

PART III
PERSONNEL MANAGEMENT

CHAPTER 8: CITY ADMINISTRATIVE STAFF

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Chapter 8

City administrative staff

This chapter explores the duties of various city officials, the requirements for qualifying for office, and the problem of incompatible offices for elected and appointed officials. Topics include:

- I. **Appointed officials and employees**
- II. **Qualifying for office**
- III. **Incompatible offices**
- IV. **How this chapter affects home rule charter cities**

I. Appointed officials and employees

City administration, including the duties of the clerk, administrator and manager are also discussed in League Governing and Managing memo, *City Administration: Clerk, Administrator, Manager* (369.3).

A.G. Op. 624a-3 (Nov. 2, 1998).

Muehring v. Sch. Dist. No. 31, 224 Minn. 432, 28 N.W.2d 655 (Minn. 1947); *Jewell Belting Co. v. Village of Bertha*, 91 Minn. 9 (Minn. 1903); *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (Minn. 1886).

Statutory city councils have complete freedom to create whatever positions they find necessary in addition to those required by the statutes. They may assign duties to these officials and employees as long as such actions promote the public welfare and are consistent with state law. This may also be true in a home rule charter city, depending on its charter provisions.

Absent specific statutory or charter authority, a city council may not delegate legislative or quasi-judicial power. In addition, a council may not delegate any administrative power of a discretionary nature unless authorized to do so by state law or city charter. Councils may delegate merely ministerial functions.

Non-elective officers and employees in cities fall into two groups. The city often retains or contracts with independent contractors, such as an attorney, auditor, architect, and others. Their compensation is frequently on a retainer, a contract or some other fee basis. The city also hires full-time and part-time employees to whom the city pays either a salary or a wage. Some cities employ these individuals on the basis of a merit system or under a civil-service system.

A. Statutory appointive offices

Minnesota statutes require that cities fill several positions. These include the following:

- Clerk
- Treasurer
- Emergency-management positions
- Data-practices-compliance positions
- Assessor
- Manager (Plan B cities only)

1. Clerk and treasurer in general

[Minn. Stat. § 412.581.](#)

[Minn. Stat. § 412.591.](#)

[Minn. Stat. § 412.681.](#)

Plan A cities must appoint a clerk and a treasurer. The law also authorizes these offices to be combined by local ordinance.

In Plan B cities, there must be a clerk and a treasurer and other offices as the council may create by ordinance. The council may combine the duties of any offices, except the manager may not perform the treasurer's duties.

[Minn. Stat. § 412.02, subds. 1, 3.](#)

In Standard Plan cities, the clerk and treasurer (or the combined clerk-treasurer position) are elected positions. Although the duties are similar to Plan A city clerks and treasurers, Standard Plan cities should also see the discussion in Chapter 6 regarding elected officials for further information.

2. Clerk

City administration, including the duties of the clerk is also discussed in League Governing and Managing memo *City Administration: Clerk, Administrator, Manager* (369.3).

The clerk is a central figure in any city government and has a wide variety of duties and responsibilities. Not only does the clerk execute many of the city's governmental functions, the clerk also usually supervises the daily administration of city business, such as keeping records, writing letters, and keeping accounts.

a. Elected clerk

In many Standard Plan cities, the elected clerk no longer spends a large amount of time performing the duties of clerk. Instead, the elected clerk has become more like a regular councilmember who supervises a deputy clerk—a city employee who performs the day-to-day operations of the clerk's office.

The elected clerk, in this situation, is usually fully employed in another job in the private sector and performs the clerk's statutory and supervisory duties on a limited, part-time basis. Some Standard Plan cities even hire an administrator to work under the supervision of the entire council. This person performs many of the duties normally performed by the clerk.

b. Appointed clerk

In most Plan A cities, the position of clerk has become a full-time job. The person hired to fill this position usually has experience and some expertise in performing the various duties that are the responsibility of a full-time city clerk. Some smaller cities with appointed city clerks may hire a person to work as the city clerk on a part-time basis.

c. Duties of the clerk

[Minn. Stat. § 412.151, subd. 1.](#)

The clerk has several statutory duties. Although the following list is not comprehensive, it outlines the most commonly recognized duties. By statute, the clerk in statutory cities is required to perform the following functions:

- Keep a minute book containing all of the city council proceedings.
- Keep an ordinance book recording all of the ordinances passed by the council.
- Act as the bookkeeper of the city and keep an account book to enter all money transactions of the city, including the dates and amounts of all receipts, and the person from whom the money was received, as well as all orders drawn upon the treasurer with their payee and object.
- Give the required notice of each regular and special election, record the proceedings thereof, notify officials of their election appointments to office, and certify to the county auditor all appointments and the results of all city elections.
- Serve as the custodian of the city's seal and records.
- Sign all official papers.
- Post and publish notices, ordinances, and resolutions as required.
- Perform other appropriate duties as imposed by the city council.

