

10322 O.D.

CHARTER
Of The
City Of Montevideo
Montevideo, Minnesota

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

SEP 2 31947

W. M. Holm
Secretary of State.

Adopted June 17, 1947

10322

CHARTER

Of The

City Of Montevideo

Montevideo, Minnesota

To the Honorable Harold Larson Mayor of the City of Montevideo in the County of Chippewa, State of Minnesota, and the members of the City Council of said city.

The undersigned heretofore appointed by the Judges of the District Court of the Twelfth Judicial District as a board of freeholders or charter commission for said City

of Montevideo, do hereby report and deliver the hereto attached proposed charter for said City of Montevideo and recommend that said proposed charter be submitted to the voters of said city for adoption, according to law.

Dated this 12th day of April, 1947.

Charter
Commission

ROLAND H. AAKER
KNUTE ANDERSON
CHARLES W. AUNSPACH
GUSSIE BERGENDAHL
ELLA GOODER
JOHN C. HAAVE
GORDON HAKES
R. A. HOLZER
V. K. JENSEN
C. LEONARD JOHNSON
OLOF L. LARSON
SIGVALD B. OYEN
C. A. PEDERSON
C. S. POWELL
UNA WILLIAMS

Chapter 1

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1. Name and Boundaries—The City of Montevideo, in the County of Chippewa and State of Minnesota, shall, upon the taking effect of this charter continue to be a municipal corporation, under the name and style of the City of Montevideo, with the same boundaries as now are or hereafter may be established. The boundaries of the said city shall comprise all that territory within said County of Chippewa and State of Minnesota, described as follows, viz:

All in township one hundred seventeen (117) north, range forty (40) west of the Fifth (5th) Principal Meridian;

Beginning at the east quarter corner of section seven (7), thence southward along the east line of said section approximately 1451 feet to the north line of Kohr's Brookside Addition to said City; thence east along the north line of said addition in section 8, 237.6 feet to the northeast corner of said addition; thence southeasterly along the easterly boundary of said addition approximately 1128 feet to the south line of said section 8; thence westerly along the south line of said section 8 approximately 115 feet to the east line of Ninth Street in said city; thence southerly along the east line of said Ninth Street approximately 576 feet to the north line of Lincoln Avenue in said city; thence easterly along the north line of said Lincoln Avenue extended, approximately 900 feet to the east line of the west half of the northwest quarter of section seventeen (17), thence southerly along the east line of the west half of the northwest quarter of said section 17 approximately 2000 feet to the southeast corner of said

west half of said quarter section; thence westerly along the south line of the west half of said quarter section approximately 540 feet to a point one hundred twenty (120) feet easterly of the east line of Tenth Street in said city; thence southerly parallel with the east line of said Tenth Street nineteen hundred twenty-one and two tenths (1921.2) feet; thence westerly at right angles with that part of said Tenth Street extending northward, approximately 200 feet to the center line of that part of said Tenth Street extending southwesterly; thence southwesterly along the center line of said Tenth Street approximately 300 feet to the center line of the "Bottom" or "State Road"; thence northwesterly along the center line of said "Bottom" or "State Road" approximately 300 feet to the southeasterly line of block three (3) of Keithley's First Addition to said city, extended; thence southwesterly along the southeasterly line of said block three (3) approximately 120 feet to its intersection with the east line of section 18; thence southerly along the east line of said section 18 to the southeast corner of said section 18; thence westerly along the south line of said section 18 to the southwest corner of the southeast quarter of the southeast quarter of said section 18; thence southerly along the east line of the northwest quarter of the northeast quarter of section nineteen (19) to the southeast corner thereof; thence westerly along the south line of the northwest quarter of the northeast quarter of said section 19, to the southwest corner thereof; thence southerly along the quarter section line through said section 19 to the left bank of the Minnesota River; thence southwesterly to the center line of said river; thence northwesterly along the center line of said river to the west line of

said section 18; thence northward along the west line of said sections 18 and 7 to the west quarter corner of said section 7; thence easterly along the quarter line through said section 7 to the center line of the west street of Thompson's Addition to said city, extended; thence northward along the center line of said west street 788 feet to the north line of said Thompson's Addition; thence eastward along the north line of said Thompson's Addition 730 feet to northern corner of said Thompson's Addition; thence northward along the west line of the east half of the northeast quarter of said section 7 approximately 82 feet to the north line of the Odd Fellows Addition to said city; thence eastward along the north line of said Odd Fellows Addition 1316 feet to the east line of said section 7; thence southerly along said section line 870 feet to the place of beginning.

Section 2. Powers of the City—The City of Montevideo, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or adhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the re-

strictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes.

Section 3. Construction of This Charter—The provisions of this charter shall be construed literally in favor of the city, to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the State of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Section 4. Charter a Public Act—This charter shall be a public act and need not be pleaded or proved in any case.

Chapter 2

FORM OF GOVERNMENT

Section 5. Form of Government—The form of government established by this charter shall be known as the "Council-Manager Plan." All discretionary powers of the city, both legislative and executive, shall vest in and be exercised by the city council, subject to the initiative, referendum, and recall powers of the people. It shall have complete control over the city administration, but shall exercise this control exclusively through the city manager and shall not itself

attempt to perform any administrative work.

Section 6. The Mayor—The mayor shall be the chief executive officer of the city, and shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the city and laws of the State. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purpose of martial law. He shall study the operations of the City Government and shall report to the council any neglect, dereliction of duty or waste on the part of any officer or department of the city. In time of public danger or emergency he may, with the consent of the council take command of the police, maintain order, and enforce the law. In the event of a vacancy in the office of the mayor, whether by death, resignation, or any other cause, the council shall appoint a mayor for the unexpired term, but in case of a recall the vacancy shall be filled in the manner provided in this Charter.

