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DIVISION 2-VI-1 GENERALLY

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Section 2-141 Application Of Article Provisions

The provisions of this article shall apply to all boards, commissions, bureaus and authorities within the city except the city municipal utilities commission.

(Code 1976, § 2.20(10); Ord. No. 718 2nd Series, 4-11-2017)

Section 2-142 Purpose

- (a) Boards, commissions, bureaus and authorities shall serve as a vehicle for the participation of community citizens and as advisory bodies to the council.
- (b) *Appointment procedure.* All applicants for appointment shall complete an application form and have a chance to be interviewed by the mayor and council. The appointments shall not be made until there has been a publication in the paper opening up the appointment to applicants, and the applicants have been interviewed.
- (c) *Term of appointment.* No board or commission member shall be appointed to more than two full consecutive terms. Any person appointed to fill an unexpired term shall be deemed to be serving a complete term within the meaning of this section if there remains at the time of appointment more than 50 percent of the unexpired portion of such term remaining. New appointees shall assume office on June 1 and May 31 being the date of expiration of the term; provided, however, that all appointees to boards and commissions shall hold office until their successors are

appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be for the unexpired term.

- (d) No appointed board or commission member shall be employed full-time, 3/4 time or part-time by the city (as defined in the personnel policy manual), except those who are members by virtue of their office. There cannot be a conflict of interest with the board, commission, bureau, or authority.

All members to any board that are appointed after January 1, 2000, shall be at the date of appointment and at all times during the term of appointment a resident of the city. Any appointments made pursuant to the Joint Powers Agreement for the Lyon County Library, and the Joint Powers Agreement for the Marshall Community Service Department, shall be appointed and controlled by that agreement. The Joint Powers Agreements ~~supercedes~~supersede this section.

- (e) *Remuneration.* All appointed board and commission members shall serve without remuneration but may be reimbursed for ~~out of pocket~~out-of-pocket expenses occurred in the performance of the duties when such expenses have been authorized by the council before they have been incurred.
- (f) *Removal.* If a commission or board member misses three meetings within a year without being excused prior to the meeting, such member shall be removed therefrom at the end of the appointive year. Any board or commission member may be removed by the council for misfeasance, malfeasance, nonfeasance, or without cause by a majority vote by the city council. The removed persons position may be filled like any other vacancy. The removal process shall be without a hearing, and it shall not be necessary that the council establish cause for removal.

(Code 1976, § 2.20(1)—(3), (6)—(8); Ord. No. 431, § 1, 3-6-2000; Ord. No. 716 2nd Series, § 1, 1-10-2017; Ord. No. 718 2nd Series, 4-11-2017)

Editor's note(s)—Ord. No. 718 2nd Series, adopted April 11, 2017, amended § 2-412 to read as set out herein. Previously § 2-412 was titled "Appointments and terms."

Section 2-143 Appointments And Terms For Members

- (a) Appointments to all boards, commissions, bureaus and authorities shall be by the mayor and shall be confirmed by the council with the exception of the housing and redevelopment authority.
- (b) No board, commission, bureau or authority member shall be appointed to more than two full consecutive terms on any board, commission, bureau and authority, with the exception of the housing and redevelopment authority which shall have no term limits. Any person appointed to fill an unexpired term shall be deemed to be serving a complete term within the meaning of this section if there remains at the time of appointment more than 50 percent of the unexpired portion of such term remaining. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be for the unexpired term.
- (c) No board, commission, bureau or authority member shall serve on more than one board, commissions [commission], bureaus [bureau] or authorities [authority] at one time, with the exception of the charter commission.
- (d) A member cannot be reappointed to the same board, commission, bureau or authority for at least one year after the completion of two full consecutive terms on a board, commission, bureau or authority.
- (e) New ~~full term~~full-term appointees shall assume office on June 1 with May 31 being the date of expiration of the term; provided however, that all appointees to boards, commissions, bureaus or authorities shall hold office until their successors are appointed and qualified. The exception would be the following: community services advisory board term runs from March 1 through the last day of February; library board term runs from January 1 through December 31.

- (f) All appointments shall be made for a term of three years with the following exceptions:
- (1) Economic development authority terms shall last six years.
 - (2) Public housing commission terms shall last five years.
- (g) Appointments shall be staggered so that the terms of a minority of members on each board, commission, bureau or authority shall expire each year on May 31, the last day of February or December 31 as applicable.
- (h) The city administrator shall assign city staff in an administrative capacity to lead and assist with board, commission, bureau or authority meetings as deemed appropriate.
- (i) Any board, commission, bureau or authority member shall serve at the pleasure of the city council and may be removed by a majority vote of the council.
- (j) If a board, commission, bureau or authority member misses three meetings within a year without being excused prior to the meeting, such member may be removed.
- (k) No appointed board, commission, bureau or authority member shall be employed full-time, 3/4 time or part-time by the city (as defined in the personnel policy manual), except those who are members by their office. An appointed member cannot have a conflict of interest with the board, commission, bureau or authority, to which he or she is appointed.

(Ord. No. 718 2nd Series, 4-11-2017)

Editor's note(s)—Ord. No. 718 2nd Series, adopted April 11, 2017, amended § 2-143 to read as set out herein. Former § 2-143 pertained "Officers", and was derived from Code 1976, § 2.30(9)).

Section 2-144 Election Of Officers

- (a) All boards, commissions, bureaus and authorities shall have a chair, vice-chair and secretary.
- (b) The chair, vice-chair and secretary and any other necessary officers shall be elected from and by the board, commission, bureau or authority members at the first regular meeting of each term of service.

