

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER
AMENDMENTS

STATE OF MINNESOTA)
COUNTY OF MARTIN)^{ss}

I, Ed Duffey, Mayor of the City of Fairmont, a Municipal Corporation of Martin County, Minnesota, and as such the chief magistrate of such city do hereby certify that each of the charter amendments hereto attached, marked exhibit 1 through 8, inclusive, and made a part of this certificate, is a true and correct copy of the charter amendment returned and filed with the city by the duly appointed and qualified board of freeholders of such city.

I further certify that such charter amendments were duly submitted to the voters of the City of Fairmont, a Municipal Corporation of Martin County, Minnesota, at a special election held in such city on the 19th day of August, 1946 and were duly adopted by the following votes:

Charter Amendment Number 1 received 309 affirmative votes and 58 votes against the same.

Charter Amendment Number 2 received 301 affirmative votes and 64 votes against the same.

Charter Amendment Number 3 received 332 affirmative votes and 33 votes against the same.

Charter Amendment Number 4 received 314 affirmative votes and 50 votes against the same.

Charter Amendment Number 5 received 326 affirmative votes and 36 votes against the same.

Charter Amendment Number 6 received 305 affirmative votes and 59 votes against the same.

Charter Amendment Number 7 received 271 affirmative votes and 91 votes against the same.

Charter Amendment Number 8 received 334 affirmative votes and 31 votes against the same.

10026

The total vote cast at said election being 368.

Witness my hand and the corporate seal of the city of
Fairmont, a Municipal Corporation of Martin County, Minnesota,
this 29th day of August, 1946.

E. D. Duffey
Mayor

Attest:

Stanley Stewart
City Clerk

EXHIBIT 1

AMENDMENT NO. 1

Section 8 of Chapter II of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 8. ELECTIVE OFFICERS --The elective officers of the city shall be the members of the council, including the mayor, and two justices of the peace, all of whom shall be qualified electors of said city. The members of the council, including the mayor, shall hold their respective offices for the term of four years commencing on January 2nd next following their election and until their successors are elected and qualified, except that at the first election held after the adoption of this amendment the candidate for alderman in each ward having the highest number of votes shall serve for four years, and the candidate in each ward having the next highest number of votes shall serve for two years and the alderman at large shall serve for two years. The justices of the peace shall hold their respective offices for the term of two years commencing on January 2nd next following their election and until their successors are elected and qualified.

EXHIBIT 2

AMENDMENT NO. 2

Section 14 of Chapter II of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 14. CITY CLERK, DEPUTY CITY CLERK, POWERS AND DUTIES—The city clerk shall be the clerk of the city council. He shall have the care and custody of the corporate seal of said city and, with the exception of those papers and records pertaining strictly to the operation and maintenance of the respective public utilities hereinafter provided for, of all papers, instruments, files and records of the city. He shall prepare and sign all orders and warrants, excepting the warrants of the public utilities hereinafter mentioned and shall keep such records and accounts as he shall be required to keep by this charter or by the council. He shall keep in permanent form minutes of all council meetings. He shall have all the powers, rights and privileges and perform all the duties imposed or granted by the city council, or by the statutes of the State of Minnesota so far as applicable and except as herein otherwise provided. All fees paid to the city clerk shall be turned over by him to the city treasurer.

During the absence or disability of the city clerk, the deputy city clerk shall have all the powers, rights and privileges, and perform all the duties imposed on or granted to the city clerk.

Section 34 of Chapter V of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 34. SUBORDINATE OFFICERS—There shall be a city clerk, a deputy city clerk, a city treasurer, a city attorney, a city engineer, a city assessor, a street commissioner, and such other subordinate officers as are designated in this charter, or as the council may create, each of whom shall be appointed by and perform such duties as are required of them by the council. The duties of the various officers may be altered or combined as the council may see fit.

EXHIBIT 3

AMENDMENT NO. 3

Section 17 of Chapter II of the Charter of the City of Fairmont is hereby amended to read as follows:

Section 17. OFFICIAL BONDS--Every officer of said city and every employee designated by the council, before entering upon the duties of their respective offices, shall give a corporate bond to the city in such sum as may be fixed by the council as additional security for the faithful performance of their respective official duties and the safe keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by the mayor as having been so approved.