Section 7. Elective Officers—The elective officers of the city shall be a mayor and five councilmen, who shall be qualified electors and who shall be elected at large in the manner hereinafter provided. The five councilmen shall serve for a term of four years and until their successors are elected and qualified. The mayor shall serve for a term of two years and until his successor is elected and qualified. There shall also be elected a municipal judge and a special municipal judge, as provided by law.

The terms of all officers shall begin on the first Monday after the first Tuesday in January following a regular municipal election.

All present elective officers shall hold office until their respective terms expire.

Section 8. Incompatible Offices—No member of the council shall be appointed city manager, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid office or employment under the city, which office or employment was created or the emoluments of which were increased during his term as councilman.

Section 9. Vacancies in the Council—A vacancy in the council shall be deemed to exist in case of the failure of any person elected there to qualify on or before the date of the second regular meeting of the new council, removal from the city for more than three months, or conviction of a felony of any person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term; provided that any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case.

Section 10. Salaries—The mayor shall receive an annual salary of one hundred fifty dollars, payable quarterly. The councilmen shall serve without compensation, except each shall receive the sum

of \$5.00 for each regular meeting upon which said officer is in attendance throughout its entire session, and when meeting as the board of equalization they shall each receive not to exceed \$1.00 per hour actual service, payable quarterly. All appointive officers and employees of the city shall receive such salaries or wages as may be fixed by the council by resolution.

Section 11. Boards—The council shall appoint five park commissioners, nine members of the library board, a board of health consisting of three members, a city planning commission, and may appoint a radio commission, an airport commission, and such other boards and commissions as it may deem necessary. They shall be appointed by the council by ballot, and the affirmative vote of three members shall be necessary for such appointments. The park commissioners shall hold their offices for five years and until their successors shall have been appointed and qualified. The members of the library board shall hold their offices for three years and until their successors shall have been appointed and qualified. The members of the board of health shall be appointed annually. The duties of the various boards and commissions shall be fixed by the council by ordinances. All present members shall hold office until their respective term expires.

Section 12. Investigation of City Affairs—The council and City Manager or either of them, and any officer or officers formally authorized by them shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and to compel the production of books and papers. The council may at any time provide for an examination or audit of the accounts of any

officer or department of the city government. The accounts of the city shall be audited by the state public examiner or a certified public accountant at least once each year.

Section 13. Interference with Administration—Neither the council nor any of its members shall dictate the appointment or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the City Manager, and neither the council nor any member thereof shall give orders to any of its subordinates of the City Manager; either publicly or privately.

Chapter 3

PROCEDURE OF COUNCIL

Section 14. Council Meetings—On the first Monday after the first Tuesday in January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet in regular session twice each month. The mayor, or any two members of the council, may call special meetings of the council upon at least two (2) hours' notice to each member of the council.

Such notice shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. All meetings of the

council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 15. Officers of the Council—The City Clerk or other city official selected by the council shall be the secretary of the council and serve as such at its meetings and shall keep such records and perform such other duties as may be required by this Charter or by vote of the council. The president of the council shall be elected by the council from its members at the first regular meeting of the council in January following each city election.

Section 16. Rules of Procedure and Quorum—The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less number may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Section 17. Ordinances, Resolutions and Motions—Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds five hundred dollars or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, property acquired for public uses, and local improvements ordered, by resolution. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The votes of at least four members

shall be required for the passage of all ordinances and resolutions and of at least three members for the passing of motions, except as otherwise provided in this Charter.

Section 18. Procedure on Ordinances—The enacting clause of all ordinances passed by the council shall be in the words, "The City of Montevideo does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least three days shall elapse between the first and second reading thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the city clerk at least one week before its final passage, except in the case of emergency ordinances or resolutions.

Section 19. Emergency Ordinances and Resolutions—An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least four members of the council, as recorded by ayes and noes. An emergency ordinance or resolution must be in writing but may be enacted without previous filing. No grant of any franchise shall be construed to be an emergency ordinance.

Section 20. Procedure on Resolutions—Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 21. Signing and Publication of Ordinances and Resolutions—Every ordinance or resolution passed by the council shall be signed by the president of the council and attested by the city clerk, and shall be filed with the city clerk and by him recorded and preserved. Every ordinance, except emergency ordinances, shall, before it takes effect, forthwith be presented to the mayor for his approval. If he approves he shall sign the same, but if he disapproves it, he shall return it to the city council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at the next regular meeting. No ordinance shall be signed by the mayor within two (2) days, Sunday and legal holidays excepted, after the same is presented to him, and if the same shall not be returned by him before the next regular meeting of the city council after it shall have been presented to him, it shall have the same force and effect as if approved by him. Upon the return of any ordinance by the mayor, without his approval, the city council may at the next regular meeting thereof pass the same by the affirmative vote of all five members, and it shall have the same effect as if approved by the mayor. Every ordinance except emergency ordinances shall be published at least once in the official paper of the city within fifteen days after its approval by the mayor or after its passage by the council over the veto of the mayor and shall be recorded in a book kept for that purpose, which record shall be attested by the city clerk.

Section 22. When Ordinances and Resolutions Take Effect—Emergency ordinances and resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect

immediately upon their passage. All other ordinances enacted by the council shall take effect thirty days after the date of their publication unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances and resolutions adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

Section 23. Amendment of Ordinances and Resolutions—No ordinance or resolution or section thereof shall be amended by reference to its title alone, but such amending ordinances or resolutions shall contain verbatim the ordinances or resolution or section thereof to be amended.

