

City Officials

A. H. Wild, Mayor
A. C. Mueller, City Clerk
F. E. Pieschel, Treasurer
Wm. B. Frank, Attorney
John A. Plamann, Supt. Utilities

CITY OF SPRINGFIELD
SPRINGFIELD, MINNESOTA

Council meets second and fourth Mondays
of each month.

December 5th, 1950

Councillmen

Leon G. Hier
Matt Huepfel
Vernon J. Jenniges
Wayne G. Potter
Stanley D. Todd

Mike Holm,
Secretary of State
St. Paul, Minn.

Dear Sir:

On August 1st, 1950, I sent you the newspaper publication of the Amended City Charter adopted by the Voters on July 25th, for filing.

I stated at the time ~~that~~ that I would forward a Charter Book as soon the same would be delivered by the Printer. Kindly place on record in lieu of the former publication and oblige,

Yours very truly,

A. C. Mueller

A. C. Mueller,
City Clerk

Encl.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 11 1950
Mike Holm
Secretary of State

Amended Charter of the City of Springfield

BROWN COUNTY
MINNESOTA



STATE OF MINNESOTA
DEPARTMENT OF STATE
JUL 11 1950

Walter A. Olson
Secretary of State

Effective August 24th, 1950

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The Charter of the City of Springfield

Brown County, Minnesota

MINNESOTA

DEPT. OF STATE

RECD

11 1950

Secretary of State

CHAPTER I

NAMES, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.—NAME AND BOUNDARIES: Upon the taking effect of this amended charter the City of Springfield, in the County of Brown, and State of Minnesota, shall continue to be a municipal corporation under the name and style of CITY OF SPRINGFIELD, with the same boundaries as now are or hereafter may be established.

Section 2.—The subdivision of land included in and constituting the City of Springfield, Minnesota, shall be as follows, to-wit:

The North Half ($N\frac{1}{2}$) of Section Number Nineteen (19); and the South Half ($S\frac{1}{2}$) of Section Number Eighteen (18); and the West Half of the Southwest Quarter ($W\frac{1}{2}$ SW $\frac{1}{4}$) of Section Number Seventeen (17); and Lot "A" containing 0.70 acres, Lot 1 of Lot "B" containing 0.30 acres, Lot "D" containing 5 acres, and Lot 2 of Lot "B" containing 9.70 acres, Lot "A" containing 18 acres, of a part of the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}$ NW $\frac{1}{4}$) of Section Number Twenty (20); and Outlot A of the Southwest Quarter ($SW\frac{1}{4}$) of Section Number Nineteen (19); and Sub-lot A of Lot Number One (1), and Sub-Lot A of Lot Number Eight (8), of the Southeast Quarter ($SE\frac{1}{4}$) of Section Number Nineteen (19); and a part of Lot Number Eight (8) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Number Nineteen (19), more particularly described as follows, commencing at the Northwest Corner of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Number Nineteen (19), thence East 15 rods, thence South 17 rods, thence West 15 rods, thence North 17 rods to the point of beginning; all in Township Number One Hundred Nine (109) North, of Range Number Thirty-four (34); and the North Half of the Northeast Quarter ($N\frac{1}{2}$

NE $\frac{1}{4}$) of Section Number Twenty-four (24), Township Number One Hundred Nine (109) North, of Range Number Thirty-five (35); in the County of Brown, State of Minnesota.

Section 3.—WARDS: The City of Springfield, Brown County, Minnesota, shall be divided into two wards, and the center line of Marshall Avenue in said City extended to the north and south limits of said City, shall be the dividing line between said two wards. That portion of the City lying to the East of said center line of Marshall Avenue shall be known as Ward Number One (1), and that portion of the city lying to the west of said center line of Marshall Avenue shall be known as Ward Number Two (2) of the City of Springfield.

Section 4.—POWERS OF CITY: The City of Springfield, 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 inherent in, municipal corporations of like power and degree; also all municipal powers, functions, rights and privileges and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restriction 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 estate, 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, subject to the provisions of this charter.

Section 5.—CONSTRUCTION OF THIS CHAPTER: The provisions of this Charter shall be construed liberally 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 6.—CHARTER A PUBLIC ACT: This Charter shall be a public act and need not be pleaded or proved in any case.

Section 7.—EFFECTIVE DATE: This Charter shall take effect thirty days from and after its adoption by the voters.

Section 8.—CHAPTERS TAKING PRECEDENCE OVER OTHER CHARTER PROVISIONS: This is an amended city charter, in which the principal new material and amendments consist of Chapter 9, establishing a zoning and planning commission; Chapter 11, establishing a park (board) commission; and Chapter 15, establishing a public utilities commission; and the provisions of these chapters shall take precedence over and control and supercede any of the provisions of the other chapters of this amended charter. Should any provisions of any of said three chapters be found to be inconsistent with or in conflict with provisions of the rest of this charter, the provisions of said three chapters shall govern, and no future amendment of this charter shall be construed as modifying, altering or repealing any of said three chapters unless it specifically so provides.

CHAPTER 2

FORM OF GOVERNMENT

Section 1.—FORM OF GOVERNMENT: The form of government established by this Charter shall be known as the "Council and Mayor Plan." All powers of the city shall vest in and be exercised by the city council, subject to the initiative, referendum and recall powers of the people.

Section 2.—CITY MANAGER: The council may by ordinance passed by a majority vote, provide for a city manager, and regulate his powers and duties. The city manager must be a competent person, but need not be a resident or citizen of the State when engaged. He shall be given full control and management of the administrative departments of the city and shall be given the power to appoint and remove all employees working under his direction. He shall be responsible to the council and subject to its order and discretion. He may be removed at any time by the majority vote of the council and written notice stating the cause.

Section 3.—DEPARTMENTAL BOARDS: There are hereby established, and it is made the duty of the council, at its first regular meeting after the annual election of its members, to designate by a majority vote, one councilman to be superintendent of accounts and finances; one to be superintendent of streets and alleys; one to be a member of the Park Board as provided in Chapter 11, he also to be superintendent of buildings and fire protection; and one to be superintendent of amusements, band and celebrations, but such designations may be changed whenever it appears that the public service would be benefitted thereby. Provided, however, that no superintendent of any of the departmental boards above enumerated, or such others as may be designated, shall have the power to contract debts to bind the city, or make any improvements in said city, unless authorized by a majority vote of the council.

The Council may also create temporary commissions with advisory powers to investigate any subject of interest to the municipality. Such commissions may be given the power to administer

oaths and compel the attendance of witnesses and the production of books, papers and other documentary evidence.

Section 4.—ELECTIVE OFFICERS: The elective officers of the City of Springfield shall be: A mayor, two councilmen from each ward, one councilman-at-large, city treasurer, two constables, a municipal judge, and a special municipal judge if so provided for by the City Council according to statute. The mayor, councilman-at-large, city treasurer, municipal judges and constables shall be actual residents and voters of the City. There shall be two councilmen elected from each ward, each of whom shall be qualified voters and actual residents of the ward from which he is elected.

Section 5.—TERM OF OFFICE:

Mayor: The term of the present mayor shall terminate with the expiration of the period for which he was elected, and thereafter the mayor shall be elected for a term of two years.

Councilman: The term of the present councilmen shall terminate with the expiration of the period for which each was elected, and thereafter one councilman is to be elected annually for a term of two years from each of said wards.

Councilman-at-Large: The term of the present councilman-at-large shall terminate with the expiration of the period for which he was elected, and thereafter he shall be elected for a term of two years.

City Treasurer: The city treasurer shall be elected annually.

Other Elective Officers: All other elective officers of the city shall be elected for such terms as is provided by the laws and constitution of the State of Minnesota.

Each elective officer shall serve until his successor is elected and has qualified.

Section 6.—APPOINTIVE OFFICERS: At the first meeting after the annual election, the council shall appoint the following officers, who shall hold office for a term of one year, and until his successor is appointed and has qualified, or is removed:

City Clerk;
City Attorney;
City Assessor, who may

be assigned such additional duties as the Council shall direct.

Each of said officers shall be a resident and qualified voter of the city.

Section 7.—OTHER OFFICERS: The city council may, from time to time, appoint such other officers, employees or servants for said city, as may be deemed proper for the management and operation of municipal affairs, and may prescribe their duties and obligations.

Section 8.—INCOMPATIBLE OFFICES: No member of the council shall be appointed city manager, nor shall any member of the council 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 of office, excepting that members of the council may be appointed to the Utilities Commission, provided they first resign from the Council.

Section 9.—VACANCIES IN THE COUNCIL: A vacancy in the council shall be deemed to exist in case of failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of death, resignation, removal from office, removal from the city, continuous absence from the city for more than six months, or conviction of a felony of any such 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 may 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 and any vacancy in the office of mayor shall be filled in the manner provided in such case.

Section 10.—DUTIES OF MAYOR: The mayor shall be the chief executive of the city, and the presiding officer of the council, and shall be the executive head of the health department, police department as provided in Chapter 3, sanitation department, subject to the provisions of Chapter 15, and general welfare. In the absence of the mayor, death, resignation, disability to act, or absence from the city, the council shall appoint a president pro tempore to act in his stead. All appointments made in the above departments by the mayor, other than as provided in Chapters 3 and 15 shall be confirmed by a majority vote of the council. In case the council shall not confirm such appointments by a majority vote, then and in that case the council may by a four-fifths vote make such appointments as they deem proper, without the mayor's consent. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purpose of military 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 police commission, 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 order a special election to fill the vacancy for the unexpired term, but in the case of a recall, the vacancy shall be filled in the manner provided in this Charter. And provided further, that in case of resignation, death, or removal from the city by the mayor within six months from the expiration of his term of office, then, and in such case the president pro tempore of the council shall serve out and fill the unexpired term of the office of mayor. In case of a tie vote on the council, the mayor shall have the deciding vote.

