



GOVERNING & MANAGING INFORMATION

City Administration: Clerk, Administrator, Manager

369.3

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Part I. Introduction

Whether organized under state statutes or a home rule charter, the city council has to make important decisions regarding how it distributes responsibilities to a variety of offices. The challenge in structuring any government is achieving the appropriate balance between the elected leadership, who represent the voters, and professional management.

This memo discusses the similarities and differences between the city clerk, city administrator, and city manager positions. In addition, it outlines the duties and responsibilities of each position and describes the different forms of government under which these positions exist.

Part II. Types of cities

Minn. Stat. ch. 412.
Minn. Stat. ch. 410.

Minnesota has two basic types of cities: statutory cities, which operate primarily under Chapter 412 of the Minnesota Statutes; and home rule charter cities, which operate under a local charter. Statutory cities may choose from three forms of government organization: Standard Plan statutory cities, Plan A statutory cities, and Plan B statutory cities.

Statutory cities have weak mayor-councils. This means the mayor has all the rights, powers, and duties of a councilmember in addition to those specific to a mayor. The council as a whole retains ultimate administrative and legislative responsibility and authority, except where an independent board, such as a utilities commission, has one or more specific functions.

In home rule charter cities, the city charter defines the powers of elected officials and appointed staff. Home rule charter cities should consult their charters to determine the specific powers a particular city official possesses.

A. Standard Plan cities

Minn. Stat. §§ 412.02,
subd. 1; 412.191, subd. 1.
See Handbook, Chapter 3,
Section IIA *The Standard
Plan*.

The Standard Plan city has a city council consisting of the elected mayor, an elected city clerk, and three or five elected council members. The Standard Plan city operates with a weak mayor-council. The treasurer is an elected position, but not a member of the council. The clerk and treasurer positions may be combined into one elected position. There are 103 Standard Plan cities in Minnesota.

Minn. Stat. § 412.572,
subd. 1.

In 1967, all Standard Plan cities were required to assume the Plan A form by Jan. 1, 1970, unless the city voters rejected the Optional Plan A between May 4, 1967, and Jan. 1, 1970.

Minn. Stat. § 412.571,
subs. 4, 5.

Cities operating under Plan A or Plan B may choose to revert to the Standard Plan if the voters approve it at a special election.

Minn. Stat. §§ 412.541-412.571; 410.11.

Standard Plan cities may abandon the Standard Plan form and change to another form of city government: Plan A, Plan B or home rule charter.

B. Plan A cities

Minn. Stat. § 412.581.
See *Handbook, Chapter 3, Section IIB Plan A.*

The Plan A city council consists of an elected mayor and four or six elected council members. The city clerk and treasurer are appointed offices, neither a member of the council. The clerk and treasurer positions may be combined into one appointed position.

Like Standard Plan cities, all Plan A cities operate with weak mayor-councils. Plan A cities are the most common type of city found in Minnesota. There are 629 Plan A cities in Minnesota.

Minn. Stat. § 412.551, subd. 1.

To become a Plan A city, the voters must approve the change at a local election. The council may decide to hold an election on its own, or may be compelled by a valid citizen petition. To be valid, the petition must meet the following criteria:

- The petition must be signed by registered voters.
- The petition must have signatures equal to 15 percent of the number of people who voted in the last city election.

Minn. Stat. § 412.571, subd. 2.

When the Plan A form is approved by the voters of a Standard Plan city, the incumbent clerk and treasurer continue to serve until the end of their respective elected terms of office.

Minn. Stat. § 412.551.

If the city is currently a Plan B city, the question of changing to Plan A cannot be submitted to the voters unless the city has been a Plan B city for at least three years. The special election can only address one change in the form of government. In other words, voters cannot be given an option of voting for Plan A and Plan B forms at the same election.

Minn. Stat. § 412.541, subd. 4.

Plan A cities may choose to abandon the plan by adopting the Plan B form, reverting to the Standard Plan, or by adopting a home rule charter.

C. Plan B cities

Minn. Stat. § 412.631.
See *Handbook, Chapter 3, Section IIC Optional Plan B.*

The Plan B form of government is also known as the council-manager plan. It consists of the elected mayor, four or six elected council members, and an appointed city manager. There are 16 Plan B cities in Minnesota.

See Part V - *City manager.*

Although the council retains legislative and policy-making authority, administrative responsibilities, such as hiring and firing, are delegated to the city manager. The council's control over these matters is indirect, essentially through its selection and retention of a manager. Several of Minnesota's 107 home rule charter cities have also adopted the council-manager plan through their charters.

Minn. Stat. §§ 412.541, subd. 2; 412.551.

Any statutory city with a population over 1,000 may adopt the Plan B form. The change must be approved by a majority of voters at a regular or special election.

Minn. Stat. § 412.551, subd. 1.