Chapter 4 NOMINATIONS AND ELECTIONS

Section 24. Election Districts—The council shall establish and from time to time divide, consolidate, and re-arrange election districts by ordinance, according to the laws of this state.

Section 25. The Regular Municipal Election—A regular municipal election shall be held on the first Tuesday after the first Monday in November in every even numbered year at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least three public places in the city, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but the failure to give such notice shall not invalidate such election.

Section 26. Special Elections — The council may by resolution and shall upon the petition signed by a number of electors equivalent to at least twenty-five per cent of the total number of votes cast at the last preceding regular city election order a special election, fix the time of holding the same and provide means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Section 27. Judges and Clerks of Election — The council shall at least ten days before each municipal election appoint a sufficient number of qualified voters of each election district to be judges of election and to serve as clerks of election therein.

Section 28. Nominations by Petition — The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk, providing said elector has not filed his declination to be a candidate for said office at least twenty-five days before said election. Such petition shall be signed by a number of electors equivalent to at least three per cent of the total number of votes cast at the last regular municipal election. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the city clerk at least thirty days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 29. Nomination Petitions — The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION:

We, the undersigned electors of the city of Montevideo, hereby nominate John Doe, whose residence is _____ for the office of _____ to be voted for at the election to be held on the _____ day of _____ 19____, and we individually certify that we are qualified electors and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name	Street and Number
_____	_____
_____	_____
_____	_____

_____ being duly sworn, deposes and says, that he is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19____.

This petition, if found insufficient by the city clerk, shall be re-

turned to Richard Roe, at No. _____ Street.

Section 30. Canvass of Elections — The council shall meet and canvass the election returns within three days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Section 31. Procedure at Elections — The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the general laws of Minnesota.

Chapter 5

INITIATIVE, REFERENDUM AND RECALL

Section 32 Powers, Reserved By the People — The people of Montevideo reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall respectively.

Section 33. Expenditures by Petitioners — No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person

shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring an expense not to exceed thirty-five dollars for legal advice, stationery, copying, printing and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Section 34. Further Regulations — The council may after the organization of the city government under this charter provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

INITIATIVE

Section 35. Initiation of Measure — Any five electors may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk together with their names and addresses as members of such committees. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 36. Form of Petition and of Signature Papers — The petition for the adoption of any measure shall consist of the measure together with all the signature papers and affidavits thereto attached. Such petition shall not be completed unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every

such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

proposing an ordinance (or resolution as the case may be) to _____ (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by the following committee of electors:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the terms and the nature of the measure hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Section 37. Filing of Petitions and Action Thereon — All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days after the filing of the petition the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto, and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular,

he shall at once notify all the members of the committee of sponsors of that fact in writing by mail, certifying the reasons for his finding. The committee shall then be given thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular the clerk shall file the same in his office and shall notify by mail each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the measure to the electors at the next regular or any special election, at its option.

Section 38. Action of Council on Petition — Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least twenty-five

per cent of the total number of voters voting at the last regular municipal election, then the council shall call a special election, upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

Section 39. Initiative Ballots — The ballots used when voting upon any such proposed measure shall state the substance thereof and shall give the voter the opportunity to vote either "Yes" or "No." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately. In the event of the simultaneous adoption of two initiated ordinances containing inconsistent provisions, the one adopted by the larger majority shall prevail.

Section 40. Initiation of Charter Amendments — Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

REFERENDUM

Section 41. The Referendum—If

prior to the date when an ordinance or resolution takes effect a petition signed by qualified electors of the city equal in number to twenty-five per cent of the total vote at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same, or repeal by the petitioners, or by aye and no votes reaffirm its adherence to the measure as passed. In the latter case the council shall immediately order an election to be held thereon, pending which the ordinance or resolution shall remain suspended. If a majority of the voters voting thereon are opposed to the measure it shall not become effective; but otherwise it shall take effect immediately or on the date therein specified.

Section 42. Referendum Petitions —The requirements laid down in Sections 35, 36, and 37 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers and action thereon shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION

proposing the repeal of an ordinance (or resolution, as the case may be) to (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. The proposed repeal is sponsored by the following com-

mittee of electors:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Section 43. Referendum Ballots—The ballots used in any referendum election shall conform to the rules laid down in Section 39 of this charter for initiative ballots.

RECALL

Section 44. The Recall—Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to certification.

Section 45. Recall Petitions—The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk as provided in Section 44, together with all the signature papers and affidavit thereto attached. Such petition shall not be completed unless signed by a number of voters equal to at least twenty-five per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL PETITION

proposing the recall of _____
from his office as _____
which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the nature of the charges against the officers herein sought to be recalled, desire the holding of a recall election for that purpose.

1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Section 46. Filing of Petition—Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of electors who cast their votes at the last preceding regular municipal election, he shall so notify all of the members of the committee by mail. The committee then shall be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular he shall notify all the members of the committee by mail

to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 47. Recall Election—If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay. The council shall at its next regular meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 48. Procedure at Recall Election—In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement for the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 49. Form of Ballot—Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?", the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" on this question. The ballot shall also contain the name of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the

place of A, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from office, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

Chapter 6

ADMINISTRATION OF CITY AFFAIRS

Section 50. The City Manager—The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the city or state, but the person chosen shall be a citizen of the United States. The city manager shall be appointed for an indefinite period, and he shall be removable by the council at any time. If removed at any time after one year of service he may demand written charges and a public hearing on the same before the council prior to the date on which his final removal shall take effect, but pending and during such hearing the council may suspend him from office. During the suspension, absence, or disability of the city manager the duties of his office shall be performed by some properly qualified person designated by the council.