Section 11.—VETO POWER: All ordinances and resolutions shall, before they take effect, be pre-

sented to the mayor, and if he approves thereof, he shall sign the same; and such as he shall not sign, he shall return to the city council with his objections there-to, by depositing with the city clerk, to be presented to the city council at their next regular meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the vote by which the same was passed may be reconsidered, and if after such reconsideration, the city council shall pass the same by a vote of four-fifths of the members elected, it shall have the same force and effect as if approved by the mayor; and in such case the vote shall be by ayes and nays, which shall be entered in the records. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Section 12.—SALARIES: The members of the city council shall each receive the sum of \$200.00 per year. The mayor shall receive the sum of \$300.00 per year. When meeting as a board of equalization the members of the council shall each receive \$10.00 per day for the actual time spent in their work. Provided, also, that the council may by a four-fifths vote create a contingent fund to cover the actual expenses incurred by the mayor or council in the performance of their official duties.

Section 13.—INVESTIGATION OF CITY AFFAIRS: The council or either of them, and any officer or officers formally authorized by them or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for the examination or audit of the accounts of any officer, commission, or department of the city.

CHAPTER 3.

POLICE DEPARTMENT

Section 1.—MAYOR TO CONTROL POLICE: The Police Department of the City shall consist of the Mayor, a Chief of Police, and such other police officers and patrolmen

as the City Council may from time to time determine.

The Mayor shall be the responsible head of the department and as such shall have the power to appoint all members of the force and suspend or remove them at will; provided, however, that the appointment, suspension and removal of all members of the police force, other than the Chief of Police, shall be subject to confirmation by the Police Commission or a majority of its members.

The Chief of Police, subject at all times to the orders of the Mayor, shall be in immediate control and supervision of all of the other police officers and shall be responsible for the faithful performance of their duties as well as his own.

Section 2.—THE CREATION OF POLICE COMMISSION: There is hereby created and established in the City of Springfield a Police Commission.

Section 3 — APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE: The Commission shall consist of three members, each of whom shall be citizens and freeholders and qualified voters for five years prior to the date of their appointment.

Within thirty days after this charter goes into effect, the City Charter Commission shall submit the names of four resident citizens qualified for membership on the Police Commission, to the City Council of the City of Springfield for its confirmation and approval. The City Council must select three names from the four so submitted.

Section 4—VACANCY, DEATH, RESIGNATION AND REMOVAL: In the case of vacancy on the Police Commission, caused by the death or resignation of a member of the Police Commission, or by reason of any other cause, such vacancy shall be filled in the following manner:

The City Charter Commission shall submit the name of one qualified person to the City Council for each such vacancy, and if the City Council rejects the person whose name is so submitted, then the Charter Commission shall submit the name of one other person, and that person must then be accepted by the City Council and be

appointed to membership on the Police Commission to fill such vacancy.

The selection, approval or rejection of persons whose names are submitted by the Charter Commission to the City Council for appointment to the Police Commission, as hereinbefore provided, shall be by the majority vote of the entire City Council, and the Mayor shall not vote in the selection, approval, or rejection by the City Council of the persons whose names are so submitted to the City Council.

Section 5—TERM OF OFFICE: When the first appointments are made, one member on the Police Commission shall be appointed for a term of one year; one member shall be appointed for a term of two years; one member shall be appointed for a term of three years; and thereafter, the terms of each member on the Police Commission shall be for three years, but staggered as hereinbefore provided. Each member shall hold office until his successor is appointed and has qualified. Each member of the Police Commission shall file his oath of office, but need not be required to file a bond for the faithful performance of his duties. Appointees, in case of death, vacancy, resignation or removal, shall serve for the unexpired term of his predecessor. The Mayor of the City, members of the City Council and members of the Charter Commission, shall not be eligible for membership on the Police Commission.

Section 6—REMOVAL OF MEMBERS OF COMMISSION: Any member of the Commission may be removed from his office by a four-fifths vote of the entire City Council, but no such member shall be removed except for cause and until he has had furnished to him a written statement of the charges against him, and has had a reasonable opportunity to be heard in his defense.

Section 7—COMPENSATION OF MEMBERS: Members of the Police Commission shall serve without compensation.

Section 8—POWERS AND DUTIES OF THE COMMISSION: The Police Commission shall have the power and duty to confirm or disapprove all appointments, suspen-

sions and removals of members of the police force, except the Chief of Police and special policemen, but shall exercise no other control over the police Department or its members. The Commission in its discretion may require the filing of a formal charge against any policeman sought to be suspended or removed by the mayor and may direct a hearing thereon with an opportunity to be heard.

Section 9 — QUALIFICATIONS MEMBERS POLICE DEPARTMENT: No person shall be eligible to appointment in the Police Department who is not a citizen, or shall any person be eligible to appointment therein, other than as a special policeman, who has not been a resident of the City of Springfield for at least one year prior to his appointment.

Section 10—DUTIES: The duties of all police officers shall be such as the laws of the state and the ordinances of the city may prescribe for the preservation of the public peace, the prevention and detection of crime, the arrest of offenders, the protection of the rights of persons and property, the enforcement of laws of the State and the ordinances and regulations of the city, and the custody and care of prisoners held in the city jail during the pendency of hearings or trials in the city courts.

Section 11—SPECIAL POLICE: The Mayor may, in case of riot, large public gatherings, or disturbances, appoint such special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue in effect for more than one week without the consent of the City Council.

Section 12—POLICE FOR DESIGNATED PLACES: The Mayor may also, at the request of any person, firm, society, organization, or corporation, appoint policemen or watchmen who shall serve without expense to the City, and have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment, but such policemen or watchmen shall exercise no authority, nor wear any badge of office, outside the limits named in such appointment.

Section 13 — COMPENSATION: The salaries or compensation of the Chief and all regular and special police officers and patrolmen shall be fixed by the Mayor, by and with approval of the City Council.

CHAPTER 4

PROCEDURE OF COUNCIL

Section 1—COUNCIL MEETINGS: On the first Monday after the second Tuesday in March, 1951, and annually thereafter, following the 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 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 not less than once each month. The mayor, or any three members of the council, may call special meetings of the council upon reasonable notice given to each member of the council. Such notice shall be delivered personally to each member of the council or shall be left with some responsible person at the member's usual place of abode, residence, or place of business. 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 2—CITY CLERK: The council shall choose the city clerk to act as secretary of the council, and such other officers and employees as may be necessary to serve at its meetings. The city clerk shall keep such records and perform such duties as may be required by this charter or by vote of the council. The council may designate any official or employee, or any member of the council to act as city clerk pro tempore, in the absence of the city clerk. The city clerk of the City of Springfield shall also be and act as Secretary of the Utilities Commission and shall be responsible to and shall perform the duties prescribed for him by Chapter 15 of this Charter.

Section 3—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 resolution a means by which a minority may compel the attendance of absent members.

Section 4—ORDINANCES, RESOLUTIONS AND MOTIONS: Except as in this Charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds the sum of 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 use, 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 nays and the vote of each member shall be recorded in the minutes. The votes of at least three members shall be required for the passage of all ordinances, resolutions and motions, except as otherwise provided in this Charter.

Section 5—PROCEDURE ON ORDINANCES: The enacting clause of all ordinances passed by the Council shall be in the words, "The City of Springfield, Minnesota, 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 readings 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, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this Charter, before its final passage, except in the case of emergency ordinances or resolutions.

Section 6—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 three members of the council, as recorded by ayes and nays. An emergency ordinance or resolution must be in writing but may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

Section 7—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 8—SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS: Every ordinance or resolution passed by the council shall be signed by the mayor or by two council members, and shall be filed with the city clerk within two days after its passage, and by him recorded and preserved. Every ordinance must, and every resolution may, be published at least once in the official newspaper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested to by the city clerk; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council. The minutes of the City Council shall be published in the official newspaper in the week following their approval and final acceptance by the City Council.

Section 9.—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 and resolutions enacted by the council shall take effect thirty days after the date of their passage, 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 10—AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS: No ordinance or resolution or section thereof shall be amended or repealed by reference to its title alone, but such amending and repealing ordinance or resolution shall contain verbatim the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment, and the amended or repealing ordinance or resolution shall be published, passed and acted upon as other resolutions or ordinances are hereinbefore provided for.

Section 11—FINES AND PUNISHMENTS: Fines, penalties and punishments imposed by the city council for breach or violation of any ordinance, law or regulation of said city, may extend to a fine not exceeding one hundred dollars (\$100.00), and costs, or imprisonment not exceeding ninety (90) days, or both, and offenders against the same may be required to give security for their good behavior and to keep the peace for a term not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500.00).

Section 12—OFFENDERS PUT TO LABOR: The city council may also provide by ordinance that anyone convicted of an offense before a justice of the peace or a municipal judge of said city, subjecting such offenders to imprisonment under the Charter and ordinances of said city, may be kept at hard labor in any work house established or designated for that purpose, or in case of a male offender, may be kept at hard labor during the term of imprisonment in such workhouse or upon the streets, highways or public works, or improvements of said city, or both, and may also provide by ordinance that anyone convicted of an offense before a justice of the peace or a municipal judge, and committed upon non-payment of the fine imposed, may be kept at hard la-

bor in any workhouse in said city and in case of a male offender may be kept at hard labor either in such workhouse or upon the public streets, highways, public works or improvements, or upon a pile of rocks or stone owned by said city and crushing or breaking the same, until such person shall work out the amount of such fine at such rate of compensation as the said justice of the peace or municipal judge, or the city council may by ordinance prescribe, for a time not exceeding said commitment, and the city council shall have the power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and secure proper discipline.

