membership roster, and other information as needed.
3. All work projects anticipated by the board or commission must be approved by the staff liaison's supervisor.

Section 24: Providing Education

1. Each board and commission may educate the public on issues that fall within their mission statement.
2. Boards and commissions may use City funds for the purpose of educating the public, if funds are available in the board or commission's budget.
3. When educating the public, boards and commissions must present the information as a neutral educator and refrain from endorsing or promoting a certain viewpoint.
4. Boards and commissions cannot use City funds to advocate a position on any issue without City Council approval.

Section 25: Use of City Media and Logos

1. City Website and Channel 6: The staff liaison must contact the City's Communication Coordinator to add anything to the website or Channel 6 programming. The Communication Coordinator will ensure the format complies with City rules and guidelines.
2. Printed Materials: The staff liaison will share all printed materials with the Communication Coordinator before distributing to the public to ensure the format complies with City rules and guidelines.
3. City Logos: Boards and Commissions may not create or use unique logos without obtaining a majority vote of the board or commission and authorization from the City Council. When planning a logo, the staff liaison must consult with the Communications Coordinator to ensure compliance with City logo requirements.
4. City Social Media Accounts: Most boards and commissions are not allowed to create social media accounts.
 - a. If a board or commission wishes to share information publicly on a social media site, the staff liaison will contact the City's Communication Coordinator to share information on the City's social media platforms.

- b. Exceptions: The Sister Cities staff liaison maintains a Sister Cities social media site, and City staff of the Public Library and Sheldon Theatre also maintain their own social media accounts, which the pertinent boards can utilize through their staff liaisons.

Section 26: Code of Conduct

Board and commission members shall respect and follow the Code of Conduct, Section 2.15 of the City Code.

Section 27: Private Use of Social Media

The City of Red Wing respects the rights of its board and commission members to use, post on, publish, and maintain personal websites, blogs, and social media websites and accounts. The City also expects members to adhere to the following guidelines:

1. Board, commission, and committee members should act sensibly regarding the content and comments they post, publish, disclose, or share on websites, the internet, and social media, especially when they reference or relate to the City or its employees, operations, or property.
2. Members are personally responsible for the content they publish in a personal capacity on the internet or any form of social media platform. Members are strongly discouraged from identifying their role or affiliation with the City when responding to or commenting on websites, blogs, or social media posts with their personal opinions or views.
3. When a member's online or social media posts, comments, content, or profile identifies them as a City volunteer, or a person could reasonably expect that someone can identify them as a City volunteer, the member is strongly encouraged to do the following:
 - a. Clearly state that they are not speaking for or on behalf of the City of Red Wing, are not authorized to do so, and that the views expressed are their own.
 - b. Refrain from publishing material or comments as a board or commission member that are false, misleading, harassing in nature, or may cause injury to another person, organization, association, or the City's reputation.

Section 28: Legal Counsel

1. The City Attorney will be the legal counsel to each board and commission unless specifically authorized by the City Council to seek outside legal aid.

2. Per state statute, the Charter Commission can elect to spend up to the greater of .07 percent of the City's current certified general property tax levy, or the Charter Commission can elect to spend up to the limits stated in state statute to employ an attorney and other personnel to assist in amending or revising the City Charter.
3. The HRA, Port Authority, and Sheldon Board can elect to have a separate attorney.

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City of Red Wing City Council and City Advisory Boards and Commissions Code of Conduct

City of Red Wing City Code SECTION 2.15. CODE OF CONDUCT.

Subd. 1. Purpose. The purpose of this code is to preserve the integrity of local government and to promote public confidence in the actions of the Mayor and City Council and the members of advisory boards and commissions. The Mayor and City Council of the City of Red Wing determines that a code of conduct for its members, as well as the members of the various advisory boards and commissions of the City of Red Wing, 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 promotes faith and confidence by the citizens of Red Wing in their government. The City encourages citizens to serve on its council and boards and commissions or run for an elected office.

