

CHARTER AMENDMENT

Amend Sections 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 32, 36, 37, 39, 42, 48, 49, 50, 53, 58, 61, 62, 80, 90, 100 and 108 so as to read as follows, and repeal all the present provisions of said sections not hereinafter set forth; and repeal Sections 91, 92, 93, 94, 95, 96, 97 and 98 in their entirety.

Section 2. The government provided for by this charter shall be known as the mayor-council form of government. The Mayor shall be aided by an Administrative Assistant who, in the performance of his duties, shall be responsible to the mayor. The council shall have nine (9) members, four (4) elected from the city at-large and five (5) from geographical districts.

The city is hereby divided into five (5) councilmanic districts numbered from one (1) to five (5) consecutively, and until changed pursuant to the provisions of this charter, each councilmanic district shall consist of the following election districts existing and established at the time of the adoption of this amendment.

District No. 1 shall consist of election districts numbered 1, 2, 3, 4, 5, 6, 7, 8, 11 and 13.

District No. 2 shall consist of election districts numbered 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

District No. 3 shall consist of election districts numbered 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41.

District No. 4 shall consist of election districts numbered 29, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58.

District No. 5 shall consist of election districts numbered 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75.

On July 1st in each even numbered year the City Clerk shall make an examination of the voters registry of the city and if the number of registered voters in any one councilmanic district exceeds the number of registered voters in any other councilmanic district by thirty (30) per cent, it shall be the

duty of the city clerk to notify the council thereof. Within six months after receiving such notification from the clerk it shall be the mandatory duty of the city council to redistrict the city by ordinance. Each councilmanic district shall consist of contiguous territory and contain as nearly as possible a number of registered voters equal to the factor obtained by dividing by five the total number of registered voters of the city. If at the expiration of the six months period the council has failed to redistrict the city as herein required, the members of the council shall not receive any salary until the council shall have adopted such ordinance, which may not be vetoed by the Mayor. If, in any such redistricting, the residence of any district councilman is placed outside of the enumerated district from which he was elected, the office shall not be deemed vacant on that account and he shall continue to serve out the term for which he was elected.

The councilmanic districts are established herein solely for the purposes of electing district councilmen. The administration of the city shall never be divided, nor any facility ever provided, nor any appropriation ever made upon a councilmanic district basis.

The terms of office of the mayor and councilmen shall be for four (4) years and until their successors are elected and qualified, except that a special municipal election shall be held the first Tuesday occurring not less than sixty-five (65) days after the adoption of this amendment at which election two (2) councilmen-at-large and the two (2) councilmen from the even numbered districts shall be elected to serve until the general municipal election in 1957, and the mayor, two (2) councilmen-at-large and the three (3) councilmen from the odd numbered districts shall be elected to serve until the general municipal election in 1959. Candidates for councilman-at-large shall be designated as short and long term candidates respectively.

Section 3. The Mayor and councilmen shall be subject to the control and direction of the people at all times by the initiative, referendum and recall provided for in this charter. The Mayor, Administrative Assistant and councilmen shall not hold any other public office, Notary Public excepted, during their tenure as Mayor, Administrative Assistant or Councilmen. The Administrative Assistant shall be a full-time officer of the City. The Mayor shall not engage in any other occupation during business hours.

Section 4. The office of mayor or councilman shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from office, removal from the City or the District except as in Section 2 provided, continuous absence from the City for more than three (3) months, conviction of a felony, or violation of any of the duties of office, which, by the provisions of this charter, render the office vacant.

If any such vacancy occurs (other than by recall or resignation after recall petition is filed), the council shall without delay appoint an eligible person to fill the same until the next municipal election, when the office shall be filled by election for the unexpired term.

In the absence or disability of the Mayor, his office shall be filled by an Acting Mayor who shall be appointed by the Mayor from the councilmen-at-large after each general municipal election. Should the Mayor become disabled or absent for more than ten days without having appointed an Acting Mayor, the district councilmen shall, by a majority vote, appoint one of the councilmen-at-large as Acting Mayor. The appointment of a councilman as Acting Mayor shall not be deemed to create a vacancy in the office of councilman-at-large, but while serving as Acting Mayor he shall not perform his duties as a member of the council. His only compensation shall be that of a councilman.