The provisions of the statutes of the State of Minnesota relative to official bonds, not inconsistent with this charter, shall be complied with.

EXHIBIT 4

AMENDMENT NO. 4

Section 19 of Chapter III of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 19. COUNCIL MEETINGS AND QUORUM -- Regular meetings of the council of said city shall be held on the first and third Thursdays in each month, at eight o'clock in the afternoon, provided, however, that the council may by ordinance change the hour of such meetings. A majority of said council shall constitute a quorum, but a smaller number may meet and adjourn from time to time. The mayor or any two members of the city council may call special meetings of the council upon such reasonable notice to all members of the council as the officials or officials calling the same deem sufficient. All meetings of the council shall be public; and any citizen shall have access to the minutes and records thereof at all reasonable times. Council proceedings shall be published within seven days in full in the official city newspaper, except that ordinances and resolutions included in such proceedings may be covered by reference to subject matter only.

EXHIBIT 5

AMENDMENT NO. 5

Section 27 of Chapter IV of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 27. REGULAR MUNICIPAL ELECTIONS -- A regular municipal election shall be held on the first Tuesday after the first Monday in November in the year 1947, and biennially thereafter on the first Tuesday after the first Monday of November at such place or places as the city council may designate. The city clerk shall give notice of the time and places of holding such election and of the officers to be elected thereat, and the questions to be submitted to vote, if any, by publishing a notice thereof in all the newspapers in said city, which publication shall be made on the first and second Tuesdays preceding such election. A failure to give such notice, however, shall not invalidate the election. All elective officers shall be elected at such municipal election. The polls shall be kept open from eight o'clock a.m. to eight o'clock p.m.

The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city in the usual manner until the officers provided for in this charter are elected and qualified.

Section 30 of Chapter IV of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 30. NOMINATION FOR OFFICE--At any time not more than sixty days preceding any municipal election and at least fifteen days prior to such election, any eligible person may become a candidate for any office elective under the provisions of this charter by filing an affidavit with the city clerk, specifying therein the office for which he is a candidate at the ensuing election, and that he is a candidate for such office. At the time of filing said affidavit he shall pay to said clerk a fee of five dollars.

EXHIBIT 6

AMENDMENT NO. 6

Section 35 of Chapter V of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 35. DEPARTMENTS -- The following departments of the City of Fairmont are hereby created: Water and Light; Police; Fire; Health; Library; Parks; Planning; and the council may create in addition such other departments, boards, commissions or bureaus for the administration of the city's affairs as may seem necessary. The council from time to time may define, alter or combine the powers and organization of departments, boards, commissions or bureaus.

Section 37 of Chapter V of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 37. PARKS DEPARTMENT -- The parks of the City of Fairmont shall be in charge of a Parks Commission composed of three members. The members of the Commission shall be appointed by the Mayor for terms of three years each and their appointment shall be confirmed and their salaries fixed by the City Council.

Beginning with the year 1946 one member of the Commission shall be appointed for one year, one member for two years and one member for three years, and thereafter one member shall be appointed each year for a term of three years.

The Charter of the City of Fairmont is hereby amended by adding thereto a new section to be known as Section 41.1, Planning Department, which shall read as follows:

Sec. 41.1 PLANNING DEPARTMENT--The planning department shall be controlled by a planning commission which shall be composed of seven members. Four shall be appointed by the mayor, whose appointment shall be confirmed by the council, one shall be selected by the council from among its own members and the city attorney and city engineer shall be members ex-officio. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Their successors shall be appointed for terms of four years. The terms of ex-officio members shall correspond to their respective official tenures.

The powers and duties of the planning commission shall be defined by ordinance.

EXHIBIT 7

AMENDMENT NO. 7

Section 42 of Chapter V of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 42. CONTRACTS AND PURCHASES--- In cases of work to be done by contract or in the purchase of property of any kind, except for the supplies and materials required for proper operation and maintenance by the public utilities herein referred to, where the amount involved is more than two thousand five hundred dollars, unless the council by an emergency ordinance otherwise shall provide, the city clerk shall procure bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids.

EXHIBIT B

AMENDMENT NO. 8

Section 45 of Chapter VI of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 45. FISCAL YEAR--The fiscal year of the city shall end each year on the last day of December.