CHAPTER 5

NOMINATIONS AND ELECTIONS

Section 1—REGULAR MUNICIPAL ELECTIONS: The regular municipal election shall be held on the second Tuesday in March of each year, the first annual election under this amended charter to be in March, 1951, and annually thereafter 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 two public places in each ward, in said city, and by publishing a notice thereof at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 2—SPECIAL ELECTIONS: The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform to that herein provided for other municipal elections.

Section 3—JUDGES AND CLERKS OF ELECTION: The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council to serve as clerks of election.

Section 4—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. Such petition shall be signed by a number of electors of said city equivalent to at least five per cent of the total number of votes cast at the last regular municipal election for that office. The petition must, however, come from the ward which the candidate represents, but the nomination petition for the mayor, the councilman-at-large, treasurer and other elective officials may be signed by electors of either or both wards. 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 ten days before the election, and the same may have a declaration of the candidates' principles attached. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 5—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 or 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 Springfield, Minnesota, hereby nominate _____, whose residence is Springfield, Minnesota, 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 _____

1. _____
2. _____
3. _____
4. _____
5. _____

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

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

This petition, if found insufficient by the city clerk, shall be returned forthwith to the circulator thereof for correction.

Section 6—CANVASS OF ELECTION: The council shall meet and canvass the election returns within five 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; (b) the total number of spoiled and defective ballots; (c) the vote of 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 7—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 the State of Minnesota.

CHAPTER 6

INITIATIVE, REFERENDUM AND RECALL

Section 1—POWERS RESERVED BY PEOPLE: The people of the city

of Springfield, Minnesota, reserve to themselves the power, 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 2.—EXPENDITURES BY PETITIONERS: No member of any initiative, referendum, or recall committee, nor 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 services rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring an expense not to exceed twenty dollars for legal advice, stationery, copying, printing and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Section 3.—FURTHER REGULATIONS: The council shall as soon as possible 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 4.—INITIATION OF MEASURES: 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 committee. 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 5.—FORM OF PETITION AND OF SIGNATURE PAPERS: The petition for the adoption of any measure shall consist of the measure, together with all signature papers and affidavits thereto attached. Such petition shall not

be complete 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:

Name: Address:

1 _____
2 _____
3 _____
4 _____
5 _____

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

Name: Address:

1 _____
2 _____
3 _____
4 _____
5 _____

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

Section 6.—FILING OF PETITION 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 one or more of the committee of sponsors of that fact, 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 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 special election.

Section 7.—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 to the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least fifteen 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 measure in 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 8.—INITIATIVE OF 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 "for the measure," or "against the measure." 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.

Section 9.—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 the statutes of Minnesota to propose amendments to this charter.

REFERENDUM

Section 10.—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 fifteen per cent of the total votes cast 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 the sections thereof to which objection has been raised by the petitioners, or by aye or naye vote 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 if a majority of the voters voting thereon favor the measure, it shall go into effect immediately or on the date therein specified.

Section 11.—REFERENDUM PETITIONS: The requirements laid down in sections 4 and 5 above as to the formation of committees for the initiation of measures and as

to the form of petitions and signature papers 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, stating the purpose of the measure, a copy of which ordinance, or resolution is hereto attached. The proposed repeal is sponsored by the following committee of electors:

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

The undersigned petitioners understanding the nature of the measure hereto attached, and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval:

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

Section 12.—REFERENDUM BALLOTS: The ballots used in any referendum election shall conform to the rules laid down in section 8 of this charter for initiative ballots.

RECALL

Section 13.—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, except municipal judges. The committee shall certify to the city clerk the name of the officer whose removal is sought, stating the grounds for removal in not more than two hundred 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 papers shall be put into circulation previous to such certification.

When a councilman is to be recalled through a petition, the petition must come from the ward from which the councilman represents the electorate. If the mayor, treasurer, or councilman-at-large is to be recalled, then the signers on the petition may be from one ward, or both wards, of the city.

Section 14.—RECALL PETITION: The recall petition for any official, except municipal judges, shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. 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

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 officer herein sought to be recalled, desire the holding of a recall election for that purpose:

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

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

Section 15.—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 for that particular office, he shall so notify one or more members of the committee. The committee shall then 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 to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 16.—RECALL PETITION: If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition, and of the pending action. The council shall at its next 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 17.—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 of 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 of conduct 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 18.—FORM OF RECALL 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" upon this question. The ballot shall also contain the names 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 ballot at the election shall be the same, as nearly as may be, as the form in use at the regular municipal election.

Section 19.—NOT APPLICABLE TO MUNICIPAL JUDGES: This chapter shall in no way apply to municipal or special municipal judges.

CHAPTER 7

ADMINISTRATION OF CITY AFFAIRS

Section 1.—COUNCIL ADMINISTRATION: The entire management and administration of the city affairs, including all executive and administrative powers, authority and duties, except such exec-

utive authority as may be by this charter vested in the mayor as the chief executive of the city, and except such authority as may be by this charter vested in the Police Commission, the Park Board, the Planning and Zoning Commission, and the Public Utilities Commission, shall be vested in the city council.

Section 2.—DEPARTMENT 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 mayor, prepare a complete administration code for the city, and enact the same in the form of an ordinance, which may be amended from time to time by ordinance.

Section 3.—SUBORDINATE OFFICERS: There shall be such subordinate officers as the council may create by ordinance. The city clerk shall be subject to the direction of the city council and shall have such duties in connection with the keeping of the public records, the custody and disbursement of 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. The council may by ordinance abolish offices which have been created by ordinance, and it may combine various offices as it may deem fit, and which are not incompatible under the laws of this state.

Section 4.—PURCHASES AND CONTRACTS: All the purchases on the behalf of the city shall be made, and all contracts let, by the city council. All such contracts, bonds, and instruments of every kind to which the city shall be a party shall be signed by the mayor and countersigned by the city clerk on behalf of the city, and shall be executed in the name of the city.

Section 5.—CONTRACTS (HOW LET): In all cases of work to be done by contract, or of the purchase of property of any kind, when the amount involved is more than five hundred dollars, unless the council by an emergency resolution shall provide otherwise, it

shall advertise for bids in the official paper of the city. Contracts shall be let to the lowest reliable and responsible bidder, provided however, the council may reject any or all bids. Nothing contained in this section shall prevent the council from contracting by a four-fifths vote for the doing of work with patented processes, or from purchasing patented appliances by the same majority. The council shall regulate the making of bids and letting of contracts by ordinance.

CHAPTER 8.

TAXATION AND FINANCE

Section 1.—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 safekeeping and disbursements of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses, except as otherwise provided in Chapter 15 of this charter, and none of the provisions of this Chapter 8 shall be construed as superseding, altering or modifying any of the provisions of said Chapter 15.

Section 2.—FISCAL YEAR: The fiscal year of the City of Springfield shall end on the first day of March in each year.

Section 3.—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 change the same from time to time. Insofar as the city procures a revenue from taxes upon real estate and personal property as such, it shall conform as fully as possible to the general law of the state as to the assessment of such property and the collection of such taxes.

Section 4.—BOARD OF EQUALIZATION: The council shall constitute a board of equalization and shall meet as such in the usual place for holding of council meetings on the last Monday in June, annually, to equalize the assessments according to law.

Section 5.—PREPARATION OF THE ANNUAL BUDGET: The city clerk shall prepare the estimates for the annual budget and submit it to the council for approval. 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), including the budget for the Planning and Zoning Commission as provided in and established by Chapter 9 of this charter. Ordinary expenses shall be subdivided into (a) Salaries, with a list of all salaried offices and the number of persons holding each; (b) Wages; (c) Printing, advertising, telephone, telegraph, express and freight charges, and other like items; (d) Supplies and repairs, with sufficient detail to be readily understood; and (e) an amount to be levied for the maintenance of a municipal band and municipal band concerts. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years, as far as possible, for the current year. In addition to the estimates of expenditures, the estimate 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) fines, (c) fees, (d) interest, (e) miscellaneous not included in the foregoing; (f) sales and rentals, (g) revenues received from the Public Utilities Commission under Chapter 15 of this charter, (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 of the councilmen, one for the city clerk, one for the city mayor, one for the city treasurer, and one copy to be submitted to the council at its first regular

meeting in August of each year.

Section 6.—LEVY FOR MUNICIPAL BAND AND MUNICIPAL BAND CONCERTS: The City Council may by a majority vote levy a tax on the assessed valuation of the taxable property of the City for the maintenance of a municipal band and the giving of public band concerts within the city limits. The amount of the mill tax levy for such purposes shall be in accordance with the present statutes of the State governing such levy, or as the statutes may be from time to time amended.

Section 7.—PASSAGE OF THE BUDGET: The budget shall be the principal item of business at the first regular meeting of the council in August of each year, 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 an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the city clerk shall explain the various items thereof as fully as may be deemed necessary by the council. 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. 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 day of October in each year.

Section 8.—ENFORCEMENT OF BUDGET: It shall be the duty of the city clerk 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 an 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. No officer or employe of the city shall

place any orders or make any purchase except for the purpose and to the amounts authorized in the budget. Any obligations incurred by any person in the employ of the city for any purpose not authorized in the budget, or for any amount in excess of the amount therein authorized, shall be personally liable therefor.