Section 5. The salary of the mayor shall be twelve thousand (\$12,000) dollars, unless and until increased by the council.

The council shall provide in the annual operating budget a contingent fund of two thousand (\$2,000) dollars, which may be expended by the mayor for such public purposes as he may deem proper.

The appointed Administrative Assistant shall be paid a salary of not less than ten thousand (\$10,000) dollars per annum, and in an amount to be fixed by the Mayor with the approval of the council.

The council shall not decrease the salary of any mayor or incumbent administrative assistant, except prior to the general municipal election, and to take effect at the beginning of the next term of office for mayor.

The councilmen shall be paid as a salary twenty-five (\$25.00) dollars

for each council meeting they attend but in no case shall they receive more than one thousand (\$1,000) dollars in any one (1) year.

Section 6. All legislative powers of the City shall be vested in the City Council and shall be exercised by it in the manner and subject to the limitations hereinafter set forth. The councilmen shall meet at the Council Chamber at the City Hall for organization at 7:00 P.M. on the second Monday following each general municipal election, at which time it shall elect one councilman as President and one of its members as Vice President. The City Clerk shall be Secretary of the Council unless the council by a two-thirds (2/3) vote shall determine to elect and employ another as Secretary of the Council, who shall not be selected from its own membership. The council shall determine its own procedure.

Section 7. All meetings of the council shall be public. It shall keep a journal of its proceedings which shall be a public record. The council shall hold at least one regular meeting semi-monthly and shall fix the date of all regular meetings. Special meetings of the council may be called by the President of the council, or the mayor, and shall be called by the President upon petition of a majority of all members of the council. At any meeting of the council six members shall constitute a quorum, but a less number may adjourn from time to time. The council shall provide, by ordinance, a means by which a minority may compel the attendance of absent members. All councilmen including the president, shall be entitled to vote in the council at all times. Any administrative officer of the city in matters relating to the functions of his office, and the mayor at any time, shall have the right to attend any meeting of the council, or any of its committees, and may express his views on matters pending before the council, but he shall have no right to introduce any motion, resolution or ordinance, or amendments thereto, nor to vote thereon. The manner in which each member of the council votes upon all propositions shall be entered upon the journal of the proceedings.

The council shall have the power to conduct investigations of the operation of any office or department administering the affairs of the city, or on any subject upon which it may legislate. In conducting investigations the council

shall have the right to administer oaths, subpoena witnesses and compel the production of books and papers pertinent thereto.

The council may provide, by ordinance, that the failure or refusal of any person to appear and testify, or to testify falsely, shall be a misdemeanor and shall be punishable after conviction therefor in a court of law.

For the purpose of conducting inquiries and investigations the council may employ and fix the compensation of counsel, experts, and employees, and authorize such other expenditures as it deems necessary.

Section 8. Except as in this charter otherwise provided, all legislation and appropriations of money shall be by ordinance, save that where obligations have been incurred by ordinance, payment thereof may be ordered by resolution, and save also that licenses may be granted, and the powers conferred by Chapter IX hereof exercised, by resolution. The council may by ordinance authorize executive and administrative officers of the City to issue licenses and permits, except when statutes require licenses to be granted by the council, and to make contracts involving less than Two Thousand (\$2,000) dollars pursuant to appropriations made by ordinance. Every ordinance and resolution shall be in writing, and read in full at a council meeting before a vote is taken thereon; and upon every such vote the ayes and nays shall be called and recorded.

Section 11. Every ordinance, other than emergency ordinances, shall have three public readings, not more than two of which shall be on the same day. At least three days shall elapse between the introduction and the final passage of any ordinance, except as otherwise provided in this charter. Every ordinance appropriating money in excess of \$2000.00, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the City in excess of \$2000.00, shall remain on file at least one week before its passage, except an emergency ordinance or resolution. 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 and declared in a preamble thereto, separately voted on, and receiving the affirmative vote of all members of the council; provided that no grant of any franchise shall be construed to be an emergency ordinance

or resolution. An emergency ordinance may be enacted without previous filing.