Section 51. Powers and Duties of the City Manager — Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by the council, and subject to the provisions of any civil service plan in operation in the City of Montevideo at the time of the adoption of this charter, the city manager shall control and direct the administration of the city's affairs. His powers and duties as city manager shall be:

(a) To see that this charter and the laws, ordinances, and resolutions of the city are enforced;

(b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;

(c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council;

(d) To attend all meetings of the council, with the right to take part in the discussion but having no vote; but the council may at its discretion exclude him from meetings at which his removal is considered;

(e) To recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

(f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;

(g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time suggest amendments to the same;

(h) To perform such other duties as may be prescribed by this char-

ter or required of him by ordinance or resolutions adopted by the council.

Section 52. Departments of Administration — The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter the powers and organization of the same. It shall, in conjunction with the city manager, prepare a complete administrative code for the city and enact the same in the form of an ordinance, which may be amended from time to time by ordinance. The president of the council may appoint members of the council as advisory committees of each major section of the city's various departments.

Section 53. Subordinate Officers — There shall be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, and the custody and disbursement of the public funds, and the general administration of the city's affairs as shall be ordained by the council. He may be designated to act as secretary of the council, and also as treasurer. The council may by ordinance abolish offices and the employments which have been created by ordinance, and, subject to the provisions of this charter, it may combine the duties of various offices as it may see fit.

Section 54. Purchases and Contracts — The city manager shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made, and all contracts let by the city manager subject to the approval of the council. Such approval must be given in

advance, whenever the amount of such purchase or contract exceeds five hundred dollars. All contracts, bonds, and instruments of every kind to which the city shall be a party shall be signed by the mayor on behalf of the city as well as by the city manager, and shall be executed in the name of the city.

Section 55. Contracts: How Let — In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than five hundred dollars, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only by the council upon the recommendation of the city manager, and shall be let to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by four-fifths vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Further regulations for the making of bids and the letting of contracts may be made by ordinance, subject to the provisions of this charter.

Chapter 7

TAXATION AND FINANCE

Section 56. Council to Control Finances — The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safe-keeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 57. Fiscal Year — The fiscal year of the city shall end on the thirty-first day of December.

Section 58. System of Taxation — Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. Insofar as the city procures a revenue from taxes upon real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Section 59. Board of Equalization — The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings on the 4th Monday in June to equalize the assessments according to law.

Section 60. Preparation of the Annual Budget — The city manager shall prepare the estimates for the annual budget. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance and repairs); and (2) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) salaries, with a list of all salaried offices and positions, with the salary allowance and the number of persons holding each; (b) wages; (c) printing, advertising, telephone, telegraph, express charges, and other like items; (d) supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be shown the amounts granted and the amounts expended under similar heads for the past two com-

pleted fiscal years and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interests, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten, and there shall be at least twelve copies, one for each member of the council, one for the city manager, one for the city clerk, and three at least to be posted in public places in the city. The estimates shall be submitted to the council at the regular monthly meeting in September, and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent. The council may in its discretion permit elimination from the budget estimates of expenditures of bond issue funds, revolving funds, and special assessment funds.

Section 61. Passage of the Budget—The budget shall be the principal item of business at the first regular meeting of the council in

October, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in section 60. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the first regular meeting in October.

Section 62. Enforcement of the Budget—It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances, except as provided in section 72. No officer or employee of the city shall place any orders or make any purchases except as authorized by the budget.

Section 63. Alterations in the Budget—After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the ac-

tual receipts shall exceed estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council may at any time, by a resolution passed by a four-fifths vote, reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

Section 64. Levy and Collection of Taxes—On or before the first regular meeting in October each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The aggregate of such taxes in one (1) year shall not exceed five (5) per cent of the assessed valuation. The clerk shall transmit to the county auditor annually, not later than the tenth day of October, a statement of the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 65. Tax Settlement with County Treasurer—The City Treasurer shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

Section 66. Disbursements. How Made—All disbursements shall be made only upon regular vouchers issued by the City Manager, duly authorized by the council, and countersigned by the president of

the council and the treasurer, which shall indicate the fund out of which the disbursements shall be made. Each order, when signed by the city manager, and countersigned by the president of the council and the city treasurer shall become a check payable to the payee at the bank indicated thereon. No such order or 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 encumbrances upon such fund. Any order for the payment of money violating any provisions of this section shall be void and any officer of the 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 hereof. No contract requiring the payment of money by the city shall be valid unless the particular fund out of which the same is to be paid is specified in such contract. No claim against the city shall be allowed unless accompanied by a verified itemized bill and voucher, payroll, or time sheet signed by the responsible officer who has personal knowledge of the correctness and reasonableness of the claim. The council may, in its discretion, by ordinance provide for the payment of salaries of regular employees of the city, bonds, interest, rent, and other fixed and ascertained expenses of the city which have been budgeted and the procedure prescribed by such ordinance for making such payments need not comply with the other provisions of this section. The council may, by ordinance make such other regulations for the protection of the finances of the city as it may deem necessary.

Section 67. Funds to be Kept—There shall be maintained in the city treasury the following funds

for the support of which the council may levy taxes:

(a) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund;

(b) A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest, of all obligations issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time.