The council may choose to hold an election on its own, or may be compelled to do so by citizen petition. To be valid, the petition must meet the following criteria:

- The petition must be signed by registered voters.
- The petition must have signatures equal to 15 percent of the number of people who voted in the last city election.

Minn. Stat. § 412.551.

A Plan A city cannot change to a Plan B city until it has maintained its Plan A form for a minimum of three years. Additionally, the election can only address one change in the form of government. In other words, voters cannot be given an option of voting for Plan A and Plan B at the same election.

Minn. Stat. § 412.551, subds. 3, 4.

A Plan B city may abandon its council-manager form of government and revert to the Standard Plan, or change to a Plan A city. The change in form requires approval by a majority of the voters in an election. The city may not change plans until it has been a Plan B city for a minimum of three years. Voters could also abandon the Plan B form by adopting a home rule charter.

D. Home rule charter cities

See [Handbook, Chapter 4](#).

Home rule cities derive their powers from a home rule charter. The charter is, in effect, a local constitution. State laws give cities a wide range of discretion in regard to charter content. The charter may provide for any form of municipal government, as long as it is consistent with state laws that apply uniformly to all cities in Minnesota. Charter adoption, amendment and abandonment procedures are found in state statutes.

Minn. Stat. ch. 410.

A charter city's form of government may be similar to one of the statutory forms previously discussed. There are 107 home rule charter cities in Minnesota. Of these, roughly 30 cities have adopted the council-manager form and 77 are mayor-council cities. Of the 77 mayor-council cities, approximately 74 have weak mayor-councils. Only three* of these 77 cities have strong mayor-councils, where the mayor is responsible to the council for the operation of all administrative agencies. The four home rule charter Minnesota cities that operate with strong mayor-councils are:

- St. Paul
- Duluth
- St. Cloud

*Northfield is sometimes classified as a strong-mayor city. While its mayor is provided additional authority under the city charter, Northfield does not operate under the "typical" strong mayor-council form of city government.

See LMC information memo, *Charter and Election Data for Minnesota Cities*.

Part III. City clerk

The clerk is a central figure in any city government. The clerk has a wide variety of duties and responsibilities. The clerk executes many of the city's governmental functions and supervises the daily administration of city business.

A. Types of city clerks

Minnesota cities have one of three types of city clerks: elected, appointed, or home rule charter clerks. Each type of city clerk has different responsibilities.

1. Elected clerks

Minn. Stat. § 412.02, subd. 1.
A.G. Op. 471m (May 26, 1960).

In Standard Plan cities, the clerk is an elected position and a voting member of the city council. Elected city clerks generally exist only in Standard Plan cities; however, charter cities may have an elected clerk if their charter so provides.

Minn. Stat. § 412.02, subd. 2a. See Part III -C
Appointment and removal.

The term of office for an elected clerk is four years. When a vacancy occurs in the elected clerk's office, it is filled in the same manner as any other council vacancy.

Minn. Const. art. VII, § 6.

Because the office is elected, the clerk must be a resident of the city in order to qualify for office. This requirement also holds true for persons appointed to this office to fill a vacancy.

2. Appointed clerks

Minn. Stat. § 412.591.

Clerks in Plan A and Plan B cities are appointed. The law requires a clerk in both forms, but provides that the council may, by ordinance, combine the offices of clerk and treasurer into a single clerk-treasurer position. In Plan A cities, the clerk works under the direction of the city council. Since the position is not elected, the clerk's term is indefinite. As such, the council may retain a clerk for many years.

Minn. Stat. § 412.681.

In Plan B cities, a clerk is also required. The clerk works under the direction of the city manager. As in Plan A cities, the council in Plan B cities may, by ordinance, combine duties of various officers, such as clerk and treasurer. The manager, however, may not perform the treasurer's duties.

Minn. Stat. § 415.16.
See HR Reference Manual,
Chapter 1, Section II
*Applicable State and
Federal Laws.*

Unlike an elected clerk, an appointed city clerk need not be a resident of the city. In fact, state statute prohibits a city from requiring, as a condition of employment, that the clerk live within city limits.

3. Home rule charter cities

The city clerk in a home rule charter city may be appointed or elected, depending upon the city's charter provisions. Home rule charter cities should consult their city charters for direction.

B. Powers and duties

The city clerk has numerous responsibilities. Some duties are found in general areas of law, such as state election laws. Duties are also scattered throughout the statutes, which set forth a specific process or procedure the clerk must follow.

Statutory city clerks have both duties specific to their type of city as well as general duties that apply regardless of city type. Further, the council may develop other ministerial duties specific to the city's needs. Home rule charter city clerks should consult their city charter to find their specific powers and duties.

Some of the specific and general powers and duties of city clerks are discussed below.

