

CHAPTER 32: DIVISIONS; DEPARTMENTS; BOARDS AND COMMISSIONS

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GENERAL PROVISIONS

§ 32.01 TERM OF APPOINTMENT.

All members of boards and commissions shall be appointed for one year beginning January 1 and ending December 31, except as herein provided, or until their successors are duly appointed and qualified. All paid appointive officers and department heads shall be appointed for an indeterminate term, and their employment may be terminated at any time at the pleasure of the Council.

('75 Code, § 2.301)

§ 32.02 TERM LIMITS.

All members of any board or commission who are appointed to serve thereon by the City Council shall be hereafter prohibited from serving on any one of said boards or commissions for more than two consecutive terms of office. Provided, however, that any person who has previously served on such boards or commissions upon the expiration of one year or more after his or her two consecutive terms of office has terminated, a person shall become eligible for reappointment to a board or commission on which they have previously served two terms, one year after the term has expired. The limitation to term of membership as hereinabove set forth shall not apply to ex officio or non-voting members of said boards or commissions. This provision shall take effect on and after July 1, 1976.

('75 Code, § 2.302) (Ord. 1061.88 passed 1-7-88)

DIVISIONS

§ 32.15 ESTABLISHMENT; ORGANIZATION.

The city shall be divided into four Divisions with each division responsible for the operations of certain departments, boards and commissions, offices, programs, or other functions of the city. Each division shall be headed by a division director each of whom shall be under the direct supervision of the City Manager. The divisions are as follows:

<i>Division</i>	<i>Division Director</i>
Finance	Director of Finance
Public Works	Director of Public Works
Engineering	Director of Engineering
Planning and Development	Director of Planning and Development

('75 Code, § 3.200) (Ord. 1062.88, passed 1-7-88)

§ 32.16 DIVISION OF FINANCE.

(A) *Director of Finance.* The Division of Finance shall be under the direction of the Director of Finance.

(B) *Departments.* The following departments are departments within the Division of Finance:

- (1) Municipal Liquor Operations Department;
- (2) Billings Office Department.

(C) *Other offices of Director.* The following offices are offices of the Director of Finance:

(1) *Treasurer.* The Director of Finance shall hold the Office of Treasurer.

(2) *City Clerk.* The Director of Finance shall hold the Office of City Clerk. ('75 Code, §§ 3.210, 3.211, and 3.213) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

City Clerk, see §31.17

Treasurer, see §31.19

§ 32.17 DIVISION OF PUBLIC WORKS.

(A) *Director of Public Works.* The Division of Public Works shall be under the direction of the Director of Public Works.

(B) *Departments.* The following departments are departments within the Division of Public Works:

- (1) Street Department;
- (2) Water and Wastewater Department;
- (3) Electric Service Department;
- (4) Parks Department.

(C) *Boards and commissions.* The following boards or commissions are assigned to the Division of Public Works:

- (1) Park Board;
- (2) Cemetery Commission;

(3) Utilities Board;

(4) Airport Commission.

(D) *Other offices of Director.* The following offices are offices of the Director of Public Works:

(1) *Utilities Superintendent.* The Director of Public Works shall hold the Office of Utilities Superintendent.

('75 Code, §§ 3.220-3.223) (Ord. 1062.88, passed 1-7-88)

§ 32.18 DIVISION OF ENGINEERING.

(A) *Director of Engineering.* The Division of Engineering shall be under the direction of the Director of Engineering.

(B) *Boards and commissions.* The following boards and commissions are assigned to the Division of Engineering:

(1) Airport Commission.

(C) *Other offices of Director.* The following offices are offices of the Director of Engineering:

(1) *Building Inspector.* The Director of Engineering shall hold the Office of Building Inspector.

(D) *Programs, functions, and activities.* The following programs, functions, and activities are assigned to the Director of Engineering:

(1) *Engineering functions.* The Director of Engineering shall be responsible for the coordination of all engineering activities including but not limited to:

(a) Supervising the planning, construction, maintenance, and operation of all streets, alleys, sidewalks, storm sewers, airports, traffic signals, sanitary sewers, and other projects of the city;

(b) Establishing street and sidewalk grades;

(c) Performing any other related duties and functions as required by the City Manager.