Section 12. Ordinances and resolutions adopted by the council shall be submitted to the Mayor and he shall, within ten (10) days after receiving any ordinance or resolution, either approve the same by affixing his signature thereto, or return it to the Council by returning it to the Secretary of the Council, together with a statement setting forth his objections thereto. No ordinance or resolution shall take effect without the Mayor's approval unless the Mayor fails to return the ordinance or resolution to the Council within ten (10) days after it has been presented to him, or unless the Council upon reconsideration thereof on or after three (3) days following its return by the Mayor, shall by a vote of not less than six (6) of the members thereof resolve to override the Mayor's veto. The mayor may veto in like manner any individual item of expenditure in any appropriating ordinance and approve the balance of such appropriating ordinance.

Section 13. Every ordinance shall be published at least once in the official paper of the City within ten days after its passage and approval.

Section 15. Ordinances making the annual tax levy, ordinances relating to local improvements and assessments, and emergency ordinances, shall take effect immediately upon their passage and approval. All other ordinances enacted by the Council shall take effect thirty days after the date of their last publication, as required by this charter, unless a later date is fixed therein, in which event they shall take effect at such later date.

Section 18. All executive and administrative powers of the City shall be vested in and exercised by the Mayor, the Administrative Assistant and such other officers as may be established by or pursuant to the provisions of this charter. The Mayor shall be the chief executive officer of the City. The Mayor shall:

- (a) Exercise directly, or with the assistance of the Administrative Assistant, supervision of all of the executive and administrative work of the City and provide for the coordination of administrative activities;
- (b) See that the provisions of this charter, the ordinances of the City and all laws are enforced;

- (c) Appoint the Administrative Assistant;
- (d) Appoint, with the approval of the council, the members of all non-salaried boards and commissions established by ordinance pursuant to the provisions of this charter;
- (e) Remove at his pleasure all officers appointed by him, without Council confirmation, except members of non-salaried boards who have been appointed for a definite term;
- (f) Submit annually to the Council for its consideration and approval an operating budget;
- (g) Recommend to the Council a pay plan for all officers and employees;
- (h) Sign contracts, bonds or other instruments requiring the assent of the city, except those which other officers are authorized to sign;
- (i) See that the terms and conditions of all contracts are faithfully executed;
- (j) Upon service of notice, summons or process upon him, in any action or proceedings against the City, notify the City Attorney and forthwith inform the Council thereof in writing;
- (k) Exercise such other powers and perform such other duties as may be prescribed by this charter, by ordinance or by applicable state law.

The Mayor may present to the Council messages or information which, in his opinion, are necessary or expedient, attend Council meetings, have a voice in the proceedings, veto ordinances and resolutions.

Neither the Council, nor any of its members, shall direct or request the appointment of any person to, or his removal from office by the Mayor or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City, except as otherwise provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the Mayor, and neither the Council, nor any member thereof, shall give orders to any subordinate of the Mayor either publicly or privately. Any councilman violating the provisions of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

Section 19. There is hereby established the office of Administrative Assistant, who shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at his pleasure. The administrative assistant shall be the Mayor's principal assistant. He shall be appointed solely on his ability to perform the duties and functions of his office, as set forth in this charter, and shall have had, during the ten years immediately preceding his appointment, at least five years of successful experience as an executive or administrator such as would qualify him for the performance of these duties. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the City. Should the Mayor fail to appoint an Administrative Assistant within ninety days of the effective date of this amendment, or within ninety days of the occurrence of any vacancy in the position, the Council shall make the appointment of an individual meeting the qualifications set forth in this charter. The Mayor may assign any other officer or employee of the City to perform the duties of the Administrative Assistant during the vacancy of that office or absence or disability of that officer. The Administrative Assistant, under the supervision of the Mayor and subject to direction by the Mayor, shall supervise the heads of all department, except the City Attorney; appoint, with the approval of the Mayor and the Council, and remove, with the approval of the Mayor, the heads of all departments; inform himself and keep the Mayor advised concerning the activities of all offices, departments and boards and make, or cause to be made, investigations and studies of the internal organization and procedure of any office or department, and may require such reports from any of them which he deems necessary; prescribe accepted standards of administrative practice to be followed by all offices and departments; prepare the annual operating and capital budgets, and supervise the execution of budget ordinances; make information available to the Mayor, the Council and the public concerning the current status of the financial affairs of the City and all offices, departments and boards receiving appropriations from the City; attend meetings of the Council at its request, and make available such information as it may require; perform all other duties required of him by this charter, or by ordinance or assigned to him in writing by the Mayor.