1. Standard Plan and Plan A cities

Standard Plan and Plan A city clerks have several specific duties. By statute, the clerk in a statutory city is required to perform the following functions:

- Provide notice of each regular and special meeting.
- Record the proceedings of each regular and special meeting.
- Notify officials of their election or appointment to office.
- Certify to county auditor all appointments and results of city elections.
- 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 a 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, the person from whom the money was received, as well as all orders drawn upon the treasurer with their payee and object.
- Act as custodian of city's seal and records.
- Sign all official city papers.
- Post and publish such notices, ordinances, and resolutions as may be required.

[Minn. Stat. § 412.151, subd. 1.](#)

[Minn. Stat. § 412.201.](#)

- Perform such other duties as may be imposed by the council.

In addition to these duties, Standard Plan city clerks also serve as members of the council.

2. Plan B cities

Minn. Stat. § 412.681.

Plan B city clerks are subject to the direction of the city manager and have the following statutory duties:

- Keep public records.
- Maintain custody of and disburse public funds.
- Administer city affairs as ordained by the council.

Minn. Stat. § 412.681.

In addition to the above duties, the clerk may be designated to act as secretary to the council.

3. Home rule charter cities

As previously mentioned, the role of a city clerk in a home rule charter city will depend upon provisions in the city's charter. Home rule charter cities should consult their charters to determine whether there is a clerk position within the city and what specific powers the clerk possesses.

4. Financial responsibilities

See [Handbook, Chapter 26](#).

Except for those records the city treasurer must keep, the clerk maintains all financial records. When the city has combined the office of clerk and treasurer, the clerk performs all duties. In addition, the clerk is responsible for preparing financial reports.

See LMC information memo, *Guidelines for Preparing City Budgets*.

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

As general city administrative officer in charge of payroll, the clerk must withhold state and federal income taxes from the paychecks of all employees. In cities without a finance officer or department, the city clerk may also be responsible for monthly payroll deductions and reports for the Public Employees' Retirement Association (PERA) and Social Security contributions from each employee.

Minn. Stat. §§ 412.591, subd. 2; 412.02, subd. 3.

The council can, by ordinance, combine the offices of clerk and treasurer into a clerk-treasurer position. In a Standard Plan city, where both the clerk and the treasurer are elected, the ordinance must be adopted at least 60 days before the city's next general election. The ordinance cannot take effect until after the expiration of the treasurer's term or when an earlier vacancy occurs. Separate offices of clerk and treasurer may be reestablished by ordinance.

Minn. Stat. §§ 412.02, subd. 3; 412.591, subd. 3.

There are special audit requirements for cities that have combined clerk-treasurer positions. Standard Plan and Plan A statutory cities that have a combined clerk-treasurer position must have an annual audit if city revenues exceed \$150,000 adjusted for inflation using the annual price deflator. If the city revenues are less than the threshold, the audit is required once every five years, with the person performing the audit selecting the year to be audited.

Minn. Stat. § 412.151, subd. 2.

By ordinance, the council may delegate all or part of the clerk's bookkeeping duties to another officer or employee. A copy of the ordinance must be sent to the state auditor. The officer or employee to whom the responsibilities are assigned must furnish a fidelity bond. If the bookkeeping duties are delegated to the treasurer, the city must have an annual audit.

5. Filing official documents

It is the clerk's duty 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.

Minn. Stat. § 412.871.

6. Certification

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

Minn. Stat. § 645.021, subd. 3.

- Local approval of special laws pertaining to the city.
- Special assessments to the county auditor.

Minn. Stat. § 429.061.

Minn. Stat. § 505.176.

Minn. Stat. § 275.07, subd. 1.

Minn. Stat. § 205.07, subd. 1.

Minn. Stat. § 206.58.

Minn. Stat. § 204B.14.

Minn. Stat. § 69.011, subds. 2(a), 3.

Minn. Stat. § 69.011, subd. 2(b)

Minn. Stat. § 412.151, subd. 1.

- Plats of land within the city, after council approval.
- Taxes levied by cities to the county auditor.
- Change of regular city election date, with immediate written notification provided to both the secretary of state and county auditor.
- Use of an electronic voting system, within 30 days of adoption of such a system to the secretary of state.
- Precinct boundary changes. When a city changes a precinct boundary, the clerk must immediately notify and file a map of the new boundary with the secretary of state.
- Existence of a municipal fire department or of an independent nonprofit firefighting corporation, and the fire personnel and equipment to qualify for state aid.
- Existence of an organized police department, incorporated relief association, and number of police officers in the city to the county auditor and the commissioner of revenue to qualify for state aid.

7. Power to appoint a deputy clerk

With the consent of the council, the clerk may appoint a deputy clerk. The clerk, however, is responsible for the acts of the deputy clerk. In case of disability or the clerk's absence from the city, the council may appoint a deputy clerk, if there isn't one, to serve during the disability or absence. The deputy clerk may carry out any of the clerk's duties, except he or she can not be a member of the city council.

C. Appointment and removal

How a clerk takes office and is removed from office depends on the type of city and the form of government.