Section 9.—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 actual receipts shall exceed such 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 10.—LEVY AND COLLECTION OF TAXES: On or before the first day of October of each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof 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 purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 11.—DISBURSEMENTS: All disbursements shall be made only upon the order of the mayor and city clerk duly authorized by a motion of the council, and every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. Each

such order shall be directed to the city treasurer, and the latter shall pay the same if there is sufficient money in that particular fund with which to pay it. If no money is in such fund, the city treasurer shall endorse same "Not paid for want of funds" with date of such endorsement and such warrant shall draw legal rate of interest from date of such endorsement. The city treasurer shall keep record of such endorsements and pay such warrants as soon as there is money in that particular fund, accordingly as they are filed. The city treasurer shall make no payment out of any fund except upon orders issued by the city council and signed by the city mayor and city clerk. Any order or resolution 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 an itemized statement and voucher sworn to, payroll or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council may by ordinance make further regulations for the safekeeping and disbursement of the city's fund.

Section 12.—FUNDS (HOW KEPT): There shall be maintained in the city treasury the following funds, for the support of which the council may levy taxes:

(a) A sinking fund for the purchase, or payment, when due, of any bonds or any debt of the city, and to pay the interest on all bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b) A general fund for the support of such other funds and for the payment of such expenses of the city as the council may deem

proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

(c) A permanent improvement revolving fund, which shall not be supported by general taxation. There shall be paid into this fund moneys received from special assessments levied for local improvements. The council may by resolution determine the aggregate amount of the assessments for local improvements which in its judgement shall be extended for payment, as is provided in the Charter. The council may order the issuance and sale of bonds representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the City of Springfield, upon the surrender of such bonds to the treasurer on or after the date of payment thereof, the amount of money named therein to be paid, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such bonds may be issued in such amounts and become due on such dates as the council may determine, subject to the provisions of this Charter. The proceeds of the sale of said bonds shall be paid into the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds direct to investors, or may contract for the sale of all such bonds as may be issued during any calendar year. No sale of such bonds, by contract, shall be made except after advertising for bids, at least one week prior to sale and such sale shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay par for the year.

Section 13.—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, at the close of each business day. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in the bank or banks

approved by the city council. Such depository shall give sufficient bond, to be approved by the city council.

Section 14.—ACCOUNTS AND REPORTS: The city clerk 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 relative to the finances of the city as the council may require. Once each year, on or before the fifth day of March, the city clerk 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 total expenditures, omitting duplications and stating the cash 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 purpose; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, the rate of interest 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 and other city officials and taxpayers should have.

Section 15.—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. The council may by a four-fifths vote submit for passage to the electors of said city, the issuance of any bonds for the purchase of real estate, for new construction, for new equipment, and for all im-

provements of a lasting character, including public utilities. 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, gas, 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 public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefitted by such 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 16.—FORM AND REPAYMENT OF BONDS: All bonds issued by the city shall be in regular numbered series. As nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer period than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the election authorizing such bonds, and in no case shall bonds be issued to run for longer than thirty years. The purpose for which bonds are authorized shall be set forth in the election authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the city clerk to include in his estimates each year a sum or sums amply sufficient to pay the principal of and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest

for the same year on the bonds which will be still outstanding. It shall be the duty of the council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for the purpose in the annual budget which it passes.

Section 17.—EMERGENCY DEBT CERTIFICATES: If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses 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 to run not to exceed one year and to bear interest at a rate 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 budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by four-fifths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

CHAPTER 9

PLANNING AND ZONING

Section 1: PLANNING COMMISSION ORGANIZATION: There shall be a City Planning Commission which shall consist of five members, who shall be appointed by the City Council, none of whom shall hold any other public office in the City. The City Engineer (or Assistant Engineer) and Mayor shall serve as ex-officio members of the Commission. The Commission shall elect its chairman and secretary from among the appointive members.

Section 2.—TERM OF OFFICE; VACANCIES: The term of the appointive members shall be five years, except that of the five members first appointed. One shall be appointed for a term of one year, one for two years, one for three years, one for four years and one for five years. Any vacancy during the unexpired term of an appointive member shall be filled by the City Council for the remainder of the term.

Section 3.—POWERS AND DUTIES: The commission shall have power and shall be required to:

1. Make, amend, extend and add to a master plan for the physical development of the city.

2. Exercise control over platting or subdividing land within the city.

3. Draft for the Council an official map of the City and recommend or disapprove proposed changes in such map.

4. Make and adopt a zoning plan and recommend or disapprove proposed changes in such plan.

5. Submit annually to the City Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

6. Promote public interest in and understanding of the master plan and of planning and zoning.

7. Meet at least once each month and keep a public record of its resolutions, findings and determinations.

The Commission shall have power to:

(a) Require information which shall be furnished within a reasonable time from other departments of the city government in relation to its work.

(b) Within its budget appropriation, contract with city planners and other consultants for such services as it may require.

(c) Request additional assistance for special survey work of the City Engineer.

(d) In the performance of its functions, enter upon any land and make examinations and surveys.

(e) Make and adopt plans for the replanning, improvements, zoning or redevelopment of neighborhoods.

(f) Make and adopt a plan for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part, or seriously damaged by fire or other disaster.

Section 4.—ZONING BOARD OF

APPEALS: There shall be a Zoning Board of Appeals which shall consist of three members to be appointed by the City Council for a term of three years, except that of the members first appointed one shall be for a term of one year and one for a term of two years. Any member of the board may be removed by the City Council after public hearing. Any vacancy shall be filled for the unexpired term of the members whose place has become vacant. All meetings of the board shall be held at the call of the chairman, who shall be designated by the City Council, and at such other times as such Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every order, requirement, decision or determination of the Board shall immediately be filed in the office of the City Clerk and shall be a public record. The Board shall have power to hear and determine appeals from refusal of building permits and to permit exceptions to or variations from the zoning regulations in classes of cases or situations and in accordance with the principles, conditions and procedure specified in the ordinance.

Section 5.—ZONING ORDINANCES: For the purpose of promoting the health, safety, morals or general welfare of the City, the City Council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, and the uses of buildings, structures and land for trade, industry, business, residence or other purposes. Such ordinances may provide that the Zoning Board of Appeals may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the Zoning Board of Appeals may authorize variances from the strict application of the regulations in such situations and subject to

such limitations as may be set forth in the ordinance.

Section 6.—IMPROVEMENT OF STREETS AND PUBLIC PLACES: The City Council may adopt a plan for the laying out, grading and improvement of streets and public places, as well as all other matters which may seem essential to such a plan, the same to be developed and made in conjunction with the other provisions of this chapter.

CHAPTER 10

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 1.—POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS: The City of Springfield 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 local character. The amounts assessed to benefitted property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property.

The council may, by a four-fifths vote of all its members order that the cost and expense of all or any part of any improvement in this chapter mentioned, shall be paid out of the appropriate fund, or general fund, of the city without assessment on the property benefitted.

Section 2.—LOCAL IMPROVEMENT 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 such ordinance takes effect it shall supplant other provisions of law 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 the assessment districts, public hearings, appeals from assessments, and the trial thereof, reassessments, the spreading of the assessment 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 3.—PUBLIC WORKS (HOW PERFORMED): Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly or by day labor, or by contract. The city may require contractors to give bonds for the protection of the city, the employees, and materialmen.

CHAPTER 11

PARK BOARD

Section 1.—ORGANIZATION: There shall be a City Park Board, which shall consist of three members who shall be appointed by the City Council. One member shall be chosen from the membership of the School Board, one from the membership of the City Council, and the third may be any resident of the City, provided, however, that one member shall be a woman and that the term of the School Board member or Councilman shall terminate when, for any reason, he ceases to be a member of either the School Board or City Council and the vacancy shall be filled from among the members of the respective Boards.

Section 2.—TERM OF OFFICE: The term of the appointive members shall be three years, except that of the three members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a

term of three years. Any vacancy during the unexpired term of an appointive member shall be filled by the Council for the remainder of the term.

Section 3.—DUTIES: Such Park Board shall have charge and jurisdiction over the public parks and playgrounds of the City and shall hire such help as is needed for the maintenance thereof, subject to the approval of the Council and within its Budget appropriation.

CHAPTER 12

EMINENT DOMAIN

Section 1.—POWER TO ACQUIRE PROPERTY: The City of Springfield is hereby empowered to acquire, by purchase, gift, devise, 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 herein provided, any gas, water, heat, power, light, telephone, or other plant or other public utility; but no proceeding 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 so acquired. Easements for slopes, fills, sewer, building-lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 2.—PROCEEDING IN TAKING PROPERTY: The necessity for the 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 in this chapter.

Section 3.—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 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 thereof may be had against the city.

Section 4.—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 5.—CITY MAY TAKE ENTIRE PLANT: In case the city shall condemn a public utility which is operated at the time of the commencement of the 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 property comprising such system, but all 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 plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

CHAPTER 13 FRANCHISES

Section 1.—FRANCHISES DEFINED: The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon or under any of the streets, 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 2.—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 street 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 for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing 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 3.—PUBLICATION OF FRANCHISE: Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, by publication of the franchise for four successive weeks after its passage, and by posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city, five in each ward, for a

period of thirty days after its passage. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Section 4.—POWER OF REGULATION RESERVED: The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or persons, of any franchise, however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota, or shall hereafter be granted by it, or by the State of Minnesota.