(2) *Building permits and inspection functions.* The Director of Engineering shall be responsible for all activities relating to the building code and all inspections, including but not limited to:

(a) Reviewing all building applications and considering them for approval based on the building codes of the state;

(b) Inspecting all construction occurring within the city for compliance with all state codes for building, plumbing, energy, HVAC, and any other appropriate codes of construction;

(c) Issuing occupancy permits upon completion of construction in accordance with all appropriate codes;

(d) Providing inspection services for codes hereafter adopted by the city;

(e) Performing any other related duties and functions as required by the City Manager.

(3) *Assessment Functions.* The Director of Engineering shall be responsible for all activities relating to assessments including but not limited to:

(a) Overseeing contractual performance with the county for all property valuation functions;

(b) Computing and preparing special assessment rolls for all public improvements requiring assessment of property within the city. Assessments must first be recommended to City Council and certified to the county upon Council approval;

(c) Performing any other related duties and functions as required by the City Manager.

(4) *Airport program.* The Director of Engineering shall be responsible for all programs or functions relating to the airport, including but not limited to:

(a) Overseeing the contractual performance of the Airport Manager;

(b) Maintenance of all public facilities at the airport and enforcement of all maintenance standards of non-public facilities located on airport property;

(c) Recommending to the City Manager and City Council any improvements necessary to the facility to assure continual safety and service to the community;

(d) Overseeing all contracts for use of city property located at the airport;

(e) Serving as the city's staff liaison to the Airport Commission and coordinating all meetings and activities of the Commission;

(f) Performing any other related duties and functions as required by the City Manager.

(75 Code, §§ 3.230, 3.232-3.234) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Building Inspector, see § 31.21

Engineering Division as Building Code Department, see § 150.02

Adoption by reference of Airport Zoning Ordinance, see § 154.004

§ 32.19 DIVISION OF PLANNING AND DEVELOPMENT.

(A) *Director.* The Division of Planning and Development shall be under the direction of the Director of Planning and Development.

(B) *Boards and commissions.* The following boards and commissions are assigned to the Division of Planning and Development:

- (1) Planning Commission;
- (2) Economic Development Authority.

(C) *Other offices of Director.* The following offices are offices of the Director of Planning and Development:

(1) *Zoning Administrator.* The Director of Planning and Development shall hold the Office of Zoning Administrator.

(2) *Tax Increment Administrator.* The Director of Planning and Development shall hold the Office of Tax Increment Administrator.

(D) *Programs, functions, and activities.* The following programs, functions, and activities are assigned to the Division of Planning and Development:

(1) *Economic development programs.* Economic development programs shall be under the direct supervision of the Director of Planning and Development. Responsibilities include:

(a) Meeting and discussing business development/expansion with local and prospective businesses;

(b) Exploring methods of economic assistance as incentives to economic development in the city;

(c) Establishing and implementing plans and procedures for the economic development of the city;

(d) Discovering and identifying community needs, and developing plans, programs, and resources to meet such needs;

(e) Administering the Tax Increment Financing Program as an economic development program for the city;

(f) Serving as the city's staff liaison to the Economic Development Authority, and coordinating all meetings and activities of the Authority;

(g) Performing any other related duties and functions as required by the City Manager.

(2) *Planning Functions.* Planning functions shall be under the direct supervision of the Director of Planning and Development. Responsibilities include:

(a) Coordinating all city planning activities for development;

(b) Providing initiatives, direction, and assistance in the development and administration of land use planning for the city;

(c) Providing direction and assistance to the City Planning Commission in the performance of its duties;

(d) Serving as the City Planner and city staff liaison to the Planning Commission, and coordinating all meetings and activities of the Planning Commission;

(e) Performing any other related duties and functions as required by the City Manager.

('75 Code, §§ 3.240, 3.242-3.244) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Zoning Administrator, see §31.22

Tax Increment Administrator, see §31.23

DEPARTMENTS

§ 32.30 ESTABLISHMENT; ORGANIZATION.