(Ord. No. 718 2nd Series, 4-11-2017)

Editor's note(s)—Ord. No. 718 2nd Series, adopted April 11, 2017, amended § 2-144 to read as set out herein. Former § 2-144 pertained "Meetings", and was derived from Code 1976, § 2.20(5).

Section 2-145 Qualifications And Compensation

- (a) All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission and Diversity, Equity, and Inclusion commission.
- (b) All appointed board, commission, bureau or authority members shall serve without compensation with the exception of the Economic Development Authority, ~~but~~ All board, commission, bureau or authority members may be reimbursed for out-of-pocket expenses incurred in the performance of their duties.

(Ord. No. 718 2nd series, 4-11-2017; Ord. No. 21-001, 1-26-2021)

Section 2-146 Meetings

- (a) Each board, commission, bureau or authority shall hold its regular meeting at a time established and

approved by the board, commission, bureau or authority. Special meetings may be called by

the chair as needed, following appropriate notice.

- (b) All boards, commissions, bureaus or authorities generally shall meet once a month, with the exception of the housing and redevelopment authority and policy advisory board which meet only on an as needed basis.
- (c) All boards, commissions, bureaus or authorities shall keep a public record of its findings, determinations, recommendations, minutes and plans. A copy of said minutes shall be provided to the council as soon as reasonable after the date of the meeting.

(Ord. No. 718 2nd Series, 4-11-2017)

Section 2-147 Powers And Duties

- (a) All boards, commissions, bureaus or authorities shall have the power and obligation to execute only those duties established by city charter or ordinance which regulates each specific board, commission bureau or authority; and shall include the following:
 - (1) Adopt and amend procedures and bylaws which specify and define the duties and responsibilities of all members, officers and committee.
 - (2) Adopt and amend procedures and bylaws not inconsistent with the provisions of this division, applicable administrative code or as provided by charter, ordinance, or statute; and as may be necessary for the proper execution and conduct of their business.
 - (3) Develop and recommend to the council or review and/or disapprove of proposed changes pertaining to their area of expertise and namesake.
 - (4) Request information from other departments in the city which relates to or is necessary for the completion of duties of any board, commission, bureau or authority.
 - (5) Solicit the cooperation and expertise of agencies, organizations and individuals to gain knowledge, promote public interest and understanding, encourage safety, and enhance the overall quality of life in our region.
- (b) Each board, commission, bureau and authority shall execute the powers and duties granted to it by bylaws, resolution, ordinance, charter or statute, and those lawfully assigned to it by the council.

(Ord. No. 718 2nd Series, 4-11-2017)

Section 2-148 Limitations Of Power

- (a) Each board, commission, bureau and authority shall follow the budget process for city departments as provided by the city and as implemented by the mayor and council.
- (b) All official actions of each board, commission, bureau and authority must be consistent with the adopted comprehensive plan of the city and any official controls implementing the comprehensive plan.

(Ord. No. 718 2nd Series, 4-11-2017)

Section 2-149 Funds

- (a) The council shall, in its annual budget, make provisions for an appropriate sum of money as deemed proper and necessary to defray the expenses incurred as a result of conducting business, official activities and work on behalf of any board, commission, bureau and authority.

(Ord. No. 718 2nd Series, 4-11-2017)

DIVISION 2-VI-2 AIRPORT COMMISSION

Section 2-161 Established

Section 2-162 Composition

Section 2-163 Terms And Qualifications

Section 2-164 Powers

Section 2-161 Established

An airport commission is hereby established.

(Code 1976, § 2.25; Ord. No. 371 2nd series, § 1, 4-7-1997)

Section 2-162 Composition

The airport commission shall be composed of seven members. (Code

1976, § 2.25; Ord. No. 371 2nd series, § 1, 4-7-1997) **Section 2-163**

Terms And Qualifications

All appointments thereto shall be made for a term of three years from and after the June 1 of the year of their respective appointments and shall be staggered so that the terms of two members shall expire each year on May 31. No commissioner shall, during the term of his membership, hold any other office or position in the city government. The commission shall elect its chairman, vice-chairman and secretary from among the appointed members.

(Code 1976, § 2.25(2))

Section 2-164 Powers

The airport commission shall have power and shall be required to:

- (a) Develop and submit to the council for adoption a master plan for the physical development of the municipal airport and from time to time offer amendments, extensions and additions to such master plan which shall show the commission's recommendations for development of the municipal airport.
- (b) Make and recommend to the council an airport zoning plan for the protection of the airport and the airport users.
- (c) Submit annually to the council, not less than 90 days prior to the beginning of the budget year, a recommended budget including a list of capital improvements, which in the opinion of the airport commission are necessary or desirable to be constructed during the forthcoming year.
- (d) Promote public interest and understanding of the master plan and of the airport zoning and physical development of the municipal airport.
- (e) Meet no less than once each month and keep a public record of its resolutions, findings and determinations.
- (f) Cooperate and consult with the state department of aeronautics and with the Federal Aviation Administration in the development, maintenance and operation of the municipal airport.
- (g) Develop and submit to the council for adoption policies pertaining to the general management of the

airport and the use of airport facilities and to recommend rental fees and service rates for the use of the airport facilities.