Section 5.—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 operation 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 the city clerk or some other expert as its representative; the company shall appoint a representative; and these two shall by mutual agreement appoint 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 shall be the legal rate, subject to the revision by any court of competent jurisdiction. Schedule of 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 such case as provided for the original fixing of rates.

Section 6.—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 the 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 finding of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

Section 7.—CONDITIONS IN EVERY FRANCHISE: Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel, or otherwise. Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of Sections 89 to 96, 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 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 93 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 lessee shall have filed in the office of the city clerk an instrument duly executed, reciting the fact 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 lessee shall also file a bond in such sum 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 lessee to discharge all obligations and liabilities imposed by said franchise.

(f) That every part 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 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 rerouting 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 purposes 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 limitations contained in the ordinance granting the franchise, as well as of the provisions of this Charter.

(h) In no case shall the council grant an exclusive franchise for any purpose.

The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be sufficient cause for the forfeiture of the franchise by a resolution of the council.

Section 8.—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 interest, nor shall anything contained in this Charter limit any right or power possessed by the city over existing franchises.

CHAPTER 14

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 1.—ACQUISITION AND OPERATION OF UTILITIES: The city shall have the power to acquire public utilities as provided in Chapter 12 of this Charter. The operation of all public utilities owned by the city shall be under the supervision of the Utilities Commission.

Section 2.—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, subject to the provisions and limitations of Chapter 15 of this Charter.

Section 3.—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 hydrant 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, water, power and other service, shall be collected in the same manner as from other consumers, as provided in this Charter.

CHAPTER 15 PUBLIC UTILITIES

Section 1.—CREATION OF PUBLIC UTILITIES COMMISSION: There is hereby created and established in the City of Springfield a Public Utilities Commission with powers as hereafter defined.

Section 2.—APPOINTMENT, QUALIFICATIONS: The Commission shall consist of three members, each of whom shall have been a citizen and qualified voter of the city for five years immediately prior to the date of his appointment, and also at the time of his appointment shall have been a freeholder of the City of Springfield for a period of one year immediately prior thereto.

Within thirty days after this charter goes into effect, the City Charter Commission shall submit the names of five resident freeholders, qualified for membership on the Utilities Commission, to the City Council of the City of Springfield for its confirmation and approval. If the City Council fails to select three persons from this list of five, then other names of resident qualified freeholders shall be submitted by the Charter Commission in manner as follows:

If the City Council approves of less than three of those so submitted, the Charter Commission shall submit the name of one additional qualified person if two have been accepted; and the names of two additional qualified persons if one has been accepted. If the City Council refuses to accept any such additional person or persons, then the name of one other qualified person shall be submitted for each such rejection until, except as hereinafter provided, a full commission of three has been approved. However, in case the City Council refuses to accept any of the original five persons whose names were submitted for membership on the Commission, then the Charter Commission shall submit the names of three other qualified persons, and those three must be and shall be accepted and appointed by the City Council as the duly appointed and selected Utilities Commission. In no case whatsoever shall the names of more than eight persons be submitted to the City Council by the Charter Commission.

Section 3.—VACANCY, DEATH, RESIGNATION AND REMOVAL: In case of vacancy on the Utilities Commission, caused by the death or resignation of a member of the Utilities Commission, or by reason of any other cause, such vacancy shall be filled in the following manner:

The City Charter Commission shall submit the name of one qualified person to the City Council for each such vacancy, and if the City Council rejects the person whose name is so submitted, then the Charter Commission shall submit the name of one other person, and that person must then be accepted by the City Council and be appointed to membership on the Utilities Commission to fill such vacancy.

The selection, approval or rejection of persons whose names are submitted by the Charter Commission to the City Council for appointment to the Utilities Commission, as hereinbefore provided, shall be by the majority vote of the entire City Council, and the Mayor shall have no vote in the selection, approval or rejection by the City Council of the persons whose names are so submitted to the City Council.

Section 4.—TERM OF OFFICE: When the first appointments are made, one member on the Utilities Commission shall be appointed for a term of one year; one member shall be appointed for a term of two years; one member shall be

appointed for a term of three years; and thereafter, the terms of each member on the Utilities Commission shall be for three years, but staggered as hereinbefore stated. Each member shall hold office until his successor is appointed and has qualified. Each member of the Utilities Commission shall file his oath of office, but need not be required to file a bond for the faithful performance of his duties. Appointees, in case of death, vacancy, resignation or removal, shall serve for the unexpired term of their predecessors. The Mayor of the City, members of the City Council, or members of the Charter Commission, shall not be eligible for membership on the Utilities Commission.

Section 5.—REMOVAL OF MEMBERS OF COMMISSION: Any

member of the Commission may be removed from his office by a four-fifths vote of the entire City Council, but no such member shall be removed except for cause and until he has had furnished to him a written statement of the charges against him, and has had a reasonable opportunity to be heard in his defense.

Section 6.—COMPENSATION OF MEMBERS: Members of the Utilities Commission shall each receive the sum of \$200.00 per year upon the adoption of this amendment, but at no time shall receive less than that received by members of the City Council. The Utilities Commission members may be paid not more than \$300.00 for actual and necessary expenses in any one year, but any excess over a total of \$300.00 for the entire Commission must first be approved by the City Council.

Section 7.—POWERS AND DUTIES OF THE COMMISSION: Except as otherwise provided in this chapter the Commission shall have the full and exclusive control of and power over the entire water-works system, Storm and Sanitary Sewers, including Sewage Disposal Plant, the Electric Light Plant and Distribution System, the Filtration Plant, and the Steam Heating System now owned by the City and of any other utility now or at any time hereafter owned or operated by the City and determined by the City Council, including all buildings, structures, machinery, apparatus, equipment, materials, and supplies, and all other property belonging to or appurtenant to the same, and shall also have full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in the current or any other fund of the Commission as now established or such as may be issued and created in the future.

The Commission shall have power:

(a) To fix the time and place of its meetings, but it shall meet at least once each month; and two members of the Commission may call special meetings upon reasonable notice given to each member of the Commission.

(b) To operate each and all of said utilities and to do any and all

things necessary for the economical management, control and operation thereof.

(c) To keep the same in repair, and make necessary replacements, extensions, improvements, changes and additions thereto; provided, however, that the Commission shall have no power to make any replacements, extensions, improvements, changes or additions which require the issuance of the bonds of the City to pay for the same, in whole or in part, or which are to be paid for in whole or in part by special assessment upon property benefitted: but in such cases, the Commission shall recommend in writing, the making of such replacements, extensions, improvements, changes or additions, whereupon the City Council shall in its discretion proceed to make the same and to issue bonds or levy assessments upon benefitted property, as the case may be, to pay for the same, in whole or in part. Upon the completion of such replacements, extensions, improvements, changes or additions, the Commission shall have the full control and management thereof, including power to operate the same.

(d) To buy fuel, supplies and other materials.

(e) To fix and determine the rates and charges to be made for water, light, heat, power and other services furnished by said utilities, and to collect the same, and all other earnings and revenues of said utilities; provided, however, that whenever any new schedule of rates is adopted for any of the utilities, or any change or alteration is made in the existing schedules, affecting either in part, or all of the patrons of such utility, the Commission shall cause public announcements of such new schedule, or such change or alteration, to be made in the official newspaper of the City.

(f) To prescribe the time and manner in which payment for all such service shall be made, and to provide for the discontinuance or termination of such service in case of nonpayment, and in its discretion to require payment in advance for any or all of such service.

(g) To make and enforce reasonable rules and regulations pertain-

ing to such service and the distribution and use thereof, and the operation of such utilities, and to prescribe penalties for the violation thereof. Any and all rules, resolutions, regulations and ordinances which are now in force relating to the Water Works System, Storm and Sanitary Sewers, including Sewage Disposal Plant, the Electric Light Plant and Distribution System, and the Filtration Plant, and the Steam Heating System, of the City shall be deemed and considered adopted by the Commission and to be in full force and effect until repealed, altered, or amended by the Commission.

(h) To prescribe the form of books of account to be kept by the Commission, and also to prescribe and enforce such methods of accounting as it may deem necessary or proper.

(i) The Commission shall have the right to the reasonable use of the streets, alleys, and public grounds of the City for the purpose of maintaining and operating such utilities and for repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley or public ground is disturbed, the Commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.

(j) To make, perform and enforce contracts in the name and in behalf of the City, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein.

Section 8.—VOTERS TO APPROVE SALE, LEASE OR ABANDONMENT: (a) No sale, lease or abandonment of any public utility now or hereafter at any time owned by the City, nor any part thereof, shall be initiated unless said sale, lease or abandonment is first approved by a two-thirds vote of the members of the Utilities Commission, and a resolution to that effect adopted and approved by a two-thirds vote of such commission.

(b) If said resolution shall so be adopted by the Utilities Commission as hereinbefore stated, the same shall then be presented to the City Council for their approval and confirmation, which ac-

have the following powers and duties:

(a) The City Clerk of the City of Springfield shall be and act as Secretary of the Utilities Commission.

(b) He shall be the Chief Accounting Officer of the Commission and shall keep a complete set of books, showing in detail all of the business and financial affairs and transactions of the Commission.

(c) He shall be an employee of the Commission and shall perform such duties as may be required by the Commission.

(d) He shall be the custodian of all of the books, records and papers of the Commission, except as otherwise provided in this Charter.

(e) He shall be the Clerk of the Commission, shall attend to all of its meetings, and keep an accurate record of all of its proceedings in books to be provided therefor.