[Minn. Stat. § 412.201.](#)

In addition to the above duties, the clerk will also typically do the following:

- Provide notice of regular and special meetings
- Handle all correspondence on behalf of the council.

- Draw up agendas and prepare or supervise the preparation of other working papers the council uses at meetings.
- Execute any duties the council assigns to the clerk. In many cities, the clerk also does this for administrative boards, such as the utilities commission.

d. Financial responsibilities

See [Handbook, Chapter 27](#).

Except for those records the treasurer must keep, the clerk maintains all financial records. Where the city has combined the office of clerk and treasurer, the clerk generally performs all financial duties. In addition, the clerk must annually prepare three different financial reports.

If the council makes appropriations or allotments under a budget, the clerk usually has the duty of administering the budget.

See League Governing and Managing memo [Guidelines for Preparing City Budgets](#) (215b.1) for more information.

The city must make monthly payroll deductions for Public Employees Retirement Association (PERA) contributions and Social Security contributions from each employee, and remit the deductions and the city's contributions to the appropriate state officer. A statement of the amount of these deductions, the amount of salaries from which they came, and the names of the employees for whom the city is making the payment must accompany the payments. The preparation of this statement is the duty of each city department head, but in many cities this responsibility is centralized in the office of the clerk or finance officer. If the city does not have separate department heads or if some city employees are not directly accountable to any particular department head, the clerk should make the deductions and file the necessary returns.

As the general city administrative officer in charge of payroll, the clerk must also withhold state and federal income taxes from the paychecks of all employees.

[Minn. Stat. § 412.151, subd. 2.](#)

By ordinance, the city council may delegate all or part of the clerk's bookkeeping duties to another officer or employee. The person responsible for these duties must furnish a fidelity bond. If the city makes the treasurer responsible for all bookkeeping functions, the city must audit its financial records annually. Copies of the ordinance delegating the bookkeeping functions must be sent to the state auditor.

e. Filing official documents

It is the duty of the clerk to accept and keep on file the following official documents:

[Minn. Stat. § 358.11.](#)
[Minn. Stat. § 574.21.](#)

- The oath and bond of each city official (except the assessor).

- Claims against the city.
- The treasurer's year-end statement.
- Any state auditor's reports on city affairs the clerk may receive.
- Proclamations stating that rabies exist in the city, and seeing that such a proclamation is published in a legal newspaper, or, if there is no legal newspaper in the city, posting a copy in three public places.
- Tax-settlement receipts from the county treasurer.
- Receipts court officers obtain from the treasurer for payment of fines into the treasury.

Minn. Stat. § 412.141.

Minn. Stat. § 6.51.

Minn. Stat. § 35.68.

Minn. Stat. § 276.11, subd. 1.

Minn. Stat. § 412.871.

The clerk, even though no longer the local registrar of vital statistics, like birth and death records, should keep records the city accumulated during the years when the clerk performed this duty. The clerk should answer inquiries concerning these records.

f. Certification

The clerk should certify the following information and attest to its validity:

- Local approval of special laws pertaining to the city.
- Special assessments to the county auditor.
- Plats of land within the city to the county recorder.
- Tax levies to the county auditor.
- Immediate notification of a change of regular city election date to the secretary of state and the county auditor.
- Use of lever voting machines or an electronic voting system, within 30 days of adoption of such a system to the secretary of state.
- Precinct boundary changes to the county auditor and the secretary of state. The clerk must file a map showing the new boundaries with the county auditor and the secretary of state. The clerk must also prepare a corrected precinct map and provide it to the county auditor. In addition, notice of the change must be posted in the clerk's office at least 60 days before the change becomes effective.
- Existence of a municipal fire department or of an independent nonprofit firefighting corporation, and the fire personnel and equipment.

Minn. Stat. § 645.021, subd. 3.

Minn. Stat. § 429.061, subd. 3.

Minn. Stat. § 505.176.