(Code 1976, § 2.25(2))

DIVISION 2-VI-3 CABLE TELEVISION COMMISSION

Section 2-181 Established

Section 2-182 Number Of Members; Terms; Qualifications

Section 2-183 Purpose

Section 2-184 Meetings

Section 2-185 Powers And Duties

Editor's note(s)—Ord. No. 616 2nd series, § 1, adopted November 10, 2009, amended division 3 in its entirety to read as herein set out. Formerly, division 3, §§ 2-181—2-184 pertained to similar subject matter, and derived from the Code of 1976, §§ 2.28(1), (2), (4)—(6).

Section 2-181 Established

A cable television commission is hereby established. (Ord.

No. 616 2nd series, § 1, 11-10-2009)

Section 2-182 Number Of Members; Terms; Qualifications

The cable television commission shall be composed of five members. The term of any member shall be for three years. Members of the cable television commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the cable television commission. The cable television commission shall annually elect a chairman, vice- chairman and secretary from among the appointed members.

(Ord. No. 616 2nd series, § 1, 11-10-2009)

Section 2-183 Purpose

The purpose of the cable television commission is to monitor the performance of the cable television franchisee(s) in executing the provisions of the respective franchise agreement(s). The cable television commission shall also perform such duties as may be delegated by future resolutions of the city council. The cable television commission may conduct periodic and on-going studies to determine the community's public access television needs as funds are authorized through the annual city budget. The results of these studies and recommendations on the development of revised or new policies shall be reported to the city council for consideration. The cable television commission shall enlist the cooperation of agencies, organizations and individuals in securing and originating programming on the local access channel.

(Ord. No. 616 2nd series, § 1, 11-10-2009)

Section 2-184 Meetings

The cable television commission shall meet on a regular basis as they deem appropriate and necessary. Additional meetings may be called by the chairman or any two members of the cable television commission.

(Ord. No. 616 2nd series, § 1, 11-10-2009)

Section 2-185 Powers And Duties

The cable commission shall have power and shall be required to:

- (a) Develop and submit to the council an annual business plan for the ongoing management of the cable television commission and the city's public access television station, Studio One, and recording studio. The annual business plan will be submitted for approval to the city council not less than 90 days prior to the beginning of the upcoming budget year. The plan will include:
 - (1) An updated master plan for the physical development of the public access television production facilities, Studio One, and recording studio.
 - (2) An annual capital expenditure plan in support of the cable television commission's master plan.
 - (3) An annual operating budget for the upcoming fiscal year.
 - (4) A marketing plan for the upcoming year.
 - (5) Staffing recommendations for the Studio One and recording studio operations in support of the business plan.
 - (6) An annual review of the franchise fee agreements compliance and any recommended changes to the existing agreements.
- (b) The cable television commission shall be responsible for monitoring both the operating and capital budgets of the cable television commission and the city's public access television station(s).
- (c) The cable television commission shall be responsible for monitoring the requirements within the existing cable franchise agreements and recommending action to the city council on any items that are in violations of said terms or conditions.

(Ord. No. 616 2nd series, § 1, 11-10-2009)

DIVISION 2-VI-4 ECONOMIC DEVELOPMENT AUTHORITY

[Section 2-201 Established](#)

[Section 2-202 Composition; Compensation](#)

[Section 2-203 Officers And Meetings](#) [Section 2-204 Staff](#)

[Section 2-205 Functions](#)

[Section 2-206 Limitations Of Power](#)

State law reference(s)—Economic development authorities, Minn. Stat. § 469.090 et seq.

Section 2-201 Established

An economic development authority to be known as the city economic development authority is hereby established.

(Code 1976, § 2.27)

State law reference(s)—Establishment of economic development authority authorized, Minn. Stat. § 469.091, subd. 1.

Section 2-202 Composition; Compensation

The economic development authority shall be composed of seven members. Authority members shall serve with compensation in the amount of \$1.00 per year.

(Code 1976, § 2.27(1)(A), (1)(E))

State law reference(s)—Economic development authority membership, compensation, etc., Minn. Stat. § 469.095.

Section 2-203 Officers And Meetings

- (a) The economic development authority shall elect a president, vice-president, treasurer, assistant treasurer and secretary annually. A member must not serve as president and vice-president at the same time. The other offices may be held by the same member. The offices of the secretary and assistant treasurer need not be held by a member.

State law reference(s)—Similar provisions, Minn. Stat. § 469.096, subd. 2.

- (b) The economic development authority shall adopt rules and procedures not inconsistent with the provisions of this division or as provided in Minn. Stat. § 469.096, and as may be necessary for the proper execution and conduct of the business.
- (c) The economic development authority shall meet at least once a month. Special meetings may be called by the chairperson as needed.

(Code 1976, § 2.27(2))

Section 2-204 Staff

- (a) The city administrator shall be designated as executive director of the economic development authority.
- (b) Subject to the approval of the city council and within limits set by the appropriations or other funds made

available, the economic development authority may employ such staff, technicians and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

(Code 1976, § 2.27(3))