(f) He shall sign all orders on the Treasurer, but only when authorized so to do as provided in this Charter. He shall also sign any and all contracts authorized by the Commission, pursuant to the provisions of this Charter.

(g) He shall make a monthly report to the Commission, showing in detail, and classified as to funds, all moneys received and paid out in behalf of the Commission since his last monthly report, the balance to the credit of each fund, and the balance on deposit in each City Depository. To each monthly report shall be attached a detailed statement of all patrons who are delinquent in payment of their accounts, and the amount owing by each of them. Such report shall also contain any other information that may be required by the Commission.

(h) At the end of each fiscal year of the City, he shall make a written report to the Commission and to the City Council, showing in detail, and classified as to funds, all moneys received and paid out by the Commission for the fiscal year then ending; the balance to the credit of each fund; the balance on deposit in each city depository; and the character and amount of outstanding bonds or other funded obligations for the payment of which the Commission is primarily liable. The report

tion for sale, lease or abandonment of said utility shall also be adopted by the City Council by a four-fifths vote thereof, and shall not become effective until the same has been adopted by said four-fifths vote of the City Council, and shall have been submitted to the legal voters of the City of Springfield, at a regular or special election held thereon, and approved by a two-thirds vote of the electors voting thereon at such election.

Section 9.—OFFICERS: Immediately after their appointment and qualification, the Commission shall elect from their number, a President and a Vice President, who shall hold office until the regular annual meeting of the Commission, to be held one year thereafter from date of first election. At each annual meeting thereafter, the Commission shall elect from their number a President and a Vice President, who shall hold office for one year and until their successors are elected and qualify.

The City Clerk shall be the Secretary of the Commission, but shall have no vote nor dictate the policy of the Commission. The City Treasurer shall be the Treasurer of the Commission.

As soon as the Commission is organized, a Superintendent of Public Utilities shall be appointed by the Commission who shall hold office at the pleasure of the Commission.

Such other officers, and clerical help, as the Commission may deem necessary, or proper, shall be appointed from time to time, and the Commission shall prescribe the respective duties of such officers and clerical help, all of whom shall hold office at the pleasure of the Commission.

Section 10.—DUTIES OF THE PRESIDENT: The President shall preside at all meetings of the Commission and shall sign all orders on the Treasurer, and also all contracts authorized by the Commission.

Section 11.—DUTIES OF THE VICE PRESIDENT: The Vice President shall perform the duties of the President in case of the latter's absence or disability.

Section 12.—DUTIES OF THE SECRETARY: The Secretary shall

shall also show the nature and cost of any changes, improvements, or additions made during said year to the utilities under its control, and shall also set forth any other changes, improvements, or additions contemplated or under consideration by the Commission, with an estimate of the cost thereof. It shall also contain any other information that the Commission may deem to be of interest to the City Council. The Secretary shall also make such other and further reports as may from time to time be required of him by the Commission. All such reports shall be in such form as may be prescribed by the Commission.

(i) Copies of all reports made to the Commission, as provided in this Section, shall be furnished to the City Council.

Section 13.—DUTIES OF THE TREASURER: The powers and duties of the Treasurer shall be as follows:

(a) He shall receive and safely keep all moneys and funds belonging to the Commission.

(b) The Treasurer shall attend all meetings of the Commission, but shall have no vote on the Commission.

(c) He shall keep an accurate and detailed record of all moneys and property received or disbursed by him belonging to the Commission. He shall keep a separate account for each fund, and pay out no money, except upon an order signed by the President and Secretary of the Commission, as provided for in this Charter. He shall pay all orders out of the particular fund on which they are drawn, and no other; and shall refuse to pay any order when there is insufficient money in the fund on which it is drawn to pay the same.

(d) He shall deposit all moneys received by him, belonging to the Commission in some bank or banks designated by the City Council as a City Depository or depositories. All moneys shall be deposited in the name of the City of Springfield-Public Utilities Commission. He shall issue receipts for all moneys paid to him, which shall be in such form as may be prescribed by the Commission.

(e) He shall make a monthly report to the Commission, showing in detail, and classified as to

funds, all moneys received and paid out in behalf of the Commission since his last monthly report, the balance to the credit of each fund, and the balance on deposit in each city depository. To each monthly report shall be attached a detailed statement of all patrons who are delinquent in payment of their accounts, and the amount owing by each of them. Such report shall also contain any other information that may be required by the Commission.

(f) At the end of each fiscal year of the City he shall present a similar report to the Commission, showing in detail all receipts and disbursements of the Commission for the fiscal year then ending. He shall also make such other and further reports as may from time to time be required of him by the Commission. All of said reports shall be in such form as may be prescribed by the Commission.

(g) Copies of all reports made to the Commission as provided in this Section, shall be furnished to the City Council.

(h) He shall have such other powers and duties as may be elsewhere provided in this charter or as may be hereafter provided and ordered by the Commission.

Section 14.—DUTIES OF SUPERINTENDENT OF UTILITIES: The Superintendent of Utilities shall have the following powers and duties:

(a) He shall have charge of the physical property of the Commission and the operation of all utilities of the City, subject to the provisions of this Charter, and to any rules, regulations and directions given by the Commission.

(b) He shall attend all meetings of the Commission, with the right to take part in its discussion, but shall have no vote.

(c) He shall be the purchasing agent of the Commission, and shall have power and authority to make purchases for it, and to enter into contracts in its behalf, subject to the provisions of Sections 19 and 20 hereof, subject to such rules and regulations as may be from time to time prescribed by the Commission.

(d) He shall audit and approve in writing all bills and accounts before orders are drawn for their payment.

(e) He shall make such suggestions and recommendations to the Commission from time to time as he thinks proper, and the Commission may, whenever it sees fit so to do, refer any question or matter to the Superintendent for investigation and report.

(f) He shall perform such other duties as may be prescribed by this Charter, or required by the Commission, not inconsistent with the provisions hereof.

(g) He shall appoint all employees of the Commission whose appointment is not otherwise provided for in this Charter, or who are not appointed by the Commission under the provisions of Section 9 hereof, and prescribe their duties, and he shall also have the power to suspend or remove such employees so appointed by him at his pleasure.

Section 15.—FIDELITY AND SURETY BONDS: The Utility Commission may by resolution require the Treasurer and Secretary, and any or all other employees handling money and securities, to give bond to the Commission with sufficient sureties, in such amount as the Commission shall determine, conditioned for the faithful performance of the duties of their respective offices, and such other conditions as may from time to time be entrusted to them and required by the Utilities Commission. The Treasurer and Secretary shall each file his oath of office.

Section 16.—COMPENSATION OF OFFICERS AND EMPLOYEES: No salary or compensation shall be paid by the Commission to the Secretary and Treasurer, but the Commission shall pay to the City such shares of their salaries as may be agreed upon by the Commission and the City Council. In case of disagreement between the Commission and City Council, the share of said salaries to be paid by the Commission shall be determined by the Mayor.

The salary and compensation of the Superintendent of Utilities and of all other officers and employees of the Commission shall be fixed by the Commission.

Section 17.—REQUISITIONS: No order shall be placed or any purchase made for or on account of the Commission except upon writ-

ten requisition by the Superintendent of Utilities.

Section 18.—PURCHASES EXCEEDING \$3,000.00: Except as otherwise provided in Section 22, no purchase involving the expenditure of more than Three Thousand Dollars shall be made except upon public bids, and in all such cases public notice shall be given and bids invited for the same by advertisement published in the official paper of the City once in each week, for two successive weeks.

Section 19.—ALLOWANCE AND PAYMENT OF CLAIMS: Any account, claim, or demand against the Commission, except as otherwise provided in this Charter, shall be itemized and verified by the Affidavit of the claimant or his Agent, and shall be approved, examined, and audited, and the approval of the Superintendent endorsed thereon, in like manner in the case of accounts, claims, or demands against the City.

The Commission shall have authority to allow or disallow, in whole or in part, any account, claim, or demand, against the Commission, but shall have no authority to consider or allow any such account, claim, or demand, unless verified and approved as hereinafter provided.

Section 20.—MONEY HOW DISBURSED: No moneys shall ever be disbursed unless authorized by vote of the Commission, and then only upon an order signed by the President of the Commission and countersigned by the Secretary thereof, excepting that orders may be issued by the President and Secretary of the Commission and paid by the Treasurer, without authorization by the Commission, in the following cases:

(1) To pay the salaries and compensation of the officers and employees of the Commission where such salaries or compensation have been fixed by the Commission as provided in this Charter.

(2) To pay any account, claim or demand against the Commission that is subject to discount for payment within a limited time, but only in cases where such payment must be made, in order to obtain the discount thereon, before the claim, or demand can be submitted to the Commission for allowance in the usual way; but the

Commission may at any time, by resolution, suspend or terminate the authority granted in this Section to issue and pay such orders.

In all cases where orders are issued as hereinbefore provided, without allowance or express authority of the Commission, the Secretary shall make a report in writing to the Commission at their next meeting, showing in detail as to such order so issued, the number of the same, name of person to whom issued, the amounts, purpose for which issued, and the discount, if any, received on account of such payment.

Section 21.—ORDERS, HOW SIGNED—FORM: Every order, upon the Treasurer shall be signed by the President and countersigned by the Secretary of the Commission, and shall designate the purpose for which it is drawn, and the fund out of which it is payable and shall be payable only out of such fund. Every order shall be made payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement. No order on any fund shall be drawn unless there is to the credit of such fund money sufficient to pay the same, together with all orders previously issued against such fund.