Subd. 2. Standards of Conduct. Elected officials and City advisory board or commission members shall respect and comply with the law and shall behave in a manner that promotes public confidence in government. In their official capacity, the Mayor and members of the City Council and all appointed board and commission members must be patient, dignified and courteous to each other, members of the public and staff. The City Council, boards and commissions shall require similar conduct from persons appearing before them. Specific prohibited actions are listed below:

- a. Violate the open meeting law and/or make decisions outside of a public meeting.
- b. Participate in a matter that is before the city council or relevant board 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. Violate the gift law that applies to elected and appointed City officials as set forth in Minnesota Statutes section 471.895, as amended.
- 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 or committee.
- 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. Use the City logos for personal or private benefit or modify the logos in any way not approved by the logo manual. Elected and appointed officials are not permitted to use City logos or emblems when engaging with the public unless the official has obtained approval from the appropriate Council, board or commission. The appearance of City logos can confuse the public into believing that views or opinions expressed constitute the position of the City. The use of City logos is further governed by the City Logo Guide.
- j. Hold incompatible offices. No elected person can be a full-time employee of the City, and part-time positions must be analyzed for compatibility of the two positions.
- k. Represent through written or oral means as an elected or appointed member of the body, a position that is in conflict to that of the City Council, board or commission, or a position that is premature to an action before the City Council, board or commission without clearly stating that the position is their own position and not the position of the City.
- l. Use the person's elected or appointed position to impede the efficiency of the body's decision-making.
- m. Encourage or participate in the manner that erodes order and decorum at a meeting.

Except as prohibited by the provisions of Minnesota Statute Section 471.87, there is no violation of item 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 an elected or appointed official under the circumstances described under Minnesota Statute Section 471.88, if proper statutory procedures are followed.

Subd. 3. Standard of Conduct — Ex Parte Communication. An ex parte communication means an oral or written, off the record communication made between an interested party (such as an applicant or citizen in favor/opposition to a proposed application/project) and elected leaders, board members, and commissioners outside of a public meeting, intended to influence a decision. Ex parte communications may present a concern in the context of quasi-judicial actions (where the government body takes action based on a prescribed standard that affects an individual or small group of citizens, such as whether to grant a conditional use permit) as compared to legislative actions (where the action affects the population as a whole, such as whether to amend the zoning code). Additional examples of quasi-judicial actions are whether to grant a variance or a special use permit, and an appeal to the City Council of the Heritage Preservation Commission's decision not to grant a Certificate of Appropriateness. Elected leaders, board members, and commission members should not engage in ex parte communications in quasi-judicial actions because of the concern about the appearance of impropriety and potential for public body's decision to be overturned by a court of law if the ex parte communication led to a biased decision. Avoiding ex parte communication in quasi-judicial actions allows each decision maker to be given the same information at the same time, on which to make a decision.

Subd. 4. Complaint, Hearing. Any person may file a written complaint with the City Clerk alleging a violation of the aforementioned standards of conduct. 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 as to whether to hold a hearing must be made within 30 days of the filing of the allegation with the City Clerk, if possible. The Council may grant an extension to this 30-day timeline if additional time is needed to adequately investigate the complaint. 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. The purpose of the hearing is to provide the person accused with 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, at the same meeting or a future meeting, censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, remove an appointed member of a board or commission from office, and/or any other action within the Council's authority that the Council deems appropriate.



~ Charter Commission 2027 Regular Meeting Schedule ~

The Charter Commission will hold its regular meetings at City Hall, 315 W 4th St., Red Wing, MN. The meeting will take place in the City Council Chambers beginning at 6:00 p.m. Commission members may participate in meetings via interactive technology.

<p style="text-align: center;">Regular Meeting Council Chambers, City Hall 315 W 4th St., Red Wing, MN</p>
<p style="text-align: center;">Wednesday, June 16, 2027 at 6:00 p.m.</p>

A quorum of the Red Wing City Council Members may be in attendance.

Please publish in the Republican Eagle Government Calendar.