The city shall further be divided into certain departments established by this chapter or other ordinances of the city. Each department so established shall be assigned to one of the four divisions or directly to the City Manager. Those departments not specifically assigned to a division or to the City Manager may be assigned by the City Manager. Each department shall be headed by a department supervisor.

('75 Code, § 3.300) (Ord. 1062.88, passed 1-7-88)

§ 32.31 MUNICIPAL LIQUOR OPERATIONS DEPARTMENT.

The Municipal Liquor Operations Department shall be under the direction of the Liquor Store Manager who shall serve as the department supervisor. This Department shall be responsible for the operations of the Municipal Liquor Dispensary including both “on-sale” and “off-sale” operations as defined under § 110.45 et seq.

(’75 Code, § 3.310) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Municipal Liquor Dispensary, see §110.45 et seq.

§ 32.32 BILLINGS OFFICE DEPARTMENT.

The Billings Office Department shall be under the direction of the Billings Office Supervisor. The Department shall perform the following duties:

(A) Provide all billing operations for the city, including all utilities, special assessments, sales, or other special billings;

(B) Monitor all load management functions of the city's electric utility;

(C) Serve as the collection department for taxes, special assessments, licenses and permits, rental fees, utility accounts (current and delinquent), and any other collection function identified and assigned by the Director of Finance.

(’75 Code, § 3.320) (Ord. 1062.88, passed 1-7-88)

§ 32.33 STREET DEPARTMENT.

The Street Department shall be under the direction of the Director of Public Works. This Department shall be responsible for:

(A) Maintaining all streets, alleys, easements, boulevards, and other services such as storm sewers, airport, library, warehouses, and general government buildings;

(B) The maintenance and repair of all city-owned equipment other than utility equipment;

(C) The control of weeds, mosquitoes, and rodents;

(D) Supervision of the city landfill and solid waste collection;

(E) Plowing and cleaning of city streets;

(F) Performing any other related duties and functions as required by the Director of Public Works.

(’75 Code, § 3.330) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Streets and sidewalks, see Ch. 92

§ 32.34 WATER AND WASTEWATER DEPARTMENT.

The Water and Wastewater Department shall be under the direction of the Water and Wastewater Supervisor. This Department shall be responsible for:

(A) The maintenance of the entire water distribution infrastructure of the city including all wells, pumps, water treatment and filtration facilities, distribution lines, and storage tanks;

(B) Maintaining the entire wastewater collection and treatment infrastructure of the city, including all sanitary sewer lines, lift stations, and laboratory and treatment facilities;

(C) Performing any other related duties as required by the Director of Public Works. ('75 Code, § 3.340) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Sewer, see Ch. 52

§ 32.35 ELECTRIC SERVICE DEPARTMENT.

The Electric Service Department shall be under the direction of the Electric Service Supervisor. This Department shall be responsible for:

(A) The maintenance of the electrical generation facilities;

(B) Maintaining the electric distribution infrastructure of the city;

(C) The maintenance of the head-end where all city electricity is received from the city's transmission agent;

(D) The maintenance and installation of all electric meters;

(E) Construction of new electric lines as required and integration of those lines into the existing electrical distribution infrastructure;

(F) Performing any other related duties as required by the Director of Public Works. ('75 Code, § 3.350) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Utilities, see Ch. 50

§ 32.36 PARKS DEPARTMENT.

The Parks Department shall be under the direction of the Parks Supervisor. This Department shall be responsible for:

(A) Maintaining all city parks and facilities including: parks, campgrounds, swimming pools, playgrounds, and skating rinks;

(B) Providing the city's staff liaison to the Park Board and coordinating all meetings and activities of the Park Board;

(C) Providing the Cemetery Supervisor and the city's staff liaison to the Cemetery Commission, and coordinating all meetings and activities of the Cemetery Commission;

(D) Performing any other related duties as required by the Director of Public Works. ('75 Code, § 3.360) (Ord. 1062.88, passed 1-7-88)

§ 32.37 LEGAL DEPARTMENT.