The Mayor, by prior written notice directed to the Administrative Assistant, may relieve the Administrative Assistant of any duties, powers or responsibilities granted the Administrative Assistant by the terms of this charter. Such written notice, signed by the Mayor, shall be filed with the City Clerk as a document of public record.

The Administrative Assistant is forbidden to use his official authority or influence for the purpose of interfering with an election or a nomination for municipal office or affecting the result thereof, or directly or indirectly to coerce, attempt to coerce, command or advise any other appointed municipal officer or servant or employee, to pay, lend or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. The Administrative Assistant is forbidden to make any such contributions for political purposes. The Administrative Assistant is forbidden to take any active part in political management or in political campaigns, although he shall retain the right to vote as he may choose and to express his opinions on all political subjects and candidates.

The sole ground for removal of the Administrative Assistant and his discharge from the office of Administrative Assistant by the Council shall be the finding by the Council, based on due proof submitted to the Council upon a hearing held upon notice for that purpose, that the Administrative Assistant has violated these terms of the Charter restricting his political activity.

Section 20. The administration of the city shall be distributed among not to exceed nine departments. Within six months of the effective date of this amendment the Council, upon recommendation of the Mayor, shall, by ordinance, provide for the distribution of duties among administrative departments and until that is accomplished, administrative functions shall be carried out by existing departments or agencies.

Section 21. At the head of each department there shall be an officer of the City, who shall have control and direction of the department subject to the general supervision of the Administrative Assistant. The head of each department shall, with the approval of the Administrative Assistant, have the power to appoint and remove all officers and employees of the department

subject to the civil service provisions of this charter. Two or more departments may be headed by the same individual and the Administrative Assistant may head one or more departments, and heads of the departments may also serve as chiefs of divisions thereof as may be established by ordinance, upon recommendation by the Mayor. Pending the passing of an ordinance or ordinances distributing the work of departments under the supervision and control of the Administrative Assistant among specific divisions thereof, the Administrative Assistant may establish temporary divisions. The authority herein conferred upon the Administrative Assistant is granted subject to the limitations contained in Sec. 19 of this charter.

Each department head shall possess the necessary qualifications to insure efficient administration of such department. The Council may by ordinance establish appropriate minimum qualifications for department heads.

Section 22. All persons employed by the City, whether officers or otherwise and paid either in part or in whole by appropriations made by the Council, except those whose compensation is fixed by this charter or by statute, shall be compensated only in accordance with a pay plan or plans recommended by the Mayor and adopted by ordinance. For employees subject to the civil service provisions of this charter, such pay plan or plans shall conform to the classification established thereunder.

Section 23. The administrative organization of the City shall always provide for the following officers which may or may not be made Heads of Departments: a Clerk, an Auditor, a Treasurer and an Assessor. The Clerk shall be the secretary of the council, unless the council shall elect to appoint a separate officer as Secretary of the Council under the provisions of Section 6 of this charter, and shall perform such duties as are usually performed by clerks of municipal corporations, and all such as are required by the laws of the State, and by this charter, and, in addition, shall perform all such other duties as are required of him by the Council. He shall be the custodian of the official seal of the City.

Section 25. The Treasurer shall be the custodian of the funds of the City, and shall perform such duties as shall be required by the Mayor, the Administrative Assistant, or by ordinance.

Section 26. The Mayor, with the approval of a majority of members of the Council, shall appoint a City Attorney. The Attorney shall be the legal advisor of the Council and of the officers of the City. He shall, under the direction of the Council, prosecute all suits for, and defend all suits brought against, the City, and shall prosecute all persons accused of any violation of the City ordinances. He shall perform such other and further duties as are required by the laws of the State, by the provisions of this charter, or by the Council. The Council may employ special counsel to assist the attorney in special matters at a compensation to be fixed in advance, and by a two-thirds ($2/3$) vote of its entire membership may employ special counsel for itself. The Attorney shall have the power to appoint and remove his own assistants. The Attorney and each of his assistants shall be citizens of Duluth, and attorneys admitted to practice in all of the courts of the State of Minnesota.