1. Standard Plan cities – Elected clerks

Clerks in Standard Plan cities are elected. Voters choose a clerk in the city's general election. An elected clerk's term of office is four years.

a. Filling vacancies

Since the clerk is an elected position, the same procedures used to address other council vacancies apply. Should a vacancy occur in the clerk's position, the city council first makes a temporary appointment to fill the position. The city must then hold a special election to fill the remainder of the clerk's term if the following two conditions are met:

- There are more than two years remaining in the clerk's term.

Minn. Stat. § 412.02, subd. 2a.

See "Vacancies on a Statutory City Council" *Minnesota Cities* (Oct. 2000, p. 19).

- The vacancy occurs before the first day to file affidavits of candidacy for the next general city election.

See LMC Information Memo, *Special Elections*.

The special election may be held on or before the city’s next general election. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than at the same time as the regular city election.

The council’s appointment will serve the remainder of the clerk’s term and the city will not hold a special election if:

- There are less than two years remaining on the clerk’s term; or
- The vacancy occurs after the first day to file affidavits of candidacy for the next general city election.

See “Mayor’s Power to Vote and Make Motions,” *Minnesota Cities* (Jan. 2004, p. 19).

If the council vote on an appointment results in a tie, the mayor has the power to appoint someone to fill the vacancy. The mayor may appoint anyone, eligible for the office, he or she chooses. The council may also hold a special election rather than fill the vacancy through council appointment.

b. Removal from office

Minn. Stat. § 351.02. See Handbook, Chapter 6.

Since the clerk is an elected official, the council generally may not remove the clerk from office. A city clerk could only be removed under limited circumstances, such as the commission of a crime that would result in the officer losing qualifications for office, malfeasance in office, or residency. Voters, however, may always choose to elect a new clerk when the current term expires.

Standard Plan councils seeking to remove their city clerk from office should consult with their city attorney before beginning this procedure.

2. Appointed clerks

Unlike Standard Plan clerks, Plan A and Plan B clerks are appointed and can be removed. The form of government determines who holds the power to appoint and remove.

a. Plan A cities

Minn. Stat § 412.581. See *HR Reference Manual*, Chapter 2.

The council appoints the clerk in a Plan A city. Similarly, the council also has power to remove the clerk. The council, however, should be aware of possible procedural requirements for termination. For example, if civil service rules are in place or if the employee is a veteran, certain procedures must be followed. City councils that are considering removing their city clerk should contact their city attorney for guidance.

Minn. Stat. § 412.651,
subd. 3.

b. Plan B cities

The city clerk in a Plan B statutory city is also an appointed office. The city manager, not the council, appoints the clerk. Similarly, the city manager has the power to remove the city clerk. The city attorney should always be consulted before removing a city officer.

3. Home rule charter cities

The role of a city clerk in a home rule charter city depends upon the provisions in the city's charter. Home rule charter cities should consult their charters to determine whether there is such an office in their city and if the office is appointed or elected. If the office exists, there may be a provision that explains how the position is filled and how a person is removed from the office. As with other terminations, the council and the city manager should consult their city attorney before beginning the process.

Part IV. City administrator

Minn. Stat. § 412.111.

The city council may appoint employees for the city as deemed necessary for the proper management and operation of city affairs. Standard Plan and Plan A city councils may establish, by ordinance or resolution, a chief administrative officer, often called the city administrator position.

The history of the city administrator position is less defined than the clerk and manager positions. In Minnesota, the city administrator position has typically grown out of the city clerk position. As a city's operations grow more complex, it becomes unrealistic for the elected body to personally oversee all day-to-day operations. In a move toward delegating some of these day-to-day functions, many city councils have chosen to create the position of city administrator.

A key issue in the creation of the city administrator position is the level of authority, particularly supervisory authority over other city staff, that will be vested in the position. In some cities, the responsibilities may be essentially an expansion of the city clerk's duties. Other cities may give the administrator broader powers.

Cities must make sure that only ministerial duties are delegated to a city administrator. The courts will not permit the delegation of any administrative power that calls for judgment or discretion.

A. Form of government

No form of government requires an administrator position. It is most common, however, to see an administrator in a Plan A city. The position is usually created by ordinance or resolution. Sometimes the administrator position exists in addition to a separate city clerk position, but often the duties are merged into a combined clerk-administrator position. Because a Plan B city has a city manager, it would be unlikely to also have a city administrator. Home rule charter cities should consult their city charters for provisions addressing their city administrator.

B. Powers and duties

Since state statutes do not specifically provide for a city administrator, or define the powers of the position, duties can vary greatly from city to city. Generally, the council delegates day-to-day responsibilities of city administration. But when the position is combined with that of the city clerk, the position will include all the duties of the city clerk as well.

Duties delegated to the administrator should only be ministerial. The council cannot delegate any administrative power that calls for judgment and discretion, such as the authority to enter into a contract, or hiring and firing city employees.