There is hereby established a Legal Department for the city. The head of this Department shall be the City Attorney who shall serve at the pleasure of the Council and City Manager. The Legal Department shall:

(A) Represent the city in all matters in which the city has an interest coming before any court or tribunal;

(B) Take charge of and conduct all prosecutions for the violations of all ordinances, resolutions, and statutes involving misdemeanors;

(C) Advise the Council, City Manager, Police Department, Utilities Board, and Planning Commission in all cases when legal opinion is required or requested;

(D) Draft all deeds, leases, contracts, resolutions, and other legal instruments as required;

(E) Call to the attention of the Council and the City Manager all matters of law affecting the city or its officers;

(F) Administer oaths as may be required;

(G) Perform such other related duties as may hereafter be requested. ('75 Code, § 3.390) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Oversight of Legal Department by City Manager, see § 31.15

BOARDS AND COMMISSIONS

§ 32.50 ESTABLISHMENT; ORGANIZATION.

All boards or commissions established by ordinance under any portion of the code may be assigned by ordinance to a division. The division director shall be responsible for each such board or commission and each shall be staffed by the division director or his or her designee. Those boards or commissions not so assigned shall be the direct responsibility of the City Manager who in turn shall assign staffing.

('75 Code, § 3.400) (Ord. 1062.88, passed 1-7-88)

§ 32.51 LIBRARY BOARD.

The Library Board of six members is hereby established for the operation of the Benson Public Library. The Council shall appoint two members each year for a three-year term. The duties of the Library Board are to:

(A) Establish written rules and regulations for the use, management, and operation of the public library. All rules adopted must be confirmed by the City Manager and approved by the Council;

(B) Make recommendations to the Council for the improvement of the library;

(C) Deposit all monies received with the Treasurer;

(D) Hold monthly meetings at a time regularly established and approved, and hold such special meetings as necessary for the conduct of its business;

(E) Report to the City Manager at least two days before the first regularly scheduled meeting of the City Council as follows:

(1) A true copy of the minutes of all meetings held during the preceding month;

(2) A statement of request for payment;

(3) A report of proposed activities or other activities;

(F) Advance the use of the library so that its facilities may become more of an asset to the community.

('75 Code, § 3.420) (Ord. 1062.88, passed 1-7-88)

§ 32.52 PARK BOARD.

(A) *Appointment of members.* The Council shall appoint six persons to act as members of the Park Board. Two shall be appointed each year at staggered terms and each shall serve for a term of three years. They shall be appointed for calendar years.

(B) *Meetings; administrative rules and matters.* The Park Board shall determine the place of its meetings and shall adopt its own rules and regulations governing such meetings. It shall submit a budget for the coming year (calendar) to the City Manager and shall appoint such officers and committees as required.

(C) *Operations.* The Park Board shall recommend such action as it shall deem necessary in order to carry on its functions and purposes. The compensation to be paid all such employees shall be fixed by the Council. All disbursements for park purposes shall be paid from the proceeds of the Park Board.

(D) *Authority.* The Park Board shall have supervision over all city parks, playgrounds, swimming pools, golf courses, skating rinks, summer and winter recreation programs, and such other related functions as may be required. This shall include the use, function, constitution, and maintenance of all the above-mentioned functions.
(‘75 Code, § 3.430) (Ord. 1062.88, passed 1-7-88)

§ 32.53 AIRPORT COMMISSION.

(A) *Establishment; appointment of members.* There is hereby created and established a Benson Airport Commission which shall consist of six members, all of whom must be residents of the city. The members shall be appointed by the Council and may be removed by a four-fifths vote of the Council. Of the members of the Commission first appointed, two shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Their successors shall be appointed for terms of three years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during any term shall be filled by the Council for the unexpired portion of the term. All members shall serve without compensation.

(B) *Officers.* The Airport Commission shall elect a Chairperson from among its appointed members for a term of one year and may create and fill such other offices as it may determine.