Section 2-205 Functions

- (a) Except as specifically limited by the provisions of this division, the economic development authority shall have the authority granted it pursuant to Minn. Stat. §§ 469.01—469.1081, or other law.
- (b) The economic development authority shall manage the Marshall Community Reinvestment Fund (the fund) which shall be used for purposes of economic development including, but not limited to, the acquisition of property, equity investments, working capital loans, equipment/tooling loans, inventory loans, and the like.
- (c) The economic development authority shall accept from the housing and redevelopment authority in and for the city such portions of the project area of Housing and Redevelopment Project No. 1 as deemed appropriate by the city council for purposes of assisting the fund and using authority powers to assist existing redevelopment project activities.
- (d) All administrative procedures including contract for services, purchases of supplies and financial transactions and duties shall be outlined in the bylaws of the economic development authority.
- (e) The authority may create and define the boundaries of economic development districts as authorized by Minn. Stat. §§ 469.090—469.1081.
- (f) The economic development authority may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.
- (g) The economic development authority may issue general obligation bonds and revenue bonds when authorized by the city council and pledge as security for the bonds the full faith, credit and resources of the city or such revenues as may be generated by projects undertaken by the authority.
- (h) The economic development authority may cooperate with or act as agent for the federal or state government or a state public body, or an agency or instrumentality of a government or other public body to carry out the powers granted it by Minn. Stat. §§ 469.01—469.1081, or any other related federal, state or local law in the area of economic development district improvement.
- (i) The economic development authority may annually develop and present an economic development strategy to the city council for consideration and approval.
- (j) The economic development authority may serve in an advisory role to the city council for city policies and procedures for economic development and redevelopment activities of the city.
- (k) The economic development authority may study and analyze economic development and redevelopment needs in the city and ways to meet those needs.
- (l) The economic development authority may join an official, industrial, commercial or trade association, or other organization concerned with such purposes, hold receptions of officials who may contribute to advancing the city and its economic development, and carry out other appropriate public relations activities to promote the city and its economic development.
- (m) The economic development authority may carry out the law on economic development districts to develop and improve the lands in an economic development district to make it suitable and available for economic development and redevelopment uses and purposes. In general, with respect to an economic development district, the authority may use all of the powers given an economic development authority by law.

- (n) The economic development authority shall have such powers and duties which may be lawfully assigned to it by the city council.

(Code 1976, § 2.27(4))

State law reference(s)—Powers of economic development authority generally, Minn. Stat. § 469.101 et seq.

Section 2-206 Limitations Of Power

- (a) Except when previously pledged by the economic development authority, the city council may, by resolution, require the authority to transfer any portion of the reserves generated by activities of the authority that the city council determines are not necessary for the successful operation of the authority, to the debt service funds of the city, to be used solely to reduce tax levies for bonded indebtedness of the city.
- (b) The sale of all bonds or obligations issued by the economic development authority shall be approved by the city council before issuance.
- (c) The economic development authority shall follow the budget process for city departments as provided by the city and as implemented by the city council and mayor.
- (d) All official actions of the economic development authority must be consistent with the adopted comprehensive plan of the city and any official controls implementing the comprehensive plan.
- (e) The economic development authority shall submit its administrative structure and management practices to the city council for approval.

(Code 1976, § 2.27(5))

State law reference(s)—Authority to so provide, Minn. Stat. § 469.092.

DIVISION 2 VI 5 HOSPITAL BOARD

Section 2-221 Established

Section 2-222 Composition; Appointments

Section 2-223 Powers

Section 2-224 Control And Management

Section 2-225 Hospital Fund

Section 2-226 Rules And Regulations Section

2-227 Annual Report

State law reference(s)—Municipal hospitals, Minn. Stat. § 447.05 et seq.

Section 2-221 Established

A hospital board is hereby established. (Code 1976, § 2.21)

Section 2-222 Composition; Appointments

The hospital board shall be comprised of seven members, each of whom shall be a resident of the city, and none of whom shall be an employee of the hospital. Members shall be appointed for terms of five years each. One member may be the mayor or a member of the council. It is permissible for the council to appoint up to one person at a time to serve on the board that is on the medical staff of the hospital. If such specific appointment is made, it shall not increase the seven person board.

(Code 1976, § 2.21)

Section 2-223 Powers

The hospital board shall have the power and authority to appoint and employ a secretary of such board, who shall qualify as stated in this section, and upon such qualification shall be the secretary of the board. Such secretary shall keep an accurate record in books kept by him for that purpose, of all the proceedings and business transactions of the board, and he is empowered and it is hereby made his duty, to collect all dues and charges becoming due from patients for hospitalization and care received in such hospital and charges for the use of the equipment and facilities of such hospital, and pay the same into the city treasury. He shall make a detailed statement of the same at the regular meeting of the board, which shall be held on the third Monday of each month. The board shall be required to furnish a corporate bond running to the city, in an amount to be fixed by the board, that he shall faithfully perform all the duties of his office as required of him by law. Such bond shall be approved by the board and filed with the city clerk/finance director. The compensation of the secretary shall be in such sum as may be determined by the board, but the compensation shall first be approved by the council. The board shall have the power to revoke such appointment and discharge such secretary at any time in its discretion, and thereupon to appoint another secretary.

(Code 1976, § 2.21(1))

Section 2-224 Control And Management

~~The hospital board shall have the full and exclusive control and management of the Weiner Memorial Medical Center d/b/a Avera Marshall Regional Medical Center, and all hospital grounds and appurtenances thereto, and all apparatus, equipment and material of every nature used in the operation of such hospital. Whenever the word "hospital" is used in this division, it shall include such hospital, and all other hospitals, or branches of hospitals, including nursing homes, or branches of nursing homes, operated by the city.~~

~~(a) The hospital board has the authority and legal capacity to do the following:~~

- ~~(1) Enter shared service and other cooperative ventures;~~
- ~~(2) Enter partnerships;~~
- ~~(3) Incorporate other corporations; and~~
- ~~(4) Own shares of stock in business corporations.~~