(c) A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

(d) A special assessment fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or certificates of indebtedness sold by the city in anticipation of assessment collections; and the proceeds of inter-fund loans; (3) amounts from

other city funds representing either (a) apportionments of costs against the city at large, (b) benefit assessments against city property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects that are financed through the fund; (2) the redemption of all special assessment fund bonds and certificates of indebtedness, with interest, at or before maturity; and any inter-fund loans; (3) transfers to the general fund of any unencumbered surplus of the fund, in the discretion of the council; and (4) abatements of assessments and refunds of receipts in error. The council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may create and maintain in the fund a cash reserve of \$15,000.00 for working capital purposes. In order to anticipate the collection of special assessments the council may by a majority vote issue and sell bonds and certificates of indebtedness, pledging the full faith and credit of the city, or pledging only special assessments, in such amounts and maturities as it may determine, provided that the aggregate amount of such bonds and certificates outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and uncollected; (2) assessable cost of work in progress, and (3) \$15,000.00 cash reserve for working capital. The total sum of such bonds and certificates so issued by the council shall never exceed five per cent of the last assessed valuation of the city, including moneys and credits; but in computing the total sum of such bonds and certificates, unpaid bonds and certificates, including refunding bonds and certificates, issued for such purposes prior to the adoption of this charter shall not be included. In order that

the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall upon completion be certified by the city manager as to total costs, which shall thereupon be apportioned by the council either as assessments against benefited property or as amounts due from other city funds. Amounts apportioned against other city funds shall be due not later than the dates of adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one year after the due dates.

(e) A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate funds shall be kept for all utilities which are operated separately.

In addition to the foregoing funds, there may be maintained in the city treasury, whenever the council deems it advisable, the following funds:

(f) A working capital or revolving fund for financing self-sustaining activities not accounted for through other funds.

(g) A trust and agency fund, for the care and disbursement of money received and held by the city as trustee or custodian or in the capacity of an agent for individuals or other governmental units.

(h) Such other funds as may be required by statute or ordinance.

In lieu of establishing any of the three foregoing types of funds, the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established.

Section 68. Receipts To Go To City Treasurer — All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid in to the city treasurer by the person authorized to receive the same not later than three days after such receipt. All such moneys, and also all moneys received upon tax judgments from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Said bank or banks shall first furnish good and sufficient security acceptable to the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in rank and salary or to be dismissed from his office or position, as the council may determine after a hearing.

Section 69. Accounts and Reports — The city manager shall be the chief accounting officer of the city and of every branch thereof, and 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. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, 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 as the council may require. Once each year, on or before the last day of

January, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year. This report shall show the actual total receipts and actual balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each; the condition of all the annual budget allowances; and an inventory of all the property owned by the city; and such further information as the council may request, and as the council and other city officials and the taxpayers should have.

Section 70. Bonded Debt and Debt Limit — No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses; but bonds may be issued by a four-fifths vote of the council for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character, including public utilities, provided all bond issues exceeding thirty thousand dollars must first be approved by a majority vote of the legal voters. The total bonded debt of the city shall never exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits; but in computing the total bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included or counted if (1) held in a sinking fund maintained by such

city; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement, or improvement of telegraph, or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned, and operated by such city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks, or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements; or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

Section 71. Emergency Debt Certificates — If in any year the receipts from taxes or other sources shall from unforeseen cause become insufficient for the ordinary expenses set forth in the budget of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates and to bear interest at not to exceed six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the first budget prepared following authorization of such certificates and such certificates shall be paid during the year for which such budget is prepared, provided that the total amount of certificates issued in any one year plus all other items of the budget to be adopted the following year shall not exceed five (5) per cent

of the assessed valuation as stated in section 64. The authorization of an issue of such emergency debt certificates shall take the form of an emergency ordinance approved by four-fifths of the members of the council.

Section 72. Bonds Outside the Debt Limit — The council may by an affirmative vote of four members issue bonds for legal purposes outside of the debt limit subject to the following limitations as to the total amount which may be outstanding at any time: (a) for the creation and maintenance of a permanent revolving fund, not to exceed twenty-five thousand dollars; (b) for extending, enlarging, or improving water and lighting and heat and power plants, or either, or other revenue producing public utilities of whatever nature, owned and operated by the city, or of acquiring property needed in connection therewith not to exceed twenty-five thousand dollars.

Chapter 8

PUBLIC IMPROVEMENTS

AND SPECIAL ASSESSMENTS

Section 73. The City Plan — The city council shall, with the assistance of the city manager and of an advisory city planning commission, prepare and adopt by ordinance a complete plan for the future physical development of the city, within two years after the adoption of this charter.

Section 74. Power to Make Improvements and Levy Assessments — The city of Montevideo shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement plus ne-

cessary incidental expenses with interest until paid, but shall in no case exceed the value of the benefits received by such property.

Section 75. Local Improvements Regulations — After this charter takes effect local improvements shall continue for the time being to be made as far as possible according to the charter provisions and laws previously applicable thereto. As soon as possible, however, the council shall prepare and adopt a complete ordinance covering every type of public improvement, and when this ordinance takes effect it shall supplant other provisions of law or charter upon the same subject. It may be amended from time to time as other ordinances. It shall classify public improvements into three groups, as follows: first, those which shall be constructed or provided entirely from the general revenues of the city; second, those which shall be constructed or provided partly from general revenues and partly from special assessments; and third, those which shall be constructed or provided entirely by special assessments. The second class may be further subdivided. The ordinance shall provide a complete working code, covering petitions of resident property owners, the determination of assessments and assessment districts, public hearings, appeals from assessments and the trial thereof, reassessments, the spreading of assessments over a period of not to exceed ten years, the collection of assessments along with other taxes or otherwise, penalties for delinquency in making payments, and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance, all resolutions providing for public improvements shall conform to the regulations laid down in such ordinance.