The following responsibilities are among those often assigned to city administrators:

- **Administration direction.** Direct the administration of the city as provided by council action, and state and federal statutes.
- **City affairs.** Coordinate with the city council in administering city affairs.
- **Policy recommendation.** Recommend adoption of policies that will further goals of the city council and generally improve the quality of city administration.
- **Local improvements and city projects.** Prepare reports and summaries relating to proposed municipal projects/improvements and submit them with recommendations as may be required to the council for study and subsequent action.
- **Budgets.** Prepare a recommended budget for consideration by the city council.
- **Financial statements.** Prepare the annual financial statement and perform other duties as required by statute.
- **Meetings.** Attend and participate in all council meetings. Attend (at administrator's discretion or by invitation) other committee and commission meetings.

[Minn. Stat. § 412.111.](#)

See Part III -B -*Powers and duties.*

Jewell Belting Co. v. Bertha, 91 Minn. 9, 97 N.W. 424 (1903).

[A.G. Op. 471-F \(Oct. 24, 1961\).](#)

- **City programs.** Coordinate city programs and activities as authorized by the council.
- **Financial reports.** Submit quarterly reports to the council on the financial condition of the city's accounts.
- **Elections.** Supervise the administration of local elections in accordance with prescribed laws and regulations.
- **Supervision.** Supervise and have day-to-day oversight over the activities of all city department heads and administrative staff.
- **Employment.** Provide recommendations to the council regarding employment and removal of city staff.
- **Cooperate with professional staff.** Work in cooperation with the city attorney and city engineer.
- **Public relations.** Prepare news releases, and develop and discuss public relations materials. Maintain effective public relations with the local media and general public.
- **Consultation.** Consult with appointed officials and other public or private entities as may be required.
- **Other public programs.** Stay informed of all federal, state, and county programs that affect the city.
- **Labor negotiation.** Negotiate or delegate the negotiation of the terms and conditions of employee labor contracts.
- **Other duties.** Perform all other duties required of administrator by ordinances or resolutions adopted by the council.

Cities should consult their city ordinances for a list of the administrator's job duties. Home rule charter cities with administrators should consult their charters for similar information.

C. Appointment and removal

[Minn. Stat. § 412.111.](#)

The city administrator is a position that is created by council ordinance or resolution. As such, the council has the power to define the duties and responsibilities of its administrator, as well as the power to hire and remove individuals in the position.

See [HR Reference Manual](#).

[Minn. Stat. § 197.46.](#)

The appointment and removal process varies depending on the type of city. Other factors, such as personnel policies, employment contracts, and ordinances or charter provisions, are also relevant. Although department heads are generally exempt from the veterans' preference removal requirements, whether or not they apply depends upon the specifics of the situation and the type of responsibilities assigned to the administrator. A city council seeking to remove its city administrator should consult its city attorney before beginning the removal process.

Home rule charter cities should consult their city charters, as well as the counsel of their city attorneys, for appointment and removal procedures.

Part V. City manager

[Minn. Stat. § 412.541.](#)

The city manager position is found in all Plan B statutory cities as well as in several home rule charter cities. Cities with a city manager have what is called a council-manager form of government. In the council-manager form, the council exercises the legislative power of the city and determines all matters of policy, similar to a board of directors in a private sector company. The city manager formulates policy recommendations to the city council, exercises the administrative power of the city, and is ultimately responsible to the council for the proper administration of all city affairs, much as a CEO does in a private sector company.

The council-manager plan was first created in the early 1900s as a means through which government could be “professionalized.” It reflects both the parliamentary approach to government and the corporate business model in its structure and ideals. Early proponents of the council-manager form of government believed it accomplished the following worthy goals:

- It replaced the divisiveness of some other forms of government with a more unified model of government in which the council had both legislative and administrative authority.
- It placed responsibility for day-to-day administration of city business in the hands of a professional manager rather than elected officials

[Minn. Stat. § 412.541, subd. 2.](#)

Only statutory cities with a population over 1,000 are eligible to operate under the Optional Plan B, council-manager form of government. This does not apply to home rule charter cities.

A. Form of government

Under the council-manager form, the council retains policymaking and legislative authority and delegates the administration to a manager. The manager is responsible directly to the council and subject to council removal.

[Minn. Stat. §§ 412.611; 412.621; 471.59.](#)

The council as a whole retains ultimate administrative, as well as legislative responsibility and authority, except where an independent board, such as a civil-service commission or joint powers board, has one or more specific functions.

B. Powers and duties

[Minn. Stat. § 412.611.](#)

In a Plan B city, the city manager is the head of the administrative branch of government and is responsible to the council for the proper administration of all city affairs.

Duties for managers in home rule charter cities are likely to be similar, but home rule charter city officials should consult their city charters for specifics regarding their manager's duties.