Section 22.—REPORT, CONSTRUCTION AND OTHER WORK; HOW PERFORMED: In the initiation and performance of any repair, construction, or other work in connection with any of the utilities under its control, the Commission, in all cases where the estimated cost inclusive of labor and materials, shall exceed \$3,000.00, shall advertise for bids for doing the same in the manner hereinafter provided. When the estimated cost, inclusive of labor and materials, shall not exceed \$3,000.00, the Commission may call for bids in the same manner, or it may by unanimous vote of the entire Commission, either let a contract for such work without calling for bids, or direct that such work, or any part thereof, be done by day work, under the supervision of the Superintendent of Utilities, or some other officer designated by the Commission. In all cases where bids are to be received, and in all other cases, where the estimated cost, inclusive of labor and materials, shall exceed \$1,000.00, plans

and specifications for the proposed work shall be adopted by the Commission, and filed with the Secretary; and before any such work is actually undertaken a detailed estimate of the cost thereof shall be furnished to the Commission by the Superintendent of Utilities.

Section 23.—FUNDS, DIVISION THEREOF: The following funds shall be maintained, for which separate and distinct accounts shall always be kept.

(a) A general fund for each public utility, out of which shall be paid the ordinary and current expenses of such utility for the payment of which out of some other fund no provision has been made. Into this fund shall be paid the current income and revenues and all other moneys and revenues thereof not appropriated or payable to any other fund.

(b) A sinking fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, issued for or on account of any public utility, out of which shall be paid the principal thereof.

(c) An interest fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, issued for or on account of any public utility, out of which shall be paid the interest thereon.

(d) A Depreciation and Replacement Fund for each public utility, out of which may be paid the cost of repairing, replacing, reconstructing, or otherwise maintaining such utility or any machinery, equipment, or other article or thing pertaining thereto.

(e) The Commission from time to time hereafter may establish such other funds as in its opinion may be necessary or proper, and provide the means by which they shall be established and maintained and the disbursements to be made therefrom, and may make such other provisions with respect thereto as it deems proper.

Section 24.—INTEREST AND SINKING FUNDS: As soon as possible after this Charter takes effect, the Commission shall provide for, and at all times thereafter maintain, a sinking fund for each issue of such bonds or certificates of indebtedness with which to pay the principal thereof when

due, and also for an adequate interest fund for each of said issues to pay the interest thereon.

Whenever any bonds, certificates of indebtedness, or other funded obligations shall hereafter be issued by the City, for or on account of any public utility owned or operated by the City, which are properly chargeable upon or payable out of the earnings and revenues of such utility the Commission shall at the time of the issuance thereof provide adequate sinking and interest funds therefor, so as to insure the prompt payment when due of the principal and interest thereon.

Section 25.—DEPRECIATION AND REPLACEMENT FUND: As soon as possible after this Charter takes effect, the Commission shall provide, and at all times thereafter maintain a Depreciation and Replacement Fund for each utility under its control. Adequate depreciation shall at all times be charged upon all of the property of each utility; and all depreciation so charged shall be paid into the Depreciation and Replacement Fund of said utility at the end of each fiscal year, or more frequently in the discretion of the Commission; but the Commission may in its discretion discontinue, in whole or in part, payments into the Depreciation and Replacement Fund of any utility during the time when the amount in such fund equals or exceeds ten per cent of the cost of all of the property belonging to such utility as shown by the books of the City or Commission, after deducting therefrom any depreciation theretofore charged against the same.

Section 26.—TRANSFER OF FUNDS: The Commission may from time to time in its discretion transfer moneys from one fund to another, but shall have no authority to transfer any moneys or credits from or out of any sinking fund unless the amount to the credit of such fund is sufficient to pay all outstanding bonds or other funded obligations for which it was created, and then only as to such excess; nor to transfer any moneys or securities from or out of any interest fund unless the amount to the credit of said fund is sufficient to pay interest in full to maturity of all outstanding bonds or funded obligations for

which it was created, and then only as to such excess, nor to transfer any moneys or securities from or out of any Depreciation and Replacement Fund unless the amount to the credit of such fund equals or exceeds ten per cent of the cost of all property belonging to such utility as shown by the books of the City or Commission, after deducting therefrom any depreciation charged against the same, and then only as to such excess.

Section 27.—PRESENT INDEBTEDNESS CONFIRMED: All outstanding accounts, warrants or obligations of the City of Springfield arising out of the construction, addition, repair, replacement or changes to, on, or in the Electric Light Plant, Water Department or Steam Heating Department, at the time of the adoption of this Charter Amendment are hereby recognized to be general obligations of the City of Springfield, and are hereby in all respects recognized and confirmed as obligations of the City, and they are hereby declared to be primarily chargeable and payable out of the revenues and earnings of the respective utilities for which they are issued or incurred.

All future bonds, certificates of indebtedness or other funded obligations of the City, if and when incurred, shall be allotted to the respective Department herein created, and paid out of the respective fund, primarily liable for its retirement.

Section 28.—PAYMENTS TO CITY: In ample time before any payment of principal or interest shall be payable on any such bonds, certificates of indebtedness, or other funded obligations of the City, the Commission shall cause sufficient moneys to be transferred by it to the City out of the appropriate interest or sinking fund account, to pay the same.

Section 29.—INABILITY TO PAY: If at any time the Commission shall be unable for lack of funds or other reason to make such payments, in whole or in part, it shall give notice thereof to the City Council, and it shall thereupon be the duty of the City Council to make provision for the payment thereof as otherwise provided in this Charter.

Section 30.—INVESTMENT OF SINKING, INTEREST AND DEPRECIATION AND REPLACEMENT FUNDS: Sufficient moneys shall always be retained in each sinking and interest fund to provide for the prompt payment when due of the principal and interest of the obligations for which such fund was created, and there shall also be retained in each depreciation and replacement fund sufficient money for the reasonable requirements of such funds. Such moneys shall be deposited in the Depository or depositories of the City of Springfield designated by the City Council as otherwise provided in this Charter.

All moneys belonging to any interest or sinking fund or to any depreciation or replacement funds, not so deposited in a depository or depositories of the City, shall be invested by authority of the Commission in interest bearing bonds or other obligations of the kind and character specifically authorized by law.

Any bonds or other securities in any such fund may be sold or pledged by the Commission at any time, but any moneys received from the sale or pledge thereof shall remain a part of such fund and be deposited as hereinbefore provided.

Section 31.—GENERAL TRANSFERS OF MONEY TO GENERAL REVENUE FUND OF CITY: The Utility Commission shall at stated intervals, and when in their judgment surplus moneys have been accumulated in the various utility funds, not presently needed for repairs, replacements, additions, or the payment of outstanding bonds, warrants or certificates of indebtedness issued by said Commission, transfer and pay to the City Treasurer, at least 50 per cent of the net surplus of all utilities, as a minimum and not as a maximum, at quarterly intervals, such moneys to be used and expended by the City for such general municipal purposes as the Council may direct.

Section 32.—INVESTMENTS BY WHOM AUTHORIZED: No investment of any moneys belonging to any such fund shall be made except by resolution adopted by the unanimous vote of the Commission. In order that loss on account may be avoided, it is hereby made the

duty of the Commission to make careful inquiry and investigation as to the security of any such investment before the same is made.

Section 33.—TREASURER RELEASED FROM LIABILITY: In all cases where any moneys belonging to any such fund are invested in any bonds or other obligations of the character authorized by this Charter, for the investment of the General, Sinking, Interest or other permanent funds of the City, and such investment is made by authority of the Commission, the City Treasurer and the sureties on his official bond shall be exempt from all liability for the loss of the moneys so invested, by reason of the non-payment of the principal or interest, or depreciation in the market value thereof.

Section 34.—PENALTY FOR VIOLATION: Any member of the Commission, or other officer of the Commission, who shall recommend or authorize, or vote to authorize the investment of any moneys belonging to any sinking, interest, or depreciation and replacement fund of the Commission in any bonds or other obligations or securities other than those specifically mentioned in this Charter, shall be personally liable for any loss or damage occasioned the City by reason of such investment.

CHAPTER 16

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 1.—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, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this Charter or by the laws of Minnesota. It shall annually designate a newspaper of general circulation 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 in this manner. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initia-

tive, referendum, and recall petitions, election notices, and such other measures as it may deem wise by the posting of typewritten, mimeographed, or printed copies thereof upon at least six bulletin boards, three in each ward of said city, located in the most public places of the city, at important street intersections, at the fire station, the city hall, and so on, and 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. Wherever in this Charter there is a requirement of the publication of any matter or measure, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution, or the statutes of the state, in any matter which is of state concern or which is exclusively under state control.

Section 2.—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 3.—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. 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 utility corporation or the owner of any public utility or

franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted to 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, personally, or as a 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 4.—OFFICIAL BONDS: 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 city clerk, except the bond of the city clerk, which shall be filed with the city treasurer.

Section 5.—CITY PROPERTY NOT LOST BY ADVERSE POSSESSION: No right, title, estate, or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall be operative against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

Section 6.—SALES OF REAL PROPERTY: No real property of the city shall be disposed of except by ordinance or resolution, or as otherwise provided in this Charter. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this, or other property, used for the same public purpose; but if there be no such outstand-

ing indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Section 7.—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 and subject to popular referendum. A record of such vacation shall be made in the office of the register of deeds of the county.

Section 8.—DAMAGE SUITS: No action shall be maintained against the city on account of any injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, and unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred and that the person injured or damaged will claim damages of the city therefor.

Section 9.—RECOVERY OF JUDGMENT FOR DAMAGES: If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening, or defect in any street or alley 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 10.—CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF CITY UNDER ITS FORMER CHARTER: The City of Springfield shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the City under its former charter, under the name of the City of Springfield.