Section 51 of Chapter VI of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 51. ANNUAL CITY BUDGET--Not later than the first meeting in August of each year the city budget committee shall prepare and submit to the council a budget for the ensuing fiscal year, exclusive of the public utility departments. The city budget shall be based upon detailed estimates and shall present the following information:

(a) An itemized statement of the appropriations recommended by the city budget committee for current expenses and for permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.

(b) Such other information as may be required by the council.

The proposed budget shall be published not later than two weeks after its submission to the council, and before final action of the council thereon notice of hearing also shall be published.

Section 52 of Chapter VI of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 52. PASSAGE OF THE CITY BUDGET--The budget shall be the principal item of business at the first regular meeting in August and at all subsequent regular meetings until passed and adopted. All interested citizens shall have a reasonable opportunity to be heard at said meetings. The annual budget finally agreed upon shall be adopted by resolution, passed by the council by an eye and no vote. The total sum appropriated in the budget shall be less than the total estimated revenue, and by a safe margin. The council shall adopt the budget by resolution not later than the first day of October.

Sec. 59 of Chapter VI of the Charter of the City of Fairmont is hereby amended to read as follows:

Sec. 59. ACCOUNTS AND REPORTS--The council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter and the ordinances in accord with it. The city clerk shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once in each year and on or before the last day of January the city clerk shall submit a report to the council covering the entire financial operations of the city for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as is required by the city council and shall cover the entire fiscal year. It also shall show the total outstanding

bonds and debts of the city, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds, or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and contain an inventory of all the property owned by the city, and such other information as the council may require.

Section 75 of Chapter X of the Charter of the City of Farmont is hereby amended to read as follows:

Sec. 75. POWERS AND DUTIES OF PUBLIC UTILITY COMMISSIONS--
The public utility commissions shall have the following powers and duties in their respective departments:

(a) They shall hire, employ and discharge such employees as are necessary in the proper conduct of the utilities under their care and shall fix their salaries and wages.

(b) They shall elect their own officers, prescribe their own rules of procedure, hold regular monthly meetings and keep proper minutes thereof, and shall keep proper books and records of their operation and accounts.

(c) Not later than December 1st of each year they shall prepare and submit to the city council a budget for the ensuing fiscal year, containing an itemized statement of the estimated revenues and proposed disbursements for such period. The total sum of proposed disbursements shall be less than the total estimated revenue and by a safe margin. After the budget has been submitted to the council, the commission shall have no power to increase any item therein or add any item thereto beyond the estimated revenue, unless the actual receipts shall exceed such estimates, and then not beyond such receipts, and in no event shall such change in the budget become effective until after ten days notice thereof given to the council.

(d) They shall not spend any funds or incur any indebtedness beyond the amounts specified in the budget.

(e) They shall make a monthly report of operations to the city council showing such detail as may be required by the council.

(f) They shall make an annual report to the city council on or before the last day of January covering their entire operations for the preceding fiscal year. Such report shall be as complete in detail as the monthly reports and as complete as required by the city council.

(g) They shall fix all rates and charges for the commodities and services furnished by their departments, but such rates and charges shall be just and reasonable. They shall prescribe the time and manner in which payments for all such services shall be made and the manner in which the commodity or service furnished shall be measured. They may make such other regulations as may be necessary and prescribe penalties for violations of such regulations. They shall fix the rates and charges for commodities and service furnished to the city for public use, and the city shall pay therefor as provided for other consumers.

(h) They shall make disbursements only upon regular voucher authorized by the commission and signed by two members thereof, which shall indicate the fund out of which the disbursement shall be made. Each voucher when so issued and countersigned by the city treasurer shall become a check payable to the payee at the bank indicated thereon. The treasurer shall issue no checks upon public utility funds except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void, and any officer of this city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions thereof.

(i) They shall daily deposit with the city treasurer all receipts of moneys and credits.

(j) The commissions, in lieu of providing for the local production of electricity, gas, water and other utilities may purchase the commodities in bulk and resell them to local consumers at such rates as it may fix.

(k) The city council shall have power to change any rule or regulation of any commission, or any appointment or order, or any salaries or wages fixed by any commission, or any rates or charges, or any item in the budget and shall have full and complete power over every detail of the operation of any department but shall not exercise such power until after ten days notice in writing shall have been given to the commission specifying the particulars in detail in which the council intends to exercise such power and a public hearing given thereon.

10026