Section 76. Public Works. How Performed — Public works, including all local improvements, may be constructed, extended, repaired and maintained either by contract, or if the estimated cost is less than \$1000.00 directly by day labor. Before accepting bids the council shall have suitable plans and specifications prepared for the proposed material or projects. The award of any contract amounting to more than \$25,000.00 shall require a four-fifths vote of the council. When the best interests of the city will be served thereby the city council may organize a construction department, under competent supervision and provided with suitable equipment. The right is reserved to the city council, acting through the construction department, to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder, but "the lowest responsible bidder" shall be interpreted as giving the council the right to accept any bid which it determines is most advantageous to the city. The council shall reserve the right to reject any or all bids. Detail proceedings governing advertising for bids and executing contracts shall be specified by ordinance. The city shall require contractors to give bonds for protection of the city, the employees and materialmen.

Chapter 9

EMINENT DOMAIN

Section 77. Power to Acquire Property — The city of Montevideo is hereby empowered to acquire, by purchase, gift, device, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as here-

in provided, any gas, water, heat, power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. Easement for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, device, purchase or condemnation in the manner provided by law.

Section 78. Proceedings in Taking Property — The necessity for taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided by this charter.

Section 79. Payment of Award— Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefore may be had against the city.

Section 80. City May Abandon Proceedings — The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Section 81. City May Take Entire Plant — In case the city shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of all of the property, lands, articles, franchises, and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plan and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

Chapter 10

FRANCHISES

Section 82. Franchises Defined— The word "franchise" as used in this chapter shall be construed to mean any special privileges granted to any person, co-partnership, or corporation, in, over, upon, or

under any of the highways or public places of the city, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Section 83. Franchise Ordinances—The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 84. Term of Franchise Limited — No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer period than twenty-five years.

Section 85. Power of Regulation Reserved — The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such fran-

Section 76. Public Works. How Performed — Public works, including all local improvements, may be constructed, extended, repaired and maintained either by contract, or if the estimated cost is less than \$1000.00 directly by day labor. Before accepting bids the council shall have suitable plans and specifications prepared for the proposed material or projects. The award of any contract amounting to more than \$25,000.00 shall require a four-fifths vote of the council. When the best interests of the city will be served thereby the city council may organize a construction department, under competent supervision and provided with suitable equipment. The right is reserved to the city council, acting through the construction department, to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder, but "the lowest responsible bidder" shall be interpreted as giving the council the right to accept any bid which it determines is most advantageous to the city. The council shall reserve the right to reject any or all bids. Detail proceedings governing advertising for bids and executing contracts shall be specified by ordinance. The city shall require contractors to give bonds for protection of the city, the employees and materialmen.

Chapter 9

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Section 77. Power to Acquire Property — The city of Montevideo is hereby empowered to acquire, by purchase, gift, device, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as here-

in provided, any gas, water, heat, power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. Easement for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, device, purchase or condemnation in the manner provided by law.

Section 78. Proceedings in Taking Property — The necessity for taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided by this charter.

Section 79. Payment of Award— Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefore may be had against the city.

Section 80. City May Abandon Proceedings — The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Section 81. City May Take Entire Plant — In case the city shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of all of the property, lands, articles, franchises, and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plan and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

Chapter 10

FRANCHISES

Section 82. Franchises Defined— The word "franchise" as used in this chapter shall be construed to mean any special privileges granted to any person, co-partnership, or corporation, in, over, upon, or

under any of the highways or public places of the city, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Section 83. Franchise Ordinances—The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 84. Term of Franchise Limited — No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer period than twenty-five years.

Section 85. Power of Regulation Reserved — The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such fran-

chise has been heretofore granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Section 86. Regulation of Rates and Charges — All corporations, co-partnerships, and persons exercising franchises in the city shall give courteous, efficient, and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in the public service within the city. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of the maximum price or rate to be charged by any company for service rendered to the city or to any person or persons within the city shall be made, if possible, by direct negotiations between the company and the council at public hearings. In case of failure to reach an agreement by this method, the council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative; the company shall appoint a representative; and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate making, who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the rate which it shall agree upon by a majority vote shall be the legal rate, subject to revision by any court of competent jurisdiction. Schedules or rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more

than five years. The city and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as provided for the original rates.

Section 87. Arbitration of Labor Disputes—If any controversy, dispute, or disagreement shall arise between any public service corporation, co-partnership, or person, operating in the city, and its employees, which, in the opinion of the council interferes or threatens to interfere with the service to which the city or its inhabitants are entitled, the council shall have power to compel the parties involved in the controversy to submit the same to a board of arbitration under such procedure as may be provided by ordinance. The findings of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

Section 88. Conditions in Every Franchise — All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise:

(a) That the grantee shall be subject to and will perform on its part all the terms of sections 82 to 89, inclusive, as well as all other pertinent provisions of this charter.

(b) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed in the manner provided in Section 86 of this charter.

(c) That the council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations

as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(d) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(e) That no sale or lease of said franchise shall be effective until the assignee or leasee shall have filed in the office of the city clerk an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or leasee shall also file a bond in such amount and with such conditions as the council may require, which bond shall run to the city as obligee, with sureties satisfactory to the council, and shall obligate the assignee or leasee to discharge all obligations and liabilities imposed by said franchise.