Minn. Stat. § 275.07, subd. 1.

Minn. Stat. § 205.07, subd. 1.

Minn. Stat. § 206.58, subd. 4.

Minn. Stat. § 204B.14, subds. 4, 5, 6.

Minn. Stat. § 69.011, subds. 2, 3.

- Minn. Stat. § 69.011, subd. 2(b).
- Existence of an organized police department, incorporated relief association, and number of police officers in the city to the county auditor and commissioner of revenue.

g. Other duties

In addition to the above duties, the clerk must:

- Minn. Stat. §§ 358.09-.10.
- Take and certify acknowledgments and administer oaths.
- Minn. Stat. § 347.09.
- Issue dog and kennel licenses, and enforce county-licensing regulations if applicable.
- Minn. Stat. § 340A.905.
- Receive notice and inform the council of convictions for liquor violations involving people holding liquor licenses in the city.
- Minn. Stat. § 412.851.
- After the adoption of a resolution vacating a street, alley or public ground, the clerk must prepare a notice of completion of the proceedings that must be presented to the county auditor and recorded with the county recorder.

h. Deputy clerk

Minn. Stat. § 412.151, subd. 1;
A.G. Op. 470c (Feb. 18, 1959).

The statutes allow the position of deputy clerk in any statutory city. Only the clerk, with the consent of the council, may appoint and remove the deputy. The attorney general has interpreted “with the consent of the council” to mean the council has power to approve the clerk’s nominee for the position. Besides approving the appointment, the council should provide for payment of the deputy’s salary from city funds.

Minn. Stat. § 412.151, subd. 1.

If the city does not have a deputy clerk and the regular clerk is absent from the city or is disabled, the council may, on its own authority, appoint a deputy clerk to serve during the absence or disability of the regular clerk.

Minn. Stat. § 412.151, subd. 1.

A deputy may perform all duties of the clerk, except for those duties of a Standard Plan clerk serving as a councilmember. While state law does not require the deputy position to be bonded, it is advisable to do so when the position requires handling money. The clerk is responsible for all official actions of the deputy.

3. Treasurer

Minn. Stat. § 412.141.

The treasurer must receive and safely keep all city money. This means prompt entry of all receipts in an account book, showing the date, source, kind, and amount of each payment, and the immediate deposit of all money in the city’s official depository. To pay out city funds, the treasurer must draw up an order in writing, the council must audit and allow it, and the mayor and clerk must sign it.

Minn. Stat. § 412.141.

The treasurer must have the books and records available for inspection at any time. After the close of each calendar year, the treasurer must prepare and file a detailed account of that year's receipts and disbursements with the clerk.

Minn. Stat. § 412.141.

When leaving office, the treasurer must deliver all city papers, books, and money to the new treasurer as soon as he or she qualifies for office and begins the term. An outgoing treasurer should close the books completely before passing them on.

a. Duties of treasurer

In addition to these general duties, the treasurer must also:

Minn. Stat. § 427.09.

- Select one or more official depositories for the safekeeping of city funds if the council fails or refuses to select a depository within 30 days after the beginning of the fiscal year.

Minn. Stat. § 484.90.
Minn. Stat. § 412.871.

- Receive fees, fines, and other payments due to the city, and give out receipts for them.

b. Deputy treasurer

Minn. Stat. § 412.141.

The treasurer may, with the consent of the council, appoint a deputy treasurer who is supervised by the treasurer and who may be terminated by the treasurer. In case of the treasurer's absence from the city or disability, the council may appoint a deputy treasurer to serve during the regular treasurer's absence or disability. The deputy treasurer may discharge any of the duties of the treasurer. Since the deputy may handle money, the council should require a deputy treasurer to file an official bond.

4. Emergency management

Minn. Stat. § 12.25, subd. 1.

The League's *Minnesota Basic Code* has a Model Emergency Management ordinance.

Every statutory and charter city must establish a local organization for emergency management. Each local organization must have a director, who is appointed by the mayor. Many smaller cities have designated their fire chief as the director of emergency management.

5. Data-practices positions

Minn. R. 1205.1000.

Minn. Stat. § 13.02, subd. 16.
Minn. R. 1205.2000, subp. 2.

A state rule requires the governing body of each political subdivision to appoint a responsible authority. A "responsible authority" is the individual designated by the council to be responsible for the collection, use, and dissemination of the city's data. A sample resolution to appoint a responsible authority is found in the state rules.