~~Entering into any of the business arrangements as set forth above, except for the investment in stocks through normal course of business by said hospital board, shall first require consent of the council thereto and that any such contracts or business agreements entered shall be subject to and conform with applicable state law.~~

~~(b) The hospital board has the authority and legal capacity to do the following:~~

- ~~(1) Join or sponsor membership in organizations intended to benefit the hospital or hospitals in general;~~
- ~~(2) Have members of its governing authority or its officers or administrators serve as directors, officers or employees of the ventures, associations or corporations;~~
- ~~(3) Offer, directly or indirectly, products and services of the hospital, organization, association, partnership or corporation to the general public; and~~
- ~~(4) Expend funds, including public funds in any form or devote the resources of the hospital or hospital district to recruit or retain physicians whose services are necessary or desirable for meeting the healthcare needs of the population, and for successful performance of the hospital or hospital district's public purpose of the promotion of health. Allowable uses of funds and resources include the retirement of medical education debt, payment of one time amounts in consideration services rendered or to be rendered, payment of recruitment expenses, payment of moving expenses and the provision of other financial assistance necessary for the recruitment and retention of physicians, provided that the expenditures in whatever form are reasonable under the facts and circumstances of the situation.~~

~~Prior council consent is not required for authority and capacity concerning activities set forth in Sec. 2-224(b).~~

~~(Code 1976, § 2-21(3); Ord. No. 551, § 1-3, 6-5-06)~~

Section 2-225 Hospital Fund

~~All monies received and collected from the operation of said hospital, except those funds collected from a business venture defined in section 2-224(a), shall be deposited and credited to a special fund to be known as the hospital fund. The board shall have the exclusive control of said hospital fund and it shall be their duty to see that all fees and charges becoming due to said hospital for its services are properly collected and credited to said fund; and said monies shall be paid out of said fund only upon properly approved bills presented to the board and duly audited and allowed by them, and shall be paid out of said hospital fund by a check signed by the secretary of the board and countersigned by the city clerk. The board shall out of said hospital fund purchase all necessary supplies and material and employ a~~

~~suitable director of nursing and such other employees as shall be necessary for the proper management, operation and conduct of said hospital, including all improvements and additions; provided, however, that the board shall not make any contracts involving any expenditures of more than \$150,000.00 for any single item of purchase, addition or improvement without first obtaining the consent of the council thereto and that any such contracts shall be subject to and conform with the applicable state law.~~

~~{Code 1976, § 2.21(2); Ord. No. 432, § 1, 3-6-2000; Ord. No. 537 2nd series, § 1, 10-17-2005; Ord. No. 551, § 4, 6-5-06}~~

Section 2-226 Rules And Regulations

~~The hospital board shall adopt all necessary rules and regulations for their own guidance and for the proper management and operation of such hospital, for the admission of patients thereto, and shall formulate a schedule of charges to be made for all hospital services to be rendered by such hospital, all of which shall be certified to the council as soon as adopted.~~

~~{Code 1976, § 2.21(4)}~~

Section 2-227 Annual Report

~~The hospital board shall make, within five months of the end of the preceding fiscal year, an annual report to the council regarding the condition of their trust, showing the various sums of money received, and how the money has been expended and for what purposes, together with such other information which they may deem of general interest or which the council may request, and shall likewise, make monthly reports of their trust.~~

~~{Code 1976, § 2.21(5); Ord. No. 551, § 5, 6-5-06}~~

DIVISION 2-VI-6 DIVERSITY, EQUITY, AND INCLUSION COMMISSION

Section 2-246 Established; Composition; Appointments; Qualifications Section 2-247 Duties

Section 2-246 Established; Composition; Appointments; Qualifications

- (a) The diversity, equity, and inclusion commission is hereby established for the purpose of securing for all residents equitable opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community, and advising the council on long range programs to improve community relations. Appointments shall be made, effective June 1, for three-year staggered terms.
- (b) The following members will be appointed by the city council.
 - (1) One member of the Marshall City Council.
 - (2) Eight at-large members.
- (c) The city council shall authorize the diversity, equity, and inclusion commission to designate representatives from organizations to a standing position on the commission as written in its bylaws.
- (d) Members of the diversity, equity, and inclusion commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the commission.

(Code 1976, § 2.26(1); Ord. No. 21-001, 1-26-2021)

Section 2-247 Duties

In fulfillment of its purpose, the diversity, equity, and inclusion commission's duties and responsibilities shall be to:

- (a) Adopt bylaws and rules for the conduct of its affairs including the election, assumption of duties and definition of responsibilities of officers and committees.
- (b) Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequities.
- (c) Formulate a program for the city to give increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming in the area of, diversity, equity, and inclusion.
- (d) Guide the mayor, the council and other agencies of the government of diversity, equity, and inclusion issues. Act in an authoritative capacity with respect to planning or operation of any city department on issues of diversity, equity, and inclusion and recommend the adoption of such specific policies or actions as are needed to provide for full equitable opportunities in the community.
- (e) Provide for the commission's assumption of leadership in recognizing and resolving potential problem areas in the community.

(Code 1976, § 2.26(2); Ord. No. 21-001, 1-26-2021)

DIVISION 2-VI-7 LIBRARY BOARD

[Section 2-266 Established](#)

[Section 2-267 Composition; Appointments](#)

[Section 2-268 Compensation](#)

[Section 2-269 Duties](#)

[Section 2-270 Title To Property; Free Use](#)

[Section 2-271 Annual Report](#)

[Section 2-272 Membership](#) _

Editor's note(s)—Ord. No. 690, adopted September 9, 2014, replaced div. 7, §§ 2-266—2-271, with a new div. 7, to read as set out herein. Former div. 7 pertained to similar subject matter and was derived from Code 1976, § 2.22.