Section 11.—PRESENT OFFICERS TO HOLD OFFICE UNTIL WHEN: The present officers of the city shall continue in their respective offices until their respective terms

of office have expired. The present city council shall make such financial and other provisions for the fiscal year of 1951 as will serve to carry on the government of the City until a government has been set up under this amended charter, and, if necessary, the city council shall make provision for the annual municipal election as provided in Chapter 5 of this amended charter.

Section 12.—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 cities of the same class as the City of Springfield, operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Springfield, and shall be construed as supplementary to the provisions of this Charter.

Section 13.—EXISTING ORDINANCES CONTINUED: All ordinances and regulations of the City in force when this amended charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed.

Section 14.—PENDING CONDEMNATIONS AND ASSESSMENTS: Any condemnation or assessment proceeding 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 thereof enforced in the same manner as if this amended Charter had not been adopted.

Section 15.—ORDINANCES TO MAKE CHARTER EFFECTIVE: The council is hereby empowered to and it shall by ordinance make such regulations, and do and perform all acts and things as may be necessary to carry out and make effective the provisions of this amended charter immediately upon its adoption by the voters of the city.

Section 16.—PREVIOUS CITY CHARTER REPEALED: Upon the adoption and the taking effect of this amended charter, the present city charter, adopted in 1923, and all subsequent amendments thereof, is and are hereby repealed.

CERTIFICATE OF CHARTER COMMISSION

We, the undersigned Charter Commission of the City of Springfield, Minnesota, duly appointed by the Judges of the District Court in and for the Ninth Judicial District of Minnesota, having heretofore prepared proposed amendments to the present charter of this City and having submitted the same to the City Council of this City, with the recommendation that the entire city charter be revised and re-written, incorporating said proposed amendments in said revised city charter, and that said amended and revised city charter be submitted to the voters of this City by the City Council; and the City Council having approved the revision of the city charter as so requested;

Now, therefore, under the power conferred upon us as aforesaid we

do hereby submit the foregoing proposed amended charter for the City of Springfield, and do deliver the same to the Honorable August H. Wild, Mayor and chief executive of this city, to be submitted to the qualified voters of the city in the manner prescribed by law.

Dated at Springfield, Minnesota, this 15th day of May, 1950.

Fremont Schmidt
A. S. Birkemeyer
Arion O. Forster
Alfred J. Lehrer
B. J. Engelen
Norman Gatzlaff
Harry Peichel
Burt R. Parsons
Carl W. Runck
Walter M. Ochs
Phillip E. von Fischer
J. R. Steenhoven
N. V. Swanbeck

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SEE
OVERSIZED
DOCUMENT(S)

11170

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NOTICE OF SPECIAL ELECTION
To the Electors of the City of Springfield, Minnesota:
ROBERT H. HERRICK, Mayor, has a special election to be held on the 11th day of June, 1900, at 10 o'clock A. M., for the purpose of electing a Mayor and a Board of Aldermen, to serve for the term of one year, to begin on the 1st day of July, 1900. The names of the candidates for Mayor and Aldermen are as follows: Mayor, Robert H. Herrick; Aldermen, John J. ...
A. G. HERRICK,
City Clerk.

SPRINGFIELD ADVANCE-TRIBUNE, SPRINGFIELD, MINNESOTA, THURSDAY, JUNE 28, 1900. PAGE SEVENTEEN

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Proposed Amended Charter
OF THE
CITY OF SPRINGFIELD
BROWN COUNTY, MINNESOTA

CHAPTER I.
NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS.
Section 1.—NAME AND BOUNDARIES. The name of the City shall be Springfield, and its boundaries shall be as follows: ...
Section 2.—POWERS. The City shall have the power to ...
Section 3.—GENERAL PROVISIONS. ...

CHAPTER II.
OFFICERS AND ELECTIONS.
Section 4.—MAYOR. The Mayor shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...
Section 5.—ALDERMEN. The Board of Aldermen shall consist of five members, to be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...
Section 6.—CITY CLERK. The City Clerk shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...

CHAPTER III.
FINANCE.
Section 7.—TOWN OF GOVERNMENT. The City shall be a town of government, and shall have the power to ...
Section 8.—CITY MANAGER. The City Manager shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...
Section 9.—CITY CLERK. The City Clerk shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...

CHAPTER IV.
PROCEDURE OF COUNCIL.
Section 10.—CITY CLERK. The City Clerk shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...
Section 11.—CITY CLERK. The City Clerk shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...
Section 12.—CITY CLERK. The City Clerk shall be elected by the electors of the City for a term of one year, to begin on the 1st day of July, 1900. ...

clerk shall prepare the estimates for the annual budget and submit it to the council for approval. The estimates of expenditures shall be arranged for each department or division of the city under the fol-

following: (1) ordinary operations (for operation, maintenance and repairs); and (2) capital outlays (for new construction, new equipment, and all improvements of a lasting character), including the budget for the Planning and Development Commission.

and established by Chapter 9 of this charter. Out-of-pocket expenses shall be subdivided into (a) Salaries, with a list of all salaried officers and the number of persons holding each; (b) Wages; (c) Priv-

ing, navigation, customs, telegraph, express and freight charges, and other like items; (d) Supplies and repairs, with sufficient detail to be readily understood; and (e) an account to be levied for the maintenance of a seafarers' fund.

and the principal items of income and expense shall be clearly shown. In parallel columns shall be added the amounts projected and the amounts expended under similar heads for the past two completed fiscal years, as far as available. For the present year

In addition to the estimates of expenditures, the estimate shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balance.

With the same information, no fee is permitted, for the current fiscal year, and an estimate of the revenues for the coming fiscal year. The statement of revenues for each year shall specify the following items: Taxes, Licenses, Fees, and other income.

ing, (b) flag, (c) foot, (d) interest, (e) miscellaneous not included in the foregoing; (f) notes and receipts, (g) earnings received from the Public Utilities Commission, under Chapter 23 of this chapter, (h) special assessments,

and (1) sales of books and other publications. Such estimates shall be printed or typewritten, and there shall be at least twelve copies, one for each of the councilmen, one for the city clerk, one for the city mayor, one for the city treasurer and one for the city auditor.

Section 5.—LEVY FOR MUNICIPAL, HAND AND MUNICIPAL HAND CONCERTS: The City Council may

by a majority vote levy a tax on the assessed valuation of the taxable property of the City for the maintenance of a municipal hospital the giving of public bond contracts within the city limits. The amount of the mill tax levy for

Section 7.—PASSAGE OF THE
BUDGET: The budget shall be the

principal item of business at the first regular meeting of the council in August of each year, and the council shall hold adjourned meetings from time to time until all the aforesaid 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 an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full and the city clerk shall

equals the various fees thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing

legal 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. The total sum appropriated shall be less than the total collected revenue.

by a safe margin. The council then adopted the budget resolution and later than the first day of October in each year.

Section 8.—ENFORCEMENT OF BUDGET: It shall be the duty of the city clerk to enforce strictly

the provisions of the budget. He shall not appear any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for an 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. No office or employee of the city shall place any order or make any purchase except for the purpose

and to be strenuously maintained in the budget. Any obligations incurred by any person in the employ of the city for any purpose not authorized in the budget, or for any amount in excess of the amount thereon authorized, shall

Section 8—ALTERATIONS IN THE BUDGET: After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed

...the estimated revenues, unless the actual receipts shall exceed such estimate, and in that event not beyond such actual receipts. The amount in the budget shall be and become appropriated at the

beginning of the fiscal year for the several purposes named therein, and so 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

Section 12.—LEVY AND COLLECTION OF TAXES: On or before the first day of October of each year the council shall levy by res-

estimate the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to

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State of Minnesota, }
County of Brown. } ss.

I hereby certify that the annexed copy of an Amended Charter for the City of Springfield, Brown County, Minnesota, was duly delivered by the Board of Freeholders appointed by the Judge of the District Court of this District, to the City Council of the City of Springfield, on June 12th., 1950; and that at a regular meeting of the City Council held on said date, a Special Election was duly ordered and called for the express purpose of voting on the adoption of said Amended Charter, the said election to be held in the City of Springfield on Tuesday, the 25th day of July, 1950, between the hours of Seven o'clock A. M., and Eight o'clock P. M. on said day; that Notices of said Special Election were duly posted at three principal places in the City at least ten days prior to said election date, as appears by the affidavit of A. C. Mueller, City Clerk of the City of Springfield, which affidavit is of record and on file in his office; that said Notice of Election was also published in the Springfield Advance Press the official newspaper for said City once each week for four successive weeks, the first of which publications was made on Thursday the 22nd., day of June, 1950, and thereafter on Thursday each week to and including Thursday, the 13th., day of July, 1950, all as more particularly appears from the affidavit of publication on file in the office of the City Clerk.

That the polls were opened at Seven o'clock A. M. on said July 25th., 1950, the day of said election, and were kept open continuously until Eight o'clock P. M. of that day; that thereafter and on July 27th., 1950, the City Council met as a canvassing board and duly canvassed said Special Election, and found that there were cast at such election a total of 457 votes, of which number 299 were cast in favor and 158 against the adoption of said Amended Charter, and that said Amended Charter was duly ratified and adopted at such election.

Witness my hand and the corporate seal of the City of Springfield, Brown County, Minnesota, this 27th., day of July, 1950.


August Wild,
Mayor of the City of
Springfield, Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 27 - 1950

Secretary of State

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