[Minn. Stat. § 13.05, subd. 13.](#)

In addition to appointing a responsible authority, all political subdivisions must appoint or designate a data-practices-compliance official. This is the person to whom people may direct questions or concerns regarding problems in obtaining access to data or other data-practices problems.

[Minn. Stat. § 13.05, subd. 13.](#)

The data-practices-compliance official must be a city employee and may be the same person as the responsible authority. A sample resolution to appoint a data-practices-compliance official is available from the League.

6. Assessor

[Minn. Stat. § 273.063.](#)

[Minn. Stat. § 270.50.](#)

Cities of the first class, and cities with a population of 30,000 or more that are located in counties that do not have a countywide-assessment system, must have a city assessor. The assessor performs both the duties of a local assessor and county assessor, except the county assessor retains supervisory duties. Assessors must be licensed by the State Board of Assessors.

[Minn. Stat. § 412.131.](#)

In many Minnesota cities, the county assessor assesses property for tax purposes. But Minnesota state law authorizes all statutory cities to appoint assessors. The assessor is appointed by the city council or as provided for by charter. The city assessor is appointed for an indefinite term and may be removed by the council for cause or on charges by the commissioner of revenue for inefficiency or neglect of duty. Vacancies must be filled within 90 days or the office is terminated and the county auditor may appoint a new assessor. But the city assessor office may be reinstated by hiring a certified or accredited assessor.

[Minn. Stat. § 273.05, subd. 1.](#)

All assessors must take an oath of office before they begin. Failure to take the oath means a refusal to serve. The State Board of Assessors is the source of information on the state-certification program.

[Minn. Stat. § 273.05, subd. 2.](#)

7. Managers (Plan B cities)

[Minn. Stat. §§ 412.601-751.](#)

City administration, including the duties of the city manager is also discussed in League Governing and Managing memo, *City Administration: Clerk, Administrator, Manager* (369.3).

Plan B cities and some home rule charter cities have a city manager. The council exercises the legislative power of the city and determines all matters of policy. The city manager exercises the administrative power of the city, and is responsible to the council for the proper administration of all city affairs. In other words, the manager performs all the administrative duties, such as hiring employees, enforcing city ordinances, and preparing the budget.

[Minn. Stat. §§ 412.601-751.](#)

In Plan B cities, department heads are directly responsible to the city manager, and as a result, must make reports, submit the budget, and be directly subordinate to the manager.

B. Non-statutory offices

See [Minn. Stat. § 471.59](#).

Although the law does not require it, most cities appoint an attorney and a police chief. Other positions that many cities have are administrator, librarian, liquor-store manager, recreation director, street superintendent, engineer, and utilities superintendent. Small cities often hire several part-time employees, or one or two full-time employees to perform many duties. Sometimes, small cities share the services of an employee with other small cities under the Joint Powers Act.

While certain positions are common to large and small cities alike, the actual duties of these employees often depend on the size of a city and the complexity of its organizational structure. A supervisory administrative official may or may not devote some time to direct participation in the functional activities of the department. For example, police chiefs in smaller cities may spend a major portion of their time working in patrol cars, while devoting only a few hours per week to supervisory activities.

1. City administrator

[Minn. Stat. § 412.111](#).

City administration, including the duties of an administrator is also discussed in League Governing and Managing memo, *City Administration: Clerk, Administrator, Manager* (369.3).

[A.G. Op. 471-F \(Oct. 24, 1961\)](#); *Jewell Belting Co. v. Village of Bertha*, 91 Minn. 9 (Minn. 1903).

The city council may appoint employees for the city as deemed necessary for its proper management and operation. Standard Plan and Plan A city councils may establish, by ordinance or resolution, a chief-administrative office, often called the city administrator position. The city may assign coordinating duties of the city administrator to the city clerk, deputy clerk or special-administrative officer.

Delegated duties must be ministerial. The courts will not permit the delegation of legislative discretion. The duties the council may delegate include the supervision of workers, accounting, preparation of reports, factual determinations, and execution of council policies. The administrator may not hire and fire employees or make purchases and let contracts unless the council sets specific standards governing these actions.

The city should have a detailed job description for this and all positions. Several small cities may also agree to share the benefits of a professional administrator by sharing the financial burden as well as the time of the administrator.

Except in Plan B and in some charter cities, department heads are directly responsible to the council. While they may make decisions of a daily, routine nature, the council must decide all questions of major policy.