Section 2-266 Established

A library board is hereby established. (Ord.

No. 690, 9-9-2014)

Section 2-267 Composition; Appointments

- (a) The library board shall be composed of nine members.
- (b) Members shall be appointed for three-year staggered terms except that any person appointed to fill a vacancy created by a member's failure to complete his/her term shall be appointed for the remainder of such term. Upon the expiration of the term of office a member shall be considered to be serving until a successor is appointed.
- (c) So long as the library continues to be a member of a regional public library system and the county continues to participate in a regional library system, the composition of the library board shall be as follows:

One member shall be a county commissioner.

Two members shall be residents of the county residing outside of the city and shall be appointed by the board of county commissioners.

One member shall be a city councilmember.

Five members shall be residents of the city and shall be appointed by the mayor with city council approval.

- (d) If the library ceases to be a member of a regional library system or if the county ceases to participate in a regional library system; the composition of the library board shall be as follows:

One member shall be a city councilmember.

Six members shall be residents of the city and shall be appointed by the mayor with city council approval.

(Ord. No. 690, 9-9-2014)

Section 2-268 Compensation

Members shall serve without compensation.

(Ord. No. 690, 9-9-2014)

Section 2-269 Duties

The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all money collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All money received for the library shall be paid into the city treasury, credited to the library fund, kept separate from other money of the city, and paid out only upon approval by the board. The library board may lease rooms for library use. The library board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause. With the approval of the council, the library board may purchase grounds and erect a library building thereon.

(Ord. No. 690, 9-9-2014)

Section 2-270 Title To Property; Free Use

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by the city for a public library shall vest in, and be held in the name of the city and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of the library or library board shall be deemed to have been made directly to the city to be used as provided in section 2-269. Every public library established under Minn. Stat. §§ 134.07 to 134.15 shall be forever free to the use of the inhabitants of the city or county subject to reasonable regulations the library board may adopt.

(Ord. No. 690, 9-9-2014)

Section 2-271 Annual Report

As soon as practicable following the end of the fiscal year the library board shall report to the governing body of the city all amounts received during the preceding year and the sources thereof, the amounts expended and for what purposes, the number of library materials on hand, the number purchased and loaned, and such other information as it deems advisable. No later than April 1 of each year the library board shall file this information with the department of education on forms supplied by the department.

(Ord. No. 690, 9-9-2014)

Section 2-272 Membership

Any decision on the library's membership in a regional library system shall be made by the city council. (Ord. No. 690, 9-9-2014)

DIVISION 2-VI-8 PLANNING COMMISSION

[Section 2-286 Established](#)

[Section 2-287 Composition; Appointments; Election Of Officers](#)

[Section 2-288 Powers And Duties](#)

[Section 2-289 Veto Power Of Council](#) [Section](#)

[2-290 Debt](#)

[Section 2-291 Compensation](#)

Cross reference(s)—Subdivisions, ch. 66; zoning, ch. 86.

Section 2-286 Established

A planning commission is hereby established.

(Code 1976, § 2.24; Ord. No. 418 2nd series, § 1(2.24), 8-16-1999)

State law reference(s)—Planning commissions, Minn. Stat. § 462.354, subd. 1(1).

Section 2-287 Composition; Appointments; Election Of Officers

The planning commission shall be composed of seven members. Planning commission members shall be appointed for three-year staggered terms. None of such members shall hold any other office or position in the city government. The commission shall elect its chairperson and vice-chairperson from among the appointed members.

(Code 1976, § 2.24; Ord. No. 418 2nd series, § 1(2.24), 8-16-1999)

Section 2-288 Powers And Duties

(a) The planning commission shall have power and shall be required to:

- (1) Develop and submit to the council for adoption a master plan for the physical development of the city, and from time to time offer amendments, extensions and additions to such master plan which shall show the commission's recommendations for the development of city territory. Such plan may include, among other things:
 - a. The general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces;
 - b. The general location of public buildings and other public property;
 - c. The general location and extent of public utilities, whether publicly or privately owned;
 - d. Contemplated changes in the removal, relocation, widening, vacation or abandonment of existing or future public ways, grounds, spaces, buildings, property or utilities; and
 - e. Maps, plats, charts, and descriptive and explanatory matter detailing an overall plan for future development.

The adoption of such proposed plan or part, amendment or extension thereof shall be by resolution of such planning commission carried by the affirmative votes of not less than a majority of all members, but before the adoption of such plan, or any part or modification or extension thereof, the commission shall hold at least one public hearing on the proposed action. Upon the adoption an attested copy of such plan or amendment or extension thereof shall be

certified to the council.

- (2) Draft for the council an official map and zoning plans of the city and recommend or disapprove proposed changes in such map or plans.
- (3) Promote public interest in and understanding of the master plan, and of planning, zoning and physical development of the city.
- (4) Meet not less than once each month and keep a public record of its resolutions, findings and determinations.

(b) The planning commission shall have power to:

- (1) Require information which shall be furnished within a reasonable time from the other departments of the city government in relation to its work.
- (2) In the performance of its functions enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.
- (3) Make recommendations as to the constructions, extension or authorization in the city of any street, park or other public way, ground or space, or as to the acquisition by the city of any real property, or as to the construction, extension or authorization by the city of any public building, with full information as to the type, specifications, location and extent thereof. The widening, narrowing, relocation, vacation, or change in the use of any street, public way or ground, may also be subject to recommendations by the planning commission to the council.