Section 27. The council may provide, by ordinance, for appropriate non-salaried boards or commissions as it shall deem advisable to serve in an advisory capacity, or to perform quasi-judicial functions, or to act as a board of appeal in the administration of regulatory ordinances, or any combination thereof. Among such boards the council shall provide for a Planning Commission, Building Code Appeals Board, a Board of Zoning Appeals, an Airport Board, a Library Board and an Alcoholic Beverage Board. The appointive members of such boards shall be appointed by the Mayor subject to the approval of the Council.

Section 28. Every officer, before he enters upon the duties of his office, shall make and file with the Clerk an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and to perform faithfully, honestly and impartially the duties of his office.

Section 29. The Council may require any of the officers of the City to give to the City such bonds for the performance of their several duties, as it shall see fit. Such bonds shall be bonds of a surety corporation, and the cost thereof shall be paid by the City. All bonds of any of the officers of the City shall be approved by the Council. All other bonds shall be approved by the Mayor. All bonds shall be approved as to form by the Attorney, and

shall be filed with the Auditor.

Section 31. Within one of the departments authorized in Section 20 of this charter the council shall, by ordinance, establish a Division of Procurement and Purchases and a Board of Standardization, or the city may contract with any other local governmental Subdivision for the services of any existing purchasing and procurement agency, or to establish a joint purchasing and procurement agency.

The council shall regulate the making of bids and the letting of contracts by ordinance subject to the following conditions:

(a) In all cases of work to be done by contract or the purchase of property of any kind, or the rendering of any service to the city other than professional services, competitive bids shall be secured before any purchase is made or any contract awarded;

(b) When the amount involved is one thousand (\$1,000) dollars or less bids may be solicited by notice posted on a public bulletin board for at least three days and by mail to known prospective bidders;

(c) When the amount is more than one thousand (\$1,000) dollars bids shall be advertised by a notice to be published in at least two issues of the official paper of the city;

(d) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice and all original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of the permanent file or record and shall be open to public inspection;

(e) The awarding of contracts of two thousand (\$2,000) dollars or less may, by ordinance, be delegated to administrative officers. Contracts involving more than Two thousand (\$2,000) dollars shall be awarded only after authorization by the Council;

(f) The council may reject, or by ordinance authorize administrative officers to reject, any and all bids;

(g) Contracts shall be let to the lowest responsible bidder and purchases shall be made from the responsible bidder who offers to furnish the article desired for the lowest sum;

(h) In determining the lowest responsible bidder, in addition to price, the following may be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid.

(i) Specifications shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment, and competitive bids shall be secured before purchase by contract or otherwise is made, provided, however, that unique or non-competitive articles which are determined by the Standardization Board, subject to the approval of the Council, to be sufficiently superior for the service intended by the city, may be purchased without regard to other bids.

Section 32. All written contracts, bonds and instruments of every kind and description, to which the City shall be party, shall be executed in the name of the City by the Mayor or other officer designated by ordinance for that purpose, and shall be attested by the Clerk, and, when necessary, shall be acknowledged.

Section 36. The Board, with the approval of the Council, shall make rules and regulations for the proper conduct of its business, and shall provide for

the classification of all employees, except day laborers and the officers mentioned in Chapter IV (Sections 18 through 34, inclusive) of this charter, officers of election boards and special policemen, special detectives and other temporary employees; for open competitive and free examination as to fitness; for an eligibility list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record. Employees within the scope of this chapter, who are in office at the time of the adoption of this charter, shall retain their positions, unless removed for cause. The council may, by ordinance, confer upon the Board such further rights and duties as may be deemed necessary to enforce and carry out the principles of this chapter.