(f) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the council shall have the power to require such alterations therein, or relocation or re-routing thereof, as the council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and

the placing under ground of all wires for whatsoever purpose used.

(g) Every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions, and limitation contained in the ordinance granting the franchise as well as of the provisions of this charter.

(h) Every franchise shall contain a provision granting the city the right to acquire it at the end of every six years, if a majority of the voters of the city vote in favor of said acquisition.

Whenever two hundred legal voters of the city petition the council to acquire a franchise, the council shall within thirty days after the presentation of such petition, submit the same to the voters of the city, at an election for that purpose, provided that if any other municipal election is to occur within ninety days after the presentation of said petition, the council may in its discretion submit said matter at such election. The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be a sufficient cause for the forfeiture of the franchise by a resolution of the council.

Section 89. Further Provisions of Franchises—The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and

restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

Chapter 11

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 90. Acquisition and Operation of Utilities — The city shall have the power to acquire public utilities as provided in chapter 9 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Section 91. Rates and Finances — The council shall have the power to fix all rates and charges for water, light, heat and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water, heat, electric current and any other utility product supplied by plants owned or leased by the city shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violation of such regulations.

Section 92. Purchase in Bulk — The council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 93. City to Pay for Services — The council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility, and a reasonable hy-

drant rental and other charges for supplying the city with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water, and other service, shall be collected in the same manner as from other consumers, unless the council provides some other plan.

Section 94. Lease of Plant — The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by four-fifths of the council. In no case shall such contract be let for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchises in chapter 10 of this charter.

Chapter 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 95. Official Publications — The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiatives, referendums and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publications, either by the terms of this charter or by the laws of Minnesota. It shall annually designate a newspaper of general circulations in the city as the official paper in which shall be published such measures and matters as are by the laws of this State required to be so published,

and such other matters as the council may deem it wise to have published in this manner. The council may, however, in its discretion, provide for the publication of the annual budget, resolutions, initiative, referendum and recall petitions, election notices and such other measures and matters as it may deem wise by the posting of typewritten, mimeographed or printed copies thereof upon at least three official bulletin boards located in the most public places in the city, one of which shall be the bulletin board at the city public building, for such period of time as the council may direct in each case. If the latter method of publication is adopted the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option.

Section 96. Oath of Office — Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office, in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as (mayor, councilman, or city clerk, etc.) of this city to the best of my judgment and ability."

Section 97. City Officers Not to Accept Favors or Contracts — No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from, or by reason of, any improvement, alteration, or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, or the firm or corporation in which such officer or employee is interested, shall be the

lowest bidder, or one of the lowest in which case the council may by unanimous vote accept the same, but such contract or bid shall be in writing, and shall state, explicitly the relation and interest of such official or employee in such firm or corporation, and shall be published in full in the official proceedings of the council and no such officer or employee shall be interested, directly or indirectly, in any contract job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating a public utility within the territorial limits of the city. No officer or employee of the city, except as otherwise provided in this charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public municipal utility corporation or the owner of any public municipal utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, except as above provided, personally, or as member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

Section 98. Official Bonds — The city manager, the city clerk, and such other officers of the city as may be provided for by ordinance, shall each before entering upon the duties of their respective offices, give bond to the city in such

sum as may be fixed by the council as an 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 at least three members of the council as having been so approved. They shall be filed with the secretary of the council. The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with. The first city manager under this charter shall give bond in the sum of five thousand dollars, but the council may increase this sum at any time.

Section 99. Sales of Real Property — No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to retire outstanding indebtedness incurred by the city in the purchase, construction or improvement of this or other property for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Section 100. Vacation of Streets No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council. A record of such vacation shall be made in the office of the Register of Deeds of the county.

Section 101. Recovering of Judgment for Damages — If any judgment shall be recovered in any action against the city for any injury or damage caused by an obstruction, excavation, opening, or defect in any street or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have

the right to recover the amount of any such judgment from the person or corporation, so responsible for such obstruction, excavation, opening or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

Section 102. City to Succeed to Rights and Obligations of former City — The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the city under the former charter.

Section 103. Statutes Not Affected by Charter — All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to the cities of the same class as the city of Montevideo operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Montevideo, and shall be construed as supplementary to the provisions of this charter.

Section 104. Existing Ordinances Continued — All ordinances and regulations of the city in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 105. Pending Condemnations and Assessments — Any condemnation or assessment proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter takes effect shall be collected and the lien enforced in the same manner as if this charter had not been adopted.

Section 106. Ordinances to Make Charter Effective — The council is hereby empowered to, and it shall by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 107. When Charter to take Effect — This charter shall take effect January 1st, 1948. The city council shall have the power and it shall be its duty to appoint the first city manager under this charter as soon as possible thereafter. Upon the appointment of the first city manager the provisions of this charter shall go fully into effect, and all offices and departments of the city shall thereafter be governed by its provisions.