(C) *Meetings; administrative rules and matters.* The Airport Commission shall hold regular meetings at least once every two months and shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, and findings.

(D) *Recommendations to Council.* The Airport Commission shall make recommendations to the Council for the use, management, and operation of the airport and shall advise the Council in all matters concerning the Airport.
(‘75 Code, § 3.440) (Ord. 1031.83, passed 1-20-83; Am. Ord. 1062.88, passed 1-7-88)

Cross-reference:

Adoption by reference of Airport Zoning Ordinance, see § 154.004

§ 32.54 ECONOMIC DEVELOPMENT AUTHORITY.

(A) *Establishment; appointment of members.* There is hereby created an Economic Development Authority consisting of five commissioners appointed by the City Council, two of whom shall initially serve for a term of four years, and the remainder for terms of one, two, and three years respectively. Thereafter, all commissioners shall be appointed for four-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made. Members of the City Council shall be eligible to serve as commissioners. All commissioners shall serve without compensation, but shall be entitled to receive necessary expenses (including travel expenses) needed for the performance of their duties.

(B) *Officers; administrative rules; meetings.* The Economic Development Authority shall select a Chairperson and a Secretary from among its commissioners to serve for a one-year term and shall adopt such rules for the conduct of its affairs as it deems appropriate. It shall meet upon the call and notice of its Chairperson.

(C) *Purposes and powers of the Economic Development Authority.*

(1) The Authority shall initiate, receive, discover, propose, and recommend economic or job development projects for the city and its surrounding area.

(2) The Authority shall consider and receive proposals for economic or job development projects within the city or its surrounding area.

(3) The Authority shall discover resources and methods to provide funding and other assistance to accomplish the purposes of this section.

(4) The Authority shall do any and all other things necessary and proper to carry out and fulfill the purposes of this section.

(5) The Authority shall act only in an advisory capacity to the City Council and shall have no power to legislate or transact any business for the city.

('75 Code, § 3.450) (Ord. 1049.84, passed 7-12-84; Am. Ord. 1062.88, passed 1-7-88)

Cross-reference:

Economic development, see § 152.35 et seq.

§ 32.55 CEMETERY COMMISSION.

A Cemetery Commission is hereby established for the purpose of advising and assisting the City Council and the Superintendent of the City Cemetery in the administration, maintenance, and improvement of the Benson City Cemetery. This Commission shall be the same as the

Cemetery Committee established under § 91.15.
(’75 Code, § 3.460) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Cemeteries, see Ch. 91

§ 32.56 EMERGENCY SERVICES COMMISSION.

There is hereby established a Emergency Services Commission which shall serve in the same capacity as the Civil Defense Advisory Committee established under § 36.02.

(’75 Code, § 3.470) (Ord. 1062.88, passed 1-7-88)

Cross-reference:

Emergency Management, see Ch. 36

§ 32.57 UTILITIES BOARD.

(A) *Establishment; appointment of members.* The Utilities Board is hereby established for the purpose of advising and assisting the City Council and Director of Public Works in the administration and improvement of public utilities within the city. It shall consist of no less than three nor more than five members all of whom are residents of the city and who are appointed for staggered three-year terms. Initial appointment to the Board shall be for one one-year term, one two-year term, and one three-year term.

(B) *Meetings; administrative rules.* The Utilities Board shall meet monthly at a time and place determined by its members. It shall adopt its own rules and regulations governing the conduct of its meetings.

(C) *Duties.*

(1) The Utilities Board shall have the following duties and responsibilities:

(a) To make recommendations to the Director of Public Works and City Council for the use and management of public utilities in the city including electricity, water, sanitary sewer, and all other utilities operating within the limits of the city;

(b) To conduct reviews of rates, budget, engineering and service agreements;

(c) To review and make recommendations concerning policies and procedures and capital outlay planning;

(d) To perform other duties as prescribed by the City Council.

(2) In carrying out its duties the Utilities Board shall act in an advisory capacity only and shall have no power or authority to legislate or conduct business on behalf of the city.

(’75 Code, § 3.480) (Ord. 1093.95, passed 10-19-95)