

# *Office of the Mayor*

## *Memorandum*

**TO:** All Media

**FROM:** Mayor Ardele F. Brede

**DATE:** September 19, 2013

**RE:** Appointment to the Mayo Civic Center Commission.

The Mayor's office is seeking applications from local citizens residing in Rochester who are interested in serving on the Mayo Civic Center Commission.

Applications may be picked up at the Mayor's Office, Room 281 City Hall, on-line at [www.rochestermn.gov](http://www.rochestermn.gov), or call 328-2700 to request that one be mailed. Applications are due by Monday, October 7, 2013.

ORDINANCE NO. 4128

AN ORDINANCE CREATING AND ENACTING  
CHAPTER 19C OF THE ROCHESTER CODE OF  
ORDINANCES, RELATING TO THE MAYO CIVIC  
CENTER COMMISSION.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 19C of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

CHAPTER 19C  
MAYO CIVIC CENTER COMMISSION

19C.01. Mayo Civic Center Commission Established. Subdivision 1. There is hereby established a City of Rochester Mayo Civic Center Commission ("Commission").

Subd. 2. The Commission should consist of stakeholders and community members whose professional and personal backgrounds include experiences that will bring valuable support for the Mayo Civic Center ("MCC"). The Commission shall be composed of seven members nominated by the Mayor and appointed by the Common Council ("Council"). As a general guideline and not as a strict requirement, Commission membership should be comprised as follows:

- A. A member of the Arts Community;
- B. Two members of the Hotel Community;
- C. One member of the downtown business community;
- D. One member employed by the Mayo Clinic;
- E. One member representing the community at large; and
- F. One member representing the event industry which is currently a user of the MCC.

Subd. 3. The Commission shall act as a "fiduciary" oversight body. As such, each Commission member must act with the MCC's best interest as his/her sole charge. Specifically, each Commission member must adhere to the following standards:

- A. Duty of care. This duty requires the full attention to one's duty as a Commission member to protect the MCC assets setting aside competing personal or professional interests. MCC assets include its financial assets, reputation, personnel, and tangible assets. Each Commission member must act reasonably, competently, and prudently when making decisions as a steward of the MCC.
- B. Duty of loyalty. This duty requires a Commission member to put the MCC's interests before all others. It prohibits a Commission member from acting out of self-interest. The City's Code of Ethics provides guidance on how Commission members can avoid conflicts of interest.
- C. Duty of obedience. This duty requires a Commission member to advance the MCC's mission. It also includes an expectation that a Commission member will act in a manner that is consistent with the MCC's mission and goals.

Subd. 4. Commission members shall serve staggered three-year terms.

- A. Upon creation of the Commission, three members will be appointed for a term of three years each. Two members will be appointed for a term of two years each. Two members will be appointed for a term of one year each. Each initial term of office shall expire on December 31<sup>st</sup> of the year the term is scheduled to expire. All subsequent appointments will be made for three year terms. All members shall serve until their successors have been appointed and qualified.
- B. Within 45 days of a vacancy, the Council shall fill the unexpired term of the office. If a vacancy occurs in a term with less than 45 days remaining, the Council may allow the term to expire without appointing a successor.

Subd. 5. Members will not receive a salary for their services, but may be compensated for any approved expenses incurred in the performance of their duties in accordance with guidelines established by the Council.

Subd. 6. The Commission shall hold its first meeting within 45 days after the day this Chapter becomes effective. At the first meeting, the members shall adopt rules concerning the following business:

- A. Time, dates, and places of future meetings; and
- B. Election of the following Officers:
  - 1. Chair;
  - 2. Vice Chair;
  - 3. Finance Chair; and
  - 4. Secretary.

Subd. 7. The Commission shall have the power to designate and appoint from its members various committees. The Commission shall make such rules as it may deem advisable and necessary for the conduct of its affairs and for the purpose of carrying out the intent of this chapter.

19C.03. Commission Duties. Subdivision 1. The Commission shall operate, and have management and control over, the MCC. The Commission shall be responsible for the expenditure of funds for the MCC ensuring all expenditures are in accordance with the annual budget appropriations established by the Council for the MCC.

Subd. 2. The Commission will have the following specific duties and responsibilities:

- A. Recommend to the City Administrator an annual budget;
- B. Evaluate, support, and supervise the Executive Director;
- C. Support and Approve the Annual Marketing Plan;
- D. Recommend the Annual Capital Budget;
- E. Approve and monitor MCC financial statements;
- F. Participate in the annual audit process in conjunction with the City of Rochester;
- G. Participate in and approve goals for the MCC;

- H. Attend monthly meetings and planning session;
- I. Provide oversight and support of the adopted booking policy;  
and
- J. Monitor customer service results.

Subd. 3. The Commission may appoint, employ, and remove an executive director of the MCC subject to any employment procedures as may be established by the City's Home Rule Charter or the Council. The Commission shall conduct the executive director's annual performance evaluation and establish the director's compensation consistent with the Council-approved compensation parameters. The Commission may delegate the performance review and compensation-setting authority to the city administrator if it deems that appropriate.

Subd. 4. The executive director shall employ and remove such other employees as are authorized by the Council to perform the MCC functions. These other employees are subject to all employment policies and procedures, and the budget established by the Charter or the Council.

19C.04. Collaboration with Rochester Convention and Visitors Bureau.  
Subdivision 1. The Commission should work closely with the Rochester Convention and Visitors Bureau ("RCVB") in providing support to the RCVB and the MCC. The annual planning process for the MCC and RCVB should be collaborative and include approvals from the Commission and the RCVB Board.

Subd. 2. The planning process includes the MCC budget, the RCVB budget, the marketing plan, and the joint approval of the annual goals including all agreed-upon metrics including, but not limited to, the following:

- A. Economic impact;
- B. Room nights;
- C. MCC revenue;
- D. MCC operating subsidy/surplus; and
- E. Customer satisfaction.

19C.05. Operations and Management Study. The Commission shall review the 2013 MCC Operations and Management Study, and determine whether and how its recommendations shall be pursued.

Section 2. Section 19C.01, subdivisions 1 and 2 are effective as of the date of this ordinance's publication. The remainder of this ordinance is effective January 1, 2014.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS 16th DAY OF September, 2013.

ATTEST: Valori Langseth  
DEPUTY CITY CLERK

Randy Starvo  
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 17th DAY OF September, 2013.

Arden R. Breda  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)