Section 37. A municipal election shall be held on the first Tuesday of April, A. D. 1917, and on the first Tuesday of April in each second year thereafter, which shall be known as the general municipal election. All others shall be known as special municipal elections. Each officer elected under this charter shall assume the duties of the office to which he is elected on the second Monday next succeeding his election, at seven p.m.

Section 39. On the second Tuesday in March of each year in which a general municipal election is to be held and on the twenty-first day preceding any special election for the election of officers, except a recall election, a primary election, or election of nominees to the several offices to be filled at the coming general or special municipal election, shall be held. The names of persons to be voted for at the primary election shall be selected in the following manner.

Not less than thirty (30) days before any primary election any person who is a citizen and legal voter of the City of Duluth and of the district from which he seeks election may file with the City Clerk his application to have his name placed upon the ballot at the coming primary election as a candidate for the nomination for any office to be filled at the election on account of which such primary is to be held. He shall accompany his application with a fee of \$25.00 to be paid into the city treasury and credited to the general fund. He shall also accompany his application with

an affidavit to the effect that he is a citizen of the United States and a legal voter in the City of Duluth, and the district from which he seeks election, and his application shall distinctly state the office for which he wishes to become a candidate. The clerk shall file all such applications in his office where the same are accompanied with the requisite fee and affidavit.

Section 42. Upon the receipt of the full returns from any primary election, the city clerk shall proceed to canvass and determine the result. For that purpose, he shall call to his assistance, the city auditor and one of the councilmen-at-large. A full count of the votes cast at the primary election as shown by the several precinct returns shall be made and the results shall be entered on a sheet prepared for that purpose containing the names of all the persons voted for as candidates at the primary, and showing the number of votes cast for each in separate columns. Such sheet shall be signed and certified to as correct by the clerk, auditor and councilman-at-large acting as a canvasser and shall be filed in the office of the city clerk.

From the result of the primary election as so determined by the canvassing sheet filed in his office, the city clerk shall prepare the necessary ballots on which the votes shall be cast at the coming election.

To ascertain the nominees whose names shall be placed upon the election ballot, the clerk shall be guided by the following determinations and rules, except as herein otherwise provided:

(a) The two candidates for nomination for each municipal office, who receive the highest number of votes ascertained as hereinafter provided for, shall be the nominees for such office and their names shall be placed upon the general election ballot.

(b) When two persons are to be elected for the office of councilman-at-large for a full term at the general municipal election, or when two persons are to be elected for the office of councilman-at-large for unexpired terms at such election, the nominees to be placed upon the general municipal election ballot shall be twice the number of persons to be elected to such office and who have received the highest number of votes at such primary

election as so ascertained; provided, that when only two persons have filed for nomination for any municipal office, or not more than twice the number of persons to be elected to any office file for the nomination thereof, their names shall not be placed upon the municipal primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such nominees.

(c) There shall be placed upon the election ballot not more than two nominees for any office to be filled at such election.

The two candidates for nominees for an office who have received the largest number of votes shall be the nominees for such office.

Every ballot shall contain a blank space for each office for which there is a candidate, so that any voter may write therein, the name of any person not appearing on the ballot as a candidate.

Section 48. The council of the City of Duluth shall constitute the canvassing board for the canvass of the votes, and the determination of the result of every general or special municipal election held under the provisions of this charter. The council shall meet as such canvassing board on the Monday following each general or special municipal election at eight p.m., at which time they shall receive the returns from the several election precincts of the City, and shall canvass the votes as returned by the judges and clerks of election, and shall by resolution certify and determine the result of such election as to each officer and matter voted upon at the election.

Section 49. Special elections may be called by the council for any purpose permitted by this charter or by statutes. All special elections shall be called by resolution of the council, which resolution shall fix the time therefor, and shall state the offices to be filled or the questions to be decided thereat, and shall direct the clerk to give the necessary notice and make the necessary preparation for the holding of such election.