(Code 1976, § 2.24(1), (2))

Section 2-289 Veto Power Of Council

Any action of the planning commission may be overruled on any issue by a majority vote of the council. (Code 1976, § 2.24(6))

Section 2-290 Debt

The council shall, in its budget, make provision for and appropriate such sum of money as may be necessary to defray the expense of the official activities and work of the planning commission.

(Code 1976, § 2.25(5))

Section 2-291 Compensation

Planning commission members shall serve without compensation. (Code

1976, § 2.25(5))

DIVISION 2-VI-9 POLICE ADVISORY BOARD

[Section 2-306 Establishment And Composition](#) [Section 2-](#)

[307 Function And Duties](#)

[Section 2-308 Organization, Meetings](#)

Editor's note(s)—Ord. No. 630 2nd series, § 1, adopted January 25, 2011, amended division 9 in its entirety to read as herein set out. Formerly, division 9, § 2-306, pertained to the police civil service commission and derived from the Code of 1976, § 2.23(1).

Section 2-306 Establishment And Composition

A police advisory board is hereby established composed of three voting members who are qualified electors of the city and who shall serve staggered three-year terms. A member of the city council shall be an advisory member of the police advisory board as appointed by the mayor, but shall not be entitled to vote. On the last business day in May in each year, a board member or members shall be appointed for a term or terms of three years to succeed the board member or members whose term or terms then expire. Vacancies on the police advisory board shall be filled by appointment by the mayor with the approval of the council, as provided in the Charter.

(Ord. No. 630 2nd series, § 1, 1-25-2011)

Section 2-307 Function And Duties

The board shall be an advisory body to the council on matters relating to the operation and organization of the police department. The board shall serve as a citizen liaison to the council and department. The board shall assist and advise the director of public safety and the city administrator with the selection and promotion of licensed peace officers. The procedure and policies related to the selection and promotion process shall be established in the administrative code as prescribed in the City Charter. The board may participate with the director of public safety in the review and recommendation of capital expense items and may study policy issues for recommendations as requested by the council, the city administrator and the director of public safety.

(Ord. No. 630 2nd series, § 1, 1-25-2011)

Section 2-308 Organization, Meetings

The board shall, at its first meeting in each calendar year, elect from among its members a chairperson, a vice-chairperson, a secretary and such other officers as it may determine. The board shall hold at least one regular meeting annually and shall keep minutes of its meetings, a copy of which minutes shall be furnished to the council as soon as reasonably possible after the date of the meeting.

(Ord. No. 630 2nd series, § 1, 1-25-2011)

DIVISION 2-VI-10 PUBLIC HOUSING COMMISSION

Section 2-321 Established

Section 2-322 Composition; Terms; Appointments And Qualifications Section

2-323 Powers And Duties

Section 2-324 Powers And Duties Of Executive Director

Section 2-321 Established

The public housing commission is hereby established. (Code 1976, § 2.31)

Section 2-322 Composition; Terms; Appointments And Qualifications

The public housing commission shall be composed of five members. The term of any member shall be five years. Members of the public housing commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the commission. One of the five members shall be an eligible resident. An eligible resident is a person: (1) who is directly assisted by a public housing agency; (2) whose name appears on the lease; and (3) is 18 years of age or older. The appointing authority shall actively seek for a period of 30 days, an eligible resident for appointment to the commission. If at the end of 30 days, an eligible resident is not available, the appointing authority shall be able to appoint a person who is not an eligible resident.

(Code 1976, § 2.31(1), (2), (4); Ord. No. 436, § 1, 7-17-2000)

Section 2-323 Powers And Duties

The powers and duties of the public housing commission shall be as follows:

- (a) To appoint and employ an executive director.
- (b) Adopt bylaws and rules for the conduct of its officers, including the election, assumption of duties, and definition of responsibilities of officers and committees.
- (c) Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities in public housing.
- (d) Manage and develop appropriate public housing within the city.
- (e) Prepare and deliver to the city council annually a report on activities of the housing commission.

(Code 1976, § 2.31(5); Ord. No. 436, § 1, 7-17-2000)

Section 2-324 Powers And Duties Of Executive Director

- (a) The executive director shall have general supervision over the administration of the housing commission's officers and all employees of the commission.
- (b) The executive director shall establish and maintain representation between the housing commission and city staff, and other governmental agencies.

(Code 1976, § 2.31(6); Ord. No. 436, § 1, 7-17-2000)

DIVISION 2-VI-11 SENIOR CITIZENS CENTER COMMISSION

Section 2-341 Established

Section 2-342 Composition; Terms; Qualifications Section

2-343 Function

Section 2-344 Powers And Duties

Section 2-341 Established

The senior citizens center commission is hereby established. (Code

1976, § 2.29)

Section 2-342 Composition; Terms; Qualifications

The senior citizens center commission shall be composed of seven members. The term of any member shall be three years. Members of the commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the commission. The council shall appoint all members to such commission. Two members shall be appointed from the Marshall Area Senior Citizens, Inc., one member shall be appointed from the city council, and four members shall be appointed from the citizens of the city.

(Code 1976, § 2.29(1), (2), (4); Ord. No. 496 2nd series, § 1, 7-7-2003)

Section 2-343 Function

The function of the senior citizens center commission shall be to manage, operate and maintain the city's senior citizens center.