Index

	Section	Page
CHAPTER I—Name, Boundaries, Powers and General Provisions		2-3
Name and boundaries	1	2
Powers of the city	2	3
Construction of this charter	3	3
Charter a public act	4	3
CHAPTER II—Form of Government		3-5
Form of government	5	3
The Mayor	6	4
Elective officers	7	4
Incompatible offices	8	4
Vacancies in the council	9	4
Salaries	10	4-5
Board	11	5
Investigation of city affairs	12	5
Interference with administration	13	5
CHAPTER III—Procedure of Council		5-7
Council meetings	14	5
Officers of the council	15	6
Rules of procedure and quorum	16	6
Ordinances, resolutions and motions	17	6
Procedure on ordinances	18	6
Emergency ordinances and resolutions	19	6
Procedure on resolutions	20	6
Signing and publication of ordinances and resolutions	21	7
When ordinances and resolutions take effect	22	7
Amendment of ordinances and resolutions	23	7
CHAPTER IV—Nominations and Elections		7-9
Election districts	24	7
The regular municipal election	25	7
Special elections	26	8
Judges and clerks of election	27	8
Nominations by petition	28	8
Nomination petitions	29	8
Canvass of elections	30	9
Procedure at elections	31	9

CHAPTER V—Initiative, Referendum and Recall		9-13
Powers, reserved by the people	32	9
Expenditures by petitioners	33	9
Further regulations	34	9
Initiation of measure	35	9
Form of petition and of signature papers	36	9
Filing of petitions and action thereon	37	10
Action of council on petition	38	10
Initiative ballots	39	11
Initiation of charter amendments	40	11
The referendum	41	11
Referendum petitions	42	11
Referendum ballots	43	12
The recall	44	12
Recall petitions	45	12
Filing of petition	46	12
Recall election	47	13
Procedure at recall election	48	13
Form of ballot	49	13
CHAPTER VI—Administration of City Affairs		13-15
The city manager	50	13
Powers and duties of the city manager	51	13
Departments of administration	52	14
Subordinate officers	53	14
Purchases and contracts	54	14
Contracts. How let	55	15
CHAPTER VII—Taxation and Finance		15-21
Council to control finances	56	15
Fiscal year	57	15
System of taxation	58	15
Board of Equalization	59	15
Preparation of the annual budget	60	15
Passage of the budget	61	16
Enforcement of the budget	62	16
Alterations in the budget	63	16
Levy and collection of taxes	64	17
Tax settlement with county treasurer	65	17
Disbursements. How made	66	17
Funds to be kept	67	17
Receipts to go to city treasurer	68	19
Accounts and reports	69	19
Bonded debt and debt limit	70	20
Emergency debt certificates	71	20
Bonds outside the debt limit	72	21

10322

	Section	Page
CHAPTER VIII—Public Improvements and Special Assessments		
	73	21-22
The city plan		21
Power to make improvements and levy assessments	74	21
Local improvements regulations	75	21
Public works. How performed	76	22
CHAPTER IX—Eminent Domain		
		22-23
Power to acquire property	77	22
Proceedings in taking property	78	22
Payment of award	79	22
City may abandon proceedings	80	23
City may take entire plant	81	23
CHAPTER X — Franchises		
		23-26
Franchises defined	82	23
Franchise ordinances	83	23
Term of Franchise limited	84	23
Power of regulation reserved	85	23
Regulation of rates and charges	86	24
Arbitration of labor disputes	87	24
Conditions in every franchise	88	24
Further provisions of franchises	89	25
CHAPTER XI—Public Ownership and Operation of Utilities		
		26
Acquisition and operation of utilities	90	26
Rates and finances	91	26
Purchase in bulk	92	26
City to pay for services	93	26
Lease of plant	94	26
CHAPTER XII—Miscellaneous and Transitory Provisions		
		26-29
Official publications	95	26
Oath of office	96	27
City officers not to accept favors or contracts	97	27
Official bonds	98	27
Sales of real property	99	28
Vacation of streets	100	28
Recovering of judgment for damages	101	28
City to succeed to rights and obligations of former city	102	28
Statutes not affected by charter	103	28
Existing ordinances continued	104	28
Pending condemnations and assessments	105	28
Ordinances to make charter effective	106	29
When charter to take effect	107	29

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER
AMENDMENT (S)

State of Minnesota) ss
County of Chippewa)

I, Harold Larson, Mayor of the City of Montevideo, and as such the chief magistrate of such city do hereby certify that the Charter hereto attached and made a part of this certificate is a true and correct copy of the Charter returned and filed with the City by the duly appointed and qualified board of freeholders of such City.

I further certify that such Charter was duly submitted to the voters of the City of Montevideo at a Special Election held in said City on June 17th, 1947, and was duly adopted by a vote of 477 for the Charter and 137 against the Charter. The total vote cast in said City at said election being 614.

Witness my hand and the corporate seal of the City of Montevideo 30th day of September, 1947.

Harold Larson
Mayor

ATTEST:

A. E. Swanson
City Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 6 1947

Mark Holm
Secretary of State.

10322

OFFICERS
HAROLD A. LARSON, Mayor
A. E. SWENSON, Clerk
B. J. OYEN, Municipal Judge
GENORA H. BROWN, Treasurer
J. C. HAAVE, Attorney
CHAS. WALDECK, Fire Chief
M. E. CHAMBERLIN, Engineer
L. SKUNDBERG, Chief of Police
DR. H. A. ROUST, Health Officer
DR. V. K. JENSEN, Dairy Inspector

Council Meetings First and Third Mondays

CITY OF MONTEVIDEO
MINNESOTA

CITY COUNCIL
W. F. SCHWAGERL, Pres.
C. S. POWELL
JOHN M. ANDERSON
OLE ROLIGHED
CHAS. AUNSPACH

September 22nd, 1947

State of Minnesota
County of Chippewa
City of Minnesota

I, A. E. Swenson, city clerk, in and for the City of Montevideo, Minnesota, do hereby certify that on the 17th day of June, 1947, the enclosed charter was adopted by the voters of the City of Montevideo, Minnesota by the following vote.

In favor of adoption of charter	477
Against adoption of charter	137

A. E. Swenson

City Clerk