Section 50. The holder of any elective office, in the City of Duluth, may be removed at any time by the electors qualified to vote for a successor of such incumbent, in the following manner: A petition signed by such electors equal in number to at least twenty-five per centum of the total

ballots cast at the last preceding general municipal election, demanding a special election to determine whether the person named therein shall be recalled, and to elect a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement, in not more than two hundred words, of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each such paper shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Within ten days from the date of filing such petition, the Clerk shall ascertain from the voters' register whether or not said petition is signed by the requisite number of qualified electors. The Clerk shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said clerk's certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the clerk shall submit the same to the council without delay, and thereupon the council shall order the same filed, and a copy thereof delivered to the person sought to be recalled.

Within ten days after the filing of said petition, the council shall fix a date for holding said special election not less than forty (40) days, nor more than fifty (50) days, from the date of said filing. In the published call for the election there shall be printed, in not more than two hundred words, the reasons for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred words, the officer may justify his course in office.

Any qualified elector of the electoral district may be nominated, for the office which may be filled at any recall election, by a petition signed

by electors qualified to vote at such recall election, equal in number to at least one per centum of the total number of votes cast in the last preceding general municipal election in the electoral district. Each such nominating petition shall be filed with the clerk at any time after the recall petition is found sufficient and filed with the council, but not less than twenty-five (25) days before such recall election.

Except as herein otherwise provided, such special election shall be conducted, returned, and the result thereof declared, in all respects as are general municipal elections. There shall be placed on the recall ballot or voting machine, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of the person against whom the recall petition is filed) be recalled from the office of (title of office)?", following which question shall be the words "Yes" and "No". On such ballots or voting machines, following each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled in case he shall be removed from office by said recall election. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on the question of the recall of any incumbent from office, shall vote "No" said incumbent shall continue in office. If a majority shall vote "Yes" said incumbent shall be deemed removed therefrom upon the qualification of his successor. If the vote at any such recall election shall recall the officer then the candidate who has received the highest number of votes for the office shall thereby be elected and shall hold office for the unexpired term.

No recall petition shall be filed against any officer until he has actually held his office for at least six months. No person who has been recalled from office, or who has resigned from such office, while recall proceedings were pending against him, shall be elected or appointed to any office in the City within one year after such recall or resignation. Should any person resign from office while recall proceedings are pending against him the election provided for herein shall be called and proceeded with but

shall be limited to the purpose of electing his successor in office.

If a majority of the council shall fail or refuse to act in such recall proceedings, compliance with the provisions of this Section may be enforced by proceedings in the District Court of St. Louis County, at the suit of any citizen of this City.

Section 53. All disbursements, except the principal and interest on bonds and certificates of indebtedness, shall be made only upon the order of the Mayor and Secretary of the Council, countersigned by the Auditor, duly authorized by a resolution of the Council, and every such resolution and order shall specify the purpose for which the disbursement is made and the fund out of which it is to be paid. Each such order shall be payable to the order of the person in whose favor it is drawn. But no such order shall be issued until there is money sufficient to pay the same to the credit of the fund out of which it is to be paid, together with all then outstanding orders against such fund. Any order or resolution for the payment of money violating any provision 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.

Section 58. On or before the first day of October in each year, the Mayor shall submit to the Council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and showing specifically the amounts necessary to be provided for each fund and each department; also an estimate of the amount of income from all other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all such expenses and liabilities of the city. The city council shall thereupon determine the sum to be raised by taxation and make appropriations in detail for the next ensuing fiscal year. The council shall, not later than October 10th, transmit to the County Auditor of St. Louis County a statement of the

amounts so to be raised by taxation, and the County Auditor shall thereupon raise the same by tax levy as by law provided.

Section 61. The council may, by a seven-ninths vote, order the construction of any sidewalk or sewer, or the sprinkling of any highway, which it deems necessary for public convenience or safety, and may cause the cost of such construction or sprinkling, or any portion of such cost, to be assessed against the property specially benefited thereby.

Section 62. The council may, upon the petition of not less than twenty-five (25) per cent of the owners, owning not less than twenty-five (25) per cent of the real estate to be assessed therefor, as shown by the records in the office of the Register of Deeds, or Registrar of Titles, of St. Louis County, cause to be made any improvement authorized by law, or by this charter, to be made by the City, and may thereupon assess the cost of such improvement, or any portion thereof, against the property specially benefited by such improvement.