(Code 1976, § 2.29(5))

Section 2-344 Powers And Duties

The powers and duties of the senior citizens center commission shall be as follows:

- (a) Develop and present to the city council their report with recommendation on the city's senior citizens center budget.
- (b) Appoint members of their commission to serve on other commissions of the city.
- (c) Adopt all necessary rules and regulations for their own guidance and for the proper management and operation of such senior citizens center.
- (d) Make on or before December 31, of each year, annual report to the council regarding the operation of the senior citizens center, and how the funds of the city were spent during such year.
- (e) The senior citizens center commission shall have the authority to enter into contracts only after they have been approved by the city council.
- (f) The commission shall have the authority to employ such persons as are necessary to carry out their function, within their budgetary limitations.

(Code 1976, § 2.29(6))

DIVISION 2-VI-12 MINNESOTA EMERGENCY RESPONSE AND INDUSTRIAL TRAINING (MERIT) CENTER BOARD

Section 2-361 Established

Section 2-362 Composition; Terms; Qualifications. Section

2-363 Purpose

Section 2-364 Powers And Duties

Section 2-361 Established

The Minnesota Emergency Response and Industrial Training (MERIT) Center board is hereby established. (Ord. No. 521 2nd series, § 1, 11-15-2004; Ord. No. 743 2nd series, § 1, 10-22-2019)

Section 2-362 Composition; Terms; Qualifications.

(a) The MERIT center shall consist of no more than 18 members or less.

The following shall be permanent members of the Board of Directors:

- (1) Director of Public Safety, City of Marshall, Minnesota.
- (2) One City Council member, City of Marshall, Minnesota as appointed by the mayor and confirmed by the city council.

(b) The following organizations/groups may each appoint one member to the board:

- (1) Minnesota West Community and Technical College.
- (2) Minnesota State Fire Department Association—Region 13 (Southwest).
- (3) Minnesota State Fire Department Association—Region 9 (West Central).
- (4) Minnesota Municipal Utilities Association (MMUA).
- (5) Homeland Security and Emergency Management (HSEM) Region V.
- (6) Southwest Minnesota Emergency Medical Services Corporation.
- (7) Southwest Minnesota Chiefs of Police Association—Law Enforcement representative.

The above-mentioned members will be appointed by their representative organization or association, for a period of time of that organization's or association's choosing.

(c) The following members shall be appointed by the members of the MERIT board for a term of three years:

- (1) Two industrial representatives, one within the corporate municipal boundaries of the City of Marshall and one within the primary service area of the MERIT Center as described in article I, section 5.
- (2) One member from a gas or electric utility company or authority within the primary service area of the MERIT Center as described in article I, section 5.
- (3) One local National Guard Unit or other military representative within the primary service area of the MERIT Center as described in article I, section 5.
- (4) One Fire, emergency medical services or other related safety representative within the primary service area of the MERIT Center as described in article I, section 5.

Members of this group may be re-appointed for two consecutive terms.

If any organization listed in section 2 above does not choose to appoint a member to the board, the remaining members may choose to leave the position vacant or may attempt to fill the position with at-large member until such time that the organization may choose to appoint a member. Any member of the board mentioned in section 2, above may designate an alternate who will be eligible to vote during the absence of the official member.

The following members will be appointed by the city council.

- (1) Four at-large members. The term of any member shall be three years from and after the January 1 of the year of their respective appointments and shall expire each year on December 31.
- (2) No board member shall during the term of their membership, hold any other office or position in the city government.

(Ord. No. 521 2nd series, § 1, 11-15-2004; Ord. No. 743 2nd series, § 1, 10-22-2019)

Section 2-363 Purpose

The purpose of the MERIT Center board shall be to advise the council regarding the management, operation and maintenance of the MERIT Center facility located at 1001 West Erie Road, Marshall, Minnesota, and to promote such facility to be the premiere emergency preparedness, response and industrial training center located in southwest Minnesota.

(Ord. No. 521 2nd series, § 1, 11-15-2004; Ord. No. 743 2nd series, § 1, 10-22-2019)

Section 2-364 Powers And Duties

The powers and duties of the MERIT Center board shall be as follows:

- (a) To adopt bylaws and rules for the conduct of its officers, including election, assumption of duties and definition of responsibilities of all officers and committees.
- (b) To provide relevant, quality training and educational opportunities to public safety, governmental, industrial personnel and the general public.
- (c) To provide life-safety opportunities which encourage and inspire participation by professionals and the public in meeting the every changing cultural, social, educational and professional needs of the citizens of southwestern Minnesota and beyond and to promote safety and to enhance the quality of life.
- (d) To encourage volunteerism, individual initiative, team work and corrective management to achieve and maintain the highest level of community preparedness and safety.
- (e) To provide an educational environment with a minimum of barriers to all persons using the facility at the lowest cost of user and public while adequately funding facility operations.
- (f) To provide the opportunity for everyone with lifelong learning and development through providing credit, certificate and non-credit educational programs in community emergency preparedness, response and safety.
- (g) To promote public and private interaction, cooperation and partnerships in community emergency preparedness, response and safety.
- (h) The board shall make appropriate recommendations and appropriate reports to the city council, on at least an annual basis. The city council is the official governing body of the MERIT Center facility and shall have the authority to approve or disapprove recommendations from said board.

(Ord. No. 521 2nd series, § 1, 11-15-2004; Ord. No. 743 2nd series, § 1, 10-22-2019)