The Plan B city manager has several duties and responsibilities set forth by statute:

1. Enforcement of statutes, ordinances, and resolutions

Minn. Stat. § 412.651, subd. 2.

The city manager in a Plan B city must ensure the statutes relating to the city and the laws, ordinances, and resolutions of the city are enforced.

2. City staff

Minn. Stat. § 412.651, subd. 3.

The city manager has the power to appoint and remove city staff. This includes the city clerk, all department heads, and subordinate officers and employees. If civil service rules or a labor agreement are in place, any applicable provisions must be followed. The appointment and removal of the city attorney, however, is subject to the approval of the city council.

Minn. Stat. § 412.661.

The city manager has complete discretion to appoint or remove staff members within the limits of other applicable laws, such as the Veterans' Preference Act, among others. Neither the council nor any individual councilmember may dictate the appointment of any person to office or employment by the manager. Council members may not interfere with the manager's judgment in appointing personnel. Likewise, the council may not give orders to any subordinate of the manager. Instead, the council's control is indirect, through its selection and appointment of the manager. It is common practice, however, for councils to have some interaction with city staff.

3. City departments

Minn. Stat. § 412.651, subd. 4.

The city manager has control over all departments of the administration. This includes both departments that are created under the Plan B form and by the city council.

4. Council meetings

Minn. Stat. § 412.651, subd. 5.

The city manager must attend all meetings of the city council. The city manager has the right to take part in the council discussions, but cannot vote. The city council may exclude the city manager from any meetings at which the manager's removal is considered.

5. Recommend ordinances and resolutions

Minn. Stat. § 412.651, subd. 6.

The city manager must recommend ordinances, resolutions, and policies to the council for adoption the city manager deems necessary for the welfare of the people and the efficient administration of city affairs.

6. City finances and budget

Minn. Stat. § 412.651, subd. 7.

The city manager must keep the council fully advised as to the city's financial condition and needs. The manager must also prepare and submit the annual budget to the council.

Minn. Stat. § 412.701.
See LMC Information Memo, *Guidelines for Preparing City Budgets*.

Plan B city managers must prepare the estimates for the annual city budget. The budget must be organized by funds and include all the funds of the city, except funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include other funds at the discretion of the council.

Minn. Stat. § 412.721.

It is the city manager's duty to enforce the provisions of the budget. The manager must not approve any order for any expenditure unless an appropriation has been made in the budget resolution. Likewise, the manager must not approve any expenditure covered by budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances.

Minn. Stat. § 412.741.

The procedure for disbursement of funds is similar to that in a Standard Plan or Plan A city except that the mayor and manager sign the orders instead of the mayor and clerk. The manager must specify the particular fund from which payment will be made on each contract. The council may, by ordinance, establish additional mechanisms for the safekeeping and disbursement of city funds.

7. Chief purchasing agent

Minn. Stat. § 412.691.

The city manager is the chief purchasing agent for the city. All purchases and contracts that do not exceed \$20,000 are made or let by the manager unless the council has set a lower limit. All claims resulting from these purchases and contracts must still be audited and approved by the council in the same manner as in other statutory cities.

Minn. Stat. § 412.691.

All other purchases and contracts can be made by the council only after the recommendation of the manager has first been obtained. Both the mayor and the manager must sign all contracts, bonds, and other instruments to which the city is a party.

8. Administrative code

Minn. Stat. § 412.651, subd. 8.

At the council's request, the city manager must prepare an administrative code for the council to consider for adoption. The code must incorporate the details of administrative procedure, and the manager must suggest amendments to the code from time to time.

9. Additional duties

Minn. Stat. § 412.651, subd. 9.

The city manager must perform any other duties that are required by statute for Plan B cities. Additionally, the manager must meet any other responsibilities set forth in city ordinances or resolutions.

Home rule charter cities with city managers should consult their charters for their managers' duties.

C. Appointment and removal

The city manager is appointed and removed by the city council.

1. Appointment

Minn. Stat. § 412.641.
See Part VI - B -
Qualifications.

The manager is chosen by the council on the basis of training, experience, and administrative qualifications. The manager is appointed for an indefinite period of time and need not be a resident of the city.

2. Removal

Minn. Stat. § 412.641.

The council may remove the city manager at any time. If the manager has served for one year or longer, however, the manager may demand written charges and a public hearing on the charges before the final removal takes effect. The demand for written charges must be made within seven days of notification of the council's intent to remove.

The council must set a date and a reasonable time for a public hearing, but it must be held within 30 days of the manager's demand. The hearing may not be recessed or reconvened until a further date unless approved by the council.

Pending the hearing, the council may suspend the manager, with or without pay. The council may designate another qualified person to perform the duties of the manager during absence or disability.

Minn. Stat. § 412.641.

The council must notify the city manager within five days of the hearing of its decision to retain or remove the manager.