In case the council shall at any time deem it necessary that any highway in the city should be improved, it may, without petition therefor, upon a seven-ninths vote of its members, declare by resolution the necessity of such improvement, and its determination to have the same made. In such resolution it shall particularly describe the highway to be improved, and the cost thereof, as previously estimated by the city engineer, and shall state therein what portion of such cost it is proposed to assess against the property specially benefited by such improvement, and the territorial limits within which such assessment is proposed to be made. Upon the passage and publication of such resolution, a period of sixty (60) days shall elapse before any further action shall be taken by the council in the matter of such improvement. If, within said sixty (60) days period a remonstrance against such improvement be filed with the council, signed by not less than twenty-five (25) per cent of the owners, owning not less than twenty-five (25) per cent of the property proposed to be assessed for such improvement,

protesting against the making of the improvement, the council shall not make such improvement at the expense of the property benefited, unless, in the meantime, there be filed with the council a petition asking that the improvement be made, signed by other property owners in number and amount of interest equal to those signing the remonstrance; in which event the council may proceed with such improvement at the expense of the property benefited, notwithstanding the remonstrance.

Section 80. The council, may, by ordinance, adopted by the affirmative vote of seven-ninths of all its members, grant rights in, over, upon or under any highway or public place for the purpose of constructing or operating streets and other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants, or any portion thereof, water, light, heat or power, or for any other purpose, but subject always to the limitations and conditions in this chapter prescribed.

Section 90. A municipal court or municipal courts shall be organized and maintained in the City of Duluth in accordance with the provisions of the statutes of the State of Minnesota now in existence and as such statutes, from time to time, may be amended or altered.

Section 100. The Council shall have the exclusive power to vacate in whole or in part or to discontinue highways within the City. No such vacation or discontinuance shall be ordered by the Council except upon petition of the owner or owners of a majority of the property abutting upon the portion of the line of such highway proposed to be vacated. Upon the submission of such petition the Council shall fix a time and place for a hearing thereon which the Council, by ordinance, may require to be held before the City Planning Commission, and shall require the petitioner to make service of a notice of such hearing, such service to be made in the same manner as a summons in a civil action in the District Court of the State of Minnesota, upon all of the owners, who are not petitioners, of property upon the portion of the line of such highway proposed to be vacated, and upon the owners of property lying within a distance of three hundred (300) feet in

direct extension of such highway from the ends of such portions so proposed to be vacated.

At the date and time specified by the Council and set forth in such notice, the parties interested in such vacation shall be given opportunity to be heard. The Council, by a seven-ninths (7/9) vote of all of the members thereof, may declare such highway vacated in whole or in part, or discontinued, and may as a condition to such action reserve easements in favor of the public within the area vacated, and a record thereof shall be made in the office of the Register of Deeds or the Registrar of Titles of St. Louis County. Such vacation may be made on such terms and by such procedure as the Council may by ordinance provide.

The Council may by ordinance permit abutting owners to make concurrent use of portions of public highways not physically being used or occupied by the public, upon such terms and conditions and by such procedure as the Council, in each such ordinance, may provide.

Section 108. The provisions of this amendment, which are essential to the election of the Mayor and the Council provided for herein, shall go into effect immediately upon the adoption of this amendment. The remaining provisions of this amendment shall go into effect and be in force from and after seven p.m. on the second Monday following the special municipal election provided for in Section 2 of this charter until which time, and no longer, the elective officers holding office at the time this amendment takes effect shall continue in office.

State of Minnesota }
County of St. Louis } ss

I, George D. Johnson, Mayor of the City of Duluth,
of St. Louis County, Minnesota, do hereby certify that the foregoing amendment
to the Charter of the City of Duluth, was submitted to the qualified voters of the
City of Duluth, for adoption and ratification on the 20th day of March, 1956, and that
said amendment was duly ratified by three-fifths of all qualified voters voting on
said amendment at the above mentioned election.

IN WITNESS WHEREOF, I have signed this certificate and caused
it to be authenticated by the corporate seal of the City of Duluth, in duplicate,
this 22nd day of March, A. D. 1956.



Mayor of the City of Duluth, Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF STATE
F. H. H. H.
APR 6 - 1956
James L. Benson
Secretary of State

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