In fulfilling their supervisory functions, administrative officials should oversee long-term and short-term departmental planning, organize and direct the workload of employees, report to the council and the general public, and prepare and execute the budget.

2. Other offices

There are a number of other types of offices that city councils create to serve the needs of the city. These offices will vary in their responsibilities from city to city.

3. Boards and commissions

Many cities have various boards and commissions that advise the council in particular areas. These boards and commissions are generally established by ordinances that specify the board's responsibilities and duties. Some boards and commissions may have specific powers given to them by state statute.

See [Handbook Chapter 6](#) for further information on boards and commissions.

4. City attorney

Although not a required position, most cities hire an attorney who acts as the legal advisor to the city council. The need for cities to make contracts, write and pass ordinances, deal with employment issues and land-use matters, as well as the potential for litigation in a variety of different areas, makes a good working relationship with a city attorney very important.

Here are some basic guidelines to help cities work with their city attorneys:

Provide information. Keep the city attorney informed about the matters the city may be dealing with. Give the attorney *all* the facts that surround a specific situation. If you leave something out, it may affect the conclusion reached by the attorney.

Include in meetings. It's a good idea to have the city attorney attend all the city council meetings.

Give time to prepare. Give the city attorney advance notice of questions for which the council may want a legal opinion. This will allow the attorney to thoroughly research the question and provide a well-informed legal opinion. An immediate answer to questions with complex legal issues will not always be available.

Ask questions. If you don't understand what the city attorney has said, ask for clarification. You can't follow advice that you don't understand. Ask the attorney why he or she has reached a particular conclusion if you don't understand the reasoning behind the opinion.

City council members don't always agree with the advice they get from their city attorneys. While there is no obligation to follow the legal advice you receive, cities should exercise some caution before disregarding it. If you disagree with the city attorney's opinion, the city should consider getting a second opinion from another attorney. Be sure to let your city attorney know you will be seeking an additional opinion on the matter. In some fields of law, such as employment and land use, an attorney who specializes in that particular field may be able to provide additional information that can assist the council in making a well-informed decision.

II. Qualifying for office

Minn. Stat. § 358.05; See discussion in [Handbook Chapter 6](#).

Qualifying for office means an elected or appointed official takes the official oath and files a bond, if necessary, for the position. This is not the same as qualifications for office that refer to an individual's abilities and characteristics.

Minn. Stat. § 351.02 (6).

The act of qualifying for office should take place within the statutorily prescribed time limit. Failure to do so creates, upon declaration of the council, a vacancy in the office.

A. Official bonds

Minn. Stat. § 412.111.

See *League Governing and Managing memo Official Bonds and Oaths of City Officers and Employees* (65.2).

State law requires the treasurer and clerk to furnish bonds. In addition, state law authorizes the council to require a bond from any other officer or employee.

The city should always require a bond for employees that handle substantial amounts of money or property that is readily convertible into money. In some cases, the city may find it desirable to bond major administrative officers as well, even though they do not directly handle money. Many cities bond the city manager, finance director, deputy clerk, department heads, and other similar administrative officials.

Minn. Stat. § 412.151, subd. 2.

In addition, if the council designates all or part of the clerk's bookkeeping duties to another officer or employee, that officer or employee must furnish a fidelity bond.

1. Premium payments

Minn. Stat. § 412.111.

Minn. Stat. § 412.151, subd. 2.

State law allows the council to pay the premium on the bond from city funds, although the council could require officers or employees to obtain the bonds and pay their own premiums.

2. Amount of bond

The law does not set a schedule of bond coverage for any particular class of officials or employees. The amount of bond coverage is up to the city council. A city may set the amount of bond coverage in several different ways. One way is to set the bond amount as approximately equal to the largest amount of money on hand at any one time.

The Government Finance Officers Association recommends using a formula to determine the officer's "exposure index." This formula takes 10 percent of the sum of the city's total annual revenue, adds it to the market value of negotiable securities under the official's control, and matches the resulting figure to a recommended bond amount. Further information on this formula is available from the League of Minnesota Cities.

See LMCIT risk management information memo, [LMCIT Bond Coverage](#).

3. Kind of bond

The bonds that the clerk and treasurer furnish must be corporate-surety bonds. Bonds of all other officers or employees may be either corporate or personal-surety bonds. Corporate bonds, however, are becoming more and more common.