City councils that are considering removal of their manager should consult with their city attorney before beginning the removal process. The council should also consider any relevant employment contract language, personnel policies, and ordinance or charter provisions.

Part. VI. Common issues

There are a number of issues common to the positions of city clerk, administrator, and manager, including:

- ***Shared clerks or administrators.*** Although rather rare in Minnesota, sometimes smaller cities will share an administrator or clerk.
- ***Qualifications.*** What should the council look for in a good candidate to fill a vacant clerk, administrator or manager position?
- ***Pros and cons of employment contracts.*** Should the city use an employment contract for its administrative officer?

- **Delegation of duties.** What responsibilities can be delegated to the administrative officer?
- **Effective council relations.** What is the best way for the council to work with the administrative officer? What is the best way for the administrative officer to work with the council?
- **Clerk, administrator, or manager?** When should a city choose one of these positions over another?

A. Shared clerks or administrators

Sometimes two or more smaller cities will share an administrator or clerk. Sharing the position allows cities that themselves do not need a full-time position to combine and create one full-time position, and hopefully attract and retain a more qualified candidate than they would for a part-time position. Cities are authorized to enter into a joint powers agreement for such services if the cities involved all have the same power to appoint such a position.

B. Qualifications (what to look for in candidates)

When a city hires a new clerk, administrator or manager, it should seek only qualified candidates. Qualifications will vary, depending upon the needs of the city and the functions the person will be expected to perform. This applies primarily to appointed city clerks, administrators, and managers. It only applies to elected city clerks insofar as it may help voters measure the degree of qualification of the candidates on the ballot.

City councils should be certain the job description is up-to-date. Look at the various needs of the city and define specifically what tasks the successful candidate will perform. Once the job description is current, it should be easier to write an advertisement for the opening.

In addition to the job description, city councils should evaluate the current and future needs of the community. In this way, it can outline the knowledge and abilities that will help the city's future growth.

Candidates should have good communications skills. Such skills are necessary because of the amount of contact clerks, administrators, and managers have with their city councils, other city staff, the media, and the general public.

Candidates for city administrator or manager are often required to have degrees in public administration. Managers and administrators need to have a thorough knowledge of finance and budgeting. Often, cities require advanced degrees in one or more of these areas. A master's degree in public administration is a common prerequisite for many city councils.

Minn. Stat. § 471.59.
See Handbook, Chapter 17.

See HR Reference Manual, Chapter 1.

Contact the League Research Department for the LMC information packet *Hiring a City Manager or Administrator*.

Contact the League Research Department for sample job descriptions.

Experience is also an important aspect to consider. Generally, cities will look for experience in city finances and budgeting, but it is also common to require experience with specific areas such as land use, municipal liquor stores, Economic Development Authorities (EDAs), and Housing Redevelopment Agencies (HRAs). Experience running an efficient, well-organized office can also be an asset.

Previous experience as a clerk, administrator or manager can demonstrate a candidate's abilities. Serving as a deputy clerk or an assistant to a city administrator or manager can either be a desired or required qualification, as can administrative experience in a smaller city. Likewise, internships with a city can provide valuable municipal experience.

The candidate's personality and style is another important consideration. The council will obviously want someone whose style is compatible with the council. Depending upon the current composition on the council and within city staff, a stronger personality can sometimes offer much needed leadership. Under different situations, a "softer hand" may be more appropriate. A city council must carefully consider how much control it wishes to delegate to the person hired.

C. Pros and cons of employment agreements

See [HR Reference Manual, Chapter 1, Section X Contracts and Agreements.](#)

Cities sometimes use written contracts or agreements with individual employees to outline the terms and conditions of employment. This practice can create legal issues for the city that might otherwise have been avoided by using a personnel policy that applies to all employees.

The primary reason a city may want to consider using an individual employment agreement is for recruitment. Experienced city manager or administrator candidates may refuse to work for a city without an individual employment agreement that outlines their terms and conditions of employment, particularly severance pay issues. There are a number of reasons for this, but probably the one most often cited by these professionals is that the relationship between a city council and the chief administrative officer can change over time. Each city council hires those who will be able to work well with their individual styles and overall philosophy for running the city. However, the persons occupying those council seats change at nearly every election. Over time, the styles and philosophy of the council changes and the relationship may no longer meet council expectations. Employment agreements, in particular severance pay provisions, acknowledge that this change in relationship is a reality of city government, is not the fault of any party and provides the employee a financial safety net for his or her post-employment transition.

