

RESOLUTION NO. 7859

A RESOLUTION OF THE CITY OF SHAKOPEE CENSURING COUNCILOR MICHAEL LUCE

WHEREAS, an elected city council is the cornerstone of local government in Minnesota;

WHEREAS, a city council as a body, not an individual council member, sets policy for the city and supervises the overall administration of the city;

WHEREAS, city councilmembers should devote their official time primarily to issues of policy and act as liaisons between the city and the general public;

WHEREAS, a city council member's duties are to be performed, almost without exception, by the city council as a whole;

WHEREAS, direct interactions between a city council member and mid-management level and below city staff present too much of an opportunity for a council member to overstep his or her role as a council member. This is particularly true in a situation where a council member chooses to personally investigate a matter;

WHEREAS, an individual council member has no authority to investigate any city matter;

WHEREAS, on February 16, 2016, the Shakopee City Council adopted norms of behavior, a copy of which is attached to this Resolution, for its city council members;

WHEREAS, Section 32.15 of the Shakopee City Code states that the city administrator is the chief administrative officer of the City and is responsible "to the Council" for the proper administration of all affairs of the City;

WHEREAS, Section 32.15 of the Shakopee City Code further states that the city administrator, not an individual council member, is responsible for supervising the administration of all city departments;

WHEREAS, the City Council's adopted norms of behavior provide that council members must work through the city administrator;

WHEREAS, the City Council's adopted norms of behavior further provide that council members must respect that city staff works for the city council as a whole, not for an individual council member;

WHEREAS, Councilor Michael Luce's actions over the past two years have consistently violated the above principles, policies, and norms of behavior in the following regards:

1. Misrepresenting the City's official position on matters;
2. Inappropriate comments to the public "bashing" City staff;
3. Overstepping his authority with respect to City staff, resulting in some City staff members feeling intimidated and threatened;

4. Undermining the city administrator's responsibilities and authority;
5. Improperly interfering with City staff's handling of real estate matters in regards to the City's efforts to acquire certain parcels of property;
6. Micromanaging matters within the fire department; and
7. Improperly intervening in a property dispute matter.

WHEREAS, as a result of the above actions by Councilor Luce, the City is being unnecessarily exposed to a risk of claims and potential lawsuits against the City;

WHEREAS, the mayor, city administrator, and city attorney have previously discussed with Councilor Luce the proper roles, duties and responsibilities of an elected city official in an effort to educate him on those matters; and

WHEREAS, despite the City's efforts to educate Councilor Luce on the proper role of a local elected official, Councilor Luce continues to act in a manner that creates significant concern by the City Council about future potential liability to the City relating to his actions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA AS FOLLOWS:

1. The City Council formally censures Councilor Michael Luce for his continued inappropriate behavior as referenced above.
2. Councilor Luce's appointments to all City committees, boards, associations, or commissions are immediately rescinded and the Mayor shall make, subject to City Council confirmation, new appointments to those committees, boards, associations, and commissions.
3. Councilor Luce shall not initiate any contact, whether verbally or in writing, with any City staff member other than the city administrator.
4. Councilor Luce shall not attend any internal City staff meeting unless first having been requested to do so by the city administrator.

BE IT FURTHER RESOLVED that the City Council encourages Councilor Luce to seek additional training, education and counseling on the proper role of a local elected official.

BE IT FURTHER RESOLVED that the City Council hopes that Councilor Luce modifies his conduct and behavior so that he can become an effective and productive member of the Shakopee City Council.

Adopted in adjourned regular session held this 2nd day of May, 2017.

Mayor of the City of Shakopee

ATTEST:

City Clerk