Corporate-surety bonds have the backing of an insurance company licensed to write the bonds. Personal-surety bonds have the backing of individuals signing as sureties. They agree to pay any amount up to the amount of the bond, if the city is entitled to that amount due to improper actions on the part of the bonded person. Corporate-surety bonds provide better protection because of the resources of the insurance company and the more rigid supervision they usually require over the handling of funds.

[Minn. Stat. § 412.111.](#)

If the officer uses a personal-surety bond, two or more people or sureties who are residents of the state must, together with the officer, sign and acknowledge the bond. Personal sureties must also certify, by an affidavit attached to the bond, that each is worth at least twice the sum of the bond, over and above their debts and liabilities and exclusive of their exempt property.

[Minn. Stat. § 574.01.](#)

[Minn. Stat. § 574.12.](#)

4. Blanket bonds

Instead of individual bonds, the council may provide for blanket-position bonds that a surety company issues to cover any officer or employee, including clerks and treasurers who must furnish a bond. The blanket bond must include all of the obligations required by the law, charter or ordinance. Councils may purchase blanket-position bonds regardless of contrary charter provisions.

[Minn. Stat. § 415.18 subd. 1a.](#)

5. Approval and filing

Minn. Stat. §§ 574.20-.21.

The bonds of all city officers and employees, except for a few exceptions, must be approved by the council and filed by the clerk. The council should endorse each bond. If the council decides that an official's bond is not sufficient, it may require a bond in a larger amount.

The county auditor approves and files the bond of the city assessor. The assessor should file the bond before receiving the assessment book. Presumably, the same requirements should apply to the deputy assessor.

6. Form of surety bonds

The insurance company that writes the bond usually provides corporate-surety-bond forms. The forms should comply with state requirements. Printed forms for personal-surety bonds are available from legal stationers. The League can provide information on suggested forms.

7. Terms of bonds

Bonds may be for a specified period, such as for a year, or for an indefinite term, in which case they remain in effect as long as the person stays in office. The League recommends, however, that the council only accept bonds that are for a one-year period. Each bonded officer or employee would then furnish a new bond annually. This procedure protects the city against an accumulation of improper actions on the part of an individual.

8. LMCIT bond coverage

See LMCIT risk management information memo [LMCIT Bond Coverage](#) for further information on the type of coverage offered.

The League of Minnesota Cities Insurance Trust (LMCIT) offers public-employee-bond coverage as part of its overall package of coverage for cities. LMCIT's bond program makes available all of the fidelity and faithful-performance bond coverage and limits that is needed by cities and city officials, and coordinates the bond coverage with a city's other coverage to avoid gaps, overlaps, and inconsistencies.

B. Examination of accounts

[Minn. Stat. § 574.23.](#)

The council must make, or arrange for another party to make, a thorough examination of an officer's financial accounts when: the official files a new official bond or other security; the officer's term expires; or a vacancy results from the death, resignation or removal of the official. If there is any discrepancy in the accounts, the council must immediately notify the official and the official's sureties of the irregularity. The statement must be in writing. The council should mail the statement to the officer and sureties at their residences, if known. Failure to make the examination or give such notice does not discharge the sureties.

Such an examination of accounts should occur at the end of an official's term of office whether or not that official has been re-elected to serve another term.

III. Incompatible offices

See 39 Dunnell Minn. Digest *Public Officers and Employees* § 3.03 (4th ed. 1998); *State v. Sword*, 157 Minn. 263, 196 N.W. 467 (Minn. 1923).

The statutes do not usually prevent a person from holding two or more governmental positions. However, elected officials and some employees cannot hold more than one position if one of the positions has responsibilities that are incompatible with the other. A public official may also be prohibited from holding more than one position if the different jobs give rise to conflicts between personal interests and official duties. It is important to realize that incompatible offices may occur with either elected or appointed offices. Thus, both elected and appointed officers may need to consider the nature of their offices if they will be serving the public in more than one role.

See [Handbook Chapter 6](#); See also League Governing and Managing memo *Official Conflict of Interest* (140a.3).

See also House Research Information Brief, *Compatibility of Offices* for more information.

Incompatible offices are discussed in more detail in another part of this *Handbook*, as well as in a League Governing and Managing memo.

IV. How this chapter applies to home rule charter cities

The section on *Appointed officials and employees* generally applies only to statutory cities. The sections on *Qualifying for office* and *Incompatible offices* generally apply to both statutory and home rule charter cities.