1. Pros

There can be some advantages to an individual employment agreement once the city, in consultation with an attorney, decides such an agreement is necessary. For example, an individual employment agreement, if well-thought out and well-drafted, can:

- Help avoid miscommunication about verbal offers and terms.
- Clarify special terms and conditions of employment unique to the position, such as car allowances, additional vacation or memberships in professional associations.
- Protect the city's "front-end" investment in the employee, such as relocation expenses, by specifying that the employee must reimburse such expenses if he or she resigns within a certain period of time.
- Address severance issues up-front, eliminating the need to negotiate a settlement at the end of employment, which may be an emotionally (or politically) difficult time.
- Be used to specify how and when performance evaluations will be conducted as well as outline, in general terms, the expectations for the position.
- Assist in the recruitment of qualified candidates.
- Help remove the appearance of self-interest when the manager or administrator recommends changes to personnel policies.

2. Cons

In addition to potential legal issues, individual employment agreements may cause other problems:

- It can be confusing and administratively burdensome to have different agreements in place for different employees or groups of employees.
- Different levels of benefits for highly compensated employees can sometimes violate Internal Revenue Service regulations.
- Provisions in the agreement can become outdated when state and federal laws change.
- Allowing the chief administrative officer to operate under a separate contract may cause other levels of supervisors and managers to demand their own contracts.
- Future councils may not agree with the contract provisions but may nevertheless be bound by them.

[Minn. Stat. § 465.72, subd. 1.](#)

D. Delegation of duties

See Part III - *City clerk*,
Part IV - *City
administrator*, and Part V -
City manager.

State statutes outline many of the duties that may be delegated to a city administrative officer. In some cases, the various duties of a clerk, administrator or manager may be delegated to another city staff member.

1. General duties

Since the statutory city council has the power to create positions and define their duties, it would seem to follow that it could delegate almost any responsibility to any city staff. Specific duties, however, must be performed by the city clerk or city treasurer because they are required to perform them by state statute.

*Jewell Belting Co. v.
Bertha*, 91 Minn. 9, 97
N.W. 424 (1903).
[Minn. Stat. § 412.661.](#)

The courts have ruled a city council is without the authority to delegate council legislative powers or any administrative power that calls for judgment and discretion. The statutes provide, however, that certain responsibilities, such as the hiring and firing of city employees, are taken from the council and assigned to the city manager in Plan B cities.

Home rule charter cities should consult their charters regarding the ability to re-assign and delegate duties.

2. Authority for paying certain claims

[Minn. Stat. § 412.271,
subd. 8.](#)

The statutory city council may delegate authority for paying certain claims to a city administrative official. In order to do this, the city must have internal accounting and administrative control procedures to ensure the proper disbursement of public funds. The procedures must include the regular and frequent review of the administrative official's actions by the council. A list of all claims paid under the procedures must be presented to the council for informational purposes at the next regularly scheduled council meeting.

[Minn. Stat. § 412.271,
subd. 8.](#)

The council must pass a resolution to delegate such authority. The resolution must specify the individual to whom the authority is given, and that the person may pay those claims that meet the standards and procedures established by the council.

[Minn. Stat. § 412.271,
subd. 8.](#)

A statutory city council that does not prepare annual audited financial statements, attested to by an independent certified public accountant, public accountant or the state auditor, may not delegate its authority for paying certain claims against the city.

Home rule charter cities should consult their charters for guidance on their ability to delegate the payment of claims.

See LMC information memo, *Newspaper Publication* for a further discussion of dealing with the news media.

3. Public relations

Cities can take several steps to build effective relationships with the media. Often, a city will assign this responsibility to one person. Although sometimes the mayor, it is often the chief administrative officer: the clerk, administrator, or manager.

E. Effective council relations

The chief administrative officer—whether clerk, administrator or manager—must work closely with the council. As such, it is important that the working relationship be a good one. Both the administrative officer and the council must always keep in mind that they are working as a team to serve the community. While differences of opinions are likely to occur, they must be resolved quickly. Extended bickering can cause the public to lose faith in the officer, as well as the council. Sometimes, resolving such a conflict can be as easy as agreeing to disagree.

F. Clerk, administrator or manager?

Cities sometimes ask whether they should have a city clerk, an administrator or a manager. The answer to this question will depend upon many variables unique to each city.

If the council spends a lot of time administering day-to-day activities, it may wish to delegate some responsibilities to city staff. Depending upon the number of responsibilities and the amount of time needed to adequately perform these responsibilities, they can be assigned to an existing position, such as the city clerk, or to a new position, such as an administrator or manager.

Generally, many small cities delegate responsibilities to the city clerk until it becomes obvious that an additional person is needed to help with those duties. At this point, many cities will either create a city administrator position or hire additional staff to help the clerk perform these additional responsibilities. In some cases, a city may have a specific issue with which it is dealing and may want someone with expertise in the area. For example, if the city is growing rapidly, the council may want someone who can help oversee some of its land-use matters.

As a city gets larger, it might choose to adopt the Plan B form of government in order to delegate additional responsibilities, such as personnel decisions. Such delegation allows the council more time to make important legislative decisions.

Adoption of a home rule charter can also give the city freedom to assign duties as it sees fit. Some cities have seen this as the best means to their desired form of government.